



A GLOBAL  
TOBACCO  
INDUSTRY  
WATCHDOG



# II Regional Tobacco Industry Interference index



Implementation of Article 5.3 of the WHO Framework Convention  
on Tobacco Control in Latin America, 2021



#NoTobaccoIndustryInterference



A GLOBAL  
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# II Regional Tobacco Industry Interference index 2021



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**The Regional Tobacco Industry Interference Index** is a global survey about the protection of public health policies against tobacco industry (TI) interference and the measures that governments implement to stop it. The first publication in the world of an Index of this nature was done in 2014 by the Southeast Asia Tobacco Control Alliance (SEATCA), as a regional report. Today, there is a global publication by the Global Center for Good Governance in Tobacco Control (GGTC) at Thammasat University in Bangkok, Thailand, thanks to the support of Bloomberg Philanthropies and the STOP program.

Along these lines, in 2020 it was considered necessary to make a report in Latin America that included the countries of the region that were part of the Global Index, for which the first Regional Index of Tobacco Industry Interference was created, with information from nine countries. This year marks the launch of the second Regional Interference Index, with the collaboration of eighteen countries (double that of the previous year).

#### **Disclaimer**

The Regional Tobacco Industry Interference Index in Latin America is based on publicly available information obtained by collaborators in their respective countries. If the reader has information that could strengthen this report, please contact us at: [tobaccocampaign@corporateaccountability.org](mailto:tobaccocampaign@corporateaccountability.org)

#### **About Corporate Accountability ([www.corporateaccountability.org](http://www.corporateaccountability.org))**

Corporate Accountability is a non-governmental organization that prevents transnational companies from devastating democracy, violating human rights and destroying our planet.

#### **About STOP - (<https://exposetobacco.org>)**

STOP is a global tobacco industry watchdog and is a partnership between the University of Bath's Tobacco Control Research Group (TCRG), the Global Center for Good Governance in Tobacco Control (GGTC), La Unión and Vital Strategies. It is funded by Bloomberg Philanthropies.



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# ABBREVIATIONS

**AR** - Argentina, **BO** - Bolivia, **BR** - Brazil, **CL** - Chile, **CO** - Colombia, **CR** - Costa Rica, **DO** - Dominican Republic, **EC** - Ecuador, **GT** - Guatemala, **HN** - Honduras, **MX** - Mexico, **NI** - Nicaragua, **PA** - Panama, **PE** - Peru, **PY** - Paraguay, **SV** - El Salvador, **UY** - Uruguay, **VE** - Venezuela.  
**BAT** - British American Tobacco.  
**COP** - Conference of the Parties, made up of all the Parties to the Convention, of which it is its governing body.  
**CSR** - Corporate Social Responsibility.  
**JTI** - Japan Tobacco International.  
**HTPs** - Heated Tobacco Product.  
**MOP** - Meeting of the Parties to the Protocol to Eliminate Illicit Trade in Tobacco Products.  
**NCDs** - Non-communicable diseases.  
**PMI** - Philip Morris International.  
**Regional Interference Index** - Regional Tobacco Industry Interference Index in Latin America.  
**SEAN** - Electronic Nicotine Administration Systems. Also known as electronic cigarettes.  
**SDGs** - Sustainable Development Goals.  
**The Protocol** - Protocol for the Elimination of Illicit Trade in Tobacco Products.  
**TI** - Tobacco industry.  
**WHO** - World Health Organization.  
**WHO FCTC** - World Health Organization's Framework Convention on Tobacco Control.

# GLOSSARY

**Article 5.3** - Article 5.3 of the WHO FCTC on the protection of public health policies related to tobacco control against commercial and other vested interests of the tobacco industry.

**Illicit Trade** - is any practice or conduct prohibited by law, related to the production, shipment, receipt, possession, distribution, sale or purchase, including any practice or conduct intended to facilitate that activity.

**Tobacco Control** - includes various supply, demand and harm reduction strategies aimed at improving the health of the population to eliminate or reduce the use of tobacco products and their exposure to tobacco smoke.

**Guidelines for Article 5.3** - Instructions for the application of the cited article.

**The Protocol** - Protocol for the Elimination of Illicit Trade in Tobacco Products.

**Regional Interference Index** - Regional Tobacco Industry Interference Index in Latin America.

**Tobacco Industry** - Covers manufacturers, wholesale distributors and importers of tobacco products.

**Tobacco Industry Interference** - In its efforts to weaken effective tobacco control policies, tobacco industry meddling takes many forms, including: sabotaging political and legislative processes, exaggerating the economic importance of the industry, manipulating public opinion to project a semblance of respectability, to simulate support from social organizations through front groups, to discredit demonstrated scientific evidence, and to intimidate governments with litigation or threats of litigation.

**Lobby / Lobbying** - Making efforts to win wills or supporters in a collegiate body or a corporation.

**Parties** - Are State Parties to the WHO FCTC. States can become parties through ratification, acceptance, approval, official confirmation or accession.



# PREFACE

This is the second consecutive year that Corporate Accountability, in collaboration with STOP, presents the Regional Tobacco Industry Interference Index in Latin America (Regional Interference Index), which is an extension of the Global Tobacco Industry Interference Index that began in 2014. This paper aims to analyze the current situation in Latin America regarding the application of Article 5.3 of the Framework Convention on Tobacco Control of the World Health Organization (WHO FCTC)<sup>1</sup> and it has the participation of civil society representatives from eighteen countries in the region, of the eighty that reported in the Global Index: **Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, the Dominican Republic, Peru, Uruguay and Venezuela.**

Tobacco use is a pandemic that generates serious and fatal health, economic and social consequences, which is why it must be controlled. However, the tobacco industry (TI), in its constant effort to protect its interests, insists on interfering at a global level to not allow or to delay the creation and application of public policies aimed at controlling tobacco, even taking advantage of the global crises caused by the COVID-19 pandemic. We hope that this document encourages reflection and debate to help each country adopt new measures and reinforce existing ones to counteract this interference and encourage governments to work in collaboration with civil society groups to ratify and implement the WHO FCTC, complying with the guidelines for the application of Article 5.3 of the WHO FCTC (**Argentina** and the **Dominican Republic** are the only States participating in this report that have not ratified the aforementioned Convention).

To achieve this objective, Corporate Accountability reaffirms its commitment to support governments to adopt the necessary measures that lead to reducing the tobacco pandemic, mainly by preventing private interests from endangering the health and well-being of the population of the Americas - Tobacco control, without a doubt, constitutes a fundamental milestone in the consolidation of the 2030 Agenda of the Sustainable Development Goals (SDGs)<sup>2</sup>, specifically, in achieving the full implementation of the WHO FCTC (a vision with which Corporate Accountability is fully in sync).

2021 is a year in which the world continues to suffer the dire consequences of the COVID-19 pandemic, which began in 2020, demonstrating, today more than ever, that public health must remain a priority for States around the world. In addition, this year we will celebrate the ninth Conference of the Parties of the WHO FCTC (COP9)<sup>3</sup> and the second Meeting of the Parties to the Protocol to Eliminate Illicit Trade in Tobacco Products (MOP2)<sup>4</sup>, world conferences that had to be postponed in 2020 due to the pandemic and that will be held, for this reason, virtually.<sup>5</sup>

Faced with this new modality, it is important that delegates to COP9 and MOP2 protect themselves from TI interference, and make joint efforts and apply the measures that have been adopted to prevent this type of interference. At COP8 and MOP1, parties agreed on innovative decisions to maximize transparency among delegations in treaty negotiations. These decisions enhance Article 5.3 of the WHO FCTC, known as the "backbone of the treaty", which guides Parties to protect negotiations from undue influence by the tobacco industry.

Specifically, the Parties decided to require members of the public, the media, and accredited observer organizations attending the negotiations to submit declarations of any conflict of interest with the tobacco industry. In addition, when appointing representatives for meetings such as the COP and the MOP, each Party agreed to formally indicate that it has "observed Article 5.3 of the WHO FCTC and has taken into account [...] the Guidelines for the implementation of Article 5.3 of the FCTC of the OMS".<sup>6</sup> <sup>7</sup>The Parties may do so using a declaration of interest form, or the format they determine in accordance with their internal procedures and national legislation.<sup>8</sup> In this way, we invite colleagues and interested persons in each country to evaluate this publication, analyze new proposals to avoid interference by the tobacco industry in public policy, and contribute to future versions of this index.



# INTRODUCTION

***“The tobacco industry has had no qualms about taking advantage of the COVID-19 pandemic, attempting to sanitize its image through providing assistance to governments, while continuing to interfere with implementation of the WHO FCTC. Government-wide implementation of Article 5.3 of the Convention is the remedy to protect tobacco control policies from the predatory practices of an industry that produces a product that kills at least half of its users.”***

*Dr Adriana Blanco Marquizo,  
Head of the Secretariat of the WHO FCTC.*

2021 is marked by two events that impact the results of this report. First, we are facing an unprecedented historical situation that began in 2020; the terrible pandemic caused by the SARS-CoV-2 disease that has claimed the lives of millions of people around the world and strongly affects other areas, such as economics and education, as well as social coexistence. Faced with such unprecedented circumstances, the tobacco industry has not stopped intervening to protect its interests, taking advantage of this complicated and painful situation, and promoting actions that it calls “corporate social responsibility” (CSR).<sup>9</sup> In reality, the TI uses CSR to hide the damage their products cause and to convince, or at least confuse, decision makers.

But this year is also especially important because COP9 and MOP2 will be held, conferences that should have been held in 2020 (according to the biannual plan), and that had to be postponed due to the pandemic. Both meetings will be held virtually in November 2021, considering that the world continues to apply travel restrictions due to COVID-19.

Tobacco is a lethal product that kills more than 8 million people in the world<sup>10</sup>, which has led global public health defenders to pour all possible efforts into trying to prevent and reduce its consumption. Faced with this, the TI has reacted by reinforcing its interference strategies so as not to decrease its sales. However, it is a fact that there is a fundamental and irreconcilable conflict between the interests of the tobacco industry and the interests of public health policy. For this reason, it is important to remember the following:

1. Everyone has the right to life and to the enjoyment of the highest possible level of physical and mental health. This right is recognized in international treaties and national constitutions.<sup>11 12 13</sup>
2. In the Americas, there are almost one million deaths a year from this highly toxic product. Tobacco use is the main preventable risk factor for non-communicable diseases (NCDs). NCDs are responsible for almost 80% of all deaths in the region, 35% of which were premature.<sup>14</sup>
3. More than 33 billion dollars are invested each year in Latin America to treat health problems caused by tobacco use.<sup>15</sup>



Article 5.3 of the WHO FCTC announces the protection of public health policies against the interests of the TI<sup>16</sup>. This Regional Interference Index provides an overview of how countries are applying the Guidelines for that Article.

The Guidelines for the application of Article 5.3 of the FCTC are governed by four guiding principles<sup>17</sup>:

1. “There is a fundamental and irreconcilable conflict between the interests of the tobacco industry and the interests of public health policy.”
2. When dealing with the tobacco industry or those working to advance its interests, Parties should be accountable and transparent.
3. Parties should require the tobacco industry, and those who work to advance its interests, to function and act in a responsible and transparent manner.
4. Because their products are lethal, the tobacco industry should not be given incentives to establish or conduct business.”

After reviewing the situations of the eighteen countries analyzed for this Index, it can be concluded that they all resent TI interference, very similarly in some aspects, but differently in others. The most worrying thing for this year is that almost all the countries that evaluated their first Interference Index in 2020 have increased or maintained their total TI interference score, with the exception of **Chile, Colombia and Costa Rica**.

It is essential that governments adopt or ensure compliance with national laws on tobacco control, which are aligned with what is stipulated in the WHO FCTC, mainly to safeguard the health of the population.

## METHODOLOGY AND EVALUATION SYSTEM

To calculate the level of TI interference, each country answered a questionnaire<sup>18</sup> developed by the Southeast Asian Tobacco Control Alliance (SEATCA), based on the Guidelines for the application of article 5.3 of the WHO FCTC. The questionnaire allows us to know how governments comply with Article 5.3 of the WHO FCTC.

Each country responds based on public and free access information, from January 2019 to March 2021 for the countries that participated for the first time; and from January 2020 to March 2021, for those who participated for a second time. To generate evidence, a previous investigation was carried out with relevant information on tobacco control, the corresponding government agencies and important sources of information.

For the aforementioned questionnaire, the scores are based on the number of times the situations occurred and the severity and the frequency of the interference. There are seven indicators and twenty questions. The indicators included were:

1. Level of participation of the industry in the elaboration of government policies.
2. Tobacco Industry corporate social responsibility (CSR) activities.
3. Benefits for the Tobacco Industry.
4. Forms of unnecessary interaction.
5. Transparency.
6. Conflicts of interest.
7. Preventive actions.



# SUMMARY OF THE RESULTS

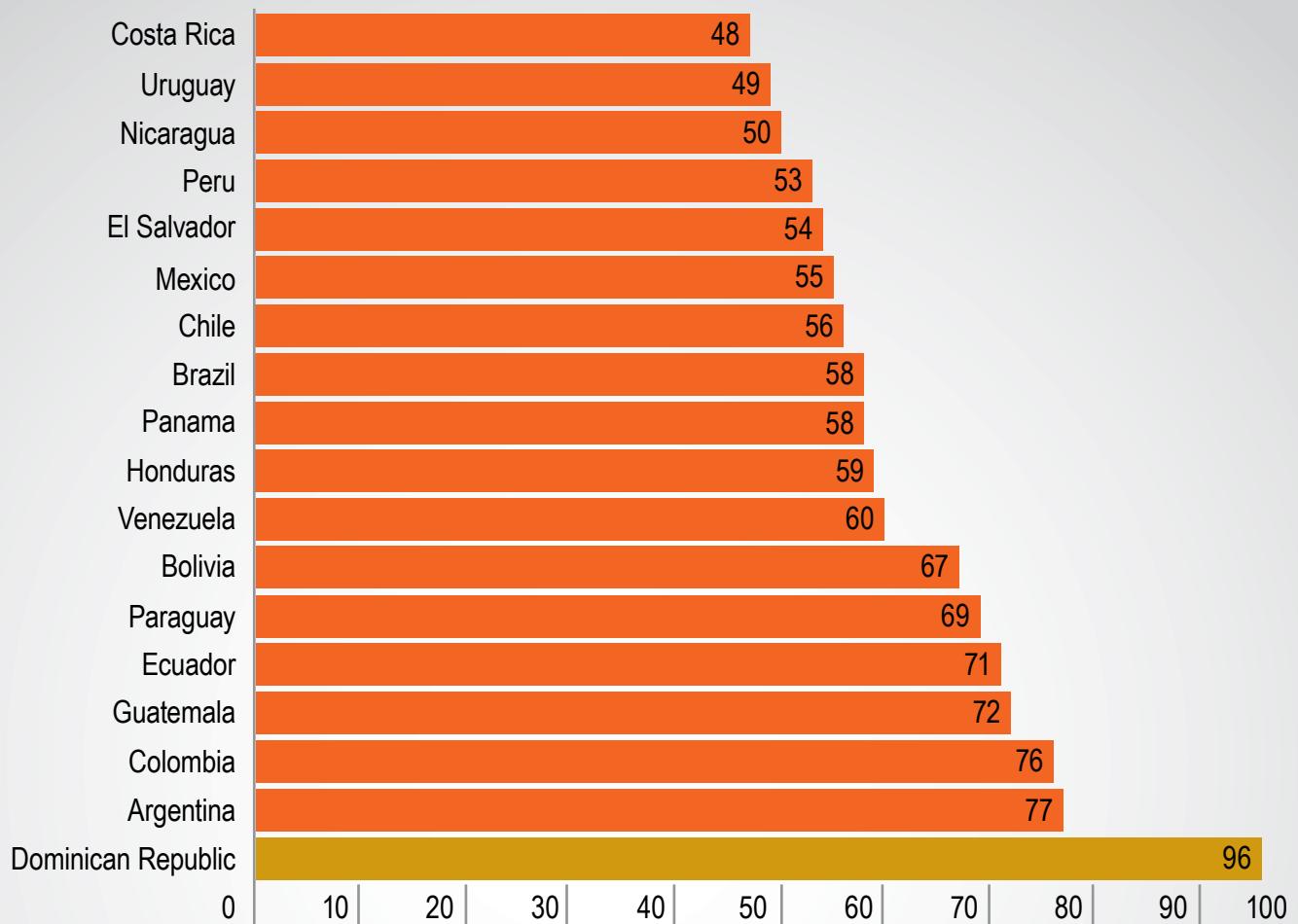
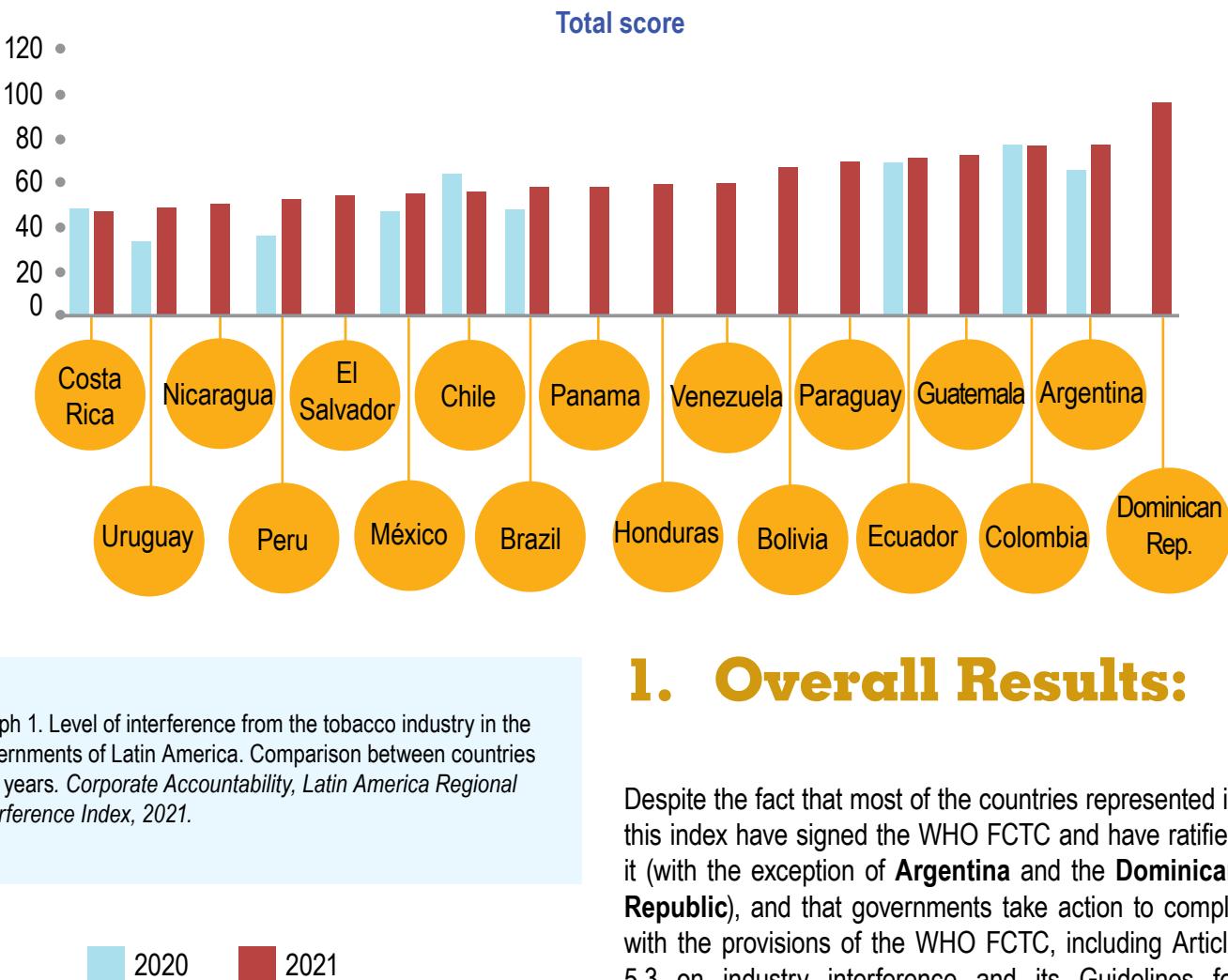


Figure 1. Total Tobacco Industry Interference Index score by country in 2021, the lower the score, the lower the interference. *Corporate Accountability, Latin America Regional Interference Index, 2021.*



Graph 1. Level of interference from the tobacco industry in the governments of Latin America. Comparison between countries and years. Corporate Accountability, *Latin America Regional Interference Index*, 2021.

■ 2020 ■ 2021

The total results of the 2021 Index are shown in Figure 1 and graph 1, in order from lowest to highest interference score. This format is maintained in each of the indicators that will be explained later. It should be noted that graph 1 also makes a comparison with the total results of the Regional Index for 2020.<sup>19</sup>

The following section is a summary of the general and specific results of the Index. The details for each country will be detailed in the charts within the section.

## 1. Overall Results:

Despite the fact that most of the countries represented in this index have signed the WHO FCTC and have ratified it (with the exception of **Argentina** and the **Dominican Republic**), and that governments take action to comply with the provisions of the WHO FCTC, including Article 5.3 on industry interference and its Guidelines for implementation, in collaboration with civil society, it can be seen in figure 1 that all countries resent the considerable interference of the TI, which seeks to modify public policies to further its interests. All the countries that were part of the 2020 Index, with the exception of **Chile, Costa Rica** and **Colombia**, saw an increase in the TI interference score in 2021. In 2021, the country with the least interference from the industry was **Costa Rica**, and the one with the highest score was the **Dominican Republic**.

The Index observed, in general, that not all sectors of the States know or consider the importance of applying the WHO FCTC to safeguard the human right to health. Therefore, it is necessary to establish a commitment that includes them, both in national and sub-national governments. It is also important to make government officials and the general population aware of the need to take transparent actions involving the TI and its representatives, in addition to emphasizing the strategies that the industry deploys for its benefit, which go against every precept of health.



## 2. Specific Results:

Below is a brief summary of the most relevant results of the analysis about compliance with the Guidelines for the application of Article 5.3 of the WHO FCTC, by indicator:

**Table 1. Summary of the Results**

Indicator	Situation of Latin American countries in the face of tobacco industry interference
Level of participation of the tobacco industry in the production of government policy	<ul style="list-style-type: none"><li>• <b>Costa Rica, El Salvador, Nicaragua and Uruguay</b> do not present evidence that their governments receive TI assistance or collaboration in public health policies. However, <b>El Salvador</b> showed interference in the ratification of the Protocol and, so far, it has not ratified it; in Uruguay, the commercialization of electronic devices for heated tobacco products (HTPs) is not prohibited.</li><li>• <b>Argentina, Chile, Honduras and Mexico</b>, do not allow the industry to intervene in tobacco control policies, but they do experience some interference: in <b>Argentina</b>, the Ministry of Health does not allow this intervention, but the interference can be seen in tax policy, mainly in cigarette taxes; the Honduran government supports policy proposals, and in Mexico, the TI participated in a forum to improve compliance with the FCTC.</li><li>• <b>Bolivia</b> presents TI interference, having admitted that government authorities and TI representatives discuss regulations.</li><li>• In the case of <b>Brazil, Ecuador, Panama, Peru and Venezuela</b>, the TI participates in policy creation: in <b>Brazil</b>, a high ranking Ministry of Agriculture official mentioned that the Ministry will support tobacco production at COP9; in <b>Ecuador</b>, the TI participated in discussions on a draft law regarding smuggling, and in <b>Peru</b>, the production of tobacco products was authorized in the economic reactivation program implemented during the pandemic.</li><li>• In <b>Paraguay</b>, there is evidence of very active TI participation in groups that act in favor of public health.</li><li>• In <b>Colombia</b>, the TI financed the opening of laboratories to measure the residuality of pesticides.</li><li>• In the <b>Dominican Republic</b>, the TI participates in policy-making, and authorities do not implement many health policies regarding tobacco control.</li><li>• <b>Guatemala</b> maintains the highest score in the Region. The TI is invited to participate in the Health Commission and can submit proposals for the development of health policies.</li><li>• <b>None of the countries</b> allows or nominates representatives of the TI for government positions, to be part of the delegation to the COP or other subsidiary bodies.</li></ul>



Business or corporate social responsibility (CSR) TI activities	<ul style="list-style-type: none"><li>• In <b>Chile, Nicaragua, Panama, Peru, and Uruguay</b> no CSR activities are detected.</li><li>• In <b>Bolivia, El Salvador and Venezuela</b> this type of action has not been proven, however, several interventions are suspected that lead to think that the TI could be doing it. For example, in <b>Bolivia</b>, the Tobacco Company supports the producers of this leaf to improve production, in addition to being part of organizations that carry out large CSR programs, especially during Covid-19, which also happened in <b>El Salvador</b>.</li><li>• In <b>countries</b> where evidence of CSR action has been found, the standouts are: "supportive" actions against the COVID-19 pandemic, actions aimed at education and climate change, in addition to various alliances between the governments and TI on child labor, women's empowerment, food donation and artistic promotion.</li></ul>
Benefits for the TI	<ul style="list-style-type: none"><li>• <b>Honduras</b> has declared cigars as an intangible cultural heritage of the Republic.</li><li>• In <b>Costa Rica</b>, Philip Morris International (PMI) promoted its IQOS, and it was not sanctioned.</li><li>• In <b>Venezuela</b>, tobacco products are promoted online.</li><li>• <b>Most of the countries</b> report the possibility of entering the country with a certain quantity of tobacco products, without paying taxes.</li><li>• In <b>Argentina and Colombia</b>, benefits (such as tax refunds) are delivered to the tobacco production chain.</li><li>• In <b>Paraguay</b>, the TI exports its products without paying taxes.</li><li>• In <b>Brazil</b>, tobacco companies sponsor sociocultural events through tax incentive mechanisms.</li><li>• In <b>Paraguay and Uruguay</b>, tobacco taxes are well below those of other countries in the region and those recommended by the WHO.</li><li>• In <b>El Salvador</b>, only imported components of the manufacture of tobacco products pay taxes. Exemptions are applied to the importation of products within the framework of free trade agreements that cover imports and exports to encourage national production.</li><li>• In <b>Bolivia</b>, the TI requested an extension to implement health warnings on tobacco products.</li><li>• <b>Colombia and El Salvador</b> have not ratified the Protocol and have suffered mishaps in the application or renewal of tobacco regulations.</li><li>• In <b>Ecuador</b>, the Tobacco Control Law and its Regulations took a long time to pass, and have not been updated in several years; which is the same situation as taxes.</li><li>• In <b>Guatemala</b>, the TI was allowed to present its proposal for a bill on tobacco control.</li><li>• In <b>Peru</b>, the production of tobacco products was authorized in its economic reactivation program, affected by COVID-19.</li></ul>



Forms of unnecessary interaction	<ul style="list-style-type: none"><li>• In <b>Costa Rica</b> and <b>Uruguay</b> there is no evidence of unnecessary interaction.</li><li>• <b>Argentina, Colombia</b> and the <b>Dominican Republic</b> share the highest score in this indicator, denoting high interaction with the TI.</li><li>• In <b>Guatemala</b>, a roundtable was established to increase investment in the north, with the collaboration of Congress and the TI.</li><li>• In <b>Nicaragua</b>, government officials promote the trade of cigars or cigars abroad to promote tourism and employment.</li><li>• In <b>Bolivia</b>, meetings are held between private entrepreneurs and government authorities, including the TI.</li><li>• In <b>Mexico</b>, the president of a Commission of the Chamber of Deputies summoned the TI to hear its views on the reforms to the law for tobacco control.</li><li>• In <b>Brazil</b>, representatives of the federal and state governments spoke out in favor of the tobacco production chain, participated in events sponsored by PMI, and highlighted the importance of this production chain.</li><li>• In <b>Argentina, Colombia, Ecuador, Honduras, Panama, Paraguay</b>, and the <b>Dominican Republic</b>, senior government officials participate in meetings, forums, seminars, talks, and other events sponsored or attended by the TI.</li><li>• Technical assistance and partnerships to combat the illicit trade in tobacco products are once again the main interaction strategy <b>in most countries in the region</b>.</li><li>• As part of its strategy to promote its brand, the TI carries out training activities: it advertises compliance with tobacco control regulations, promotes tourism and gender equality, among other topics.</li></ul>
Transparency	<ul style="list-style-type: none"><li>• In <b>El Salvador</b>, the Ministry of Finance and the Ministry of Health require companies that produce tobacco to register.</li><li>• In <b>Costa Rica, Honduras</b> and <b>Panama</b> the agendas of government officials are not disclosed.</li><li>• In <b>Chile</b> and <b>Colombia</b>, the government must provide information on meetings or interactions with the TI in all its agencies.</li><li>• <b>Nicaragua</b> does not register if the government meets with the TI.</li><li>• In <b>Argentina</b> and <b>Brazil</b>, government officials' agendas are public, but details of meetings are not always included.</li><li>• In <b>Ecuador</b>, the hiring, payroll, plans and programs of the companies must be public.</li><li>• In <b>Bolivia</b> and <b>Peru</b>, the policy of disclosing meetings with the TI has not been established, so some authorities attend these meetings and do not report them.</li><li>• In <b>Mexico</b>, the Ministry of Health monitors compliance with Article 5.3 of the WHO FCTC by requesting videos of meetings with representatives of the TI.</li><li>• The <b>Guatemalan government</b> does not disclose meetings or interactions with the TI, nor are there regulations in this regard; but there is a bill.</li><li>• In <b>Uruguay</b>, the president and the Ministry of Health do not meet with the TI, but other public institutions can.</li></ul>



#### Conflicts of interest

- In **Costa Rica** and **Peru**, political contributions are prohibited and there are no retired officials who have been linked to the TI.
- **Honduras** prohibits contributions from foreign organizations or institutions and foreign naturalized or legal persons, or the acceptance of unauthorized funds.
- **Argentina, Bolivia, Ecuador, El Salvador, Nicaragua, and Panama** do not have regulations to prohibit TI contributions to political parties and do not require it to be disclosed.
- In **Chile**, TI contributions are not prohibited, but mechanisms are used to divulge donors and campaign sponsors.
- In **Colombia**, any entity is prohibited from making donations to presidential candidates, but persons who may have ties to the TI are not included. However, candidates and political parties must disclose the total amount of their income, expenses and references.
- **Guatemala** also does not regulate TI contributions to political parties, candidates or campaigns, but there is a proposed law.
- In **Brazil**, each political candidate finances their own campaign, so it is not possible to know if they receive donations from the TI. There are records of family members of government officials who work for tobacco companies.
- In **Uruguay**, TI sponsorships, donations and financing to political parties are prohibited, but there are violations.
- In **Argentina, Chile, Colombia, Ecuador, Guatemala and Panama**, former senior government officials are linked to the TI and former tobacco industry officials now work in government.

## II Regional Tobacco Industry Interference index





## Preventative measures

- In **Brazil**, you can request the agenda of public servants.
- In **Mexico** and **Panama**, contributions to the TI have not been prohibited.
- In **Colombia**, there is a law that obliges all public entities to disclose information when a citizen requests it.
- In **Argentina**, those who are in a Commission created by the Ministry of Health, must present an Affidavit stating that they have no conflicts of interest.
- **Chile** has strict transparency and lobbying laws.
- **Bolivia, Ecuador, El Salvador, Honduras, and Nicaragua** do not have procedures for disclosing interactions with the TI.
- **Costa Rica and Guatemala** have bills that include rules of interaction between the government and the TI.
- **Peru** has a law that requires disclosure of interaction with industries in general, but it is not specific to the TI.
- **Most countries** do not have a specific code of conduct for public officials and their actions with the TI.
- In **most countries**, information on production, income, expenses, and tax collection; in some cases, information is also requested on marketing, manufacturing, exports, advertising or promotion, donations and sponsorships, and product components.
- In **Brazil, Colombia** and **Mexico** there are some public awareness programs on Article 5.3 of the WHO FCTC.
- **Argentina, Bolivia, Chile, Costa Rica, Ecuador, Guatemala, Honduras, and Nicaragua** do not have programs, plans, or systems to raise awareness about the guidelines of Article 5.3 of the WHO FCTC.
- **Chile** has a registration portal for gifts and travel for officials.
- **Colombia, El Salvador, Honduras, Nicaragua** and **Panama** do not have preventive policies either.
- In **Guatemala**, there is a proposed law that prohibits accepting contributions or associating with the TI.
- In **Bolivia**, laws prohibit public servants from receiving gifts in general.
- **Costa Rica** does not have a policy to refuse TI contributions or gifts.

Source: Corporate Accountability, Latin America Regional Interference Index, 2021.

Note: for more information, consult the country reports.

***“During the pandemic, the tobacco industry has attempted to position itself as a public health ally through actions such as donations, while simultaneously continuing to obstruct the approval of tobacco control policies or to even promote the adoption of ineffective measures. Therefore, today more than ever, it is urgent that countries adopt measures in line with Article 5.3 of the FCTC.”***

Rosa Sandoval, Regional Advisor on Tobacco Control of the Pan American Health Organization (PAHO / WHO).



**COVID-19: A GLOBAL MISFORTUNE  
TURNED INTO AN OPPORTUNITY FOR  
TOBACCO INDUSTRY INTERFERENCE**





***“The increase in interference in public health policies by the tobacco industry during the pandemic is concerning, considering that smoking is associated with greater severity in COVID-19 patients. This interference not only undermines the WHO FCTC, but also the International Covenant on Economic, Social and Cultural Rights (ICESCR), a treaty that recognizes ‘the right of everyone to the highest possible level of physical and mental health’, which has been ratified by all the countries represented in the report.”***

*Laurent Huber,  
Director of Action Smoking and Health (ASH -U.S.).*

COVID-19 emerged in China at the end of 2019 and rapidly spread worldwide in early 2020, causing, until September 21, 2021 (report cutoff) 228,807,631 confirmed cases and 4,697,099 deaths worldwide.<sup>20</sup> Added to these losses is the serious global economic decline, high treatment costs and the confinement of millions of people. A positive this year has been vaccination around the world, although there are still great limitations in some areas, to access it. In general, there is a disparity in vaccine access marked by the division between rich countries, middle-income countries and those with widespread poverty.

As was evident in the previous Regional Interference Index (2020), Latin America was seriously affected by COVID-19 as indicated by statistics and the positions that the countries of the region occupy in the number of cases and deaths. The Americas led the table with the highest number of confirmed cases in the world (88,207,746). In first place is the United States (with 41,831,507 cases), followed by India (33,504,534 cases), and Brazil (21,239,783 cases). Argentina (5,239,232 cases) and Colombia (4,941,064 cases) are in ninth and tenth place respectively.<sup>21</sup>

However, it seemed like none of this would affect the TI.

#### **What is the association between the COVID-19 pandemic and TI interference?**

Due to the terrible consequences of the smoking pandemic, entities concerned about health have implemented and evaluated the necessary policies to stop it as indicated in the WHO FCTC. Faced with this, the TI implements several strategies to promote its products. As mentioned above, the TI seizes any opportunity (including the public health crisis resulting from COVID-19) to interfere with policies and strategies to comply with the WHO FCTC; its objective: to reach all levels and sectors of government, the private sector and civil society, in order to show themselves as contributors to the economy and social welfare.<sup>22</sup>

Here are some strategies used by the TI in the context of COVID-19. These are strategies that are very commonly found in most or all of the countries of the Region, however, only the most relevant instances are mentioned:

- 1. Economic Recovery:** The TI tries to profit using the argument of economic losses and the need to revive the economy. This happened in **Argentina**, where the Chamber of Convenience Store Owners sent a letter to the president requesting the resumption of cigarette production, arguing that they represent 85% of store sales and that their shortage had a negative impact on those businesses.<sup>22 23 24 25</sup> The request was



- accepted.<sup>26</sup> In **Peru**, the TI also opted for economic recovery, getting a multisectoral working group to authorize the production of tobacco products during phase 2 of a program aimed at recovery.<sup>27</sup>
- 2. Donations:** One of the most used strategies has been the delivery of different types of donations or aid to counteract the pandemic, so it is good to remember that this type of action is usually disguised TI advertising to show itself as “socially responsible” and, thus, achieve greater brand acceptance. In **Bolivia**,<sup>28</sup> the country’s Association of Private Entrepreneurs (of which the private national tobacco company CTISA is a member) handed over 22 million bolivianos (USD \$ 3,160,000) to confront the pandemic. In **Brazil**,<sup>29</sup> COVID-19 tests were donated to a university through a company that is part of PMI. The level of intervention has been high in this country, as demonstrated by the gift of liters of alcohol, thousands of masks, cleaning and personal hygiene products, tons of food, fans, thousands of liters of antibacterial gel, medicines and vaccine development support, the maintenance of hospitals and the deployment of COVID-19 prevention campaigns. For its part, Colombia registered the delivery of 149 Intensive Care Units (ICU) in the capital from the TI. In **Costa Rica**,<sup>30</sup> the TI also donated masks. In **EI Salvador**,<sup>31</sup> more than 2 million dollars was given for the acquisition of tests and personal protection equipment. The same thing occurred in **Honduras**,<sup>32</sup> where the TI took advantage of COVID-19 and the 2020 storms to boost their participation initiatives; moreover they donated thermometers,<sup>33</sup> masks<sup>34</sup> and bags of food.<sup>35</sup>
- 3. COVID-19 Vaccine Development:** In **Brazil**<sup>36</sup> and **Chile**<sup>37</sup>, the TI spoke of the possibility of developing vaccines to combat this disease. In **Chile**, it tried to spread the word that tobacco consumption was an effective way to combat COVID-19.

- 4. Fight against illicit trade:** Their “interest” in combating illicit trade has been a strategy widely used by TI with or without the pandemic. The industry argues that they are affected by the increase in illicit trade and the low price at which tobacco products are sold, in order to obtain a reduction in taxes. In **Colombia**<sup>38</sup> the Inter-Institutional Committee to Fight Illicit Trade was formed, with participation from a PMI subsidiary.

- 5. Delay in creating or complying with regulations:** The pandemic served as an excuse for the TI to not comply with regulations or to delay their preparation or approval. This is evidenced in Costa Rica, where after promoting their SEAN the promoters of the HTPs “IQOS”, did not pay the fine for breaching the law, taking advantage of the fact that the Ministry of Health declared a moratorium on the collection of fines for infractions due to the pandemic.<sup>39</sup> **Ecuador**<sup>40</sup> was another example where a draft Contraband Prevention Law was considered at the height of quarantine, so that they could travel without arousing attention.
- 6. Help for populations stranded in other countries due to the pandemic:** Due to mobility and quarantine restriction measures, many people were stranded in other countries without being able to return to their country of residence. PMI took advantage of this situation in **Guatemala** to help the Ministry of Foreign Affairs collaborate on the repatriation of 36 citizens who were in the **Dominican Republic**.<sup>41</sup>

After reviewing these actions, countries in the Region must take into account the new TI strategies to interfere in public policy. We must not allow the TI to continue profiting at the expense of public health (TI products have been shown to aggravate the conditions of those who suffer from COVID-19)<sup>42</sup>, and to continue interfering with the implementation of the WHO FCTC.



**II Regional Tobacco  
Industry Interference  
Index**



The WHO FCTC was created in 2003 as the first international treaty sponsored by the WHO that is based on the fundamental principle that all people have the right to health. Its objective is to protect the world's population against the dire consequences of tobacco use and exposure to tobacco smoke. This Agreement establishes in Article 5 in "General Obligations", under point 3 that "*when establishing and applying their public health policies related to tobacco control, the Parties shall act in a manner that protects such policies against commercial and other vested interests of the tobacco industry, in accordance with national law*"<sup>43</sup>



In 2008, the Guidelines for the application of Article 5.3 of the WHO FCTC were adopted at COP3, in order to help Parties comply with their legal obligations, protecting tobacco control against commercial interests and other interests of the TI.

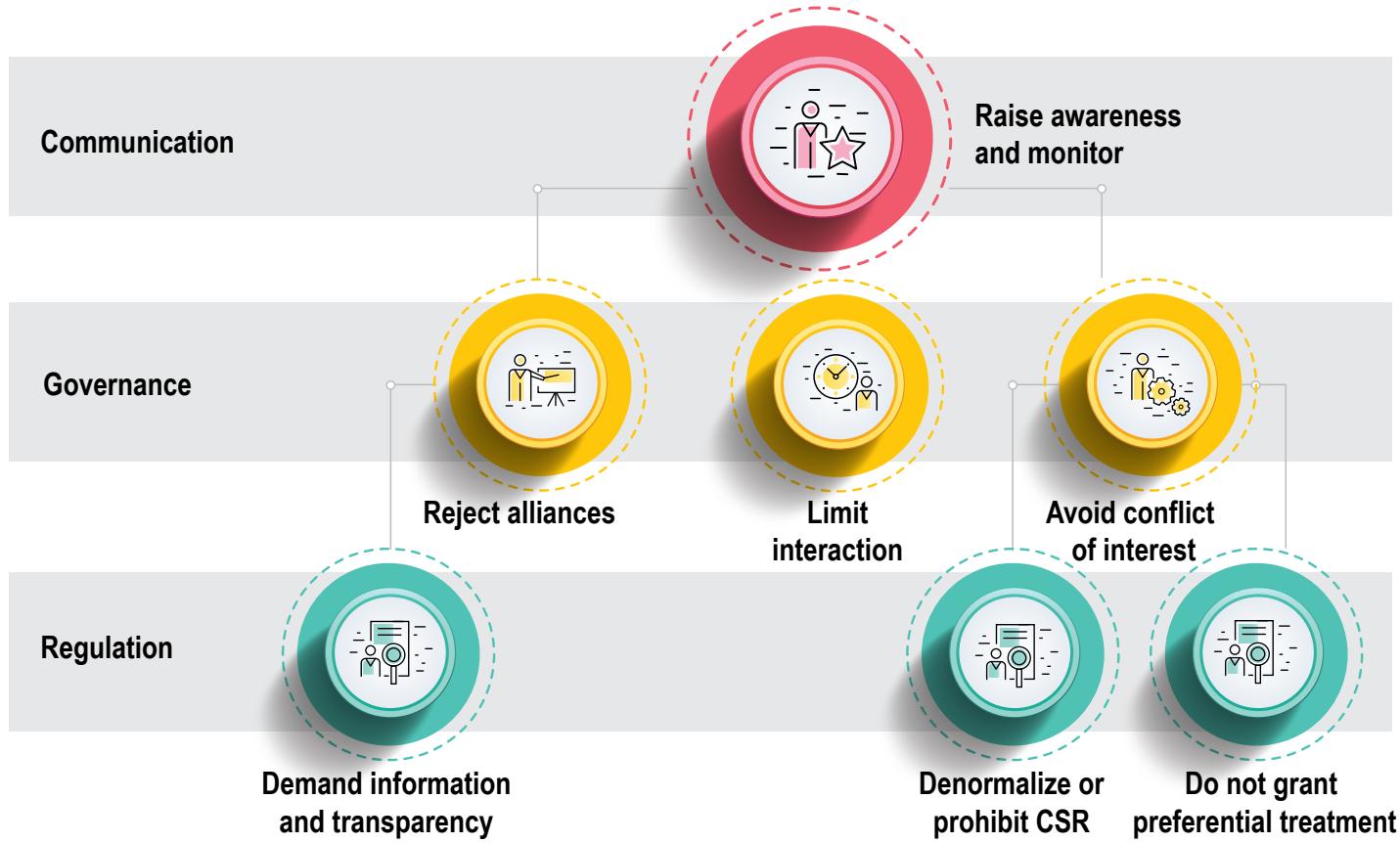
The guidelines make eight main recommendations for governments to address tobacco industry interference in public health policies.

These recommendations are related to each other, and as shown in Figure 2<sup>44</sup>, they can be grouped into three thematic areas: communication, governance and regulation.

- One aspect of these guidelines refers to **regulation**, a field in which it is recommended that the government require information from the tobacco industry, denormalize or prohibit so-called CSR activities, and eliminate benefits and preferential treatment towards the industry.
- This can be achieved only if **governments** are not influenced by the tobacco industry. This means that the government or its officials must reject TI alliances and contributions, in addition to establishing a code of conduct that limits interactions of officials with the industry and avoids conflicts of interest.
- However, none of this can be accomplished without **raising awareness** of the tobacco industry's tactics, which is why industry **monitoring** is included.



Figure 2. Areas of application of the Guidelines for Article 5.3



Referencia de imagen. Sy, K. D. (2019). Policies, Practices, and Tools for Article 5.3 Implementation. WHO FCTC Article 5.3: From Policy to Practice (Webinar)

Below are some tobacco industry interference situations reported in the Index of 18 Latin American countries, which shows us how countries are protecting themselves from tobacco industry interference. Likewise, it will help us understand some of the strategies that the industry uses to block, weaken and delay the implementation of the WHO FCTC.

## a. Tobacco Industry Interference in Public Policy

*"The tobacco epidemic is a serious health, economic and social problem, which affects sustainable development, and is 'industry' caused. Governments have reacted and developed a global treaty - the WHO FCTC - to deal with it. Said treaty excludes the participation of the tobacco industry and obliges the Parties to protect it from interference."*

*The COVID-19 pandemic is also a serious threat to health and the economy in all countries, and although it has been shown that smoking increases severe cases of this disease, the tobacco industry has taken advantage of it, as shown in this new edition of the Interference Index, which shows that in most countries such interference has increased.*

*The tobacco industry is not part of the solution: it is the problem."*

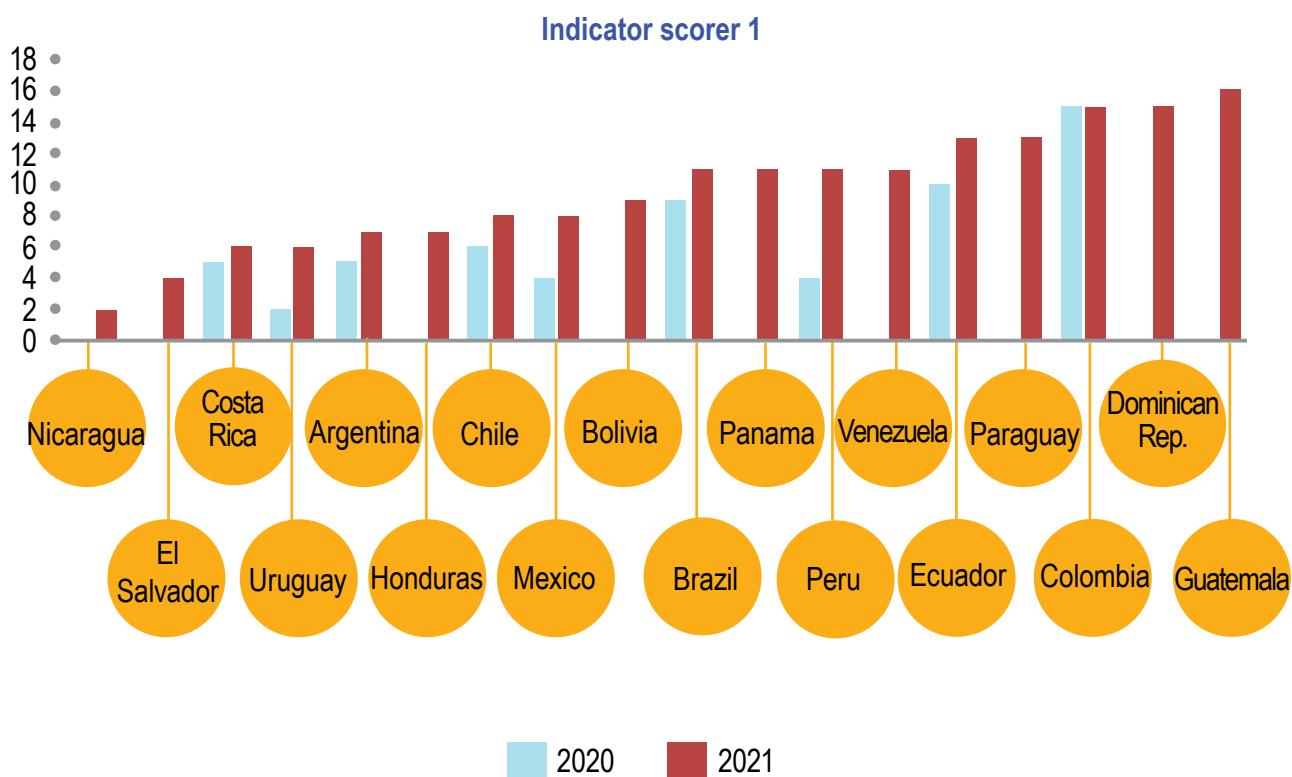
*Eduardo Bianco, Coordinator of the Framework Convention Alliance for the Americas, Technical Director of the Center for International Cooperation for Tobacco Control of the Ministry of Health of Uruguay.*



The lower the score, the better the ranking.



Figure 3. Level of participation of the tobacco industry in policy development. The lower the score, the lower the level of industry participation. Corporate Accountability, Latin America Regional Interference Index, 2021.



Graph 2. Level of participation of the tobacco industry in the development of policies. Comparison between countries and years.  
*Corporate Accountability, Latin America Regional Interference Index, 2021.*

The Guidelines for the implementation of Article 5.3 of the WHO FCTC recommend not allowing the tobacco industry to be a member of any governmental body, committee or advisory group that establishes or enforces tobacco control or public health policies. The consumption of tobacco products is a public health problem that has an impact on health, life and the individual and general economy and, that is why our governments try to regulate it, but there is always a reaction or a counter response trying to weaken those actions; this is where the interference appears.

It is worrying to note that all the countries analyzed in the 2020 Index increased their score in this indicator and only **Colombia** remained the same (as seen in figure 4); which would indicate that, in general, in Latin America TI has been able to increase its intervention in public tobacco control policies.

Following this line, in **El Salvador<sup>45</sup>** and **Nicaragua<sup>46</sup>** there is no evidence that the government accepts, supports or receives offers of assistance by, or in collaboration with, the TI in the establishment or implementation of public health policies related to tobacco control; nor does TI intervene in policy or legal proposals. However, in **El Salvador<sup>47</sup>** there was evidence of interference in the ratification of the Protocol for the Elimination of Illicit Trade in Tobacco Products when, in 2018, the Assembly



accepted a hearing with British American Tobacco (BAT) to discuss this process. So far, the protocol has not been ratified.

While **Costa Rica**<sup>48</sup> and **Uruguay**<sup>49</sup> do not present similar levels of intervention, in **Costa Rica** the TI gives its opinions, influences, lobbies and pressures through trade union associations to which it belongs,<sup>50</sup> in addition with attempting to interfere with regulations;<sup>51</sup> while in **Uruguay** there was a setback in the form of a ban on the marketing of electronic devices for heating tobacco was abandoned; which led **Uruguay** to go from the lowest score in 2020 in this indicator to increase its score three times this year.<sup>52</sup>

In **Argentina**,<sup>53</sup> **Chile**,<sup>54</sup> **Honduras**,<sup>55</sup> and **Mexico**,<sup>56</sup> although they did not allow industry intervention in tobacco control policies, they did register some interference. In **Argentina**, there is evidence of interference in the 2017 tax reform, when taxes on cigarettes were reduced, benefiting, above all, large companies;<sup>57</sup> moreover, the TI took advantage of the COVID-19 pandemic, since 2020, arguing that the sale of its products represents a high percentage of total sales in stores that needed to survive (the request was approved). In **Chile**,<sup>58</sup> the TI has attempted to influence tax decisions by providing the authorities with illicit trade figures that are of its own creation and not from independent organizations. In **Honduras**, the government supports proposals for policies or laws prepared form and in collaboration with, the TI;<sup>59</sup> additionally, one of the objectives of the Tobacco Association is "to promote and support public policies in support of tobacco production".<sup>60</sup> And in **Mexico**, TI participated in a forum to improve compliance with the WHO FCTC.<sup>61</sup> It is worth mentioning that this country has suffered an abrupt increase in the participation of the TI in the development of public policies, thereby doubling the score from last year (from 4 to 8).<sup>62</sup>

**Bolivia**<sup>63</sup> has further allowed TI interference by holding meetings between government authorities and TI representatives, in which regulations are discussed. The national bill on tobacco control was even modified, favoring the TI in some articles (i.e. reduction of the percentage of size of the pictograms on the packs and modification of articles related to the recommendations of Article 5.3 of the FCTC of the WHO); although this Law took more than five years to prepare, in the 2020 administration it was approved, although it does not have regulations or an implementation plan.

For **Brazil**,<sup>64</sup> **Panama**,<sup>65</sup> **Peru**<sup>66</sup> and **Venezuela**<sup>67</sup> participation of TI in the elaboration of policies is evident, and there are several actions that are associated with this fact. For example in **Brazil**,<sup>68</sup> the TI tried to influence a public figure, linked to the Presidency of the Republic, so that, during COP9, the government would defend tobacco cultivation (without evidence of execution). The TI also sent a letter to the president expressing concern about the 2019-2020 dry season for the crop and requested regulatory support, in addition to complaining about high taxes. The now secretary of Family Agriculture in the Ministry of Agriculture was previously secretary of Agriculture in a tobacco-producing region, during whose management he defended the production chain and the intention to provide benefits for tobacco production. This official mentions that the Ministry of Agriculture will support tobacco production at COP9. In addition, in order to subsidize the Ministry of Agriculture to expand the internal and external market and increase production, among other purposes, the Tobacco Sector Chamber has, in its structure, seven representatives from the industry. In the case of **Peru**<sup>69</sup> and **Venezuela**,<sup>70</sup> there is no regulation that prohibits TI interaction with public officials or participation in tobacco control policies, which leads to easy interference. **Peru** is the country that has drastically decreased compliance with Article 5.3 of the FCTC of the WHO between 2020 and 2021, increasing seven points in this indicator (from 4 to 11 points).<sup>71</sup>

In **Ecuador**<sup>72</sup> and **Paraguay**<sup>73</sup> notable cases are observed in which the TI has intervened to have suitable public policies for its purposes. Thus, in **Ecuador**, it has been possible to note the participation of the tobacco sector, affiliated with PMI, in the discussions about a 2020 bill on smuggling presented by an assembly member, which was debated during the COVID-19 quarantine, which leads one to think that this was a strategy to distract the public.<sup>74</sup>



However, the Interinstitutional Committee for Tobacco Control - CILA presented observations and requested the intervention of several national and international actors related to tobacco control.<sup>75</sup> It should be emphasized that most of the public health policies in this country regarding tobacco control are managed by the Ministry of Public Health and there is no perceived interference in these processes; in addition, civil society makes various efforts to not allow this type of interference or to grant preferences to the TI.<sup>76</sup> On the other hand, in **Paraguay**<sup>77</sup> meetings between government authorities and TI representatives are allowed, during which regulations are discussed; in addition, the tobacco tax increase was not allowed in 2019, with the support of some State institutions. There is very active industry participation in groups that defend public health, by maintaining an agreement between the Ministry of Public Health, the Ministry of Labor and a chamber of companies, which includes the Paraguay Tobacco Union.

**Colombia**<sup>78</sup> and the **Dominican Republic**<sup>79</sup> present one of the highest TI interferences in the elaboration of public policies in Latin America. In **Colombia**, in 2020, Colatabaco S.A.S. (a PMI subsidiary) financed government institutions, the opening of laboratories to measure the residuality of pesticides; it also participated in several meetings on smuggling with different government institutions. Interference with proposed policies or laws has been allowed on several occasions. Colombia is the only country in the Region that maintains the same score in both the 2020 and 2021 indexes.<sup>80</sup> In the **Dominican Republic**, in addition to the TI participating in policy development, implementation of public health policies on tobacco control is limited.<sup>81</sup>

**Guatemala**<sup>82</sup> maintains the highest score in the Region in this indicator. Although it reports no evidence that the government actively supports or accepts TI assistance to establish public health policies, it mentioned that the TI is invited to participate in the Health Commission and that it is able to present proposals for the creation of health policies.<sup>83</sup>

None of the countries participating in this report allow or nominate representatives of the TI to government, or to be part of the delegation to the COP or to other subsidiary bodies; in the case of **Argentina**<sup>84</sup> and the **Dominican Republic**<sup>85</sup>, because they have not ratified the WHO FCTC. In **Colombia**,<sup>86</sup> the fact that the last delegation was made up solely of diplomats is noted; the tobacco companies asked the Minister of Foreign Affairs for several requests at COP8; and the TI did not take a position on the mandatory review of representatives during the meeting.

## II Regional Tobacco Industry Interference index





## b. Tobacco Industry Strategies to Promote Itself Through Misnamed "Socially Responsible" Activities

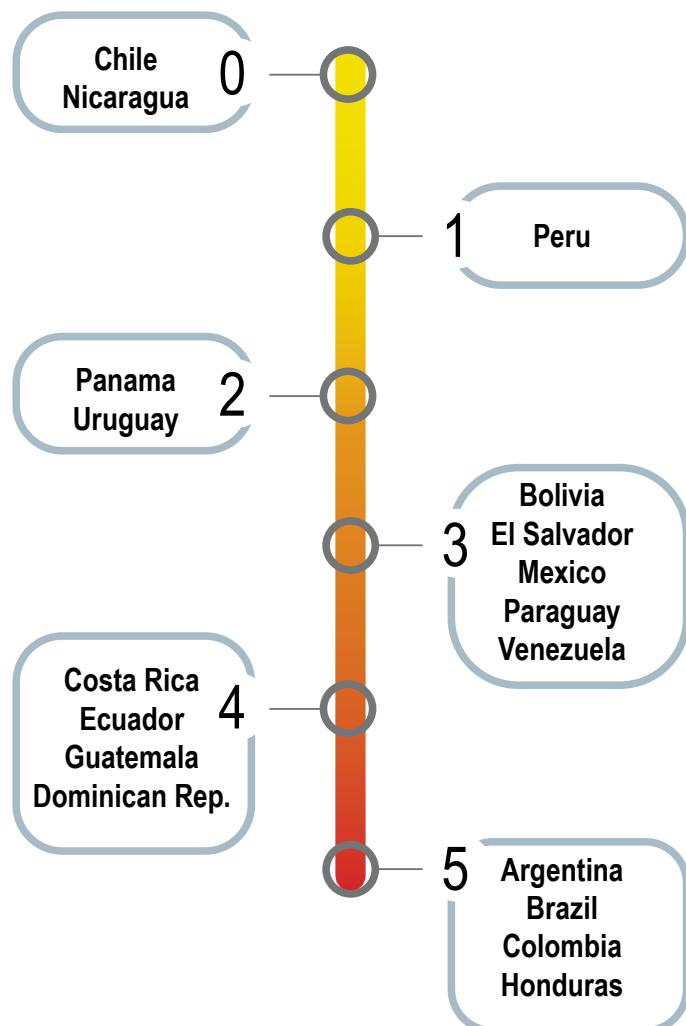


Figure 4. CSR tobacco industry activities. The lower the score, the less CSR or CSR activities. Corporate Accountability, Latin America Regional Interference Index, 2021.

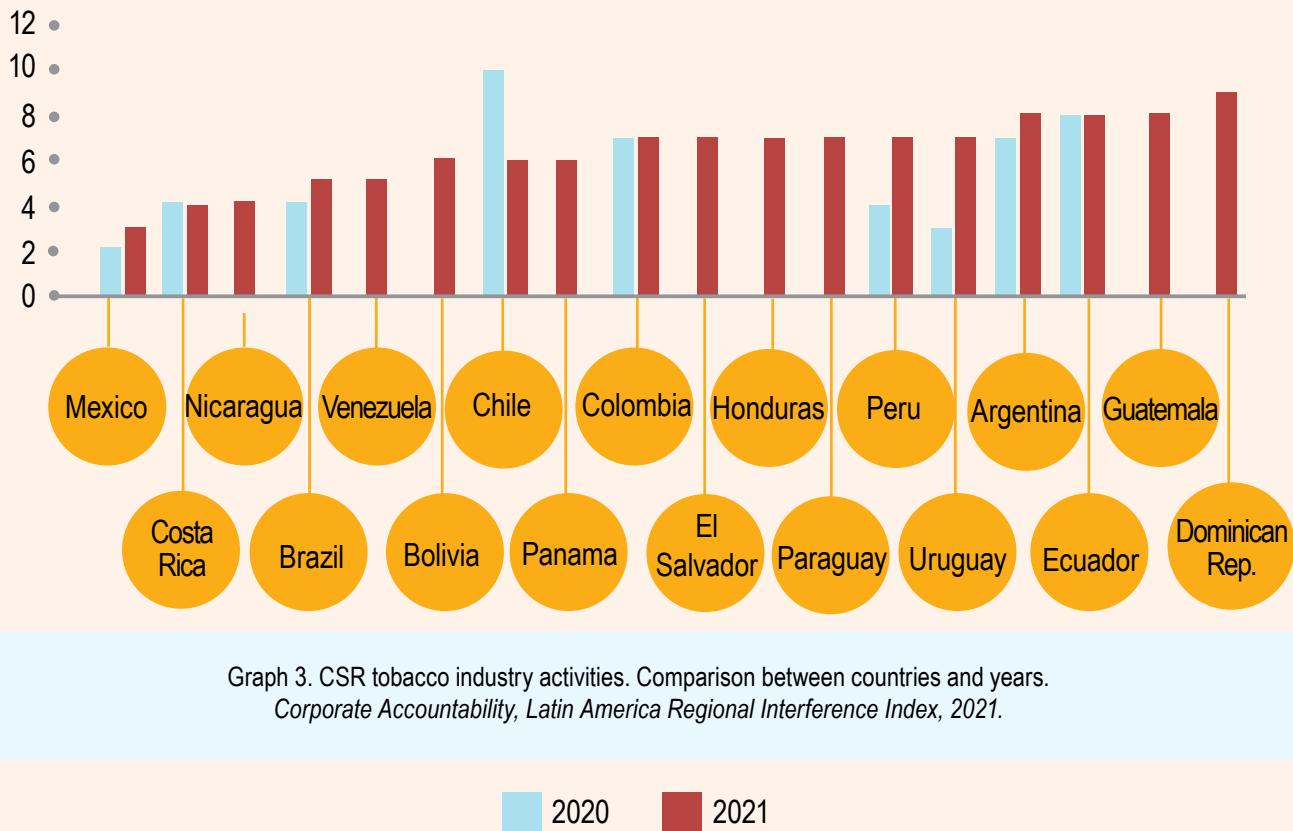
The lower the score, the better the ranking.



*"Contrasting the economic and social burden generated by smoking, which in my country is estimated at about 17 billion Colombian pesos per year\*, it is outrageous that for pennies (compared to the size of the costs generated by smoking) we allow the tobacco industry to present itself as a messiah and also, with these CSR actions, that they continue not only to gain political capital to continue profiting at everyone's expense, but also to promote their products to attract the attention of young people to the consumption of their lethal products. .... Why do we continue to allow this? Why has nothing been done about it in my country, Colombia? “ \*Exchange rate \$2,984.00 (Dec / 2017 -period in which the estimate was made-) is 5700 million USD.<sup>87</sup>*

Gabriela Friedrich, Youth Alliance  
- Healthy America Coalition  
(CLAS).

### Indicator scorer 2


■ 2020      ■ 2021

The guidelines for the application of Article 5.3 of the WHO FCTC recommend denormalizing and, to the extent possible, regulating activities that the tobacco industry describes as “socially responsible”. Although the TI could compensate for health damages through compensatory actions, socially responsible activities should be applied by the TI to repair these damages, companies take advantage of the concept as an advertising strategy.<sup>88</sup> The TI’s main strategy since 2020 has turned towards the SARS-CoV-2 pandemic, through marketing activities disguised as “aid” and various donations. Below are some of the CSR or CSR activities of the TI in the Region.

In **Chile**<sup>89</sup>, **Nicaragua**<sup>90</sup>, **Panama**<sup>91</sup>, **Peru**<sup>92</sup>, and **Uruguay**<sup>93</sup> no tobacco-related CSR activities were detected in the reporting period. **Chile** went from reporting some of these activities in 2020 (with a score of 3) to registering no participation in the Ministry of Health reports. Although in **Uruguay**, CSR activities are not permitted by law<sup>94</sup>, in 2020 the government delivered baskets of “food”, which included cigarette packs.<sup>95</sup>

In other countries such as **Bolivia**<sup>96</sup>, **El Salvador**<sup>97</sup> and **Venezuela**<sup>98</sup> it has not been possible to verify CSR actions by the industry, however, there are actions that lead one to

think that they could be doing it. For example, in **Bolivia**<sup>99</sup>, the Tobacco Company supports the producers of the plant to improve production, calling it support for “sustainable employment”; furthermore, this company is a member of organizations that carry out large CSR programs, especially during COVID-19, which also happened in **El Salvador**.<sup>100</sup>

The TI identifies the biggest problems that countries are going through, to apply their CSR actions, which mask their marketing strategies with “solidarity”, appealing to the vulnerability of governments and the needs of the population. In those countries where explicit evidence of this type of activity has been found, “support” actions in the face of the COVID-19 pandemic stand out, as could be observed in 2020. These are followed by actions aimed at supporting education, climate change, the signing of various alliances between governments and the TI related to child labor, women's empowerment, food donations and art promotion. Some of these actions are detailed below.



**Table 2. CSR activities developed by the tobacco industry.**

THEME	COUNTRY	ACTIVITIES
	<b>Brazil</b> <sup>101</sup> <b>Colombia</b> <sup>102</sup> <b>Ecuador</b> <sup>103</sup> <b>México</b> <sup>104 105 106</sup>	The TI carries out various CSR actions related to the donation or assistance to patients with COVID-19 and the socialization of good practices.
	<b>Costa Rica</b>	In April of 2020, PMI donated masks to the Costa Rican Social Security Fund, committing to the donation due to the shortage of medical supplies due to the onset of the pandemic. <sup>107 108</sup>
	<b>Guatemala</b>	In April 2020, PMI made a contribution to the Ministry of Foreign Affairs for citizens who were stranded in the <b>Dominican Republic</b> due to the pandemic.  PMI donated equipment and medical supplies to a hospital to treat COVID-19 patients. <sup>109</sup>
<b>Covid-19</b>		The TI also makes donations within the framework of COVID-19 to a private non-profit organization, whose projects are focused on promoting economic and social development. <sup>110 111</sup>
	<b>Honduras</b>	In 2020, BAT increased donations to the government due to the pandemic and storms ETA and IOTA. These donations were mainly digital thermometers and masks for the police. <sup>113</sup>  The TI also donated nutritious food products for the families most affected by the quarantine in the north of the country. <sup>114 115</sup>  The private sector, including the Honduran Tobacco Company, supported the setting up of a triage center for the early detection of COVID-19. <sup>116</sup>



Education	<b>Brazil</b>	An institute belonging to BAT, in coordination with the Ministry of Education and other institutions, provides incentives to socially vulnerable young people, mainly women, for entrepreneurship. <sup>117</sup>
	<b>Colombia</b>	PMI financed the advisory project for educational institutions to improve the quality of rural education; in coordination with the Ministry of Education. <sup>118</sup>
	<b>Guatemala</b>	In March 2020, BAT Central America delivered school supplies for daycare centers of the Municipality of Guatemala. <sup>119</sup>
	<b>Dominician Republic</b>	The TI offers scholarships for studies in agriculture, prioritizing the geographical areas that produce tobacco. <sup>120</sup>  The Representative of the Ministry of Education works with the TI foundation to build schools. <sup>121</sup>
Climate change	<b>Argentina</b>	PMI mentioned that it will modify its businesses to align with the Sustainable Development Goals (SDGs), especially on climate change. <sup>122</sup>
	<b>Brazil</b>	The TI has an awareness project on the need to preserve the environment, with monetary incentives for projects in schools. <sup>123</sup>
	<b>Guatemala</b>	In May 2021, PMI's heated tobacco product, IQOS, presented a project to prevent climate change, by providing the opportunity to deliver used cigarettes to be recycled. <sup>124</sup>
	<b>Dominician Republic</b>	The TI promoted and helped adapt a sustainable agriculture modality to rural communities. <sup>125</sup>
Government-TI alliances	<b>Argentina</b>	The National Tobacco Control Law only prohibits the sponsorship of tobacco products, but not the actions of CSR, unless it includes the brand, therefore, there is evidence of several activities, face-to-face and virtual, with government authorities. <sup>127</sup>
	<b>Paraguay</b>	There are agreements and conventions that include technical and financial support, within the framework of CSR; support is evidenced in projects or undertakings. <sup>128</sup>



<b>Child labor</b>	<b>Argentina</b>	Alliance One Tobacco and BAT Argentina, carried out a program for the eradication of child labor in tobacco provinces; <sup>129</sup> They also participate in the network against child labor, created by the Ministry of Labor, Employment and Social Security. <sup>130</sup>
	<b>Brazil</b>	A company associated with tobacco supports the participation of people involved with education and the fight against child labor who work in tobacco growing areas. <sup>131</sup>
<b>Women empowerment</b>	<b>Brazil</b>	PMI carries out empowerment programs aimed at women, to increase and recognize their leadership. <sup>132</sup>
<b>Food donation</b>	<b>Colombia</b>	From March to June 2020, PMI and ProBogotá donated food to foundations. <sup>133</sup>
<b>Art</b>	<b>Colombia</b>	The BAT Foundation sponsors and conducts events in the name of art. <sup>134 135 136 137</sup>

Source: Corporate Accountability, Latin America Regional Interference Index, 2021.

## II Regional Tobacco Industry Interference index





## c- Benefits granted to the tobacco industry

*"The Guidelines of Article 5.3 of the WHO FCTC are very clear when they point out the irreconcilable conflict of interest between the interests of the tobacco industry, whose objective is to sell a product that makes ill and kills, and the interests of public health policies. However, there are still many countries in Latin America that grant tax benefits or other privileges to tobacco companies, and in many cases these benefits have been even greater during the COVID-19 pandemic. To counteract this situation, we need governments to make a commitment to adopt tobacco control measures with the highest standards and to stop granting privileges to the tobacco industry."*

*Patricia Sosa, Director of Programs for Latin America and the Campaign for Tobacco-Free Children (CTFK)*

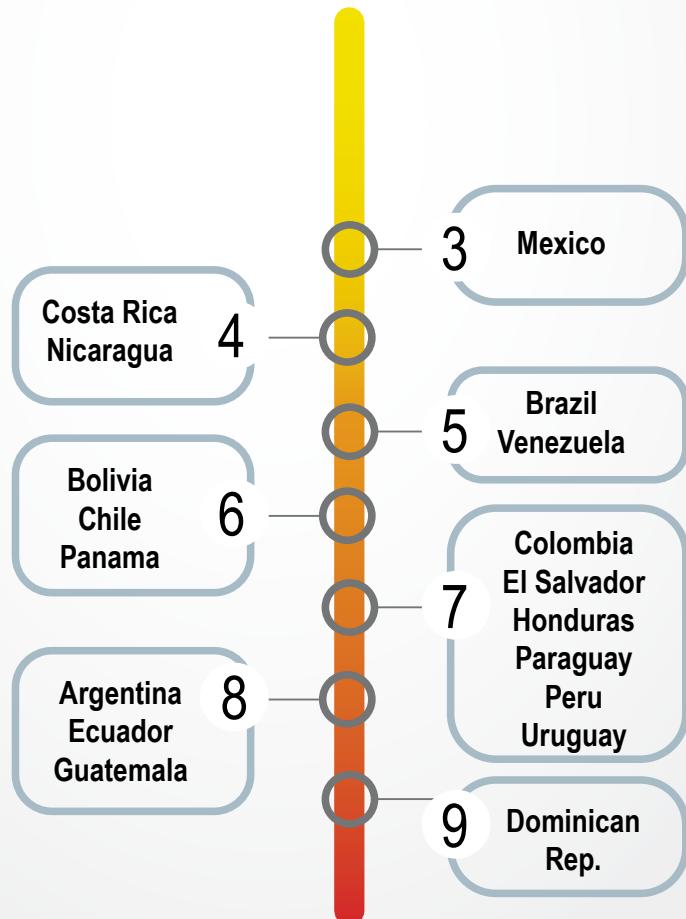
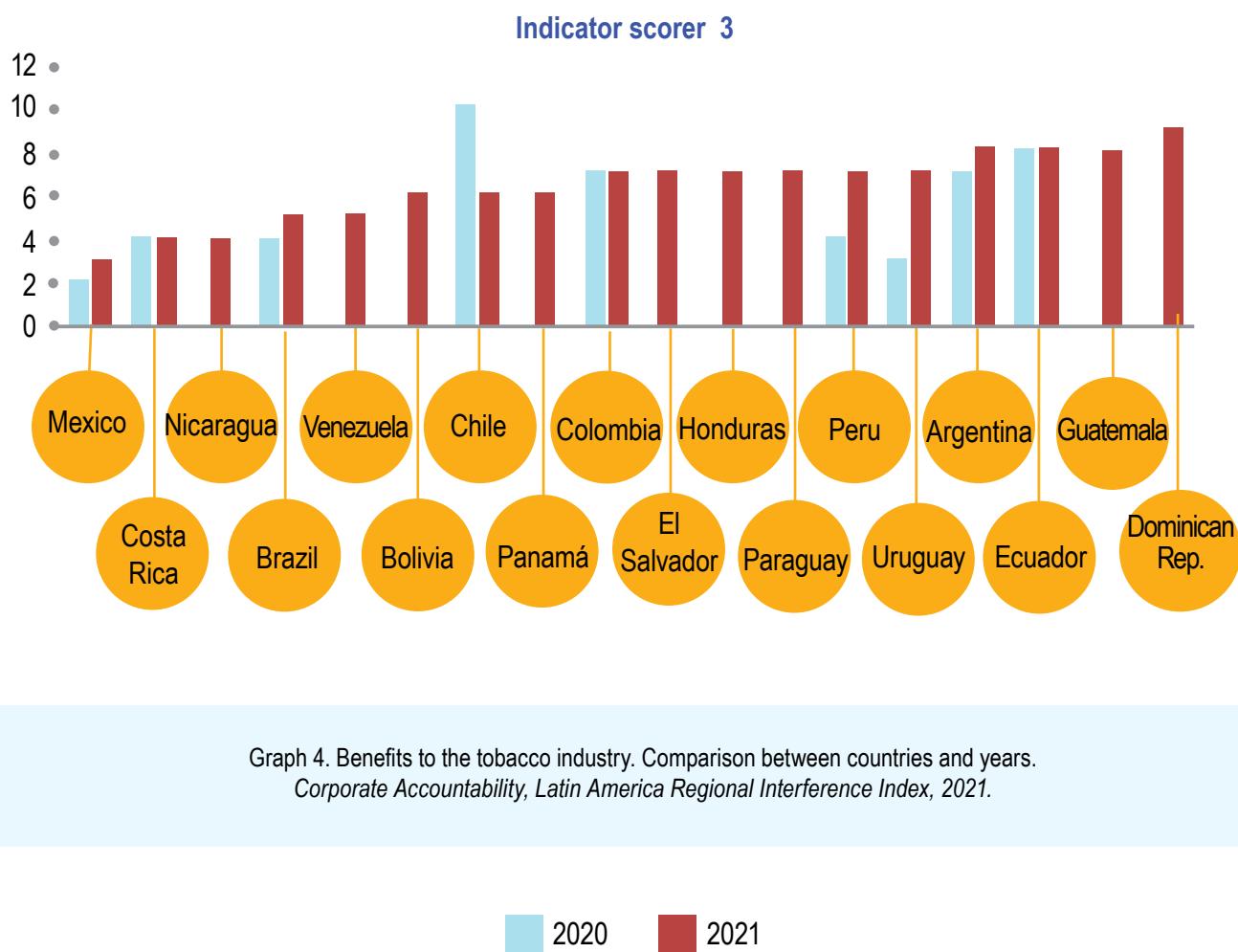


Figure 5. Benefits to the tobacco industry. The lower the score, the less benefits the industry receives. Corporate Accountability, Latin America Regional Interference Index, 2021.

The lower the score, the better the ranking.





Graph 4. Benefits to the tobacco industry. Comparison between countries and years.  
*Corporate Accountability, Latin America Regional Interference Index, 2021.*

2020    2021

The Guidelines for the application of Article 5.3 of the WHO FCTC recommend not granting incentives or preferential treatment to the TI, as it is an industry whose products produce serious health, economic and social consequences. Despite this, it is noted that in several countries, benefits, privileges, incentives, concessions, subsidies, trade agreements or support continue to be provided. Accepting to postpone the implementation of tobacco control measures is also considered as preferential treatment to the TI since it benefits their businesses.

In Latin America in the last year, there has been greater TI pressure to obtain benefits from the government, to take advantage of COVID-19, and argue for the need for nations to reactivate their economies.

A particular case, which denotes the delivery of a special power to the TI, is the example of **Honduras**, which has declared the cigar as an intangible cultural heritage of the Republic, thus granting great privileges, incentives and benefits to the TI.<sup>138</sup>

Here are some other examples of benefits that have been given to TI:

## 1. Advertising, promotion and sponsorship

- Despite the prohibitions established in the Law, in **Costa Rica** PMI advertised IQOS (HTPs), through social networks and promotional brochures. The Ministry of Health declared that this breach of the law would be sanctioned.<sup>139</sup> However, with the onset of the COVID-19 pandemic, the collection of fines was postponed<sup>140</sup> and in 2021 the term was extended again. To date, the fine for the infraction has not been collected.
- In **Venezuela**<sup>141</sup>, the industry violates the Law on the total prohibition of advertising, promotion and sponsorship of tobacco products, when promoting its products on the internet.

## 2. Privileges in the entry of tobacco products to the country

**Table 3. Tax-free tobacco products, allowed to international travelers entering the country**

Country	Number of cigarettes	Amount of other tobacco products	Observations
<b>Argentina</b> <sup>142</sup>	200	20 cigars	If they are traveling from <b>Chile, Bolivia, Paraguay, Brazil and Uruguay</b>
	200	50 cigars	If they travel from anywhere else in the world.
<b>Brazil</b> <sup>143</sup>	200	25 cigars, 250 grams of tobacco	Travelers can also buy 400 cigarettes, 25 cigars and 250 grams of tobacco in duty-free shops.
<b>Chile</b> <sup>144</sup>	400	500 gr. pipe tobacco 50 long or small cigars	Travelers can buy these products in duty-free stores and other routes of entry into the country, however, they must carry the country's health warnings. <sup>145</sup>
<b>Costa Rica</b> <sup>146</sup>	400	50 cigars 500 gr. tobacco	Travelers can buy these products in duty-free shops.
<b>Ecuador</b> <sup>147</sup>	400 (20 packets of 20 units)	1 lb. tobacco 25 cigars or cigars	By air.
<b>Guatemala</b> <sup>148</sup>	80	3 1/2 oz tobacco	None.
<b>Paraguay</b> <sup>149</sup>	N / A (information not available)	N/A	They can enter by air or river with tobacco products that do not exceed \$300 USD.
<b>Dominican Republic</b> <sup>150</sup>	200	N/A	Travelers aged 16 and over.
<b>Uruguay</b> <sup>151</sup>	800 (4 cartons of 10 packs of 20 cigarettes)	N/A	They can enter with tobacco tax free.
<b>Venezuela</b> <sup>152</sup>	200	25 cigars	None

Source: Corporate Accountability, Latin America Regional Interference Index, 2021.



It should be noted that in **Colombia**<sup>153</sup> and **El Salvador**<sup>154</sup> there is great concern about free trade agreements, through which the TI benefits from the importation of cigarettes to **Colombia**. In **Paraguay**, the TI (Tabesa) exports its products regionally and globally without paying export taxes.<sup>155</sup> **Nicaragua**,<sup>156</sup> for its part, reports that between 2017 and 2018, sales abroad through the free trade zone have increased by \$20 million USD, which encourages increasing production in this area. And in **Panama**,<sup>157</sup> the general administrator of the Colon Free Zone allowed the TI to complete its import and export permits for tobacco products in 120 days.<sup>158</sup>

### 3. Tax incentives

- In **Brazil**, a tobacco-producing municipality approved the reimbursement of a company that processes and exports tobacco 50% of the municipality's share of the goods and services tax for five years.<sup>159</sup> There are tax incentives for social and cultural projects, whereby interested parties can sponsor projects with resources from the income tax owed. This benefits tobacco companies, which sponsor national, state, regional, and municipal events.<sup>160</sup>
- As mentioned in the 2020 Regional Interference Index, in **Colombia**, according to the law, tobacco producers must pay a contribution to the National Tobacco Fund, which uses these resources for tobacco research, innovation and commercialization, even if this goes against the WHO FCTC.<sup>161</sup> In addition, the Ministry of Agriculture recognizes the relevance of the tobacco production chain, for which it provides resources and technical assistance.<sup>162</sup>
- In **Paraguay**, tobacco pays a value for taxes, well below those applied in other countries in the region and what is recommended by the WHO (70%). This value does not mitigate health expenses due to smoking.<sup>163</sup> This law was established after the refusal to tax tobacco between 30% and 40% (today it is at 18%).<sup>164</sup>
- In **Peru**, as a result of COVID-19, a Decree for the Resumption of Economic Activities was issued, which authorized the production of tobacco products.<sup>165</sup>
- In **Uruguay**, agrochemicals used in tobacco plantations (among others) were exempted from paying the registration fee.<sup>166</sup> The selective tax on tobacco products is also well below that established by the WHO, being 47% of the sale price to the public.
- The government of **Argentina**<sup>168</sup> gives some tax benefits to the tobacco production chain. One of those is the Special Tobacco Fund, created by the National Tobacco Law in 1972, which, although it mentions a tax on tobacco products, actually functions as a production subsidy. Although **Argentina** complies with the percentage of taxes established by the WHO, in 2017 it reduced internal taxes on cigarettes, from 75% to 70% and added a minimum tax of \$28 that can be updated, which affects the cheapest brands. The small tobacco companies filed an appeal for protection, and since then, they have not paid this tax. In this context, cigarettes in **Argentina** continue to be among the cheapest in the region.<sup>169</sup>
- In **Guatemala**, there is an area that promotes the economic development of industrial goods and services or commercial activities, which have special rates, a temporary customs regime and foreign trade.<sup>170</sup> There are certain industries that cannot request the use of this zone, however, tobacco is not within these industries (although no evidence has been found that the TI is using these benefits).<sup>171</sup>
- In **El Salvador**, there are exemptions to the importation of products within the framework of free trade agreements as an incentive to promote exchange with national production.<sup>172</sup>

#### 4. Delays in the implementation of tobacco policies

- In **Mexico**<sup>173</sup>, the Tax Administration Service has not provided information on the production, distribution, importation or manufacturing of cigars.
- In **Bolivia**, the TI asked the Ministry of Health for an extension to implement the pictograms in the health warnings for tobacco products. The first draft of the Tobacco Control Act was shelved without much explanation. The current tobacco law has not been regulated since February 2020 when it was approved.<sup>174</sup>
- Although there is no concrete evidence of TI interference, a bill from Chile's Agriculture Commission has been stopped since 2018 due to pressure from the TI, through tobacco farmers and certain commission members who are TI allies.<sup>175</sup>
- **Colombia** has suffered several delays in the application of anti-smoking regulations. The law incorporating the WHO FCTC was delayed for two years after its ratification.<sup>176</sup> The tobacco law was passed in 2009, although some measures took time to come into effect, such as health warnings on the front of the packaging, which were implemented in 2010, and the ban on advertising of tobacco products, which took effect in 2011.<sup>177</sup> Additionally, the country has carried out the protocol for the illicit tobacco trade but has not yet ratified it; it is even perceived that industry intervenes in the management of this type of trade.<sup>178</sup> The same happened with **EI Salvador**, where the Protocol was discussed, after being reviewed in the Legislative Assembly and having received opinions against its approval by the TI; so far it has not been ratified.<sup>179</sup>
- In **Peru**,<sup>180</sup> the Tobacco Control Law has not been modified since 2010, and the total ban on advertising, promotion and sponsorship has not been approved, despite the multiple legislative initiatives presented.
- In **Uruguay**, the ban on selling electronic devices for heating tobacco was lifted.<sup>181</sup>
- In **Argentina**, although the law establishes that tobacco health warnings must be updated every two years<sup>182</sup>, this year, having met this deadline, they have not been updated yet.
- **Ecuador** became a State Party to the WHO FCTC in 2006 but it was not until 2011 that the national tobacco control law was passed.<sup>183</sup> Its regulations were issued approximately 120 days after the established deadline (in 2012); it named a commission for tobacco control, which also took about 120 days after the established deadline. Neither of the two regulations have been updated since then, as has the tax rate on tobacco products, in force since 2016.<sup>184</sup>
- When the **Guatemalan** Congress evaluated the tobacco control bill in 2019, the deputies gave the TI time to present its proposal.<sup>185 186</sup> As of the date of publication of this Index, it has not been discussed in the meetings of the Health Commission.



## d. Forms of unnecessary interaction between governments and the tobacco industry

*"The casuistry in the implementation of the public tobacco control policy poses challenges within government for the health sector and beyond. The WHO FCTC only defines 'necessary interactions' between the government and the tobacco industry; however, for a government agent, determining whether an interaction with the tobacco industry is necessary or unnecessary may raise doubts. A code of conduct, as well as a government action protocol, including a roadmap, is of great help in solving the dilemma."*

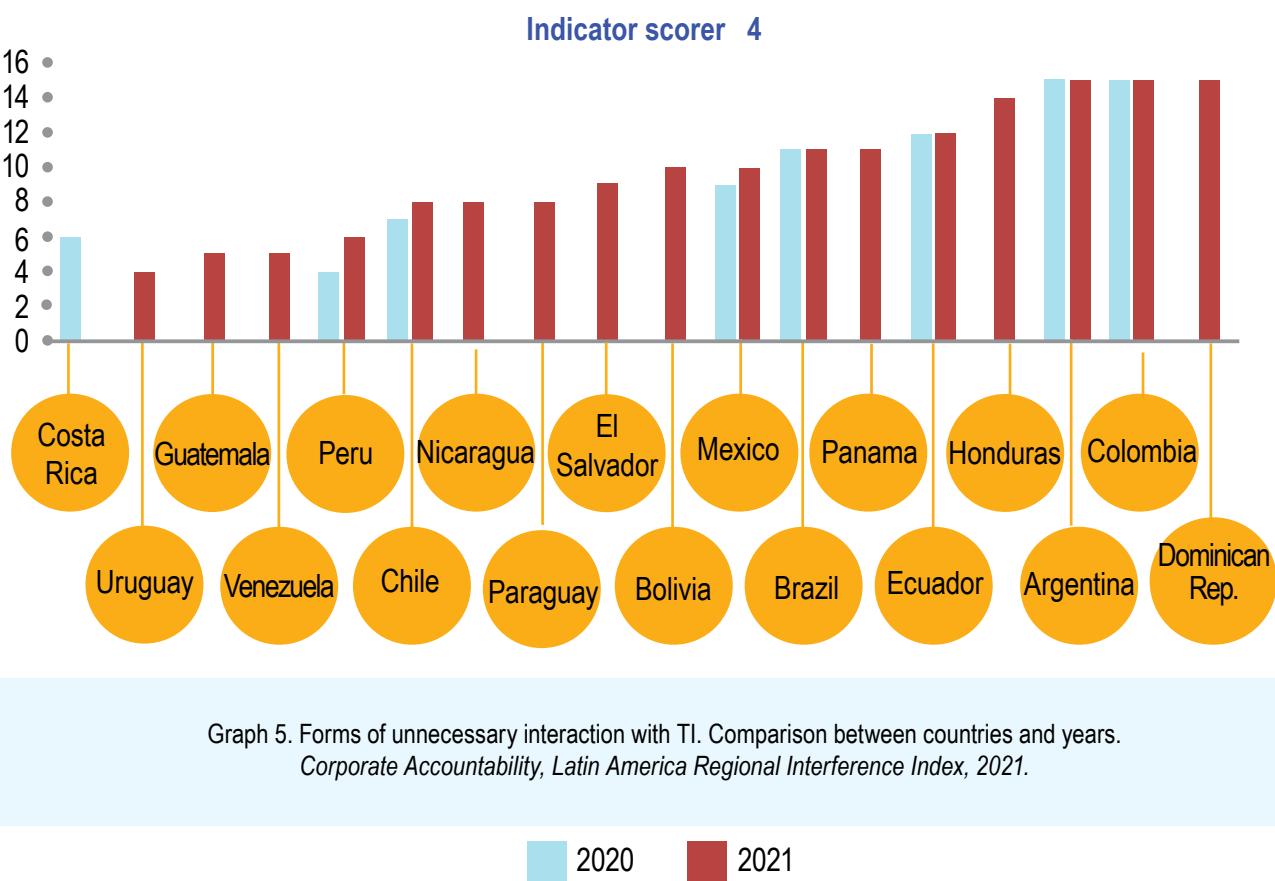
Gustavo Sóñora, Regional Director for Latin America in Tobacco Control of the International Union against Tuberculosis and Respiratory Diseases (The Union)



The lower the score, the better the ranking.



Figure 6. Shows how countries fared in terms of interaction with the tobacco industry. The lower the score, the less interaction.  
Corporate Accountability, Regional Interference Index Latin America, 2021



Graph 5. Forms of unnecessary interaction with TI. Comparison between countries and years.  
*Corporate Accountability, Latin America Regional Interference Index, 2021.*

■ 2020 ■ 2021

The Guidelines for the implementation of Article 5.3 of the WHO FCTC recommend interacting with TI only when strictly necessary to enable effective regulation of the TI and tobacco products.

There was no evidence of any unnecessary interaction between the government of **Costa Rica**<sup>187</sup> and the TI, which constitutes an advance, considering that in the 2020 Regional Interference Index, it had a score of 6.

**Uruguay**<sup>188</sup> also did not detect breach of the law. High-level government officials do not meet with TI. It only emphasizes that tobacco cultivation is encouraged and promoted in one of the departments where a crop substitution policy was previously applied, arguing that it constitutes a source of work for many families.

However, in **other countries of the region**<sup>189 190</sup> some unnecessary interactions are evident when government officials attend social events that benefit the interests of the TI, or are sponsored or organized by them. The TI also interferes by providing assistance to implement or participate in alliances or agreements. Many times they request benefits and pressure governments to defend

their interests. It is essential that governments take action to prevent this interference. **Argentina**<sup>191</sup>, **Colombia**<sup>192</sup> and the **Dominican Republic**<sup>193</sup> share the highest score in this indicator, denoting the highest interaction with the TI since the 2020 Index.

**The most relevant interactions that have occurred in the Region are described below:**

#### 1. Social activities and other events

The TI uses the strategy of holding events to reach government officials and thus be able to lobby for the development of policies that defend their interests. For this reason, it is not convenient for these officials to attend or participate in this type of event since such closeness is interpreted as an endorsement of the TI.

- To promote the economic development agenda and increase investment in the northern part of the country, some businessmen, as well as a foundation, in which the TI participates, created a committee in **Guatemala** that receives collaboration from Congress.<sup>194</sup> The Minister of Economy was part of the first meeting of 2020 at this committee.<sup>195</sup>



- Nicaraguan government officials promote the trade of cigars abroad to promote tourism and create jobs.<sup>196</sup>
- In Paraguay, both the Minister of Health and the Minister of Labor, Employment and Social Security participated in events with tobacco companies.<sup>197</sup>  
<sup>198 199</sup> In addition, a municipality invited the former president of the Republic, owner of a tobacco company, to the opening ceremony of the expansion of a health center, in which they thanked him for his presence in the city works.<sup>200</sup>
- In Bolivia,<sup>201</sup> meetings are held between private entrepreneurs, including the TI, and government authorities, such as the president and vice president of the country.
- The president of the **Economic Commission of the Chamber of Deputies of Mexico**<sup>202</sup> convened TI representatives in March 2021 to hear their views on the reforms to the General Law for Tobacco Control.
- In 2020, the Ministry of Agriculture in Brazil congratulated the Tobacco Growers Association for its 65 years of existence, through a video. This Association is related to the TI.<sup>203</sup> The governor of a tobacco-producing state visited the PMI plant and highlighted the importance of this production chain to the economy.<sup>204</sup> Additionally, the Secretary of Family Agriculture participated in events promoted by PMI and by the Tobacco Growers Association, in addition to delivering protection kits donated by the TI.<sup>205</sup>
- Both in Panama<sup>206 207</sup> and in Ecuador,<sup>208</sup> senior government officials (including those working in Customs) participate in forums, seminars, and discussions sponsored or assisted by the TI.
- High-level officials in the Honduran government meet or establish relationships with the TI. Such is the case of the President of the Republic, who presented the Presidential Award “Exporter to Central America and the Caribbean in the category of small and medium-sized companies” to Tabacalera Hondueña.<sup>209</sup> At the celebration of the founding of this company, a deputy from the National Congress and a deputy mayor were present.
- There are also several meetings between TI and Argentina government officials. Representatives of BAT met with officials of the Federal Administration of Public Revenue to explain the effects of the tax reform on cigarettes and the precautionary measures to avoid the payment of the fixed component of internal taxes.<sup>210 211</sup>
- Among the various social activities registered in Colombia, there are meetings between tobacco producers (Fedetabaco), officials of the Ministry of Agriculture, representatives of an agricultural research corporation (Agrosavia) and members of BAT, to discuss the stages of the chain of Tobacco and validate the 2020 Action Plan; the Minister of Agriculture also met with Fedetabaco to seek production alternatives, after PMI and BAT closed;<sup>212</sup> a seminar on innovation was held, sponsored by PMI, where, at the latter, the former minister of Information and Communication Technologies and the presidential advisor for Economic Affairs and Digital Transformation participated,<sup>213</sup> among other events sponsored by PMI where government actors participate.
- In the Dominican Republic, it is clearly observed that the government participates in events with the TI; the President of the Republic held a meeting with representatives of the TI, with more than 50 producers and senior officials.<sup>214</sup>

## 2. Partnership offers and assistance

Technical assistance and partnerships to combat the illicit trade in tobacco products have once again been the TI's main strategy in the last year in the region. It should be remembered that the Protocol for the elimination of illicit trade in tobacco products establishes, in Article 8.12, that the obligations assigned to a Party will not be fulfilled by the TI.<sup>215</sup>

**Table 4. Main assistance actions and alliances between the TI and governments**

THEME	COUNTRY	ACTIONS
Illicit trade in tobacco products	Brazil	The Ministry of Justice established a cooperation agreement with a university to promote projects related to the fight against organized crime, and police officers were trained, with funding from the PMI Impact Project. <sup>216</sup> In addition, the Internal Revenue Service accepts technology donations from BAT to destroy cigarettes. <sup>217</sup>
	Chile	Chile has the Illicit Trade Observatory that coordinates actions to stop this type of trade. Private entities such as BAT Chile participate in this body. <sup>218</sup> In 2020, this observatory hired, together with BAT, a research group that published a study that found a large increase in the consumption of illegal cigarettes during the pandemic. <sup>219 220</sup>
	Colombia	PMI and BAT joined the Latin American Alliance against Illicit Trade, <sup>221 222</sup> stating their desire to combat the illegal cigarette trade. PMI coordinated a strategy to deal with this problem with the Ecuadorian police. The TI is also involved in the seizure of cigarettes. <sup>223</sup>
	El Salvador <sup>224</sup>	An association that belongs to PMI held an event in late 2020, on smuggling during COVID-19, aimed at raising awareness about smuggling. Representatives from Customs, international organizations and other national actors attended.
	Honduras	By decree, the government supports, receives or participates in alliances or agreements with the TI, or with which they work for their interests. <sup>225</sup> The TI is part of the Inter-Institutional Commission to Combat Smuggling and Tax Evasion of Production, Import and Marketing of Liquors, Beers, Soft Drinks and Cigarettes. <sup>226</sup>
	México	The Tax Administration Service continues to use the encryption system developed and promoted by PMI, a company that collaborates with the federal government to destroy illicit cigarettes and seize tons of illegal tobacco. <sup>227</sup> They are partners in a government youth program, including the industrial training category. <sup>228</sup>



	<b>Perú</b> <sup>229</sup>	The Tobacco Committee of the National Society of Industries participates in a Working Group against the Illicit Trade in Cigarettes.
	<b>Dominican Republic</b>	The Executive Branch signed a treaty with TI representatives to develop the technical capacities of authorities in order to reduce illicit trade and smuggling. <sup>230</sup> In the National Plan for the Relaunch of Tobacco, where the TI participated, the collaboration of the industry is highlighted in: financing, infrastructure, education, taxes, promotion of the tobacco culture, international trade, improvement of the production chain, anti-smoking regulation and confronting illegal trade. <sup>231</sup>
	<b>Venezuela</b> <sup>232</sup>	A tobacco company collaborates in the training of members of the Bolivarian National Guard to recognize the illegal product, in addition to carrying out campaigns on the sale of illegal cigarettes.
<b>Trainings</b>	<b>Argentina</b>	Organizations linked to TI, develop training sessions on tobacco, on the illegal sale and brand fraud of tobacco products. <sup>233</sup> Through a scholarship program, PMI (IMPACT) supports projects to combat illegal trade and related crimes. <sup>234</sup>
	<b>Ecuador</b> <sup>235</sup>	The TI participated in the training of personnel from public institutions. It is worrying that state institutions normalize relations with the TI, even though the Ministry of Public Health has been emphatic that this should not be allowed.
<b>Compliance with tobacco regulations</b>	<b>Bolivia</b>	The Legislative Assembly mentioned that the national tobacco law was not intended to harm the TI <sup>236</sup> , in addition to not "prohibiting" electronic cigarettes due to lack of scientific evidence on the damage they cause to health. <sup>237</sup>
	<b>Venezuela</b> <sup>238</sup>	The government accepts the TI's help in enforcing the tobacco law, especially on: smuggling, smoke-free policies, or prohibition of sale to minors.
<b>Gender Equality</b>	<b>Brazil</b> <sup>239</sup>	The tobacco company and the government sponsored the Intermunicipal Meeting of Rural Women.
	<b>Panamá</b> <sup>240</sup>	PMI participated in the development of a certification program for gender equality, with other private companies and government institutions.
<b>Tourism</b>	<b>Nicaragua</b> <sup>241</sup>	The TI congratulated local governments and entrepreneurs for working on tourism in a cigar festival organized in conjunction with the local government.
<b>Agriculture</b>	<b>Brazil</b> <sup>242</sup>	Tobacco producing states adhere to SindiTabaco's "Plant corn and beans after tobacco harvest" project developed by SindiTabaco and associated industries for 35 years, in order to diversify tobacco production through an integrated production system of corn and beans, similar to that of tobacco production. The project offers diversified income with the aim that the farmer continues to grow tobacco. The National Program proposal, for its part, offers the possibility of diversifying income and production in anticipation of a reduction in the demand for tobacco, as a result of the global implementation of the WHO FCTC.

Source: Corporate Accountability, Latin America Regional Interference Index, 2021.



## e. Lack of transparency facilitates industry interference.

*"Transparency is a necessary, but not sufficient, step to ensure that any interaction between governments and the tobacco industry, when it occurs, is open to public scrutiny. It is an accountability measure that supports the implementation of the WHO FCTC. The outlook for the Region is a mix of good and bad news, with progress in a few countries, setbacks in some, and no changes in many others. As a region, there is much that Latin American countries need to do to ensure that a comprehensive and consistent policy approach is adopted to ensure transparency in interactions with the tobacco industry in all sectors. There are best practice models and recommendations that countries could use as they continue to strengthen the implementation of tobacco control policies that promote sustainable economic and social development."*

*Stella Bialous, Professor University of California San Francisco (UCSF).*



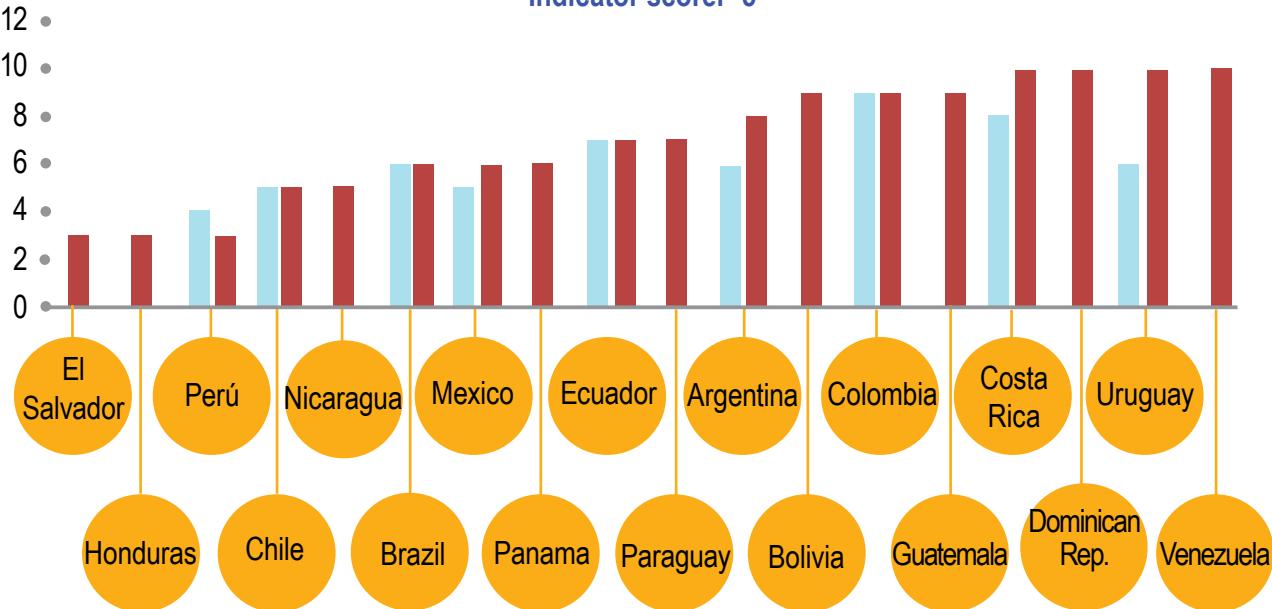
Figure 7. The lower the score, the more transparency in the interaction. Corporate Accountability, Latin America Regional Interference Index, 2021.

The lower the score, the better the ranking.





Indicator scorer 5



Graph 6. Lack of transparency in the interaction with the TI. Comparison between countries and years.  
*Corporate Accountability, Latin America Regional Interference Index, 2021.*

2020    2021

The Guidelines for the application of Article 5.3 of the WHO FCTC recommend ensuring the transparency of State meetings with the tobacco industry when strictly necessary. In the Annex, a special section is dedicated to maximizing transparency at COP9 and MOP2.

In **El Salvador**, the Ministry of Finance requires production companies to register,<sup>243</sup> like the Ministry of Health, it requires that they register to authorize the sale to anyone who produces, imports or promotes tobacco products.<sup>244</sup>

There is no evidence of the existence of an official mechanism for the public disclosure of the agendas of government officials in **Honduras**.<sup>245</sup>

The government of **Chile** is obliged to provide information on meetings or interactions with the TI in all its agencies, through the Active Transparency portal.<sup>246</sup>

In **Nicaragua**,<sup>247</sup> there is no record of the government meeting with the TI.

The agendas of **Brazilian** government officials<sup>248</sup>, are usually public, but the details of their meetings are not known. The meetings of the members of parliament are not public, although photographs are taken that are posted on social networks.

The legislation in **Mexico**,<sup>249</sup> does not require the government to publicly disclose interactions or meetings with the IT; however, the Ministry of Health monitors compliance with Article 5.3 of the FCTC, especially through the video recording of any meeting with TI representatives or allies.

In **Panama**,<sup>250</sup> the government does not publicly disclose its meetings or interactions with the TI, nor does it have regulations in place.

In **Ecuador**<sup>251</sup>, there is no regulation that requires the government to publicly disclose meetings or interactions with the TI, although hiring, payroll, plans and programs must be public.



On the other hand, in **Paraguay**<sup>252</sup>, it is noted that the current president of the Chamber of Deputies constantly meets with the former representative and majority shareholder of the most important tobacco company.

Although the government of **Argentina** has a website where it publishes the agenda ([audiencias.mininterior.gob.ar](http://audiencias.mininterior.gob.ar)), the details of the meetings are not always accessible or what is discussed is not disseminated in all of the meetings. In 2020, two meetings were held with BAT and one more with the national company affiliated to PMI, Massalin Particulares S.R.L, which was not registered either.<sup>253</sup> Meetings are also held between authorities and representatives of tobacco companies or Tobacco Chambers.<sup>254 255</sup> In Argentina there are no regulations to disclose or register belonging entities, affiliated organizations or persons acting on their behalf.<sup>256</sup>

In **Bolivia**<sup>257</sup> and **Venezuela**<sup>258</sup>, there is no policy that requires disclosure of the content or conclusions of meetings held with the TI, which is why some authorities hold meetings with the TI.

There are no provisions in **Colombia**<sup>259</sup>, that require the government to disclose meetings or interactions with IT, however, several interactions have been identified, mainly meetings or technical tables, where both government institutions and TI members participate. The Ministry of Agriculture met with some entities of the tobacco production chain, including BAT, to update the Chain's Competitiveness Agreement.

The government of **Guatemala**<sup>260</sup> does not disclose meetings or interactions with the TI, nor is there a law or code that requires it, but there is a bill that includes this point, although its congressional approval is still pending.

In **Costa Rica**,<sup>261</sup> the government did not publicly disclose meetings or interactions with the tobacco industry.

TI representatives had a meeting with the president of the **Dominican Republic** in order to discuss how the government can support them.<sup>262</sup>

**Peru** does not have a specific transparency and disclosure mechanism of meetings between the government and the TI. However, in 2019, the government publicly disclosed a meeting held with PMI regarding the regulation of IQOS. The corporation formally requested an appointment with the Ministry of Health, whose officials attended the meeting, as well as representatives of civil society. The purpose was to propose the formal and regulated entry of heated tobacco products.<sup>263</sup>

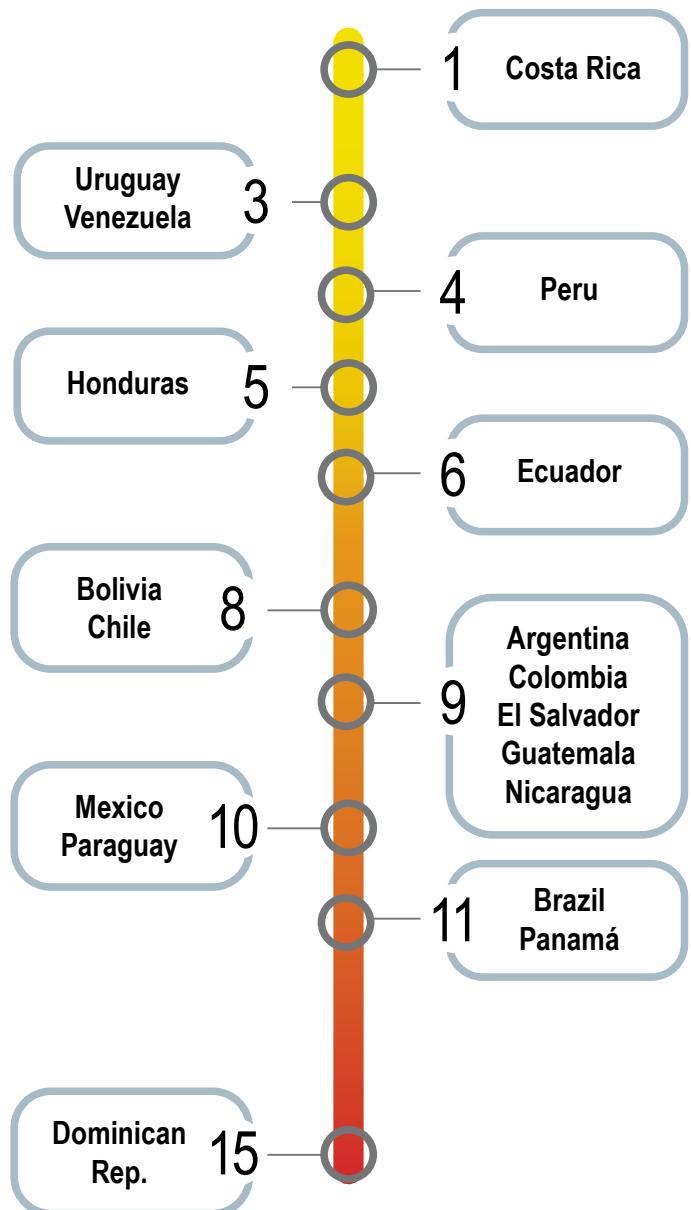
The president and officials of the Ministry of Public Health of **Uruguay**<sup>264</sup> do not meet with the tobacco industry. However, this may not be the case for other government agencies.

## II Regional Tobacco Industry Interference index





## f. Government decision makers (including retired officials) incur serious conflicts of interest



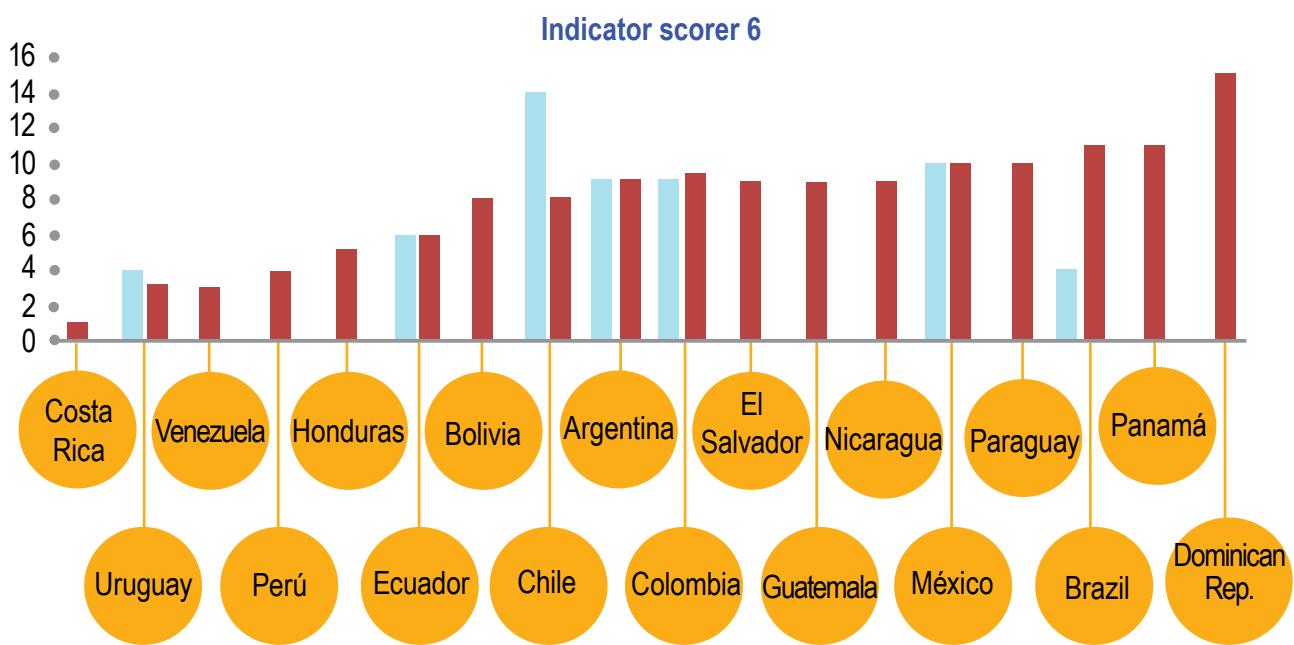
*"The tobacco industry is unlike any other, having caused countless victims of its products to be injured and killed. It is shameful that meritorious career professionals are degraded to work for this industry. It does not matter in what role, but by agreeing to support this industry, they become accomplices in the illness and deaths of millions of people. Is it worth basing a career in this?"*

Beatrix Champagne: coordinator,  
Healthy America Coalition (CLAS).

Figure 8: The lower the score, the less conflict of interest.  
Corporate Accountability, Latin America Regional Interference Index, 2021.

The lower the score, the better the ranking.





Graph 7. Conflicts of interest on the part of government decision makers. Comparison between countries and years.  
*Corporate Accountability, Latin America Regional Interference Index, 2021.*

The Guidelines for the implementation of Article 5.3 of the WHO FCTC recommend avoiding conflicts of interest between public officials and employees. Such conflicts can arise from financial, social or professional relationships. This Regional Interference Index analyzed two indicators: i) whether current officials or retired officials joined the tobacco industry and; ii) whether governments had a policy that rejected contributions, including political contributions from the tobacco industry (Figure 8). In **Costa Rica** and **Peru**, governments prohibit political contributions.<sup>265 266</sup> Nor was there clear evidence that retired government officials in these two countries have been linked to the tobacco industry. Notwithstanding the foregoing, some examples of conflict of interest in relation to the two indicators are shared below.

### 1. Political contributions and gifts from the tobacco industry

In Latin America, some countries have used mechanisms to disallow contributions or gifts from the tobacco industry in presidential campaigns. **Uruguay**, for example, has adopted a decree that prohibits all forms of sponsorship of tobacco companies, including donations,<sup>267</sup> in addition to not being allowed to finance political parties, although in the last electoral campaign, one of the political parties

declared that it had been financed by the Monte Paz tobacco company.<sup>268 269 270</sup> **Venezuela**<sup>271</sup> prohibits any form of advertising, promotion and sponsorship of the TI.

In other countries of the Region, although they have not declared specific TI regulations, they maintain other regulations that regulate contributions to political candidates, as in **Costa Rica**,<sup>272</sup> **Peru**,<sup>273</sup> and **Honduras**,<sup>274</sup> who, additionally require that all political parties publish information on their institutional portals about their donors. **Chile**,<sup>275</sup> also uses mechanisms to meet donors and sponsors of political campaigns and candidates, through the Electoral Service.

The case of **Colombia**<sup>276</sup> is special because, although there is a Law that prohibits any entity from making donations to presidential candidates and candidates must disclose a report of their income, it does not include people who may have ties to the TI.

A **large number of countries** do not have strict procedures that prohibit political contributions to support presidential campaigns and prevent potential conflicts of interest. They also do not require the declaration of these contributions. This is the case in **Argentina**, where the Law on Financing of Political Parties does not prohibit tobacco companies from financing the campaigns of candidates



for the legislative and executive branches.<sup>277</sup> In **Brazil**,<sup>278</sup> each political candidate finances their own campaign, so it is not possible to know whether the TI makes donations to candidates for parliament and the executive branch. **Guatemala** does not have this regulation either, but it has already presented a bill that includes these prohibitions.<sup>279</sup>

## 2. Senior retired government officials are part of the tobacco industry

The tobacco industry recruits senior retired officials to run tobacco companies or places them in lobbying positions in the area of their former public service, to increase the industry's access to government. This practice, commonly

referred to as a "revolving door", can be reversed, when former tobacco industry employees could accept a government position, from which they have the power to regulate the sector in which they once worked. Table 3 shows examples of the movement of people from one sector to another.

**Table 5. Revolving door between former officials and executives of the tobacco industry.**

	<b>Positions in governments or business associations</b>		<b>Positions held or held within the Tobacco Industry</b>
<b>Argentina</b>	<ul style="list-style-type: none"> <li>Official of the Ministry of Health, since 2018.</li> </ul>		<ul style="list-style-type: none"> <li>BAT (2009-2016).<sup>280</sup></li> </ul>
<b>Brazil</b>	<ul style="list-style-type: none"> <li>Daughter of the Secretary of Family Agriculture.</li> <li>Sister of the Secretariat of Agriculture of the State of Rio Grande do Sul.</li> </ul>		<ul style="list-style-type: none"> <li>PMI<sup>281</sup></li> <li>Employee of Japan Tobacco<sup>282</sup></li> </ul>
<b>Chile</b>	<ul style="list-style-type: none"> <li>Minister, Undersecretary and President of public companies in various governments (from 1990 to 2018).</li> <li>Member of the Council for Transparency (until 2010).</li> <li>Former MP (1990-1998).</li> <li>Former Minister of Justice (2011-2012).</li> <li>Former Minister of Foreign Affairs (2019-2020).</li> </ul>		<ul style="list-style-type: none"> <li>BAT Chile Directory.<sup>283</sup></li> <li>President. (While in government, he also served as Director of BAT).</li> <li>Former member of the Board of Directors.</li> <li>Member of the Board of Directors (since 2009).</li> </ul>



Colombia	<ul style="list-style-type: none"><li>Former director of the Bank of the Republic.</li><li>Former Director of the National Intelligence Directorate, former Director of the National Narcotics Directorate, former Presidential Security Adviser.</li></ul>	▶	<ul style="list-style-type: none"><li>Managing Director of PMI.</li><li>Vice President of BAT.<sup>284</sup></li></ul>
Ecuador	<ul style="list-style-type: none"><li>Re-elected executive president of the Chamber of Industries and Production 2021-2022.<sup>285</sup></li><li>Former vice president of the Chamber of Industries and Production.<sup>286</sup></li></ul>	◀	<ul style="list-style-type: none"><li>Former Director of Corporate Affairs for <b>Ecuador</b> and <b>Peru</b>, Manager of Corporate Affairs at PMI.<sup>287</sup></li><li>Former director of Corporate Affairs for <b>Ecuador</b> and <b>Peru</b> of PMI <b>Ecuador</b> (2016-2018).<sup>288</sup></li></ul>
Guatemala	<ul style="list-style-type: none"><li>Former secretary of the Executive Coordination of the Presidency (2010) and former advisor to the National Coordination for Disaster Reduction (2015).</li></ul>	▶	<ul style="list-style-type: none"><li>BAT representative.<sup>289 290</sup></li></ul>
Panamá	<ul style="list-style-type: none"><li>Former deputy and current ambassador to <b>Mexico</b>.</li><li>Deputy General Technical Director of the National Customs Authority.</li></ul>	▶ ◀	<ul style="list-style-type: none"><li>BAT advisor.<sup>291</sup></li><li>Consultant for BAT and PMI companies.<sup>292</sup></li></ul>
Dominican Republic	<ul style="list-style-type: none"><li>Former president and current vice president.</li></ul>	▶ ▶	<ul style="list-style-type: none"><li>Are or were TI executives.<sup>293</sup></li></ul>

Source: Corporate Accountability, Latin America Regional Interference Index, 2021.



## g. Governments can protect themselves from tobacco industry interference

*"The governments of the Americas region still need to strengthen the appropriate information, communication, and conduct in interactions with the tobacco industry to ensure the application of one of the fundamental principles of the Article 5.3 guidelines 'when dealing with the tobacco industry, or those who work to promote their interests, the Parties should be accountable and transparent.'"*

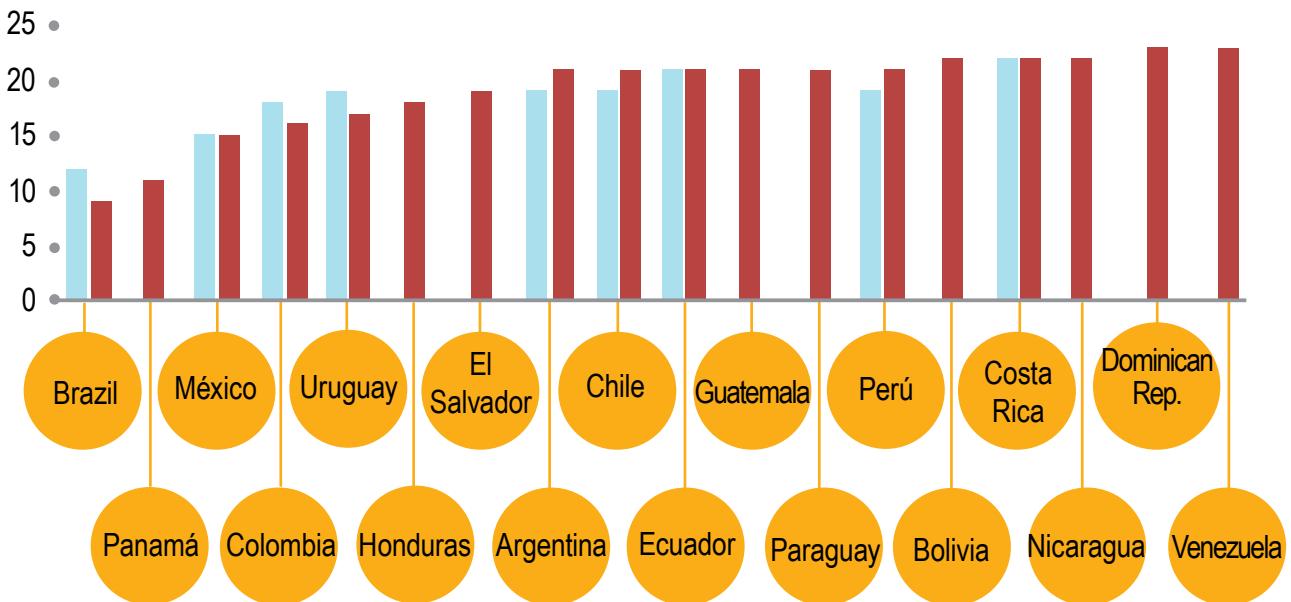
Vera Luiza da Costa e Silva, former Head of the FCTC Secretariat / Invited researcher CETAB / ENSP / FIOCRUZ.

Figure 9: Governments that have preventive measures to protect themselves from industry interference. The lower the score, the better protection. Source: Corporate Accountability, Latin America Regional Interference Index, 2021.

The lower the score, the better the ranking.



### Indicator scorer 7



Graph 8. Governments that have preventive measures to protect themselves from IT interference. Comparison between countries and years. Source: Corporate Accountability, *Latin America Regional Interference Index*, 2021.

According to the Guidelines for the application of Article 5.3 of the WHO FCTC, governments should demand information on the activities carried out by the TI so that they can take the most effective measures to avoid interference from that group. This would allow the TI's actions to be transparent. It is recommended that a code of conduct be put in place for public officials, including the guidelines they must adhere to when dealing with the TI.

Governments can take concrete actions to protect themselves and strengthen tobacco control. Here are five types of measures:

#### 1. Record of interactions with the industry

The Guidelines for the implementation of Article 5.3 of the WHO FCTC recommend introducing and implementing measures to make all TI operations and activities transparent.

- The organizations or individuals in **Argentina** that participate in a national commission, summoned by the Ministry of Health, must present an affidavit stating that they have no conflict of interest, which must be published on the website of the Ministry of Health.<sup>294</sup> However, no signatures of these statements have been requested lately, and they only apply to meetings within the Ministry of Health.<sup>295</sup>

- Likewise, **Costa Rica** has a bill called "Lobbying the Public Administration" that has received favorable opinions.<sup>296</sup>
- Most countries have not instituted a procedure for interactions with the TI. However, in **Brazil**<sup>297</sup> one can request the agenda of public servants. **Colombia**,<sup>298</sup> has a law that obliges all public entities to disclose information when a citizen requests it (unless it is classified). And, **Chile**<sup>299</sup> is governed by the laws of Transparency and Lobby.
- Neither **Ecuador**,<sup>300</sup> **El Salvador**,<sup>301</sup> **Honduras**,<sup>302</sup> and the **Dominican Republic**<sup>303</sup> have an ordinance regarding such interactions.
- In **Guatemala**,<sup>304</sup> a bill pending approval includes rules on topics of interaction between the government and the TI, such as: public hearings, publication of meetings and their content, records of each interaction, decisions made, and identity of the participants. All of this would be in the public domain if the law is passed.
- In **Mexico**,<sup>305</sup> the General Law of Electoral Institutions and Procedures does not prohibit TI contributions.
- In the case of **Peru**, there is a general law that establishes a procedure to disclose the records of the interaction (such as agenda, attendees, minutes and



results) with the industries in general;<sup>306</sup> it does not specify interactions with the TI.

## 2- Code of conduct

The Guidelines for the implementation of Article 5.3 of the WHO FCTC recommend formulating, adopting and applying codes of conduct for public officials, which prescribe the standards to be followed when dealing with the tobacco industry.

- **Brazil**<sup>307</sup> applies a code of conduct that regulates the relationship between public servants and companies. Although it is not formulated for interaction with the tobacco industry, it is a fundamental tool to protect public policies against private interests in general. Such an instrument specifies that you cannot receive incentives from the TI, or funding for activities or research.
- Most countries have not established a specific code of conduct for public officials and their actions with the TI. Although in **Ecuador**,<sup>308</sup> there are also no general guidelines, there are certain codes of conduct that they can apply.

## 3. Transparent and accurate information

The Guidelines for the implementation of Article 5.3 of the WHO FCTC recommend requiring the tobacco industry, and those who work to advance its interests, to submit regular information on production, manufacturing, market share, marketing expenditures, income and any other information. Other tobacco-related activity, including lobbying, CSR activities, and political contributions. Towards this end, governments must ensure that the tobacco industry operates in a transparent and accountable manner.

- **Argentina** annually requests that the TI, manufacturers, or importers of tobacco products submit a report detailing the advertising or promotion that has been carried out, differentiated by product, brand and quantity.<sup>309</sup> Additionally, it annually requests that a report be submitted to the Ministry of Agriculture, Livestock and Fisheries, regarding the movements of the registered tobacco market (production and sale).<sup>310</sup> Also in **Chile**, the TI must report each year, to the Ministry of Health, the expenses made by donations and sponsorships to individuals and institutions, both government and

private.<sup>311</sup> In addition, the TI must provide information on tax collection.

- Some countries in Latin America implement mechanisms to ensure transparency. For instance, **Brazil**,<sup>312</sup> **El Salvador**,<sup>313</sup> **Panama**<sup>314</sup> and **Venezuela**,<sup>315</sup> request information on tax collection, production, income and the market just like **Colombia**,<sup>316</sup> who additionally have data on the total tobacco production in the country, which is available online.
- **Honduras**,<sup>317</sup> in addition to requesting information on taxes, the producer and merchant must present proof of being legally constituted to register as an exporter.
- In other countries, it is necessary to strengthen measures to make TI actions transparent. For instance, **Ecuador**,<sup>318</sup> does not have a specific instrument for this purpose, but there are some legal provisions that allow information about the TI to be known. In **Bolivia**,<sup>319</sup> the TI is not obliged to report advertising, marketing, RS or CSR and / or lobbying expenses (however, the regulations provide that the TI must annually report the components of its products and the elements found in the smoke). **Guatemala** does not require the TI to submit reports on tobacco production or sale. However, the bill pending approval does request that it annually submit information on income and earnings, number of cigarette packs distributed, by department, complaints or lawsuits against the company or members, as well as import and export activities.<sup>320</sup> The **Dominican Republic**<sup>321</sup> also requires that companies provide information on production and marketing, however, they are not required to provide information on contributions in lobbying, philanthropy, political contributions, among other areas.

## 4. Communication

The first recommendation of the communication guidelines is aimed at raising awareness of the public authorities and the public about the tactics and activities of the IT. In most countries there is no consistent program or plan on policy awareness related to the guidelines in Article 5.3.

- **Argentina**,<sup>322</sup> **Chile**,<sup>323</sup> **Costa Rica**,<sup>324</sup> **Ecuador**,<sup>325</sup> **Guatemala**,<sup>326</sup> **Honduras**,<sup>327</sup> **Nicaragua**<sup>328</sup> and **Venezuela**<sup>329</sup> do not have programs, plans or systems to make the population aware of the guidelines of Article 5.3 of the WHO FCTC.



- In **Bolivia**<sup>330</sup> and **Uruguay**<sup>331</sup> there is no social awareness plan for the WHO FCTC in general. In **Bolivia**<sup>332</sup> high staff turnover means that temporary employees hold meetings with the TI, as they do not know the implications of this action.
- In **Brazil**,<sup>333</sup> **Colombia**,<sup>334</sup> and **Mexico**<sup>335</sup> there are some awareness programs that reach certain sectors.
- There are a number of strategies that can be used to raise awareness about tobacco industry interference and what government agencies can do about it.<sup>336</sup> This includes, for example, sending alert letters with information based on the provisions of the Convention and its Guidelines, as well as advocating for compliance with them.

## 5. Rejection of contributions or collaborations

The Guidelines for the Implementation of Article 5.3 of the WHO FCTC recommend not accepting, supporting or endorsing any offer of assistance, or proposed tobacco control legislation or policy, written by, or in collaboration with, the tobacco industry.

- In **Bolivia**,<sup>337</sup> Law No. 2027 of the Public Official Statute, prohibits public servants from receiving gifts in general.
- **Colombia**,<sup>338</sup> **Costa Rica**,<sup>339</sup> **El Salvador**,<sup>340</sup> **Honduras**,<sup>341</sup> **Nicaragua**,<sup>342</sup> **Panama**,<sup>343</sup> **Paraguay**,<sup>344</sup> **Peru**,<sup>345</sup> **Dominican Republic**,<sup>346</sup> and **Venezuela**,<sup>347</sup> do not have a policy for declining acceptance of TI contributions or gifts.
- In **Chile**,<sup>348</sup> there are no measures in place to prevent TI gifts, but there is a gift and travel registry portal for each authority and decision-making officer.
- In **Guatemala**,<sup>349</sup> there is no policy to prevent members of the government from accepting TI contributions, although they do have a bill that includes this ban.

**Observatory on the strategies of the tobacco industry.** Brazil has an online Observatory that provides the public with detailed and documented information on the strategies and tactics used by the tobacco industry to undermine tobacco control policies in the country.

***"Governments, in association with civil society, must always be vigilant to contain this industry whose interests are contrary to those of public health. Maintenance and financing should be considered as an investment in favor of the health of the population. Their mission is to identify documents and publish analyses on the tobacco industry's attempts to interfere with public policy."***

Silvana Rubano Turci,  
CETAB / ENSP / Fiocruz.

The Observatory was created by the Center for Studies on Tobacco and Health of the Sergio Arouca National School of Public Health, of the Oswaldo Cruz Foundation (CETAB / ENSP / Fiocruz), in collaboration with the Secretariat of the WHO FCTC, CONICQ, the Pan American Organization of Health (PAHO), the Alliance for Tobacco Control (now ACT Health Promotion) and the International Union Against Tuberculosis and Respiratory Diseases (The Union), to protect and enforce tobacco control policies by monitoring TI interference.

Launched in 2016, this Observatory provides information on the people and organizations that participate, directly or indirectly with the tobacco industry, and can be verified on how lobbying is done to undermine the interests of public health in Brazil. In addition, it provides current data on the legislative measures the country has taken to enforce the WHO FCTC.

The ACT Health Promotion of Brazil organization worked in collaboration with the Observatory in the creation of the 2021 Brazil Interference Index, which allowed it to identify solid evidence of the activities of the tobacco industry for the preparation of this report.



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## CONCLUSIONS AND RECOMMENDATIONS





*"A Ministry of Health, no matter how strongly committed, cannot take on the task of tobacco control alone. Progress requires working across agendas, for example to strengthen implementation of a strong tobacco control law, ensure effective taxation, educate the public, and to confront illicit trade. Because as strong as our resolve is to improve well-being to advance the Sustainable Development Goals in Latin America, there are strong opposing forces who are exploiting the stresses created by COVID, specifically the tobacco industry, that do not want us to succeed".*

*Douglas Webb, Manager, Health and Innovative Financing, HIV, Health and Development Group, UN Development Programme (UNDP).*

Sustainably protecting public health policies from business and other vested interests in the tobacco industry is probably the most challenging and important aspect of tobacco control. Tobacco control and the implementation of the WHO FCTC are part of a broader global goal: the prevention of non-communicable diseases (NCDs), included in the SDGs, so their progress will allow better protection of health policies against the influence of the tobacco industry. This is the second Index carried out in the Latin American region, in which 18 countries participated. The Index aims to promote the exchange of experiences between countries, learn from successes and mistakes, in order to anticipate future challenges.

This year, the world continues to go through the COVID-19 pandemic that began in 2020 and which has become an opportunity for the TI to show itself as "socially responsible" and, thus, manage to promote, in some way, their products to the population. In addition, 2021 is the year in which COP9 and MOP2 will take place, after having had to be postponed for a year, which will be held for the first time virtually.

The Index yielded data on: industry participation in policies, corporate social responsibility, TI benefits, unnecessary interaction, transparency, conflicts of interest and preventive actions. Overall, most countries increased the percentage of industry interference compared to 2020 (out of 9 that participated the previous year). The intense lobby that the TI carries out to interfere in public policies to benefit its own interests, damaging public health; the creative way in which this industry uses even the world's biggest misfortunes to show itself as "socially responsible" in order to deceive the population with its false speech towards the welfare of all and the tricks they use to convince public officials that can safeguard their interests, are the most common actions found in Latin America.

Once the commitment has been made to work for public health and to generate policies that allow for the reduction of tobacco consumption, it is necessary for the Parties to empower themselves and carry out actions that lead to the correct implementation of the FCTC of the WHO and the Protocol. It starts with raising awareness within all government institutions to join this cause, because



there is evidence of a common problem, and that this need is, mainly, internalized by the Ministry of Health, Non-Governmental Organizations and Civil Society, without getting this commitment from other government institutions that are essential to generate the necessary impact (such as Customs or Internal Revenues).

A multisectoral approach, involving the whole of government and the whole of society, is essential for tobacco control to work more effectively and to truly counter interference from the tobacco industry. The faster governments act to implement the Guidelines for the implementation of Article 5.3 of the WHO FCTC, the better they can protect tobacco control policies and achieve the SDGs.

To achieve this, the following actions are recommended:

#### **At the communication, governance and regulation level**

- 1. Communication.** Raise awareness in all sectors of government about the obligation to protect tobacco control policies and what they can do to counter industry interference.
- 2. Government regulation.** Develop a policy that requires all government sectors to: reject alliances or agreements with the tobacco industry. **Limit interaction** with the tobacco industry, unless strictly necessary for effective regulation. Guarantee **transparency** in the operations and actions of the government and the tobacco industry, especially the interactions, communications and contacts between them; which must be available to the public. Adopt a **code of conduct** that protects officials from industry influence. The recommendations of the Guidelines can be integrated into existing laws or codes of conduct.
- 3. Regulation of the industry.** Develop clear policies on the **information that is required from the industry**, the form and frequency in which it is presented, the body that reviews the information presented, and the penalties established for non-compliance. **Denormalize or ban so-called CSR activities, and remove incentives** or subsidies to the tobacco industry, including preferential tax treatment, even if it applies to companies in general.
- 4. Systematically monitor and report** on the activities of the tobacco industry. Civil society participation is essential in monitoring. The tobacco industry behavioral observatories are a good example of cooperation and coordination.
- 5. Promote national and international cooperation** to improve the implementation of Article 5.3 of the WHO FCTC in relation to the articles of the Convention: Article 6 (increased tobacco taxes), Article 13 (advertising, promotion and sponsorship) and Article 14 (cessation), article 17 (support for economically viable alternative activities) and article 19 (responsibility) in order to reduce the interference of the tobacco industry in tobacco control policies. **Request assistance** in the application of Article 5.3 and its guidelines from the Knowledge Sharing Center of the WHO FCTC Secretariat and use the resources available to them.
- 6. Protect tobacco control policies** and activities against any commercial interest related to novel and emerging tobacco products, in accordance with Article 5.3 of the WHO FCTC.
- 7. Promote the active participation of civil society** free of conflicts of interest with the tobacco industry and collaboration with it, this is essential to effectively implement Article 5.3 of the WHO FCTC.
- 8. Establish or strengthen and finance a national coordination mechanism for tobacco control.**
- 9. Cooperate on an international scale and establish alliances with other agendas**, such as economic and commercial, development, academic, environment and human rights.



10. Most of the countries in the Region, with the exception of the **Dominican Republic** and **Argentina**, have ratified the WHO FCTC, for which they have acquired the commitment to work on the implementation of all the recommendations in the document. The ratification of the WHO FCTC is a pending debt with public health, so it is recommended, as soon as possible, that countries that have not ratified the Convention and that have not signed or ratified the Protocol to Eliminate Illicit Trade of Tobacco Products, do so, in order to implement better policies that prevent or reduce tobacco consumption and, thus, avoid innumerable diseases in the population and whose cure, ends up being, in the long run, more costly for the States.
11. **Protect the meetings of the COP, MOP and their subsidiary bodies**, guaranteeing the implementation of the decisions to maximize transparency adopted during COP8 and MOP1.



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# RESOURCES



The resources included are merely referential, and in no way exhaust the extensive catalog of tools available on the subject.

## A. OFFICIAL DOCUMENTS AND RESOURCES OF WHO, PAHO AND THE SECRETARIAT OF THE FCTC

- [Centro de Intercambio de Conocimientos de la Secretaría del CMCT de la OMS sobre el Artículo 5.3.](#)
- [Centros de vigilancia de la industria tabacalera \(observatorios\).](#)
- [Compatibility of the United Nations' Guidelines on cooperation between the United Nations and the business sector and the Guiding principles on business and human rights with Article 5.3 of the WHO Framework Convention on Tobacco Control](#), 2018. Secretaría del Convenio Marco de la OMS para el Control del Tabaco.
- [Centro multimedia mundial para contrarrestar la interferencia de la industria tabacalera. Centro de Intercambio de Conocimientos de la Secretaría del CMCT de la OMS sobre el Artículo 5.3.](#) Disponible en inglés.
- [Convenio Marco para el Control del Tabaco](#), Organización Mundial de la Salud, 2003.
- [Decisión FCTC/COP8\(18\)](#) Protección de las políticas de salud pública relativas al control del tabaco contra los intereses comerciales y otros intereses creados de la industria tabacalera.
- [Decisión FCTC/COP8\(12\)](#) Maximización de la transparencia de las delegaciones de las Partes y observadores en la Conferencia de las Partes, sus órganos subsidiarios y otras reuniones en relación con el CMCT de la OMS.
- [Decisión FCTC/COP8\(4\)](#) Código de Conducta y declaración de intereses de los miembros de la Mesa y los coordinadores regionales de la Conferencia de las Partes en el Convenio Marco de la OMS para el Control del Tabaco, y medidas propuestas para prevenir y abordar posibles conflictos de intereses en la Secretaría del Convenio.
- [Estrategia y plan de acción para fortalecer el control del tabaco en la región de las Américas 2018-2022.](#) Organización Panamericana de la Salud.
- [Directrices para la aplicación del artículo 5.3](#) del CMCT de la OMS (decisión FCTC/COP3).
- [Estrategia mundial para acelerar el control del tabaco: promover el desarrollo sostenible mediante la aplicación del CMCT de la OMS 2019-2025.](#) Ginebra: Organización Mundial de la Salud; 2019 (WHO/CSF/2019.1).
- [FCTC Article 19 Civil Liability Toolkit.](#) Convention Secretariat, WHO Framework Convention on Tobacco Control.
- [Guía para las Partes en el CMCT de la OMS sobre cómo llevar a cabo un seguimiento de la industria tabacalera](#), Centro de Intercambio de Conocimientos de la Secretaría del CMCT de la OMS sobre el Artículo 5.3, septiembre de 2018.
- [Good country practices in the implementation of WHO FCTC Article 5.3 and its guidelines](#), 2018. Secretaría del Convenio Marco de la OMS para el Control del Tabaco.
- [Conjunto de herramientas para la aplicación del artículo 5.2 \(a\) del CMCT de la OMS.](#) Secretaría del CMCT de la OMS y PNUD.
- [Informe sobre los progresos realizados a escala mundial en la aplicación del Convenio Marco de la OMS para el Control del Tabaco 2018.](#) Disponible en inglés. Secretaría del Convenio Marco de la OMS para el Control del Tabaco.
- [Informe sobre el control del tabaco en la Región de las Américas, 2018.](#) Organización Panamericana de la Salud.
- [Manual para desarrollar legislación para el control del tabaco](#) en la Región de las Américas. 2013. Organización Panamericana de la Salud.
- [Octavo informe OMS sobre la epidemia mundial de tabaquismo.](#) 2021.



- [Política modelo para los organismos del sistema de las Naciones Unidas sobre la prevención de la injerencia de la industria tabacalera](#). Grupo de Trabajo Especial Interinstitucional de las Naciones Unidas sobre la Prevención y el Control de las Enfermedades No Transmisibles. Disponible en inglés.
- [Protocolo para la eliminación del comercio ilícito de productos de tabaco](#)

## B. ARTICLE 5.3 AND GUIDELINES FOR ITS IMPLEMENTATION

- [Elementos esenciales de las medidas de aplicación del Artículo 5.3 del CMCT](#). Leyes de control del tabaco. Campaña para Niños Libres de Tabaco (CTFK). Disponible en inglés.
- [Hoja de ruta para proteger la salud del Big Tobacco: una guía para la implementación del Artículo 5.3 del CMCT](#). Corporate Accountability.
- [Kit de herramientas del artículo 5.3 del CMCT](#): Guía para gobiernos sobre la Prevención de la interferencia de la industria del tabaco. La Unión. Disponible en inglés.
- [Prevención de la interferencia de la industria del tabaco](#). Kit de herramientas del Artículo 5.3 del CMCT. Southeast Asia Tobacco Control Alliance (SEATCA). Disponible en inglés.

## C. Maximizing transparency and legal accountability of the tobacco industry

- [Centro de Recursos COP9 del CMCT de la OMS y MOP2 de El Protocolo](#). STOP, ASH, ATCA, SEATCA, The Union & Corporate Accountability. 2021

## D. INTERFERENCE FROM THE TOBACCO INDUSTRY

- [Desenmascarando a la Industria Tabacalera en América Latina](#). Cómo intensifica sus estrategias de comercialización en tiempos de COVID-19. Reporte regional de 6 países. Salud Justa.
- [Global Tobacco Industry Interference Index 2020](#)
- [Global Tobacco Industry Interference Index 2019](#)
- [Hojas informativas sobre las tácticas de la industria tabacalera para interferir en el control del tabaco](#). Oficina regional de la OMS para el Mediterráneo Oriental y Centro Mundial para la Buena Gobernanza en la Lucha contra el Tabaco (GGTC). Disponible en inglés.
- [Índice de Interferencia Global de la Industria del Tabaco 2019](#). Resumen ejecutivo.
- [Índice Regional de Interferencia de la Industria Tabacalera en América Latina](#), L. Salgado, D. Dorado, J. Arcila. 2020. Corporate Accountability.
- [Interferencia de la industria tabacalera un resumen mundial](#). 2012. OPS
- [La salud no se negocia](#). Guía para comprender, monitorear y contrarrestar la interferencia de la industria del tabaco en las políticas públicas, 2012. FIC Argentina
- [Interferencia de la industria tabacalera en el control del tabaco](#). Disponible en inglés. WHO TFI Report.
- [Sabotage, Deceit and Duplicity British American Tobacco Uncovered](#). 2021. STOP.
- [Tobacco Industry Interference Index](#). 2017. ASEAN Report



## E.HEATED TOBACCO PRODUCTS AND ELECTRONIC NICOTINE ADMINISTRATION SYSTEMS

- [Informe de la OMS a la COP 8 - Decisión COP 8: FCTC/COP8\(22\)](#)
- [Informe de la OMS a la COP 7 - Decisión COP 7: FCTC /COP7/9](#)
- [Informe de la OMS a la COP 6 - Decisión COP 6: FCTC /COP6/9](#)
- [Nota informativa sobre la clasificación de los productos de tabaco novedosos y emergentes.](#)  
Secretaría del Convenio Marco de la OMS para el Control del Tabaco.
- [Productos de Tabaco Calentados y Sistemas Electrónicos de Administración de Nicotina. Campaña para Niños Libres de Tabaco \(CTFK\).](#)

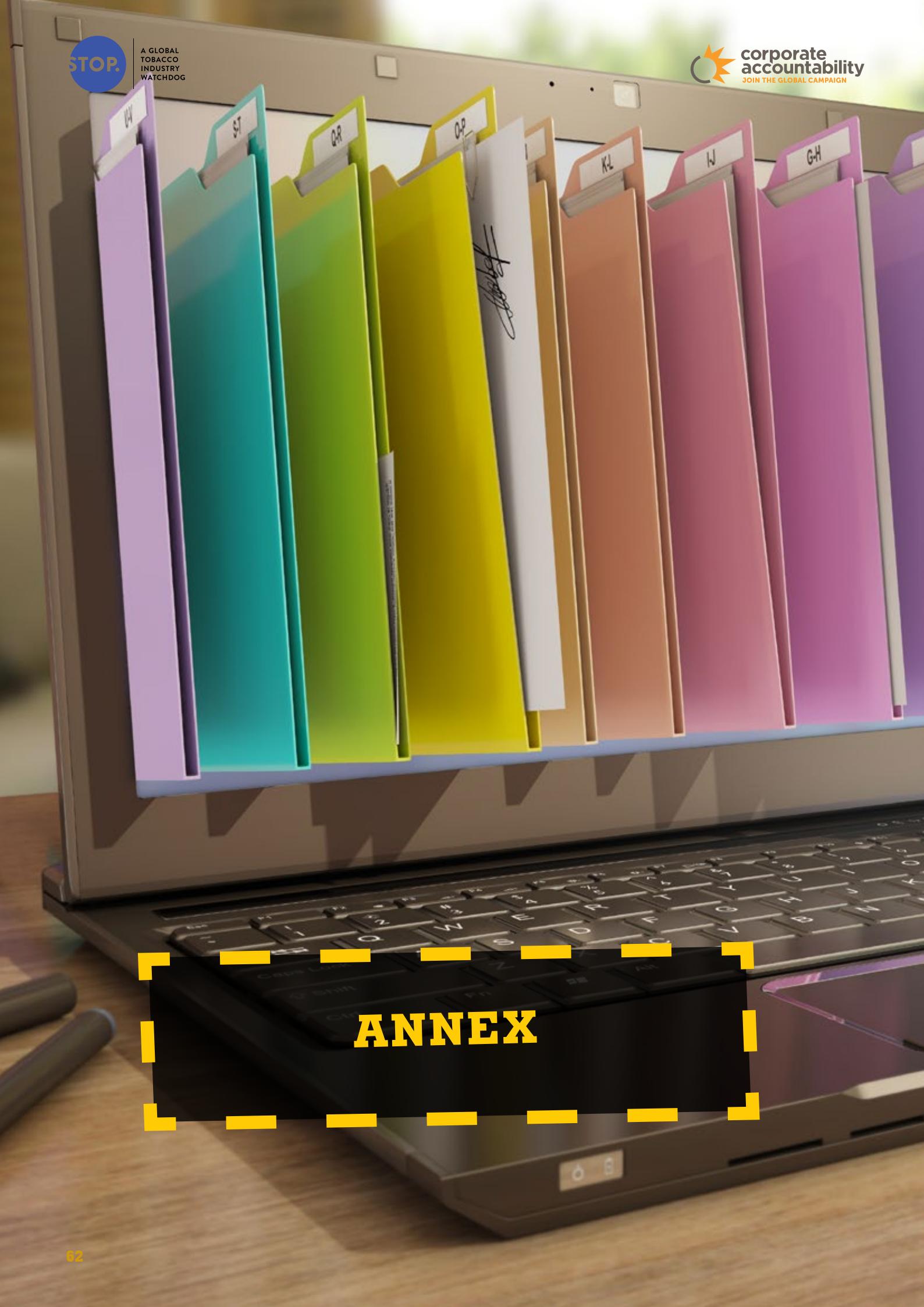
## F. OTHERS

- [ACT Promoção da Saúde \(ACT\)](#)
- [Action Smoking and Health \(ASH\)](#)
- [Alianza para el Convenio Marco \(FCA\)](#)
- [Campaign for Tobacco-Free Kids \(CTFK\) Plantilla para una legislación efectiva para control del tabaco.](#)
- [Centro de Investigación para la Epidemia del Tabaquismo \(CIET\)](#)
- [Comisión Nacional Permanente de Lucha Antitabáquica \(COLAT\)](#)
- [Corporate Accountability](#)
- [Fundación Interamericana del Corazón \(FIC Argentina\)](#)
- [Global Center for Good Governance in Tobacco Control \(GGTC\)](#)
- [Informe Empresas y Derechos Humanos. REDESCA.](#)
- Red Nacional Antitabaco: [rednacionalantitabaco.com](http://rednacionalantitabaco.com)
- [Salud Justa Mx](#)
- [Southeast Asia Tobacco Control Alliance \(SEATCA\)](#)
- [STOP \(Stopping Tobacco Organizations and Products\)](#)
- [The Tobacco Atlas](#). American Cancer Society and Vital Strategies.
- [Tobacco Tactics](#). University of Bath.
- [Unión Internacional contra la Tuberculosis y Enfermedades Respiratorias \(La Unión\)](#)



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# ANNEX



# CALLING COP9 & MOP 2 - MAXIMIZING TRANSPARENCY

*"Since its adoption almost two decades ago, the WHO FCTC has provided groundbreaking and necessary measures to keep the tobacco industry out of public-health policymaking. Public-health policies guided by the WHO FCTC and implemented by countries around the globe have saved countless lives. Not surprisingly, the tobacco industry has responded with increasingly devious and outrageous ways to infiltrate COPs and other well-known interference tactics. This year, Parties have a critical opportunity to take the bold—and lifesaving—step of implementing the maximizing transparency decisions during COP9 and MOP2".*

*Patti Lynn, Executive Director, Corporate Accountability*

2021 is a special year since COP9 and MOP2 will be held, which could not be held last year, as they are biannual events (the last were in 2018), due to the SARS-CoV-2 pandemic. As the ravages of COVID-19 persist, for the first time a COP and an MOP will take place virtually, which raises concern about facing the greater challenge of preventing the interference of the TI, and of people who have a conflict of interest.

The TI is likely to seek to take advantage of this virtual format to obtain information and intervene in its interests and against public health, by undermining the momentum for the implementation of the WHO FCTC and Protocol measures. It must be taken into consideration that the important discussions and decisions that characterize the COPs and MOPs have allowed nations to apply and advance in the implementation of the measures of the WHO FCTC and the Protocol. However, the TI has a strategy of trying to manipulate, intimidate and pressure the delegates who attend these meetings, while gathering

information on the policy proposals that it wants to implement.<sup>350</sup>

This is why, during the last meetings (COP8 and MOP1), the Parties acted to safeguard the integrity of the Convention and Protocol, hence the idea of maximizing transparency to guide the Parties to protect themselves from interference by the TI. Thus, it was agreed, among the main components, that:

- Article 5.3 of the WHO FCTC should be reviewed and the recommendations established within the Guidelines for its application should be taken into account, especially recommendations 4.9<sup>351</sup> and 8.3<sup>352</sup>, to designate the representatives who will participate in the meetings of the Parties, their subsidiary bodies and other meetings.
- Parties, when electing their representative at COP and MOP meetings, are required to indicate by any means

that they have reviewed Article 5.3 of the WHO FCTC and have taken into account the recommendations of points 4.9 and 8.3 of the Guidelines.

- According to the internal procedures of each Party, they can decide the way in which they will apply the previous point, which is in accordance with Article 5.3 of the WHO FCTC; for example, they could use the declaration of interest forms.
- Carry out a selection and accreditation process for representatives of Intergovernmental Organizations, Non-Governmental Organizations, requiring all people who attend the meetings to complete the declaration form of having no conflicts of interest, 14 days before the session.
- Carry out a selection and accreditation process for members of the media and the general public who must submit the form of not having a conflict of interest 30 before the event.<sup>353 354</sup>

Thus, the Parties that attend COP9 and MOP2 must have a firm commitment not to allow any type of interference from the IT, so that the meetings can be managed in the most transparent way possible to make decisions in accordance with the health of all the people of the world.

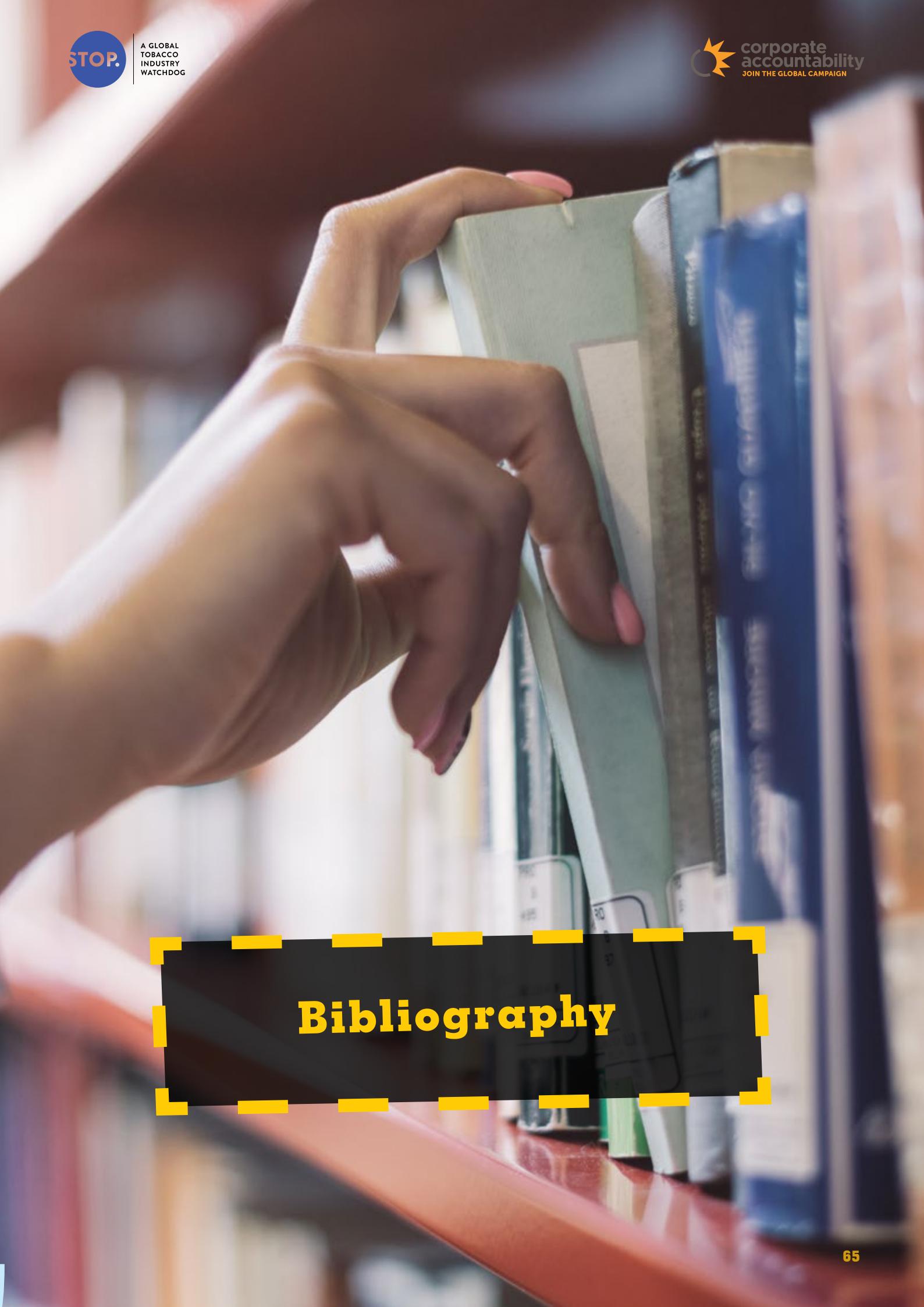
For more information, we invite you to review the [COP9 Resource Center of the WHO FCTC and MOP2 of The Protocol: Maximizing transparency and legal responsibility of the tobacco industry.](#)

## II Regional Tobacco Industry Interference index





A GLOBAL  
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# II Regional Tobacco Industry Interference index



Implementation of Article 5.3 of the WHO Framework Convention  
on Tobacco Control in Latin America, 2021

#NoTobaccoIndustryInterference

**STOP.**

A GLOBAL  
TOBACCO  
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**corporate  
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