

Ecuador

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Summary of Findings

1. Industry participation in policy development

The inter-institutional and multi-sectoral cooperation in tobacco control has, apparently, not been affected by the interference of the tobacco industry, due to the high commitment of the Ministry of Public Health and the Interinstitutional Committee for Tobacco Control (CILA) to protect and prioritize the health interests of the majorities against the commercial interests of the industry. No evidence shows that Ecuador has delegated or allowed representatives of the tobacco industry in its delegation to meetings or to the Conference of the Parties (COP) of the World Health Organization (WHO) Framework Convention on Tobacco Control (FCTC).

The Contraband Prevention Law was approved by the National Assembly (May 4, 2021). Although the content of the Law, still pending the presidential veto to enter into force, contemplates the participation of the private sector in the sessions of the Inter-Institutional Committee to Reinforce the Prevention and Combat of Illicit Trade; nevertheless coordinated actions of the CILA, the former president of the Health Commission of the National Assembly, and of the other actors of the international, regional and national tobacco control community, have allowed the inclusion of provisions regarding conflicts of interest and aligning the issues of illicit trade in tobacco products to the provisions of the WHO FCTC and the Protocol to Eliminate Illicit Trade in Tobacco Products.

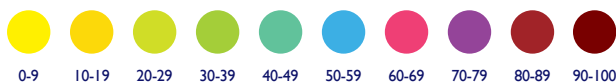
2. Industry CSR activities

Ecuador ratified the WHO FCTC in 2006 and approved the Tobacco Control Law (LORCT) in 2011. Different actions were found in the presence of the industry covered by issues of corporate or business social responsibility in several of the cases with the endorsement of government officials, especially framed in the context of the health emergency in the face of the COVID-19 pandemic, such as the delivery of medical supplies for front-line personnel to the Mayor of the city of Ibarra or in the Hospital Eugenio Espejo in the city of Quito, as well as delivery of food kits in the cities of Quito and Guayaquil or food kits with the Cecilia Rivadeneira Foundation.

3. Benefits to the industry

Since 2011, Ecuador has not been able to update the LORCT, either due to situations of political conjuncture or due to lack of interest to promote substantial changes in accordance with the new reality of tobacco control in the region.

The aforementioned Bill received direct contributions and suggestions from the tobacco industry, both in their appearances as guests at the Justice and State Structure Commission of the National Assembly and at work tables, correspondence from Mauricio Sáenz, General Manager of Itabsa, Tanasa and Proesa, subsidiaries of Philip Morris International (PMI) in Ecuador on April 29, 2021, and Verónica Poveda, of the tobacco sector, on November 8, 2021, that are registered in the online public justification documents of Justice Commission.



4. Unnecessary interaction

The tobacco industry also shared academic and training spaces with authorities such as the former Vice President of Ecuador, in January 2020, when she was serving as Director of the Customs Authority (SENAE), or in December 2020, where a Seminar was held in collaboration with the National Police *Methodology Workshop of the Operational System for the Personnel of the National Directorate of Border Control*, offered by Itabsa. Similarly, for July 2020, the Government of Chimborazo was part of the space on Training on Illicit Cigarette Trade, an action coordinated by Itabsa, Tanasa and Proesa.

The *Contraband and Illegal Trade Conversation, Impact on the Economy and National Security*, was developed in June 2020 and was organized by the Chamber of Industries and Production. In this space officials such as Ivonne Baki, Ambassador of Ecuador in the United States, María Alejandra Muñoz, Director of SENAE (former Vice President of Ecuador), Former Assemblyman Patricio Muñoz, co-proponent of the Contraband Prevention Law, and Mauricio Sáenz, General Manager of Itabsa, Tanasa and Proesa, were invited.

5. Transparency

Ecuador continues to be unable to have an instrument to specifically regulate the disclosure of meetings and interactions that government agencies or their officials have with the tobacco industry.

The Ministry of Public Health is the only government institution that registers delivery-receipt certificates, with a signature of responsibility, which have the details of the information delivered (health warnings) to the tobacco industry, but these documents are not publicly accessible.

Ecuador recognizes the right of access to information in the custody of the State. This opens the opportunity to establish transparency measures specifically for interactions with the tobacco industry.

6. Conflict of interest

Ecuador does not have a policy that prohibits contributions from the tobacco industry; or any entity that works for their interests towards political parties, candidates or campaigns; or that requires disclosure of such contribution. The lack of procedure to publicly and transparently declare conflict of interest through contact and/or contribution, is a major weakness in the current policy platform.

It is worth considering that the reelected executive president of the Chamber of Industries and Production, for the period of 2021 to 2022, Pablo Zambrano Albuja (president since 2018), was Director of Corporate Affairs for Ecuador and Peru (2012-2014) / Manager of Corporate Affairs (2012) by Philip Morris Ecuador respectively; and, the former Vice President of the Chamber of Industries and Production, for the same period, Carla Muirragui (Vice President since 2018), was part of Philip Morris Ecuador as Director of Corporate Affairs for Ecuador and Peru (2016-2018).

7. Preventive measures

Ecuador does not have a government program, system or plan to raise awareness among officials of the public institutions or train them on policies related to article 5.3 of the WHO FCTC and its implementation guidelines.

To date, no policy has been implemented to prohibit the acceptance of any form of contributions / gifts from the tobacco industry (monetary or otherwise), including, in the same way, offers of assistance, draft laws or invitations to study visits, offered to the government, institutions, or their officials or direct family members. But there is current national legislation which could be applied in the case of the tobacco industry.

Recommendations

1. Strengthening

Strengthen current policies, in order to avoid interference by the tobacco industry in the different government spaces, in the CILA or other inter-institutional and multi-sectoral coordination activities on tobacco control proposed in the country.

Strengthen the cooperation of national and international organizations, as well as between government institutions, in order to implement Article 5.3 of the WHO FCTC and its guidelines.

Strengthen the current process of requesting information on production, import, manufacturing, distribution chain, market share, marketing expenses, profits and other activities related to tobacco products, including lobbying, philanthropy, political contributions and all other activities.

2. Development of regulations

Propose an amendment to national legislation to add additional topics such as not allowing the tobacco industry to contribute, including activities or contributions from corporate or business social responsibility.

Propose a Presidential Decree that prohibits attendance and participation by public officials in social or other events that are sponsored or organized by the tobacco industry or companies that seek to promote their interests--a provision that must be complied with by all public officials at all levels across all agencies.

Propose an amendment to current legislation to prohibit any type of agreements between the branches of government and the tobacco industry in order to avoid any interference in the development and implementation of tobacco control policies.

Propose an amendment to national legislation to require disclosure or registration rules for tobacco industry entities, affiliated organizations and individuals who represent the industry, including lobbyists or public relations officers.

Propose an amendment to current legislation to prohibit contributions from the tobacco industry or any entity that works to promote its interests towards political parties, candidates or campaigns, or, to require full disclosure of such contributions.

Establish a code of conduct for public officials, clearly explaining the standards that they must comply with during their interaction with the tobacco industry, including penalties, such as disciplinary actions or punitive charges, for non-compliance.

3. Transparency

Make public and easily accessible all information related to meetings or interactions with the tobacco industry, in cases where these interactions are strictly necessary to comply with regulations.

Establish a procedure to make public and easily accessible the records of interaction between the different government branches of power and the tobacco industry, and their representatives.

4. Processes and programs

Establish a process for monitoring and analyzing information provided by the tobacco industry, in order to take actions if necessary in a timely manner.

Implement a training program for public officials on Article 5.3 of the WHO FCTC (i.e. implementation of conflict of interest protocols), in relation to the interference of the tobacco industry with the public sector; especially those involved in tobacco control.