

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



Global Center for Good Governance in Tobacco Control

Executive Summary

Tobacco is a lethal product that kills more than eight million people in the world annually, which has led public health advocates to focus on prevention and reduction of its use globally. The tobacco industry (TI) has reacted by intensifying its interference across all countries. It has already been established that there is a fundamental and irreconcilable conflict between the interests of the tobacco industry and the interests of public health policies.

The COVID-19 pandemic had serious repercussions for countries' health and economies. The period between 2021 and 2023 presented a new reality to strengthen and advance the implementation of tobacco control measures globally, including a focus on renewed efforts to stop interference from the tobacco industry, which has been focusing on Corporate Social Responsibility activities, especially through donations.

The TI interfered in public policies in all the 19 countries of the Latin American and Caribbean region surveyed in the 2023 Regional Tobacco Industry Interference Index. This Index, the third in its series, aims to review the current situation in seventeen countries in Latin America and two in the Caribbean on the implementation of Article 5.3 of the Framework Convention on Tobacco Control of the World Health Organization (WHO FCTC): 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).

Despite efforts made by several governments to protect and advance their tobacco control policies and keep the industry at arm's length, others are still succumbing to TI interference tactics. Key areas of interference include allowing the industry to participate in policymaking, giving in to delay tactics or supporting industry-friendly laws, giving benefits to the industry, collaborating with the industry on joint initiatives,

“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 cease.

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

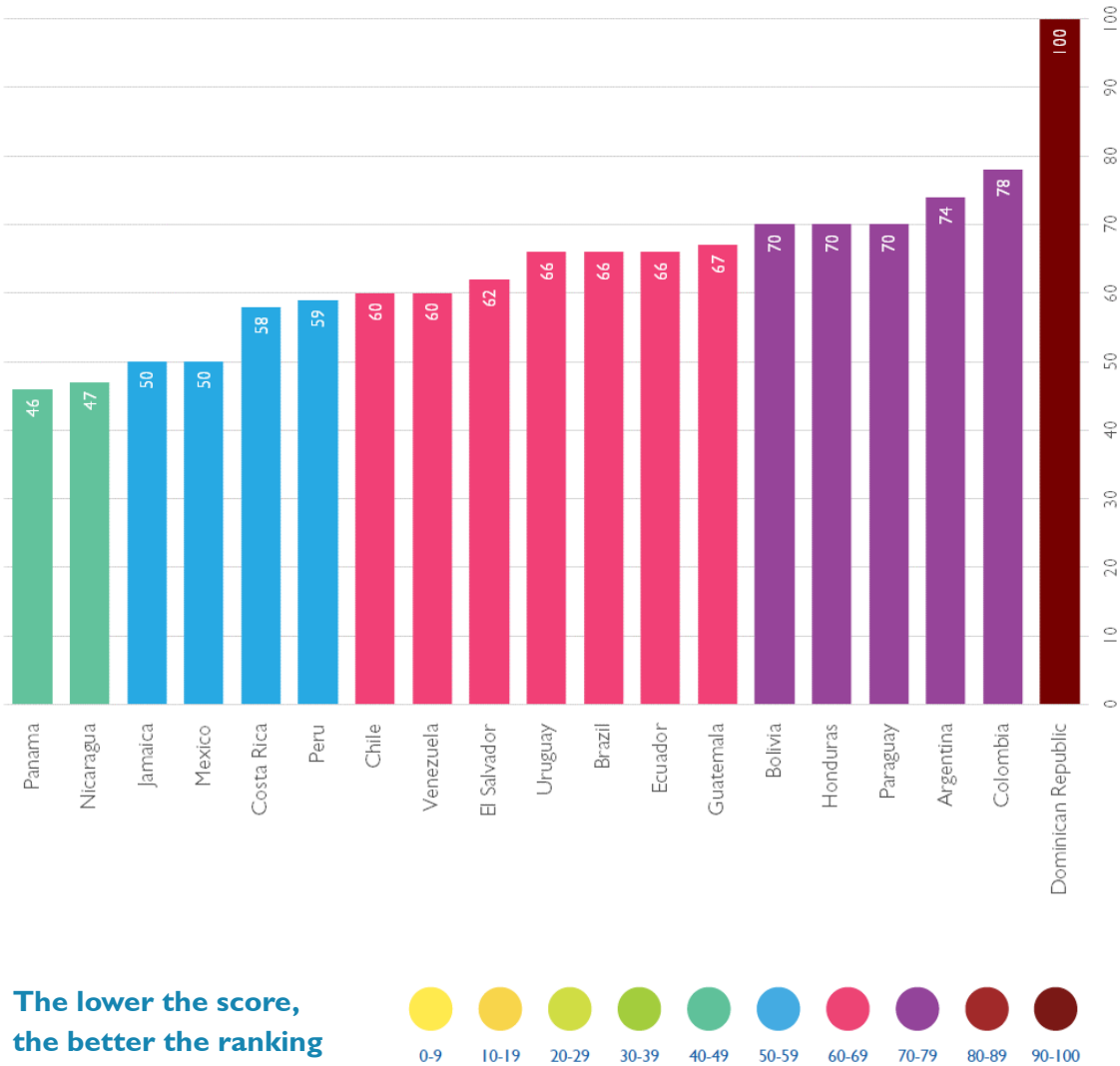
receiving or endorsing tobacco-related charity, lacking transparency when interacting with the industry, and lacking procedures to limit contact to only strictly necessary interactions.

There is an urgent need to intensify efforts to counter TI interference, as 2023 and 2024 are important years, marked by the following events: the tenth **Conference of the Parties (COPI0)** and the third **Meeting of the Parties (MOP3)** to take place in Panama - postponed for early 2024 - as well as the launch of this **Regional Tobacco Industry Interference Index for Latin America and the Caribbean (Regional Interference Index)** in its third edition. At the global level, the **Intergovernmental Negotiating Committee (INC)** began developing

in November 2022 an international legally binding instrument on plastic pollution, including in the marine environment; such an instrument will be key to controlling the enormous production of highly polluting plastics contained in the filters of cigarettes, electronic cigarettes and vaping products.

The Regional Index for Latin American and the Caribbean is produced by Corporate Accountability's tobacco campaign (Latin America program) in collaboration with the Global Center for Good Governance in Tobacco Control (GGTC) by utilizing civil society reports (based on publicly available information) from countries on tobacco industry interference covering the period April 2021 – March 2023.

Figure 1. Total score of the Tobacco Industry Interference Index by country in 2023



Key Findings

GENERAL RESULTS

Six countries have improved their actions to reduce industry interference in policy: **Panama, Guatemala, Ecuador, Mexico, Argentina,** and **Nicaragua**. Besides **Venezuela**, the rest of the countries (**Paraguay, Colombia, Peru, Chile, Dominican Republic, Honduras, Bolivia, El Salvador, Brasil, Costa Rica,** and **Uruguay**) show deterioration in progress and increased levels of 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; however, now its score has 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 the maximum score.

SPECIFIC RESULTS

Below is a summary of the most relevant results of the analysis by indicator.

Level of industry participation in government policymaking

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

Among the best performing countries are **Nicaragua, Panama,** and **El Salvador,** which showed no evidence of TI interference in policy proposals, even though there were instances where front groups opposed regulations. None of these countries allowed or nominated TI representatives to be part of their delegation to the COP or its subsidiary bodies.

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

Benefits to the tobacco industry

Almost all countries have provided some form of incentive to the TI and the majority have increased their scores compared to the previous Index. These benefits include promoting tobacco tourism, promotion of the industry, increasing income from tobacco, tax incentives, and delay in policy implementation. However, **Chile, Mexico, Panama,** and **Nicaragua** report no publicly available record of benefits being given to the industry and 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 have to do with illicit trade in tobacco products, agriculture and tobacco cultivation, public policy, and environmental campaigns.

Transparency

Overall, countries in Latin America and the Caribbean do not have specific regulations that require ensuring transparency in all areas of interactions with the TI. Although some countries require the TI to register and provide certain information, including **El Salvador, Paraguay, Jamaica** and **Chile**, in situations such as attending meetings, hearings, study trips and gifts from private companies to members of the government.

Conflict of interest

This Regional Interference Index analyzed two indicators:

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.

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 employees in public service positions.

Precautionary measures

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

Record of interactions with the industry. Most countries have not instituted a procedure for interactions with the 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 bills that are still pending approval.

Code of Conduct. Most countries have not established a specific code of conduct for public officials and 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 in the public domain on the existence of consistent programs, plans or systems to raise awareness among departments about Article 5.3 Guidelines.

5. Rejection of contributions or collaborations. Some countries have partial implementation through the existence of codes of conduct or ethics for public servants. These documents 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 to accept TI contributions or gifts.

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

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

Recommendations

1. 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 disseminate it.

2. 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 all interactions between the government and the tobacco industry.
- Adopt a code of conduct that protects officials from industry influence.

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.

4. Eliminate incentives or subsidies to the tobacco industry, including preferential tax treatment, even if applied to companies in general.

5. Systematically monitor and report on tobacco industry activities. The participation of civil society is essential in monitoring. 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 tobacco industry in tobacco control policies. Request assistance in the implementation of Article 5.3 and its guidelines from the Knowledge Hubs of the WHO FCTC Secretariat and utilize their resources.

7. Use and enforce mechanisms to ensure compliance with the Article 5.3 guidelines, including holding the tobacco industry to account and potentially bringing action to court.

8. Protect tobacco control policies and activities against any commercial interests related to novel and emerging tobacco products, in accordance with Article 5.3.

9. Promote the active participation of civil society free from conflicts of interest or collaboration with the tobacco industry. This is essential to effectively implement Article 5.3.

10. Establish/ strengthen and finance a national coordination mechanism (NCM) for tobacco control. This includes establishing funds to ensure full implementation of the FCTC in their territories and joining forces to fight against the non-participation of the TI in these meetings.

11. Accession to the WHO FCTC by Argentina and the Dominican Republic and ratification of the Protocol for the Elimination of Illicit Trade of Tobacco Products Convention by the remaining countries, to implement stronger policies to prevent or reduce tobacco use and improve public health and save costs for States.

III Regional Tobacco Industry Interference Index for Latin American and the Caribbean Countries 2023: Implementation of Article 5.3 of the WHO Framework Convention for Tobacco Control.

The regional index forms 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), is produced by the Global Center for Good Governance in Tobacco Control (GGTC) with support from Bloomberg Philanthropies.

Website:

<https://globaltobaccoindex.org/regions/latin-america>

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Disclaimer:

The references of this Executive Summary can be validated by consulting: Valdivieso, D., Salgado, L., Dorado, D., Arcila, J., III Regional Tobacco Industry Interference Index For Latin American And Caribbean Countries. Implementation of Article 5.3 of the WHO Framework Convention for Tobacco Control, 2023. Corporate Accountability.

About Corporate Accountability (www.corporateaccountability.org)

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

About GGTC (<https://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 would not suffer at the hands of the tobacco industry.