PROTECTION OF HEALTH POLICIES FROM TOBACCO INDUSTRY INTERFERENCE-LESSONS FROM INDIA

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WHO FRAMEWORK CONVENTION ON TOBACCO CONTROL (FCTC)

- FCTC is the first global health treaty negotiated under the auspices of the World Health Organization.
- This convention is an evidence-based treaty that reaffirms the right of all people to the highest standard of health.
- The FCTC was developed in response to the globalization of the tobacco epidemic which is facilitated through a variety of complex factors with cross-border effects.
- The FCTC was adopted by 56th World Health Assembly on 21st May 2003.
- India was the 8th country to ratify on 5th Feb 2004.
LESSONS AT NATIONAL LEVEL

“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 in accordance with national law.” (Article 5.3)

- Public Interest Litigation filed by Civil Society (Institute of Public Health) for withdrawal of sponsorship by the Government of India, to the event Global Tobacco Network Forum’ (GNTF), 2010, in view of Article 5.3

- The Government of India, withdrew sponsorship to the event and gave an undertaking to consider the draft developed by the petitioner on the code of conduct for public officials in compliance with Article 5.3.

- A ‘Code of Conduct for Public Official’, was developed by Ministry of Health in accordance with the draft and circulated to other Ministries for adoption.
LESSONS AT NATIONAL LEVEL

- Advisory by Ministry of Health to all States for not engaging or partnering with the Foundation for a Smoke-Free World (FSFW) in view of FCTC Article 5.3

- Advisory by Ministry of Health to other Central Ministries for not engaging or partnering with the FSFW

- Notice to North-Eastern Hill University, for getting funding from FSFW, to develop a Centre of Excellence on Harm Reduction Science

- Ministry of Health adopts a comprehensive “Code of Conduct for Public Officials” in compliance with WHOFCTC Article 5.3, for all Officials, Departments and Autonomous Institutions and Offices under its jurisdictions and to any person acting on their behalf.
LESSONS AT SUB-NATIONAL LEVEL

- The increasing tobacco industry interference at sub-national level led to State Governments taking initiatives to develop policies for compliance with Article 5.3.

- Setting up of Empowered Committee with specified guidelines for implementation of Article 5.3.

- States that have developed such policies are Punjab, Mizoram, Bihar, Tamil Nadu, Himachal Pradesh, Jammu & Kashmir, West Bengal, Karnataka, Maharashtra, Jharkhand, Kerala, Meghalaya, Uttar Pradesh and others.

Available at: smokelesstobaccocontrolindia.com.
SALIENT FEATURES OF THE CODE OF CONDUCT

- Objective & Scope
- Interaction with tobacco industry
- Partnership and contribution
- Conflict of interest
- Constitution of an Empowered Committee
- Procedure for reporting violation and conducting enquiry
Implementation of the Code of Conduct

1. As per WHO report, 12% lack people die every year due to tobacco use in India. According to the Global Adult Tobacco Survey (2016-17) conducted by Government of India and World Health Organization (WHO), prevalence of tobacco use among adults in Karnataka being 35.02% in males and 10.3% in females.

2. WHEREAS, The World Health Organization Framework Convention on Tobacco Control (FCTC) is the first treaty negotiated under the auspices of the World Health Organization. This treaty was developed in response to the globalisation of the tobacco epidemic. It entered into force on 27th February 2005 and currently there are 181 parties to the treaty. In 2004 India has ratified FCTC and therefore obligated to uphold the provisions of the FCTC.

3. And WHEREAS, Preamble of the FCTC recognised the need to be alert to any efforts by the tobacco industry to undermine or subvert tobacco control efforts and the need to be informed of activities of the tobacco industry that have a negative impact on tobacco control efforts. With Article 5.3 it states that “in setting and implementing their public health policies with respect to tobacco control Parties shall act to protect these [tobacco control] policies from commercial and other vested interests of the tobacco industry in accordance with national law.”

4. And WHEREAS, Section 2 of the Cigarettes and other tobacco products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (COTPA) states “it is hereby declared that it is expedient in the public interest that the Union should take under its control the tobacco industry.

5. And WHEREAS, State Government of Punjab [vide gazette notification no. 21/51/08/SS/53/09/3 dated 13-07-2015], Mizoram [vide notification no. 1.11051/28/2015-HFW dated 20.02.2016], Sikkim [vide Notification No. SHSB/HC/CA/19/2/5/2016 dated 23.06.2017] and Tamil Nadu [vide Notification No. G.O(Ms)No.395 Dated 10.11.2017] has constituted an empowered committee to implement Article 5.3 of FCTC in order to deal with any kind of interference by Tobacco industry, whether registered or local manufacturer / seller or any person(s) intended to act as representative of the same in the Governments’ tobacco control policies and programmes.

Partnership with Tobacco Company on Waste Management Project is terminated.
Implementation of the Code of Conduct

Notice by MoH

Event Cancelled

Tobacco industry interference in violation of the Code of Conduct released by the Ministry of Health & Family Welfare, Government of India

New Delhi: There is an irreconcilable conflict between the tobacco industry and public health. Tobacco industry use their enormous wealth, power to influence policies and keep doing all possible manipulations and interference in public health.

In a recent incident that has come to the light that an online webinar event is going to be held on July 27, 2020 organized by ASSOCHAM in collaboration with ITC - a leading cigarette manufacturing company.

The participation of Government officials, especially those who uphold public health, in this event contravenes World Health Organization FCTC Article 5.3 and it will further expose Government officials to unnecessary interaction with the tobacco industry.

Article 5.3 of the FCTC requires that “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 in accordance with national law”.

One of the recommendations in the guidelines for implementation of Article 5.3 is that the state parties must establish measures to limit interactions with the tobacco industry and “should interact with the tobacco industry only when and to the extent strictly necessary to enable them to effectively regulate the tobacco industry and tobacco products.”

The links between smoking, cigarettes and respiratory diseases and cancer is well established. In India annually there is more than 1.3 lakh deaths due to tobacco use.

In this scenario, it is an event being organized and sponsored by ITC (India Tobacco Company) on making respiratory health.
STOP tobacco industry interference