



**FCTC**  
WHO FRAMEWORK CONVENTION  
ON TOBACCO CONTROL  
SECRETARIAT-KNOWLEDGE HUB



Global Center for  
Good Governance  
in Tobacco Control

# Article 5.3

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WHO Framework Convention on Tobacco Control

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March 12, 2021

# Article 5.3

WHO Framework Convention on Tobacco Control (WHO FCTC)

- “in setting and implementing their public health policies with respect to tobacco control, Parties shall act to protect these policies from commercial and other vested interests of the tobacco industry ”

# Principles

**I There is a fundamental and irreconcilable conflict between the tobacco industry's interests and public health policy interests.**



2

Parties, when dealing with the tobacco industry or those working to further its interests, should be accountable and transparent.



3

Parties should require the tobacco industry and those working to further its interests to operate and act in a manner that is accountable and transparent.



4

Because their products are lethal, the tobacco industry should not be granted incentives to establish or run their businesses.



# Recommendations

I Raise awareness about tobacco industry interference

+

2-4

Limit interaction, Reject partnerships, contributions, funding, and representation, Avoid conflicts of interest:

+

5-6

Require accurate information from the tobacco industry  
Denormalize so-called CSR

+

7-8

Do not give preferential treatment( incentives or privileges)  
Treat state owned enterprises the same





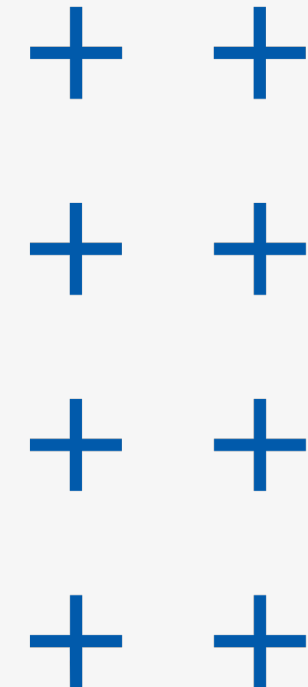
Technical Note

## HOW MUCH DOES IT COST TO RECEIVE DONATIONS FROM THE TOBACCO INDUSTRY?

Art. 5.3 of the World Health Organization Framework Convention  
on Tobacco Control - the protection of public tobacco  
control policies



# I Raise Awareness



Raise awareness about the addictive and harmful nature  
of tobacco products and about tobacco industry  
interference with Parties' tobacco control policies

# Raising awareness





# How it's done



## Workshop/ Training

Benin, Cambodia, Colombia,  
Ghana, Myanmar, Philippines



## Website

Australia, Bulgaria, Canada



## Monitor & Alert

Countries with Observatories



# How it's done



Statement, Position,  
Press

Ecuador, Finland, Philippines



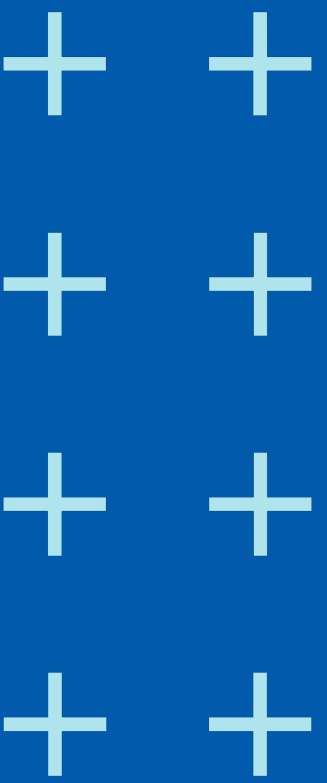
Letter/ Warning

Chile, EU-DG Health, Ireland,  
Jamaica, Lebanon, Madagascar,  
Oman, Poland, Vietnam



Law / Policy

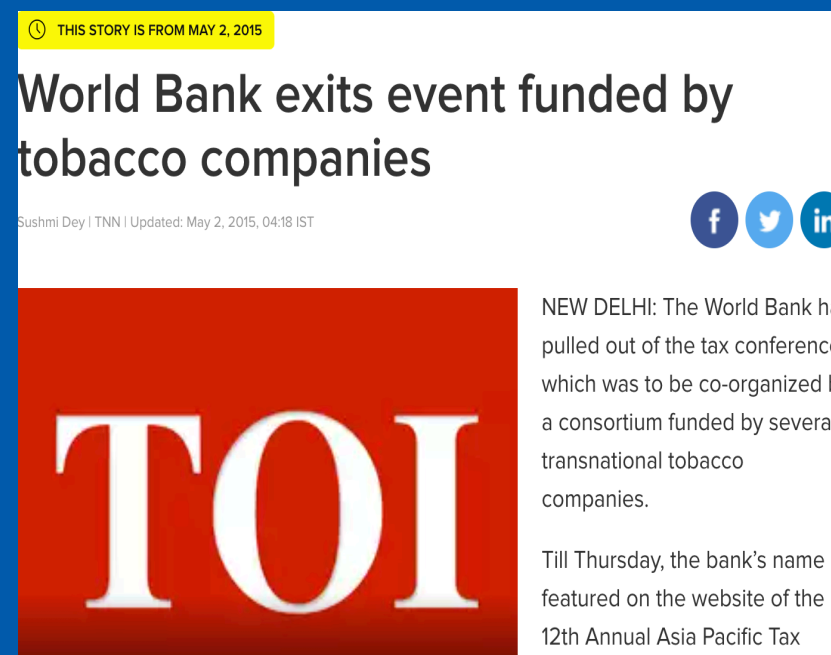
Burkina Faso, Mongolia,  
Philippines



# How it's done



Translate Brochures  
or News



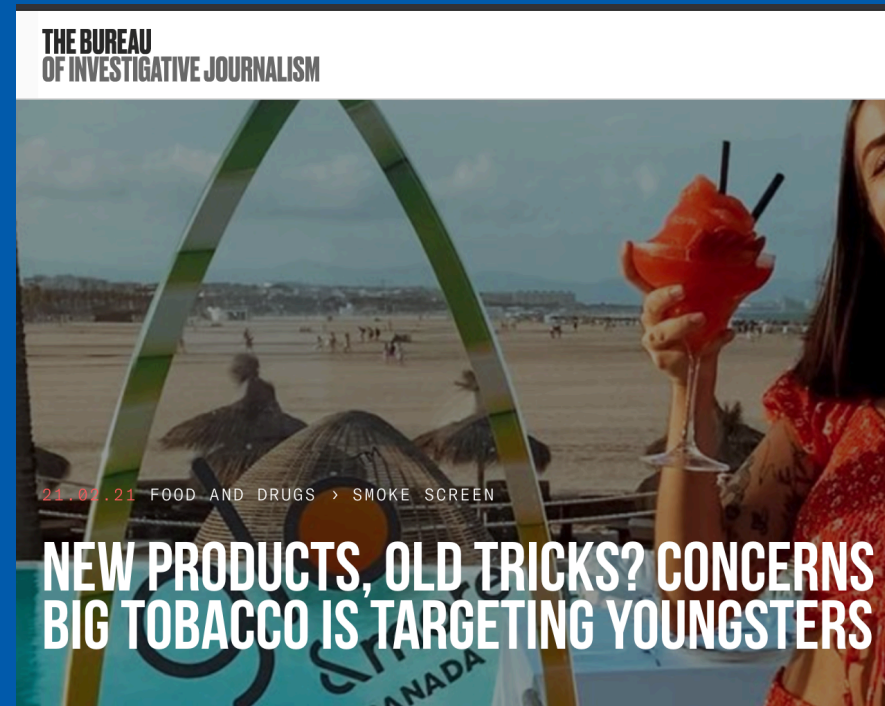
Talk about Rejecting  
Tobacco



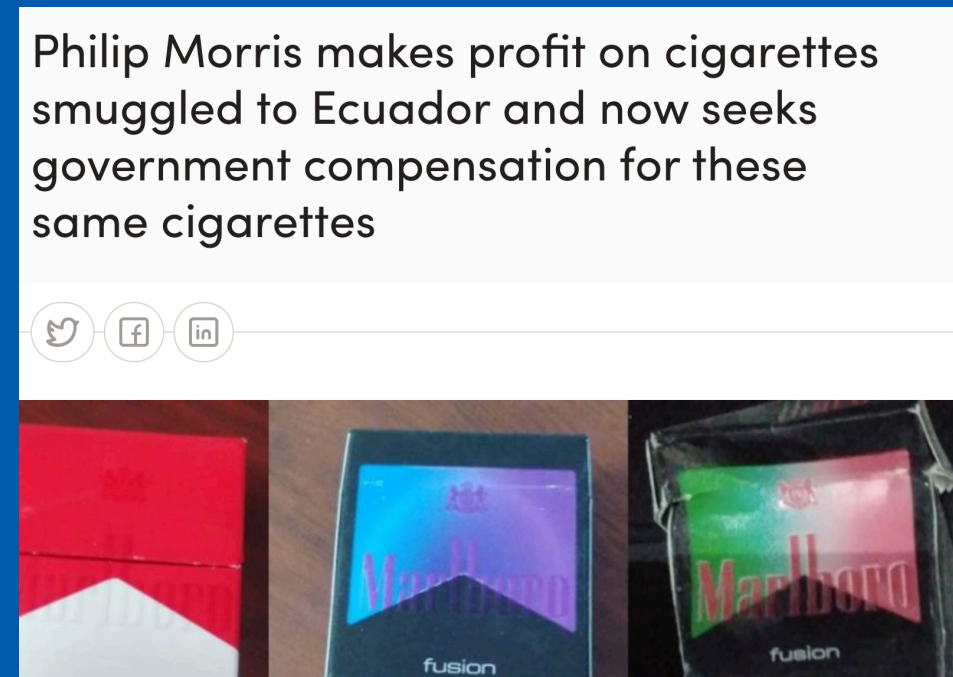
Place Posters in  
Government Offices



# How civil society helps



Investigative Stories



Timely Analysis



In-Depth Reports & Academic papers



# How civil society helps



Monitoring Reports



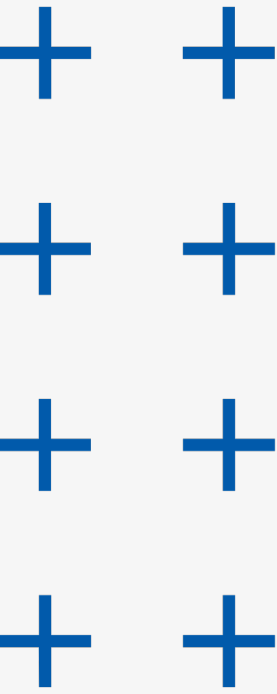
Monitoring Bodies



Engagements



# 2 Limit Interaction & Ensure Transparency



Establish measures to limit interactions with the tobacco industry and ensure the transparency of those interactions that occur



# Limit Interaction / Transparency



## Practice

Australia, Bulgaria, Chile, Cyprus, Lebanon, Madagascar, Netherlands, New Zealand, Panama, Thailand, Tanzania, UK



## Policy

Australia, Burkina Faso\*, Cambodia\*, Ghana\*, Ireland, Mexico\*, NZ (\*law) Philippines, Russia\* Singapore, Uganda\*

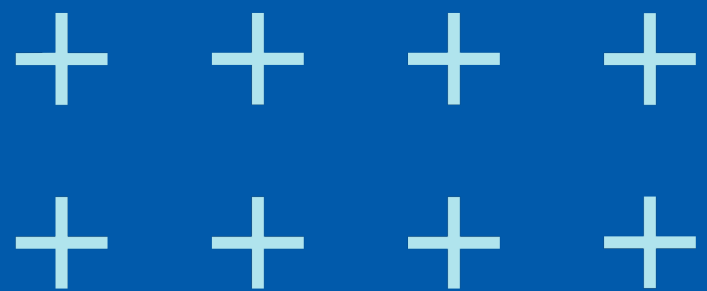


## Website Publication

Australia, Canada, New Zealand, Russia\*, Singapore, UK



# PROTOCOLS on Interactions with Tobacco Industry



Chile/ Philippines: In absolutely necessary meetings (CSOs) should be summoned to the meeting, and the same should be recorded and made publicly available



Russia: interactions should be done in public, and that industry appeals and answers should be on the official websites of state authorities and local governments.

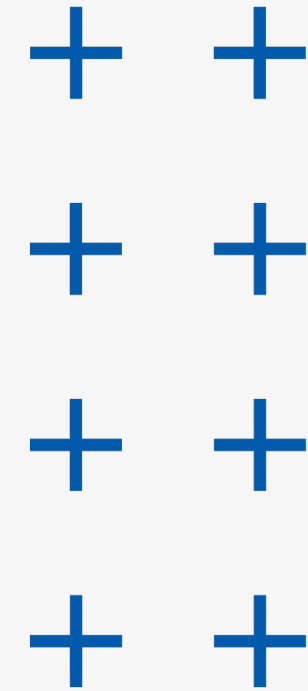


UK: HM Revenue and Customs publishes online the details of its meetings with the industry





# 3 Reject partnerships



Reject partnerships and non-binding or non-enforceable agreements with the tobacco industry.

# How it's done



No membership in  
Committee

Bahrain, Brazil, Djibouti



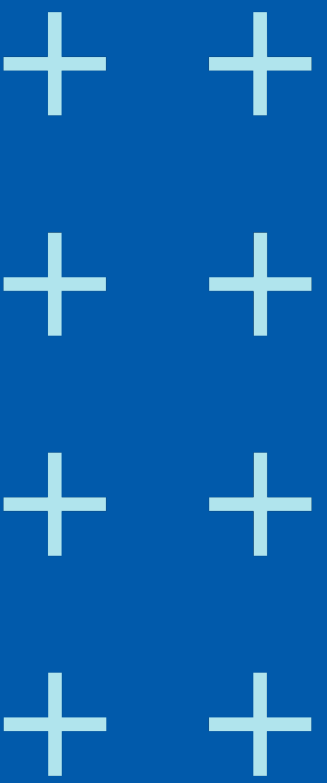
No Partnership, No  
Collaboration in Policy

Austria, Benin, Cambodia, Canada\*, Congo,  
Cyprus, Djibouti\*, Gabon\*, Kenya\*, Kosovo\*,  
Kuwait\*, Laos\*, Namibia\*, Oman, Mongolia\*,  
Netherlands, Norway, Philippines\* Uruguay



No attendance, No  
Seat

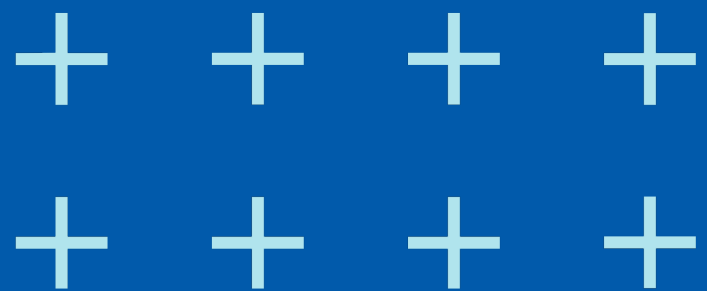
Colombia, Iran, Latvia, Senegal\*





# Tobacco Industry Denied/Rejected

Instances reported



Bahrain/ Colombia: Business association's committee membership, TI seat at table



Jordan: tobacco membership in standards committee (ecigarettes)



Congo: Tobacco company's draft and study mission/ presentation (Codentify)

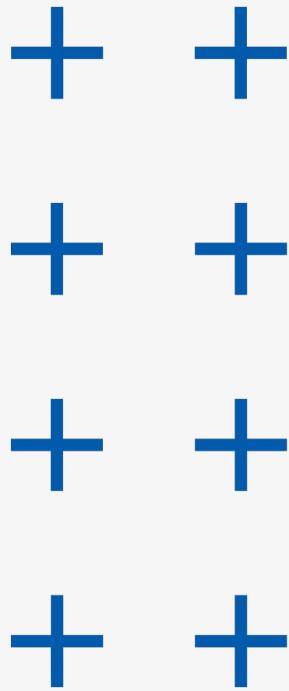


Peru: Meeting with PMI ally (former Head of State)

Mauritius: Proposal to set up plant



# 4 Avoid Conflicts of Interests



Avoid conflicts of interest for government officials and employees

# Levels of Engagement & Solutions

Conflicts of interest can be prevented.

Limit interactions, Ensure transparency

Reject contributions (no gift/donation)

Divest, Policies like Code of Conduct

+

+

+

1

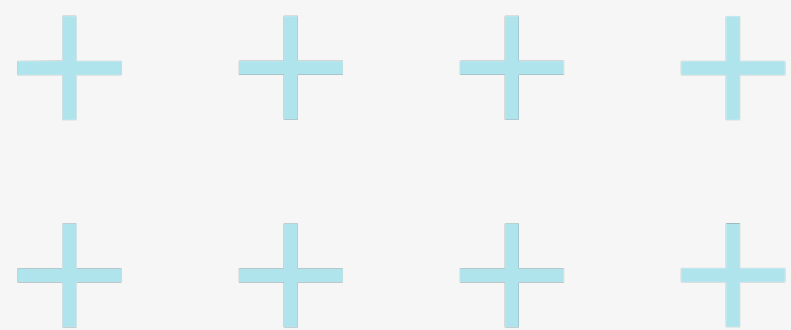
Policy Drafts, Technical input, Meetings

2

Gifts/ Donations/ Scholarships/ Travel

3

Employment/ Consultancy/ Investment/ Partnership



# How it's done



## Code for Health/ Committee

Brazil, Ghana, Kenya,  
Moldova, Oman, Panama,  
Portugal, Thailand, Uganda



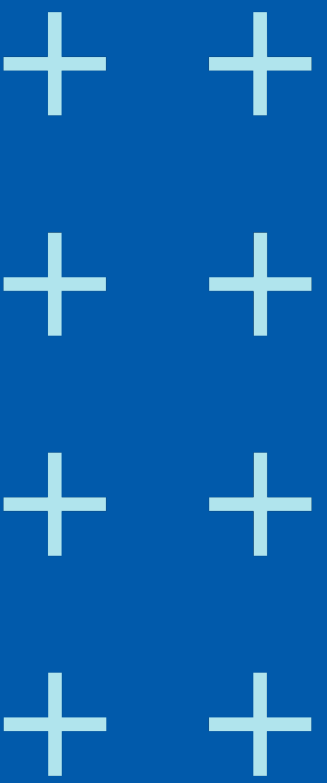
## Guide/ Code for ALL civil servants

Australia, Brunei,  
Kosovo, Mongolia,  
Philippines



## Code of Conduct (specific)

Norway (enforcers), UK  
(diplomatic mission)



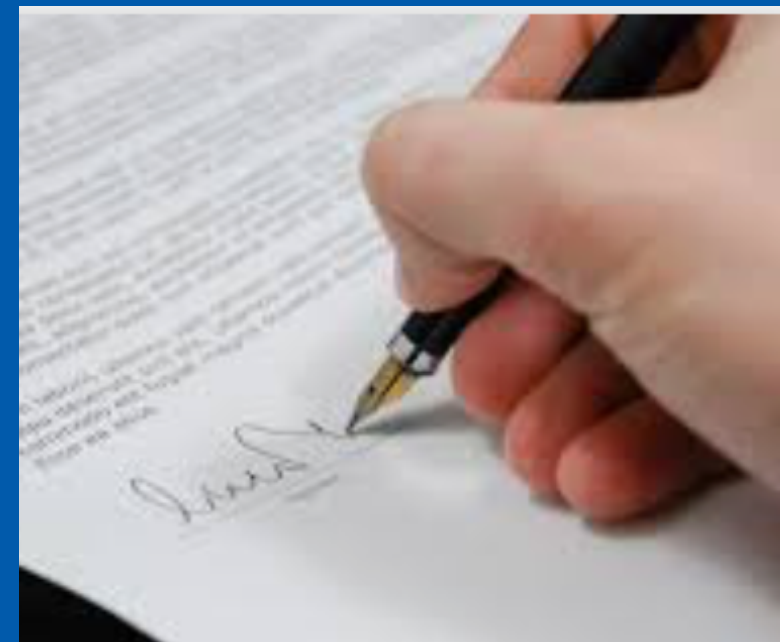


# How it's done



Hiring Policy

Panama (3yr), Philippines,  
Kosovo (1yr), Uganda (2yr)



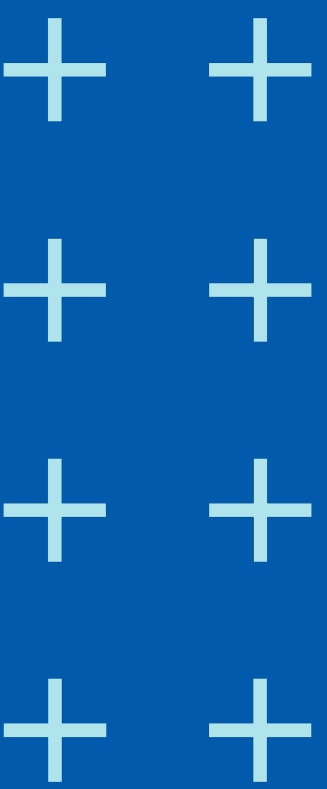
Declaration of  
Interest Form

Canada, Ecuador,  
Oman, Panama,  
Philippines



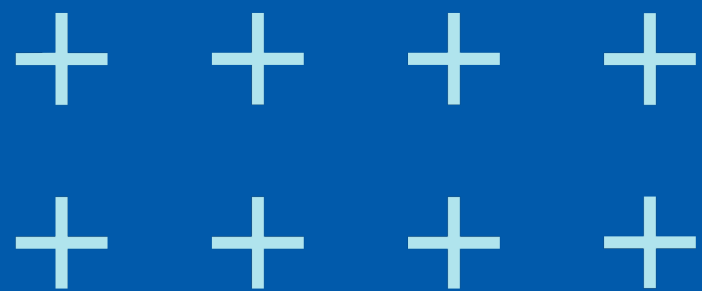
Tobacco Control Law

Uganda



# Preventing Revolving Doors

Specific Provisions from Codes of  
Conduct or practices relating to  
avoiding conflicts of interest



Panama: Commission Members must not have worked for the industry in the previous 3 years, nor may they work 3 years after appointment



Uganda: A person who has engaged in any occupational activity in <(2) years is not allowed to hold a position that has a bearing on...



Philippines: require applicants to declare any occupational activity with..



Kosovo: disallow hiring if formerly engaged with ..

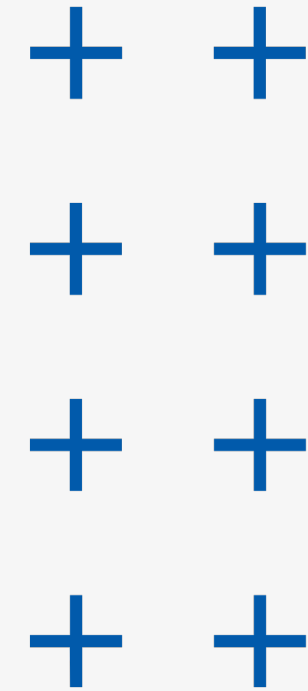


# Avoiding Conflicts of Interest at COP

“Parties should not nominate any persons employed by the tobacco industry or any entity working to further its interests to serve on delegations to meetings of the COP, its subsidiary bodies or any other bodies...”



COP8: Declaration of Interest Forms



# 5 Require Information



Information that should be required from the tobacco industry,  
Box 1 p11, Tobacco Industry Accountability, produced by GGTC for STOP,.

Require that information provided by the tobacco industry be transparent and accurate.

# How it's done



France

Ordinance of May 2016

lobbying expense of 500k Euro reported  
in 2020



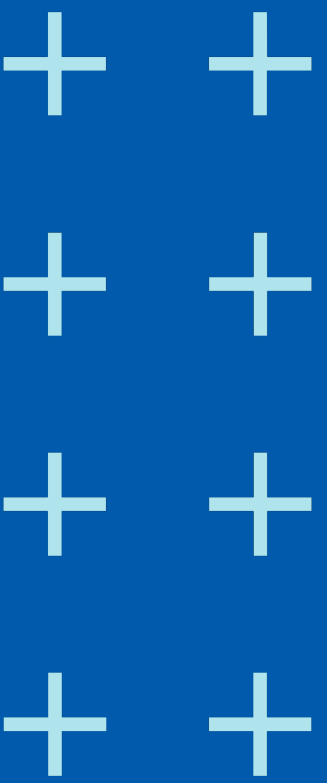
Thailand

Tobacco Products Control  
Act, 2017



Uganda

Tobacco Control Act 2015





# How it Works

France, Uganda, Thailand

French MOH includes it in sub-regulation

Uganda and Thailand includes it in national law

Excerpts from French Law as published on 20 May 2016 in the  
OFFICIAL JOURNAL OF THE FRENCH REPUBLIC,  
Text 27 of 128, GENERAL TEXTS,  
MINISTRY OF SOCIAL AFFAIRS AND HEALTH

**Ordinance No. 2016-623 of 19 May 2016 transposing Directive 2014/40 / EU on  
manufacturing, presentation and sale of tobacco products and related  
products**

xxx

Art. L. 3512-7. - I. - Manufacturers, importers and distributors of tobacco products, as well as companies, professional organizations or associations representing them, submit a report each year to the Minister of Health detailing all the expenses related to activities influence or representation of interests.

II. – The following are considered expenses related to activities of influence or representation of interests:

1. The remuneration of personnel employed in whole or in part to exercise influence or interest representation activities;
2. Purchases of services from consulting firms in influential or interest representation activities;
3. Benefits in kind or in cash, in any form whatsoever, directly or indirectly, the value of which exceeds 10 €, provided to:
  - a. Members of the Government;
  - b. Members of ministerial offices or collaborators of the President of the Republic;
  - c. Collaborators of the President of the National Assembly or the President of the Senate;
  - d. Parliamentarians;
  - e. Persons entrusted with a public service mission which their mission or the nature of their function calls for taking or preparing the decisions and opinions of the public authorities relating to tobacco products;
  - f. Experts, natural or legal persons, appointed by agreement with a public person, to advise on behalf of a public person whose mission it is to take or prepare the decisions and opinions of the authorities public information on tobacco products.

# Mexico: Publicly available information

“companies producing, importing or trading tobacco products to release information concerning the content of their products to the Ministry of Health, inc. ingredients and emissions, and their health effects, ....to make them available + to the general population.”

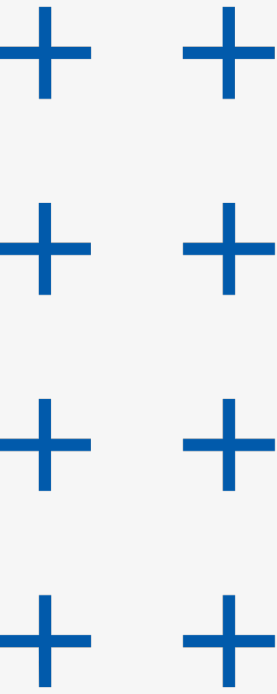
Upon request, the public can access details of meeting







# 6 Denormalize CSR

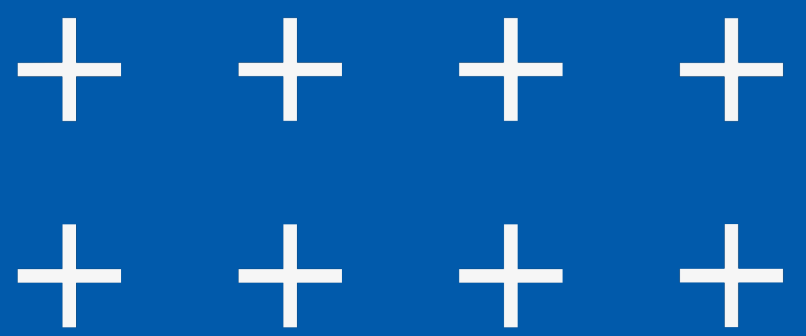


Denormalize and, to the extent possible, regulate activities described as “socially responsible” by the tobacco industry.



# CSR BAN

63 countries have a comprehensive ban on tobacco advertising and sponsorships including so-called CSR Activities



# How it's done



Raise Awareness/Warn  
ALL Branches

India, Philippines



Not Endorse, Not  
Allow Acceptance

Egypt (Smoke Free),  
Ecuador (customs  
partnership), Poland,  
Vietnam (PMI-FSFW grants)



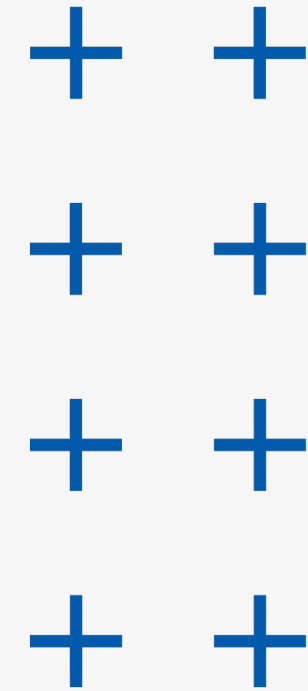
Not Allow Public  
Disclosure





INCENTIVES

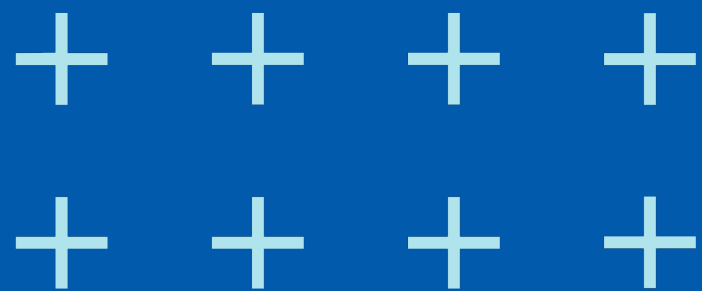
## 7 No preferential treatment



Do not give preferential treatment to the tobacco industry (incentives , benefits, and privileges).

# Disallow giving preferential treatment

Instances reported



General: Brazil, Burkina Faso\* Kosovo\*  
New Zealand, Uganda\*



Norway: adopted ethical standards to  
prevent the Government Pension Fund  
from investing in tobacco companies.)

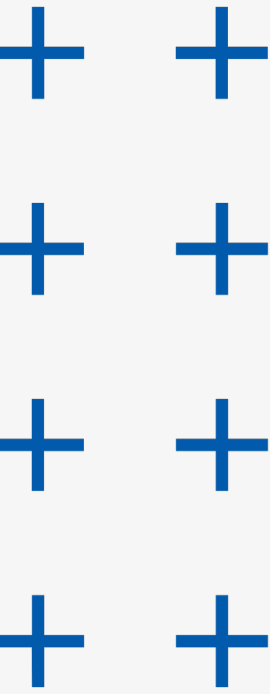


US, UK: Diplomatic missions cannot be  
used to promote tobacco in foreign  
countries.



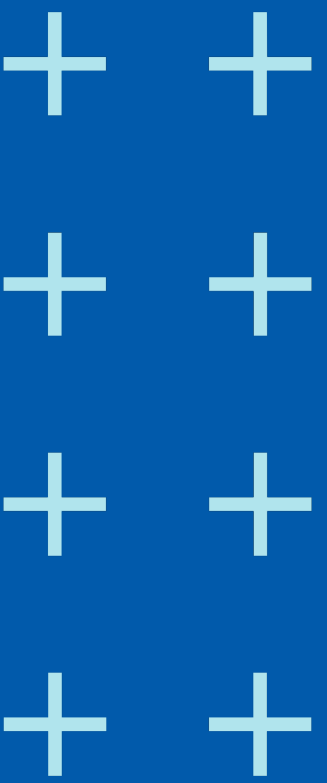
Australia, Singapore, CPTPP countries:  
deprive tobacco companies the benefit  
of investor-state remedy

# 8 Treat state-owned the same way



Treat State-owned tobacco industry in the same way as any other tobacco industry

# WHO FCTC & beyond



WHO FCTC,  
WHO FENSA

UN SDGs

ECOSOC

Model policy for agencies  
of the United Nations  
system on preventing  
tobacco industry  
interference

UNDP

UN Global Compact



# Resources

<https://untobaccocontrol.org/kh/article-53/>

A Project of the WHO FCTC Secretariat's KH for Article 5.3

## LEARN

**Implementing Article 5.3 of the WHO Framework Convention on Tobacco Control (WHO FCTC):  
From Policy to Practice**  
An Online Interactive Course

**Global Multimedia Hub**  
to Counter Tobacco Industry Interference

**GLOBAL MEDIA COMPETITION 2021**

**LIES & COVER UPS: TIME TO #MAKE TOBACCO PAY**

Submit your posters, short videos, and infographics  
by April 20, 2021

Win up to \$4000!



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Global Center for  
Good Governance  
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# Protecting Against Tobacco Industry Interference

## A Resource Map

Tools and Resources on Article 5.3 of  
the WHO Framework Convention on  
Tobacco Control

# Resources

## Samples and Templates







# Implementing Article 5.3 of the WHO FCTC

**Code of  
Conduct**

Letter Rejecting  
Offers

**Declaration of  
Interest Forms**

Notification of  
Tobacco  
Meetings

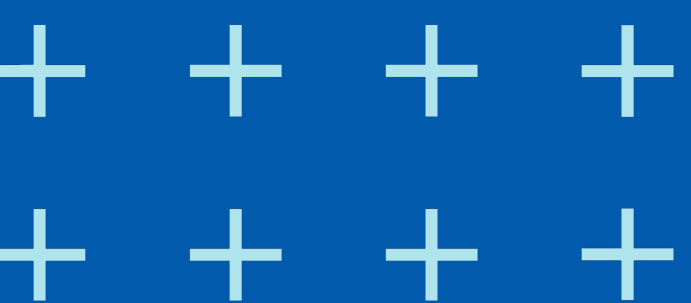
Hiring Policy

**Memo Warning  
against Tobacco  
Donations (CSR)**

Trade Provision  
to Exclude  
Tobacco

Regulation to  
Require  
Information

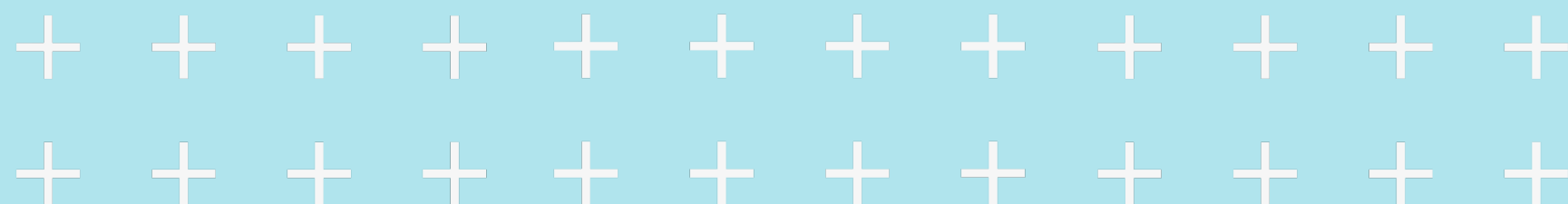
**List of  
Information to  
be Required**



# Thank you

debby@ggtc.world

<https://untobaccocontrol.org/kh/article-53/>



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