

Regional Tobacco Industry Interference Index



Implementation of Article
5.3 of the WHO Framework
Convention on Tobacco
Control in Latin American
Countries, 2020

#NoALaInterferenciaTabacalera



STOPPING TOBACCO
ORGANIZATIONS & PRODUCTS



Executive Summary

Latin America is not only the most unequal region of the planet, but also the most affected by the devastating impact of the COVID-19 pandemic, which has affected impacted development, the economy, and each and every aspect of our lives. In this context, the tobacco industry, besides selling a product that kills nearly one million people annually in the Region of the Americas, has exploited the vulnerable situation that many countries are experiencing through “corporate social responsibility (CSR)” activities, with the aim of positioning itself positively. In addition to promoting and marketing new and emerging tobacco products (misleading about their harmful health effects and focusing their tactics to attract younger populations), with the sole objective of continuing to increase its sales. The COVID-19 pandemic makes it even more important to pay attention to the tobacco industry’s interference tactics.

There is a fundamental and irreconcilable conflict between the interests of the tobacco industry and those of public health policy. The United Nations General Assembly included a goal to strengthen tobacco control (Target 3.a) in its 2030 Agenda for Sustainable Development, positioning the implementation of the [Framework Convention on Tobacco Control](#) (FCTC) as a key accelerator for sustainable development. This recognizes the tremendous health, social, economic, and environmental impacts of tobacco use and production on individuals, families, communities, and countries.

The [Regional Tobacco Industry Interference Index](#) for Latin America provides an overview of how countries are implementing the [Guidelines for Implementation of FCTC Article 5.3](#), which relates to the protection of tobacco control policies from tobacco industry interference.

This index, based on publicly available information, covers nine countries in the region, including Argentina, Brazil, Chile, Colombia, Costa Rica, Ecuador, Mexico, Peru, and Uruguay. The countries were classified (Figure 1) according to the methodology and values provided by civil society groups, which prepared their respective country indexes. The lower the score, the lower the overall level of interference, which bodes well for the country. The Regional Index is part of a Global Index that this year includes 57 countries worldwide.

“Today, more than ever, we have to understand the fundamental importance of health for development, the economy and each and every aspect of our lives. The WHO Framework Convention on Tobacco Control has been shown to be an accelerator of sustainable development, and its implementation should be an integral part of the recovery process from the COVID-19 pandemic.”

*Adriana Blanco Marquizo.
Head of the WHO FCTC Secretariat.*

Summary of results

Tobacco Industry Interference in Latin America



The lower the score,
the better the ranking.

See scoring methodology in the Regional Index.

Summary of results

1. Industry interference in the development of tobacco control policies.

- In **Brazil, Mexico, and Uruguay**, governments have policies that limit tobacco industry participation and refuse industry assistance or collaboration in the implementation of tobacco control policies.
- In **Argentina**, the tobacco industry isn't allowed to participate in discussions on tobacco control policy. However, it has interfered through lobbying actions.
- In **Costa Rica and Ecuador**, the tobacco industry has interfered through government institutions outside the health sector. In **Chile, Colombia, and Peru**, there is no regulation that prohibits industry participation at the table where public health policies related to tobacco control are discussed.

2. The tobacco industry attracts senior officials through so-called CSR activities.

- In **Uruguay**, CSR activities are prohibited.
- In **Peru**, in the period analyzed for this index, no CSR activities were recorded; however, they aren't prohibited by law. In **Mexico and Brazil**, there is evidence of CSR activities carried out mainly in tobacco-producing regions.
- In **Argentina, Colombia, Costa Rica, and Ecuador**, governments accept or support industry activities, with the participation of senior government officials, particularly from sectors not related to health.

3. Benefits granted to the tobacco industry (incentives or subsidies).

- In **Brazil, Costa Rica, and Mexico**, no evidence was found that governments agreed to industry requests to delay the implementation of any tobacco control laws.
- In **Peru and Uruguay**, governments don't grant incentives to the industry. However, in Peru, during the COVID-19 pandemic, the Economic Recovery Plan authorized Phase 2 production of tobacco products.

- **Argentina, Chile, and Colombia** grant privileges such as tax incentives, tax concessions, or trade agreements that favor the industry. These governments have sometimes decided to postpone the approval of laws or to delay their implementation, following lobbying from the industry or its allies. In **Ecuador**, no evidence was found that the government grants relevant privileges or incentives that concern taxes, trade, agriculture, investments, or others.

4. Governments interact unnecessarily with the tobacco industry.

- In **Uruguay**, the government meets with the industry only when it's necessary for regulatory purposes and in the presence of civil society.
- In **Peru**, the government refuses assistance from the industry for implementation, such as conducting raids against tobacco smuggling or enforcing smoke-free policies, including monetary contributions for these activities.
- In **Argentina, Brazil, Colombia, and Ecuador**, the tobacco industry interferes in government actions and/or has formed alliances or agreements; particularly on issues related to illicit trade.
- In **Mexico**, the president of the Senate Health Committee participated in industry-sponsored events and spoke in support of the industry as a source of investment and employment. In **Chile and Costa Rica**, the participation of senior officials in industry events is limited.

5. Lack of transparency facilitates industry interference.

- In **Peru**, the government publicly disclosed the meeting it held with the tobacco industry. Civil society participated in this meeting.
- In **Chile**, the government has a transparency law.
- In **Brazil**, members of the government have a public agenda, but the details of their meetings aren't always available to the public.
- In **Mexico**, the Secretary of Health videotapes all meetings with the tobacco industry. The Senate of the Republic has a register of lobbyists; companies and organizations must state their interests and whom they represent.
- In **Uruguay**, the president and officials of the Ministry of Public Health don't meet with the tobacco industry. However, this may not be the case for other government agencies.
- In **Argentina, Costa Rica, Ecuador, and Colombia**, governments don't have regulations that apply specifically to disclosure of meetings and interactions with the tobacco industry.

6. Retired government officials working for the tobacco industry represent a serious conflict of interest.

- In most countries, evidence was found that former senior government officials are linked to the tobacco industry or that former industry officials are taking up government positions.
- **Costa Rica, Peru, and Uruguay** prohibit tobacco industry contributions to political parties or political campaigns. **Brazil and Colombia** prohibit contributions from legal entities, but allow individuals to make donations to presidential candidates.
- In **Argentina, Chile, Ecuador, and Mexico**, governments don't prohibit contributions to political parties, nor do they require a declaration of these contributions.

7. Preventive measures to protect the government from tobacco industry interference.

- In **Brazil**, due to multi-sector collaboration, a monitoring system is being strengthened to identify tobacco industry activities.
- In most countries, governments as a whole haven't adopted codes of ethics that explicitly protect public policies against tobacco industry interests.

8. Given that this report is published during the COVID-19 crisis, note that the tobacco industry's interference has increased significantly.

- On the one hand, through so-called CSR activities. And on the other hand, the industry has aggressively promoted new and emerging tobacco products, such as electronic nicotine delivery systems (ENDS, also known as electronic cigarettes) and heated tobacco products (HTPs). These pose new challenges for governments in Latin America.

Recommendations

Governments can stop tobacco industry interference. The faster they act to implement the FCTC in its entirety (ratifying it in the case of those who haven't yet done so) and apply the Guidelines for the Implementation of FCTC Article 5.3, the better they will advance tobacco control and achieve the Sustainable Development Goals. The following actions, among others that you will find in the [Regional Index](#), have become even more relevant in the current context of the COVID-19 pandemic.

Communications, Governance, and Regulation

1- Communications. Raising awareness among all sectors of government about the obligation to protect tobacco control policies and what they can do to counteract industry interference.

2- Governance (government regulation). Developing a policy that requires all sectors of government to do the following: **Reject alliances** or agreements with the tobacco industry. **Limit interactions** with the industry unless strictly necessary for effective regulation. **Ensure transparency** in the operations and actions of the government and the tobacco industry, especially interactions, communications, and contacts between them; information on these interactions should be available to the public. Adopting a **code of conduct** that protects officials from industry influence. Recommendations from the FCTC Art. 5.3 Guidelines can be integrated into existing laws or codes of conduct.

3- Regulation of the industry. Developing clear policies on what **information is required from the industry**, including how and how often it's submitted, a body that reviews the submitted information, and the establishment of sanctions for non-compliance. **Denormalizing or prohibiting so-called CSR activities, and eliminating incentives or subsidies** to the tobacco industry, including preferential tax treatment, even if applied to all companies.

Challenges to the Tobacco Control Agenda

4- Systematically monitor and report on the activities of the tobacco industry. The participation of civil society is essential in monitoring.

5- Promote national and international cooperation to improve the implementation of Article 5.3 regarding Articles 6 ([tax increases](#)), 13 ([advertising, promotion, and sponsorship](#)) and 19 ([liability](#)) among others, to reduce tobacco industry interference in tobacco control policies.

6- Cooperate at the international level and establish alliances with other agendas, such as economic and commercial, development, academic, environmental, and human rights agendas.

7- Argentina is the only country in the Latin American region that has yet to ratify the FCTC and is therefore not a Party to the Treaty. **The Argentine State must promote the country's membership.**

8- Countries that haven't yet ratified the [Protocol to Eliminate Illicit Trade in Tobacco Products](#) should do so soon and protect their implementation from interference by the tobacco industry.

Regional Tobacco Industry Interference Index

The Regional Tobacco Industry Interference Index is a global survey on the protection of public health policies from industry interference and how governments implement measures to curb it. The index was initiated by the Southeast Asia Tobacco Control Alliance (SEATCA) as a regional report. Supported by Stopping Tobacco Organizations and Products (STOP), an initiative of Bloomberg Philanthropies, it's now part of a global publication of the Global Center for Good Governance in Tobacco Control (GGTC) at Thammasat University.

<https://exposetobacco.org/>

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Disclaimer: The references of this Executive Summary can be validated by consulting: L. Salgado, D. Dorado, J. Arcila. Regional Index of Tobacco Industry Interference: Implementation of Article 5.3 of the WHO Framework Convention for Tobacco Control in Latin American countries, 2020. Corporate Accountability.

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About Corporate Accountability

(www.corporateaccountability.org)

Corporate Accountability is a non-governmental organization that prevents transnational corporations from devastating democracy, violating human rights, and destroying our planet.

About STOP-Stopping Tobacco Organizations and Products (<https://exposetobacco.org/>)

STOP is a control body of the tobacco industry at the worldwide level and a partnership between the Research Group on Tobacco Control (TCRG) from the University of Bath, the World Center for Good Governance in the Control of Tobacco (GGTC), The Union, and Vital Strategies. The STOP program is funded by Bloomberg Philanthropies.

Collaborators

Argentina: Fundación Interamericana del Corazón (FIC Argentina). **Brazil:** ACT Promoção da Saúde (ACT). **Chile:** Alianza ENT Chile. **Colombia:** Red PaPaz; **Costa Rica:** Red Nacional Antitabaco de Costa Rica (RENATA). **Ecuador:** Fundación Ecuatoriana de Salud Respiratoria (FESAR), Corporate Accountability-Oficina para América Latina. **Mexico:** Salud Justa Mx. **Peru:** Comisión Nacional Permanente de Lucha Antitabáquica (COLAT). **Uruguay:** Centro de Investigación para la Epidemia del Tabaquismo (CIET) and Sociedad Uruguaya de Tabacología (SUT).



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