

DOMINICAN REPUBLIC

2021

TOBACCO

INDUSTRY

INTERFERENCE

INDEX

TOBACCO INDUSTRY INTERFERENCE INDEX
DOMINICAN REPUBLIC REPORT 2019-2021

Samuel Ramos Sr.
Anthony Gutiérrez
Samuel Ramos Jr.
Karen Arias
Authors

Introduction

The link between the tobacco industry and the Dominican Republic dates to the country's colonial history. Back in the year 1529, Friar Bartholomew de las Casas alluded to this aromatic leaf found on the island¹, generating the first written tobacco reference on the island. From this moment on, the Dominican culture housed tobacco as a day-by-day element with presence in its economic development as an exportation commodity. Also, culturally, where songs and stories include tobacco as a recurrent element.

The tobacco trade was also an important element in the internal struggles of Dominican political leaders during the restoration war² in 1861 and 1865. The bloody fighting devastated the northern region of Cibao, destroying the centric urban city of Santiago. Dominicans were forced to live in small villages after the war. As livestock had disappeared, only tobacco remained as the only source of production in the Central Cibao³

By analyzing the Dominican history of recent decades and emphasizing the years described in this report, we have found it difficult to mark the boundary between the state and the tobacco industry. In an in-depth analysis of the situation, we see the state and the tobacco industry intermingled in their daily activities and in our country's cultural, economic and development plans. Apparently, we are living in a "tobacco-state", where the president of the Republic presents the "Plan of Relaunch of the Tobacco Industry" in which it includes a bill that aims to declare tobacco and cigar as the cultural heritage of the Dominican Republic. In his presentation speech to the plan, President Luis Abinader said: *"never before has the union of all sectors of the national productive elements and central government achieved such synergy to march together in the same direction, focusing on what unites us: the well-being and growth of the country. Together, we are changing for the benefit of all Dominicans"*⁴

Exports from the Dominican Republic increased by 6.5% in September 2019, when they stood at US \$ 969.2 million, a total of US \$ 58.8 million more than the US \$ 910.4 million registered in the same month of 2018. Cigars are among the main products sold abroad, according to a report by the Dominican Republic Export and Investment Center (CEI-RD).⁵

According to the monthly report on the behavior of exports from the Center for Exportation and Investment of the Dominican Republic (ProDominicana), the growth trend is evident in exports of gold, medical instruments, cigars, electrical breakers, and tobacco, consolidating the tobacco industry as one of the main in the country in terms of export. Cigars are the main product exported by the Dominican Republic in the tobacco and

¹ Las, Friar Bartholomew's: History of the Indies, Book I, Chapter 46, quoted by Lawns Del Castillo, Guillermo: Tobacco in New Spain. Madrid, 1992, page. 27

² Fifteen Points on Restoration, <https://www.centropoveda.org/Quince-Puntos-sobre-La.html>

³ Homer Luis Lajara Solá, The Restoration and our dominicracia. <https://listindiario.com/la-republica/2019/08/10/577622/la-restauracion-y-nuestra-dominicracia>

⁴ Tobacco Industry Relaunch Plan, Ministry of Industry, Trade and Mipymes. https://micm.gob.do/images/pdf/noticias/Plan-de-relanzamiento-de-la-Industria-del-tabaco_actualizado.pdf

⁵ <https://eldinero.com.do/94280/exportaciones-de-republica-dominicana-llegan-a-us969-millones-en-septiembre/>

derivatives sector, representing 83% of the total exported by this sector in 2020, equivalent to US \$ 622.4 million.⁶

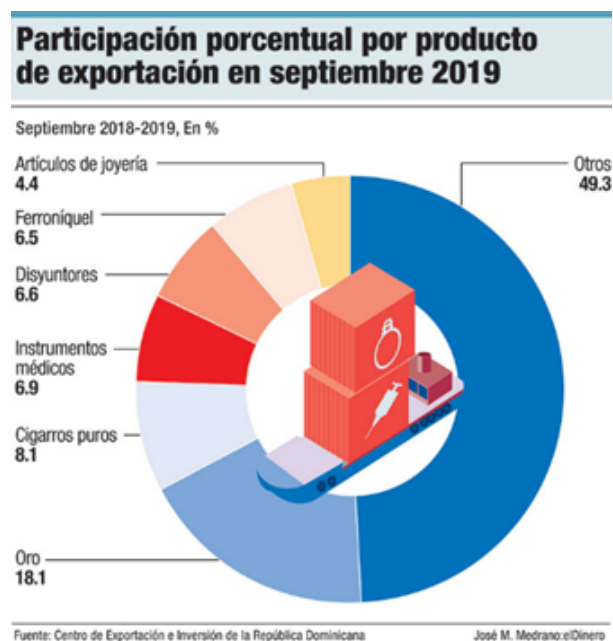


Figure 1 Dominican Republic exportation products by percentage share of 2019. Showing cigars as the second most lucrative product for trade.

Today, Dominican cigars or cigars are among the top exporters to the United States market and compete on an equal footing with Cuba for the European market. Among the main Premium brands produced in the Dominican Republic we could mention the following: Arturo Fuente, Ashton, Aurora Preferidos, Avo, Bolívar, Canaria D'Oro, Casablanca, Chubbys, Cohiba Dominican, Cubita, Cuesta-Rey, Cusano, Davidoff, Diamond Crown, Dominique, Don Diego, Don Sebastián, Dunhill, Emilio Reyes, Griffin's, H. Upmann, Hemingway, Fonseca, José Benito, J.R. Tobacco, Juan Clemente, La Aurora, La Flor Dominicana, La Habanera, La Primera, La única, Licenciados, Macanudo, Montecristo, Montecruz, Montesino, Nomi, OpusX, Padrón, Partagas, Paul Garmirian, Primo del Rey, Ramón Allones, Romeo y Julieta, Royal Dominicana, Santa Damiana, Seijas

Signature, Sosa, Troya, Zino Platinum y 858.

The legal framework for regulating tobacco use and products in the Dominican Republic is established in several laws and provisions, namely: The General Law on Health; the Law prohibiting Smoking in Indoor Closed Places; the Code for the Protection System and the Fundamental Rights of Children and Adolescents; General Law on the Protection of Consumer or User Rights; the Law Prohibiting the Use of Hookah in Closed Places; the Ordinance of the Ministry of Education Prohibiting Smoking in All Educational Facilities of the Country attached to that Ministry; Resolution of the Ministry of Public Health Prohibiting Smoking in Public and Private Health Facilities; among others. Despite all these laws and regulations, the tobacco industry and the Dominican government coexist harmoniously and with very few restrictions on advertising, product availability, promotion, sponsorship, retail control, smoke-free environments and monitoring of the relationship between the two parties.

It should be noted that the laws governing tobacco control and the tobacco industry in the country such as the laws of INTABACO and its regulations as well as the project to relaunch the tobacco industry in the Dominican Republic were encouraged and developed by the Dominican government.

Despite the multiple pressure from Dominican civil society for our country to accede to the WHO Framework Convention on Tobacco Control (WHO FCTC) as well as the Chamber

⁶ <https://www.diariolibre.com/economia/exportaciones-del-sector-tabaco-dominicano-podria-alcanzar-los-us-900-millones-este-ano-DP22780838>

of Deputies' recommendation to the President of the Republic in 2017 to sign the agreement, our country still has no binding relationship with and remains a non-party to this important international convention.⁷

It is in this context that the Dominican Foundation for Obesity and Cardiovascular Prevention (FUNDO) and a team of medical and communication professionals are dedicated to analyzing the interference of the tobacco industry for the first time in the public policy of the Dominican Republic. The score for this year 2021 was 87, one of the highest in the world when comparing it to the 2020 Global Tobacco Interfering Index.

Method of Information Collection

To identify interference from the tobacco industry in the formulation of public policies in Dominican Republic, the following aspects were considered for the methodology of information collection:

The team selected the websites of the five most wide-rated national circulation newspapers (for their reliability, popularity, and importance in the country's written prey), newspapers: *Listín Diario*, *Diario Libre*, *Periódico Hoy*, *El Nacional* and *El Caribe*. A search for information was established from the first of January 2019 to 31 March 2021, considering any prevailing aspects related to tobacco industries and their influence or relationship with the Dominican Republic. In addition, information was sought on the portals and websites of state agencies and/or ministries, such as: The Ministry of Industry and Commerce, Ministry of Agriculture, Ministry of Tourism, Ministry of Defense, Chamber of Auditors, Chamber of Deputies, and the Official Website of the Government of the Dominican Republic; as well as the website of INTABACO (Tobacco Institute of the Dominican Republic). Other websites consulted are: PROCIGAR (Association of Dominican Cigar Manufacturers and the member industries of this institution).

All the information collected was reviewed and hierarchical. Irrelevant data were rejected and the links they did provide for the investigated purposes were retained. The data obtained on the web pages, already referred to, are freely accessible and in the public domain.

This is Dominican Republic's first report on TI Interference Index which assesses how the government is responding to the tobacco industry's tactics by using the WHO FCTC Article 5.3 Guidelines. This report uses the questionnaire developed by the Southeast Asia Tobacco Control Alliance (SEATCA). Information for this report was collected on 20 questions, divided into seven categories, from publicly available sources including government websites, reports published in mass media, reports and websites of tobacco companies. The scores range from 0 to 5. The lower the score is, the better compliance with WHO FCTC Article 5.3 and its implementing Guidelines.

⁷ <https://silportal.camaradediputados.gob.do:446/Iniciativas/Details/130985>

Summary Findings

1. INDUSTRY PARTICIPATION IN POLICY DEVELOPMENT

The tobacco industry is consulted by decision-making authorities in different areas of government for public health policymaking. This participation ranges from suggestions in administrative resolutions to open and public participation in Dominican law

2. INDUSTRY CSR ACTIVITIES

The tobacco industry generates contribution in multiple social areas in collaboration with the state. CSR activities of the tobacco industry include the construction of schools, support for rural programs and women's empowerment, delivery of scholarships and rural development projects in traditionally tobacco communities, financing of university programs. In most of these events, representatives of the central government and/or local authorities were present.

3. BENEFITS TO THE INDUSTRY

From this possible complicity, the tobacco industry receives a plethora of benefits without comparison, as the state is projected as a "tobacco-state" where the global tobacco trend suffers a regression and the industry receives benefits such as *tax exemption, state backed international lobbying*, local legislation in favor and the ability to allow interference in local health governance.

4. UNNECESSARY INTERACTION

Similarly, many of the interactions between the proposed "tobacco-state" and the tobacco industry have no clear purpose. The fact that public responsibility (determining the labor market according to academic offer, school infrastructure, rural ecological sustainability programs, etc.) is not a private sector responsibility, although the collaboration regarding social aid makes it look like this. As if that was not enough, the central government advises the tobacco sector on issues of governance, economics, tax rate and health, ignoring the cognitive bias generated by this.

5. TRANSPARENCY

Because of the close relationship between government and industry, most common activities are available in the public domain. However, there are reports revealing private encounters that were not disclosed.⁸⁹

⁸ <https://www.mide.gob.do/detail.aspx?id=5772&sl=99>

⁹ <http://mitur.gob.do/ministerio-de-turismo-realiza-ruta-educacional-en-intabaco/>

6. CONFLICT OF INTEREST

In the day-to-day relationship of government institutions and the tobacco industry, the conflict of interest is more evident. From the Congress of the Republic, where industry has its key positions actively participating in the regulatory legislative process, several executive branch units serving as facilitators of the industry, to the vice president of the republic who, at the time, served as general manager in tobacco companies in her family¹⁰¹¹¹²¹³

7. PREVENTIVE MEASURES

The General Law on Free Access to Public Information Law 200-04 and Decree No. 130-05 secure transparency on the government agency interaction with any type of industry interference. The government has not formulated or adopted any type of code of conduct for public officials about the interactions with the tobacco industry.

Recommendations

In view of the close link between state institutions and the tobacco industry as well as our country's refusal to comply to the WHO Framework Convention on Tobacco Control (FCTC), we see very little opportunity to prevent tobacco industry interference in public policies. However, we believe that PAHO/WHO can motivate the government to at least be as far away from the tobacco industry interests as possible. Following this line of thought, here are some recommendations:

1. The Ministry of Health draw up a code of conduct based on surveillance for the relationship between government and industry, with an emphasis on health, education, sports, and minors.
2. Universities and civil society institutions generate research on industry interference in public policies and legislation, as well as on their corporate responsibility programs.
3. Consolidate the Dominican Anti-Smoking Alliance so that it can be the civil society organization that monitors the relationship between industry and government.
4. Development of a follow-up plan to the relationship between industry and government ranging from public, national and international denunciation to submission to the competent courts for violation of laws.

¹⁰ <https://www.conectate.com.do/articulo/biografia-de-raquel-pena/>

¹¹ <https://www.micm.gob.do/noticias/micm-presenta-plan-de-accion-para-el-relanzamiento-de-la-industria-del-tabaco#:~:text=El%20president%20de%20la%20Rep%C3%ABlica, and%20la%20reactivaci%C3%B3n%20de%20la>

¹² https://www.camaradediputados.gob.do/serve/listfile_download.aspx?id=38419&num=1

¹³ <https://www.facebook.com/DiputadosRD/posts/2437222403005418/> - The MP Francisco Matos, at the Left pictured, owner of Matos Cigar Company, was at several meetings of the bill's working committees

2021 Tobacco Industry Interference Index Results and Findings

	0	1	2	3	4	5
INDICATOR 1: Level of Industry Participation in Policy-Development						
1. The government ¹⁴ accepts, supports or endorses any offer for assistance by or in collaboration with the tobacco industry ¹⁵ in setting or implementing public health policies in relation to tobacco control ¹⁶ (Rec 3.1)						5
<p>The tobacco industry is listed as a partner in the development of a national plan that interferes with economic areas, national and international, as well as lobbying and promotion of tobacco use. The tobacco relaunch plan specifies the active role of its creation committee in a short period (30 to 60 days) to defending tobacco against any regulatory measures, including essential health-related regulations¹⁷.</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)						5
<ul style="list-style-type: none"> • The tobacco industry formalized its plan to protect imports and exports through the diplomatic corps with Chilean-Dominican representation in the national policy team (high-level representatives/senate).¹⁸ • The main representatives of the Philip Morris Dominicana met publicly with the representative of the executive branch in industry and commerce. This meeting, endorsed by the Minister, generated short-term objectives of establishing government-led measures to promote training, research, logistics and economic support to industry activity.¹⁹ • The government (2020-2024) generated a common plan for the national and international promotion of the tobacco industry through the Executive Branch in which the tobacco industry was actively consulted and represented by Director del Instituto del Tabaco (Intabaco).²⁰ 						

¹⁴ The term “government” refers to any public official whether acting within the scope of authority as long as cloaked with such authority or holding out to another as having such authority

¹⁵ The term, “tobacco industry” includes those representing its interests or working to further its interests, including the State-owned tobacco industry.

¹⁶ “Offer of assistance” may include draft legislation, technical input, recommendations, oversees study tour

¹⁷ Plan of relaunch of the industry of the tobacco up-to-date: https://micm.gob.do/images/pdf/noticias/Plan-de-relanzamiento-de-la-Industria-del-tabaco_actualizado.pdf

¹⁸ <https://www.senadord.gob.do/comision-de-relaciones-exteriores-del-senado-recibe-la-visita-del-embajador-dominicano-en-chile/>

¹⁹ <https://www.micm.gob.do/noticias/micm-y-philip-morris-aliados-en-el-combate-del-comercio-ilicito-de-productos-de-tabaco>

²⁰ https://micm.gob.do/images/pdf/noticias/Plan-de-relanzamiento-de-la-Industria-del-tabaco_actualizado.pdf

	0	1	2	3	4	5
3. The government allows/invites the tobacco industry to sit in government interagency/ multi-sectoral committee/ advisory group body that sets public health policy. (Rec 4.8)						5
<p>The genuine implementation of public health policies against tobacco is limited. The chances of meddling in official matters without sanction are high as the government stipulates all those interactions as “cooperation” without regard of the subjects being treated.</p> <p>The commission for the relaunch of tobacco industry is comprised of Limbert Cruz, Minister of Agriculture; Ulises Rodriguez director of Proindustria; Rosa Santos, civil governor of Santiago; Biviana Riveiro, executive director of the Export and Investment Center (CEI-RD); Rafael Almonte, director of INTABACO; Fernando Durán, administrator of Banco Agrícola; and Daniel Liranzo, director of the National Council of Free Zones (CNZFE).²¹</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) ²² (Rec 4.9 & 8.3)	0					
<p>Dominican Republic participated as a "non-party state" during the last COP in 2018²³ and continues to remain a non-party to the WHO FCTC.</p> <p>All participants in the Dominican Republic delegation were representatives of the health sector or diplomats.²⁴ Of these participants, a relationship with the tobacco industry could not be established.</p>						
INDICATOR 2: Industry CSR activities						
5. A. The government agencies or its officials endorses, supports, forms partnerships with or participates in so-called CSR activities organized by the tobacco industry. (Rec 6.2)						
B. The government (its agencies and officials) receives contributions ²⁵ (monetary or otherwise) from the tobacco industry (including so-called CSR contributions). (Rec 6.4)					4	
<ul style="list-style-type: none"> The tobacco industry helped rural communities adapt their agricultural projects to a sustainable modality, promoting climate change prevention.²⁶ 						

²¹ <https://www.micm.gob.do/noticias/ito-bisono-el-tabaco-dominicano-vivira-su-mejor-momento>

²² Please annex a list since 2009 so that the respondent can quantify the frequency, <http://www.who.int/fctc/cop/en/>

²³ https://www.who.int/fctc/cop/sessions/cop8/LOP_Final.pdf

²⁴ https://micm.gob.do/images/pdf/noticias/Plan-de-relanzamiento-de-la-Industria-del-tabaco_actualizado.pdf

²⁵ political, social financial, educations, community, technical expertise or training to counter smuggling or any other forms of contributions

²⁶ <https://www.pmi.com/markets/dominican-republic/es/sostenibilidad/responsabilidad-social>

- INTABACO (Government Institute for Tobacco Promotion) offers technical and undergraduate fellowships in agriculture with a special focus on geographical areas producing tobacco.²⁷
- The representative of the Ministry of Education (executive power) works with a foundation of the tobacco industry (Love Smoke) to build schools.²⁸



Figure 2 *Ciro Cascella (representative of Humo de Amor Foundation) and Peña Mirabal (former Minister of Education of the Dominican Republic) signing the agreement.*

- The tobacco industry assisted rural women in women-led agricultural projects through a cooperative structure.²⁹
- Other Sources³⁰

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	
--	--	--	--	--	---	--

²⁷ <http://www.intabaco.gob.do/index.php/noticias/item/301-convocatoria-para-becas-de-agronomia-en-la-universidad-isa>

²⁸ <http://ministeriodeeducacion.gob.do/comunicaciones/noticias/minerd-y-fundacion-humo-de-amor-firman-acuerdo-que-garantiza-un-nuevo-centro-educativo-publico-en-bonao>

²⁹ <http://ministeriodeeducacion.gob.do/comunicaciones/noticias/pena-mirabal-visita-politecnico-de-villa-tapia-y-centro-de-formacion-integral-cigar-family-en-bonao-insta-estudiantes-a-pensar-en-su-pais>

³⁰ <https://www.micm.gob.do/noticias/micm-presenta-plan-de-accion-para-el-relanzamiento-de-la-industria-del-tabaco#:~:text=El%20president%20de%20la%20Rep%C3%ABlica, and%20la%20reactivaci%C3%B3n%20de%20la>

	0	1	2	3	4	5
There have been no new or relevant tobacco control laws in the health regulation sector for the past 20 years. The last laws providing for tobacco control are 20 years old (2001, Law 42-01, art 40, p. 42 and Law 48-00) have never been amended. ³¹ Although, there is no evidence that the tobacco industry has intervened into this lack of legislative activity.						
7. The government gives privileges, incentives, exemptions or benefits to the tobacco industry (Rec 7.3)						5
<ul style="list-style-type: none"> • Only components imported from the manufacture of tobacco products are subject to a taxable transaction.³² • The National Tobacco Relaunch Plan has stipulated long-term measures to eliminate more taxes on locally prepared tobacco.³³ • International travelers, 16 years of age or older are allowed to import 200 cigarettes upon entering the country duty free.³⁴ 						
INDICATOR 4: Forms of Unnecessary Interaction						
8. Top level government officials (such as President/ Prime Minister or Minister ³⁵) 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)						5
<p>The president (main representative of the central government) held a closed-door meeting with representatives of the tobacco industry. More than 50 producers participated in the meeting with President, which also included other senior officials. The subsequent report on the president's word specified the protection of the central government and the participation of an industry-led committee in these measures.³⁶</p> <p>The President met with representatives of the tobacco sector to whom he promised protection from the government.³⁷</p>						
9. The government accepts assistance/ offers of assistance from the tobacco industry on enforcement such as conducting raids on tobacco smuggling or enforcing smoke free policies or no sales to minors. (including monetary contribution for these activities) (Rec 4.3)						5
<ul style="list-style-type: none"> • An agreement was signed between a representation of the Executive Branch and the main representatives of Philip Morris Dominicana to develop the technical capacities 						

³¹ https://www.ilo.org/dyn/legosh/en/?p=LEGPOL:503:9233330219441:::503:P503_REFERENCE_ID:106345

³² https://micm.gob.do/images/pdf/noticias/Plan-de-relanzamiento-de-la-Industria-del-tabaco_actualizado.pdf

³³ https://www.micm.gob.do/images/pdf/publicaciones/libros/libros/2020/03-marzo/Perfil_Tabaco_Tomo_1-2020.pdf

³⁴ <https://www.iatatravelcentre.com/DO-Dominican-Rep.-customs-currency-airport-tax-regulations-details.htm#Import%20regulations>

³⁵ Includes immediate members of the families of the high-level officials

³⁶ <https://www.elcaribe.com.do/destacado/presidente-abinader-se-reune-con-sector-tabaquero-en-santiago/>

³⁷ <https://www.elcaribe.com.do/destacado/presidente-abinader-se-reune-con-sector-tabaquero-en-santiago/>

	0	1	2	3	4	5
<p>of the authorities to reduce illicit trade and smuggling of tobacco products.³⁸ The Vice Minister of Free Zones was at the signing ceremony.</p> <ul style="list-style-type: none"> The National Tobacco Relaunch Plan contains a national committee to maintain constant communication with the executive representation of the law component. They will improve the current smuggling law and propose amendments to the legislative government branch.³⁹ 						
<p>10. The government accepts, supports, endorses, or enters into partnerships or agreements with the tobacco industry. (Rec 3.1)</p> <p>NOTE: This must <u>not</u> involve CSR, enforcement activity, or tobacco control policy development since these are already covered in the previous questions.</p>						5
<p>In the National Tobacco Relaunch Plan (involving industry representatives), the only constant in each measure is industry collaboration on issues such as: financing, infrastructure, technical education, taxes, promotion of tobacco culture, international trade, improvement of the production chain, anti-smoking regulation and confrontation by illegal trade.⁴⁰⁴¹⁴²</p>						
<p>INDICATOR 5: Transparency</p>						
<p>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)</p>						5
<p>Representatives of the tobacco industry had a closed-door meeting with the acting president, on how the government can support the industry. While the meeting was reported in the press, however there is no official document accessible to the public on the topics covered.⁴³</p>						
<p>12. The government requires rules for the disclosure or registration of tobacco industry entities, affiliated organizations, and individuals acting on their behalf including lobbyists (Rec 5.3)</p>						5
<p>INTABACO is a national department with legal autonomy. As part of its objectives, it generates local support for producers and research support for manufacturing companies.</p>						

³⁸ <https://www.micm.gob.do/noticias/micm-y-philip-morris-aliados-en-el-combate-del-comercio-ilicito-de-productos-de-tabaco>

³⁹ https://micm.gob.do/images/pdf/noticias/Plan-de-relanzamiento-de-la-Industria-del-tabaco_actualizado.pdf

⁴⁰ <https://www.micm.gob.do/noticias/micm-presenta-plan-de-accion-para-el-relanzamiento-de-la-industria-del-tabaco#:~:text=El%20president%20de%20la%20Rep%C3%BAblica,and%20la%20reactivaci%C3%B3n%20de%20la>

⁴¹ <https://www.micm.gob.do/noticias/micm-y-philip-morris-aliados-en-el-combate-del-comercio-ilicito-de-productos-de-tabaco>

⁴² <https://www.facebook.com/351992718302463/posts/recibiendo-el-apoyo-de-algunos-empresarios-del-tabaco-junto-a-chuvasquez-robinso/1618998058268583/>

⁴³ <https://www.elcaribe.com.do/destacado/presidente-abinader-se-reune-con-sector-tabaquero-en-santiago/>

	0	1	2	3	4	5
Theoretically, it has a register of tobacco industry entities and functions as a state-sponsored lobbyist. ⁴⁴						
INDICATOR 6: Conflict of Interest						
I3. The government does not prohibit contributions from the tobacco industry or any entity working to further its interests to political parties, candidates, or campaigns or to require full disclosure of such contributions. (Rec 4.11)						5
The government in its electoral law (Electoral Law 275-97, article 47) does not limit the tobacco industry in providing financial contributions supporting political entities. ⁴⁵						
I4. Retired senior government officials form part of the tobacco industry (former Prime Minister, Minister, Attorney General) (Rec 4.4)						5
Former President Hipólito Mejía (2000-2004) and current Vice President Raquel Peña are or were executives of the tobacco industry ^{46 47}						
"I have always worked with many people, in the times of the tobacco harvests, rolling up, and later in the university with people from different social backgrounds," Peña told Listin in an interview in the middle of the electoral campaign. ⁴⁸						

⁴⁴ <https://fc-abogados.com/es/ley-no-165-01-que-otorga-personalidad-juridica-al-instituto-del-tabaco-de-la-republica-dominicana-intabaco/>

⁴⁵ Dominican Republic Electoral Law, Electoral Law 275-97 , Article 47.- SOURCES OF INCOME.

⁴⁶ <https://www.senadord.gob.do/senado-de-la-republica-reconoce-al-ex-presidente-hipolito-mejia/>

⁴⁷ <https://www.micm.gob.do/noticias/presidente-abinader-designa-a-ito-bisono-coordinador-de-comision-para-relanzar-industria-del-tabaco-en-rd>

⁴⁸ <https://listindiario.com/la-republica/2020/08/16/630918/raquel-pena-del-sector-educativo-a-la-vicepresidencia-de-la-republica-en-menos-de-un-ano>



Figure 3 The elderly man with the hat is the former president of the Republic, Hipolito Mejía in a tobacco greenhouse.

In 1964 "he began a learning season at the American University of North Carolina to become familiar with the procedures of industrial tobacco processing... After completing his academic instruction, Mejía was hired by the INTABACO as an agricultural researcher. There he developed field work before becoming, in a very short time and with only 25 years, the chief director of this national body, being the fourth holder since the creation of the entity in 1962. With him at their head, INTABACO introduced the variety of blond for the industrial production of cigarettes."⁴⁹

15. <u>Current government officials</u> and relatives hold positions in the tobacco business including consultancy positions. (Rec 4.5, 4.8, 4.10)										5
--	--	--	--	--	--	--	--	--	--	---

Former President Hipólito Mejía (2000-2004) and current Vice President Raquel Peña are or were executives of the tobacco industry⁵⁰

The head of the Ministry of Industry, Commerce and Mipymes (MICM), Víctor -lto-Bisonó, stated that “Dominican tobacco will live its best moment. This commission has held a fruitful meeting where the interest and alignment of all the institutions that comprise it has been shown to relaunch this thriving sector of the economy

INDICATOR 7: Preventive Measures

16. The government has put in place a procedure for disclosing the records of the interaction (such as agenda, attendees, minutes										4
---	--	--	--	--	--	--	--	--	--	---


⁴⁹https://www.cidob.org/biografias_lideres_politicos/america_central_y_caribe/republica_dominicana/hipolito_mejia_do_minguez

⁵⁰ <https://www.senadord.gob.do/senado-de-la-republica-reconoce-al-ex-presidente-hipolito-mejia/>

	0	1	2	3	4	5
and outcome) with the tobacco industry and its representatives. (Rec 5.1)						
<p>There is no requirement for the government to disclose the records of interactions with the tobacco industry.</p> <p>The General Law on Free Access to Public Information Law 200-04 and Decree No. 130-05 creating the regulation of the law in Article 5 cites "<i>Computerization and incorporation into the Internet communication system, or to any other similar system that is established in the future, of all centralized and decentralized public bodies of the State, including the National District and the Municipalities, in order to ensure through it a direct public access to state information.</i>"</p> <p>This is a general measure for all government departments regardless of the type of interaction and the subject of interaction. There is no regulation specifically for tobacco control.⁵¹</p>						
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)						5
<p>The meeting was attended by the presidents and chief operating officers of the country's main tobacco companies, as well as representatives of the ministries of Foreign Affairs, Agriculture, Interior and Police, and Public Works. The news shows that there is no code of conduct for public officials regarding interaction with the tobacco industry.⁵²</p>						
18. The government requires the tobacco industry to periodically submit information on tobacco production, manufacture, market share, marketing expenditures, revenues and any other activity, including lobbying, philanthropy, political contributions and all other activities. (5.2)					4	
<p>Although companies are required to provide production and marketing information for control purposes (mainly taxes and tax-related audits), there is no evidence that such requirements are meant to regulate lobbying, philanthropy, political contributions, and any other activity not involved in fiscal commitment. Therefore, the tobacco industry has the same tax and regulatory treatment compared to any other type of industry without any limitations.</p>						

⁵¹ <http://www.intabaco.gob.do/transparencia/>

⁵² <https://www.micm.gob.do/noticias/ito-bisono-el-tabaco-dominicano-vivira-su-mejor-momento>

											0	1	2	3	4	5				
Dirección General de Impuestos Internos Gerencia de Estudios Económicos y Tributarios Departamento de Análisis de Recaudación y Estadísticas Sección de Estadísticas																				
Las estadísticas presentadas a continuación corresponden a la cantidad de Cigarrillos o Tabacos vendidos, según la declaración jurada presentada por los contribuyentes del sector.																				
Cantidad de cigarrillos declarados por año y mes En unidades																				
Mes ^{1/}	Año																			
	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017 ^{2/}										
Enero	159,271,612	106,397,030	149,297,190	163,467,928	190,005,840	79,207,110	139,420,060	59,710,450	40,367,374	48,501,619										
Febrero	170,432,030	123,764,510	167,517,040	128,241,852	114,374,520	87,101,620	86,184,330	76,591,940	63,762,372	80,745,330										
Marzo	196,227,938	175,749,620	206,244,210	170,016,170	159,026,492	107,332,770	87,000,090	108,743,950	77,521,170	108,807,380										
Abril	198,470,076	189,822,230	179,229,870	170,400,585	137,468,518	120,927,152	103,288,580	109,135,750	82,432,940	94,112,080										
Mayo	200,880,866	178,998,540	185,050,560	165,154,720	173,892,100	138,272,387	115,200,412	111,593,920	85,852,238	103,735,200										
Junio	271,140,100	187,968,560	179,401,870	172,918,368	147,746,700	135,431,704	122,664,850	112,980,580	99,848,282	106,511,330										
Julio	158,524,716	193,600,060	181,551,340	167,063,200	147,049,090	140,392,464	118,021,620	124,447,142	95,865,782	95,148,440										
Agosto	187,143,808	180,190,620	188,087,090	181,927,800	169,664,030	137,335,022	104,679,650	116,219,200	102,126,213											
Septiembre	175,276,358	183,875,980	178,697,410	175,008,228	131,872,792	134,676,102	116,191,285	121,424,760	93,944,514											
Octubre	228,744,958	187,792,020	176,844,020	161,957,602	163,171,260	148,745,160	155,863,187	129,381,610	101,472,240											
Noviembre	192,511,760	186,895,620	203,107,120	189,634,560	206,151,170	183,884,290	120,082,151	101,154,752	109,659,000											
Diciembre	336,910,286	265,064,818	246,787,150	241,063,420	261,479,704	243,506,240	249,271,399	256,992,330	196,978,270											
Total	2,475,534,508	2,160,119,608	2,241,814,870	2,086,854,433	2,001,902,216	1,656,812,021	1,517,867,614	1,428,376,384	1,149,830,395	637,561,379										
^{1/} Se refiere al período en que se realizaron las ventas de cigarrillos y no a la fecha en que fue declarada ante la DGI.																				
^{2/} A partir de agosto 2017, se trasladó parte de la producción a Zona Franca, por tanto, algunas declaraciones son realizadas en la Dirección General de Aduanas.																				
Fuente: Declaración Jurada y Pago del Impuesto Selectivo al Consumo (Formulario ISC-02) de los contribuyentes. Datos actualizados al 01 de abril de 2021. Los mismos pueden presentar cambios por rectificaciones que efectúan los contribuyentes en sus declaraciones.																				
Nota: Sólo incluye cantidad gravada por el Impuesto Selectivo al Consumo. No incluye importaciones ni exportaciones.																				
19. The government has a program / system/ plan to consistently⁵³ raise awareness within its departments on policies relating to FCTC Article 5.3 Guidelines. (Rec 1.1, 1.2)																				5
None. As a non-Party to the WHO FCTC, the issue of Article 5.3 appears not to be relevant. On the other hand, the different ministries extensively promote economic measures and public policies for the commercialization of tobacco at all levels. ⁵⁴⁵⁵																				
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)																				5
There is no requirement from the government to limit nor disallow contributions, gifts or economical interactions with the tobacco industry.																				
TOTAL																	91			

⁵³ 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.

⁵⁴ https://www.micm.gob.do/images/pdf/publicaciones/libros/libros/2020/03-marzo/Perfil_Tabaco_Tomo_1-2020.pdf

⁵⁵ <https://www.facebook.com/351992718302463/posts/recibiendo-el-apoyo-de-algunos-empresarios-del-tabaco-junto-a-chuvasquez-robinso/1618998058268583/>

ANNEX A: SOURCES OF INFORMATION

TOBACCO INDUSTRY ACTIVITY

LOCAL TOBACCO COMPANIES

Top 5 Tobacco Companies/distributors	Source
British American Tobacco Company (BAT).	https://bit.ly/2S4rQ2U
Philip Morris Dominicana, S.A.	https://bit.ly/2QXxao6
General Cigar Dominicana SAS	https://bit.ly/3euUIj4
Scandinavian Tobacco Group	https://bit.ly/3nk8Zwh
La Tabacalera S,A	https://bit.ly/3nmatpZ
Garcia SAS tobacco	https://bit.ly/2QucXq0
Altadis USA	https://bit.ly/3dOxfU0

TOBACCO INDUSTRY FRONT GROUPS

Top 5 Tobacco Industry Representative	Type (Front Group/ Affiliate/ Individual)	URL
The Aurora	NOT FOUND	https://bit.ly/3sTjacl
Quesada Cigar	NOT FOUND	https://bit.ly/2QVjpBN
PDR Cigars	NOT FOUND	https://bit.ly/3tS8KuS
The Dominican Flower	NOT FOUND	http://laflordominicana.com/

NEWS SOURCES

Top 5 Newspaper/Dailies	Type (Print/Online)	URL
Periodic Today	Online format	https://hoy.com.do/
Listin Daily	Online format	https://listindiario.com/
Free Diary	Online format	https://www.diariolibre.com/
The National	Online format	https://elnacional.com.do/
The Caribbean	Online format	https://www.elcaribe.com.do/