

# **Acknowledgments**

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The information from this report will form part of the Global Tobacco Industry Interference Index (Global Tobacco Index) that ranks countries based on a global civil society survey of how governments are responding to influences from the tobacco industry and protecting their public health policies from commercial interests as required under the World Health Organization Framework Convention on Tobacco Control (WHO FCTC).

The Global Tobacco Index, originally initiated by the Southeast Asia Tobacco Control Alliance (SEATCA) as a regional index, is produced by the Global Center for GGTC.

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#### Disclaimer

This Regional Tobacco Industry Interference Index for Latin America and the Caribbean countries 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: <a href="mailto:tobaccocampaign@corporateaccountability.org">tobaccocampaign@corporateaccountability.org</a>

#### About Corporate Accountability (corporateaccountability.org)

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

#### About GGTC (ggtc.world)

The Global Center for Good Governance in Tobacco Control (GGTC) collaborates with advocates, governments, and institutions worldwide to tackle the single greatest obstacle in tobacco control implementation: tobacco industry interference. Its mission is to equip change-makers with cutting-edge strategies and tools to ensure that the health of millions around the world will not suffer at the hands of the tobacco industry.

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## **Abbreviations**

- ARG Argentina, BOL Bolivia, BRA Brazil, CHL Chile, COL Colombia, CRI Costa Rica, DOM Dominican Republic, ECU Ecuador, GTM Guatemala, HND Honduras, JAM Jamaica, MEX Mexico, NIC Nicaragua, PAN Panama, PER Peru, PRY Paraguay, SLV El Salvador, URY Uruguay, VEN 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
- HTP Heated Tobacco Product
- INC Intergovernmental Negotiation Committee to develop an international legally binding instrument on plastic pollution, including in the marine environment
- JTI Japan Tobacco International
- MOP Meeting of the Parties to the Protocol for the Elimination of Illicit Trade in Tobacco Products
- NCD Non-Communicable Diseases
- PMI Philip Morris International
- Regional Interference Index Regional Tobacco Industry Interference Index for Latin America
- **SDGs** Sustainable Development Goals
- **SEAN** Electronic Nicotine Administration Systems; also known as electronic cigarettes
- SSSN Similar Systems Without Nicotine
- The Protocol Protocol for the Elimination of Illicit Trade in Tobacco Products
- TI Tobacco industry
- WHO World Health Organization
- WHO FCTC World Health Organization Framework Convention on Tobacco Control

# Glossary

- Article 5.3 Article 5 paragraph 3 of the WHO FCTC on the protection of public health policies related to tobacco control against commercial interests and other vested interests of the tobacco industry.
- Guidelines for Article 5.3 Instructions for the application of the cited article.
- Illicit trade any practice or conduct prohibited by law, relating to the production, shipment, receipt, possession, distribution, sale or purchase, including any practice or conduct intended to facilitate that activity.
- Lobby/lobbying Taking steps to gain will or supporters in a collegiate body or corporation.
- Parties States Parties to the WHO FCTC. States can become parties through ratification, acceptance, approval, official confirmation, or accession.
- Regional Interference Index Regional Tobacco Industry Interference Index for Latin America.

- **The Protocol** Protocol for the Elimination of Illicit Trade in Tobacco Products.
- Tobacco control Includes various strategies to reduce supply, demand, and damages to improve the health of the population to eliminate or reduce the consumption of tobacco products and their exposure to tobacco smoke.
- Tobacco Industry Covers manufacturers, wholesale distributors, and importers of tobacco products.
- efforts to undermine effective tobacco control policies, tobacco industry interference takes many forms, including: sabotaging political and legislative processes, exaggerating the economic importance of the industry, manipulating public opinion to project an appearance of respectability, simulating support for social organizations through front groups, discrediting proven scientific evidence, and intimidating governments with litigation or threats of litigation.

### Introduction

"The tobacco industry profits from a product that kills, impoverishes people and countries, and destroys the environment. It's an industry that thrives on attracting new users and keeping them addicted, even if it means killing almost half of them. Despite this cruel reality, the industry's efforts to undermine tobacco control never ceases.

The Global Tobacco Index reveals the industry's atrocious tactics. Only comprehensive implementation of the WHO FCTC, in particular Article 5.3 and its Implementation Guidelines, will stop the problem."

- Adriana Blanco Marquizo, Head of the WHO FCTC Convention Secretariat

Tobacco is a lethal product that kills more than 8 million people in the world, which has led public health advocates at a global level to focus all possible efforts on preventing and reducing its use/consumption. Given this, the tobacco industry (TI) has reacted by reinforcing its interference strategies, denoting a fundamental and irreconcilable conflict between the interests of the TI and the interests of public health policies.

The period from 2021 to 2023, that is post COVID-19 pandemic, a disease that marked 2020, left serious repercussions on the health, economy, social, and psychology of countries. Now, in this new period, with a new reality, it is crucial to strongly advance the implementation of tobacco control measures in the world, including a focus on increasing efforts to not allow interference from the tobacco industry, which has been focusing on a discourse of

Corporate Social Responsibility, especially through donations. This new Index attests to this reality in the countries of Latin America and the Caribbean, making it a key point to address on strategies to reduce this problem, collaboratively.

This is the third consecutive year in which the efforts and commitments of many Latin American organizations, under the leadership of Corporate Accountability and GGTC, have resulted in the publication of this new Regional Index. This Index aims to review the current situation in seventeen countries in Latin America and two in the Caribbean, the implementation of Article 5.3 of the Framework Convention on Tobacco Control of the World Health Organization (WHO FCTC):<sup>2</sup> Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay, and Venezuela (Latin America); and Jamaica and the Dominican Republic (Caribbean). This year is special with the inclusion of the Caribbean region for the first time, with the analysis of two countries.

The period that covers this Index is marked by the following events: the celebration of the tenth Conference of the Parties (COPIO)<sup>3</sup> and the third Meeting of the Parties (MOP3)4 in **Panama**, and the launch of this third Regional Tobacco Industry Interference Index for Latin America and the Caribbean (Regional Interference Index). Additionally, at the global level, in November 2022, the Intergovernmental Committee Negotiations began to develop a legally binding international treaty on plastic pollution, including in the marine environment (INC); a treaty that will be key to controlling the enormous amount of production of highly polluting plastics contained in the filters of cigarettes, and in electronic cigarettes and vape products.

We hope that this document will encourage reflection and debate and contribute in each country to the adoption of new measures and reinforce existing ones to counteract any 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. Argentina and the Dominican Republic are the only participating States that have not ratified the Convention.

# Methodology

To calculate the level of TI interference, each participating country completed a questionnaire developed by the Southeast Asian Tobacco Control Alliance (SEATCA), based on the Guidelines for the Implementation of WHO FCTC Article 5.3. The questionnaire provides information on how governments comply with Article 5.3 of the WHO FCTC.

Each country compiled information from the public domain and free access covering the period April 2021 to March 2023. Only Jamaica, who is reporting for the first time, included evidence from 2020. Research was carried out identifying relevant information on interference

to tobacco control, the corresponding government agencies, and important information sources to generate evidence. However, since it is based on publicly available information, the evidence presented here cannot be considered exhaustive or complete. The regional report is a review of the individual country indices. Therefore, the classification of countries must take this limitation into account.

The score is based on the number of occurrences of the instances of interference, the severity, and the frequency, according to the questionnaire.

# SUMMARY OF RESULTS



Graph 1. Level of interference from the tobacco industry. Corporate Accountability, Latin America and the Caribbean Regional Interference Index, 2023.

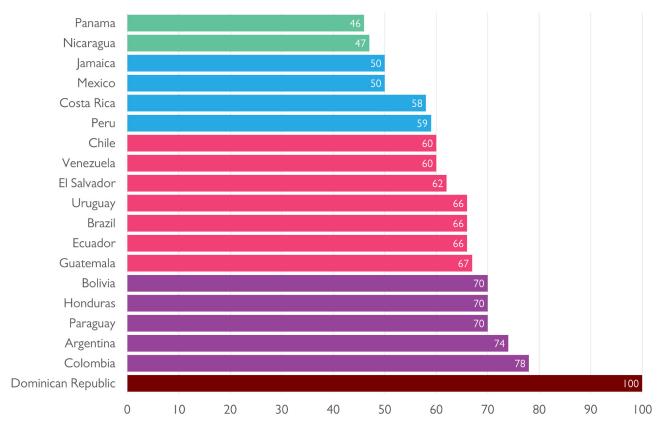
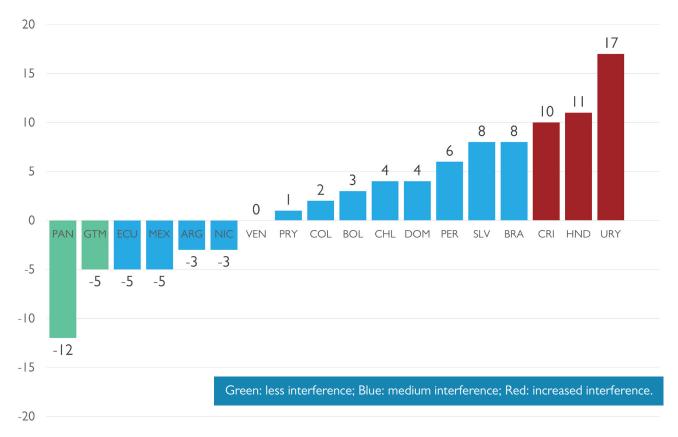


Figure 1. Total score of the Tobacco Industry Interference Index by country in 2023; the lower the score, the less interference. Corporate Accountability, Latin America and the Caribbean Regional Interference Index, 2023.



Graph 2. Points of difference between the results of the 2021 and 2023 Index on the level of interference of the tobacco industry in the governments of the Latin American and Caribbean Region (Jamaica did not participate in the previous Index so it is not found in this frame). GGTC, 2023.

The results for 2023 Index are shown in Graph I and Figure I, from lowest score, indicating low interference, to highest interference score.

A comparison between the scores of the countries between 2021 and 2023 indicate more countries have deteriorated. Graph 2 shows the difference, in points, of the results of the 2021<sup>5</sup> Index with those of 2023. Those shown in negative numbers have decreased the score in such a way that less TI interference has been evident this year, the green bar being the one that has decreased significantly; above the baseline have increased, (the red bars indicate a significant increase). There are some countries whose results have not changed.

#### I. General Results

The TI continues to interfere in public policies in all countries of the Latin American and Caribbean Region.

This year, most countries show an increase in level of TI interference (see Graph 2). However, unlike the 2021 Index, now six countries have managed to improve their actions to reduce this type of interference (Panama, Guatemala, Ecuador, Mexico, Argentina, and Nicaragua), with Panama being the country that leads this group. Venezuela is the only country that remains the same, and the rest of the countries (Paraguay, Colombia, Peru, Chile, Dominican Republic, Honduras, Bolivia, El Salvador, Brazil, Costa Rica, and Uruguay) show a deterioration in TI interference, with Costa Rica, Honduras, and Uruguay showing the highest level.

**Costa Rica** in the 2021 Index was one of the few countries that decreased its score, and now its score increased by 10 points. Overall, the country that presents the least interference from the industry is **Panama**, and the one that registers the highest score continues to be the **Dominican Republic**, (as in the last Index) registering maximum scores.

#### 2. Specific Results

Below is a summary of the most relevant results of the analysis carried out on countries' compliance with the Guidelines for the implementation of Article 5.3 of the WHO FCTC, by indicator.

# Level of industry participation in government policymaking

Despite the decrease in the score of several countries, a trend of increasing TI interference in public tobacco control policies continues.

Among best-performing countries are **Nicaragua**, **Panama**, and **El Salvador** who showed no evidence of Tl collaboration in policy proposals, although sometimes there were front organizations that oppose regulations. None of these countries allow or nominate Tl representatives to be part of the delegation to the COP or its subsidiary bodies.

In other countries, there is no clear evidence, but interference is found in regulatory discussions, support in smuggling and organized crime issues, and in fiscal traceability. In **Argentina**, tobacco producers interfered in the ratification of the WHO FCTC. **Colombia**, the **Dominican Republic**, **Peru**, **Brazil**, and **Chile** showed a high level of IT interference in the development of public policies, mainly to promote a pro-industry bill or delay tobacco control bills, and lobbying, funding studies, and other tactics. The **Dominican Republic** even has a "Law that declares tobacco and the Dominican cigar as cultural heritage of the Dominican Republic."

#### Benefits for the tobacco industry

Almost all countries have provided some type of incentive to the TI and most of them have increased their scores compared to the previous index. The benefits given are in tourism, promotion, tobacco income, tax incentives, and policy implementation. However, **Mexico**, **Panama**, **Nicaragua**, and **Chile** did

not record any benefits given to the industry and they continue to implement regulations.

#### Forms of unnecessary interaction

All countries show some instances of unnecessary interaction between government and TI, although to a greater extent in **Honduras**, **Colombia**, and the **Dominican Republic**. These interactions are demonstrated when government officials attend social events that benefit the interests of the TI or that are sponsored or organized by them, and when attendance is accepted to implement or participate in alliances or agreements. The main alliances or assistance found include illicit trade in tobacco products, agriculture and tobacco cultivation, public policy, and environment.

#### Lack of transparency

Overall, countries in Latin America and the Caribbean do not have specific regulations that require ensuring transparency in all areas of interactions with TI, although some countries that require TI to register and provide certain information include El Salvador, Paraguay, lamaica and Chile, such as attending meetings, hearings, study trips, and gifts from private companies to members of the government. In Colombia, Guatemala, Dominican Republic, Uruguay, and Venezuela there are regulations on transparency, but they are not specifically aimed at TI. Thus, meetings have been identified that are not disclosed (sometimes with high-level officials) and there is a delay in the evolution of proposed laws.

#### Conflict of interest

This Regional Interference Index analyzed two indicators:

# 1. Political contributions and gifts from the tobacco industry

Some countries have used mechanisms to disallow these contributions to presidential campaigns (not specifically from the TI)

or prohibit the promotion, advertising, and sponsorship of the TI. However, others have had difficulty stopping these contributions, despite having regulations; and several others do not have strict procedures prohibiting political contributions to support presidential campaigns.

# 2. Retired senior government officials are part of the tobacco industry

The tobacco industry recruits retired high-level officials to run tobacco companies or places former industry employees in public service positions.

#### Precautionary measures

The status of the five measures to protect oneself and strengthen tobacco control is as follows:

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

**Most countries** have not instituted a procedure for interactions with TI. However, they use minutes, requests for meeting minutes or other laws on access to public information to understand these interactions. Several countries have proposed laws that are still pending approval.

#### 2. Code of Conduct

**Most countries** have not established a specific code of conduct for public officials on their interactions with the TI, although they have more general guidance to regulate the relationship between public servants and companies and require reporting conflicts of interest. A few countries do not have such regulations.

#### 3. Transparent and accurate information

**Some** countries implement mechanisms to ensure transparency when requesting information on tax collection, production, income, and market. Other countries do not have any instrument, although some rely on other legal provisions to obtain this information.

#### 4. Communication

**Almost no country** reported the existence of consistent programs, plans, or systems to raise awareness among departments about the guidelines of Article 5.3 of the WHO FCTC from the public domain.

#### 5. Rejection of contributions or collaborations

**Some** countries have partial application through the existence of codes of conduct or ethics for public servants. These documents usually regulate interactions between public servants and companies, and do not allow accepting benefits that compromise their integrity. However, most countries do not have a policy for refusing contributions or gifts from the TI.

# Business or corporate social responsibility (CSR) activities of TI

In countries where evidence of tobacco related CSR activities were found, "environmental campaigns" stand out, especially for cigarette butt waste and recycling. This is followed by the issue of smuggling and organized crime, various donations especially in relief efforts against COVID-19 (mainly on vaccination issues), child labor, participation in various events, equity and inclusion, technology, art, security, and education.

# III Regional Tobacco Industry Interference Index for Latin American and the Caribbean Countries 2023

The WHO FCTC was created in 2003 as the first international treaty sponsored by WHO that is based on the fundamental principle that all people have the right to a maximum standard of health. This Convention establishes, in Article 5 on "General Obligations" under point 3 that "[w]hen establishing and implementing their public health policies relating 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."

In 2008, the Guidelines for the Implementation of Article 5.3 of the WHO FCTC were adopted to help Parties meet their legal obligations. These guidelines provide eight recommendations to governments for addressing the interference of the TI. These recommendations fall under three thematic areas: communication, governance, and regulation.

Below are some instances of tobacco industry interference reported in the Index of the 17 Latin American countries and the two Caribbean countries, which show how governments are protecting tobacco control policies.



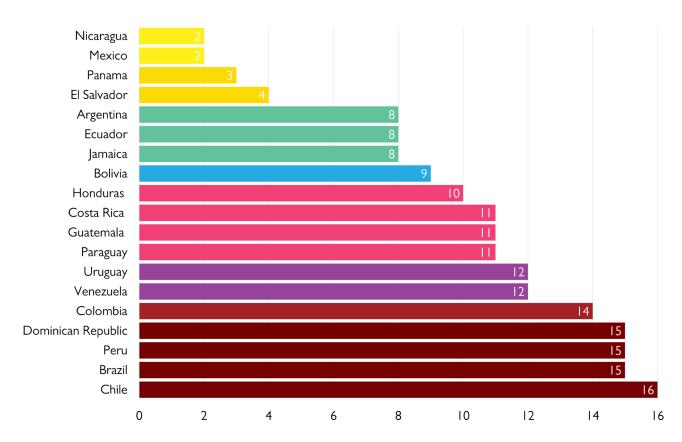
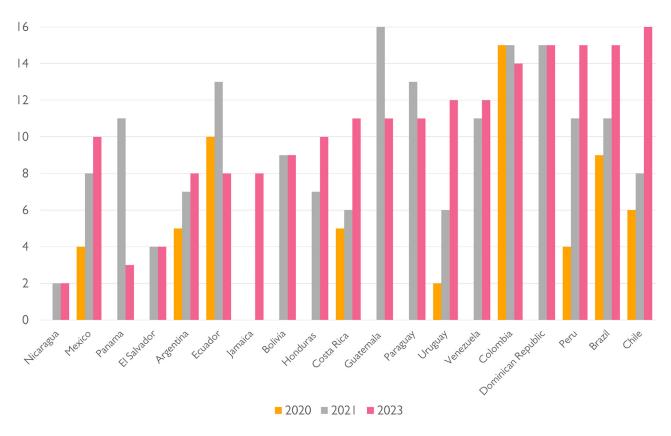


Figure 2. Level of participation of the tobacco industry in policy development. The lower the score, the lower the level of industry participation. Corporate Accountability, Regional Interference Index Latin America and the Caribbean, 2023.



Graph 3. Level of participation of the TI in policy development (see annex). Comparison between countries and years. Corporate Accountability, Regional Interference Index Latin America and the Caribbean, 2023.

Article 5.3 Guidelines recommend not allowing the tobacco industry to be a member of any government body, committee, or advisory group that establishes or implements tobacco control or public health policies.

In 2021, almost all countries, except for Colombia, increased their score on this question (see Figure 2). However, in 2023 the results are more varied. Nicaragua, El Salvador, Bolivia, and the Dominican Republic maintained the same score; Panama, Ecuador, Guatemala, Paraguay and Colombia decreased their score; and other countries continued to increase their score (see Graph 3). This indicates that in general, greater concession was given to Tl to intervene in public tobacco control policies.

# Best practices in stopping interference

In **Nicaragua**<sup>7</sup>, **Panama**<sup>8</sup>, and **El Salvador**<sup>9</sup>, there is no evidence that the government accepts, supports, or received Tl assistance or collaborates with the Tl on tobacco control issues. However, in some of the countries [front groups/trade groups] oppose regulations or have not ratified the Protocol (including **El Salvador**<sup>10</sup>).

In some countries, although there is no clear evidence that the government accepts, supports, or receives offers from the TI, several incidences show other types of interference. For example, the TI has been known to participate in discussions or delays of regulations on novel

and emerging products; advertising and sponsorship of tobacco products; support on smuggling and organized crime issues; and interference in fiscal traceability. In **Argentina**<sup>11</sup> there is evidence that tobacco producers interfered in the country's accession to the WHO FCTC.

#### Increased interference

Colombia<sup>12</sup>, the Dominican Republic<sup>13</sup> and **Peru**<sup>14</sup> show the highest level of interference in public policies, due to the close ties between public entities and the TI. Through these relationships, the TI is able to promote pro-industry bills, delay tobacco control bills and the development of national plans, and sustain lobbying and product promotion efforts. **Brazil**<sup>15</sup> and **Chile**<sup>16</sup> present the greatest interference, as both considerably increased their score in relation to the two previous reports. In Chile, British American Tobacco (BAT) financed an illicit trade study<sup>17</sup> and **Brazil**<sup>18</sup>, industry allies conspired to dissolve the Brazilian National Commission for the implementation of the WHO FCTC. The **Dominican Republic**<sup>19</sup> even has a "law that declares tobacco and the Dominican cigar as cultural heritage of the Dominican Republic."

None of the countries participating in this Index allow or nominate TI representatives to be part of the delegation to the COP or other subsidiary bodies. However, countries have different reasons for this: **Argentina**<sup>20</sup> and the **Dominican Republic**<sup>21</sup>, have not ratified the WHO FCTC; **Peru**<sup>22</sup> only reported a few members in its official delegation.



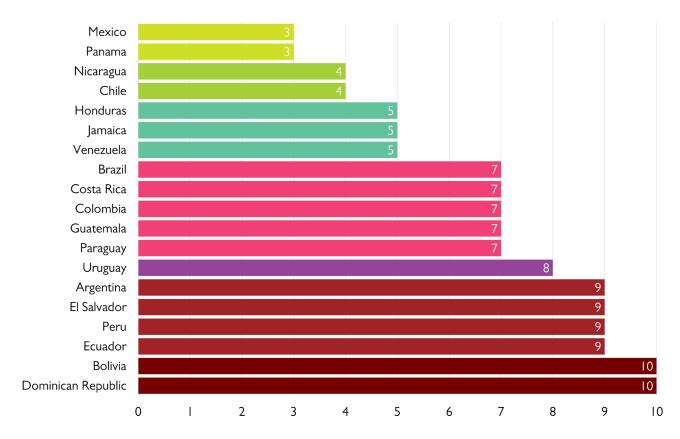
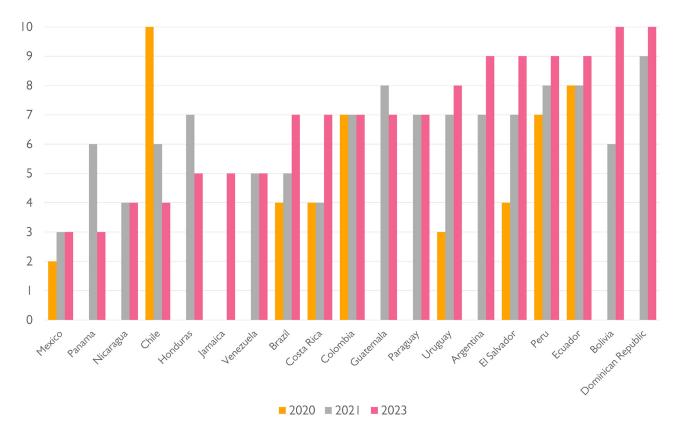


Figure 3. Benefits to the tobacco industry. The lower the score, the less benefits the industry receives. Corporate Accountability, Regional Interference Index Latin America and the Caribbean, 2023.



Graph 4. Benefits to the TI (see annex). Comparison between countries and years. Corporate Accountability, Regional Interference Index Latin America and the Caribbean, 2023.

The Guidelines for the implementation of Article 5.3 recommend not granting incentives or preferential treatment to TI, as it is an industry whose products produce serious health, economic, and social consequences. Despite this, several countries continue to provide benefits, privileges, incentives, concessions, subsidies, trade agreements, or support to the industry. Any postponement to the implementation of tobacco control measures is also considered as preferential treatment to the TI since the delay benefits businesses.

Almost all countries have provided some type of incentive to the TI (see Figure 3) and the majority have increased these benefits compared to 2021 (see Graph 4). **Mexico**<sup>23</sup>, **Panama**<sup>24</sup>, **Nicaragua**<sup>25</sup> and **Chile**<sup>26</sup>, reported there was no evidence of the government giving any incentives to benefit the industry, and they

continue to implement their tobacco control regulations.

Examples of benefits that have been granted to the TI:

#### I. Tourism

**Honduras** has declared the cigar as an intangible cultural heritage of the Republic,<sup>27</sup> and they recognized it as a key asset in the economy, pitching it to promote agrotourism on the tobacco and coffee routes.<sup>28</sup>

# 2. Advertising, promotion, and sponsorship

In one of the largest music festivals in **Brazil**<sup>29</sup>, Rock in Rio, BAT was allowed to promote and sell its products after a legal dispute.

#### 3. Privileges in duty-free tobacco products brought into the country

Table 1. Travelers entering the country allowed to bring in duty-free tobacco products

Country	# of cigarettes	Quantity of other tobacco products	Limits	
Argentina <sup>30</sup>	200	20 cigars	Coming from Chile, Bolivia, Paraguay, Brazil and Uruguay	
	200	50 cigars	Coming from anywhere else	
Bolivia <sup>31</sup>	400	50 cigars or 500 gm of tobacco	None	
Brazil <sup>32</sup>	200	25 cigars, 250 gm of tobacco	None	
Chile <sup>33</sup>	400	500 gm of tobacco for pipe 50 large or small cigars	Must carry the country's health warnings	

Country	# of cigarettes	Quantity of other tobacco products	Limits	
Costa Rica <sup>34</sup>	400	50 cigars 500 gm of tobacco	None	
Ecuador <sup>35</sup>	400	500 gm of tobacco or 25 cigars	By flight	
El Salvador <sup>36</sup>	200	25 cigars or 250 gm of tobacco	None	
Guatemala <sup>37</sup>	N/D	500 gm of tobacco	None	
Nicaragua <sup>38</sup>	N/D	20 packs of 50 cigars 500 gm of tobacco	Can enter as duty-free merchandise	
Paraguay <sup>39</sup>	400	50 cigars or 500 gm of tobacco	Can enter as duty-free merchandise	
Peru <sup>40</sup>	400	50 cigars or 250 gm of tobacco	None	
Dominican Republic <sup>41</sup>	200	N/A	Travelers 16 years and older	
Uruguay <sup>42</sup>	200	25 cigars or 250 gm of tobacco	They can enter as duty-free merchandise	
Venezuela <sup>43</sup>	200	25 cigars	None	

**Source:** Corporate Accountability, Regional Interference Index Latin America and the Caribbean, 2023.

#### 4. Tax incentives

Examples of tobacco tax incentives that the TI seeks are: lowering product prices, seeking permission to pay taxes late, or government accommodation of smuggling<sup>44</sup> more tobacco products from abroad.<sup>45</sup> The industry also avoids their tax responsibilities by participating in cultural activities<sup>46</sup> or giving non-profit donations. The TI has also pressured governments to cancel control measures and fines for violating the tobacco control law due to the impact of Covid-19 pandemic.<sup>47</sup>

Some examples of tax privileges that countries granted the TI include in **Ecuador**<sup>48</sup> who experienced financial stress and a decree was issued from the presidency that reduced taxes on tobacco; and the **Argentinian**<sup>49</sup> government granted tax benefits to the tobacco production chain.

# 5. Delays or obstacles to the implementation of tobacco control policies

In **Brazil**<sup>50</sup> and **Costa Rica**<sup>51</sup> measures for regulating new tobacco products are not put into effect or are delayed. In **Paraguay**<sup>52</sup>, ratification to the Protocol on Illicit Trade in Tobacco Products was approved after years of delay and obstacles imposed by sectors related to the industry. A problem was also observed in **El Salvador**, who have not yet been able to ratify the Protocol.<sup>53</sup> In **Bolivia**<sup>54</sup>, **Jamaica**<sup>55</sup> and the **Dominican Republic**<sup>56</sup>, proposals for the Tobacco Control Law have been delayed or the regulations have not been updated.

FORMS OF
UNNECESSARY
INTERACTION
BETWEEN
GOVERNMENTS
AND THE
TOBACCO INDUSTRY

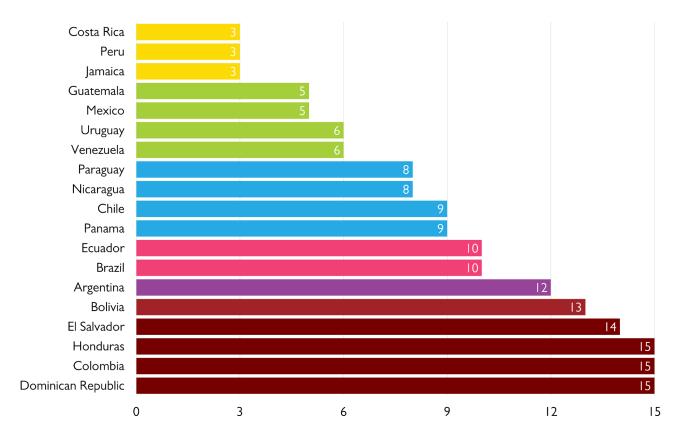
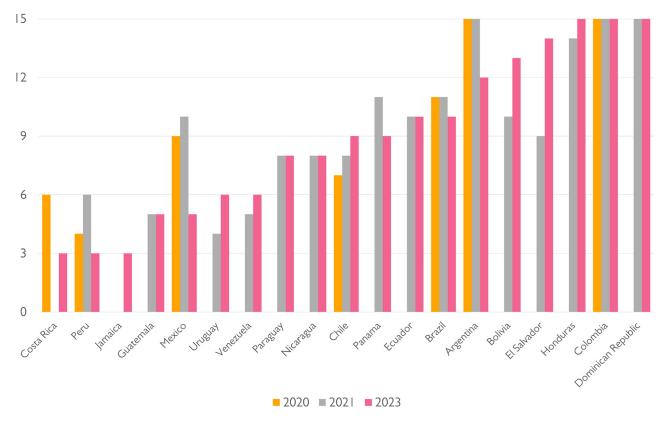


Figure 4. Shows how countries fared in terms of interaction with the tobacco industry. The lower the score, the less interaction. Corporate Accountability, Regional Interference Index Latin America and the Caribbean, 2023.



Graph 5. Forms of unnecessary interaction with TI (see annex). Comparison between countries and years. Corporate Accountability, Regional Interference Index Latin America and the Caribbean, 2023.

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

In this reporting period, all countries show some level of unnecessary interaction between the government and the TI (see Figure 4). The most common examples where this interaction occurs are when government officials attend social events that benefit the TI's interests, or are sponsored or organized by the TI, and when industry assistance is accepted to implement or participate in alliances or agreements. The industry makes requests for benefits and lobbies governments to defend their interests. It is essential that governments take steps not to allow or give in to this form of interference. Honduras<sup>57</sup>, Colombia<sup>58</sup>, and the **Dominican Republic**<sup>59</sup> share the highest score in this indicator, showing evidence of interaction with the TI.

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

#### 1. Social activities and other events

The TI uses various strategies of holding events to access senior government officials and then use the opportunity to lobby for policies that benefit its interests. Article 5.3 Guidelines recommend that officials limit their interaction with the industry to only when strictly necessary for purposes of regulation. When officials participate in industry-sponsored events, it can be interpreted as their support for the Tl. In **Chile**<sup>60</sup>, the TI hired a third party to host an event which was attended by public agencies. In **Brazil**<sup>61</sup>, the government supported the production and sale of electronic cigarettes and heated tobacco products despite these products being banned. High-level officials were present at festivals organized or sponsored by the TI in Honduras<sup>62</sup>, Colombia<sup>63</sup>, and the Dominican Republic<sup>64</sup>.

# 2. Governments continue to accept assistance from the TI

The TI's main strategy to engage with government officials is by offering technical assistance and alliances to combat illicit trade in tobacco products. However, Article 8.12 of the Protocol to Eliminate Illicit Trade in Tobacco Products, adopted in 2012, states that the obligations assigned to a Party shall not be performed by or delegated to the tobacco industry.<sup>65</sup>

Instances of main assistance to and alliances between the government and the TI:

Illicit trade in tobacco products: This is one of the main issues through which the TI exerted its access to and influence on governments. The TI sponsored front groups to champion illicit trade issue, 66 financed studies on cigarette smuggling, 67 fhosted events against smuggling, 68 conducted training programs and workshops to combat smuggling, 69 70 71 72 interfered in security coding systems for tobacco packages, 73 and intervened in regulations to reduce illicit trade and smuggling. 74

#### ■ Agriculture and tobacco cultivation:

The TI took advantage of tobacco growers to convince governments that this group needed their attention. Hence, in several countries, the authorities supported<sup>75</sup> or defended tobacco cultivation<sup>76</sup> and families involved in agriculture<sup>77</sup> or gave concessions to tobacco cultivation. In **Venezuela**, for example, the Ministry of Tourism has certified a route that includes the exhibition and sale of tobacco as a tourist spot.<sup>78</sup> In **Colombia**, the authorities signed an investment agreement with Philip Morris International (PMI) to implement many projects to develop some agricultural tobacco research laboratories.<sup>79</sup>

- Public policy: TI intervened by providing assistance and seeking alliances, especially in the development of tobacco control laws, with the ultimate goal of delaying these policies. Additionally, they got involved in strengthening public administration.<sup>80</sup>
- Environment: In Paraguay, TI was recognized and certified for Corporate Social Responsibility (CSR) in environmental service, 81 and in Argentina the industry polished its public image through "greenwashing" which enabled it to establish relations with the government. 82



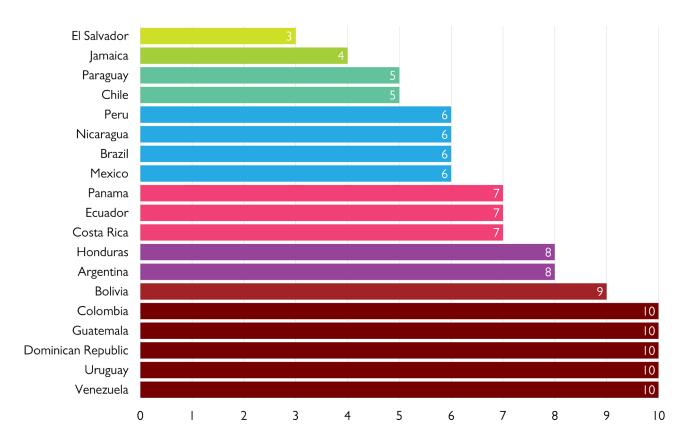
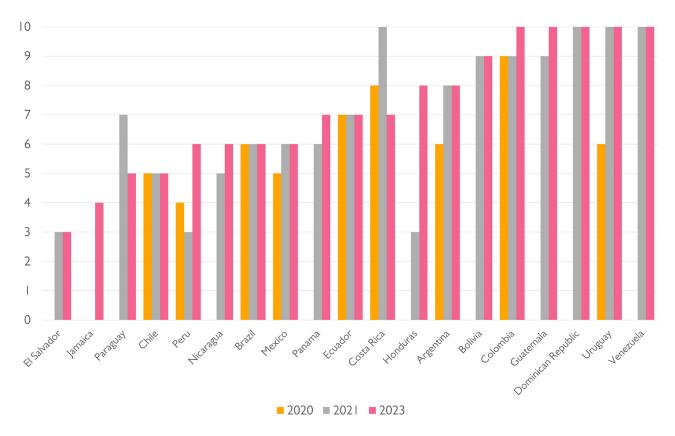


Figure 5. The lower the score, the more transparency in the interaction. Corporate Accountability, Regional Interference Index Latin America and the Caribbean, 2023.



Graph 6. Lack of transparency in the interaction with IT (see annex). Comparison between countries and years. Corporate Accountability, Regional Interference Index Latin America, 2023.

The Guidelines for the implementation of Article 5.3 call on Parties to ensure the transparency of State meetings with the tobacco industry, limited to only when strictly necessary.

# Practices in stopping industry interference

In general, countries do not have specific regulations that require transparency in all areas of their interactions with the TI (see Figure 5). Although **EI Salvador**<sup>83</sup> has the best score (see Graph 6), the regulations only allow general information to be collected on the participation of TI in the economy, while **Paraguay**<sup>84</sup> and **Jamaica**<sup>85</sup> require the registration of people who are dedicated to the manufacture, import, and export of tobacco products. **Chile**'s transparency law<sup>86</sup> stipulates that any person can have access to information about meetings, hearings, trips, and gifts from private companies and officials.

#### Increased industry interference

Countries that have the highest score in industry interference index are Colombia, Guatemala, Dominican Republic, **Uruguay**, and **Venezuela**. Although they have transparency provisions, these do not address the TI. There are no guidelines for making conflicts of interest public and therefore undisclosed interactions have been found, and proposals for legislation on transparency have been delayed. The TI has held meetings with senior officials including in the **Dominican Republic** where the President met with the industry to discuss how the government can support them,87 and in Uruguay where an advisor to the President met with the main tobacco company behind closed doors before approving a decree on plain packaging.88



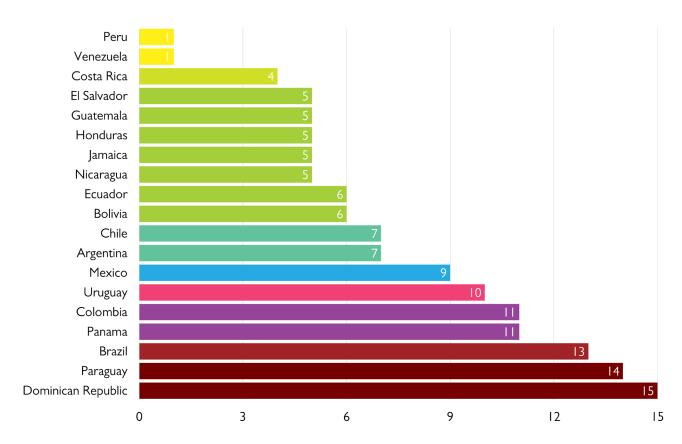
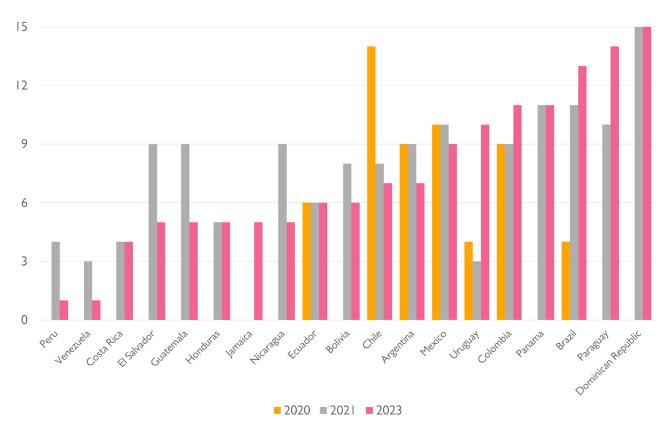


Figure 6. The lower the score, the lower the conflict of interest. Corporate Accountability, Regional Interference Index Latin America and the Caribbean, 2023.



Graph 7. Conflicts of interest on the part of government decision-makers (see annex). Comparison between countries and years. Corporate Accountability, Regional Interference Index Latin America and the Caribbean, 2023.

The Guidelines for the implementation of Article 5.3 recommend avoiding conflicts of interest between public officials and industry employees. Such conflicts may arise from financial, social, or professional relationships. This Regional Interference Index analyzed two indicators: i) whether governments had a policy that rejected contributions, including political contributions from the tobacco industry, and ii) whether current or retired officials joined the tobacco industry (see Figure 6).

# I. Political contributions and gifts from the tobacco industry

In Latin America and the Caribbean, some countries have used mechanisms to not allow contributions or gifts from the tobacco industry in presidential campaigns, however, these mechanisms are not efficiently enforced.

Among best practices in stopping interference, **Peru**<sup>89</sup> and **Costa Rica**<sup>90</sup> have laws to prohibit contributions from companies in general (although not specifically for the TI) to political parties or candidates. **Venezuela**<sup>91</sup> prohibits any form of advertising, promotion, and sponsorship of TI.

In other countries in the region, it has become more complicated to stop industry contributions, despite having regulations. For example, **Brazil**'s regulations<sup>92</sup> do not allow company donations to campaigns, but supporters and the parties can make political contributions; or **Paraguay**<sup>93</sup> where, despite having a financial law, congressmen have received money for their candidacies from the country's main tobacco shareholder.

**Most countries** do not have strict procedures prohibiting political contributions to support presidential campaigns and prevent potential conflicts of interest. They also do not require the declaration of these contributions as is the case with **Ecuador**<sup>94</sup>, **El Salvador**<sup>95</sup>, **Guatemala**<sup>96</sup>, **Nicaragua**<sup>97</sup> and the **Dominican Republic**<sup>98</sup>.

# 2. Retired senior public officials are part of the tobacco industry

The tobacco industry recruits former senior officials to run tobacco companies or hold positions to facilitate lobbying in their former public service area, to increase the industry's access to government. This practice, commonly called the "revolving door," can go the other way, where former tobacco industry employees accept a government position where they have the power to regulate the sector in which they once worked. Table 2 shows examples of the movement of people from one sector to the other.

Table 2. Revolving door between former officials and executives of the tobacco industry

Country	Positions in governments or business associations		Positions they hold or held within the Tobacco Industry
Brazil <sup>99</sup>	Former director of Anvisa (Health regulatory agency).	$\rightarrow$	Current BAT consultant.
	Former Senator and Governor of Paraíba.		Employee of PMI.
	Former member of the government.		TI legal consultant.
	Minister of Defense.	$\leftrightarrow$	PMI lobbyist.
	Daughter of the Secretary of Agriculture.	$\rightarrow$	Employee of PMI since 2014.
Colombia <sup>100</sup>	Former director of the Intelligence Agency, of the Anti-Narcotics Agency, and former presidential security advisor.	<b>→</b>	Current Director of Legal and External Affairs at BAT.
	Former Central Bank Advisor.		Current Director of Corporate Affairs at Coltabaco (PMI).
	Former director of regulation at the Ministry of Commerce.		Current head of external affairs for Colombia and Peru at PMI.
Costa Rica	Former deputy of the Christian Social Unity Party.	$\rightarrow$	External Affairs Relations Officer for Central America and the Caribbean at PMI. <sup>101</sup>
	Representative of the Progressive Liberal Party.	<b>—</b>	PMI Central America, Colombia, Venezuela and Mexico. <sup>102</sup>
Ecuador <sup>103</sup>	Advisor to the Ministry of Finance for the Free Trade Agreement between Ecuador and the United States 2006-2007.	$\rightarrow$	PMI Head of External Affairs (2019-present).
Panama	Current Deputy General Technical Director of the National Customs Authority.	<b>—</b>	Consultant for BAT and PMI companies. <sup>104</sup>

Country	Positions in governments or business associations		Positions they hold or held within the Tobacco Industry
Paraguay <sup>105</sup>	President of the Republic of Paraguay 2013-2018.	$\rightarrow$	Major shareholder of Tabacalera del Este.
Dominican Republic	Former president and current vice president.		TI executives. 106
Uruguay <sup>107</sup>	Undersecretary of Foreign Affairs.		Legal advisor to the main tobacco company (Montepaz).
	Substitute senator (2010-2015).	-  →	
	Legal advisor to the Ministry of Industry, Energy and Mining.		

**Source:** Corporate Accountability, Regional Interference Index Latin America and the Caribbean, 2023.



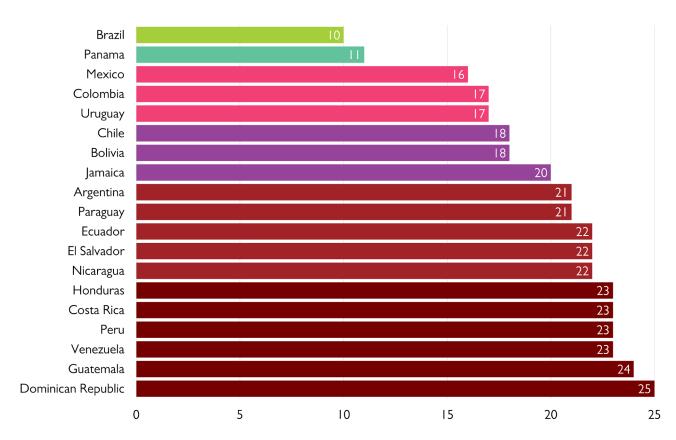
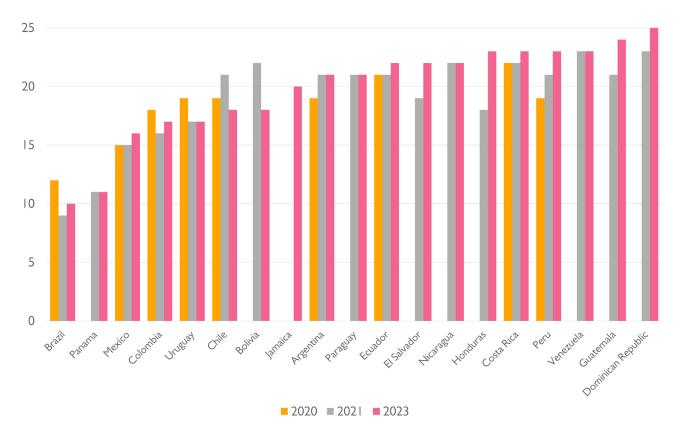


Figure 7. Governments that have taken preventive measures to protect themselves from industry interference. The lower the score, the better the protection. Corporate Accountability, Regional Interference Index Latin America and the Caribbean, 2023.



Graph 8. Governments that have taken preventive measures to protect themselves from TI interference (see annex). Comparison between countries and years. Corporate Accountability, Regional Interference Index Latin America and the Caribbean, 2023.

According to the Guidelines for the implementation of Article 5.3, governments should require information about any activities carried out by the TI be shared/or made public so they can take the most effective measures to avoid its interference. This would enable the TI to be transparent in its actions. It is recommended that a code of conduct be implemented for public officials, which includes the guidelines they must comply with in their interactions with the TI.

Below are five types of measures that governments can implement to protect themselves and strengthen tobacco control, and their applicability in Latin American and Caribbean countries.

# 1. Record of interactions with the industry

Most countries have not instituted a procedure for interactions with the TI (see Figure 7). However, in **Panama**, there are minutes and aide-mémoires (meeting summaries) within institutions that can be requested through a Habeas Data procedure, <sup>108</sup> and in **Brazil** <sup>109</sup> officials have a public work schedule where minutes can be requested. **Ecuador** <sup>110</sup> and the **Dominican Republic** <sup>111</sup> have laws around the general public's access to information.

Elsewhere in **Guatemala**<sup>112</sup> and **Jamaica**<sup>113</sup> legislative proposals were presented in Parliament that include rules regarding interactions between the government and TI, however, these are pending approval.

#### 2. Code of conduct

Most countries have not established a specific code of conduct for public officials and their interactions with the TI, although they follow other public officials' general codes, such as in El Salvador<sup>114</sup>, Honduras<sup>115</sup>, Nicaragua<sup>116</sup>, Ecuador<sup>117</sup>, Brasil<sup>118</sup>, Mexico<sup>119</sup>, Colombia<sup>120</sup> and Bolivia<sup>121</sup>. Generally, codes of conduct are adopted that regulate the relationship between public

servants and companies and require reporting conflicts of interest. In the case of **Paraguay**<sup>122</sup> and **Nicaragua**<sup>123</sup>, although they announced during COP9 in 2021 that Article 5.3 is being implemented and a Code of Conduct for public officials is being developed, they do not have it yet. **Peru**<sup>124</sup> does not have such a code either.

### 3. Transparent and accurate information

Some countries in Latin America implement mechanisms to ensure transparency. For example, **Brazil**<sup>125</sup>, **Uruguay**<sup>126</sup>, **Chile**<sup>127</sup>, **El Salvador**<sup>128</sup>, **Panama**<sup>129</sup>, **Nicaragua**<sup>130</sup>, **Venezuela**<sup>131</sup> and **Colombia**<sup>132</sup> request information on tax collection, production, income, and market. In 2022, in **Nicaragua**<sup>133</sup>, the import and export of electronic cigarettes was prohibited. The **Argentine** State requests the Tl, manufacturers, or importers of tobacco products, send a report annually detailing the advertising or promotion that has been carried out, differentiated by product, brand, and quantity.<sup>134</sup>

In other countries, it is necessary to strengthen measures to make TI movements transparent. For example, **Ecuador**<sup>135</sup> and **Mexico**<sup>136</sup> do not have an instrument for this, but there are some legal provisions that require information about the TI. In **Bolivia**<sup>137</sup>, the TI is not obligated to report advertising, marketing, CSR and/or lobbying expenses, and enables the industry a free hand to use marketing methods such as "influencers" on social networks.

#### 4. Little awareness about Article 5.3

Almost no country reported on information about government programs, plans, or systems to raise awareness among the population on Article 5.3 guidelines. **Brazil**<sup>138</sup> had a commission, but its work was interrupted, which triggered problems in many sectors and activities. Although tobacco control has not been a priority issue in **Ecuador**<sup>139</sup>, both the Ministry of Health, the Interinstitutional Commission for Anti-Tobacco Control, and civil society have been committed to raising awareness about Article 5.3 and its application

Guidelines. **Guatemala**<sup>140</sup> had some campaigns by officials from the Ministry of Health and a deputy who demonstrated their concerns and carried out awareness campaigns.

There are several strategies that can be used to raise awareness about tobacco industry interference and what government agencies can do about it. <sup>141</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 their compliance.

# 5. Rejecting industry contributions or collaborations with them

Some countries have partial application of measures, such as **Brazil**<sup>142</sup>, **Mexico**<sup>143</sup>, and **Honduras**<sup>144</sup> who have a code of conduct or ethics for public servants. These documents usually regulate interactions between public servants and companies, and do not allow the request or acceptance of money, benefits, gifts, among others, from people or entities that compromise their integrity as a public official. Unfortunately, most countries do not have a policy for refusing contributions or gifts from the TI.

BUSINESS OR
CORPORATE SOCIAL
RESPONSIBILITY:
A STRATEGY OF THE
TOBACCO INDUSTRY

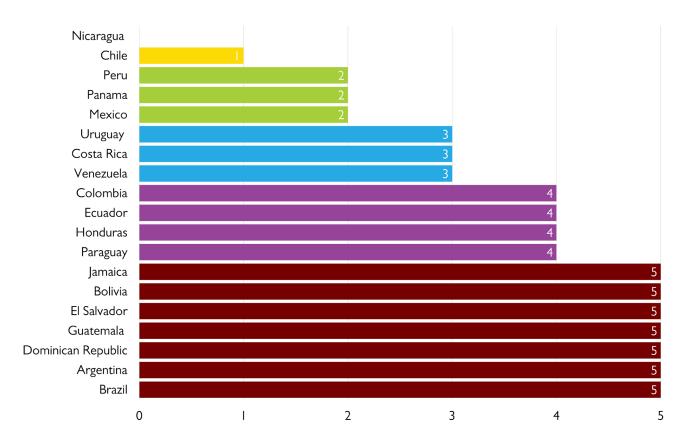
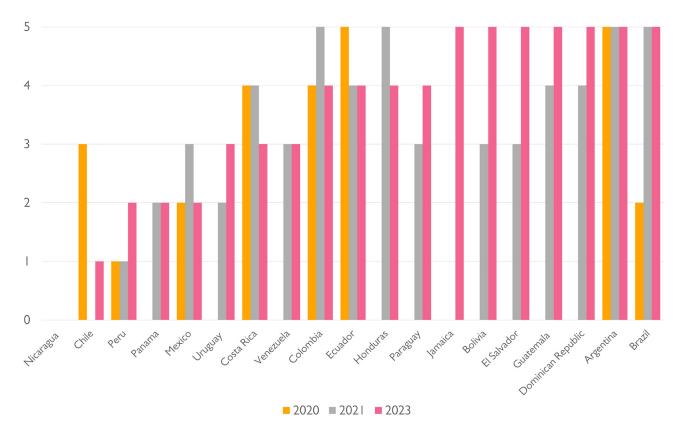


Figure 8. CSR activities of the tobacco industry. The lower the score, the fewer the CSR activities. Corporate Accountability, Regional Interference Index Latin America and the Caribbean, 2023.



Graph 9. CSR activities of the TI (see annex). Comparison between countries and years. Corporate Accountability, Regional Interference Index Latin America and the Caribbean, 2023.

The Guidelines for the implementation 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 damage to health through compensatory taxes, socially responsible activities should not be allowed by the TI to repair these damages. Companies take advantage of the concept as an advertising strategy. 145

The Index considers it of vital importance to dedicate a special section for the indicator on "Corporate Social or Business Responsibility" (CSR), a strategy used by the TI to carry out activities that claim to help the community but in reality, are used as an effective means to publicize their name, show a false "concern" for the well-being of society, and preserve their corporate interests. The TI has used this tactic consistently over the long term, and especially in crucial moments in history which are opportunistic, such as the recent COVID-19 pandemic, global economic crisis, and the importance of environmental care. As an industry that harms health, the economy, and the environment, tobacco CSR is simply a sponsorship strategy to exploit vulnerable communities and situations.

In the previous Index (2021), it was evident that the areas where the TI interfered with the most using CSR activities were: need for economic reactivation, donations (both in reference to the COVID-19 pandemic), fight against smuggling, and non-compliance with regulations or their preparation. This year, the regional reality has changed slightly post COVID-19 and the focus of the countries has shifted to other issues such as economic recovery or problems with smuggling. Below are instances of how governments (national and local) responded to the TI's CSR activities in the region these past two years, listed in order of highest incidence:

 Environmental campaigns: The TI has jumped on the environmental bandwagon, currently an area of high concern for both governments and the public, and that it is contributing to "a smoke-free world" to reduce risks, creating an erroneous image of its main interest. In **Uruguay**, an NGO called "No más Colillas" that recycles cigarette butts, has not revealed how it is financed, 146 and PMI has reported that it finances three organizations, but does not mention which ones. 147 In Mexico, PMI obtained the Carbon Neutral Declaration certificate of a city. 148 In Costa Rica, in 2022, the TI, together with an NGO, the University of Costa Rica, and local governments, began a project called "Give direction to your butts" to educate consumers about the negative effects of cigarette butts in the environment and provide an alternative to discarding them. 149 In Colombia, PMI collaborated with the Special Administrative Unit of Public Services of Bogotá to launch a campaign on the collection of cigarette butts (the event increased consumption). 150

In **Honduras**, the director of a tobacco group donated 15 blocks of land to the mayor of Danlí, to declare it an area for the preservation and protection of flora and fauna. 151 In addition, Tabacalera de Oriente collaborated in the mobilization of 34 bags of organic fertilizer for the development of various plants monitored by the Municipality of Danlí, 152 who also placed a garbage collector donated by a tobacco factory. <sup>153</sup> In **Bolivia** <sup>154</sup>, a tobacco company (CITSA) maintains activities with the families of tobacco producers in Santa Cruz, under the slogan of "sustainable employment." Similarly, JTI has shared their intention of becoming a zero-emissions and renewable energy company. They also carry out activities with government entities, international cooperation agencies (defined above) and universities. In Guatemala, a tobacco company (TACASA) co-sponsored a conference on climate change, where one of the objectives was to showcase positive cases about green practices in the private sector. 155 Additionally, PMI's IQOS

presented a new project to support climate change where they asked consumers to send their used HEETS for recycling. <sup>156</sup> Even from 2004 to 2021, TACASA also collaborated to convert non-recyclable waste into sustainable energy. <sup>157</sup>

In **Argentina**, the Secretary of Industry of the Nation visited the BAT factory, after they received a carbon neutrality certificate, and recognized it as a company that contributes to the innovation of new products, the generation of jobs, and the sustainable development of regional economies. 158 In Brazil, the TI supports projects from the Brazilian Development Bank, for example, creating a fund of 500 million BRL for the reforestation of the Amazon rainforest, and the Cerrado and Atlantic rainforests, where PMI operates.<sup>159</sup> In addition, this same bank, together with JTI, finances a project created to help owners of rural properties establish permanent preservation areas. 160

Smuggling and organized crime: The Latin American region suffers from a serious problem in this area, which presents a big challenge for governments. The TI, despite being involved with the perpetuation of this problem, alludes that it wants to contribute to its eradication because it harms them. Thus, in **Panama**, front groups carried out CSR in a Regional Parliamentary Forum. 161 In **Ecuador**, the TI belongs to a corporation that holds contests such as "Fight against Smuggling," a prize won by a state institution; 162 and in the **Dominican Republic**<sup>163</sup> the TI collaborated with the enforcement agency to combat smuggling and illicit tobacco trade.

- Donations: This is a common TI practice for its CSR activities. In **Costa Rica**, in 2021, PMI made donations to 2 social organizations: medical supplies for older adults and school supplies and materials for Indigenous ethnic groups. <sup>164</sup> In **Paraguay**, in 2022, a tobacco company donated 72 beds to a hospital, with the presence of representatives of the Ministry of Health. <sup>165</sup>
- Post COVID-19: Within the same tactic of making donations, as recorded in the 2021 Index, the TI has been taking advantage of the COVID-19 pandemic to position itself as "concerned about the health of the population," although to a lesser extent. In **Guatemala**<sup>166</sup> donations were made to government agencies (diagnostic tests, medical equipment and supplies), support was given for the opening of vaccination centers with the Ministry of Health and Social Assistance, the creation of a "Vaccinometer" for the progress of vaccination and, subsequently, economic recovery. In Argentina, PMI joined the National Administration of Medicines, Food and Technology, through Medicago, to look for volunteers to test the vaccines against COVID-19.167 In Brazil, PMI participated in an awareness campaign on COVID-19 prevention, in association with cities of the Vale do Rio Pardo region and donated multiparamedic monitors and respirators to the City Hall of Uberlandia. 168



## **Conclusions**

The Region of the Americas achieved an important milestone through the 2023 Index as a well- established document, and as a report in its third publication with 19 countries. We continue to grow, incorporating more countries and now, an additional sister region, the Caribbean region, has been added with the Dominican Republic and Jamaica. The Index aims to promote the exchange of experiences between countries, and learn from successes and oversights to anticipate future challenges.

In summary, serious interference and alliances between governments and the TI are evident in the region. Sustainably protecting public health policies from commercial and other vested interests by 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 objective: the prevention of non-communicable diseases (NCDs), included in the SDGs. This will allow health policies to be better protected against the influence of the tobacco industry.

The Index provided data on how 19 governments allowed the industry to participate in policy development, endorsed industry CSR activities, gave benefits to the TI, engaged in unnecessary interactions, lacked transparency, conflicts of interest and adopted preventive actions. Overall, most countries increased the instances of industry interference compared to 2021 (excluding Jamaica, a first-time participant in the survey); however the difference this year is that six countries managed to improve their actions to reduce this type of interference. The most common actions found in the region are: the intense lobbying carried out by the TI to interfere in public policies to benefit its own interests, the creative way in which this industry used including the greatest global misfortunes to appear "socially responsible" and the tactics used to convince public officials to safeguard its interests.

Once the commitment has been made to work for public health and to generate policies that facilitate the reduction of tobacco consumption, Parties need to empower themselves and carry out actions that lead to effective implementation of the WHO FCTC and the Protocol. It starts by raising awareness among all government institutions to join this cause. A common theme that has become evident is that this effort is led mainly by the Ministry of Health, non-governmental organizations and civil society, without commitments from other government departments essential to generate the needed impact (such as Customs or Internal Revenue). A multi-sectoral, whole-ofgovernment and whole-of-society approach is essential for tobacco control to work more effectively and truly counter TI interference. The faster governments act to implement the Guidelines for the implementation of Article 5.3, the better they can protect tobacco control policies and achieve the SDGs.

Post COVID-19, the TI took advantage of economic recovery in countries to conduct its CSR activities, which really is a strategy for the promotion of its business and the projection of a sanitized image to the public. The industry has capitalized on the environment to sponsor clean-up campaigns to distract the public's attention away from the damage it causes the environment and refusing to take responsibility for this liability. The industry has also intervened in the UNEP Plastic Pollution Treaty currently being negotiated, which also will consider the TI's harm to the environment with its products.

The following recommendations focus on strengthening the protection of these countries from industry interference and promote overall tobacco control policies:

## Recommendations

- I. Communication. Raise awareness across all sectors of government about the obligation to protect tobacco control policies and what they can do to counter industry interference. In addition, it is necessary to raise awareness among the population about the serious consequences of tobacco consumption and the strategies that the TI uses to market its products.
- 2. Governance (government regulation). Develop a policy that requires all sectors of government to:
- Reject alliances or agreements with the tobacco industry.
- Limit interaction with the tobacco industry, unless strictly necessary for effective regulation.
- Ensure transparency in the operations and actions of the government and the tobacco industry, especially the interactions, communications and contacts between them; which must be made 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. Industry regulation.
- Develop clear policies on the information required from the industry, the form and

- frequency in which it is presented, the body that reviews the information presented, and the sanctions established for non-compliance.
- Denormalize or ban so-called CSR activities, and eliminate incentives or subsidies to the tobacco industry, including preferential tax treatment, even if applied to companies in general. This challenges the tobacco control agenda.
- 4. Eliminate incentives or subsidies to the tobacco industry, including preferential tax treatment, even if it applies to businesses in general.
- 5. Systematically monitor and report on tobacco industry activities. The participation of civil society is essential in monitoring the TI. Tobacco industry behavioral observatories are a good example of cooperation and coordination.
- 6. 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 to economically viable alternative activities) and Article 19 (liability) to reduce the interference of the TI in tobacco control policies. Request assistance in the implementation of Article 5.3 and its guidelines from the Knowledge Hub of the WHO FCTC Secretariat and utilize their resources.

- 7. Use and implement mechanisms to ensure compliance with the guidelines in Article 5.3, including the requirement of accountability mechanisms for the TI and the possibility of legal actions.
- 8. Protect tobacco control policies and activities against any commercial interests related to new and emerging tobacco products, in accordance with Article 5.3.
- 9. Promote the active participation of civil society free from conflicts of interest with and collaboration with the TI; this is essential to effectively implement Article 5.3. Implement Article 4.7 which recommends it is essential for civil society participation in implementation of the WHO FCTC.

10. Establish, strengthen and finance a national coordination mechanism (NCM) for tobacco control. This includes ensuring the effective implementation of the FCTC in their territories.

#### 11. Ratification of the WHO FCTC

is an outstanding debt to public health. It is recommended that Argentina and the Dominican Republic ratify the Convention, and that the remaining countries ratify the Protocol for the Elimination of Illicit Trade of Tobacco Products, to implement stronger policies that prevent or reduce tobacco consumption, improve public health, and save costs for the States.

## Resources

The resources included are merely for reference, and in no way exhaustive of the extensive catalogue of tools available on the subject.

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

- WHO FCTC Secretariat Knowledge Hub for Article 5.3.
- 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. Secretariat of the WHO Framework Convention on Tobacco Control.
- Global multimedia center to counter tobacco industry interference. WHO FCTC Secretariat Knowledge Hub for Article 5.3. Available in English.
- WHO FCTC, World Health Organization, 2003.
- Decision FCTC/COP8(18) Protecting public health policies related to tobacco control against commercial and other vested interests of the tobacco industry.
- Decisions FCTC/COP8(12) & FCTC/ MOP1(15) Maximizing transparency of Party and observer delegations to the Conference of the Parties, its subsidiary bodies and other meetings in relation to the WHO FCTC.
- Decision FCTC/COP8(4) Code of Conduct and declaration of interests of Bureau members and regional coordinators of the Conference of the Parties to the WHO

- Framework Convention on Tobacco Control, and proposed measures to prevent and address potential conflicts of interest in the Secretariat of the Convention.
- Strategy and action plan to strengthen tobacco control in the Americas region 2018-2022. Pan-American Health Organization.
- Global strategy to accelerate tobacco control: promoting sustainable development through the implementation of the WHO FCTC 2019-2025. Geneva: World Health Organization; 2019 (WHO/CSF/2019.1).
- FCTC Article 19 Civil Liability Toolkit.
   Convention Secretariat, WHO Framework
   Convention on Tobacco Control.
- Guidance for Parties to the WHO FCTC on how to monitor the tobacco industry, WHO FCTC Secretariat Knowledge Sharing Center on Article 5.3, September 2018.
- Good country practices in the implementation of WHO FCTC Article 5.3 and its guidelines, 2018. Secretariat of the WHO Framework Convention on Tobacco Control.
- Report on tobacco control in the Americas Region, 2022. Pan-American Health Organization.
- Manual to develop legislation for tobacco control in the Region of the Americas. 2013.
   Pan-American Health Organization.
- Ninth WHO report on the global tobacco epidemic. 2023.
- Model policy for United Nations system agencies on preventing tobacco industry interference. United Nations Ad Hoc Inter-Agency Working Group on the Prevention and Control of Non-Communicable Diseases. Available in English.
- Protocol for the elimination of illicit trade in tobacco products.

# B. ARTICLE 5.3 AND GUIDES FOR ITS IMPLEMENTATION

- Prevention of tobacco industry interference.
   FCTC Article 5.3 Toolkit. Southeast Asia
   Tobacco Control Alliance (SEATCA).
   Available in English.
- Handbook on Implementation of WHO FCTC Article 5.3: Policies and Practices that Protect Against Tobacco Industry Interference (2021). GGTC. Available in English.
- Essential elements of measures to implement Article 5.3 of the FCTC. Tobacco control laws. Campaign for Tobacco-Free Kids (CTFK). Available in English.
- Overview of Key FCTC Articles and their Implementing Guidelines. Campaign for Tobacco-Free Kids (CTFK). Available in English.
- Roadmap to Protecting Health from Big Tobacco: A Guide to Implementing FCTC Article 5.3. Corporate Accountability.
- FCTC Article 5.3 toolkit. Guidance for governments on Preventing tobacco industry interference. The Union. Available in English.

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

- WHO FCTC COP10 Resource Center and The Protocol MOP3. ASH, ATCA, CTFK, GGTC, ENSP, NATT, SEATCA, & Corporate Accountability. 2023.
- Implementation of Article 19 of the WHO FCTC: Liability. Report by the Convention Secretariat. 2023
- Make Big Tobacco Pay. Corporate Accountability. 2023.
- Statement by Parties from the region of the Americas at COP9 (section 1.2.19) and MOP2 (section 1.2.12) urging others to submit declarations of interest and fully implement the "maximizing transparency" decisions.
- The Year Countries Made Big Tobacco Pay. Corporate Accountability. 2023.

Two deadly industries, one bold solution: Holding polluting corporations and the tobacco industry liable. Corporate Accountability. 2022.

# D. TOBACCO INDUSTRY INTERFERENCE

- Unmasking the Tobacco Industry in Latin America. How they step up marketing strategies in times of COVID-19. Regional report of 6 countries. Coordination: Salud Justa Mx. 2020.
- Public Health Policies from Tobacco Industry Interference. Tobacco Tactics. 2022.
- Global Tobacco Industry Interference Index 2023.
- Global Tobacco Industry Interference Index 2021.
- Global Tobacco Industry Interference Index 2020.
- Global Tobacco Industry Interference Index 2019.
- Global Plastics Treaty must align with Global Tobacco Control Treaty.
- History of Interference by the Tobacco Industry and its Allies during COP and MOP.
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# E. HEATED TOBACCO PRODUCTS AND ELECTRONIC NICOTINE DELIVERY SYSTEMS

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- Heated Tobacco Products and Electronic <u>Systems</u> of Nicotine Administration.
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#### **E. OTHERS**

- ACT Promoção da Saúde (ACT)
- Action on Smoking & Health (ASH)
- Alianza Dominicana Antitabaquismo
- Global Alliance for Tobacco Control (GATC)
- Asociación Civil Tabaco o Salud
- Campaign for Tobacco-Free Kids (CTFK)
- Center of Consumer Advocacy

- Centro de Investigación para la Epidemia del Tabaquismo (CIET)
- Centro de Promoción en Salud y Asistencia
   Familiar (CEPROSAF)
- Comisión Nacional Permanente de Lucha Antitabáquica (COLAT)
- Corporate Accountability
- Enfoque Territorial Paraguay
- Fundación Interamericana del Corazón (FIC Argentina)
- Fundación Interamericana del Corazón (FIC Bolivia)
- Fundación Movicáncer
- Global Center for Good Governance in Tobacco Control (GGTC)
- Informe Empresas y Derechos Humanos (REDESCA)
- Mesa Ciudadana Tabaco o Salud
- Red Nacional Antitabaco
- Red Papaz
- 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
- Unidad de Cirugía Cardiovascular de Guatemala
- Unión Internacional contra la Tuberculosis y Enfermedades Respiratorias (La Unión)
- Universidad de Panamá



Annex I. Table of scores by country and indicator.

The government gives privileges, incentives, exemptions, or benefits to the tobacco industry.	2	5	m	С	3 5	5	4	5	4	Ω	_	7	m	_	4	5	72	2
FORMS OF UNNECESSARRY INTERACTION	12	<u></u>	0_	- 6	5 3	15	0_	4	5	15	m	2	ω	6	ω	m	9	9
Top-level government officials meet with/ foster relations with tobacco companies such as attending social functions and events sponsored or organized by the tobacco companies.	2	2	4	_	3	5	٣	2	2	2	0	0	ις	m	0	m	4	5
The government accepts assistance/offers of assistance from the tobacco industry on enforcement.	3	æ	4	5	5 0	5	4	4	0	5	0	Ж	0	4	Ж	0	0	0
The government accepts, supports, endorses, or enters into partnerships or agreements with the tobacco industry	4	5	7	ε,	2 0	5	М	5	0	5	М	7		7	5	0	7	_
TRANSPARENCY	8	6	9	5	0 7	0	7	m	0	<b>&amp;</b>	4	9	9	7	2	9	0	0
The government does not publicly disclose meetings/interactions with the tobacco industry where such interactions are strictly necessary for regulation.	ю	4	en en	2	5 2	5	4	0	5	М	0	3	3	м	ж	Ж	5	2
The government requires rules for the disclosure or registration of tobacco industry entities, affiliate organizations, and individuals acting on their behalf, including lobbyists.	2	5	m	en en	5 5	5	М	m	7.7	5	4	М	m	4	7	m	5	72
CONFLICT OF INTEREST			 <u></u>			. 12	9	2	2	2	2	6	2	=	4		2	-
The government does not have a policy (whether or not written) to prohibit contributions from the tobacco industry or any entity working to further its interests to political parties, candidates, or campaigns, or to require full disclosure of such contributions.	ιΩ	5	5	72	4	5	72	7.7	ιO	5	72	ι	ι	ι	5	_	72	_
Retired senior officials work for the tobacco industry	_	0	4	_	5 3	5	-	0	0	0	0	0	0	Μ	2	0	2	0
Current government officials and their relatives hold positions in the tobacco business including consultancy positions.	_	_	4	_	2 0	7	0	0	0	0	0	4	0	т	4	0	0	0

PREVENTIVE MEASURES	21	<u>8</u>	0_	8	17 2	23 2	25 22	2 22	24	23	20	9	22	=	21	23	12	23
The government has a procedure for disclosing records of the interaction with the tobacco industry and its representatives.	4	5	2	т	5	7.	5 5	10	ī	72	4	М	7.	т	7.	72	7.	72
The government has formulated, adopted, or implemented a code of conduct for public officials, prescribing the standards they should comply with when dealings with the tobacco industry.	7.	7	_	7	m	7.	4	7.	ī	7.	м	4	7.	7	4	m	ī	72
The government requires the tobacco industry to periodically submit information on tobacco production, manufacture, market share, marketing expenditures, revenues, and any other activity, including lobbying, philanthropy, and political contributions.	7	4	7	м	7	m m	7	7	72	4	ιΛ	м	7	7	7	72	7	м
The government has a program / system/ plan to consistently raise awareness within its departments on policies relating to FCTC Article 5.3 Guidelines.	5	2	m	5	Ж	72	5 5	5	4	5	4	4	5	7	5	5	5	72
The government has a policy prohibiting the acceptance of all forms of contributions from the tobacco industry (monetary or otherwise) including offers of assistance, policy drafts, or study visit invitations to the government, officials, and their relatives.	2	7	7	2	4	25	4	2	Ω	4	4	7	5	7	Ю	2	0	22
TOTAL	70	70	99	09	18/	58 9	99 56	6 62	79 7	70	20	20	47	46	70	29	99	09

III Regional Industry Interference Index for Latin America and the Caribbean

\* Note: Argentina and the Dominican Republic have an additional penalty for not ratifying the WHO FCTC.

74 70

TOTAL FINAL (con multa por NP)

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