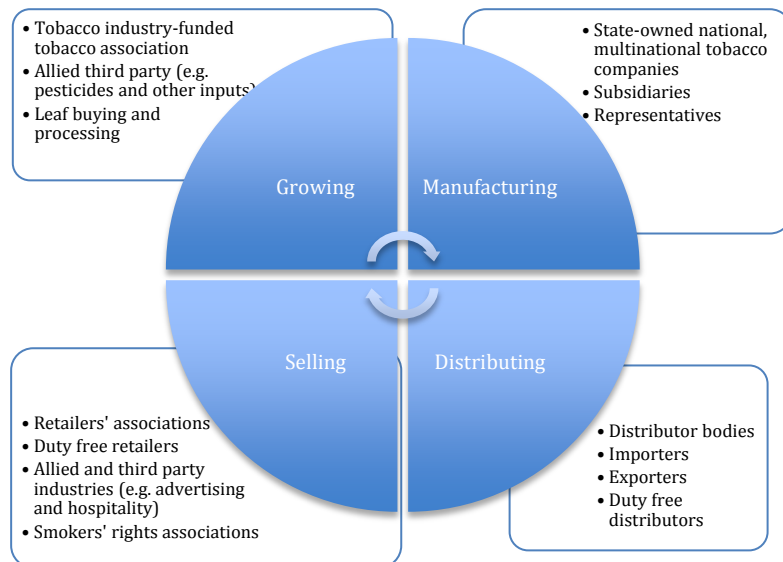


WHO Framework Convention on Tobacco Control (WHO FCTC) Article 5.3 Protecting public health policies with respect to tobacco control from commercial and other vested interests of the tobacco industry

“The tobacco industry has operated for years with the express intention of subverting the role of governments and of WHO in implementing public health policies to combat the tobacco epidemic.” World Health Assembly resolution WHA54.18

Article 5.3 of the WHO FCTC is an overarching obligation requiring that, in setting and implementing public health policies with respect to tobacco control, governments act to protect these policies from commercial and other vested interests of the tobacco industry in accordance with national law.

What represents commercial and other vested interests of the tobacco industry?



What sectors are covered?

All sectors involved in developing or implementing policies, programmes and strategies relating to the WHO FCTC, including: agriculture, budget, culture and arts, customs, development, education, environment and foreign affairs as well as regulatory agencies of health, justice, labour, local government, marginalized sectors, public information, public services, social welfare, sports, tax or revenue, trade and transportation.

Six main forms of tobacco industry interference

Conspiring to hijack the political and legislative process

Exaggerating the economic importance of the industry

Manipulating public opinion to gain the appearance of respectability

Faking support through front groups

Discrediting proven science

Intimidating governments with litigation or the threat of litigation

“... 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”.

FCTC preamble

What does Article 5.3 mean in practice?

State Parties adopted guidelines for the implementation of Article 5.3 through consensus in 2009. The guidelines ensure that efforts to protect tobacco control from commercial and other vested interests of the tobacco industry are comprehensive and effective. They recommend that governments carry out the following activities.

- Raise awareness about the addictive and harmful nature of tobacco products and about tobacco industry interference.
- Limit interactions with the tobacco industry and ensure the transparency of those interactions that occur.
- Reject partnerships and non-binding or non-enforceable agreements with the tobacco industry.
- Avoid conflicts of interest for government officials and employees.
- Require that information provided by the tobacco industry be transparent and accurate.
- Denormalize and, to the extent possible, regulate activities described as “socially responsible” by the tobacco industry.
- Do not give preferential treatment to the tobacco industry.
- Treat the state-owned tobacco industry in the same way as any other tobacco industry.

[Agreed measures for each activity](#)

Other resources

[Technical resource for country implementation of Article 5.3](#)

[FCTC Article 5.3 Toolkit: Guidance for Governments on Preventing Tobacco Industry Interference](#)

Implementation of best practice checklist

- ✓ **Establish a forum:** Set up a multisectoral committee that includes the Department of Health and other government agencies and nongovernmental organizations.
- ✓ **Adopt a code of conduct:** Provide guidelines for appropriate conduct for all government officials in relation to the tobacco industry, a monitoring/reporting process and administrative sanctions.
- ✓ **Disclose all interactions with the tobacco industry:** Governments need to indicate when meetings with the industry take place, their purpose or content and the outcomes of the meetings.
- ✓ **Ban so-called corporate social responsibility activities by the tobacco industry:** Corporate social responsibility activities are used to circumvent laws regulating the industry and as a strategy to gain access to elected officials.

Managing a domestic monopoly

- Countries should ensure that state-owned tobacco companies are treated in the same way as any other member of the tobacco industry in respect of setting and implementing tobacco control policy.
- Countries should ensure that the setting and implementing of tobacco control policy are separated from overseeing or managing the tobacco industry.
- Parties should ensure that representatives of the state-owned tobacco industry do not form part of delegations to any meetings of the Conference of the Parties, its subsidiary bodies or any other bodies established pursuant to decisions of the Conference of the Parties.