

Africa Tobacco Industry Interference Index Moves Policy

Country Case Studies



A GLOBAL
TOBACCO
INDUSTRY
WATCHDOG

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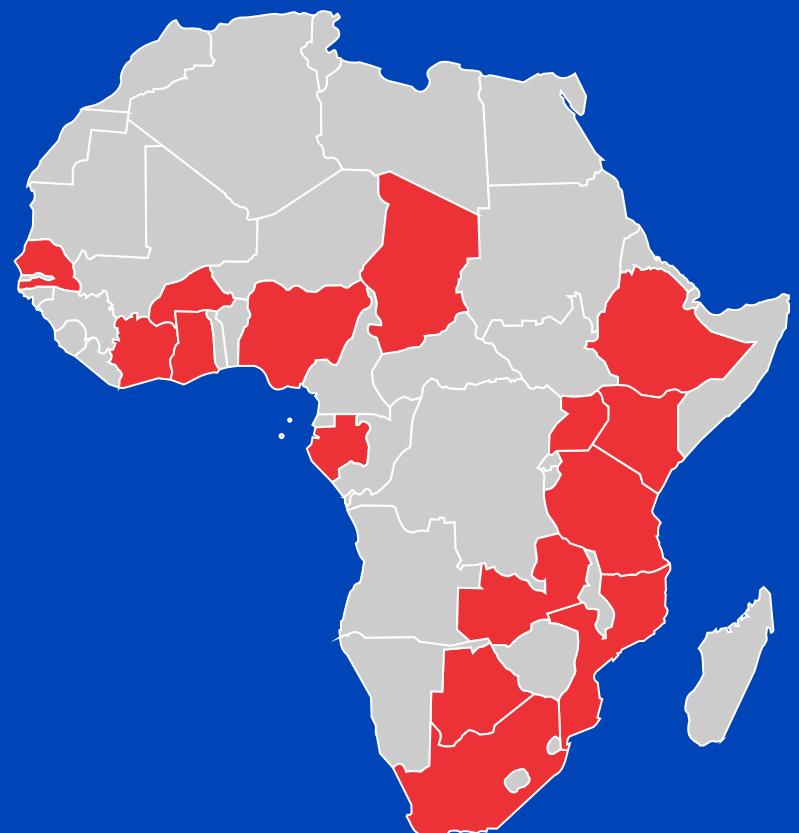
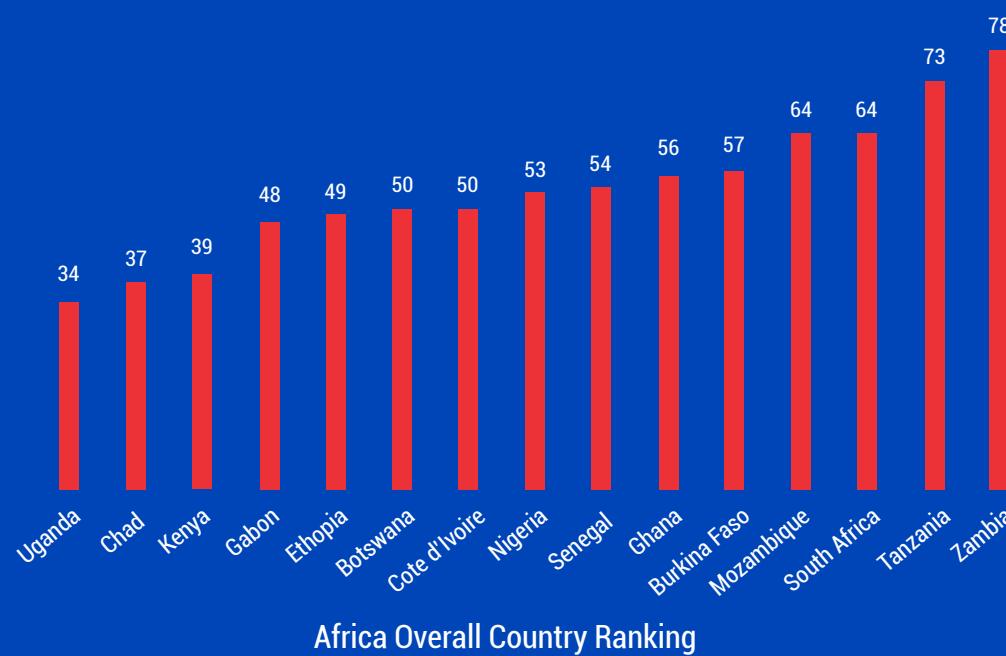
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Overview

In 2021, African Tobacco Control Alliance (ATCA) produced the first regional tobacco industry interference index for Africa covering 15 countries.



Producing this Index has helped countries to expose the tobacco industry's tactics to sabotage tobacco control and government's responsibility to protect their health policies. Advocates have been conducting various activities using the findings of their respective country indices.





The Index moves policy



Zambia's poor ranking in both the Global and Africa Tobacco Industry Interference Index was an important advocacy point to urge the government to act. Most policy makers only became aware of tobacco industry meddling in policy after receiving the index which provides evidence of industry interference (Case study 1). The media played an important part in publicising the Index and generating comments which made front page news. The newspaper coverages were sent to policy makers to show them the importance of addressing the issue.



Cote d'Ivoire, joined the Index for the first time. The Index had a powerful impact to expose delays to the implementation of the law. Local advocates reported (Case study 2), since launching Cote d'Ivoire's Index and having meetings with officials, they have seen its impact in implementing plain packaging on packs of tobacco products and track and trace measures of illicit tobacco products. "We don't attend any meetings with government officials without the Index".¹



Uganda is implementing the law



Uganda has a strong tobacco control legislation and the government is committed to protect their public health, reflected in their top ranking in Africa. The industry undermined Uganda's law by challenging the Tobacco Control Act in court causing the delay in the implementation of this law. The industry knows a delay in implementation will result in an environment that can facilitate interference.

Uganda is finally implementing the Act which has Article 5.3 component (Case study 3) and in the process of developing procedure for disclosing all records of the interaction with the tobacco industry and its representatives. This should be included in the Terms of Reference for the Tobacco Control Committee. Penalties for unnecessary interactions with tobacco industry and its representatives has been provided in the law and this should be enforced.



The media has an important role in exposing industry interference

The media is a partner in exposing the tobacco industry. Countries harnessed the media to publicize the findings of the indices.



In **Nigeria**, the Index was released through a press briefing which was followed up with many interviews on TV, radio and newspapers.

Findings of the index received wide coverage in the media. This was possible because the tobacco control advocates have built a close relationship with the media. As the media reported on the industry's "web of interactions"², officials received the Index and were able to consider the evidence on industry interference (Case Study 4). The index was distributed to various policy makers including the Ministry of Health and the Federal Competition and Consumer Protection Commission.



The reporting of industry interference in the media in **Kenya** has helped to show how prevalent the problem is and the need for government to act. This has helped tobacco control. There is now more openness from Ministry of Health officials in sharing information on instances of tobacco industry interactions with government. Government officials are also becoming more vocal in calling out tobacco industry interference.



Advocacy continues

Advocacy efforts using the indices in each country will continue. The experiences of the countries show, documenting the instances of interference by the countries is important to support and advance the implementation of tobacco control measures generally and FCTC Article 5.3 more specifically.



**Here are some examples of how countries
have been using their respective index to
conduct advocacy and build support for
tobacco control policy.**





Case Study

1

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Zambia Tobacco Industry
Interference Index:
**Moving the tobacco control
agenda up the political agenda**





Background

Although Zambia ratified the WHO Framework Convention on Tobacco Control in 2008, domestication of the treaty remains elusive and tobacco control has not been a priority. Each year, tobacco costs the Zambian economy ZMW 2.8 billion, equivalent to 1.2 percent of its GDP. Each year about 400,000 people die from non-communicable diseases. Several attempts to table a WHO FCTC compliant bill have failed because of industry interference.

The long delay in the filing of the Control of Tobacco Products

Bill has benefited the tobacco industry to increase its business. There is no ban on tobacco advertising, corporate social responsibility activities (CSR) activities are allowed enabling industry executives close access to senior government officials, there are no pictorial warnings on cigarette packs and sale of cheap single sticks make cigarettes both affordable and accessible.³

Failing to table and pass the tobacco control bill in the May parliamentary session in 2021, and after general elections last year, tobacco control advocates have to start all-over again engaging and educating new lawmakers about the need to protect public health from the harmful effects of tobacco use.

Zambia has fared poorly in the Tobacco Industry Interference Index scoring high points because of high level of industry interference.⁴ Zambia is the worst performing country out of 15 countries in Africa who participated in the index survey.⁵ The industry stepped up its interference during the COVID-19 pandemic when the government was more vulnerable and in need of resources.⁶

Tobacco companies were having easy access to senior government officials and talking behind closed doors. This needs to change. For too many years, our tobacco control law did not advance much and the issue is not considered a priority. With the publication of the Tobacco Industry Interference Index, policy makers are now more conversant with WHO FCTC Article 5.3. Tobacco control has moved up the policy agenda

Brenda Chitindi,
Tobacco-Free Association of Zambia

”

Each year,

1.2%



of the Zambian economy
GDP is lost to effects of tobacco

400

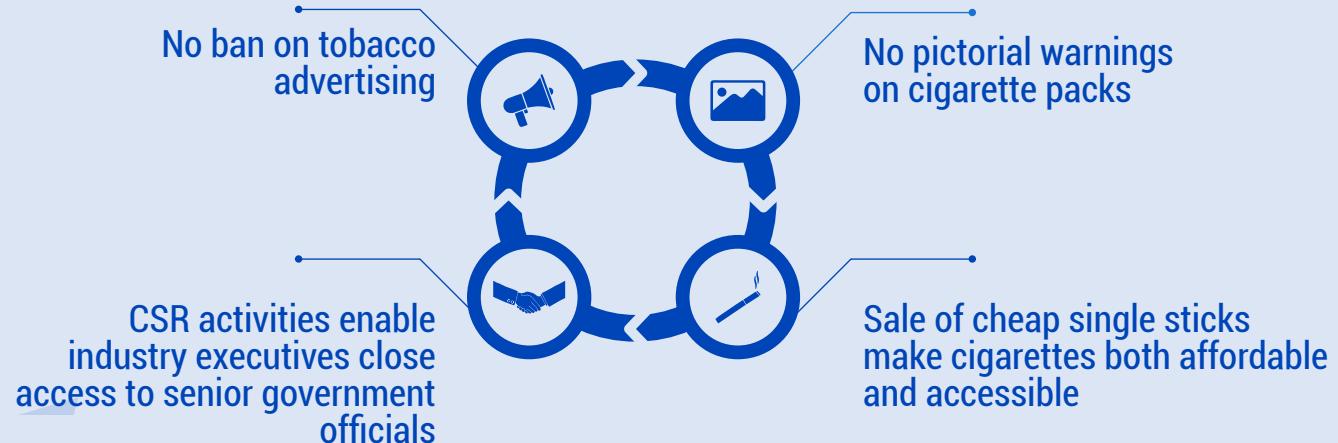


people die from
non-communicable diseases

Attempts to table
a WHO FCTC-compliant
bill have failed because of
industry interference.



The long delay in the filing of the Control of Tobacco Products Bill has benefited the tobacco industry to increase its business.



Zambia is the worst performing country out of 15 countries in Africa who participated in the index survey



Dissemination

Tobacco-Free Association of Zambia (TOFAZA) released the Zambia 2021 Tobacco Industry Interference Index Report through a press conference on the 23rd of October. Guests at the event included government officials, media and civil society representatives. The Ministry of Health National Tobacco Control focal point assured that government is committed to ensuring that the tobacco control bill will be presented to Cabinet and later to Parliament.

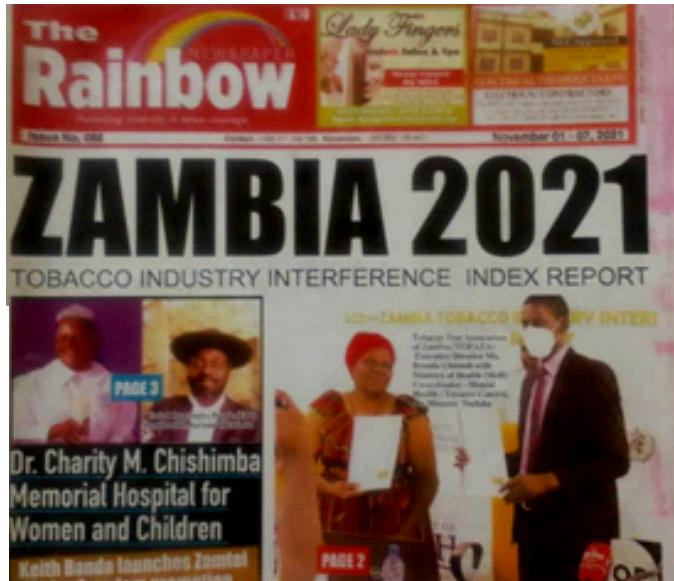
The Index was sent to the Vice President's Office, 13 ministries and five agencies. Several face-to-face meetings were held with senior officials including the Permanent Secretary at the Ministry of Works, Director of Planning and Director of Health Promotion who have given their full support to tobacco control. Most policy makers only became aware of tobacco industry interference after receiving the index and because it illustrated how the interference is blocking tobacco control. Since the tobacco industry operates behind closed doors when it meets with government officials no one has called this out as "interference".

Media advocacy played an important part in pushing tobacco control higher up the political agenda. The index made front page news and prominently featured in the media. The newspaper coverages were sent to policy makers to illustrate the interference and highlight the fact that it warranted their serious attention.



Office of the Vice President

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TOFAZA along with other public health groups, Zambia Alliance for Tobacco Control and its members, have been stepping up meetings with various government departments explaining the details of action needed to address the blockages in tobacco control and to move forward.



Tobacco-Free Association of Zambia creates awareness on the ills of tobacco use, advocates for prioritization for tobacco control in the national policy agenda, and assists to develop national tobacco control programs. TOFAZA's main activities focus on promoting community and public awareness on the harms of tobacco use and as a human rights violation.



Case Study 2

Cote d'Ivoire Tobacco Industry
Interference Index:

**Exposing tobacco industry interference
to advance implementation of the law**

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Background

More than 9,000 people die from tobacco related diseases in Cote d'Ivoire every year according to the 2018 Tobacco Atlas. Cote d'Ivoire ratified the WHO Framework Convention on Tobacco Control in 2010, however, measures to protect public health had been making very slow progress

9000+
people die from tobacco
related diseases in Cote d'Ivoire every year



The main tobacco companies operating in Cote d'Ivoire are Imperial Tobacco's local subsidiary, Société Ivoirienne des Tabacs (SITAB) and BAT West & Central Africa. Tobacco products are promoted directly at points of sale at kiosks and indirectly through branded promotional materials such as aprons and parasols provided by the tobacco companies. The advertising of tobacco products at retailers is still visible in supermarkets such as King Cash, Citydia and Sococé Mall.

In addition, there are new outlets selling shisha in shops (ABOBO, Cocody and Yopougon) in Abidjan. Cigars, shisha and electronic cigarettes are also promoted and sold online on platforms such as JUMIA.

The Index has given us a new vision to do tobacco control. Since launching Cote d'Ivoire's Index and seeing its impact, we don't attend any meetings with government officials without the Index. The Index has helped us to protect two implementing texts of Law No. 2019-676 of 23 July 2019 from tobacco industry interference. Texts that had been withdrawn during a previous Council of Ministers and delayed have now been implemented, that is plain packaging of tobacco and track and trace of illicit tobacco products."

Lacina TALL,
Comité Unesco Universitaire pour la lutte contre la drogue et autres pandémies (CLUCOD)

”

Tobacco is promoted and directly sold through



Kiosks



Malls



Online Shops



Branded Materials



Tobacco companies, through the CGECI which represents nearly 80% of the country's private sector, each year lobby for the reduction of the tax schedule on tobacco products.

In 2019, the government strengthened tobacco control measures through Law No. 2019-676⁷ which requires health warnings to go from text only to prominent pictorial warning that will cover 70% of the pack surface. However, due to tobacco industry interferences the enforcement of the legislation had been stalled.



Policy makers do not disclose their interactions with tobacco companies and there is no code of conduct to guide officials in their interactions with the tobacco industry.





New opportunity through the Index

In 2021, CLUCOD produced the Cote d'Ivoire Tobacco Industry Interference Index for the first time.⁸ CLUCOD launched the index in October 2021 through a press briefing. The index presented a new opportunity to step up advocacy for tobacco control measures.

Following the press briefing, several meetings were held with key government officials to create their awareness on industry interference and advocate for advancement of tobacco control measures. The index was presented to the Technical Advisor in charge of Health to the Prime Minister, the Technical Advisor to the Minister of Budget and State Portfolio in charge of tax and customs matters and the Minister of Trade and Industry.

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The CLUCOD team, Lacina Tall and Badou (left) meet with the Minister of Trade and Industry



The CLUCOD team meet with Technical Advisor in charge of Health to the Prime Minister



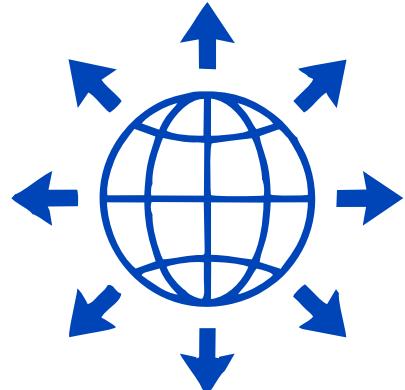
Outcome of advocacy with the index

Findings of the index illustrated how the tobacco industry has been undermining tobacco control efforts. Exposing instances of interference through the index helped to create awareness among policy makers and officials who started to apply WHO FCTC Article 5.3. The General Union of Large Industrial Enterprises of Côte d'Ivoire to which tobacco stakeholders are members, wanted to be involved in the development of draft decrees on the tracking and tracing system for tobacco products and plain packaging. However, the government did not allow them.

The Index has helped to protect two implementing texts of Law No. 2019-676 of 23 July 2019 against interference by the tobacco industry. Texts that had been withdrawn previously, namely the decrees on plain packaging of tobacco and the tracking and tracing system of tobacco products were reinstated. These two decrees were adopted by the Council of Ministers with the support of several leading ministries such as the Ministry of State, Ministry of Agriculture and Rural Development, and the Ministry of Employment and Social Protection.

The Index has helped to protect two implementing texts of
Law No. 2019-676 of 23 July 2019 against interference by the tobacco industry.





The index is timely and important because the tobacco industry is planning to expand its business in Côte d'Ivoire

Imperial has stated

The Africa region continues to be an attractive portfolio of markets with opportunities for further value growth. ... while our focus on local jewel brands delivered share gains in Burkina Faso and Côte d'Ivoire⁹



The index is a valuable tool that documents and exposes the industry's interference to undermine tobacco control in Côte d'Ivoire.

CLUCOD supports communities to reduce the spread and impact of smoking, drugs, HIV/AIDS and other pandemics. It was created in August 1992 by students to fight the consumption of alcohol, tobacco and drugs in the University environment.



Case Study 3

Uganda Tobacco Industry
Interference Index:

Surviving a court case and
still standing strong

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Background

Recognizing that tobacco industry interference is the single biggest threat to national tobacco control efforts and that there is a fundamental and irreconcilable conflict between the tobacco industry's interests and public health policy interests,¹⁰ the Government of Uganda embed Article 5.3 of the WHO Framework Convention on Tobacco Control (FCTC) in its national legislation to protect tobacco control measures. In July 2015, the Parliament of Uganda passed a comprehensive Tobacco Control law with a whole Part VIII devoted to Article 5.3.^{11,12}



However, implementation of the Tobacco Control Act (TCA) was delayed several years due to BAT's court case challenging the constitutionality of the law. In 2019, the Ministry of Health began drafting the Tobacco Control Act's regulations and BAT Uganda (BATU) wrote to the Minister of Trade to respond to the draft regulations.

The tobacco industry knows Uganda's tobacco control law is one of the strongest in the world which includes measures to curb industry interference. That is why it is resorting to tactics to prevent its implementation, including court challenges. Exposing the industry and implementing the law is important to protect our people."

Robinah Kaitiritimba,
Executive Director, Uganda National Health Consumers' Organisation

”

The draft had not been shared by the Ministry of Health, suggesting BATU obtained the document through other means. In September 2019, the regulations were gazetted. In January 2020, BAT again challenged the regulations in court.



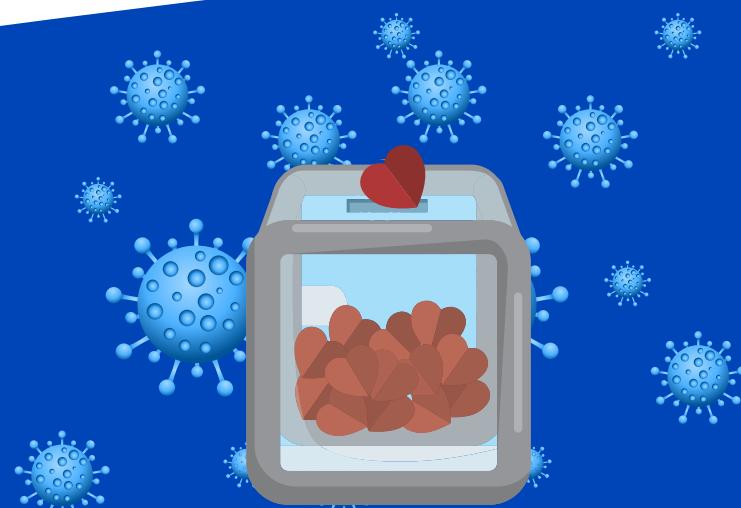


A delay in providing a procedure for disclosing the records of the interaction with the tobacco industry creates an environment for interference to occur.

The law has deterred a lot of interference by the tobacco industry. However, there is room for improvement as the Tobacco Industry Interference Index shows. During the COVID-19 pandemic, the government accepted donations from the tobacco industry although the TCA clearly bans tobacco related CSR activities. The Index demonstrates that effective implementation of the TCA will avoid occasional interferences. There is also the need to put in place procedures for disclosing the requests and records of interactions between the industry and the government when it does occur, for effective transparency as enshrined in Section 20(2) of the Tobacco Control Act (TCA).



During the COVID-19 pandemic, the government accepted donations from the tobacco industry although the TCA clearly bans tobacco related CSR activities.





Launch of the Uganda Tobacco Industry Interference Index

The Uganda National Health Consumers' Organisation (UNHCO) launched the Uganda 2021 Tobacco Industry Interference Index in November attended by Ministry of Health officials, members of parliament, Uganda Cancer Institute, Cancer Society, media, tobacco control advocates and youths.

The Chairperson of the Parliamentary Committee on Non-Communicable Diseases was the chief guest at the launch of the index and he stressed that policy and law are the best options to scale down non-communicable diseases.¹³ The Commissioner of Non-Communicable Diseases said the index was timely and emphasised the need to address prevalence of tobacco use.¹⁴ "We are committed to address the risk factors associated with non-communicable diseases" he declared.



UNHCO launched the Uganda 2021 Tobacco Industry Interference Index in November



The launch of the index highlighted the following:

- 01 The need to provide further guidance to government officials when they interact with the tobacco industry in accordance with Part VIII of the TCA. With strong commitment from the Ministry of Health to protect the health measures from industry interference,¹⁵ the process of drafting an addendum of guidelines to interact with the industry began late 2021.
- 02 The government should put in place a procedure for disclosing the records of the interaction (such as a letter requesting audience with a government ministry or agency, agenda, attendees, minutes and outcome) with the tobacco industry and its representatives. This could be included in the Terms of Reference for the Tobacco Control Committee rather than amending the TCA and regulations which may take time. Penalties for unnecessary interactions with tobacco industry and its representatives have been provided in the law and this should be enforced.
- 03 The role of civil society is crucial in the development and implementation of tobacco control efforts, especially in monitoring the tobacco industry and exposing its various tactics to interfere and undermine the implementation of Uganda's strong law.



Uganda National Health Consumers' Organisation (UNHCO) is a non-governmental advocacy organization that promotes full integration and implementation of the rights-based approach in Uganda's health sector. It envisions a Uganda where the healthcare system guarantees full enjoyment of the right to health by all people.



Case Study **4**

Nigeria Tobacco Industry
Interference Index:

**Working with the media to expose
tobacco industry interference**

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Background

Nigeria's population is over 200 million people, half of whom are youths. Nigeria is a major hub for the tobacco industry in Africa. The main tobacco companies operating in Nigeria are BAT and International Tobacco Company. Nigeria ratified the WHO Framework Convention on Tobacco Control (WHO FCTC) in 2005, domesticated into National Tobacco Control Act in 2015.



Due to tobacco industry interference, the implementing regulations were adopted only in 2019.

Make tobacco control topical and interesting for the media. Make media your friend. Ensure your information is solid and check its veracity. The media trusts us.

Philip Jakpor,
Corporate Accountability & Public Participation Africa, Nigeria

With the population of over
200m 
Nigeria is a major hub for the tobacco industry in Africa

Poor implementation of the law

There is evidence of unnecessary interaction between the tobacco industry and government officials. While Nigeria's National Tobacco Control Act 2015 and the National Tobacco Control Regulations 2019 provide for transparency and accountability in government dealings with the tobacco industry, poor implementation has led to government officials holding meetings without publicly divulging details.

The tobacco industry was still able to participate in policy development and also engage government officials in so-called corporate social responsibility (CSR) activities in various sectors, especially agriculture.



Working with the media

Corporate Accountability and Public Participation Africa (CAPPA) launched Nigeria's 2021 Tobacco Industry Interference Index by holding a press briefing in Lagos together with tobacco control partners, Nigeria Tobacco Control Alliance. The index was distributed widely along with a press statement. The press briefing was followed up with many interviews on TV, radio and newspapers. Findings of the index received wide coverage in the media.^{16,17,18,19,20,21,22}



Vanguard HOME NEWS - SPORTS POLITICAL BUSINESS - ENTERTAINMENT ALIVE VIEWS - EDITORIAL DECISION COLUMNS -

Tobacco industry interfering with public health policies, CAPPA raises the alarm

By Ben Onwuka - October 27, 2021 3 min read

Industry interference major challenge to effective tobacco control-CAPPA

2021 October 2021, Ben Onwuka

THISDAY HOME BUSINESS POLITICS NIGERIA HEALTH & WELLNESS EDUCATION LIFE & STYLE

CAPPA Calls for Action against Tobacco Industry's Interference in Nigerian Policies

October 27, 2021 1 min read

NIGERIAN TRIBUNE HOME News Business Columns Editorial Entertai

Global Tobacco Industry Interference Index 2021 Reinforces Need To Checkmate Industry Influence in Nigeria, Others

By Paul Onyedikachi - October 27, 2021 3 min read

Tobacco industry undermining Nigeria's tobacco-control legislation – Group

The tobacco industry enjoys invitations from the Standard & Poor's Organization of Nigeria (SOPON) to their meetings where supposed discussions on standards are discussed, and agreements are reached.

Data Hub

Putting the Index in the hands of government

The index was distributed to various policy makers including the Ministry of Health and the Federal Competition and Consumer Protection Commission. As the Index received wide coverage in the media about the tobacco industry's "web of interactions",²³ it was important the officials received the report and were able to consider the evidence on industry interference. Civil society has an important role in tobacco control and CAPPA stood ready to work shoulder to shoulder with the government to ensure that the recommendations of the index were considered.

Corporate Accountability and Public Participation Africa (CAPP) works to advance human rights, challenge corporate abuse of our natural resources and build community power for inclusive development and participatory governance.



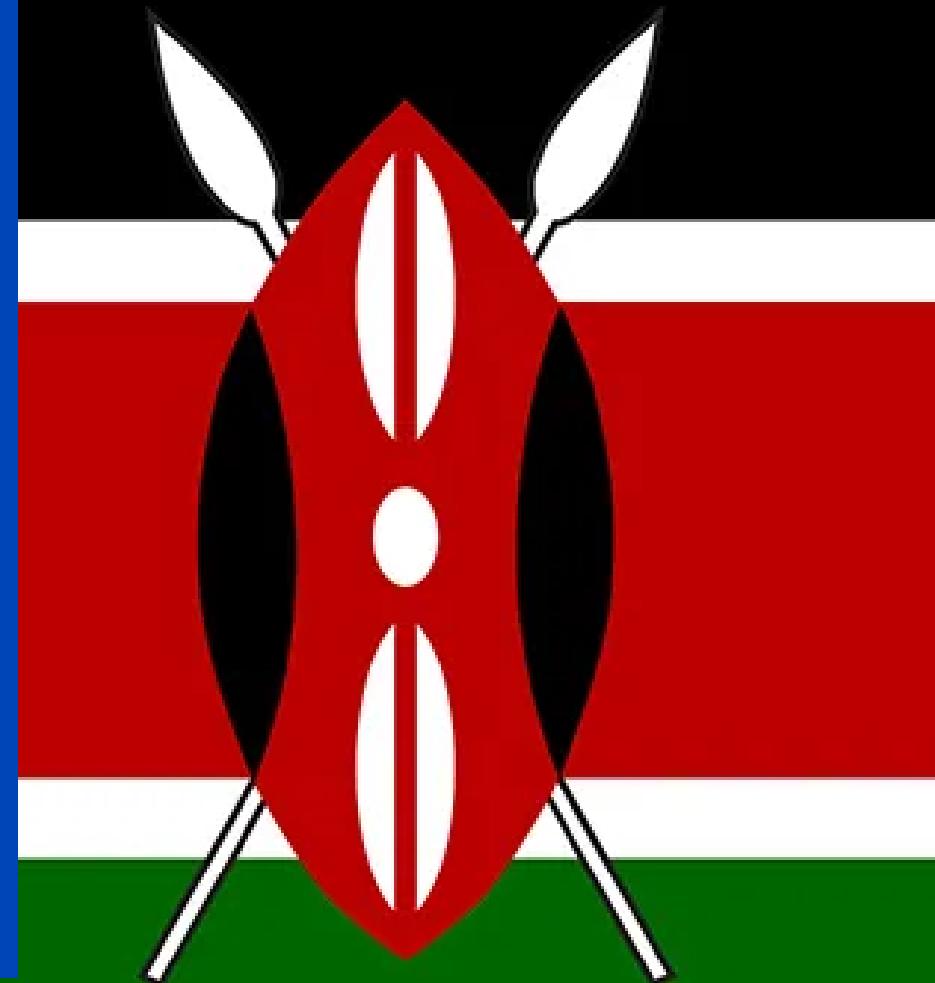


Case Study 5

Kenya Tobacco Industry
Interference Index:

Exposing tobacco industry interference
to advance tobacco control policy

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Background

Tobacco use is now the most preventable cause of death and one of the four risk factors raising the burden of Non communicable diseases (NCDs) in Kenya.

More than 50% of hospital admissions are due to NCDs and on average 80% of premature deaths are related to the use or exposure to tobacco.²⁴

Tobacco control is being hampered by an industry that is ensuring that it subverts public health policy development and implementation through dubious means. Kenya Tobacco Industry Interference Index investigates, exposes and helps counter both overt and covert tactics of the tobacco industry on tobacco control in Kenya

Samuel Ochieng,
Chief Executive Officer,
Consumer Information Network (CIN) Kenya

”

50%+ 
of hospital admissions are due to
Non communicable diseases

80% 
of premature deaths are related to the use
or exposure to tobacco.

Kenya ratified the WHO FCTC in 2004 and has domesticated several provisions of the treaty through national legislation including the Tobacco Control Act 2007 and the Tobacco Control Regulations 2014. Tobacco control legal framework development and their effective implementation is however greatly curtailed by aggressive, consistent and targeted tobacco industry interference. For instance, it took more than 13 years to pass the Tobacco Control Act 2007 largely due to tobacco industry interference and close to 5 years in court battles to commence implementation of the Tobacco Control Regulations 2014.²⁵



It took more than 13 years to pass the Tobacco Control Act 2007 largely due to tobacco industry interference and close to 5 years in court battles to commence implementation of the Tobacco Control Regulations 2014.

British American Tobacco (BAT) Kenya remains the dominant tobacco company in Kenya. In 2018, BAT Kenya held an estimated 78.8% of the cigarette market share according to Euromonitor International, Company Shares – Kenya, 2018. Their manufacturing hub in Kenya also exports to at least 17 other countries in the region. The other tobacco manufacturer in Kenya is Mastermind Tobacco Kenya (MTK) which controlled around 16% of the market share in 2019.²⁶

Launch of Index



The Consumer Information Network (CIN) had a national launch of the Kenya 2021 Tobacco Industry Interference Index on 22nd October 2021. The event was virtual and was well attended. Participants at the event were drawn from media, tobacco control CSOs both national and regional and a few government officials mainly from the Tobacco Control Board. This was the third Kenya Tobacco Industry Interference Index that CIN was releasing having issued the first one in 2019 and the second one in 2020.

2019



2020



2021





Advocacy with the Index

The launch of the 2021 Kenya Tobacco Industry Interference Index, just like the previous two, was attended by many media outlets publicizing the findings of the report. The launch of the report was also followed by a number of interviews on radio and TV. There was wide media coverage about Kenya's performance in the Index.^{27,28,29}

The findings of the Kenya Index were also echoed in the other partner organisations' websites and highlighted in the Regional and Global Tobacco Industry Interference Index Reports to ensure a wider reach^{30,31}

The screenshot shows the homepage of the CIN website. At the top left is the CIN logo. To its right are links for 'HOME', 'DOWNLOAD REPORT', 'PRESS STATEMENT', and 'RELATED REPORT'. Below these is a large, bold title '2021 Tobacco Industry Interference Index (Kenya)' in orange. At the bottom of the page, a blue bar contains the text 'CIN website promotes Kenya's Index³²'.

Besides the conventional media and a use of select social media platforms, CIN also presented the Tobacco Industry Interference Index to select Government Departments/Authorities particularly those which were highlighted in the report as having had interactions with the tobacco industry in a manner that is contrary to the provisions of FCTC Article 5.3 and Part 5 of the Tobacco Control Regulations 2014.



The screenshot shows the homepage of the KETCA website. At the top center is the KETCA logo with the text 'KEINYA TOBACCO CONTROL ALLIANCE' and 'Advocating for a Tobacco-Free Kenya'. Below the logo is a large title 'TOBACCO INDUSTRY INTERFERENCE INDEX' in white. At the bottom of the page, a blue bar contains the text 'KENYA TOBACCO INDUSTRY INTERFERENCE INDEX 2020' and 'Website of KETCA promotes the Index'.



Outcome of advocacy with the index

Looking at the evolving tobacco control landscape in Kenya since the first launch of the Index in 2019,

- 🕒 advocacy with the index has made it possible to mainstream and put in place tobacco industry monitoring amongst tobacco control advocates and organisations. Tobacco industry monitoring is fast getting traction even within government departments such as the Ministry of Health. There is now more openness from the Ministry of Health officials on sharing information on instances of tobacco industry interactions with government compared to previously.
- 🕒 government officials are becoming more vocal in calling out tobacco industry interference at national events and at international meetings. This was the case during the WHO FCTC COP9. The Ministry of Health is also more open to civil society calling out tobacco industry interference at events where high-ranking government officials are present. For example, CIN was given the opportunity to present the tobacco industry interference index during the main event to mark the World No Tobacco Day in 2021

Although more needs to be done, there have been a few instances of industry push back such as the case with nicotine pouches following the awareness being created through advocacy with the index among other interventions.



The Consumer Information Network is a national consumers' organization with the objective of protecting consumers rights and promoting consumer responsibilities. CIN is a member of the Network of Accountability of Tobacco Transnationals and Corporate Accountability International.



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