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Summary of Findings

1. Industry participation in policy development

It is clear that the National Assembly is the most permeable to interference from the tobacco industry (TI). For example, in Bill 209, the proposing member was based on the evidence provided by it or in relation to Bill 136 in which the health committee of the National Assembly amended 36 articles without going through the review of civil society or the health authority and approved immediately amid accusations of bribery and extortion. Additionally, the Minister of Health requested the President of the Republic for a total veto of this law once it was adopted in the third debate and in which officials of the Ministry of Health (MINSa) demonstrated in the street to call for the full veto of that law stating it was a setback in respect to all the achievements made in tobacco control in Panama. Likewise, it is allowed to participate in the discussions of bills because that is the methodology used in the different committees of the National Assembly, being a key element to influence tobacco control regulations, since the making of laws.

2. Industry CSR activities

The TI, through Panama's AmCham, conducted the "social responsibility" project called (RSE) "Leadership Program for School Principals" in public schools in the District of San Miguelito, the project "Recognition Sustainable Leadership" and finally the project "AmCham-AACCLA Volunteer Day" in public schools of the District of San Miguelito which had the participation of the companies Phillip Morris and British American Tobacco (BAT).

3. Benefits to the industry

Such situations are more prone in the National Assembly, where the tobacco industry has greater options to delay the adoption of laws establishing regulations before they are approved and sanctioned for their implementation. Regulations for the control of tobacco use are provided for in Law 13 of 2008, on prohibitions on advertising, promotion and sponsorship, sale to minors, smoke-free spaces, health warnings, pictograms, among others and under the control of the National Tobacco Control Commission of the Ministry of Health. This has so far been a guarantee for compliance with regulations and that the tobacco industry has tried by all means to leave some administrative decisions before the Supreme Court of Justice and that almost all judgments have favored the Ministry of Health and that in the Tobacco Control Surveillance System has a list of supreme court rulings

However, it is worth noting the benefit of the Colon Free Zone to the tobacco industry by granting it a 120-day benefit to comply with special import and re-export permits for cigarettes and other tobacco products for 120 calendar days.

4. Unnecessary interaction

The Minister of Social Development, in a forum sponsored by the newspaper El Capital Financiero with the participation of representatives of the tobacco industry, implied unnecessary approaches with the TI and its front groups, opening the possibility of developing joint activities of corporate social responsibility (CSR). In her presentation, she highlighted the

role of the private and government sectors in the creation of the “Sustainable Development Agenda.” Another finding was the participation of the director of the National Customs Authority in the virtual forum on illicit anti-trade in Central America, sponsored by the AmCham of Panama, which promotes the tobacco industry.

5. Transparency

The government or its entities make public knowledge of their meetings or interactions with the tobacco industry on regulatory issues based on the general regulations contained in Law 6 of January 22, 2002, on Habeas Data in which interested parties may be able to make the request under the relevant confidentiality restrictions. With regard to accreditation for participation, in committees such as the National Assembly, participation is open to the groups affected or involved in any legislation or implementation of standards, before which each party establishes and accredits its representatives.

6. Conflict of interest

The Electoral Code does not prohibit donations from the tobacco industry in political campaigns expressly. Reforms to the Electoral Code include the disclosure of donors in campaigns, but do not prohibit the TI from making donations to them.

7. Preventive measures

The government has not instituted a TI-specific procedure for such purposes. In any case, there are minutes and memory aids in the institutions which can be requested through the Habeas Data procedure as established in Law 6 of 2002. The government has not taken specific measures to prevent bribery by the tobacco industry or cooperation in policies or bills, with regard to shielding public officials. What exists is the Code of General Ethics and the specific Code of Ethics for officials of the Ministry of Health.

Recommendations

1. Limit the participation of the industry and its front groups or related organizations to the delivery of technical information of scientific veracity and validated from official sources and limit the participation of these organizations to those that have an existence of more than five years, verifiable addresses, investigative contributions and publications.
2. Liability clauses are necessary beyond complying only with regular institutional transparency requirements to avoid regulatory capture risk, specifically for the tobacco industry, with respect to key tobacco control entities in Panama.
3. It is important to amend the electoral code and make clear the prohibition of contributions to political campaigns by the tobacco industry and its front groups as well as a code of ethics prohibiting interactions that warns against the bribery of public officials and any cooperation with the tobacco industry.