



Global Health Diplomacy Program

2007 Port of Spain Summit Compliance: Tobacco Sales to Children

Alissa Wang, August 6, 2015

This report assesses compliance with the commitment below from the 2007 Port of Spain Declaration based on actions taken by the Caribbean countries between 15 September 2007 and 15 September 2008.

Commitment

2007-4: we support the immediate enactment of legislation to ban the sale [of tobacco products to children]

Compliance

Member	No compliance	Partial compliance	Full compliance
Anguilla	No references		
Antigua and Barbuda	-1		
Bahamas	-1		
Barbados	-1		
Belize	-1		
Bermuda	No references		
British Virgin Islands	No references		
Cayman Islands			+1
Dominica	-1		
Grenada	-1		
Guyana	-1		
Haiti	No references		
Jamaica		0	
Montserrat	No references		
Saint Kitts and Nevis	-1		
Saint Lucia	-1		
Saint Vincent and the Grenadines	-1		
Suriname	-1		
Trinidad and Tobago			+1
Turks and Caicos	No references		
Average	-0.64		

risk factors: lack of physical activity, tobacco use, alcohol abuse and unhealthy diets.¹ The group of commitments from 2007-02 to 2007-08 focuses on one of the risk factors: tobacco use.

Commitment number 2007-04 focuses on the legislative aspect of tobacco control. Heads of government gave full support to pursuance of a legislative agenda in line with the World Health Organization's (WHO) Framework Convention on Tobacco Control (FCTC).² WHO FCTC is the world's first global health treaty developed in response to the globalized tobacco epidemic. The convention consists of 38 articles divided into the following sections: objectives and guiding principles; demand side reduction measures; supply side reduction measures; protection of the environment; liability; cooperation and communication; institutional arrangements and financial resources; settlement of disputes; development of the convention; and statutory measures.³ This commitment relates specifically to measures relating to the reduction of supply of tobacco, article 16, which states that "parties are required to take to prohibit the sales of tobacco products to or by persons under the age set by domestic law, national law or 18 years, as well as other measures limiting the access of underage persons to tobacco products. These include the selling of tobacco products individually or in small packets, distribution of free tobacco products, ensuring that tobacco vending machines are not accessible to minors, and proposes, for consideration by the Parties, options to a total ban of tobacco vending machines."

Commitment Features

The WHO FCTC Implementation Database monitors implementation progress of the FCTC through a self-reporting mechanism. Several countries of the CARICOM submitted implementation reports to WHO during the compliance period. In these reports, under the section titled Article 16 "Sale to and by minors," subsection 16.1 monitors whether or not the country prohibited the sales of tobacco products to minors, subsection 16.2 monitors whether or not the distribution of free tobacco products is prohibited, and subsection 16.6 monitors whether or not there are penalties against sellers and distributors in order to ensure compliance. A reported "yes" in any of these sections counts towards partial compliance. A reported "yes" in all sections qualifies as full compliance. A reported "no" in all sections show lack of compliance.

PAHO also monitors implementation progress of the FCTC for some countries in the CARICOM. Under the section "Bans on Tobacco Advertising, Promotion, and Sponsorship," relevant factors monitored are whether or not the country banned "Free distribution by mail or other means." Banning the free distribution of tobacco is listed by WHO FCTC as one of the ways to limit sales and access to tobacco products by minors. Thus, a reported "yes" under this section of the PAHO report also counts towards partial compliance.

Thus, the definition of children in this case is anyone under the country's legal age, otherwise referred to as a "minor," usually under the age of 18. Legislative measures that count towards compliance include banning the sale to and by minors, prohibiting the distribution of free tobacco products, enacting penalties for distributors, and any other legally bound measure that limits access to tobacco by minors.

¹ Communiqué Issued at the Conclusion of the Regional Summit of Heads of Government of the Caribbean Community (CARICOM) on Chronic Non-Communicable Diseases (NCDs), 15 September 2007, Caribbean Community Secretariat. Date accessed: 6 August 2015

http://www.caricom.org/jsp/communications/communiques/chronic_non_communicable_diseases.jsp

² Press Release, CARICOM. Date accessed: 6 August 2015 http://www.caricom.org/jsp/pressreleases/pres212_07.jsp

³ The WHO Framework Convention on Tobacco Control: an overview, WHO. Date accessed: 6 August 2015 http://www.who.int/fctc/WHO_FCTC_summary_January2015.pdf?ua=1

Scoring Rubric

-1	<p>If the country is monitored by WHO and submitted an implementation report within the compliance period: The member country did not prohibit the sale of tobacco products to minors, did not prohibit the distribution of free tobacco products to minors, and did not provide penalties against sellers and distributors in order to ensure compliance.</p> <p>OR</p> <p>If the country is monitored by PAHO: the country did not ban the free distribution of tobacco products.</p> <p>OR</p> <p>If the country is not monitored by PAHO and WHO, no information on government website supports that the country pursued legislative measures against tobacco sales to minors.</p>
0	<p>If the country is monitored by WHO and submitted an implementation report within the compliance period: The member country prohibited the sales of tobacco products to minors, or prohibited the distribution of free tobacco products to minors, or provided penalties against sellers and distributors in order to ensure compliance.</p> <p>OR</p> <p>If the country is monitored by PAHO: the country banned the free distribution of tobacco products.</p> <p>OR</p> <p>If the country is not monitored by PAHO and WHO, information on government website supports that the country pursued legislative measures against tobacco sales to minors.</p>
+1	<p>If the country is monitored by WHO and submitted an implementation report within the compliance period: The member country prohibited the sales of tobacco products to minors, prohibited the distribution of free tobacco products to minors, and provided penalties against sellers and distributors in order to ensure compliance.</p> <p>AND</p> <p>If the country is monitored by PAHO: the country banned the free distribution of tobacco products.</p> <p>OR</p> <p>If the country is not monitored by PAHO and WHO, information on government website supports that the country pursued legislative measures against tobacco sales to minors.</p>

Anguilla

No references.

(Not monitored by WHO or PAHO, and no available information on the government website.)

Antigua and Barbuda: -1

Antigua and Barbuda did not comply with its commitment to support the immediate enactment of legislation to ban the sale of tobacco products to children.

On 28 August 2008, the government of Antigua and Barbuda submitted its “2010 Report” to the WHO FCTC Implementation Database. Under “Article 16: Sales to and by minors,” the report showed that the government of Antigua and Barbuda did not prohibit the sale of tobacco products to minors, did not prohibit or promote the prohibition of the distribution of free tobacco products

to minors, and did not provide penalties against sellers and distributors in order to ensure compliance.⁴

According to PAHO's monitoring of "Tobacco advertising, promotion and sponsorship," as of 2008, Antigua and Barbuda did not ban the free distribution of tobacco products by mail or other means.⁵

Thus, Antigua and Barbuda has been assigned a score of -1 for lack of compliance.

Bahamas: -1

The Bahamas did not comply with its commitment to support the immediate enactment of legislation to ban the sale of tobacco products to children.

The Bahamas did not submit an implementation report to the WHO FCTC Implementation Database within the compliance period.

According to PAHO's monitoring of "Tobacco advertising, promotion and sponsorship," as of 2008, the Bahamas banned the free distribution of tobacco by mail or other means.⁶

According to the Bahamas government website, the country did not pass any legislation regarding the ban of sale of tobacco to children.⁷

Thus, the Bahamas has been assigned a score of -1 for lack of compliance.

Barbados: -1

Barbados did not comply with its commitment to support the immediate enactment of legislation to ban the sale of tobacco products to children.

On 15 July 2008, the government of Barbados submitted its "2009 Report" to the WHO FCTC Implementation Database. Under "Article 16: Sales to and by minors," it was reported that the government of Barbados did not prohibit the sale of tobacco products to minors, did not prohibit or promote the prohibition of the distribution of free tobacco products to minors, and did not provide penalties against sellers and distributors in order to ensure compliance.⁸

According to PAHO's monitoring of "Tobacco advertising, promotion and sponsorship," as of 2008, the Barbados did not ban the free distribution of tobacco product by mail or other means.⁹

Thus, Barbados has been assigned a score of -1 for lack of compliance.

⁴ 2010 report, WHO FCTC (3 September 2008) Date accessed: 6 August 2015.

http://apps.who.int/fctc/implementation/database/sites/implementation/files/documents/reports/antigua_barbuda_report.pdf

⁵ Antigua and Barbuda Tobacco Control Report, PAHO. 1 Date accessed: 6 August 2015

http://www2.paho.org/hq/dmdocuments/2010/AntiguaandBarbuda_CR.pdf

⁶ The Bahamas Tobacco Control Report, PAHO. Date accessed: 6 August 2015

http://www2.paho.org/hq/dmdocuments/2010/Bahamas_CR.pdf

⁷ Bahamas Government, Laws. Date accessed: 6 August 2015 http://laws.bahamas.gov.bs/cms/en/legislation/laws/by-category.html?view=acts_by_category

⁸ Barbados Report, WHO FCTC. Date accessed: 6 August 2015

http://apps.who.int/fctc/implementation/database/sites/implementation/files/documents/reports/barbados_report.pdf

⁹ Barbados Tobacco Control Report, PAHO. Date accessed: 6 August 2015.

http://www2.paho.org/hq/dmdocuments/2011/Barbados_CR.pdf

Belize: -1

Belize did not comply with its commitment to support the immediate enactment of legislation to ban the sale of tobacco products to children.

On 9 April 2008, the government of Belize submitted its “2009 Report” to the WHO FCTC Implementation Database. Under “Article 16: Sales to and by minors,” it was reported that the government of Belize did not prohibit the sales of tobacco products to minors, did not prohibit or promote the prohibition of the distribution of free tobacco products to minors, and did not provide penalties against sellers and distributors in order to ensure compliance.¹⁰

According to PAHO’s monitoring of “Tobacco advertising, promotion and sponsorship,” as of 2008, Belize had no available data on whether there was a ban on the free distribution of tobacco by mail or other means.¹¹

No references were provided on the Belize government website regarding legislative measures for public smoking.

Thus, Belize has been assigned a score of -1 for lack of compliance.

Bermuda

No references.

(Not monitored by WHO or PAHO, and no available information on the government website.)

British Virgin Islands

No references.

(Not monitored by WHO or PAHO, and no available information on the government website.)

Cayman Islands: +1

The Cayman Islands fully complied with its commitment to support the immediate enactment of legislation to ban the advertising of tobacco products to children. Legislation was enacted on the prohibition of the sale of tobacco products to children.

On 17 September 2008, the Cayman Islands Legislative Assembly published “The Tobacco Bill, 2008.” According to the legislative document, this is “a bill for a law to regulate the labeling, promotion, sale and distribution of tobacco products; to prohibit their use in certain public places; and for incidental and connected purposes.”¹² It was stated that “the main objective of the bill is to reduce tobacco use and its harm by protecting minors and non-smokers from the inducements to use tobacco.”¹³ Specifically, clause 10 “seeks to protect minors by making it an

¹⁰ 2009 Report, WHO FCTC (9 April 2008). Date accessed: 6 August 2015

http://apps.who.int/fctc/implementation/database/sites/implementation/files/documents/reports/belize_report.pdf

¹¹ Belize Report, PAHO. Date accessed: 6 August 2015 http://www2.paho.org/hq/dmdocuments/2010/Belize_CR.pdf

¹² “A bill for a law to regulate the labeling, promotion, sale and distribution of tobacco products; to prohibit the ruse in certain public places; and for incidental and connected purposes”, Cayman Islands legislative assembly (17 September 2008). Date accessed: 6 August 2015

<http://www.legislativeassembly.ky/pls/portal/docs/PAGE/LGLHOME/BUSINESS/BUSINESS/BILLS/BILLS20082009/TOBACCOBILL2008.PDF>

¹³ “A bill for a law to regulate the labeling, promotion, sale and distribution of tobacco products; to prohibit the ruse in certain public places; and for incidental and connected purposes”, Cayman Islands legislative assembly (17 September 2008). Date accessed: 6 August 2015

<http://www.legislativeassembly.ky/pls/portal/docs/PAGE/LGLHOME/BUSINESS/BUSINESS/BILLS/BILLS20082009/TOBACCOBILL2008.PDF>

offence for anyone to sell him a tobacco product or for him to sell a tobacco product to anyone, the clause also places limits on the locations where tobacco products may be sold.”¹⁴

Thus, the Cayman Islands has been assigned a score of +1 for full compliance.

Dominica: -1

Dominica did not comply with its commitment to support the immediate enactment of legislation to ban the sale of tobacco products to children.

Dominica did not submit any implementation reports to the WHO FCTC Implementation Database within the compliance period.¹⁵

According to PAHO’s monitoring of “Tobacco advertising, promotion and sponsorship,” as of 2008, Dominica did not ban the free distribution of tobacco by mail or other means.¹⁶

According to the Dominican government website, no legislative measures were passed during the compliance period on the regulation of public smoking.¹⁷

Thus, Dominica has been assigned a score of -1 for lack of compliance.

Grenada: -1

Grenada did not comply with its commitment to support the immediate enactment of legislation to ban the sale of tobacco products to children.

During the compliance cycle, Grenada did not submit or report on any implementation reports to the WHO FCTC Implementation Database.¹⁸

According to PAHO’s monitoring of “Tobacco advertising, promotion and sponsorship,” as of 2008, Grenada did not ban the free distribution of tobacco by mail or other means.¹⁹

According to the Grenada website, Grenada did not pass any legislation on tobacco regulation during the compliance cycle.²⁰

Thus, Grenada has been assigned a score of -1 for lack of compliance.

Guyana: -1

Guyana did not comply its their commitment to support the immediate enactment of legislation to ban the sale of tobacco products to children.

¹⁴ “A bill for a law to regulate the labeling, promotion, sale and distribution of tobacco products; to prohibit the ruse in certain public places; and for incidental and connected purposes”, Cayman Islands legislative assembly (17 September 2008). Date accessed: 6 August 2015
<http://www.legislativeassembly.ky/pls/portal/docs/PAGE/LGLHOME/BUSINESS/BUSINESS/BILLS/BILLS20082009/TOBACCOBILL2008.PDF>

¹⁵ Dominica, WHO FCTC. Date accessed: 6 August 2015
<http://apps.who.int/fctc/implementation/database/parties/Dominica>

¹⁶ Dominica Tobacco Control Report, PAHO. Date accessed: 6 August 2015
http://www2.paho.org/hq/dmdocuments/2010/Dominica_CR.pdf

¹⁷ Laws, Dominica Web Portal. Date accessed: 6 August 2015 <http://www.dominica.gov.dm/laws-of-dominica?page=1>

¹⁸ Grenada, WHO FCTC. Date accessed: 6 August 2015
<http://apps.who.int/fctc/implementation/database/parties/Grenada>

¹⁹ Grenada Tobacco Control Report, PAHO. Date accessed: 6 August 2015
http://www2.paho.org/hq/dmdocuments/2010/Grenada_CR.pdf

²⁰ Legislations, Government documents, Government of Grenada. Date accessed: 6 August 2015
<http://www.gov.gd/documents.html>

On 12 December 2007, the government of Belize submitted its “2009 Report” to the WHO FCTC Implementation Database. Under “Article 16: Sales to and by minors,” it was reported that the government of Belize did not prohibit or promote the prohibition of the distribution of free tobacco products to minors, and did not provide penalties against sellers and distributors in order to ensure compliance.²¹

According to PAHO’s monitoring of “Tobacco advertising, promotion and sponsorship,” as of 2008, Guyana did not ban the free distribution of tobacco by mail or other means.²²

Thus, Guyana has been assigned a score of –1 for lack of compliance.

Haiti

No references.

(Not monitored by WHO or PAHO, and no available information on the government website.)

Jamaica: 0

Jamaica partially complied with its commitment to support the immediate enactment of legislation to ban the sale of tobacco products to children.

On 18 July 2008, the government of Jamaica submitted its “2009 Report” to the WHO FCTC Implementation Database. Under “Article 16: Sales to and by minors,” it was reported that the government of Jamaica prohibited the sales of tobacco products to minors, prohibited or promoted the prohibition of the distribution of free tobacco products to minors, but did not provide penalties against sellers and distributors in order to ensure compliance.

According to PAHO’s monitoring of “Tobacco advertising, promotion and sponsorship,” as of 2008, Jamaica did not ban the free distribution of tobacco by mail or other means.²³

Thus, Jamaica has been assigned a score of 0 for partial compliance.

Montserrat

No references.

(Not monitored by WHO or PAHO, and no available information on the government website.)

Saint Kitts and Nevis: –1

Saint Kitts and Nevis did not comply with its commitment to support the immediate enactment of legislation to ban the sale of tobacco products to children.

Saint Kitts and Nevis had not submitted an implementation report to the WHO FCTC Implementation Database within the compliance period.²⁴

According to PAHO’s monitoring of “Tobacco advertising, promotion and sponsorship,” as of 2008, Saint Kitts and Nevis did not ban the free distribution of tobacco products by mail or other means.²⁵

²¹ Guyana Report, WHO FCTC. Date accessed: 6 August 2015

http://apps.who.int/fctc/implementation/database/sites/implementation/files/documents/reports/guyana_report.pdf

²² Guyana Report, PAHO. Date accessed: 6 August 2015

http://www2.paho.org/hq/dmdocuments/2010/Guyana_CR.pdf

²³ Jamaica Report, PAHO. Date accessed: 6 August 2015

http://www2.paho.org/hq/dmdocuments/2010/Jamaica_CR.pdf

²⁴ Saint Kitts and Nevis, WHO FCTC. Date accessed: 6 August 2015

<http://apps.who.int/fctc/implementation/database/parties/Saint%20Kitts%20and%20Nevis>

Thus, Saint Kitts and Nevis has been assigned a score of –1 for lack of compliance.

Saint Lucia: –1

Saint Lucia did not comply with its commitment to support the immediate enactment of legislation to ban the sale of tobacco products to children.

Saint Lucia had not submitted an implementation report to the WHO FCTC Implementation Database within the compliance period.²⁶

According to PAHO’s monitoring of “Tobacco advertising, promotion and sponsorship,” as of 2008, Saint Lucia did not ban the free distribution of tobacco products by mail or other means.²⁷

No references were provided on the Saint Lucia government website regarding tobacco-related legislative measures.

Thus, Saint Lucia has been assigned a score of –1 for lack of compliance.

Saint Vincent and the Grenadines: –1

Saint Vincent and the Grenadines did not comply with their commitment to support the immediate enactment of legislation to ban the sale of tobacco products to children.

Saint Vincent and the Grenadines had not submitted an implementation report to the WHO FCTC Implementation Database within the compliance period.²⁸

According to PAHO’s monitoring of “Tobacco advertising, promotion and sponsorship,” as of 2008, Saint Vincent and the Grenadines did not ban the free distribution of tobacco products by mail or other means.²⁹

No references were provided in the Saint Vincent and the Grenadines’ government website regarding tobacco-related legislative measures.

Thus, Saint Vincent and the Grenadines has been assigned a score of –1 for lack of compliance.

Suriname: –1

Suriname did not comply with its commitment to support the immediate enactment of legislation to ban the advertising of tobacco products to children.

Suriname did not submit a report to WHO FCTC during the compliance period.

According to PAHO’s monitoring of “Tobacco advertising, promotion and sponsorship,” as of 2008, Suriname did not ban the free distribution of tobacco products by mail or other means.³⁰

²⁵ Saint Kitts and Nevis Tobacco Control Report, PAHO. Date accessed: 6 August 2015
http://www2.paho.org/hq/dmdocuments/2011/StKittsandNevis_CR.pdf

²⁶ Saint Lucia, WHO FCTC. Date accessed: Date accessed: 6 August 2015
<http://apps.who.int/fctc/implementation/database/parties/Saint%20Lucia>

²⁷ Saint Lucia Tobacco Control Report, PAHO. Date accessed: 6 August 2015
http://www2.paho.org/hq/dmdocuments/2011/SaintLucia_CR.pdf

²⁸ Saint Vincent and Grenadines, WHO FCTC. Date accessed: Date accessed: 6 August 2015
<http://apps.who.int/fctc/implementation/database/parties/Saint%20Vincent%20and%20the%20Grenadines>

²⁹ Saint Vincent and Grenadines Tobacco Control Report, PAHO. Date accessed: 6 August 2015
http://www2.paho.org/hq/dmdocuments/2011/SaintVinandtheGrenadines_CR.pdf

³⁰ Suriname Tobacco Control Report, PAHO. Date accessed: 6 August 2015.
http://www2.paho.org/hq/dmdocuments/2011/Suriname_CR.pdf

According to the Suriname government website, Suriname's only legislation on tobacco is a Tobacco Act of 2013. No legislative action was taken during the compliance period.³¹

Thus, Suriname has been assigned a score of -1 for lack of compliance.

Trinidad and Tobago: +1

Trinidad and Tobago fully complied with its commitment to support the immediate enactment of legislation to ban the sale of tobacco products to children.

Trinidad and Tobago submitted a country report to WHO FCTC, with the reporting period between 2007 October to 2010 February. Under the section "Tobacco advertising, promotion and sponsorship," it was reported that the government of Trinidad and Tobago prohibited the sales of tobacco products to minors, prohibited the distribution of free tobacco products to minors, and provided penalties against sellers and distributors to ensure compliance.³²

On 22 April 2008, Trinidad and Tobago's Senator and Minister of Health Jerry Narace introduced the Tobacco Control Bill number 6 of 2008.³³ The purpose of this act is "to prevent tobacco use by young people; enhance public awareness of the hazards of tobacco use and ensure that consumers are provided with information to make more fully informed decisions about using tobacco; and protect individuals from exposure to tobacco smoke."³⁴

Thus, Trinidad and Tobago has been assigned a score of +1 for partial compliance.

Turks and Caicos

No references.

(Not monitored by WHO or PAHO, and no available information on the government website.)

³¹ Tobacco Suriname, Ministry of Health Suriname. Date accessed: 6 August 2015 <http://www.gov.sr/ministerie-van-volksgezondheid/publicaties/wetgeving/tabakswet-suriname.aspx>

³² 2010 Report, WHO FCTC. Date accessed: 6 August 2015
<http://apps.who.int/fctc/implementation/database/sites/implementation/files/documents/reports/TTreport.pdf>

³³ Bills, Parliament of Republic of Trinidad and Tobago. Date accessed: 6 August 2015
<http://www.ttparliament.org/publications.php?mid=28&id=184>

³⁴ Bills, Parliament of Republic of Trinidad and Tobago. Date accessed: 6 August 2015
<http://www.ttparliament.org/publications.php?mid=28&id=184>