

Kenya

Overall score:

33

I. Industry participation in policy development:

According to the Kenya Tobacco Control Regulations 2014, the Government does not accept, support or endorse any offer for assistance by or in collaboration with the tobacco industry in setting or implementing public health policies in relation to tobacco control. This aspect of the regulation is fully enforced.

Kenya's delegation to attend the Conference of the Parties (COP) sessions do not include any representatives from the tobacco industry.

II. Tobacco industry-related CSR activities:

Government officials do not endorse, accept or participate in CSR activities by the tobacco industry.

III. Benefits given to the tobacco industry: Due to tobacco industry lobbying, in 2017 the Treasury Cabinet Secretary proposed legislation that reverted from single tax system (enacted through the Excise Duty Act, 2015) to the tiered system which benefits the tobacco industry.

The court case brought by BAT challenging the Tobacco Control Regulations resulted in a delay in its implementation. This delay works to benefit the tobacco industry.

IV. Unnecessary interaction with the tobacco industry:

The Tobacco Control Regulations prohibits the government from accepting any assistance from the tobacco industry in any enforcement activities or entering into any partnership with it. However, in 2018, the Cabinet Secretary for Youth and Gender attended an event to award BAT Kenya the *Employer of the Year Award*. The event was sponsored by BAT.


V. Procedure for transparency measures:

The Tobacco Control Regulations sets out the procedure for all interactions between government officials and the tobacco industry. The Regulations require full disclosure of political contributions from the tobacco industry. A report must be prepared and submitted to the Board on "any lobbying, philanthropy, political contributions and all other activities by the tobacco industry."

VI. Avoiding conflicts of interest: The Tobacco Control Act requires that any affiliation with the tobacco industry by a member of the tobacco control board must be declared for purposes of determining any potential conflict of interest.

VII. Preventive measures: While the Tobacco Control Regulations requires a procedure to be put in place to disclose all records of interactions, however the implementing procedure, such as a code of conduct, has not been put in place.



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Recommendations

1. The government must develop a code of conduct for all government officials and implement it as soon as possible. It is important to create awareness among all sectors of government on the code.
2. Tobacco Control Regulations requires a procedure to be put in place to disclose all records of interactions. This procedure should be developed and implemented.
3. The government must provide an inventory on the tobacco industry, to establish a repository on information about the tobacco industry that is readily available and accessible to the public.