

**KENYA**



**TOBACCO  
INDUSTRY INTERFERENCE  
INDEX 2025**

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CIN is a Kenyan non-governmental organization dedicated to promoting and protecting consumer rights through research, policy advocacy, public education, and strategic litigation. The organization works to ensure that consumers have access to accurate information, safe products, fair market practices, and effective regulatory oversight. CIN actively engages with government agencies, civil society, and regional bodies to strengthen consumer protection frameworks, including in areas such as public health, product safety, trade, and market regulation.

KETCA is a national umbrella civil society organization in Kenya dedicated to tobacco control and health promotion. It brings together more than twenty civil society organizations and public health advocates committed to combating the harmful effects of tobacco farming, production, consumption, and exposure. The Alliance coordinates and strengthens tobacco control efforts across the country to achieve a tobacco-free nation, while supporting the implementation of the WHO Framework Convention on Tobacco Control (WHO FCTC) and the Tobacco Control Act of Kenya. KETCA works to reduce tobacco use and its associated health, social, and economic burdens through evidence-based policy advocacy, monitoring of tobacco industry interference, public awareness campaigns, and strategic engagement with policymakers.

## Background and Introduction

Kenya became a Party to the World Health Organization Framework Convention on Tobacco Control (WHO FCTC) after ratifying the treaty on 25 June 2004, with the Convention officially entering into force on 27 February 2005.<sup>1</sup> As a Party to the Convention, Kenya is legally obligated to adopt and implement evidence-based measures to reduce tobacco consumption and protect public health policies from tobacco industry interference, in line with Article 5.3. To meet these obligations, Kenya has established a comprehensive legal framework anchored in the **Tobacco Control Act, 2007 (TCA)** and the **Tobacco Control Regulations, 2014 (TCR)**, supported by complementary fiscal and public health policies.

The TCA 2007 serves as Kenya's principal legislation on tobacco control, implementing the country's commitments under the WHO FCTC. It regulates the manufacture, sale, advertising, and consumption of tobacco products, establishes the Tobacco Control Board, mandates health warnings, and enforces smoke-free public spaces to protect against second-hand smoke. The TCR 2014, enacted under Legal Notice No. 169, provide detailed enforcement mechanisms, including graphic health warnings, product disclosure requirements, and strict limitations on interactions between public officials and the tobacco industry. Notably, Section 31 of the Regulations prohibits public officials from accepting any monetary or non-monetary gifts, services, or contributions from the tobacco industry, strengthening transparency and accountability in policy-making.<sup>2</sup>

The Kenya Tobacco Industry Interference Index provides a critical benchmark for assessing Kenya's efforts to protect tobacco control policies from industry influence. By evaluating the extent of industry interference and identifying gaps in implementation, the Index guides policymakers in strengthening enforcement of Article 5.3 obligations. Kenya's performance on the Index reflects ongoing challenges in ensuring full compliance with the FCTC, particularly in enforcing transparency measures and insulating policy-making from vested commercial interests.

This is Kenya's fifth report in the series on Tobacco Industry Interference Index since 2019. Kenya scored **46/100 points**, compared to 48/100 points in 2023, indicating a slight improvement, but tobacco industry interference remains persistent despite efforts to protect public health policies. This report builds on these findings to analyze the forms and extent of tobacco industry interference in Kenya, assess the gaps in policy enforcement, and provide actionable recommendations to strengthen implementation of the WHO FCTC and safeguard public health objectives.

### Tobacco Burden in Kenya

Despite having a strong legal framework, tobacco use in Kenya continues to pose a significant public health and economic burden. According to the WHO, an estimated 2.57 million individuals aged 15 and above were smokers in 2022, representing 7.6% of the adult population, with 14.7% of men and 0.7% of women identified as smokers. This reflects a slight decline from 2020, when the prevalence was 8.1% overall, with 15.6% among men and 0.8% among women.<sup>3,4,5,6</sup> In 2021, tobacco smoking was linked to approximately 9,418 deaths, accounting for 2.63% of all deaths

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<sup>1</sup> World Health Organization (2025) *WHO Framework Convention on Tobacco Control: Kenya Country Profile*. [Online] Available at: <https://fctc.who.int/> (Accessed: 10 September 2025).

<sup>2</sup> Kenya Law (2014) *Tobacco Control Regulations, 2014*. [Online] Available at: <https://new.kenyalaw.org/akn/ke/act/ln/2014/169/eng@2022-12-31> (Accessed: 10 September 2025).

<sup>3</sup> Global State of Tobacco Harm Reduction (2025) *Tobacco Smoking in Kenya*. [Online] Available at: <https://gsth.org/countries/profile/ken/1/> (Accessed: 10 September 2025).

<sup>4</sup> World Health Organization (2024). WHO global report on trends in prevalence of tobacco use 2000–2030. World Health Organization. <https://www.who.int/publications/i/item/9789240088283> 2. Calculation based on population size data of people over 15 years of age (16+). Source of population data:

<sup>5</sup> World Population Prospects (2019). United Nations; 2019. (Department of Economic and Social Affairs, editor. Population Division). Report No.: Rev. 1. Available from: <https://population.un.org/wpp/Download/Standard/Population/>

<sup>6</sup> World Health Organization (2024). WHO global report on trends in prevalence of tobacco use 2000–2030. World Health Organization. <https://www.who.int/publications/i/item/9789240088283>

nationally. The economic cost of tobacco use in Kenya is equally alarming, with an estimated annual loss of KES 45.4 billion in healthcare expenditures and productivity declines.<sup>7</sup>

According to the WHO, Kenya has implemented some—but not all—of the MPOWER tobacco control policies, leaving citizens partially shielded from the dangers of tobacco, with smoking still claiming roughly 6,000 lives each year in the country. Notably, Kenya lacks full smoke-free indoor public spaces, unlike top-ranking countries such as Mauritius and the Netherlands, which have fully adopted WHO’s best-practice measures.<sup>8</sup>

### Key Tobacco Industry Companies

The Kenyan tobacco market is dominated by a small number of companies, with British American Tobacco Kenya (BAT Kenya) holding the largest market share, alongside Mastermind Tobacco Kenya (MTK) and Alliance One Tobacco Kenya. These companies collectively control the production, marketing, and supply of tobacco products in the country, and their influence poses significant challenges to the implementation of strong tobacco control policies.

- BAT Kenya is the largest tobacco company in the country, controlling an estimated 70–80% of the cigarette market.<sup>9,10</sup> A subsidiary of British American Tobacco plc, its headquarters is located in Nairobi. The company manufactures and markets some of Kenya’s most popular cigarette brands, including Sportsman, Dunhill, Safari, Embassy, and Rothmans.
- MTK is the second-largest tobacco manufacturer in the country with an estimated market share 16%.<sup>11</sup> Its flagship brands include Supermatch, Rocket, and Forum cigarettes. In recent years, its market share has declined significantly due to financial difficulties, tax disputes, and regulatory challenges with the Kenya Revenue Authority (KRA).<sup>12,13</sup> On December 24, 2024, it was reported that assets of MTK were slated for public auction on January 24, 2025.<sup>14</sup>
- Alliance One Tobacco Kenya operates primarily as a leaf-buying and processing company rather than a manufacturer of finished tobacco products. It is part of Alliance One International, a global tobacco leaf merchant.<sup>15</sup>

### Key Issues and Findings

Kenya has witnessed a meaningful drop in smoking rates—from 11.6 % in 2014 to 8.5 % in 2022 among individuals aged 15 to 65—thanks to robust civil society advocacy and the enforcement of measures under the Tobacco Control Act of 2007, including graphic health warnings, advertising bans, and higher taxes. The recent downsizing of a major cigarette manufacturer in Nairobi

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<sup>7</sup> Tobacco Atlas (2025) *Kenya Factsheet*. [Online] Available at: <https://tobaccoatlas.org/factsheets/kenya/> (Accessed: 10 September 2025).

<sup>8</sup> The Star Kenya (2023) *Kenyans only partly protected from killer tobacco products — WHO*. [Online] Available at: <https://www.the-star.co.ke/news/africa/2023-08-05-kenyans-only-partly-protected-from-killer-tobacco-products-who> (Accessed: 10 September 2025).

<sup>9</sup> BAT Kenya (2025) *Who We Are*. [Online] Available at: <https://www.batkenya.com/> (Accessed: 10 September 2025).

<sup>10</sup> Tobacco Tactics (2023) *Kenya Country Profile*. University of Bath, Tobacco Control Research Group. [Online] Available at: <https://tobaccotactics.org/article/kenya-country-profile/> (Accessed: 10 September 2025).

<sup>11</sup> Tobacco Tactics (2023) *Mastermind Tobacco Kenya*. University of Bath, Tobacco Control Research Group. [Online] Available at: <https://tobaccotactics.org/article/mastermind-tobacco-kenya/> (Accessed: 10 September 2025).

<sup>12</sup> Business Daily Africa (2023) *BAT and Mastermind: Market Dynamics in Kenya’s Tobacco Sector*. [Online] Available at: <https://www.businessdailyafrica.com/> (Accessed: 10 September 2025).

<sup>13</sup> Nation Africa (2024) *Tobacco company slapped with Sh500 million tax bill*. [Online] Available at: <https://nation.africa/kenya/business/companies/tobacco-company-slapped-with-sh500-million-tax-bill-4809756#story> (Accessed: 10 September 2025).

<sup>14</sup> Standard Media (2023) *End of an era as Mastermind Tobacco to go under the hammer*. [Online] Available at: [https://www.standardmedia.co.ke/counties/article/2001508523/end-of-an-era-as-mastermind-tobacco-to-go-under-the-hammer#google\\_vignette](https://www.standardmedia.co.ke/counties/article/2001508523/end-of-an-era-as-mastermind-tobacco-to-go-under-the-hammer#google_vignette) (Accessed: 10 September 2025).

<sup>15</sup> Magati, P. et al. (2018) *An Economic Analysis of Smallholder Tobacco Farming in Kenya*. [Online] Available at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6512316/> (Accessed: 10 September 2025).

underscores the effectiveness of these efforts and marks a symbolic victory over the tobacco industry's influence.<sup>16</sup>

However, Kenyan women's smoking and vaping rates are on the rise, raising concern among lawmakers such as Senator Catherine Mumma, who emphasized the significant gap in reliable gender-specific data on these trends. Health authorities warn this could signal a troubling shift that requires urgent and targeted regulatory attention.<sup>17</sup> Additionally, nearly half of Kenyan university students have experimented with drugs or alcohol, and among these, tobacco and emerging nicotine products like vapes and pouches are increasingly functioning as gateways to broader substance abuse. Notably, 1 in 17 students vaped and 1 in 24 used nicotine pouches—raising red flags about industry tactics targeting youth and the urgent need to stem rising addiction trends.<sup>18</sup>

Moreover, Kenya currently falls short of the WHO best-practice tobacco taxation benchmark, with total taxes comprising just 70–74 % of the retail price—slightly below the recommended 75 % level—thus missing a pivotal opportunity to curb cigarette consumption, save lives, and raise health-related revenue.<sup>19</sup> The WHO emphasizes that the difference, though modest, undermines both public health gains and the potential to secure more funding for healthcare systems.

BAT Kenya is lobbying for a shift toward a “Smokeless World,” promoting switching to alternative nicotine products like vapes, heated tobacco products, and nicotine pouches—arguing these produce only a fraction of the toxicants found in cigarette smoke and citing successful reductions in smoking seen in high income countries like Sweden, Japan, New Zealand, the UK, and the U.S.<sup>20</sup>

Moreover, BAT Kenya has also tactically used legal challenges—delaying the implementation of graphic health warnings for nearly six years—and regulatory loopholes by registering its LYFT nicotine pouches as pharmaceutical products to skirt stricter tobacco control laws. This maneuver effectively allowed the company to avoid applying health warning requirements and weaken public health protections.<sup>21</sup> The Consumer Information Network urged stronger enforcement of current laws, tighter regulatory oversight, and the closure of loopholes that enable nicotine products to evade existing tobacco controls.<sup>22</sup>

Kenya's newly formed Novel Tobacco Products Association is pushing back against the Ministry of Health's longstanding shisha ban, arguing that it lacks a solid scientific basis and creates an uneven regulatory playing field by favoring traditional cigarettes over novel products like shisha, vapes, e-cigarettes, and nicotine pouches.<sup>23</sup>

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<sup>16</sup> The Star Kenya (2025) *Kenya's tobacco control efforts yield significant public health gains*. [Online] Available at: <https://www.the-star.co.ke/health/2025-01-29-kenyas-tobacco-control-efforts-yield-significant-public-health-gains> (Accessed: 10 September 2025).

<sup>17</sup> Nation Africa (2024) *Tobacco: More women smoking, vaping gains popularity*. [Online] Available at: <https://nation.africa/kenya/news/tobacco-more-women-smoking-vaping-gains-popularity-5070424#story> (Accessed: 10 September 2025).

<sup>18</sup> The Star Kenya (2025) *Cecilia Lubanga: Stop the spike in substance abuse in campuses*. [Online] Available at: <https://www.the-star.co.ke/health/2025-03-20-cecilia-lubanga-stop-the-spike-in-substance-abuse-in-campuses> (Accessed: 10 September 2025).

<sup>19</sup> The East African (2024) *Kenya on spot over missed tobacco taxation targets*. [Online] Available at: <https://www.theeastafrican.co.ke/tea/business-tech/kenya-on-spot-over-missed-tobacco-taxation-targets-5112384> (Accessed: 10 September 2025).

<sup>20</sup> Business Now Kenya (2024) *BAT Kenya highlights smokeless products in tobacco harm reduction*. [Online] Available at: <https://businessnow.co.ke/bat-kenya-highlights-smokeless-products-in-tobacco-harm-reduction/> (Accessed: 10 September 2025).

<sup>21</sup> Health Business Kenya (2025) *BAT's tactics to undermine Kenya's tobacco control laws exposed*. [Online] Available at: <https://healthbusiness.co.ke/8806/batks-tactics-to-undermine-kenyas-tobacco-control-laws-exposed/> (Accessed: 10 September 2025).

<sup>22</sup> The Star Kenya (2025) *Report exposes tobacco industry move to stop graphic warnings on nicotine pouches*. [Online] Available at: <https://www.the-star.co.ke/health/2025-03-05-report-exposes-tobacco-industry-move-to-stop-graphic-warnings-on-nicotine-pouches> (Accessed: 10 September 2025).

<sup>23</sup> The Star Kenya (2025) *Kenyan tobacco firms challenge shisha ban*. [Online] Available at: <https://www.the-star.co.ke/news/realtime/2025-03-19-kenyan-tobacco-firms-challenge-shisha-ban> (Accessed: 10 September 2025).

## Methodology

The report is based on a questionnaire developed by the Southeast Asia Tobacco Control Alliance. There are 20 questions based on the Article 5.3 guidelines. Information used in this report is obtained from the public domain only. A scoring system is applied to make the assessment. The score ranges from 0 to 5, where 5 indicates highest level of industry interference, and 1 is low or no interference. Hence the lower the score, the better for the country. The 0 score indicates absence of evidence or not applicable. Where multiple pieces of evidence are found, the score applied reflects an average. The report covers information on incidents from **April 2023** up to **March 2025**, but also includes incidents prior to **2023** that still have relevance today.

## Summary of Findings

### **I INDUSTRY PARTICIPATION IN POLICY DEVELOPMENT**

Despite Kenya's regulatory stance and commitments to curb tobacco use, recent events reveal instances of tobacco industry influence, through lobbying and indirect collaboration raising concerns on policy implementation since this applies pressure and undermines effective tobacco control efforts. In 2024, a Guardian investigation revealed that BAT successfully lobbied the Kenyan Ministry of Health to weaken health warnings on its nicotine pouch, Velo. BAT threatened to cancel investments in a new factory unless the standards were relaxed. The Ministry agreed to industry demands, approving smaller warnings that omitted references to cancer-causing toxicants, demonstrating how industry pressure using economic arguments can influence public health decision.

### **2 INDUSTRY CSR ACTIVITIES**

In June 2025, a coalition of civil society organizations condemned what they described as an alleged collaboration—via a letter from the Ministry of Health - that reportedly invited BAT Kenya to support a health campaign targeting transport sector workers. CSOs argued that this move violated both Kenya's TCR 2007 and Article 5.3 of the WHO FCTC, which calls for protecting tobacco control from the tobacco industry influence.

### **3 BENEFITS TO THE INDUSTRY**

The prolonged delay in passing Kenya's Tobacco Control (Amendment) Bill 2024—which aims to establish regulations for smokeless nicotine products—has benefited the tobacco industry by allowing it to continue operating without clear rules on products such as vapes and nicotine pouches. This regulatory vacuum has also enabled ongoing misinformation about product safety and keeping the market favorable for the tobacco industry.

### **4 UNNECESSARY INTERACTION**

Kenya has not been offered nor has it accepted or engaged in any form of partnership or arrangement with the tobacco industry. No evidence or media reports indicating any high-ranking Kenyan government officials attending social functions, sponsored events, or other industry gatherings organized by tobacco companies or their allies.

### **5 TRANSPARENCY**

Part III, Section 13 of the Tobacco Control Regulations 2014 requires the tobacco manufacturer to, at the end of every calendar year, submit a report to the Cabinet Secretary information, including, (e) affiliated organizations and its agents or persons acting on its behalf. However, this has not been fully implemented. The tobacco industry provides limited information required under this regulation through their annual reports and also for other legal requirements.

### **6 CONFLICT OF INTEREST**

Kenya has adopted several measures to prevent conflicts of interest involving government officials, employees, consultants, and contractors engaged in tobacco control policies. These measures include having a policy on disclosure and management of conflicts of interest, a code of conduct for public officials prescribing standards for dealings with the tobacco industry, and a ban on awarding contracts related to tobacco control policies to candidates with conflicts of interest. However, no template or mechanism could be found to enforce this requirement under the Tobacco Control Regulations 2014. Moreover, the Elections Campaign Act No. 42 of 2013 [Revised 2017], Part IV, does not explicitly classify funding from the tobacco industry as an unacceptable source of campaign financing, despite allegations that certain officials in Kenya have received financial support from BAT Kenya.

## **7 PREVENTIVE MEASURES**

According to the Kenyan Government's 2025 official report on the implementation of the WHO FCTC, awareness-raising efforts have been carried out over the past two years in line with the Guidelines for the Implementation of Article 5.3. These initiatives focused on informing the public about the addictive and harmful nature of tobacco products, the tobacco industry's interference with Parties' tobacco control policies, and the industry's use of individuals, front groups, and affiliated organizations to advance its interests. The report also notes that the public was made aware of the true purpose and scope of activities portrayed by the tobacco industry as socially responsible.

The government reported that it recently completed a nationwide public awareness campaign aimed at educating the public on the dangers of tobacco use and other substance abuse, while also strengthening the capacity of healthcare workers. The campaign was conducted in clusters across all 47 counties and spanned a period of five months.

## **Recommendations**

1. Develop the required implementation instruments under Part V of the Tobacco Control Regulations 2014 to strengthen enforcement and effectively counter tobacco industry interference in Kenya.
2. Enhance awareness of Article 5.3 of the WHO FCTC by intensifying education on tobacco industry interference tactics and ensuring that all public officers, agencies, ministries, and departments—at both national and county levels—understand their obligations and responsibilities to uphold these provisions.
3. Strengthen tobacco industry monitoring, enhance surveillance mechanisms, and implement stringent enforcement action against tobacco industry actors and those representing or promoting their interests. Additionally, publicize actions taken to hold accountable individuals or entities that engage in or facilitate tobacco industry interference.

**Kenya**  
**Tobacco Industry Interference Index 2025**  
**Results and Findings**

	0	1	2	3	4	5
<b>INDICATOR 1: Level of Industry Participation in Policy-Development</b>						
I. The government <sup>24</sup> 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. <sup>25</sup> in setting or implementing public health policies in relation to tobacco control <sup>26</sup> (Rec 3.4)	0					
<p>Based on the Kenyan Government’s 2025 Party Report on the Implementation of the WHO FCTC, Kenya has not accepted, supported, or endorsed any offer of assistance from the tobacco industry or any entity or individual working to further its interests in the setting or implementation of public health policies related to tobacco control.<sup>27</sup></p> <ul style="list-style-type: none"> <li>▪ Section 22(4) of the Tobacco Control Regulations, 2014 requires that any interaction with the tobacco industry by public officers must be formally recorded and disclosed upon request.</li> <li>▪ Section 31 of the same regulations prohibits public authorities and officials from receiving any form of payment, gifts, or services from the tobacco industry</li> </ul> <p>In 2024, the Kenyan government introduced the Tobacco and Nicotine Control (Amendment) Bill, 2024, which seeks to update the 2007 Tobacco Control Act to address emerging products and to further insulate public health policies from tobacco industry influence. The proposed amendments aim to address the rapid emergence of novel nicotine and tobacco products—including electronic nicotine delivery systems (ENDS), nicotine pouches, and other smokeless alternatives—which were previously operating in a regulatory grey area. The Bill introduces stricter requirements for the manufacture, importation, and sale of these products, mandating prior approval from the Cabinet Secretary for Health, imposing restrictions on marketing and advertising, and expanding labeling regulations to protect consumers.<sup>28,29</sup></p> <p>Civil society advocates and public health experts have welcomed the Bill as a significant step toward closing regulatory gaps and ensuring that emerging nicotine products are adequately governed to protect public health, particularly among youth and vulnerable groups.<sup>30,31</sup></p>						

<sup>24</sup> 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

<sup>25</sup> The term, “tobacco industry’ includes those representing its interests or working to further its interests, including the State-owned tobacco industry.

<sup>26</sup> “Offer of assistance” may include draft legislation, technical input, recommendations, oversees study tour

<sup>27</sup> World Health Organization (2025) *Kenya 2025 Party Report on the Implementation of the WHO Framework Convention on Tobacco Control*. [Online] Available at: [https://extranet.who.int/fctcapps/sites/default/files/2025-07/WHOFCTC2025\\_Kenya%20%28AFR%29.pdf](https://extranet.who.int/fctcapps/sites/default/files/2025-07/WHOFCTC2025_Kenya%20%28AFR%29.pdf) (Accessed: 10 September 2025).

<sup>28</sup> World Health Organization (2025) *Kenya 2025 Party Report on the Implementation of the WHO Framework Convention on Tobacco Control*. [Online] Available at: [https://extranet.who.int/fctcapps/sites/default/files/2025-07/WHOFCTC2025\\_Kenya%20%28AFR%29.pdf](https://extranet.who.int/fctcapps/sites/default/files/2025-07/WHOFCTC2025_Kenya%20%28AFR%29.pdf) (Accessed: 10 September 2025).

<sup>29</sup> Parliament of Kenya (2024) *Bill Digest: Tobacco and Nicotine Control (Amendment) Bill, 2024*. [Online] Available at: <https://parliament.go.ke/sites/default/files/2024-08/Bill%20Digest%20-%20Tobacco%20Control%20%28Amendment%29%20Bill%20C%202024.pdf> (Accessed: 10 September 2025).

<sup>30</sup> Nation Africa (2024) *Push for Regulatory Framework on Nicotine Products Intensifies*. [Online] Available at: <https://www.standardmedia.co.ke/national/article/2001520516/push-for-regulatory-framework-on-nicotine-products-intensify> (Accessed: 10 September 2025).

<sup>31</sup> Willow Health Media (2024) *New Tobacco Laws to Regulate E-cigarettes and Nicotine Pouches in Kenya*. [Online] Available at: <https://willowhealthmedia.org/stab-the-habit-new-tobacco-laws-to-regulate-e-cigarettes-nicotine-pouches/> (Accessed: 10 September 2025).

	0	1	2	3	4	5
2. The government accepts, supports or endorses <u>policies or legislation drafted by or in collaboration with the tobacco industry.</u> (Rec 3.4)					4	
<p>There is no evidence that the Kenyan government accepts, supports, or endorses policies or legislation drafted by or in collaboration with the tobacco industry, regardless of whether such collaboration is direct or through entities working to further the industry's interests. This position is upheld in the Tobacco Control Regulations 2014, which explicitly prohibit such actions.</p> <p>In 2024, Kenya's Health Ministry has raised alarms over the rising popularity of vaping and nicotine pouches—especially among young people—calling for a comprehensive national strategy, stricter regulation, and targeted public awareness efforts to address these emerging nicotine threats. Public health officials are advocating for urgent action to curb youth uptake and fill regulatory gaps in tobacco control.<sup>32</sup></p> <p>On July 30, 2025, Health Cabinet Secretary Aden Duale robustly defended the introduction of new graphic health warnings on tobacco products—citing their urgency in spotlighting serious risks like cancer and safeguarding public health—while reminding Parliament that these measures must respect patient dignity and be upheld through clean, corruption-free enforcement.<sup>33</sup></p> <p>However, despite this regulatory stance and public pronouncements, recent developments highlight concerns about industry influence via pressure or indirect collaboration. In 2024, a <i>Guardian</i> investigation revealed that BAT successfully lobbied the Kenyan Ministry of Health to weaken health warnings on its nicotine pouch product Velo. BAT threatened to cancel investment in a new factory unless standards were relaxed. The Ministry agreed, approving smaller warnings that omitted references to cancer-causing toxicants, demonstrating how economic pressure may influence public health decision.<sup>34,35</sup></p> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p><b>How British American Tobacco lobbied Kenya to water down nicotine pouch warnings</b></p> <p>Exclusive: tobacco giant said it would pull investment from a Nairobi factory if its request for smaller health labels was not met, leaked documents show</p>  <p><small>© Tobacco health warnings must cover a third of the package in Kenya but ministers agreed that Velo could be sold with a smaller warning. Photograph: SOPA Images/LightRocket/Getty Images</small></p> </div> <div style="width: 45%;"></div> </div>						
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)		1				
<p>Kenya's Tobacco Control Act (2007) and Tobacco Control Regulations (2014) explicitly prohibit collaboration or partnerships with the tobacco industry in developing or implementing tobacco control policies. The tobacco industry continues to exert influence indirectly through lobbying, regulatory pressure, and economic leverage.</p>						

<sup>32</sup> Nation Africa (2024) *Alarm over vaping, nicotine pouches; tighter tobacco controls*. [Online] Available at: <https://nation.africa/kenya/news/alarm-over-vaping-nicotine-pouches-tighter-tobacco-controls-5063780> (Accessed: 10 September 2025).

<sup>33</sup> Ministry of Health Kenya (2023) *CS Duale defends tobacco warnings, reaffirms patient dignity*. [Online] Available at: <https://www.health.go.ke/cs-duale-defends-tobacco-warnings-reaffirms-patient-dignity> (Accessed: 10 September 2025).

<sup>34</sup> Marsh, S., Chapman, M. and Mukhwana, T. (2024) *How British American Tobacco lobbied Kenya to water down nicotine pouch warning labels*, *The Guardian*, 23 January. [Online] Available at: <https://www.theguardian.com/global-development/2024/jan/23/how-big-tobacco-forced-kenya-to-temper-nicotine-pouch-warning-labels> (Accessed: 10 September 2025).

<sup>35</sup> Business Daily Africa (2024) *How BAT lobbied Health Ministry to weaken nicotine pouch warnings*. [Online] Available at: <https://www.businessdailyafrica.com/bd/data-hub/how-bat-lobbied-health-ministry-to-weaken-nicotine-pouch-warnings-4503478> (Accessed: 10 September 2025).

	0	1	2	3	4	5
<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 &amp; 5, INB 4 5, WG)<sup>36</sup> (Rec 4.9 &amp; 8.3) For non-COP year, follow the previous score of COP year.</p>		1				
<p>Kenya's delegation to COP10 in Panama is headed by Mary Muriuki, Principal Secretary at the Ministry of Health, and includes accredited representatives, namely: Naomi Nabonwe (Foreign Service Officer III, Ministry of Foreign and Diaspora Affairs), Kevin Okumu (State Counsel, Office of the Attorney General), Linstrom Kinoti Marangu (Manager, Excisable Goods Management System, Kenya Revenue Authority), Michubu Mugambi (Principal Standards, Kenya Bureau of Standards), Anne Kendagor (Programme Officer, Ministry of Health), Peace Mutuma (Health Attaché, Permanent Mission of Kenya to the UN in Geneva), and Jacob Toro (Head, Division of Drug and Substance Abuse Control, State Department of Public Health and Professional Standards).<sup>37</sup></p> <p>No representatives from the tobacco industry are part of the delegation.</p>						
<b>INDICATOR 2: Industry CSR activities</b>						
<p>5. A. Government agencies or their officials endorse, support, form partnerships with or participates in <b>activities of the tobacco industry described as socially responsible</b>. For example, environmental programs. (Rec 6.2)</p> <p>B. The government (its agencies and officials) receives CSR contributions<sup>38</sup> (monetary or otherwise, including CSR contributions) from the tobacco industry or those working to further its interests (eg <b>political, social, financial, educational, community or other contributions (Rec 6.4) including environmental or EPR activities (COP10 Dec)</b>). <i>NOTE: exclude enforcement activities as this is covered in another question</i></p>					4	
<p>Kenya's Tobacco Control Act (2007) and Tobacco Control Regulations (2014) prohibit government officials from endorsing, supporting, or participating in tobacco industry CSR activities. Despite this, certain incidents—such as acceptance of pandemic-related donations and attendance at industry events—suggest that enforcement has sometimes lapsed, allowing informal engagement that undermines formal policy intent.<sup>39,40</sup></p> <p>In June 2025, a coalition of civil society organizations publicly condemned what they described as an alleged collaboration—via a letter—from the Ministry of Health that reportedly invited BAT Kenya to support a health campaign targeting transport sector workers. CSOs argued that this</p>						

<sup>36</sup> Please annex a list since 2009 so that the respondent can quantify the frequency, <http://www.who.int/fctc/cop/en/>

<sup>37</sup> World Health Organization (2025) *FCTC-COP10 divisional list of participants – COP10 in Panama (English)*. [Online] Available at: <https://iris.who.int/bitstream/handle/10665/377693/fctc-cop10-div-1-list-of-participants-en.pdf?sequence=1> (Accessed: 9 September 2025).

<sup>38</sup> political, social financial, educations, community, technical expertise or training to counter smuggling or any other forms of contributions

<sup>39</sup> TobaccoTactics (2025) *Kenya Country Profile – Industry Interference in Kenya*. [Online] Available at: [Reference URL] (Accessed: 10 September 2025).

<sup>40</sup> Global Tobacco Industry Interference Index (2023) *Kenya – Country Summary*. [Online] Available at: [Reference URL] (Accessed: 10 September 2025)

move violated both Kenya’s TCR 2007 and Article 5.3 of the WHO FCTC, which calls for the exclusion of tobacco industry influence in public health policy.<sup>41,42,43</sup>



*The Kenya Tobacco and Nicotine Tax Coalition (KTNTC) — an umbrella body comprising prominent anti-tobacco organizations — expressed outrage over a letter allegedly dated May 7, 2025, authored by Principal Secretary Mary Muthoni, inviting BAT Kenya to collaborate on a national health campaign targeting transport sector workers.*

*Photo courtesy: Health Business*

Cancer patients and health advocacy groups—including the Pink Heart Cancer Support Foundation and National Taxpayers Association—are urging the Kenyan government to raise excise taxes on tobacco and nicotine products to at least **70% of the retail price or 75% of total taxes**, aligning with global best practices, to deter tobacco use and secure sustainable funding for cancer care, universal health coverage, and NCD programs.<sup>44</sup>

**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)					4	
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**BAT Kenya’s Request to Delay Compliance for LYFT Nicotine Pouches (2021):** In February 2021, British American Tobacco (BAT Kenya) formally requested the Ministry of Health to allow it a 9 to 12-month transitional period to deplete existing stocks of their product LYFT (nicotine pouches) before complying fully with the Tobacco Control Act, 2007, and Tobacco Control Regulations, 2014. This effectively postponed the legal requirement to meet packaging

<sup>41</sup> Doe Ouma, S. (2025) *Kenya CSOs condemn Ministry of Health’s alleged partnership with British American Tobacco, demand immediate action*, HealthBusiness, 9 June. [Online] Available at: <https://healthbusiness.co.ke/9099/kenya-csos-condemn-ministry-of-healths-alleged-partnership-with-british-american-tobacco-demand-immediate-action/> (Accessed: 10 September 2025).

<sup>42</sup> Makokha, B. (2025) ‘Health Ministry under fire after partnering with BAT in health campaign’, *The Standard (Kenya)*, 9 June. [Online] Available at: <https://www.standardmedia.co.ke/health/health-science/article/2001521269/health-ministry-under-fire-after-partnering-with-bat-in-health-campaign> (Accessed: 10 September 2025).

<sup>43</sup> Muganda, M. & Kahenda, M. (2025) ‘MoH seeks controversial partnership with BAT’, *The Standard (Kenya)*, 2 months ago. [Online] Available at: <https://www.standardmedia.co.ke/health/health-science/article/2001521567/twists-and-turns-as-moh-seeks-controversial-partnership-with-bat> (Accessed: 10 September 2025).

<sup>44</sup> Standard Media (2024) *Tax tobacco more to raise funds for cancer care, lobby groups plead*. [Online] Available at: <https://www.standardmedia.co.ke/health/health-science/article/2001528885/tax-tobacco-more-to-raise-funds-for-cancer-care-lobby-groups-plead> (Accessed: 10 September 2025).

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standards and other regulations. While LYFT never returned to market, it was eventually replaced with a similar product, VELO, which itself initially circumvented legal requirements. <sup>45,46,47</sup>											
<b>Government Permitted BAT Kenya to Temporarily Weaken Health Warnings on VELO (2024):</b> Following delays, the Ministry of Health allowed temporary relaxation of regulations on VELO’s package warnings after BAT threatened to withhold investment in a production facility in Kenya. BAT was permitted to reduce the size and content of health warnings, effectively extending the implementation period. <sup>48,49,50</sup>											
Kenya’s Tobacco Control and Health Promotion Alliance voiced concern that the implementation of graphic health warnings on tobacco and nicotine products has been stalled since June 2023—particularly suspecting industry interference as the cause—undermining public health progress and keeping tobacco branding more attractive.											
7. The government gives privileges, incentives, <b>tax exemptions, subsidies, financial incentives, or benefits to the tobacco industry</b> (Rec 7.3)									3		
According to the 2025 Party Report on the Implementation of the WHO FCTC, Kenya has successfully implemented significant adjustments to excise taxes on all nicotine and tobacco products. The revisions include: <ul style="list-style-type: none"> <li>▪ Cigarettes with filters (hinge lid and soft cap): Excise duty increased from KES 4,067.03 per mille to KES 4,100 per mille.</li> <li>▪ Cigarettes without filters (plain cigarettes): Excise duty increased from KES 2,926.41 per mille to KES 4,100 per mille.</li> <li>▪ Products containing nicotine or nicotine substitutes: Excise duty set at KES 2,000 per kilogram.</li> <li>▪ Liquid nicotine for electronic cigarettes: Excise duty increased from KES 70 per milliliter to KES 100 per milliliter.</li> </ul> <p>These changes became effective on 1 September 2024. Kenya continues to apply excise taxes on tobacco products, which are adjusted annually in line with inflation. While the overall tax structure remains unchanged, the government has indicated that further reforms are under review to close existing loopholes and strengthen tobacco tax administration.<sup>51</sup></p> <p>However, a 2025 investigative report uncovered significant tax discrepancies, where BAT Kenya allegedly reported much lower revenues than production volumes would suggest, resulting in a potential tax evasion of up to KES 9.6 billion (approximately US \$93 million). While not an explicit</p>											

<sup>45</sup> Health Policy Watch (2021) *Stand-off Between Kenyan Government and Tobacco Multinational Over ‘Nicotine Pouches’*, 22 March. [Online] Available at: <https://healthpolicy-watch.news/stand-off-between-kenyan-government-and-tobacco-multinational-over-nicotine-pouches/> (Accessed: 10 September 2025).

<sup>46</sup> African Tobacco Control Alliance (ATCA) (2021) *Kenya: Health Ministry Asked to Reject Return of Nicotine Pouch Lyft to Kenyan Market*. [Online] Available at: <https://atca-africa.org/kenya-health-ministry-asked-to-reject-return-of-nicotine-pouch-lyft-to-kenyan-market/> (Accessed: 10 September 2025).

<sup>47</sup> Robson, B. (2020) *Kenya’s Health Minister Questions Licensing of BAT’s LYFT Nicotine Pouches*, Reuters, 7 October. [Online] Available at: <https://www.reuters.com/article/business/finance/kenyas-health-minister-questions-licensing-of-bats-lyft-nicotine-pouches-idUSL8N2GY2SR/> (Accessed: 10 September 2025).

<sup>48</sup> Marsh, S., Chapman, M. & Mukhwana, T. (2024) *How British American Tobacco lobbied Kenya to water down nicotine pouch warning labels*, *The Guardian*, 23 January. [Online] Available at: <https://www.theguardian.com/global-development/2024/jan/23/how-big-tobacco-forced-kenya-to-temper-nicotine-pouch-warning-labels> (Accessed: 10 September 2025).

<sup>49</sup> Chapman, M., Mukhwana, T. & Marsh, S. (2024) *British American Tobacco undermines Kenyan health laws in bid for Gen Z, Africa Uncensored / The Examination*, 23 January. [Online] Available at: <https://www.theexamination.org/articles/bat-lobbying-kenya-nicotine-pouches> (Accessed: 10 September 2025).

<sup>50</sup> The Standard (2025) *Twists and turns as MoH seeks controversial partnership with BAT*. *The Standard*, 12 March. [Online] Available at: <https://www.standardmedia.co.ke/health/health-science/article/2001521567/twists-and-turns-as-moh-seeks-controversial-partnership-with-bat> (Accessed: 10 September 2025).

<sup>51</sup> Kenya Revenue Authority (2024) *Adjustment of Excise Duty Rates for Excisable Goods and Services – Tax Laws (Amendment) Act, 2024*. [Online] Available at: <https://www.kra.go.ke/news-center/public-notice/2158-adjustment-of-excise-duty-rates-for-excisable-goods-and-services-by-the-tax-laws-amendment-act%2C-2024> (Accessed: 10 September 2025).

government incentive, this raises concerns about government oversight, enforcement, and potential indirect benefits gained by the industry.<sup>52,53,54</sup> Additionally, BAT Kenya’s aggressive lobbying resulted in a temporary reduction in health warning size requirements for its nicotine pouch product, Velo—effectively a regulatory concession. While not a tax or financial incentive, it facilitated smoother business operations by reducing compliance costs for the company.<sup>55</sup>

The High Court’s suspension of Health CS Aden Duale’s directive benefits the tobacco industry by allowing manufacturers, distributors, and retailers to continue selling and importing nicotine products without disruption. This temporary relief protects their revenues and market operations until the court’s full hearing on July 3, 2025.<sup>56</sup>

The prolonged delay in passing Kenya’s Tobacco Control (Amendment) Bill 2024—which aims to establish regulations for smokeless nicotine products—has granted the tobacco industry a reprieve, allowing it to continue operating without clear rules on products like vapes and nicotine pouches.<sup>57</sup> This regulatory vacuum also enables ongoing misinformation about product safety to persist, potentially curbing smokers’ transitions to so-called lower-risk alternatives and keeping the market favorable for industry players.

**De Minimis Threshold for Tobacco Products in Kenya:** Kenya applies a duty-free allowance for travelers entering the country. According to the Nairobi Airport customs guidelines, passengers aged 18 years and older may bring certain tobacco products duty-free, including: up to 250 grams of tobacco (in any form, such as cigarettes, cigars, or snuff), or 200 cigarettes, or 50 cigars. This allowance encompasses the de minimis threshold for personal use and indicates that beyond these quantities, travelers may be subject to duties.<sup>58,59,60</sup>

**Bilateral Tariff Exemptions or Industry Benefits:** no credible evidence or accessible data suggests that Kenya offers bilateral tariff exemptions, subsidies, or other financial benefits specifically targeting the tobacco industry. Kenya maintains its general customs and tax framework without reporting preferential treatment for tobacco products through trade agreements.

#### INDICATOR 4: Forms of Unnecessary Interaction

<sup>52</sup> Tax Justice Network Africa (2025) *Recent report on BAT Kenya reveals discrepancy of \$93 million in company’s revenue statements*. [Online] Available at: <https://taxjusticeafrica.net/resources/blog/recent-report-bat-kenya-reveals-discrepancy-93-million-companys-revenue-statements> (Accessed: 10 September 2025).

<sup>53</sup> Luimes, T., van der Puijl, M. and Metze, M. (2025) *Missing Millions – A cross-examination of British American Tobacco Kenya’s tax bill*. Tobacco Control Research Group, University of Bath, February. [Online] Available at: [https://www.bath.ac.uk/publications/missing-millions-a-cross-examination-of-british-american-tobacco-kenyas-tax-bill/attachments/Missing\\_millions\\_report\\_tobacco\\_control\\_research\\_group\\_Feb\\_2025.pdf](https://www.bath.ac.uk/publications/missing-millions-a-cross-examination-of-british-american-tobacco-kenyas-tax-bill/attachments/Missing_millions_report_tobacco_control_research_group_Feb_2025.pdf) (Accessed: 10 September 2025).

<sup>54</sup> University of Bath (2025) *New report reveals potential \$28 million tax discrepancy involving British American Tobacco in Kenya*. 12 February. [Online] Available at: <https://www.bath.ac.uk/announcements/new-report-reveals-potential-28-million-tax-discrepancy-involving-british-american-tobacco-in-kenya/> (Accessed: 10 September 2025).

<sup>55</sup> Marsh, S., Chapman, M. & Mukhwana, T. (2024) *How British American Tobacco lobbied Kenya to water down nicotine pouch warning labels*, The Guardian, 23 January. [Online] Available at: <https://www.theguardian.com/global-development/2024/jan/23/how-big-tobacco-forced-kenya-to-temper-nicotine-pouch-warning-labels> (Accessed: 10 September 2025).

<sup>56</sup> Nation Africa (2024) *Court lifts directive suspending licensing and distribution of nicotine products*. [Online] Available at: <https://nation.africa/kenya/news/court-lifts-directive-suspending-licensing-and-distribution-of-nicotine-products--5070708> (Accessed: 10 September 2025).

<sup>57</sup> The Star Kenya (2025) *Lawmakers urged to act as tobacco bill delays spark misinformation*. [Online] Available at: <https://www.the-star.co.ke/news/2025-05-30-lawmakers-urged-to-act-as-tobacco-bill-delays-spark-misinformation> (Accessed: 10 September 2025).

<sup>58</sup> Nairobi Airport Customs (n.d.) *Rules and customs formalities – Nairobi airport*. [Online] Available at: [https://www.nairobi-airport.com/en/customs\\_nairobi\\_airport.php](https://www.nairobi-airport.com/en/customs_nairobi_airport.php) (Accessed: 10 September 2025).

<sup>59</sup> Alternative Airlines (n.d.) *Rules for Duty Free Shopping – Kenya*. [Online] Available at: <https://www.alternativeairlines.com/duty-free-rules> (Accessed: 10 September 2025).

<sup>60</sup> Global Express Association (2021) *De Minimis Thresholds – countries worldwide*. [Online] Available at: <https://global-express.org/index.php?act=101&countries%5B%5D=-2&id=271> (Accessed: 10 September 2025).

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8. Top level government officials (such as President/ Prime Minister or Minister <sup>61</sup> ) 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)	0					
No publicly available evidence or media reports from 2023 through 2025 indicate that high-ranking Kenyan government officials have attended social functions, sponsored events, or other industry gatherings organized by tobacco companies or front organizations.						
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)		1				
<p>According to the 2025 Party Report on the Implementation of the WHO FCTC, since the submission of the previous report, Kenya has not been offered nor has it accepted or engaged in any form of partnership or arrangement with the tobacco industry. This includes non-binding or non-enforceable agreements, voluntary arrangements, tobacco industry participation in youth or public education initiatives related to tobacco control, voluntary codes of conduct drafted by the industry, proposed legislation or policies developed in collaboration with the industry, or any other form of partnership.<sup>62</sup></p> <p>Kenya marked World No Tobacco Day (31 May 2025) with a strong crackdown on illicit tobacco—destroying 5.5 tonnes of seized products including shisha, gutka, flavored e-cigarettes, and revoking and suspending all nicotine-related licenses pending a reapplication process within 21 days.<sup>63</sup> Health Cabinet Secretary Aden Duale presided over the incineration of 5.5 tonnes of illicit tobacco products—including shisha, gutkha, flavored e-cigarettes, and other unregulated nicotine products—at Moi Teaching and Referral Hospital in Eldoret, marking a bold symbolic and practical statement against the tobacco trade, especially its targeting of youth.<sup>64</sup></p> <p>However, the High Court has temporarily overturned Health Cabinet Secretary Aden Duale’s sweeping directive issued on May 31, 2025, which had invalidated all existing licenses and import clearances for the manufacture, sale, distribution, and promotion of nicotine-related products, ordering affected entities to reapply—arguing this move legal and fair processes were violated. Justice Bahati Mwamuye’s conservatory order reinstated previously valid licenses, halting enforcement of the suspension and maintaining the status quo while the constitutional petition by Susan Awino is reviewed—directing registry by June 23 and the next court mention on July 3.<sup>65</sup></p>						
10. The government accepts, supports, endorses, or enters into partnerships or non-binding agreements with the tobacco industry or any entity working to further its interests. (Rec 3.1)	0					

<sup>61</sup> Includes immediate members of the families of the high-level officials

<sup>62</sup> World Health Organization (2025) 2025 reporting cycle: Kenya – Party report to the Implementation Database for the WHO FCTC. [Online] Available at: <https://extranet.who.int/fctcapps/fctcapps/fctc/implementation-database/parties/reports/17741> (Accessed: 9 September 2025).

<sup>63</sup> Ministry of Health Kenya (2023) Kenya marks World No Tobacco Day: Tough action on illicit tobacco. [Online] Available at: <https://www.health.go.ke/kenya-marks-world-no-tobacco-day-tough-action-illicit-tobacco> (Accessed: 10 September 2025).

<sup>64</sup> Ministry of Health Kenya (2023) Kenya marks World No Tobacco Day: Destruction of illicit tobacco products. [Online] Available at: <https://www.health.go.ke/kenya-marks-world-no-tobacco-day-destruction-illicit-tobacco-products> (Accessed: 10 September 2025).

<sup>65</sup> Nation Africa (2024) Court lifts directive suspending licensing and distribution of nicotine products. [Online] Available at: <https://nation.africa/kenya/news/court-lifts-directive-suspending-licensing-and-distribution-of-nicotine-products--5070708> (Accessed: 10 September 2025).

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<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>						
The Tobacco Control Regulations forbids the government from entering into any partnership or agreements with the tobacco industry.						
<b>INDICATOR 5: Transparency</b>						
I 1. 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)				3		
<p>Tobacco Control Regulations 2014 Section 22 sets out the procedure for all interaction between the government officials and the tobacco industry:</p> <ul style="list-style-type: none"> <li>▪ Any interactions between public authorities or public officers and the tobacco industry shall be limited to the extent strictly necessary for effective tobacco control and enforcement of relevant laws.</li> <li>▪ A minimum of two public officers shall be present in any interactions with the tobacco industry.</li> <li>▪ Before commencing any interaction with the tobacco industry, the public officers shall state, in writing, that the interaction does not imply an endorsement of tobacco industry practices and that that no relationship, collaboration or partnership shall be construed whatsoever from the interaction.</li> </ul> <p>Although Kenya’s Tobacco Control Regulations, 2014 require that any necessary interactions with the tobacco industry be tightly controlled and recorded, there is no consistent public disclosure of such interactions. Where interactions have occurred, they have typically become known through leaks or media reporting, not through an official, public registry or routine publication [see: Marsh, S., Chapman, M. &amp; Mukhwana, T. (2024), Chapman, M. (2025), and The Standard (2025)].</p>						
I 2. 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)				3		
<p>Part III, Section 13 of the Tobacco Control Regulations 2014 requires the tobacco manufacturer to, at the end of every calendar year, to submit a report to the Cabinet Secretary information, including, (e) affiliated organizations and its agents or persons acting on its behalf.<sup>66</sup> However this has not been fully implemented. There is no registration of tobacco industry affiliated organizations and lobbyists. The tobacco industry provides some information required under this regulation through their annual reports and also for other legal requirements.</p>						
<b>INDICATOR 6: Conflict of Interest</b>						
I 3. 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) / Never 5 Yes						5
<p>According to the 2025 Party Report on the Implementation of the WHO FCTC, Kenya has adopted several measures to prevent conflicts of interest involving government officials, employees, consultants, and contractors engaged in tobacco control policies. These measures</p>						

<sup>66</sup> The Tobacco Control Act 2014 [http://kenyalaw.org/kl/fileadmin/pdfdownloads/LegalNotices/169-Tobacco\\_Control\\_Regulations\\_2014](http://kenyalaw.org/kl/fileadmin/pdfdownloads/LegalNotices/169-Tobacco_Control_Regulations_2014)

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<p>include having a policy on disclosure and management of conflicts of interest, a code of conduct for public officials prescribing standards for dealings with the tobacco industry, and a ban on awarding contracts related to tobacco control policies to candidates with conflicts of interest. Public officials involved in tobacco control are required to inform their institutions if they intend to engage in any occupational activity with the tobacco industry within a specified period and applicants for government positions related to tobacco control must declare any current or previous occupational activity with the industry. Additionally, government officials are required to declare and divest themselves of direct interests in the tobacco industry, and government institutions are prohibited from holding any financial interests in it. Kenya also bans individuals employed by the tobacco industry or its front groups from serving on any government body, committee, or advisory group involved in tobacco control or public health policy and from being nominated to delegations attending the Conference of the Parties (COP) or its subsidiary bodies. Furthermore, there is a ban on public officials and government employees accepting payments, gifts, or services from the tobacco industry, as well as a ban on contributions from the tobacco industry or its front groups to political parties, candidates, or campaigns.<sup>67</sup></p> <p>However, no template or mechanism could be found to enforce this requirement under the Tobacco Control Regulations 2014. Moreover, the Elections Campaign Act No. 42 of 2013 [Revised 2017], Part IV, does not explicitly classify funding from the tobacco industry as an unacceptable source of campaign financing, despite allegations that certain officials in Kenya have received financial support from BAT Kenya.</p>						
<p>14. Retired senior government officials form part of the tobacco industry (former Prime Minister, Minister, Attorney General) (Rec 4.4)</p>	0					
<p>During the reporting period, there is no evidence to suggest that retired senior government officials, including former Prime Ministers, Ministers, or Attorneys General, were involved in or associated with the tobacco industry.</p>						
<p>15. <u>Current government officials</u> and relatives hold positions in the tobacco business including consultancy positions. (Rec 4.5, 4.8, 4.10)</p>				3		
<p>Rita Kavashe was appointed the Independent Non-executive Board Chair of BAT Kenya Ltd in September 2020.<sup>68</sup> She is also a member of the Board of Kenya Vision 2030, the country's development plan from 2008 to 2030 which was launched on 10 June 2008 by the President. The Vision is to be implemented in 5-year plans and transform Kenya into "a newly-industrialising, middle income country providing a high quality of life to all its citizens in a clean and secure environment".<sup>69707172</sup></p>						

<sup>67</sup> World Health Organization (2025) 2025 reporting cycle: Kenya – Party report to the Implementation Database for the WHO FCTC. [Online] Available at: <https://extranet.who.int/fctcapps/fctcapps/fctc/implementation-database/parties/reports/17741> (Accessed: 9 September 2025).

<sup>68</sup> British American Tobacco Kenya (n.d.) Rita Kavashe. [Online] Available at: <https://www.batkenya.com/who-we-are/corporate-governance/the-board/rita-kavashe> (Accessed: 9 September 2025).

<sup>69</sup> <https://www.the-star.co.ke/business/kenya/2020-09-01-bat-appoints-rita-kavashe-as-chair/>

<sup>70</sup> <https://www.businessdailyafrica.com/bd/corporate/companies/bat-appoints-isuzu-boss-rita-kavashe-as-new-board-chair-2300016>

<sup>71</sup> Kenya Vision 2030 (n.d.) Rita Kavashe. [Online] Available at: <https://vision2030.go.ke/board/rita-kavashe/> (Accessed: 9 September 2025).

<sup>72</sup> Kenyan Wall Street (2020) Rita Kavashe appointed to the Board of BAT Kenya. [Online] 2 July. Available at: <https://kenyanwallstreet.com/rita-kavashe-appointed-to-the-board-of-bat-kenya/> (Accessed: 9 September 2025)

	0	1	2	3	4	5
Phyllis Wakiaga was appointed as Independent Non-executive Chairperson of BAT Kenya Ltd in October 2023. <sup>73</sup> She sits as a member of the Kenya Roads Board, a state corporation, established by the Kenya Roads Board Act in 1999. <sup>74</sup>						
The Tobacco Control Act 2007 clause 26 states that, “A public officer who has or has had a role in setting public health policies with respect to tobacco control shall not engage in such occupational activity within a period of three years from the time the persons ceases being a public officer.” <sup>75</sup>						
<b>INDICATOR 7: Preventive Measures</b>						
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						
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)					4	
Section 22(4) of the Tobacco Control Regulations 2014 stipulates that “any public officer participating in any interaction with the tobacco industry shall prepare a formal record of the interaction and submit it to the relevant public authorities, including the Cabinet Secretary, upon request.” <sup>76</sup> However, there is currently no implementing procedure in place to ensure the disclosure of all such records of interactions as envisioned under the Regulations.						
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); <i>Yes – for whole of government code; Yes but partial if only MOH</i>					4	
Part V, Section 24 of the Tobacco Control Regulations 2014 provides that “the Cabinet Secretary shall prescribe a code of conduct prescribing standards for any public officer, including service providers, contractors, and consultants involved in setting or implementing public health policies for tobacco control.” <sup>77</sup> According to the 2025 Party Report on the Implementation of the WHO FCTC, Kenya has a code of conduct for public officials prescribing clear standards for engagements with the tobacco industry. However, there is no implementing procedure in place to disclose all records of interactions as envisaged by Tobacco Control Regulations 2014.						
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 TAPS activities such as CSR or EPR (COPI0), as well as on tobacco industry entities, affiliated organizations and individuals acting on their behalf, and tobacco industry funded groups and their research and marketing activities (Rec 5.2, 5.3, and COP9 and I0 Decision)			2			

<sup>73</sup> British American Tobacco Kenya (n.d.) *Phyllis Wakiaga*. [Online] Available at: <https://www.batkenya.com/who-we-are/corporate-governance/the-board/phyllis-wakiaga> (Accessed: 9 September 2025).

<sup>74</sup> Kenya Roads Board (n.d.) *Board of Directors*. [Online] Available at: <https://krb.go.ke/board-of-directors/> (Accessed: 9 September 2025).

<sup>75</sup> Campaign for Tobacco-Free Kids (2021) *Kenya: Legal summary*. Tobacco Control Laws. [Online] Available at: <https://www.tobaccocontrolaws.org/legislation/kenya> (Accessed: 9 September 2025).

<sup>76</sup> Republic of Kenya (2014) *Tobacco Control Regulations, 2014 (Legal Notice 169 of 2014)*. Published in Kenya Gazette, Vol. CXVI, No. 143 on 5 December 2014; commenced on 5 June 2015, revised by Legal Notice 221 of 2023 on 31 December 2022. [Online] Available at: <https://new.kenyalaw.org/akn/ke/act/ln/2014/169/eng@2022-12-31> (Accessed: 9 September 2025).

<sup>77</sup> Republic of Kenya (2014) *Tobacco Control Regulations, 2014 (Legal Notice 169 of 2014)*. Published in Kenya Gazette, Vol. CXVI, No. 143 on 5 December 2014; commenced on 5 June 2015, revised by Legal Notice 221 of 2023 on 31 December 2022. [Online] Available at: <https://new.kenyalaw.org/akn/ke/act/ln/2014/169/eng@2022-12-31> (Accessed: 9 September 2025).

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Kenya requires the tobacco industry to periodically submit information to relevant authorities on certain aspects of its operations. These include details on tobacco production and manufacture, marketing expenditures, and revenues. However, the country does not require the submission of information related to market share, lobbying activities, philanthropy and corporate social responsibility initiatives, political contributions, or other activities not prohibited or not yet prohibited under Article 13 of the Convention. <sup>7879</sup>						
19. The government has a program / system/ plan to consistently <sup>80</sup> raise awareness within its departments on policies relating to FCTC Article 5.3 Guidelines. (Rec 1.1, 1.2)				3		
<p>The Tobacco Control Regulations 2014 Section 30(b) requires public authority to adopt mechanisms to raise awareness within its mandate about the interference and vested interests of tobacco industry with the development and enforcement of tobacco control legislations and policies.<sup>81</sup> Moreover, according to the Kenyan Government’s 2025 Party Report on the Implementation of the WHO FCTC, awareness-raising efforts have been carried out over the past two years in line with the Guidelines for the Implementation of Article 5.3. These initiatives focused on informing the public about the addictive and harmful nature of tobacco products, the tobacco industry’s interference with Parties’ tobacco control policies, and the industry’s use of individuals, front groups, and affiliated organizations to advance its interests. The report also notes that the public was made aware of the true purpose and scope of activities portrayed by the tobacco industry as socially responsible.<sup>82</sup></p> <p>However, there is no record of the existence of a mechanism to raise awareness according to the Tobacco Control Regulations 2014. This means that although there is an existing policy indicating good intentions, there is a lack of comprehensive implementation across various government departments during the reporting period.</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)		1				
Section 31 of the Tobacco Control Regulations 2014 prohibits government officials from accepting any form of contributions or gifts from the tobacco industry. Specifically, it states that (1) no entity associated with the tobacco industry shall provide any monetary or non-monetary payments, gifts, or services to public authorities or public officers; (2) public authorities and officers are prohibited from receiving any such payments, gifts, or favors from the tobacco industry; and (3) any public authority or officer who contravenes this regulation commits an offence. However, there is no publicly available information indicating whether this provision has						

<sup>78</sup> World Health Organization (2025) *WHO FCTC 2025 — Kenya (AFR): Status: Review Finalized*. [Online] Available at: [https://extranet.who.int/fctcapps/sites/default/files/2025-07/WHOFCTC2025\\_Kenya%20%28AFR%29.pdf](https://extranet.who.int/fctcapps/sites/default/files/2025-07/WHOFCTC2025_Kenya%20%28AFR%29.pdf) (Accessed: 9 September 2025).

<sup>79</sup> Republic of Kenya (2014) *Tobacco Control Regulations, 2014 (Legal Notice 169 of 2014)*. Published in Kenya Gazette, Vol. CXVI, No. 143 on 5 December 2014; commenced on 5 June 2015, revised by Legal Notice 221 of 2023 on 31 December 2022. [Online] Available at: <https://new.kenyalaw.org/akn/ke/act/ln/2014/169/eng@2022-12-31> (Accessed: 9 September 2025).

<sup>80</sup> 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.

<sup>81</sup> Republic of Kenya (2014) *Tobacco Control Regulations, 2014 (Legal Notice 169 of 2014)*. Published in Kenya Gazette, Vol. CXVI, No. 143 on 5 December 2014; commenced on 5 June 2015, revised by Legal Notice 221 of 2023 on 31 December 2022. [Online] Available at: <https://new.kenyalaw.org/akn/ke/act/ln/2014/169/eng@2022-12-31> (Accessed: 9 September 2025).

<sup>82</sup> World Health Organization (2025) *2025 reporting cycle: Kenya – Party report to the Implementation Database for the WHO FCTC*. [Online] Available at: <https://extranet.who.int/fctcapps/fctcapps/fctc/implementation-database/parties/reports/17741> (Accessed: 9 September 2025).

	0	1	2	3	4	5
ever been contravened. <sup>83</sup>						
The government reported that it recently completed a nationwide public awareness campaign aimed at educating the public on the dangers of tobacco use and other substance abuse, while also strengthening the capacity of healthcare workers. The campaign was conducted in clusters across all 47 counties and spanned a period of five months. <sup>84</sup>						
<b>TOTAL</b>						<b>46</b>

<b>ADDITIONAL QUESTIONS</b>	
<i>Based on COP9 and COP10 Decisions highlighting Article 5.3 recommendations</i>	
<b>A. LIABILITY:</b> Government has adopted or enforced mandatory penalties for the tobacco industry in case it provided false or misleading information (Rec 5.4) [5.4 Parties should impose mandatory penalties on the tobacco industry in case of the provision of false or misleading information in accordance with national law.]	
<b>Evidence</b>	
According to the 2025 Party Report on the Implementation of the WHO FCTC, Kenya is required to impose penalties on the tobacco industry if it issues or communicates false or misleading information to the government or the public. The government also prohibits the acceptance of contributions—financial, community-based, or otherwise—from the tobacco industry or entities working to further its interests. Additionally, Kenya has taken action to remove or prohibit the granting of incentives, privileges, benefits, or preferential tax exemptions to the tobacco industry. However, the report notes that the government has not adopted measures to ensure public access to a wide range of information on tobacco industry activities, such as through a public repository or open-access platform. <sup>85</sup>	
Cigarette manufacturer Mastermind Tobacco Kenya Ltd has lost its legal challenge against the Kenya Revenue Authority’s demand for Sh500 million in unpaid taxes, following KRA’s scrutiny of inconsistencies in the company’s export documentation suggesting the products did indeed reach Uganda. Mastermind’s attempt to overturn the tax assessment failed when the courts upheld KRA’s position that customs documentation could not be disregarded despite the documents indicating the export’s conclusion across the border. <sup>86</sup>	

<sup>83</sup> Republic of Kenya (2014) *Tobacco Control Regulations, 2014 (Legal Notice 169 of 2014)*. Published in Kenya Gazette, Vol. CXVI, No. 143 on 5 December 2014; commenced on 5 June 2015, revised by Legal Notice 221 of 2023 on 31 December 2022. [Online] Available at: <https://new.kenyalaw.org/akn/ke/act/ln/2014/169/eng@2022-12-31> (Accessed: 9 September 2025).

<sup>84</sup> World Health Organization (2025) *2025 reporting cycle: Kenya – Party report to the Implementation Database for the WHO FCTC*. [Online] Available at: <https://extranet.who.int/fctcapps/fctcapps/fctc/implementation-database/parties/reports/17741> (Accessed: 9 September 2025).

<sup>85</sup> World Health Organization (2025) *2025 reporting cycle: Kenya – Party report to the Implementation Database for the WHO FCTC*. [Online] Available at: <https://extranet.who.int/fctcapps/fctcapps/fctc/implementation-database/parties/reports/17741> (Accessed: 9 September 2025).

<sup>86</sup> Nation Africa (2024) *Tobacco company slapped with Sh500 million tax bill*. [Online] Available at: <https://nation.africa/kenya/business/companies/tobacco-company-slapped-with-sh500-million-tax-bill-4809756#story> (Accessed: 10 September 2025).

**B. KH RESOURCE DATABASE:** Government adopted and implemented measures to ensure public access to information on TI activities  
[5.5 Parties should adopt and implement effective legislative, executive, administrative and other measures to ensure public access, in accordance with Article 12(c) of the Convention, to a wide range of information on tobacco industry activities as relevant to the objectives of the Convention, such as in a public repository.]

**Evidence**

Not available

## Annex A: Sources of Information

	TOP MULTINATIONAL TOBACCO GROUPS	MARKET SHARE	BRANDS
1	British American Tobacco Kenya (BAT Kenya)	70–80%	Sportsman, Dunhill, Safari, Embassy, and Rothmans.
2	Mastermind Tobacco Kenya (MTK)	16%	Supermatch, Rocket, and Forum
3	Alliance One Tobacco Kenya	NA	

	TOP TOBACCO INDUSTRY ALLIES/ FRONT GROUPS	TYPE (FRONT GROUP, AFFILIATE, INDIVIDUAL)	SOURCE
1	Novel Tobacco Products Association	Ally	<a href="#">Kenyan novel tobacco firms unite, challenge shisha ban in regulatory push</a>

# KENYA TOBACCO INDUSTRY INTERFERENCE INDEX 2025



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