

# II Regional Index of Tobacco Industry Interference



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

## Executive Summary



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# Introduction

This is the second year in a row that the Regional Tobacco Industry Interference Index in Latin America has been produced, which is an extension of the Global Tobacco Industry Interference Index. It attempts to analyze the current situation in Latin America regarding the application of Article 5.3 of the World Health Organization Framework Convention for Tobacco Control (WHO FCTC). Civil society organizations from 18 countries participated - they contributed to the collection of available public information for the Index: Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, the Dominican Republic, Uruguay, and Venezuela, which is double the amount that collaborated in the first Regional Interference Index. Article 5.3 of the WHO FCTC prescribes the protection of public health against the interests of the Tobacco Industry (TI).

2021 has been a unique year, marked by two events that have impacted the results of this report: the COVID-19 pandemic and the realization of the Ninth Session of the Conference of the Parties to the WHO FCTC (COP9) and the Second Session of the Meeting of the Parties to the Protocol to Eliminate Illicit Trade in Tobacco Products (MOP2), which for the first time will be held virtually after having been postponed a year due to the pandemic.

To calculate the level of interference, each country had to answer a questionnaire designed by the Southeast Asia Tobacco Control Alliance (SEATCA), to discover the ways in which governments are complying with Article 5.3 of the WHO FCTC. The questionnaire measures seven indicators and includes twenty questions. The indicators were: the participation level of the industry in the creation of government policies, TI corporate social responsibility initiatives, benefits for the TI, forms of unnecessary interaction, transparency, conflicts of interest and preventive actions.

Despite the fact that most of the countries that make up this index have signed the WHO FCTC and have ratified it (with the exceptions of Argentina and the Dominican Republic) and that the governments try to comply with the WHO FCTC, including with Article 5.3, all of the countries have different degrees of TI interference. The countries that were part of the 2020 Index, with the exception of

Chile, Costa Rica, and Colombia, have an increase in the interference score this year. In 2021, the country with the least amount of industry interference is Costa Rica and the country with the most is the Dominican Republic. The most common actions identified in Latin America are: intense TI lobbying to interfere in public policy for the benefit of its interests at the cost of public health, the pretentious way in which the industry uses a false discourse of concern for public welfare to take advantage of the world's greatest misfortunes and to show itself as "socially responsible," and strategies that aim to convince public officials to safeguard its interests.

This situation requires the countries that have not ratified the WHO FCTC and those that have not signed or ratified the Protocol to Eliminate Illicit Trade in Tobacco Products (The Protocol), to do so. It is essential that governments adopt or enforce national laws on tobacco control, which are aligned with the provisions of the WHO FCTC, including Article 5.3.

It was observed, in general, that not all sectors of the States know or value the importance of applying the WHO FCTC to safeguard the human right to health, which is why a commitment is necessary that includes all sectors of the national and sub-national governments. Additionally, it is important to make government officials and the general population aware of the need for transparency and to illuminate the unethical and selfish TI strategies, which violate all concepts of health.

# Summary of results



# Key Findings

- **Industry participation in the creation of government policies:** the majority of countries present industry interference in public policy, however, many times, this interference is difficult to demonstrate.
- **TI Corporate Social Responsibility (CSR) Activities:** In the majority of the countries there is evidence of CSR actions, foremost, actions of “support” in the face of the COVID-19 pandemic, actions destined for education and climate change, various alliances between governments and the TI to confront underage labor, the female empowerment, as well as food donations and artistic promotions.
- **Benefits for the tobacco industry:** There are various countries where there are incentives for the TI, by not issuing sanctions for the promotion of its products, allowing the sponsorship of cultural events or through tax benefits (such as not paying taxes or maintaining a very low tax).
- **Forms of unnecessary interaction:** Most countries present this type of interaction, especially when one takes into consideration: officials who attend events where the tobacco industry also attends, governments that allow the promotion of TI products, highlighting the importance of the tobacco production chain, and allowing the industry to participate in discussions such as the illicit cigarette trade.
- **Transparency:** Some countries maintain a policy of disclosing the agendas of their officials or that they must provide information about meetings or interactions with the TI; however, in other governments, there is no such policy.
- **Conflicts of interest:** Although most countries prohibit political contributions from certain sectors to the campaigns of political candidates, these regulations tend to be very general, which in many cases becomes a legal gap that could allow this type of financing.
- **Preventive measures:** Governments maintain certain limitations for public servants such as: disclosure of agendas or information, general laws of transparency, production, income, expenses and tax collection, among others; however, most countries do not have a specific code of conduct for dealing with the tobacco industry.

# Recommendations:

- Raise awareness within all sectors of government of the need to protect tobacco control policies.
- Develop a policy that requires: the rejection of alliances, the limitation of interactions with the tobacco industry, a guarantee of transparency between the government and the tobacco industry, and adopt a code of conduct.
- Regulate the industry by requesting information, denormalizing or prohibiting social responsibility activities and eliminating incentives or subsidies.
- Systematically follow up and report.
- Promote national and international cooperation to improve the implementation of Article 5.3 of the WHO FCTC.
- Protect the policies and actions that promote tobacco control from infringement by commercial interests.
- Promote the active participation of civil society in a way that is free of conflicts of interest from the tobacco industry.
- Establish or strengthen and finance a national coordination mechanism for tobacco control.
- Cooperate internationally and establish alliances with other agendas.
- Ratify the WHO FCTC and The Protocol.
- Protect the meetings of the COP, MOP, and their subsidiary bodies, guaranteeing maximum transparency and the implementation of the decisions adopted during COP8 and MOP1.

## Regional Tobacco Industry Interference Index

The Regional Tobacco Industry Interference Index is a global survey on the protection of public health policies from industry interference and how governments implement measures to curb it. The index was initiated by the Southeast Asia Tobacco Control Alliance (SEATCA) as a regional report. Supported by Stopping Tobacco Organizations and Products (STOP), an initiative of Bloomberg Philanthropies, it's now part of a global publication of the Global Center for Good Governance in Tobacco Control (GGTC) at Thammasat University. <https://exposetobacco.org/>

**Please contact us** if you have any information that could strengthen this report:  
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**Disclaimer:** The references of this Executive Summary can be validated by consulting: L. Salgado, D. Dorado, J. Arcila and D. Valdivieso. Regional Index of Tobacco Industry Interference: Implementation of Article 5.3 of the WHO Framework Convention for Tobacco Control in Latin American countries, 2021. Corporate Accountability.

### About Corporate Accountability

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

### About STOP-Stopping Tobacco Organizations and Products (<https://exposetobacco.org/>)

STOP is a control body of the tobacco industry at the worldwide level and a partnership between the Research Group on Tobacco Control (TCRG) from the University of Bath, the World Center for Good Governance in the Control of Tobacco (GGTC), The Union, and Vital Strategies. The STOP program is funded by Bloomberg Philanthropies.

## Colaboradores



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