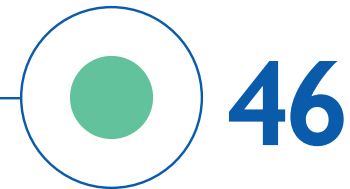


# Kenya



## SUMMARY OF FINDINGS

### 1. Industry Participation in Policy Development

Despite Kenya's regulatory stance and commitments to curb tobacco use, recent events reveal instances of tobacco industry (TI) influence through lobbying and indirect collaboration. This raises concerns about policy implementation, as such interference undermines effective tobacco control efforts. In 2024, a Guardian investigation revealed that British American Tobacco (BAT) successfully lobbied the Kenyan Ministry of Health to weaken health warnings on its nicotine pouch, Velo. BAT threatened to cancel investments in a new factory unless the standards were relaxed. The Ministry agreed to the company's demands, approving smaller warnings that omitted references to cancer-causing toxicants, demonstrating how economic arguments can be used by the TI to influence public health decisions.

### 2. Industry CSR Activities

In June 2025, a coalition of civil society organizations condemned what they described as an alleged collaboration, through a letter from the Ministry of Health that reportedly invited BAT Kenya to support a health campaign targeting transport sector workers. Civil society organizations argued that this move violated both Kenya's Tobacco Control Regulations (TCR) 2007 and Article 5.3 of the WHO FCTC, which requires protection of tobacco control policies from TI interference.

### 3. Benefits to the Industry

The prolonged delay in passing Kenya's Tobacco Control (Amendment) Bill 2024, which aims to establish regulations for smokeless nicotine products, has benefited the TI by allowing it to continue operating without clear rules on products such as vapes and nicotine pouches. This regulatory gap has also enabled ongoing misinformation about product safety and maintained a favorable market environment for the TI.

### 4. Unnecessary Interaction

Kenya has not been offered, nor has it accepted or engaged in, any form of partnership or arrangement with the TI. No evidence or media reports suggest that high-ranking government officials attended social functions, sponsored events, or other industry gatherings organized by tobacco companies or their allies.

### 5. Transparency

Part III, Section 13 of the Tobacco Control Regulations 2014 requires tobacco manufacturers to submit annual reports to the Cabinet Secretary, including details of affiliated organizations, agents, or persons acting on their behalf. However, this requirement has not been fully implemented. The TI provides only limited information required under this regulation through its annual reports and other legal obligations.



## 6. Conflict of Interest

Kenya has adopted several measures to prevent conflicts of interest involving government officials, employees, consultants, and contractors engaged in tobacco control policies. These measures include a policy on disclosure and management of conflicts of interest, a code of conduct for public officials prescribing standards for dealings with the TI, and a ban on awarding contracts related to tobacco control policies to candidates with conflicts of interest. However, no template or mechanism exists to enforce these requirements under the Tobacco Control Regulations 2014. Moreover, the Elections Campaign Act No. 42 of 2013 (Revised 2017), Part IV, does not explicitly classify funding from the TI as an unacceptable source of campaign financing, despite allegations that certain officials in Kenya have received financial support from BAT Kenya.

## 7. Preventive Measures

According to the Kenyan Government's 2025 official report on the implementation of the WHO FCTC, awareness-raising efforts have been carried out over the past two years in line with the WHO FCTC Article 5.3 Guidelines. These initiatives focused on informing the public about the addictive and harmful nature of tobacco products, the TI's interference with Parties' tobacco control policies, and the industry's use of individuals, front groups, and affiliated organizations to advance its interests. The report also notes that the public was made aware of the true purpose and scope of activities portrayed by the TI as socially responsible.

The government reported that it recently completed a nationwide public awareness campaign aimed at educating the public on the dangers of tobacco use and other substance abuse, while also strengthening the capacity of healthcare workers. The campaign was conducted in clusters across all 47 counties and spanned a period of five months.

## RECOMMENDATIONS

1. Develop the required implementation instruments under Part V of the Tobacco Control Regulations 2014 to strengthen enforcement and effectively counter TI interference in Kenya.
2. Enhance awareness of Article 5.3 of the WHO FCTC by intensifying education on TI interference tactics and ensuring that all public officers, agencies, ministries, and departments, at both national and county levels, understand their obligations and responsibilities to uphold these provisions.
3. Strengthen TI monitoring, enhance surveillance mechanisms, and implement stringent enforcement action against TI actors and those representing or promoting their interests. Publicize actions taken to hold accountable individuals or entities that engage in or facilitate TI interference.