

IRAQ

2021

TOBACCO
INDUSTRY
INTERFERENCE
INDEX

Introduction

WHO Framework Convention on Tobacco Control (FCTC), a WHO convention was adopted at its 56th meeting on May 21, 2003 and came into force on February 27, 2005. Iraq ratified this convention in 2007.

Article 5.3 of the FCTC stipulates that the parties, when developing their public health policies in relation to tobacco control, ensure that these policies are protected from commercial interests and any other well-established interests of the tobacco industry, in accordance with national law.

The first anti-smoking law in Iraq No. 19 of 2012 was issued in response to Article 4 of the WHO FCTC on February 2, 2012 and that date became a national day for abstinence from smoking in Iraq, which is celebrated annually. The Ministry of Health issued instructions to facilitate the implementation of the Anti-Smoking Law in 2014 which include articles and paragraphs to facilitate its implementation.

Iraq ratified the Protocol to Eliminate Illicit Trade in Tobacco Products, which emanated from the Framework Agreement in 2015, for the purpose of limiting smuggling of tobacco products. These products should correspond to the Iraqi standard issued by the Central Organization for Standardization and Quality Control.

The Ministry of Interior / General Traffic Directorate issued Traffic Statement No. (1) for the year 2017, which includes the ban on smoking in public transportation.

The Ministry of Health (MOH) is working on amending the Anti-smoking law No:19 of 2012. This amendment called, Protection Law from Tobacco Harms, is in line with the WHO FCTC and the strategies outlined in the agreement.

There appears to be a lack of documentation on the majority of traditional cigarettes imported into Iraq, either legally or through smuggling, and their origins are unknown. The prices of cigarette are very cheap. This also raises doubts about their quality and how it corresponds to the terms of the Iraqi required specifications. The price of 10 packs of cigarettes (12-sticks per pack) is 2500 Iraqi dinars only (less than 2USD).[1]

The Baghdad Tobacco and Cigarette Factory is the only Iraqi state factory that produces local cigarettes and tobacco. While state-owned, this factory is run by the private sector and contributes a portion of the revenue to government. International tobacco companies import their brands into Iraq through distributors. Japan Tobacco International¹ for example sells Aspen and Winston brands through its distributor.

¹ <https://www.tobaccoasia.com/features/near-east-difficult-important-market/>

Smoking of Shisha is a phenomenon that is spreading quickly especially in the capital city, Baghdad, and northern of Iraq. Previously it was limited to male youth only, however now girls and children of all ages are starting to use it especially after its widespread use in clubs, restaurants, cafeterias and public parks. Tobacco imported or smuggled from known or unknown origins constitutes the largest part of its use in this type of smoking.

The other type of smoking is the e-cigarette or vaping, which is also becoming a widespread and growing phenomenon in Iraq as a result of smokers switching from regular cigarettes to this type of tobacco mistakenly thinking this type of smoking is harmless and due to the lack of strict control of its distribution.

This report reviews how the Iraqi government is implementing Article 5.3 guidelines to protect public health policies from the effect of tobacco industry that manipulate the economy for its interest. The questionnaire used for this Tobacco Industry Interference Index is developed by the Southeast Asia Tobacco Control Alliance and the evidence covers the period between January 2019 and March 2021.

This is Iraq's first report on the tobacco industry interference index. The source of data used in the report are from newspapers, official websites, social media and the publicly available official government papers. The findings include all evidence that addresses the effort of the government to implement the Article 5.3 guidelines.

The tobacco industry in Iraq is composed mainly of private tobacco trade companies and the government owned Baghdad factory which is a small portion. All instances of interferences conducted by both private and government owned were considered as tobacco industry pressures in delaying the implementation of tobacco control plans in Iraq.

Obstacles facing tobacco control

The situation in Iraq is complex because many prevention initiatives exist only on paper. The main obstacles that affect tobacco control program are:

1. Low taxation on tobacco products resulting in very cheap cigarettes.
2. Availability of smuggled cigarettes.
3. Difficulty in monitoring the borders.
4. The tobacco control program is affected by many factors such as political, security, social and economic factors that makes its implementation challenging.
5. Difficult to implement the public health law in Iraq.
6. Absence of participation from NGOs in Tobacco Control Program.

Iraq has policies to ban smoking in public places and outdoor advertising; but this has not been implemented. If cigarettes were taxed appropriately, they would increase government revenue further, while helping reduce the numbers of smokers. There is a small progress in tobacco taxation this year, as the government finally increased taxes on tobacco by 100% in the annually budget law 2021 but this will not affect the prices of tobacco much as it is low from the start.

Summary Findings

1. INDUSTRY PARTICIPATION IN POLICY DEVELOPMENT

It is not clearly known to what extent private tobacco importing companies influence the development of policies for controlling tobacco use in Iraq. This is due to the lack of available evidence that can be used to prove this, however there are strong suspicions that these companies are blocking the issuance of the amendment to the Law on Combating Harms of Tobacco. This amendment is still for 3 years in discussion inside the offices of the government.

The government fully support Baghdad tobacco factories which belong to the Ministry of Industry. These factories run by private sector through investment. The Central Organization for Standardization and Quality Control in Iraq invites representatives of local cigarette and tobacco import companies to attend meetings related to setting standards for tobacco products and accepts them to contribute to setting these specifications despite the objection of representatives of the Ministry of Health.

2. INDUSTRY CSR ACTIVITIES

Private tobacco companies importing tobacco into Iraq do not have any public benefit or involved in community development projects.

3. BENEFITS TO THE INDUSTRY

The most important aspects that benefit private tobacco importing companies are weak control of the borders. This facilitates smuggling and leads bad types of tobacco products to enter the country.

Tax on the import of cigarettes is low and this leads to low prices of cigarettes and tobacco in Iraq, considered among the cheapest in the world.

The delay in legislating the new tobacco law raises questions on the extent of the influence of these companies on decision-makers.

4. UNNECESSARY INTERACTION

The Minister of Industry and Minerals, Muhammad Shi`a al-Sudani 2017, inaugurated the Baghdad Tobacco factory. He said that this is to support the national industry and to make a competition to the imported tobacco product, which costs the Iraq millions of dollars. [2]

In fact, the Ministry of Trade in Iraq has distributed locally produced (Somar) cigarettes within the items of the free food ration program, which is distributed to families with limited income free of charge.[3]

On 7/21/2020, the Minister of Industry and Minerals, Manhal Aziz Al-Khabbaz, announced that Somar cigarette factory will be available to be run by private sector through the investment. He emphasized that the Ministry is working to create investment opportunities and a real partnership with international companies and the private sector to advance the Iraqi industrial reality.[4]

5. **TRANSPARENCY**

The transparency in Iraq has begun to decline for quite some time now, especially after the Corona pandemic, there is still no procedure in place to ensure transparency. There are no government rules for the disclosure or registration of tobacco industry entities.[5]

6. **CONFLICT OF INTEREST**

There is no publicly available data on senior retired official taking part of tobacco industry and the government does not have in place any procedure to prohibit contributions from the tobacco industry.

7. **PREVENTIVE MEASURES**

Iraq does not have a plan for implementation of Article 5.3. There is no procedure in place to disclose the government's interaction with the tobacco industry. The government has not adopted or implemented a code of conduct for public officials in their dealings with the tobacco industry. The state tobacco company (Somar) announce some information about its tobacco production, revenue and any future plans while the Iraqi private tobacco trade companies do not have to do that.

There is no requirement for the industry to submit other information such as market share, marketing expenditures, lobbying, philanthropy, and others. There is no publicly available information to show the government has a program or plan to consistently raise awareness on Article 5.3 Guidelines within its departments. Further, the National Tobacco Control section is a small tab in public health directorate website and provides no information.

Recommendations

1. The government is required to put in place appropriate measures that permanently prohibit smoking in public places and provide protection for non-smokers from the effects of secondhand smoke, through strict follow-up to the implementation of the Anti-Smoking Law No. 19 of 2012.
2. The government is asked to make more efforts by pressing the House of Representatives to legislate the amendment to the Tobacco Control Law, which has been in place for three years.
3. The government is required to subject all shipments of tobacco products for quality checks at borders and to ensure that they comply with Iraqi standards and specifications, and to register all shipments that enter the borders.
4. The government is required to control the borders and prevent the smuggling of tobacco products through illegal outlets.
5. The Ministry of Commerce should not distribute locally produced cigarettes within the items of the free food ration program which run by the government to low-income people.
6. There must be a procedure in place to disclose the records of government interaction with the tobacco industry. A code of conduct should be adopted by the government to guide officials when dealing with the tobacco industry. The Ministry of Health, through its Tobacco Control Program could take the lead in writing those procedures.
7. The tobacco industry should be required to submit information on tobacco production, manufacture, market share, marketing expenditures, revenues and any other activity, including lobbying, philanthropy, political contributions and all other activities
8. The government should work on raising awareness within its ministries on policies related to FCTC Article 5.3. Similar activities could be coordinated between the Ministry of Health through its National Tobacco Program, NGOs and scientific societies.

2021 Tobacco Industry Interference Index Results and Findings

	0	1	2	3	4	5
INDICATOR 1: Level of Industry Participation in Policy-Development						
1. The government ² accepts, supports or endorses any offer for assistance by or in collaboration with the tobacco industry ³ in setting or implementing public health policies in relation to tobacco control ⁴ (Rec 3.1)		1				
Despite thorough search through official website, media there was no evidence that the government ⁵ accepts, supports or endorses any offer for assistance by or in collaboration with the tobacco industry or any entity or person working to further its interests. ⁶ in setting or implementing public health policies in relation to tobacco control. There is however a high possibility that private tobacco trade companies (PTTC) are among the main obstacles to implement the Tobacco Control Program.						
2. The government accepts, supports or endorses <u>policies or legislation drafted</u> by or in collaboration with the tobacco industry. (Rec 3.4)		1				
Despite thorough search through official website, media there was no evidences that the government accepts, supports or endorses <u>policies or legislation drafted</u> by or in collaboration with the tobacco industry.						
3. The government allows/invites the tobacco industry to sit in government interagency/ multi-sectoral committee/ advisory group body that sets public health policy. (Rec 4.8)						5
The Central Organization for Standardization and Quality Control in Iraq invites representatives of local cigarette and tobacco import companies/ distributors to attend meetings related to setting standards for tobacco products and accepts them to contribute to setting these specifications despite the objection of representatives of the Ministry of Health.						
4. The government nominates or allows representatives from the tobacco industry (including State-owned) in the delegation to the		1				

² The term “government” refers to any public official whether or not acting within the scope of authority as long as cloaked with such authority or holding out to another as having such authority

³ The term, “tobacco industry’ includes those representing its interests or working to further its interests, including the State-owned tobacco industry.

⁴ “Offer of assistance” may include draft legislation, technical input, recommendations, oversees study tour

⁵ The term “government” refers to any public official whether or not acting within the scope of authority as long as cloaked with such authority or holding out to another as having such authority

⁶ The term, “tobacco industry’ includes those representing its interests or working to further its interests, including the State-owned tobacco industry.

	0	1	2	3	4	5
COP or other subsidiary bodies or accepts their sponsorship for delegates. (i.e. COP 4 & 5, INB 4 5, WG) (Rec 4.9 & 8.3)						
<p>There are no tobacco industry representatives in the government delegations to the COP session.</p> <p>Iraq ratified the Protocol to Eliminate Illicit Trade in Tobacco Products in 2015. At the first session of the Meeting of the Parties (MOP) in 2018 held in Geneva, Iraq sent a delegation of 12 members to the MOP and there is no reference to the presence of any representative from the tobacco industry.(3)</p>						
INDICATOR 2: Industry CSR activities						
5. A. The government agencies or its officials endorses, supports, forms partnerships with or participates in so-called CSR activities organized by the tobacco industry. (Rec 6.2)		1				
B. The government (its agencies and officials) receives contributions ⁷ (monetary or otherwise) from the tobacco industry (including so-called CSR contributions). (Rec 6.4)						
<p>The tobacco industry in Iraq does not involve in any partnerships or participates in activities for the benefit of the community or even offer any funding or grants to the government.</p>						
INDICATOR 3: Benefits to the Tobacco Industry						
6. The government accommodates requests from the tobacco industry for a longer time frame for implementation or postponement of tobacco control law. (e.g. 180 days is common for PHW, Tax increase can be implemented within 1 month) (Rec 7.1)				3		
<p>The ministry of health submitted to the government amendment for the anti-smoking law no 19 for year 2012 before 3 years which accommodate the weak points that present in law. Additionally, in addition it includes a new article that endorse the tobacco control program. Unfortunately, this amendment is still under discussion at state assembly without being any progress further step or to be send to the parliament to find its way for legislation.</p> <p>This delay in legalisation raises the suspicion about the role of tobacco industry interference even if it is a challenge to provide publicly available evidence. Only the tobacco industry benefits from this long delay.</p> <p>Anti-smoking law No: 19 Year 2012⁸</p>						

⁷ political, social financial, educations, community, technical expertise or training to counter smuggling or any other forms of contributions

⁸ <https://bit.ly/3duy1FE>

	0	1	2	3	4	5
Amendment of Anti-smoking law⁹						
7. The government gives privileges, incentives, exemptions or benefits to the tobacco industry (Rec 7.3)						5
<p>The government fully supports the tobacco and national cigarette industry as part of its campaign to support the national products, as well as providing all the facilities needed by this industrial sector, including exemptions from taxes, customs and other financial facilities.</p> <p>As for the private tobacco importers, the taxes imposed by the government on the import of tobacco are considered low.</p> <p>The government has also provided an opportunity for the Baghdad Tobacco Factory to distribute its production within the ration card, which means that it gives them a privilege to distribute its products to citizens. Cigarettes are however not an essential item.</p>						
INDICATOR 4: Forms of Unnecessary Interaction						
8. Top level government officials (such as President/ Prime Minister or Minister ¹⁰) meet with/ foster relations with the tobacco companies such as attending social functions and other events sponsored or organized by the tobacco companies or those furthering its interests. (Rec 2.1)					4	
<p>The Minister of Industry and Minerals, Muhammad Shi`a al-Sudani 2017, inaugurated the Baghdad Tobacco factory.¹¹ He said that this is to support the national industry and to make a competition to the imported tobacco product, which costs the Iraq millions of dollars. [2]</p>						
9. The government accepts assistance/ offers of assistance from the tobacco industry on enforcement such as conducting raids on tobacco smuggling or enforcing smoke free policies or no sales to minors. (including monetary contribution for these activities) (Rec 4.3)	0					
<p>There is no evidence that tobacco industry in Iraq helps the government to enforcement the tobacco control program, it is the reverse of that. The tobacco trade companies and other traders in Iraq import cigarette and tobacco products through the official borders points and at same time through smuggling and these both ways are for the interest of these companies.¹²</p>						

⁹ <https://bit.ly/32rD972>

¹⁰ Includes immediate members of the families of the high-level officials

¹¹ <https://bit.ly/32TA3cx>

¹² <https://www.facebook.com/192706131368638/videos/84462222991928>

	0	1	2	3	4	5
10. The government accepts, supports, endorses, or enters into partnerships or agreements with the tobacco industry. (Rec 3.1) NOTE: This must <u>not</u> involve CSR, enforcement activity, or tobacco control policy development since these are already covered in the previous questions.						5
<p>In 2019 the people in Iraq were exposed to Sumar cigarettes (the national government owned cigarette product) being freely distributed through national food supply system in Iraq.¹³</p> <p>This indicates the existence of an agreement between the government and Baghdad tobacco factory to create new outlets for distribution, and this also is in the interest and benefit of the national tobacco factories.</p>						
INDICATOR 5: Transparency						
11. The government does not publicly disclose meetings/ interactions with the tobacco industry in cases where such interactions are strictly necessary for regulation. (Rec 2.2)						5
<p>In general, Iraqi government does not follow any kind of transparency regarding meeting or interactions with tobacco industry when they attend any meeting where there is a discussion regarding regulation of tobacco.</p>						
12. The government requires rules for the disclosure or registration of tobacco industry entities, affiliated organizations, and individuals acting on their behalf including lobbyists (Rec 5.3)						5
<p>There are no government rules for the disclosure or registration of tobacco private trade companies in Iraq</p>						
INDICATOR 6: Conflict of Interest						
13. The government does not prohibit contributions from the tobacco industry or any entity working to further its interests to political parties, candidates, or campaigns or to require full disclosure of such contributions. (Rec 4.11)						5
<p>The government does not prohibit contributions from private tobacco trading companies in Iraq.</p>						
14. Retired senior government officials form part of the tobacco industry (former Prime Minister, Minister, Attorney General) (Rec 4.4)		1				

¹³ <https://www.facebook.com/192706131368638/videos/84462222991928>

	0	1	2	3	4	5
There is no publicly available information on any retired senior government official joined the tobacco industry.						
15. <u>Current government officials</u> and relatives hold positions in the tobacco business including consultancy positions. (Rec 4.5, 4.8, 4.10)		1				
There is no publicly available information showing government officials holding positions in the tobacco business.						
INDICATOR 7: Preventive Measures						
16. The government has put in place a procedure for disclosing the records of the interaction (such as agenda, attendees, minutes and outcome) with the tobacco industry and its representatives. (Rec 5.1)						5
There is no procedure that government has put in place for disclosing of records of interactions with tobacco private trade companies or national tobacco factory.						
17. The government has formulated, adopted or implemented a code of conduct for public officials, prescribing the standards with which they should comply in their dealings with the tobacco industry. (Rec 4.2)					4	
The government has not adopted or implemented a code of conduct for public officials in dealing with tobacco industry. The Ministry of Health reported the supreme committee for tobacco control adopted recommendations related to tobacco industry interference in governmental agencies. Unfortunately, there was no approval for adoption of code of conduct.						
18. The government requires the tobacco industry to periodically submit information on tobacco production, manufacture, market share, marketing expenditures, revenues and any other activity, including lobbying, philanthropy, political contributions and all other activities. (5.2)					4	
While the state cigarette company (Somar) announces annually its tobacco production and revenues, there is no requirement for the private tobacco trade companies which have control bulk of Iraqi market to submit information on market share, marketing expenditures, lobbying, philanthropy, political contributions and all other activities.						
19. The government has a program / system/ plan to consistently ¹⁴ raise awareness within its departments on policies relating to FCTC Article 5.3 Guidelines. (Rec 1.1, 1.2)				3		

¹⁴ For purposes of this question, “consistently” means: a. Each time the FCTC is discussed, 5.3 is explained. AND b. Whenever the opportunity arises such when the tobacco industry intervention is discovered or reported.

	0	1	2	3	4	5
<p>According to the report the government submitted to the COP,¹⁵ the Ministry of Health raises awareness of the policy for decision makers, partners of other ministries and publics on tobacco industry interference, through meetings, symposium, and lectures in most of national activities. It is not clear how systematically this is done.</p> <p>The public health directorate of Ministry of Health hosted a small space for tobacco control section with no such information in its website.¹⁶</p>						
<p>20. The government has put in place a policy to disallow the acceptance of all forms of contributions/ gifts from the tobacco industry (monetary or otherwise) including offers of assistance, policy drafts, or study visit invitations given or offered to the government, its agencies, officials and their relatives. (3.4)</p>						5
<p>There is no policy put in place to disallow the acceptance of contributions/ gifts from the tobacco industry (monetary or otherwise) including offers of assistance, policy drafts, or study visit invitations.</p>						
TOTAL						64

References:

[1] <https://bit.ly/3aQHEwT>

[2] <https://images.app.goo.gl/u6Yhx86XvwGvQ3veA>

[3] <https://www.facebook.com/192706131368638/videos/844622222991928>

[4] <https://economy-news.net/content.php?id=21114>

[5] <https://elaph.com/Web/News/2021/01/1317970.html>

¹⁵ https://untobaccocontrol.org/impldb/wp-content/uploads/Iraq_2020_WHOFCtCreport.pdf

¹⁶ http://phd.iq/CMS.php?CMS_P=300