

PAKISTAN

**TOBACCO
INDUSTRY
INTERFERENCE
INDEX 2019**

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SAMAR and CTC-Pak acknowledges that tobacco control environment may have changed since the collection of data for use in this report. SAMAR and CTC-Pak request any user of this data to inform CTC-Pak for any discrepancy on the following email address info@ctcpak.org.

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The information from this report will form part of the Global Tobacco Industry Interference Index, a global survey of how public health policies are protected from the industry's subversive efforts, and how governments have pushed back against this influence.

The Tobacco Industry Interference Index was initiated by the South-East Asia Tobacco Control Alliance (SEATCA) as a regional report, and now is part of a publication of the Global Centre for Good Governance in Tobacco Control (GGTC) at the School of Global Studies in Thammasat University.

SAMAR acknowledges Mary Assunta for her technical advice in the preparation of this Index.

FOREWORD

The Global Tobacco Industry Interference Index has called for banning all tobacco related corporate social responsibility activities in Pakistan, saying the government agencies must end all agreements and memorandum of agreements with tobacco companies.

The first every global Index is a civil society report assessing the implementation of FCTC Article 5.3. It has used the same questionnaire and scoring method as the ASEAN Tobacco Industry Interference Index originally developed by the Southeast Asia Tobacco Control Alliance (SEATCA) to assess how well governments have implemented Article 5.3.

The global index is based on publicly documented tobacco industry interference in 33 countries, including Pakistan, and their respective governments' responses to these interferences for the period of January 2017 to December 2018.

The 33 countries have been ranked according to total scores provided by civil society groups who prepared their respective country indices. The lower the score, the lower the overall level of interference, which augurs well for the country.

As a countrywide network of 267 tobacco control partners, the Coalition for Tobacco Control Pakistan (CTC-Pak) provided the assessment on the tobacco industry interference and the government response.

Among the 33 countries, Pakistan's score on the index is 66 as a country with heavy interference of tobacco industry. According to the index, "Conflict of interest of retired senior government officials who joined tobacco companies has been a problem" in Pakistan along with Bangladesh and Sri Lanka.

Therefore the index calls for a "register of all representatives of the tobacco industry entities, affiliated organizations, and individuals acting on their behalf, maintained by Ministry of Commerce and Board of Revenues" in Pakistan.

GLOBAL TOBACCO INDUSTRY INTERFERENCE INDEX

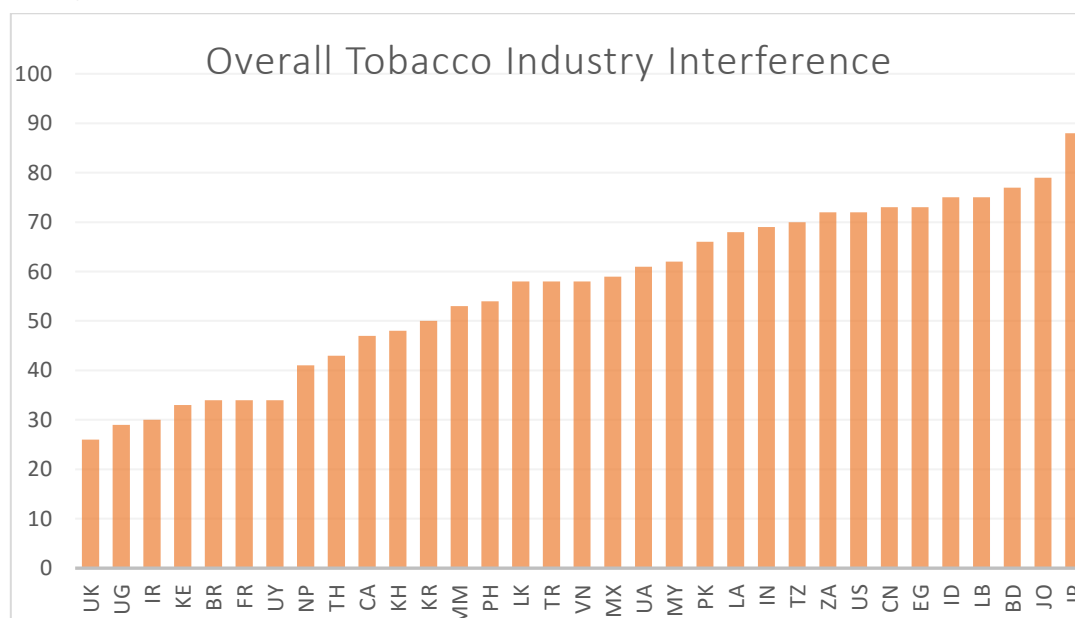
As governments stepped up their efforts to reduce the tobacco epidemic and protect public health through strong tobacco control measures, they identified tobacco industry interference as the most serious barrier to the success of their efforts.ⁱ Article 5.3 of the World Health Organisation Framework Convention on Tobacco Control (WHO FCTC)ⁱⁱ requires that: “In setting and implementing their public health policies with respect to tobacco control, Parties shall act to protect these policies from commercial and other vested interests of the tobacco industry in accordance with national law”.ⁱⁱⁱ

The importance of Article 5.3 is regarded as the backbone of the Convention and cannot be over-emphasised. Despite its importance, however, it is among the least effectively implemented measure of the WHO FCTC.

This first Global Tobacco Industry Interference Index used the same questionnaire and scoring method as the ASEAN Tobacco Industry Interference Index originally developed by the Southeast Asia Tobacco Control Alliance (SEATCA)^{iv} to assess how well governments have implemented Article 5.3. It is based on publicly documented tobacco industry interference in 33 countries and their respective governments’ responses to these interferences for the period of January 2017 to December 2018.

This Index is based on publicly available evidence to support choice of scores and hence has limitations. The 33 countries are ranked (Figure 1)¹ according to total scores provided by civil society groups who prepared their respective country indices. The lower the score, the lower the over-all level of interference, which augurs well for the country. Disaggregated scores for each country are provided in Table 1.

Figure 1



¹ Bangladesh (BD), Brazil (BR), Cambodia (KH), Canada (CA), China (CN), Egypt (EG), France (FR), India (IN), Indonesia (ID), Iran (IR), Japan (JP), Jordan (JO), Kenya (KE), Korea (Republic of) (KR), Lao PDR (LA), Lebanon (LB), Malaysia (MY), Mexico (MX), Myanmar (MM), Nepal (NP), Pakistan (PK), Philippines (PH), South Africa (ZA), Sri Lanka (LK), Tanzania (TZ), Thailand (TH), Turkey (TR), Uganda (UA), Ukraine (UA), United Kingdom (UK), United States of America (US), Uruguay (UY) and Vietnam (VN)

Main findings

- Countries that faced and succumbed to high levels of tobacco industry interference and influence were found to have not implemented most of the recommendations in the Article 5.3 guidelines.
- Of the 33 countries, Japan faced the highest levels of industry interference and fared poorly in implementing Article 5.3 guidelines to protect its public health measures. Jordan, Bangladesh and Lebanon are also lagging far behind in implementing Article 5.3.
- The UK, Iran, Kenya, Brazil and Uruguay fared well in resisting industry interference because they adopted preventive measures provided in Article 5.3 guidelines to facilitate transparency, avoid conflict of interest and did not collaborate with or endorse the tobacco industry's activities.
- The lack of transparency in dealing with the tobacco industry and the absence of procedures to record interactions with it are a problem in many countries, and these have facilitated industry interference to influence policy.
- Many countries allow political contributions from the tobacco industry. Transparency on these contributions is required in the US and Kenya. Political contributions and gifts from the tobacco industry are banned in Brazil, Canada, France, Iran, Myanmar, Turkey, UK, Uganda and Uruguay.
- Tobacco companies have used corporate social responsibility (CSR) activities and presentation ceremonies for frivolous awards to gain access to and obtain endorsement from senior officials. Non-health departments have been involved for this purpose.
- Departments of Finance, Commerce, and Trade across countries are targeted by the tobacco industry and remain the most vulnerable to tobacco industry interference, particularly on decisions pertaining to taxation of tobacco. The tobacco industry also approaches these departments to oppose overall tobacco control efforts.
- Benefits to the industry, such as incentives and tax exemption, have not been fully computed. Duty free cigarettes for international travellers are allowed by most countries. Cheaper cigarettes result in increased sales, which is a boost to the tobacco industry.
- Uganda and Kenya have endured protracted court challenges from the tobacco industry against their tobacco control legislation which have strong elements of Article 5.3 to delay or derail their implementation. Court cases have also been used to challenge other effective tobacco control measures in Brazil and India. These governments did not back down from the legal challenges.
- Conflict of interest of retired senior government officials who joined tobacco companies has been a problem in Bangladesh, Pakistan and Sri Lanka. In China, Japan, Lebanon and Vietnam, the trade and commerce arm of the government is inadvertently conflicted in developing tobacco control measures according to the WHO FCTC.
- New threats of interference from the electronic cigarette industry were identified in the Philippines and Mexico. The tobacco industry sought endorsement from top officials or parliamentarians to manufacturer these new products in Lebanon and Turkey. The

tobacco industry which promotes both electronic cigarettes and heated tobacco products are using the “less harmful” arguments in their interference.

- Countries with state-owned tobacco enterprises or joint ventures such as China, Egypt, Japan, Lao PDR, Lebanon and Vietnam do not have a plan for implementation of Article 5.3.
- Adopting a FCTC-compliant Code of Conduct for government officials provides a firewall and enables them to do tobacco control without interference. Partial measures such as a code for the health department alone is limited in effectiveness.

This report has revealed that countries that scored well on the Index have prevailed against tobacco industry interference by implementing Article 5.3 and its guidelines. These are the same countries noted for their strong tobacco control achievement. However, implementation of Article 5.3 and its guidelines is progressing slowly and is far from satisfactory. A major improvement is needed across most countries. Non-health sectors remain vulnerable to tobacco industry interference. The tobacco industry continues to obtain benefits to do its business in several countries.

Actions outlined in sub-recommendations of Article 5.3 guidelines can put a firewall around the government and enable officials to protect and advance public health policies. It is vital that Article 5.3 is implemented in its entirety to plug loop holes the tobacco industry can exploit. Examples of good country practices^v have been recorded and provide a menu of actions governments can adopt.

Recommendations

1. **Create awareness on Article 5.3 as an obligation:** A whole-of-government approach is vital to effectively counter tobacco industry interference. More needs to be done to increase awareness on obligation to Article 5.3 among the non-health sector to stop industry participation and influence in thwarting and delaying policy development. Efforts to increase awareness should also extend to include parliamentarians and all local government officials.
2. **Stop unnecessary interactions:** Article 5.3 guidelines recommends interactions be limited to only when strictly necessary for the purposes of controlling, regulating and supervising the tobacco industry. This will halt unnecessary interactions through awards ceremonies.
3. **Firewall government officials:** Adopting a Code of Conduct or guidelines for all government officials will provide a firewall around the bureaucracy to be free to development public health policy with no interference. While some ministries of health have adopted a code for their own officials, it is more effective for the code to apply to the whole government.
4. **Ensure transparency is key:** Transparency is needed in dealing with the tobacco industry. All meetings with the tobacco industry and their outcomes must be recorded and a procedure to implement it.
5. **Denormalize so called “socially responsible” activities by the tobacco industry:** A ban on tobacco related CSR activities can reduce opportunities for top level officials to participate and endorse industry activities.
6. **Remove benefits to the tobacco industry:** Departments/ministries of health must work more closely with non-health departments.
7. **Treat State-owned tobacco enterprises like any other tobacco business:** As stated explicitly in the Article 5.3 guidelines, SOE should be treated like any other tobacco business and not be given any incentives or privileges to conduct their business.
8. **Require information from the tobacco industry:** The tobacco industry should be required to provide information in a transparent and accurate manner regularly, about production, market share, marketing expenditures, revenues and any other activity, including expenditure on research and philanthropy. Best practice would be to ban the tobacco industry from providing any contributions including political contributions, gifts, technical advice, scholarships or study visits.
9. **Require disclosure:** Require a registry of lobbyists and the tobacco industry’s lobbying expenditure.

ⁱ World Health Organization. 2018 Global progress report on implementation of the WHO Framework Convention on Tobacco Control. Geneva: World Health Organization; 2018. Licence: CC BY-NC-SA 3.0 IGO.

ⁱⁱ World Health Organization. WHO Framework Convention on Tobacco Control. 2003. Geneva <https://bit.ly/2YAa9tu>

ⁱⁱⁱ World Health Organization. Guidelines for Implementation of Article 5.3 of the WHO Framework Convention on Tobacco Control, <https://bit.ly/2YqfzU1>

^{iv} Assunta M., Dorotheo E. U. SEATCA Tobacco Industry Interference Index: a tool for measuring implementation of WHO Framework Convention on Tobacco Control Article 5.3, Tob Control <https://bit.ly/2YeGOFA>

^v Assunta, M. Good country practices in the implementation of WHO FCTC Article 5.3 and its guidelines. 15 January 2018. World Health Organization. <https://bit.ly/2YeWh8H>

Pakistan: 2019 Tobacco Industry Interference Index

Implementation of WHO FCTC Article 5.3 in Pakistan

This short report is based on the questionnaire developed by the Southeast Asia Tobacco Control Alliance (SEATCA)¹ to define the elements that contribute to the ability of the tobacco industry to interfere with public health policy making. The recommendations in WHO Framework Convention on Tobacco Control (FCTC) Article 5.3 Guidelines² have been regroup into seven categories as shown below. The findings of this report can assist to step-up efforts to implement Article 5.3 Guidelines. This assessment can help provide an indication of the government's capacity to resist tobacco industry interference. The Ministry of Health Services, Regulation and Coordination has developed a Standard Operating Procedure (SOP) for interacting with the tobacco industry in line with FCTC Article 5.3 guidelines. The information in this report on how the tobacco industry interferes will contribute towards strengthening the implementation of the SOP and Article 5.3 Guidelines.

¹ Assunta, M. Dorotheo, EU. SEATCA Tobacco Industry Interference Index: a tool for measuring implementation of WHO Framework Convention on Tobacco Control Article 5.3. [Tob Control](#). 2016 May;25(3):313-8. doi: 10.1136/tobaccocontrol-2014-051934. Epub 2015 Apr 23

² Guidelines for implementation of Article 5.3 of the WHO Framework Convention on Tobacco Control. http://www.who.int/fctc/guidelines/article_5_3.pdf?ua=1

Summary Findings

- 1. Industry participation in policy development:** Progress has been achieved in applying larger pictorial warnings on cigarette packs, however the tobacco industry interfered to reduce the size of the warning by lobbying non-health departments. Similarly, the tobacco industry lobbied the Ministry of Finance to add a third tier of tobacco tax, which resulted in cheaper cigarettes.
- 2. Tobacco industry related CSR activities:** Such CSR activities are not banned and remain a problem in Pakistan. Pakistan Tobacco Co (PTC) was able to sign Memorandum of Understanding with a few government agencies for joint CSR activities.
- 3. Benefits to the tobacco industry:** The tobacco industry benefited by being able to sell cheap cigarettes through the introduction of a third tier of taxation and obtained a delay in the implementation of smaller pictorial warnings than that intended by the Ministry of Health Services.
- 4. Forms of unnecessary interaction:** Based on publicly available information, government officials are not found to engage in unnecessary interaction with the tobacco industry.
- 5. Transparency:** There is no public access to information about meetings between government officials and the tobacco industry. There is no requirement to register representatives of the tobacco industry entities, their affiliated organizations, and individuals acting on their behalf.
- 6. Conflict of interest:** There are instances of conflict of interest. The Chairman of the PTC Board is a member of the advisory committee for the Federal Ombudsman in Islamabad. Pakistan does not prohibit contributions from the tobacco industry or any entity working to further its interests to political parties, candidates or campaigns.
- 7. Preventive measures:** The SOP is an important tool for the government to use to set up a procedure in dealing with the tobacco industry. Is the SOP sufficient to cover all the areas set out in the Article 5.3 Guidelines? The government does not require the tobacco industry 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.

Way forward

- Tobacco related CSR activities must be banned. Government agencies must end all agreements and memorandum of understandings with tobacco companies specially related to tree plantations.
- There must be a register of all representatives of the tobacco industry entities, affiliated organizations, and individuals acting on their behalf, maintained by Ministry of Commerce and Board of Revenues.
- The Government should require the tobacco industry to submit information on contents of tobacco products, marketing expenditures and lobbying activities, including programs like “Battle of minds” etc.
- Based on an assessment of the implementation of the standard operating procedure, a code of conduct for all civil servants for interaction with the industry should be implemented.

QUESTIONNAIRE: Pakistan

INDICATORS	0	1	2	3	4	5
Level of Industry Participation in Policy-Development						
1. The government ³ accepts, supports or endorses any offer for assistance by or in collaboration with the tobacco industry ⁴ in setting or implementing public health policies in relation to tobacco control ⁵ (Rec 3.1)				X		
<p>Federal excise duty (FED) for cigarettes was reduced as a measure to persuade smokers who were smoking black-market products to switch to duty-paid products. This is a pro-tobacco industry tactic to connect tobacco smuggling to tax increase, and to persuade governments to reduce tobacco tax.</p> <p>Finance Bill 2017, introduced by the Ministry of National Health Services (MNHS) proposed an increase in taxes on tobacco products, instead tax rates were lowered – reportedly on grounds that high taxes had led to increase in smuggling of cigarettes into Pakistan. The introduction of a third tier of tax on tobacco benefitted BAT. Previously, there were only two tiers of taxation - upper tier tax for tobacco products priced above Rs72 and the lower tier tax to tobacco products below Rs72.⁶</p> <p>In September 2019, the government announced an increase of Rs9 per pack of cigarettes falling in the third tier of taxation, according to amendments to the 2018-19 budget. Health advocates called for the abolishment of the third tier altogether in the government’s effort to control the tobacco epidemic.⁷</p>						
2. The government accepts, supports or endorses <u>policies or legislation drafted</u> by or in collaboration with the tobacco industry. (Rec 3.4)			X			
<p>Federal excise duty (FED) for cigarettes was reduced as a measure to persuade smokers who were smoking black-market products to switch to duty-paid products. This is a pro-tobacco industry tactic to connect tobacco smuggling to tax increase, and to persuade governments to reduce tobacco tax.</p> <p>Finance Bill 2017, introduced by the Ministry of National Health Services (MNHS) proposed an increase in taxes on tobacco products, instead tax rates were lowered – reportedly on grounds that high taxes had led to increase in smuggling of cigarettes into Pakistan. The introduction of a third tier of tax on tobacco benefitted BAT. Previously, there were only two tiers of taxation - upper tier tax for tobacco products priced above Rs72 and the lower tier tax to tobacco products below Rs72.⁸</p> <p>In January and July 2018, The Ministry of National Health Services, Regulations & Coordination requested the Federal Board of Revenue (FBR) chairperson to do away with three tier taxation on tobacco products which has resulted in increase in tobacco usage in the country.⁹ The MNHS made a strong case that Pakistan is obligated to achieve the targets set for sustainable development goals under 3.4. Pakistan has to reduce one third premature mortality from non-communicable diseases through prevention and treatment and promote mental health and well-being by 2030.</p>						
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)						X

³ 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

⁴ The term, “tobacco industry’ includes those representing its interests or working to further its interests, including the State-owned tobacco industry.

⁵ “Offer of assistance” may include draft legislation, technical input, recommendations, oversees study tour

⁶ <https://www.thenews.com.pk/print/236028-Up-in-smoke>

⁷ <https://atca-africa.org/en/pakistan-health-agencies-welcome-increase-in-tobacco-taxes>

⁸ <https://www.thenews.com.pk/print/236028-Up-in-smoke>

⁹ FBR asked to end three-tier taxation on tobacco products

The News 19 July 2018 <https://www.thenews.com.pk/print/343447-fbr-asked-to-end-three-tier-taxation-on-tobacco-products>

INDICATORS	0	1	2	3	4	5
1 Never 5 Yes						
<p>At present the TI is not a member of any committee formed under Ministry of Health. Previously, TI used to be in the Committee for Tobacco Advertisement Guidelines (CTAG) but in 2019, TI has been taken off the committee on the call from tobacco control civil society organisations in Pakistan.</p> <p>While the tobacco industry is not a permanent member of the inter-ministerial committee that sets up health policy, when the government's inter-ministerial committee started to deliberate the health warning rules in 2015, Philip Morris and BAT representatives attended at least two of its meetings as industry stakeholders. During one meeting, a Philip Morris executive said the warning size was "too high", according to a record of the meeting held in May 2015.¹⁰</p> <p>A Review Committee, initiated by the Finance Ministry, recommended to roll back the increase in the size of health warnings from 85 percent to 50 percent and then 60 percent in the next year, and this recommendation was sent for approval in August 2015.</p> <p>It was reported that in March 2015, the British High Commission to Pakistan joined BAT in lobbying the Finance Minister and the Minister of State for National Health Services to drop the government's plan to apply 85% pictorial health warnings on cigarette packs.¹¹ During the meeting, BAT made clear their opposition to 85% pictorial health warnings on the front of cigarette packets.¹² The 85% warnings which were supposed to have been implemented on 31 March were postponed to 31 May 2015. A notification on PHW covering 50% of the pack came into force 1 June 2018, however there were violations of no warnings or smaller warnings.¹³ The 85% PHW of 2015 remain un-enforced.</p>						
4. The government nominates or allows representatives from the tobacco industry (including State-owned) in the delegation to the COP or other subsidiary bodies or accepts their sponsorship for delegates. (i.e. COP 4 & 5, INB 4 5, WG) ¹⁴ (Rec 4.9 & 8.3)		X				
<p>Pakistan does not have representatives of the tobacco industry in the delegation to the COP or its related meetings. Pakistan's delegation at COP8 comprised of representatives from the Permanent Mission in Geneva.¹⁵</p>						
So-called 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) B. The government (its agencies and officials) receives contributions ¹⁶ (monetary or otherwise) from the tobacco industry (including so-called CSR contributions). (Rec 6.4)					X	

¹⁰ <https://www.reuters.com/article/us-pakistan-tobacco-insight/pakistan-diluted-proposed-tobacco-health-warnings-after-philip-morris-bat-lobbying-idUSKCN1IU11R>

¹¹ <https://tribune.com.pk/story/872903/uk-high-commissioner-accused-of-lobbying-for-cigarette-companies-in-pakistan/>

¹² <https://www.ft.com/content/7d3fbb1a-d859-11e4-8a68-00144feab7de>

¹³ <https://www.thenews.com.pk/print/375960-85-pictorial-health-warning-on-cigarette-packs-demanded>

¹⁴ Please annex a list since 2009 so that the respondent can quantify the frequency, <http://www.who.int/fctc/cop/en/>

¹⁵ https://www.who.int/fctc/cop/sessions/cop8/LOP_Final.pdf

¹⁶ political, social financial, educations, community, technical expertise or training to counter smuggling or any other forms of contributions

INDICATORS	0	1	2	3	4	5
<i>NOTE: exclude enforcement activities as this is covered in another question</i>						
<p>Pakistan Tobacco Co (BAT) 2017: Afforestation¹⁷</p> <ul style="list-style-type: none"> In 2017, BAT signed an MoU with the Capital Development Authority (CDA) under which we will be carrying out plantation drives in Islamabad. BAT signed another MoU with the National Highways Authority (NHA) to do plantation on M1 motorway. With the National Rural Support Programme (NRSP), we signed an MoU in 2017 opening a gate to knowledge sharing and educating our farmer community on crop cultivation resulting in sustainable farmer livelihood. <p>Total CSR expenses of PTC in 2017 is Rs49 million</p> <p>The government usually becomes partners with the industry during such activities. These programmes continued into 2018.</p> <p>PTC (BAT) 2018 PTC signed MoU's with National Rural Support Program (NRSP), National Highways Authority (NHA), Federal Ministry of Climate Change and the Capital Development Authority (CDA) all in pursuit to further the agenda of a greener and environment-friendly Pakistan.¹⁸</p> <p>Philip Morris grants to Paiman Nov 2017 – June 2018: PMI gave US\$90,000 to Paiman Trust. Several members of Paiman's Board of Trustee are public servants: Deputy Director Punjab Text Book Board, Deputy Director Administration NADRA PHQ Peshawar, and a civil servant working in public sector.¹⁹</p>						
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)					X	
<p>The Ministry of Health Services issued successive notices pushing back the start date of the 85 percent PHW requirement, which had been initially approved but not implemented. The implementation dates were postponed a few times.</p> <p>In October 2017, Philip Morris International's global vice president for corporate affairs, Jon Huenemann, wrote to Prime Minister Abbasi²⁰ thanking him and stating, “<i>while the Minister of Health Services, Regulation and Coordination has been granting monthly extensions to avoid any non-compliance. However these monthly extensions are creating uncertainties and potential misinterpretations by various quarters, ... to avoid any further complication and disruption to our manufacturing operations in your</i></p>						

¹⁷ Pakistan Tobacco Co. 2017 Annual report; pg 31

[http://www.ptc.com.pk/group/sites/pak_ampc26.nsf/vwPagesWebLive/DOANCKYV/\\$FILE/medMDAXBLAU.pdf?open&element](http://www.ptc.com.pk/group/sites/pak_ampc26.nsf/vwPagesWebLive/DOANCKYV/$FILE/medMDAXBLAU.pdf?open&element)

¹⁸ PTC 2018 Annual Report

[http://www.ptc.com.pk/group/sites/pak_ampc26.nsf/vwPagesWebLive/DOANCKYV/\\$FILE/medMDBAQJM5.pdf?open&element](http://www.ptc.com.pk/group/sites/pak_ampc26.nsf/vwPagesWebLive/DOANCKYV/$FILE/medMDBAQJM5.pdf?open&element) pg 53

¹⁹ Paiman Board of Trustees. <http://paimantrust.org/board-of-trustees/>

²⁰ Letter from Jon Huenemann, PMI, to Prime Minister 2 Oct 2017

<https://www.documentcloud.org/documents/4486740-Oct-2-2017-Philip-Morris-Letter-to-Pakistan-PM.html>

INDICATORS	0	1	2	3	4	5
<p><i>country, we would kindly request your near term intervention to direct the concerned officials to enforce the steps mentioned in the IMC recommendation.” The recommendations were to apply smaller health warnings than that originally proposed by the Ministry of Health.</i></p> <p>On 29 January 2019, the Ministry of National Health Services, Regulations and Coordination of Pakistan issued a Notification requiring the use of new pictorial health warning on cigarette packs from 1 June 2019.²¹</p> <p>The Pakistan Tobacco Board conducts export promotion of tobacco, and participates in exhibitions abroad, sending trade delegations abroad and in domestic exhibitions.²²</p> <p>In 2018 Pakistan government secured a preferential trade agreement with Indonesia to export tobacco (duty free access).²³</p>						
7. The government gives privileges, incentives, exemptions or benefits to the tobacco industry (Rec 7.3)					X	
Applying a smaller health warning on packs, than originally intended, is a benefit to the industry.						
Forms of Unnecessary Interaction						
8. Top level government officials (such as President/ Prime Minister or Minister ²⁴) 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)				X		
There was no publicly available information on this.						
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)					X	
There is no official record to state that the government does not accept assistance from the tobacco industry on enforcement. A PMI sponsored study done by Oxford Economics has consistently shown high illicit trade figures for Pakistan. ²⁵						
10. The government accepts, supports, endorses, or enters into partnerships or agreements with the tobacco industry. (Rec 3.1) <i>NOTE: This must <u>not</u> involve CSR, enforcement activity, or tobacco control policy development since these are already covered in the previous questions.</i>	X					
There is no record of the government entering into a partnership with the tobacco industry. This is confirmed by the government’s report to the COP. ²⁶						

²¹ <https://untobaccocontrol.org/impldb/pakistan-new-pictorial-health-warning-on-cigarette-packs/>

²² Pakistan Tobacco Board, <http://www.ptb.gov.pk/?q=node/9>

²³ Indonesia grants duty free access to 20 Pakistani products; <https://propakistani.pk/2018/11/29/indonesia-grants-duty-free-access-to-20-pakistani-products/>

²⁴ include immediate members of the families of the high level officials

²⁵ https://illicittobacco.oxfordeconomics.com/media/OXFO5877_Pakistan_2018_Report.pdf

INDICATORS	0	1	2	3	4	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)						X
No public access to information to the minutes or information about meetings between Government officials and tobacco industry representatives. A recent Reuter article revealed some details of the meeting. ²⁷						
12. The government requires rules for the disclosure or registration of tobacco industry entities, affiliated organizations, and individuals acting on their behalf including lobbyists						X
There is no register for registering who is the tobacco industry - tobacco industry entities, affiliated organizations, and individuals acting on their behalf.						
SCORING: If no rules currently exist, the score would be 5. -1 If a policy is being considered						
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) <i>1 Never 5 Yes</i>						X
Pakistan does not prohibit contributions from the tobacco industry or any entity working to further its interests to political parties, candidates or campaigns. Pakistan does not require government officials to declare and divest themselves of direct interests in the tobacco industry.						
14. Retired senior government officials form part of the tobacco industry (former Prime Minister, Minister, Attorney General) (Rec 4.4)						X
<p>Mueen Afzal: Chairman Pakistan Tobacco Co (PTC) Board, retired senior government official²⁸</p> <ul style="list-style-type: none"> • Health Secretary to the Government of Pakistan (1995-1996) • Finance Secretary in the Government of Pakistan (1996-1998) • Secretary General, Finance and Economic Affairs, with the Government from 1999 to 2002 <p>He is currently a member of the advisory committee for the Federal Ombudsman in Islamabad.</p> <p>Zafar Mahmood Non-Executive Director & Chairman of Audit Committee²⁹</p> <ul style="list-style-type: none"> • Served the Government of Pakistan for 38 years at policy formation and implementation level • He has served the Federal Government as Secretary Textiles Industry, Secretary Industries, Secretary 						

²⁶ http://untobaccocontrol.org/impldb/wp-content/uploads/reports/pakistan_2014_aq.pdf

²⁷ <https://www.reuters.com/article/us-pakistan-tobacco-insight/pakistan-diluted-proposed-tobacco-health-warnings-after-philip-morris-bat-lobbying-idUSKCN1IU11R>

²⁸ PTC. Annual Report 2017, pg 40

[http://www.ptc.com.pk/group/sites/pak_ ampc26.nsf/vwPagesWebLive/DOANCKYV/\\$FILE/medMDAXBLAU.pdf?open element](http://www.ptc.com.pk/group/sites/pak_ ampc26.nsf/vwPagesWebLive/DOANCKYV/$FILE/medMDAXBLAU.pdf?open element)

²⁹ PTC Annual Report 2018

[http://www.ptc.com.pk/group/sites/pak_ ampc26.nsf/vwPagesWebLive/DOANCKYV/\\$FILE/medMDBAQJM5.pdf?open element](http://www.ptc.com.pk/group/sites/pak_ ampc26.nsf/vwPagesWebLive/DOANCKYV/$FILE/medMDBAQJM5.pdf?open element) Pg 38

INDICATORS	0	1	2	3	4	5
Water & Power, Secretary Petroleum & Natural Resources, Secretary Commerce and Secretary Cabinet. <ul style="list-style-type: none"> Chairman, Punjab Public Service Commission, Consul General Istanbul, Vice Chairman Export Promotion Bureau, Secretary Punjab Education Schools He joined PTC in 2016						
15. <u>Current government officials</u> and relatives hold positions in the tobacco business including consultancy positions. (Rec 4.5, 4.8, 4.10)					X	
No policy to prevent any person employed by the tobacco industry or any entity working to further its interests from being a member of any government body, committee or advisory group that sets or implements tobacco control or public health policy.						
Preventive Measures <i>SCORING for this section: 1. Yes, 2. Yes but partial only, 3. Policy/ Program being developed 4. Committed to develop such a policy/ program 5. None</i>						
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)					X	
The report to the COP indicates there is a SOP for interacting with the tobacco industry in line with the FCTC Article 5.3 guidelines. Unable to obtain the SOP from Tobacco Control Cell data base nor determine start date of the SOP.						
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)			X			
According to the Ministry of Health Services the SOP for interacting with the tobacco industry has been developed. However unable to determine the scope of the SOP.						
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)			X			
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. The Companies Ordinance 1984 of Securities & Exchange Commission of Pakistan (SECP) requires all public companies to publish quarterly financial data of production, manufacture, marketing expenditures revenues and other financial records etc. The other expenses such as contributions and charity work have to be included in the annual statements which again are published. However, the TI does not submit its marketing expenditure, or how much it spends on lobbying and political contributions. ³⁰						

³⁰ Companies Ordinance www.secp.gov.pk/enforcement/orders/companies-ordinance-1984/

INDICATORS	0	1	2	3	4	5
19. The government has a program / system/ plan to consistently ³¹ raise awareness within its departments on policies relating to FCTC Article 5.3 Guidelines. (Rec 1.1, 1.2)			X			
<p>The government reported to the COP that technical assistance has been provided to Health, Finance and relevant ministries / departments at federal and provincial level to protect tobacco control policies from tobacco industry influence and get the tobacco control policies implemented.³²</p> <p>The government has reported the Pakistan Tobacco Board, operating under the Ministry of Commerce, includes in its Board of Directors, representatives of tobacco manufacturers and growers. This body, though at an arm length from the Government’s decision making, and in the absence of a clear government policy to separate the functions of overseeing this body and setting and implementing of tobacco control policies (as recommended in the guidelines for Article 5.3 of the Convention), may interfere with policy making and represent the interests of the tobacco sector.³³</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)			X			
<p>The Standard Operating Procedure of the Tobacco Control Cell is comprehensive and disallows the acceptance of all forms of contributions/ gifts from the tobacco industry including offers of assistance, policy drafts, or study visit invitations given or offered to the government.</p>						
TOTAL 66						

³¹ 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.

³² Pakistan’s report to COP; 2018 http://untobaccocontrol.org/impldb/wp-content/uploads/Pakistan_2018_report.pdf

³³ Pakistan’s report to COP; 2018 http://untobaccocontrol.org/impldb/wp-content/uploads/Pakistan_2018_report.pdf

Pakistan: 2019 Tobacco Industry Interference Index

Pakistan has an overall score of 66

- I. Industry participation in policy development:** Progress has been achieved in applying larger pictorial health warnings on cigarette packs, however the tobacco industry interfered in efforts to reduce the size of the warning by lobbying non-health departments. Similarly, the tobacco industry lobbied the Ministry of Finance to add a third tier of tobacco tax, which resulted in cheaper cigarettes.
- II. Tobacco industry related CSR activities:** Such CSR activities are not banned and remain a problem in Pakistan. Pakistan Tobacco Co (PTC) was able to sign Memorandum of Understanding with a few government agencies to carry out joint CSR activities.
- III. Benefits given to the tobacco industry:** The tobacco industry benefited by being able to sell cheap cigarettes through the introduction of a third tier of taxation.

International travellers into Pakistan are able to bring in 200 cigarettes or 20 cigars or 250g of cigarette or pipe tobacco per traveller.
- IV. Forms of unnecessary interaction:** Based on publicly available information, government officials are not found to engage in unnecessary interaction with the tobacco industry.
- V. Transparency:** There is no public access to information about meetings between government officials and the tobacco industry. There is no requirement to register representatives of the tobacco industry entities, their affiliated organizations, and individuals acting on their behalf.
- VI. Conflict of interest:** There are instances of conflict of interest involving government officials in activities linked to the tobacco industry. The Chairman of the PTC Board is a member of the advisory committee for the Federal Ombudsman in Islamabad.

Pakistan does not prohibit contributions from the tobacco industry or any entity working to further its interests to political parties, candidates or campaigns.
- VII. Preventive measures:** The standard operating procedure (SOP) is an important tool for the government to use to set up a procedure in dealing with the tobacco industry. A code of conduct for officials must be developed and implemented immediately.

The government does not require the tobacco industry to submit information on tobacco production, manufacture, market share, marketing expenditures, revenues and any other activity, including lobbying, philanthropy and political contributions.

Recommendations

- Tobacco related CSR activities must be banned. Government agencies must end all agreements and memorandum of understandings with tobacco companies specially related to tree plantations.
- There must be a register of all representatives of the tobacco industry entities, affiliated organizations, and individuals acting on their behalf, maintained by Ministry of Commerce and Board of Revenues.
- The Government should require the tobacco industry to submit information on contents of tobacco products, marketing expenditures and lobbying activities, including programs like “Battle of minds” etc.
- Based on an assessment of the implementation of the standard operating procedure, a code of conduct for all civil servants for interaction with the industry should be implemented.



SOCIETY FOR ALTERNATIVE MEDIA AND RESEARCH (SAMAR)

The aim of SAMAR is to strengthen the development and implementation of policies based on the provisions of Framework Convention for Tobacco Control (FCTC) through advocacy campaigns and acting as a technical resource for the Ministry of Health.

The Coalition for Tobacco Control – Pakistan (CTC-Pak) of SAMAR has been advocating for stronger measures for tobacco control by the translation and adaptation of FCTC provisions into national tobacco control laws as ratified by the Government of Pakistan for the Framework Convention of Tobacco Control (FCTC).

There is a strong need to keep the issue of tobacco control on the agenda of the policy-makers. The prevalence of smoking in youth as well as adult is high in Pakistan and the loopholes in the existing laws provide an environment for the industry to exploit especially with respect to Article 5.3 and tobacco industry interference in Pakistan.

With support from Bloomberg Global Initiative for Tobacco Control and The Union Against Tuberculosis and Lung Diseases, CTC-Pak through its coalition partners is in the process of monitoring the implementation of the tobacco control statutes in Pakistan.

**PAKISTAN
TOBACCO INDUSTRY INTERFERENCE INDEX 2019**

Society for

Alternative  **med**a
and Research