Toolkit for Policy Makers and Advocates

Preventing Tobacco Industry Interference

Based on the Guidelines for the Implementation of Article 5.3 of the WHO Framework Convention on Tobacco Control (FCTC Article 5.3)

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THE PURPOSE OF THIS TOOLKIT

This Toolkit for Policy Makers and Advocates for Preventing Tobacco Industry Interference presents a range of issues, policy options, and considerations that each State needs to take into account for purposes of developing State efforts for the implementation of Article 5.3 of the World Health Organization (WHO) Framework Convention on Tobacco Control (FCTC).

The success of the business of the tobacco industry depends on the patronage of its products by the public. The end goal of tobacco control policies, which is to lower consumption of tobacco products, is directly opposed to the business interests of the industry. Hence, it can be expected that the tobacco industry will stop at nothing to prevent effective tobacco control policies.

In 2001, the World Health Assembly unanimously adopted resolution 54.18 as a response to the evidence that the tobacco industry had been subverting the position and the role of the governments and WHO. The said resolution urges members to be alert to any efforts by the tobacco industry to continue its subversive practices.

The WHO FCTC recognizes that tobacco industry interference poses the single greatest threat to tobacco control. It has been documented that the tobacco industry has used strategies to subvert, hinder and prevent tobacco control efforts. Hence, the FCTC included Article 5.3 under General Obligations as a key provision aimed at protecting public health policies against tobacco control interference.

Tobacco industry interference undermines effective tobacco control programs and policies. Thus, Article 5.3 is a necessary element of the Framework Convention on Tobacco Control not only to protect against tobacco industry interference but also to facilitate implementation of other articles of the FCTC.

The WHO FCTC recognizes that tobacco industry interference poses the single greatest threat to tobacco control.
Guiding Principles

In 2008, with the FCTC Parties’ adoption of the Guidelines, the international community managed specify underlying principles in relation to protecting public health policies from the commercial and vested interests of the tobacco industry. The following are the guiding principles adopted by over 150 Parties to the WHO FCTC.

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

   This conflict of interest principle reflects the unanimous recognition by different countries of the fact that the tobacco industry’s business contributes greatly to diseases, death, and other social ills, including increasing poverty. Because of this conflict of interest, the governments must protect the setting and implementing of public health policies from the tobacco industry to the greatest extent possible. The words “fundamental and irreconcilable” emphasizes that this is one principle that leaves no room for compromise, not even when the tobacco industry happens to be State-owned.

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

   This principle underscores transparency and accountability measures that are required of government, its agencies, personnel, and agents, when interacting with the tobacco industry. The Guidelines encourage the regional organizations or regional economic integrations such as the Association of South East Asian Nations (ASEAN) to adopt the principles and policies embodied therein.

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.**

   In order to effectively implement Article 5.3, the government must require the tobacco industry to submit specific information that will assist in setting and implementing tobacco control measures. In addition, the tobacco industry must be made accountable for its actions and for the information it provides.

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

   Governments providing preferential treatment or incentives to the tobacco industry would invariably be promoting interests that are diametrically opposed to that of public health.
In accordance with the Guiding Principles, specific recommendations were developed to assist the Parties in implementing Art 5.3 of the FCTC.

According to the Guidelines, each Party must:

1. **Raise awareness** about the addictive and harmful nature of tobacco products and about tobacco industry interference with Parties’ tobacco control policies.

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

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

4. **Avoid conflicts of interest for government officials and employees**.

5. Require that information collected from the tobacco industry be transparent and accurate.

6. **Denormalize** and to the extent possible, regulate **activities described as “socially responsible”** by the tobacco industry, including but not limited to activities described as “corporate social responsibility”.

7. **Do not give privileged treatment to tobacco companies**.

8. Treat State-owned tobacco companies in the same way as any other tobacco industry.
To provide further clarification on how these recommendations came about, the chart below manifests the challenges faced by governments in implementing tobacco control measures.

<table>
<thead>
<tr>
<th>CHALLENGES FACED</th>
<th>RECOMMENDATIONS UNDER THE ARTICLE 5.3 GUIDELINES TO ADDRESS THE CHALLENGES</th>
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<tbody>
<tr>
<td>Understanding tobacco industry interference</td>
<td><strong>Guideline 1.</strong> Raise awareness about the addictive and harmful nature of tobacco products and about tobacco industry interference with Parties’ tobacco control policies.</td>
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<tr>
<td>The tobacco industry interacting with government</td>
<td><strong>Guideline 2.</strong> Avoid interactions unless strictly necessary.</td>
</tr>
<tr>
<td>The tobacco industry gives contributions, gifts, or policy drafts</td>
<td><strong>Guideline 4.</strong> Do not accept contributions, gifts or policy drafts from the tobacco industry.</td>
</tr>
<tr>
<td>The tobacco industry partners with government</td>
<td><strong>Guideline 3.</strong> Do not partner with the tobacco industry.</td>
</tr>
<tr>
<td>The tobacco industry is not transparent</td>
<td><strong>Guideline 5.</strong> Require the tobacco industry to be transparent and accountable</td>
</tr>
<tr>
<td>Government gives exemptions or benefits to the tobacco industry</td>
<td><strong>Guideline 7.</strong> Do not give privileges or benefits to the tobacco industry.</td>
</tr>
<tr>
<td>The tobacco industry does so-called CSR to remove attention from the harmful effects of tobacco</td>
<td><strong>Guideline 6.</strong> Denormalize CSR.</td>
</tr>
<tr>
<td>Existence of state monopolies</td>
<td><strong>Guideline 8.</strong> Treat state monopolies the same way.</td>
</tr>
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How can the State help ensure the effective implementation of Article 5.3?

While an answer to this has many dimensions, effective implementation can be initiated by creating the right culture and values through administrative policies and programs. In any case, it is simply not enough to rely on codifying the general obligation in national law or having a code of conduct to build resistance to tobacco industry interference.

One cannot overemphasize the need for government personnel to understand the rationale behind Tobacco Industry Interference and its impact on public health. Public officials and personnel must be able to build a culture of resistance against tobacco industry interference in order for them to consciously and continuously respond to and report evolving forms of tobacco industry interference, and recognize the tobacco industry’s various disguises and schemes.

Given the constant change in the government environment and administration, maintaining the tobacco industry-resistant culture as an important part of everyday life poses an ongoing challenge.

To provide further clarification on how these recommendations came about and what this would entail, this toolkit will provide some tools for each of the recommendation. The framework for this is illustrated below.

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<td>Programs and surveillance systems to raise awareness, explaining tobacco industry interference, and listing of tobacco industry players</td>
<td>Awareness-raising activities, including media action</td>
</tr>
<tr>
<td>The tobacco industry interacting with government</td>
<td>Avoid interactions unless strictly necessary</td>
<td>Code of Conduct and similar personnel policies State policies</td>
<td>Direct action based on existing laws governing public officials</td>
</tr>
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<td>The tobacco industry partnering with government</td>
<td>Do not partner with the tobacco industry</td>
<td>Same</td>
<td>Same</td>
</tr>
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<td>The tobacco industry giving contributions, gifts and policy drafts</td>
<td>Do not accept contributions, gifts or policy drafts from the tobacco industry</td>
<td>Same</td>
<td>Same</td>
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<td>--------------------------------------------------------------------------------</td>
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<td>-----------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>The tobacco industry is not transparent</td>
<td>Require the tobacco industry to be transparent and accountable</td>
<td>Laws or rules regulating the tobacco industry (on transparency, information, privileges, and treatment)</td>
<td></td>
</tr>
<tr>
<td>The government gives exemptions or benefits to the tobacco industry</td>
<td>Do not give privileges or benefits to the tobacco industry</td>
<td>Same</td>
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<td>The tobacco industry does so-called CSR to remove attention from the harmful</td>
<td>Denormalize CSR</td>
<td>Policies/programs for surveillance and enforcement systems</td>
<td>Direct action based on advertising laws, and awareness raising campaigns, including media exposure</td>
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<tr>
<td>effects of tobacco</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Existence of State monopolies</td>
<td>Treat state monopolies the same way</td>
<td>Additional provision in the above cited policies to ensure that such policies apply equally to state monopolies</td>
<td>Encourage government to withdraw its investment in the tobacco business</td>
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The Recommendations under the Article 5.3 Guidelines can be categorized into provisions relating to:

1: RAISING AWARENESS;
2 - 4: Developing POLICIES for the STATE: REJECT PARTNERSHIPS and REQUIRE INFORMATION, DON’T GIVE PRIVILEGED TREATMENT
3: Developing POLICIES for PUBLIC OFFICIALS: AVOID CONFLICTS OF INTEREST and LIMIT INTERACTION
4: Denormalizing so-called CSR

Build a “tobacco-industry resistant” culture in government agencies and offices as well as among public officials.
To illustrate further, below are some of the tobacco industry’s more common tactics.

Philip Morris regularly donates to schools or to local officials for the building or adoption of schools or sponsorship of educational programs. This type of donation inevitably reaches the young who are likely to form a positive impression of tobacco and the companies that produce it.

In early 2009, Philip Morris approached the Philippine Bureau of Customs to publicize a Memorandum of Agreement. The Customs officials were unaware that at this time, the FCTC Illicit Trade Protocol Negotiations were ongoing and the State Parties have been asked to send representatives from the customs and law enforcement offices. Around this time, Philip Morris also offered their security marking system for possible adoption by the Philippine government.

Japan Tobacco (JT) conducted an ad campaign built on public service announcements about the dangers of smoking. The ads were featured in train stations and subways, postcards, coasters, book marks, and trash cans. The whole gallery is available on the JT website at http://www.jti.co.jp/sstyle/manners/ad/gallery/index.html
In April 2009, Philip Morris and the Department of Environment and Natural Resources (DENR) of the Philippines signed a Declaration of Mutual Cooperation where Philip Morris donated trashcans with ashtrays to DENR to display in public places. Studies suggest that the presence of ashtrays encourage or remind people of smoking. Ironically, DENR is the office in charge of implementing the Clean Air Act, which bans smoking in all indoor spaces. *Photo credit.*

(Bottom photo) Early in 2009, the Bureau of Internal Revenue (part of the Department of Finance of the Philippines) awarded the Billionaire’s Club Awards to Philip Morris as one of the highest taxpayers. Many other businesses have received the award but only Philip Morris’s award was widely publicized. This created an perception of partnership with the government. *Photo credit.*

Philip Morris also managed to create a partnership with Department of Science and Technology (DOST) of the Philippines to do research on recycling cigarette butts. The said department is mandated by law to undertake research relating to reducing risk and injury from tobacco use and exposure, alternative uses of tobacco, and similar research. It is part of the Interagency Committee on Tobacco tasked to oversee implementation of tobacco regulation laws.
PRACTICES AND MOTIVES

The tobacco industry has been identified as the principal vector of tobacco control disease. In order to successfully implement tobacco control policies, it is important to understand the motives and vested interests of the tobacco industry whenever it approaches government officials. The chart below provides examples of some of the challenges that the Guidelines seek to address.

<table>
<thead>
<tr>
<th>When the tobacco industry representative:</th>
<th>His ulterior motive is to:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lobbies to be part of tobacco control task forces or committees.</td>
<td>Intervene in the development, implementation and enforcement of tobacco control policies.</td>
</tr>
<tr>
<td>Submits position papers on policies and proposes alternative wordings.</td>
<td>Delay implementation of stricter laws against the industry.</td>
</tr>
<tr>
<td>Appoints former prominent government officials as board members.</td>
<td>Use the influence of government officials to lobby within the government.</td>
</tr>
<tr>
<td>Invites public officials to scientific conferences or study tours.</td>
<td>“Befriend” public officials to have allies within the government and induce public officials to take a pro-tobacco industry position.</td>
</tr>
<tr>
<td>Disseminates research papers about the harms of smoking and the viability of smoking rooms.</td>
<td>Mislead people into thinking that there is a safe level of exposure to tobacco smoke.</td>
</tr>
<tr>
<td>Donates to universities or research institutes involved in cancer research.</td>
<td>Use the credibility of universities and research institutions to legitimize the tobacco industry’s false claims.</td>
</tr>
<tr>
<td>Funds “youth smoking prevention” programs and donates money for environmental programs.</td>
<td>Counteract tobacco control measures by advocating for ineffective youth smoking prevention programs and influence the perception of the public and media, and project tobacco industry as a good corporate citizen, and deflect issues relating to the harm of tobacco and the damage caused by the tobacco industry.</td>
</tr>
</tbody>
</table>
Toolkit Implementation Guide

What is the Toolkit? How should this Toolkit be used?

This Toolkit serves as a practical starting point for those planning to implement Article 5.3. Policymakers, tobacco industry control advocates, and other persons responsible for promoting or implementing tobacco industry control and/or transparency and accountability in government will find it useful.

<table>
<thead>
<tr>
<th>THIS GUIDE IS NOT:</th>
<th>THIS GUIDE IS:</th>
</tr>
</thead>
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<tr>
<td>A one-size fits all model</td>
<td>A generic model than can be customized to reflect a country’s unique environment</td>
</tr>
<tr>
<td>A mandatory document</td>
<td>A starting point and a tool for self-assessment</td>
</tr>
<tr>
<td>Intended to provide all the answers</td>
<td>A prompt of the issues to consider</td>
</tr>
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This toolkit utilizes a basic framework as shown below to analyze what needs to be done based on the Recommendations listed in the Article 5.3 Guidelines. To provide further clarification on how these recommendations came about and what this would entail, this toolkit will provide some tools for each of the recommendation.

This toolkit focuses on policies that need to be developed in accordance with Article 5.3 Guidelines. These are categorized into:

- Part A: Raising Awareness
- Part B: Denormalizing CSR
- Part C: Adopting Personnel Policies
- Part D: Adopting State Policies and Regulating Tobacco industry
- Part E: Dealing with State Monopolies

Elements of the toolkit

The toolkit provides guidance to the drafting groups and policy makers by providing questions that prompt discussion and broader understanding of the issue.

Questions are listed under the Assessment/ Quick Self-Test. This will help in reflecting on the key strengths and weaknesses of existing policies and will prompt one to think about the priority areas for implementation of the Article 5.3. Note that not all questions will be relevant to each country’s situation.

After going through the General Assessment, compare the current situation with the target or Signs of Success to determine the gaps, objectives, possible strategies and areas for improvement. This will help in developing a firm action plan.

Checklists are also provided to assist in ensuring the comprehensiveness of the plans to implement Article 5.3. Finally, essential features of the policy drafts are discussed under Templates (Part x) to give policy makers a range of policy options to prioritize. The text of the templates are available online at __________>
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<td>Tobacco industry conducts so-called CSR</td>
<td>Denormalize CSR</td>
<td>Programs and surveillance systems to raise awareness; Enforcement system to support State and personnel policies</td>
<td>Awareness raising activities, including media action</td>
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<tr>
<td>Tobacco industry giving contributions, gifts or policy drafts</td>
<td>Do not accept contributions</td>
<td>Same</td>
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**See Part A:**
**Raising Awareness**

**See Part C:**
**Adopting Personnel Policies**
### CHALLENGES FACED

- **Tobacco industry partnering with government**
  - Recommendation: Do not partner with the tobacco industry
  - Policies/Programs: State policies or laws and regulations to reject partnerships and require information; Don’t give privileged treatment
  - Immediate Action: Reject partnerships; no tobacco industry relationship clauses in contracts

- **Tobacco industry is not transparent**
  - Recommendation: Require the tobacco industry to be transparent and accountable
  - Policies/Programs: Same
  - Immediate Action: Same

- **Government gives exemptions or benefits to the tobacco industry**
  - Recommendation: Do not give privileges or benefits to the tobacco industry
  - Policies/Programs: Same
  - Immediate Action: Same

- **Existence of State Monopolies**
  - Recommendation: Treat State monopolies the same way
  - Policies/Programs: Additional provision in above cited policies to ensure that they apply equally to State monopolies
  - Immediate Action: Encourage government to withdraw its investments in the tobacco business

### See Part C and D: Adopting State and Personnel Policies

### See Part E: Regulating the Tobacco Industry
Is your agency concerned with the public health policy in relation to tobacco control?

IS YOUR AGENCY CONCERNED WITH:

- Development or approval of policies, programs and projects that may be related to tobacco control?
- Development and/or implementation of health-related policies and programs?
- Protection of the welfare of vulnerable sectors where programs to protect vulnerable sectors include health component?
- Development or implementation of policies on tobacco taxes and/or licenses (e.g., collects taxes or fees on tobacco and related products or proposes measures that affect the rates of taxes, fees duties)?
- Collection of any type of information from tobacco companies?
- Development or implementation of policies relating to the promotion of integrity, transparency and accountability?
- Enforcement of relevant laws or policies such as tobacco-regulation laws such as smoke bans, advertising bans, tobacco smuggling, tax evasion, as well as laws that promote integrity, accountability and transparency?

- Has your agency signed any contract with the tobacco industry?
- Has your agency accepted, supported or endorsed policy drafts from the tobacco industry?
- Has your agency given awards to the tobacco industry?

If you checked any of the above, then you are a possible target of tobacco industry interference.

Is your agency protected against tobacco industry interference?

FIND OUT MORE BY ANSWERING THE QUESTIONS BELOW:

- Has your agency entered into partnerships or agreements with the tobacco industry?
- Has your agency received contributions from the tobacco industry?
- Has your agency given any privilege, incentives or benefits to the tobacco industry?
- Has your agency participated in tobacco industry’s “socially responsible” activities?
- Does your agency allow publicity of tobacco industry’s so-called “socially responsible” activities?
- Does your agency allow interaction with the tobacco industry that are not strictly necessary for its effective regulation?

For purposes of answering this questionnaire, the term “tobacco industry” refers to organizations, entities, associations, and individuals that engage in, work for or in behalf of the tobacco industry, such as, but not limited to, tobacco manufacturers, wholesale distributors, importers of tobacco products, tobacco retailers, and any other individual or organization that work to further the interests of the tobacco industry, including their lawyers, scientists or front groups.
Unlike other tobacco control measures which can be developed primarily with the expertise of the Department of Health, in collaboration with related government agencies, Article 5.3 implementation requires the cooperation of all government bodies and employees that can contribute to tobacco control. This covers a huge proportion of government personnel and agencies.

Hence, the charters or administrative laws of the government agencies need to be strengthened with the inclusion of specific provisions to insulate them from tobacco industry interference. Codes of Conduct need to be adopted to guide personnel in dealing with the tobacco industry. New partnerships need to be forged to support this initiative. Potential champions may come from agencies not principally involved in health but whose mandate impacts on health nonetheless.

For example, the Philippine Civil Service Commission (CSC) is instrumental in the implementation of Article 5.3, being one of the founders of the Article 5.3 Committee. This is due to the realization that enforcing provisions on transparency in dealing with the tobacco industry is an area within the said Commission’s jurisdiction, and not the Department of Health (DOH). The DOH works
closely with CSC to design and implement a mechanism to manage tobacco industry interference in the field. The DOH also forged partnerships with civil society, which serves as a “watchdog” by monitoring tobacco industry interference in various areas of government, including local government units.

In addition, Article 5.3 Guidelines promotes transparency measures that can be implemented by government agencies outside the public health sector. However, these agencies may have limited understanding of tobacco industry control. In order to ensure their effectiveness in implementing Article 5.3, it is important to raise their awareness by showing them that how their work is closely related to the work of agencies involved in the public health sector.

B. IDENTIFYING OPPORTUNITIES

The implementation of the other provisions of the FCTC provides many opportunities to extend the application of Article 5.3 Guidelines.

For instance, because of the concomitant obligation to promote awareness about the dangers of tobacco in educational institutions, both private and public, these educational institutions can likewise be shielded from tobacco industry influence or contributions.

All universities can be required to refuse contributions or educational programs from the tobacco industry.

There is also a recent trend to enact freedom of information bills to promote transparency in developing countries. These bills usually contain a clause exempting competing interests and trade secrets of commercial establishments from public disclosure. In order to be consistent with Article 5.3 Guidelines requiring public disclosure of information about the activities and practices of the tobacco industry, the tobacco industry could be excluded from the said exception.

C. ALLOCATING RESOURCES

The adoption of measures to raise awareness of tobacco industry interference, promote and enforce integrity and transparency measures, and other strategies to implement Article 5.3 recommendations, generally requires the adoption or amendment of laws, regulations and policies, as well as the allocation of additional financial resources. In many countries, the creation of a new coordinating body, or even the adoption of new programs, would require specific apportionment of a budget to allow the agency to function.

Thus, it is important to identify the resource pool for implementing Article 5.3 early on. While scarce resources and appropriation requirements may pose a challenge to allocating funds for Article 5.3 monitoring and implementation, it is possible that existing programs may already provide useful mechanisms. Since the scope of Article 5.3 is fairly broad, it is possible that some areas for implementation may actually fall within the mandate and jurisdiction of related or allied agencies. The development of policy and legislative frameworks should take into account the need to avoid duplication, streamline procedures, and promote inter-agency coordination. To ensure compliance and to maximize limited resources, policy documents should indicate specific links to existing systems and programs.

While monitoring the implementation of any transparency-related behavior can be done by each government agency, this process must be utilized to maximize resources. Head of agencies should periodically assess how to best implement the Article 5.3 Recommendations in the most efficient and effective manner. Legislation may need to be passed or agency charters may need to be amended so that instead of creating a new body, existing agencies are vested with expanded jurisdiction
Below are some steps that can be followed when developing a plan to implement Article 5.3:

**Developing a National Strategy**
- Identify elements of government with interest in tobacco industry control.
- Identify a lead person or institutions, as well as point a within each institution or participating organization, for each element in the national framework (e.g., Codes of Conduct, Tobacco Industry Information Regulations, etc.).
- Identify policy development fora and mechanisms that can be used to coordinate the activities of the government, the private sector, and civil society in the development of the national strategy.

**Implementing a National Strategy**
- Identify a lead person or institutions, as well as persons within each institution or participating organization, for each element in the national strategy.
- Identify mechanisms for coordination.
- Develop and disseminate tools and fact sheets and provide updates to deepen understanding of the issues.
- Establish a response team to address emerging issues.
- Elaborate the national strategy.
- Develop action plans to raise capacity, build capacity, and allocate and mobilize resources, among others.

**Government-Civil Society Organizations (CSO) Collaboration**
- Include CSO perspective in the development and implementation of strategies.
- Bring CSO groups together to address common interests.

**Preventing Tobacco Industry Interference**
- Identify national coordinating bodies or point persons.
- Identify a monitoring and reporting process and mechanism.
- Promote legislative awareness through information dissemination programs.

- Provide training programs for relevant agencies, including the judiciary.
- Conduct a baseline survey of the adequacy of existing laws.
- Identify and prioritize actions to conform the national laws/legal infrastructure to international norms.

**Creating Article 5.3 Implementation Capability**
- Determine functions needed to implement Article 5.3.
- Identify contacts within government including those in law enforcement, tobacco regulation, anti-corruption, education, communities or local governments.
- Identify non-government organizations (NGOs), private sectors and academe with expertise in the area of transparency and accountability.
- Conduct and disseminate regular analysis and situational awareness regarding tobacco industry interference.
- Provide sustainable funding.
- Develop tools and implementation and enforcement procedures relating to implementation of Article 5.3.

**Promoting a National Culture of Tobacco Industry Resistance**
- Implement comprehensive awareness programs for all government personnel (include private sectors, when possible).
- Review and update existing policies with government personnel and stakeholders.
- Develop awareness of emerging issues to enhance a coordinated response to tobacco industry tactics.
- Implement a monitoring and reporting mechanism.
- Support outreach to private sectors to denormalize so-called tobacco-industry CSR.
- Build the capacity of other units or agencies to replicate national efforts.
- Allocate and mobilize resources.
Philippines

In July 2009, an Article 5.3 Committee was formally set up under the Department of Health to develop implementation strategies to fulfill the obligations under Article 5.3 as elaborated by the Guidelines. The committee is composed of Department of Health directors and high-level policy makers, high level representatives from the Civil Service, Office of the President, as well as civil society/NGO representatives. The body meets monthly and have created a working group for Inter-agency Linkages, Policy Development and Communications respectively.

The Inter Agency Linkages working group is in charge of coordinating the meetings with key government agencies to ensure that Article 5.3 is implemented in these agencies.

The Policy Development working group focused on developing strategies and policies required to promote a tobacco–industry resistant culture. It took off from 3 Recommendations from the 5.3 Guidelines as illustrated below:

The Communications group develops tools, response mechanisms and IEC materials to raise awareness about tobacco industry interference. It has produced fact sheets, posters, and videos relating to Article 5.3. It also developed letter templates to enjoin agencies to reject donations from the tobacco industry.
IMPLEMENTING ARTICLE 5.3

DEVELOPING POLICIES TO IMPLEMENT ARTICLE 5.3
RAISING AWARENESS * ADOPTING STATE AND PERSONNEL POLICIES *
DENORMALIZING CSR * TREATMENT OF THE TOBACCO INDUSTRY

A. RAISING AWARENESS

The first step to raising awareness is identifying the players and stakeholders in the field. The main players are the (a) tobacco industry, and (b) those contributing to tobacco control practices.

Since the tobacco industry comes in different disguises, defining it to avoid misunderstanding is a big challenge. As long as it is not clear to people and policymakers what the tobacco industry is, it will be difficult for them to establish a case of tobacco industry interference.

One possible way to resolve this is to identify specific individuals, firms, or entities which are known to have tobacco industry interests, and have promoted these interests, and categorize them as part of the tobacco industry. This list must be disseminated throughout the government in order to ensure that personnel are forewarned. After dissemination, it may be assumed that any acts favorable to the tobacco industry such as granting incentives or partnering with the tobacco industry may be considered to have been done knowingly.

Another category that needs to be defined are “those contributing to tobacco control policies.” Depending on how this is defined, this group may include some or practically all government agencies or personnel or local government.

1. Definitions
   (a) Those Representing the Interests of the Tobacco Industry

Who is the “tobacco industry?”

The guidelines refer to “tobacco industry interference” not only as interference by the tobacco industry itself but also, as appropriate, by organizations and individuals that work to further the interests of the tobacco industry. The broad definition is based on the vast body of evidence that shows how the tobacco companies had used various types of persons and entities to further their commercial and vested interests at the expense of public health.

Transnational tobacco companies’ internal documents have pointed to the following types of intermediaries to thwart public health interests:

- lawyers,
- public relation firms
- advertising agencies, and
- front groups, including retailers and tourism associations.

In many cases, however, the list is longer. Hence, in codifying policies to protect public health interests from the tobacco industry, it is recommended that governments adopt a broad definition to cover all possible tobacco industry representations.
(b) **Those Contributing to Tobacco Control Policies**

**Which government entities are covered by the Article 5.3 Guidelines?**

Article 5.3 is a general obligation of the States that are Parties to the WHO FCTC. Each government that has ratified or acceded to the FCTC has an obligation to implement Article 5.3. This obligation is not limited to the central government or to certain ministries in government.

The Guidelines for the Implementation of Article 5.3 specify that the principles and recommendations therein are applicable to any government branch (executive, legislative and judiciary) responsible for setting and implementing tobacco control policies and for protecting those policies against tobacco industry interests. The subsequent section explains which government agencies or branch are deemed to be responsible for setting and implementing public health policies with respect to tobacco control.

The Guidelines also cover government officials, representatives and employees of any national, state, provincial, municipal, local or other public or semi/quasi-public institution or body within the jurisdiction of a Party, and to any person acting on their behalf.

**Which bodies, entities, or persons “contribute to the formulation, implementation, administration or enforcement of public health policies with respect to tobacco control?”**

Almost all government agencies, to a certain degree, contribute or could contribute to the setting or implementation of public health policies with respect to tobacco control.

The Article 5.3 Guidelines apply to “setting and implementing Parties’ public health policies with respect to tobacco control. They also apply to persons, bodies or entities that contribute to, or could contribute to, the formulation, implementation, administration or enforcement of those policies.”

**Broad definition of the “tobacco industry” supported by parties to the FCTC**

The technical definition of “tobacco industry” in the FCTC is limited to “tobacco manufacturers, wholesale distributors and importers of tobacco products.” However, the 168 countries that have ratified the FCTC have adopted broader definitions of “tobacco industry” for purposes of making all responsible entities accountable.

For instance, the Guidelines to the Implementation of Article 13 (Tobacco Advertising, Promotions and Sponsorships) have identified more entities that can be held accountable because they are likely to promote tobacco industry interests in marketing tobacco products.

These include:

- Tobacco retailers and their agents and associations.
- Persons or entities that produce or publish content (e.g. advertising agencies, designers, publishers of newspapers and other printed materials, broadcasters and producers of films, television and radio programmes, games and live performances, and Internet, mobile phone, satellite and game content producers).
- Any entity that make any relevant form of contribution, those that receive any relevant form of contribution and any intermediaries that facilitate the making or receiving of a relevant form of contribution.
- Persons or entities, for example media and event organizers, sports-people, celebrities, film stars and other artists, should be banned from engaging in tobacco advertising, promotion and sponsorship.

When defining conflicts of interests, the tobacco industry includes the potential contractors or tenderers with tobacco industry interests. Needless to say, any entity or person, when promoting or representing the interests of the tobacco manufacturers, wholesalers and distributors, are also included in the broad definition of “tobacco industry” for purposes of implementing Article 5.3.
Any entity or person, when promoting or representing the interests of the tobacco manufacturers, wholesalers or distributors, are also included in the broad definition of “tobacco industry”.

2. Steps in Raising Awareness

(a) Creating Lists

Many government agencies are unaware of the many entities that comprise the tobacco industry. They come in different forms and personalities and it may be difficult to monitor them if they are not clearly identified.

The practical suggestion is to release an initial list of “tobacco industry” players for purposes of identifying the individuals and entities that need to be avoided. There can be two lists. One is a list of those that have direct interests in the tobacco business, manufacturing or retailing and represent the interests of the tobacco industry. The other list is a “watchlist” or a list of those not found in the main list that need to be monitored due to their affiliation with the tobacco industry. Those on the watchlist can be moved to the main list if it is proved that they represent tobacco industry interests.

(b) Creating Venues for Discussion

One way of raising awareness about Article 5.3 aside from the usual information dissemination campaign is through the creation of a venue for which the questions in the succeeding sections can be answered. In the Philippines, government representatives were asked to provide answers to these questions during a forum to discuss Article 5.3.

(c) Assessing Readiness

The questions below helps agencies assess their readiness to comply with Article 5.3 obligations:

Has your agency established clear policies to implement Article 5.3? Examples of these policies are:
- ✔ Policy to impose transparency and accountability measures on the tobacco industry (or other industries) and to ensure accuracy of information received from it.
- ✔ Policy not to solicit and to reject any type of contribution, including policy drafts, legal advice, financial aid, donation in kind, from the tobacco companies and those representing their interests.
- ✔ Policy to reject any partnership with or to remove the perception of partnership with the tobacco industry and those representing its interests.
- ✔ Policy to refuse giving preferential treatment, privileges, awards, benefits, exemptions, etc to the tobacco industry.
- ✔ Programs to raise awareness about the nature of tobacco products, about tobacco industry interference with policies, or about the true purpose of the so-called corporate social responsibility activities of the tobacco industry.
(d) **Assessing Capacity**

It is often not enough to be aware of tobacco industry interference in government. Agencies should conduct regular self-examinations to be aware of their capacity for complying with Article 5.3.

The statement of the problem must be presented alongside a solution. Below are some preventive measures as a guide in understanding some possible solutions to tobacco industry interference in government.

The questions below help identify steps in implementing Article 5.3 obligations. Answers in the negative may require further action.

### STEPS IN IMPLEMENTATION

1. **Defining the Scope.** Has your agency identified the specific individuals, firms, or entities including government agencies which are categorized as those representing the interests of the tobacco industry? Has this been disseminated throughout the agency?

2. **Incorporating Policies.** Does your agency’s human resource processes (e.g. recruitment, promotion and performance management etc.) adopted the policies relating to avoiding conflicts of interests with the Tobacco Industry?

3. **Raising Awareness.** Does your agency ensure that the rationale behind tobacco industry interference is communicated to your staff, customers and suppliers regularly? How does your agency monitor whether the communication has been received, understood and accepted? Does your agency have an induction or briefing for new staff at all levels which address the importance of protecting public health policies from tobacco industry interests? Are these values incorporated in other training programmes?

4. **Monitoring.** How does your agency monitor, collect, exchange information relating to tobacco industry interference? Is there a coordinating and monitoring body, with a corresponding budget, that is in charge of implementing and enforcing the said policies and codes of conduct?

5. **Using Enforcement Mechanisms.** How does your agency enforce any violation of the policies relating to tobacco industry interference? Is there a well-disseminated enforcement mechanism for Codes of Conduct and related violations that specify clear and proportionate sanctions in case of violations, simple complaint and investigation procedure, whistle-blower provisions, and monitoring and reporting incentives?

6. **Networking.** Does your agency work with NGOs and other government bodies or agencies not affiliated with the tobacco industry to ensure implementation of Article 5.3?

7. **Securing Information.** Has your agency identified tobacco industry information that needs to be disclosed publicly? Are measures taken to ensure that this information is available to those working on tobacco control as well as to the public?
Basic Action Points for Article 5.3 Focal Teams

- Identify Partners
- Review and Develop Policies
- Monitor
- Define Scope of Tobacco Industry Interference
- Raise Awareness
- Enforce
SIGN OF SUCCESS

Agencies involved in tobacco policy control can monitor their level of awareness and degree of compliance with Article 5.3 by reviewing the following to see if they are able to meet the proposed practices.

SUSTAINED AWARENESS-RAISING PROGRAMS AND EFFORTS

The government, branch, agency or body continuously and consistently raises awareness of these policies, as well as:

☑ Informs and educates all branches of government and the public about the addictive and harmful nature of tobacco products, the need to protect public health policies for tobacco control from commercial and other vested interests of the tobacco industry and the strategies and tactics used by the tobacco industry.

☑ Raises awareness about the tobacco industry’s practice of using individuals, front groups and affiliated organizations to act, openly or covertly, on their behalf or to take action to further the interests of the tobacco industry.

☑ Ensures that all branches of government and the public are informed and made aware of the true purpose and scope of activities described as socially responsible performed by the tobacco industry.

☑ Collects and exchanges knowledge and experience among pertinent agencies with respect to tobacco industry practices.

☑ Monitors compliance with tobacco industry interference policies and Article 5.3 and support the exchange of information to promote international cooperation in accordance with the FCTC.

☑ Engages the support of NGOs and other members of civil society (not affiliated with the tobacco industry) in monitoring compliance with policies and tobacco industry activities.
B. ADOPTING STATE POLICIES

This Part covers Recommendation 3, 5 and 7 of the Guidelines or parts that focus on the policies that apply to the State, its branches and instrumentalities. These three are closely interrelated. They refer to the specific action of government bodies to:

- Reject partnerships and contributions,
- Require accurate information, and
- Not give privileged treatment

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1. Government Roles in Setting and Implementing Tobacco Control

The WHO FCTC has expanded the traditional view of “public health policies related to tobacco control” to include specific measures that are not often included in the mandate of government health agencies. According to the WHO FCTC, education, product regulation, tax, tobacco smuggling, alternative crops and livelihood, transparency, among others, have an impact on public health policies with respect to tobacco. Thus, all agencies in charge of the above fields now have distinct roles in tobacco control and are bound to protect their tobacco-related policies from tobacco industry interference.

To illustrate, in many cultures, tax is not viewed as a public health measure. However, since the WHO FCTC has included this as a primary tobacco control measure in the public health treaty, governments are now obliged to recognize tobacco taxation not only as a revenue measure but also as a public health measure. Unfortunately, the power to tax is not normally vested in the ministry of health’s scope of authority. This
emphasizes the need to recognize the other government agencies’ roles in setting tobacco control policies.

**Setting Policies**

Legislative bodies of government generally has the authority to set policies or pass laws related to tobacco control. In fact, the internal documents of the tobacco industry show that legislators are the prime targets of tobacco industry interference. Because of their role in tobacco control, there needs to be a specific emphasis on protecting legislators from the influence of the tobacco industry. In many countries, legislators are elected officials. Thus, the Article 5.3 Guidelines even recommend the prohibition of contributions to political parties to prevent tobacco industry from influencing elected officials.

Legislative bodies can also be the key to the adoption of a comprehensive Article 5.3 Implementation Law that can include all the recommendations under the Guidelines.

The judiciary also has a role in setting tobacco control policies through its rulings and decisions relating to controversies involving the tobacco industry. But the more apparent role belongs to specialized government agencies like Ministry of Health and Ministry of Tax & Customs, and other agencies that the FCTC clearly addresses as “competent authorities” to set policies relating to tobacco control.

In addition, there are also agencies whose primary mandates are to protect specific marginalized population or sectors. These are also endowed with the function to promote the health of such sectors, such that they also have a strong role in setting tobacco control policies. These include the agencies responsible for the welfare of women, children, the urban poor, indigenous peoples, the elderly, people with disabilities, or members of the labor sector. It is possible that the charters or enabling laws of these agencies authorize them to “set” public health measures with respect to tobacco control to protect these vulnerable sectors.

**Implementing Policies**

Government agencies that “contribute to implementing public health policies with respect to tobacco control” cover a very broad range of agencies spanning almost the entire bureaucracy. “Implementation of policies” is a broad function that involves all types of efforts meant to operationalize policies. This includes oversight and other committees, creation and running of related programs, administration and enforcement of laws.

All government agencies, entities and instrumentalities, including local governments, have either an express or implied mandate to comply with all laws and implement all existing, related laws and policies. Some regulatory agencies even require persons or establishments that are subject to their regulations to comply with existing policies or laws, including tobacco companies.
control laws or policies. Therefore, most, if not all, government agencies would ultimately be able to contribute to implementing public health measures with respect to tobacco control.

For instance, in the Philippines, the National Housing Authority (NHA) has the authority to impose a Smoke Free Housing policy. This puts it in a position to contribute to tobacco control.

If local governments are mandated to collect business taxes from and regulate tobacco retailers, they may also be in a position to contribute to tobacco control.

Courts with their power to interpret provisions of the law play a special role in implementing public health policies with respect to tobacco control.

Enforcing Policies

Some government agencies specialize in enforcement of all laws and would therefore qualify as an agency that implements tobacco control laws. A good example is the police force in charge of enforcing smoking bans as well as the prosecutors in charge of the prosecution for violations of the law. Invariably, issues relating to liabilities would also highlight the role of the judiciary and the department of justice.

Considering that practically all government agencies have a role in tobacco control, it would be ideal to enact a comprehensive law on “Protecting Government from Tobacco Industry Interference” that should apply to all government agencies and all government personnel. In addition to this, more stringent measures can supplement policies in government agencies or bodies that have a direct role in setting and implementing tobacco control measures.

a. Government Agencies Involved in Tobacco Control

All government agencies, unless they provide specialized and limited functions, have some level of contribution to tobacco control or at least a potential to contribute to it. As such, Article 5.3 provisions apply to all government agencies.

In reality, however, there may be a compelling need to distinguish the level of involvement of each agency in order to distinguish varying degrees of restrictions in dealing with the tobacco industry. For instance, sanctions may differ if a public official from the Department of Trade failed to declare his tobacco industry holdings vis-à-vis a public official from the Department of Transportation who has done the same. This emphasizes the need to distinguish the different roles of each agency in setting and implementing public health policies relating to tobacco control (as discussed earlier).

A table below provides an illustration of the different measures appropriate for agencies that normally have a primary role in contributing to tobacco control vis-à-vis measures suitable for agencies that take a secondary, indirect, or other role.
<table>
<thead>
<tr>
<th>AGENCY</th>
<th>RELATIONSHIP/EXAMPLE OF MEASURES</th>
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<tbody>
<tr>
<td>Department of Health</td>
<td><strong>DIRECT</strong>&lt;br&gt;• “No interaction, partnership, contribution policy” applies&lt;br&gt;• Disqualifications of officials construed liberally&lt;br&gt;• Number of years disallowed to engage with related industry lengthened&lt;br&gt;• Strict monitoring and enforcement required, with high penalty for violations&lt;br&gt;• Should be in charge of mandatory monitoring, enforcement and awareness raising programs</td>
</tr>
<tr>
<td>Department of Police</td>
<td><strong>INDIRECT</strong>&lt;br&gt;• “No interaction, partnership, contribution policy” applies&lt;br&gt;• Disqualifications of ranking officials construed strictly&lt;br&gt;• Reasonable number of years disallowed to engage with related industry, if applicable&lt;br&gt;• Must have integrated the “no tobacco industry interference policy” in their existing monitoring, enforcement and awareness raising programs</td>
</tr>
<tr>
<td>Department of Fisheries</td>
<td><strong>REMOTE</strong>&lt;br&gt;• “No interaction, partnership, contribution” policy applies&lt;br&gt;• Disqualifications may not be applicable&lt;br&gt;• Awareness raising programs may be extended by other competent agencies</td>
</tr>
<tr>
<td>Department of Interior and Local Governments</td>
<td><strong>CENTRALIZED BODY</strong>&lt;br&gt;• “No interaction, partnership, contribution policy” applies&lt;br&gt;• Disqualifications may apply in some positions to ensure impartiality&lt;br&gt;• Must have integrated the “no tobacco industry interference policy” in their existing monitoring, enforcement and awareness raising programs</td>
</tr>
</tbody>
</table>
1. Centralized Bodies

In many countries, monitoring of the implementation of Agency Policies is done by a central administrative body or by another branch of government. In other countries, the government agency or entity is supreme in its own jurisdiction or enjoys such autonomy and independence that bar administrative regulation unless it is questioned by other branches of government as part of the check and balance process.

For instance, in the Philippines, it is often the legislative body or judiciary which questions the anomalous transactions of administrative agencies. A separate body has also been established to investigate and try such transactions if it involves graft and corruption. These bodies are required to be independent and impartial and thus, have a policy to refrain from private sector partnerships and other transactions with the private sector. In case of local governments, the Department of the Interior and Local Governments (DILG) has an oversight function over the local government units (LGUs) but they are required to respect the principle of local autonomy. No sanctions can be imposed by the DILG but they can recommend the suspension of local officials and only the President can approve it. Other centralized bodies like the Commission on Audit is in the position to regulate sources of funding received by the government.

The centralized bodies and branches with oversight and regulatory function over other agencies should have specific policies and programs to implement Article 5.3 in all the government instrumentalities within their jurisdiction.

On the other hand, each government agency should possess sufficient level of awareness regarding tobacco industry interference in order to detect it and to resist it. They can do a quick self-assessment that will help them determine areas of Article 5.3 implementation that need attention.
b. Agencies authorized to regulate the tobacco industry

There is a special class of agencies that have jurisdiction or regulatory authority over the tobacco industry and those representing their interests. These agencies must be identified very specifically to ensure that they adopt policies in accordance with Art 5.3 Recommendation to require transparency from the tobacco industry. In most countries, these include the Ministry of Trade, Ministry of Investments, Securities and Exchange Regulation Commission, Food and Drug Authority, Ministry of Agriculture, Ministry of Taxes and Ministry of Customs.

Because of the mandate given to these agencies to regulate certain industries, they are in the position to require the much needed information from the tobacco industry that will assist in implementing the whole range of tobacco control measures. These transparency measures are necessary to support the tobacco control efforts and consultations with the tobacco control community will provide guidance as to what information should be required from the tobacco industry. Some examples are already enumerated under the Guidelines to Implementing Art 13 of the FCTC. These include information on their marketing, sales expenses and promotional and CSR activities, as well as information about their affiliates and contractors.

These agencies also have the authority to require accountability from the tobacco industry with respect to any information they are required to submit. They can impose sanctions on the tobacco industry for any failure to submit complete and accurate information.

Needless to say, each government agency should possess sufficient level of awareness regarding tobacco industry interference in order to detect it and to resist it. They can do a quick self-test that will help them determine areas of Article 5.3 implementation that need attention.
Defining which agencies contribute to tobacco control sets in motion the recommendations provided in the Article 5.3 Guidelines.

Below is a set of Assessment Questions that will help in determining a list of agencies that need to be vigilant in complying with Article 5.3 obligations. This process can be skipped if the Article 5.3 Recommendations will be strictly imposed on all government bodies indiscriminately.

Quick Self Test on the Role of Government Agencies in Tobacco Control

Does your agency recognize its role in setting and implementing tobacco control? In particular, does it engage in the following tobacco control measures:

- Sets and/or implements health-related policies and programs.

- Develops or approves policies, programs and projects that may be related to the regulation of tobacco companies through the passage of legislation, or issuance of orders and opinions (e.g., secure marking systems; taxation; anti-smuggling measures; ban on advertising, promotions, and sponsorships; tobacco industry interference; packaging; education campaigns, etc.).

- Proposes measures that affect the rates of taxes, fees, and duties and sets or implements policies on tobacco taxes, import quotas, licenses (e.g. collects taxes, duties, or fees on tobacco and related products).

- Protects the welfare of vulnerable sectors by including a health component in programs to protect vulnerable sectors.

- Regulates, directly or indirectly, tobacco products, tobacco companies and/or its activities (promotions, advertising, packaging, product content).

- Collects any type of information from tobacco companies.

- Sets or implements policies relating to the promotion of integrity, transparency and accountability.

- Enforces relevant laws or policies related to tobacco-regulation laws such as smoking bans, advertising bans, tobacco smuggling, tax evasion, as well as laws that promote integrity, accountability and transparency.

- Prosecutes or adjudicates cases relating to tobacco companies and their liability.
ASSESSMENT QUESTIONS

The questions below assist in taking stock of the available resources and mechanisms that can be utilized to implement Article 5.3, as well as opportunities for improvement.

POLICY MAKING PROCESS

Is there a codification of Government Agency Rules and Policies?
- How is the codification or law amended, interpreted, and implemented?
- What type of administrative or legislative policies need to be drafted to effect changes or add details to this Code or Law?
- Which agencies are in charge of:
  (a) Dissemination of revisions in the said code or law?
  (b) Monitoring the implementation of the said code or law?

Is there a centralized national body in charge of monitoring the activities of all government agencies?

Does the Constitution or other laws condone the acceptance of private sector support or contribution? Or in case of State owned tobacco companies, inter-agency contributions?
- What is needed to carve an exception to this rule?

Does each government agency have the authority to issue its own Policy relating to rejecting partnerships and contributions from the private sector?
- To what extent is it authorized to implement it?
- Are there any sanctions for non-compliance to its own policies?
- What is the compliance level of policies wherein sanctions are not specified?

Does the Code or Law and/ or related administrative or legislative documents provide for mechanisms for implementation like sanctions, complaint procedure, adjudication procedure?
- What are the procedures involved in cases of violations of said code or law
- Which agencies or persons are in charge of adjudicating such cases? To which agency can this be appealed?
POLICIES

Government action can take the form of adoption of policies and implementation of such policies. Policies listed here can be introduced by legislative bodies or executive agencies, but it will definitely require implementation support from the executive body or government agencies, so the involvement of the executive government agencies concerned is essential.

Note that the executive branch of government is an arena where changes are made through executive order, by means of changes in rules or administrative practices, and use of veto powers by elected executives. Some government agencies under the executive branch are specifically mandated to “set” public health policies with respect to tobacco control. This primarily lies within the jurisdiction of the ministry or department for public health and related or similar bodies.

In addition, government agencies with a specific role in tobacco control such as regulatory agencies are also in a position to impose more active measures such as requiring transparency from the tobacco industry or removing any privilege granted to the tobacco industry.

Based on the Article 5.3 Recommendations, the government should adopt policies on:

1. State Policy on
   a. No partnership, contribution, or interaction with the tobacco industry*
   b. No incentive to the tobacco industry
   c. No investment in the tobacco industry

2. Law to regulate the tobacco industry,
   a. E.g. Mandatory disclosure of Information by the Tobacco Industry**
   b. Others: including a law to prohibit publishing of CSR and other forms of advertising

These are some of the key preventive measures that make the government “tobacco-industry interference-resistant,” whether the tobacco industry refers to a government or partly government entity or a private one. In case of a government-owned tobacco industry or State owned monopolies, governments must first ensure that the setting and implementing of tobacco control policy are separated from overseeing or managing the tobacco industry.

SIGNS OF SUCCESS

The Recommendations under the Article 5.3 Guidelines serve as a target for implementers of Article 5.3. It can be said that governments are complying strictly with Article 5.3 in accordance with Guidelines if they have policies on:

1. No partnership, contribution, or interaction with the tobacco industry*

Policies against interactions, contributions, and partnerships can be merged into one and the essential elements of such a policy is listed in the box below:
a. NO INTERACTION POLICY

The government, or any branch, agency or body thereof is implementing a firm policy to avoid interactions with the tobacco industry and interacts with the tobacco industry only when and to the extent strictly necessary to enable them to effectively regulate the tobacco industry and tobacco products. Ensuring that such interactions are conducted transparently... and in public, e.g. public hearings, public notice of interactions, disclosure of records of such interactions to the public.

In addition, the pertinent government agencies have a policy to prohibit any person employed by the tobacco industry or any entity working to further its interests from:

- being a member of any government body, committee or advisory group that sets or implements tobacco control or public health policy,
- serving on delegations to meetings of the Conference of the Parties (COP), its subsidiary bodies or any other bodies established pursuant to COP decisions, or
- being awarded any contract for the carrying out of any work related to setting and implementing public health policies with respect to tobacco control. This refers to candidates, tenderers or bidders for government projects.

b. NO PARTNERSHIP POLICY

The government, branch, agency or body has clear, well-disseminated rules on prohibiting any partnerships with the tobacco industry, specifically:

- Not to accept, support or endorse partnerships and non-binding agreements as well as any voluntary arrangement with the tobacco industry or any entity or person working to further its interests.
- Not to accept, support or endorse any voluntary code of conduct or instrument drafted by the tobacco industry that is offered as a substitute for legally enforceable tobacco control measures.
- Not to accept, support or endorse any offer for assistance or proposed tobacco control legislation or policy drafted by or in collaboration with the tobacco industry.
- Not to accept, support or endorse the tobacco industry organizing, promoting, participating in, or performing, youth, public education or any initiatives that are directly or indirectly related to tobacco control.
- Not to endorse, support, form partnerships with or participate in activities of the tobacco industry described as socially responsible.
- Not to award contracts for carrying out any work related to setting and implementing public health policies with respect to tobacco control to candidates or tenderers who have conflicts of interest with established tobacco control policies.
c. NO CONTRIBUTION POLICY

The government, branch, agency or body has firm laws or rules and corresponding sanctions on prohibiting the acceptance of any contribution from the tobacco industry or from those working to further its interests, except for compensations due to legal settlements or mandated by law or legally binding and enforceable agreements.

The national government or the pertinent government agencies have rules and corresponding sanctions to prohibit contributions from the tobacco industry or any entity working to further its interests to political parties, candidates or campaigns, or to require full disclosure of such contributions.

2. NO INCENTIVE POLICY

The government, branch, agency or body has established a policy not to grant incentives, privileges or benefits to the tobacco industry to establish or run their businesses and not to provide any preferential tax exemption to the tobacco industry, as well as to exempt/remove the tobacco industry from any existing privileges, incentive or benefit scheme or preferential exemptions.

3. NO INVESTMENT POLICY

The government, branch, agency or body has established a policy not to invest in the tobacco industry and related ventures. In case of governments with State-owned tobacco industry, any investment in the tobacco industry should not prevent governments, bodies, or agencies from fully implementing the WHO Framework Convention on Tobacco Control.
3. Laws to regulate the tobacco industry to require information and transparency:

Eg. MANDATORY DISCLOSURE BY THE TOBACCO INDUSTRY

The tobacco industry is required to submit information on:

- tobacco production and manufacture,
- market share,
- marketing expenditures,
- revenues, and
- any other activity, including lobbying, philanthropy, political contributions and any form of CSR, advertising, promotions and sponsorship.

In addition, the government, branch, agency or body, if it has a mandate of regulating industries,

- has introduced and is applying measures to ensure that all operations and activities of the tobacco industry are transparent.
- requires the tobacco industry and those working to further its interests to periodically submit information about the industry and its operations.
- requires rules for the disclosure or registration of the tobacco industry entities, affiliated organizations and individuals acting on their behalf, including lobbyists.

Such rules also apply to any person employed by the tobacco industry or any entity working to further its interests who is:

- a member of any government body, committee or advisory group that sets or implements tobacco control or public health policy,
- serving on delegations to COP meetings, its subsidiary bodies or any other bodies established pursuant to COP decisions, or
- awarded contracts for carrying out any work related to setting and implementing public health policies with respect to tobacco control to candidates or tenderers.

- imposes mandatory penalties on the tobacco industry in case of the provision of false or misleading information in accordance with national law.
- ensures public access to a wide range of information on tobacco industry activities as in a public repository (e.g. website).
- does not allow public disclosure by the tobacco industry or any other person acting on its behalf of activities described as socially responsible or of the expenditures made for these activities, except when legally required to report on such expenditures, such as in an annual report.
- prohibits the tobacco industry or any entity working to further its interests from contributing to political parties, candidates or campaigns, or to requiring full disclosure of such contributions.
C. ADOPTING PERSONNEL POLICIES

This part discusses Recommendations 2 and 4 that refer specifically to government officials and employees. Hence, the focus on this part is on policies relating to the Code of Conduct and related personnel policies.

A set of rules under the Article 5.3 Guidelines apply specifically to the conduct of government officials and employees. Recommendation 4 of the Guidelines states that the governments must ensure that their officials and employees avoid conflicts of interests and makes reference to the International Code of Conduct for Public Officials adopted by the United Nations General Assembly.

In order to effectively implement the Article 5.3 Policies relating to Codes of Conduct, the pertinent provisions would need to be introduced and incorporated into the national legislations or administrative frameworks of countries’ Codes of Conducts. This might require adjustments of existing legal and administrative provisions or the addition of new ones in order to make the codes enforceable. Also, provisions containing requirements for the training of officials may have to be introduced in the national legislation or administrative guidelines.
Institutional adjustments may also be required, including the appointment of focal persons or designation of bodies to coordinate, provide technical assistance and training, and oversee implementation.

2. Integration in Codes of Conduct

The Article 5.3 Guidelines recognizes the existence of code of conducts and laws relating to public officials’ ethical standards in many countries and makes specific reference to the International Code of Conduct for Public Officials.

Implementation of provisions relating to the Code of Conduct of government officials may be done through a systematic integration of the Article 5.3 policies in the existing codes of conduct. This is a more practical approach as opposed to creating and implementing a whole new Code of Conduct since most of the countries in the region have in place comprehensive codes of conduct for all categories of public officials.

It must be noted that while some countries have distinct codes of conduct applicable only to high, medium or low-level officials respectively, others have codes of conduct for specific categories of public officials. Article 5.3 policies must be consistently integrated in each of these categories where applicable.

In most countries, codes of conduct are incorporated into both domestic laws and administrative policies. In such cases, corresponding amendments and adjustments must be made in these laws and corresponding policies to reflect the principles and recommendations found in the Article 5.3 Guidelines.

Fortunately, many countries had the opportunity to review their respective Codes of Conducts for public officials during the adoption of the United Nations Convention against Corruption of 2003 (UNCAC), which entered into force on 14 December 2005. Hence, it can be expected that there has been ongoing reviews of these Codes of Conduct and this presents an opportunity to introduce Article 5.3 provisions.
3. General Assessment

Below is a set of Assessment Questions that will help in determining the extent of adjustments that need to be done to implement Article 5.3 based on the Guideline recommendations.

Elements of the Code of Conduct
1. Does your agency’s Code of Conduct include measures specifically prohibiting partnerships, contributions and unnecessary transactions with the tobacco industry?
2. Does your agency’s code of conduct and policy on accountability/declaration of interests include both high level aspirational statements and statements about behavioral expectations that provide a benchmark for dealing with Tobacco Industry Interference?
3. Does your agency have a Hiring Policy that ensures applicants are not associated with the tobacco industry or other industry that poses a conflict of interest? Or Personnel Policy that government employees should not work with the tobacco industry or other industry that poses a conflict of interest within a period of time after leaving government service?

(a) Do the Human Resource processes of your agency (e.g. recruitment, promotion and performance management etc.) refer to the hiring policies to assess suitability?
(b) Does your agency have a process for ensuring that all official communication (e.g. policies, guidelines, statements, publications etc.) is in line with policies relating to conflicts of interest?
(c) Does your agency involve staff and key stakeholders in the development and review of the related policies to ensure their continued relevance?

Enforcement of the Code of Conduct
1. Has the pertinent agency in the government identified which agencies or positions must require a declaration and divestment of interests in the tobacco industry?
2. Does your agency provide for Accountability Measures and specify sanctions to government personnel for the act of giving incentives or memberships, and awarding partnerships or contracts to the tobacco industry or those representing their interests?
3. Does your agency ensure that the rationale behind tobacco industry interference is communicated to your staff, customers and suppliers regularly? Does your agency have an induction for new staff at all levels that address the importance of protecting public health policies from tobacco industry interests? Are these values incorporated in other training programmes?
4. Is there an evaluation of how well your agency’s policies in relation to Article 5.3 have been promoted, understood and integrated into agency operations and decision-making? Does your agency measure the impact of the Article 5.3-related policies against agency reputation?
5. Are there firm reporting mechanisms, investigation procedures, and corresponding sanctions regime within the agency for breaches of codes of ethics or conduct? Are there clear and proportionate sanctions in case of violations, simple complaint and investigation procedure, whistle-blower provisions, and monitoring and reporting incentives? Are these well disseminated?
6. Is there allocated funding and other resources for the promotion of transparency and accountability within the agency?
7. Is there a coordinating and monitoring body with the corresponding budget that is in charge of implementing and enforcing the said policies and codes of conduct?
AWARENESS OF PROCESSES RELATING TO THE CODE OF CONDUCT

1. Is there a Code of Conduct for all Public Officials? Are there separate ones for each agency or for different types of officials?
2. Is there a centralized national body in charge of the review and/or implementation of the Code of Conduct for all public officials? Are there separate bodies for each agency?
3. Which agency or government sector is in charge of changes in the Code of Conduct? What type of administrative or legislative policies need to be drafted to effect changes or add details to the Code of Conduct?
4. If the country has ratified the UNCAC, which agency was mandated to ensure compliance with the treaty?
5. Which agency/ies are in charge of:
   (a) dissemination of revisions in the Code of Conduct?
   (b) monitoring the implementation of the Code of Conduct?
6. If each government agency has the authority to issue its own Code of Conduct, to what extent is it authorized to implement it? Is it also authorized to monitor, receive complaints, or adjudicate?
7. Does the Code of Conduct and/or related administrative or legislative documents provide for mechanisms for implementation like sanctions, complaint procedure, and adjudication procedure?
8. What are the procedures involved in cases of violations of the Code of Conduct by the public officials?
9. Which agency/ies is in charge of adjudicating such cases? To which agency can this be appealed?

6. Signs of Success

The Recommendations under the Article 5.3 Guidelines include specific measures in addition to the general provisions under the UN International Code of Conduct for Public Officials. Most countries have an existing Code of Conducts and corresponding enforcement mechanisms but these may not be as well implemented as it is supposed to be. The specific recommendations relating to the tobacco industry reinforces these Codes of Conduct and encourages governments to take specific immediate action.

This section is divided into two key categories: Code of Conduct and Accountability Measures that can apply across all public offices and Declaration of Interest provisions that applies more strictly in certain types of government bodies. In both cases, the Enforcement Measures and Awareness Raising Efforts are emphasized in order to ensure that a tobacco-resistant culture or environment is promoted.

The government* is successful in implementing Article 5.3 among government employees and officials if its Code of Conduct and pertinent personnel policies formulate adopt or incorporate:

- Code of Conduct provisions covering the tobacco industry and those representing their interests
- Accountability Measures to ensure that State Policies, prohibiting incentives, partnerships and interactions with the tobacco industry, are followed
- Requirement for Government Employees and Officials to execute Declaration of Interests
• Enforcement Measures that include protection of whistle blowers and involvement of civil society*
• Sustained Awareness-Raising Efforts to ensure that the government personnel understands the need to protect themselves from tobacco industry influence

*Central Government Body in charge of overseeing the conduct of government personnel or implementing/enforcing provisions relating to the Code of Conduct as well as each government agency or body

Checklists

Below are essential features of the policy measures that cover government personnel:

CODE OF CONDUCT

The code of conduct for public officials prescribes the standards with which they should comply with their dealings with the tobacco industry, including:

• avoiding interactions with the tobacco industry and limiting interactions with the tobacco industry only when and to the extent strictly necessary.
• ensuring transparency of all meetings, interactions with the tobacco industry.
• not allowing any official or employee of government or of any semi/quasi-governmental body to accept payments, gifts or services, monetary or in-kind, from the tobacco industry.
  - Includes not allowing such official to accept such contributions in behalf of government or private entities
• not endorsing, supporting, forming partnerships with or participate in activities of the tobacco industry.
• declaring any interests in the tobacco industry.
ACCOUNTABILITY MEASURES

Adopt policies ensuring that the government official or employee are accountable for and does not approve any transactions that:

1. Allow the granting of incentives to the tobacco industry
2. Allow or tolerate partnerships with the tobacco industry
3. Allow any person employed by the tobacco industry or any entity working to further its interests:
   a. To be a member of any government body, committee or advisory group that sets or implements tobacco control or public health policy.
   b. Serve on delegations to COP meetings, its subsidiary bodies or any other bodies established pursuant to COP decisions.
   c. To be awarded contracts for carrying out any work related to setting and implementing public health policies with respect to tobacco control to candidates or tenderers.

DECLARATION OF INTERESTS

The government agencies or bodies with a role in setting and implementing public health policies with respect to tobacco control, is implementing a clear policy where their government personnel or public officials, including applicants to such positions, are required to declare interests in the tobacco industry, specifically:

- To inform their institutions about any intention to engage in an occupational activity within the tobacco industry, whether gainful or not, within a specified period of time after leaving service.
- To declare any current or previous occupational activity with any tobacco industry whether gainful or not.
- To declare and divest themselves of direct interests in the tobacco industry.
- Not to have any financial interest in the tobacco industry, unless they are responsible for managing the government’s ownership interest in a State-owned tobacco industry.

The policy on disclosure and management of conflicts of interest that extends to consultants and contractors.
ENFORCEMENT MEASURES

The Central Government Body in charge of overseeing the conduct of government personnel or implementing/enforcing provisions relating to the Code of Conduct as well as each government agency or body adopting any of the above policies:

- Has provided adequate protection for whistleblowers.
- Is using enforcement mechanisms to ensure compliance with these policies, such as the bringing an action to court, and to use complaint procedures such as an ombudsman system.
- Has engaged the support of NGOs and other members of civil society not affiliated with the tobacco industry in the enforcement function.

SUSTAINED AWARENESS-RAISING EFFORTS

The government, branch, agency or body continuously and consistently raises awareness of these codes and policies as well as:

- Informs and educates all government personnel about the addictive and harmful nature of tobacco products, the need to protect public health policies for tobacco control from commercial and other vested interests of the tobacco industry and the strategies and tactics used by the tobacco industry.
- Raises awareness about the tobacco industry’s practice of using individuals, front groups and affiliated organizations to act, openly or covertly, on their behalf or to take action to further the interests of the tobacco industry.
- Ensures that all are informed and made aware of the true purpose and scope of activities described as socially responsible performed by the tobacco industry.
- Encourages government personnel to monitor, report and exchange knowledge among pertinent agencies with respect to tobacco industry practices.

c. Other Personnel Policies

Other personnel policies as may be necessary to prevent tobacco industry interference in key government agencies that sets or implements tobacco control policies are also necessary to ensure full implementation of the Article 5.3 Recommendations relating to government officials.

One example is a Hiring Policy to ensure that no member of the tobacco industry or those representing its interests is hired in a position that exerts influence on tobacco control policies.

Other policies and programs may also be useful such as a divestment program to ensure that all interests in the tobacco industry is divested. These types of policies also serve to raise awareness about tobacco industry interference. The lure of high income from tobacco industry investments or employment can be offset by the fact that such investment or employment creates a disqualification for certain types of public office in the future.
This Part discusses Recommendation number 6 taking into consideration that actions taken to support all the other Recommendations provides support for initiatives to denormalize CSR and to expose the true nature of the tobacco industry. To illustrate:

Direct action to denormalize CSR is also critical. In Thailand and Singapore, for example, the tobacco industry’s so-called CSR donations are not allowed to be publicized. In the Philippines, the tobacco industry had been warned about publicizing CSR for possible violation of the tobacco advertising ban.
Nature of Tobacco Industry’s So-Called CSR

Like most companies, the tobacco industry ventures into corporate social responsibility (CSR) activities to make their portfolio more appealing to investors. However, the tobacco industry is not like any other company. They thrive on peddling a product that is so lethal that it kills half of its consumers. Tobacco industry’s so-called CSR activities are a mere façade to detract the focus from the devastating health impact of its products. The tobacco industry continues to do its business, using the same strategies, and it is unthinkable how they think they can use a small percentage of their profits to erase all the negative publicity that results from the harmful effects of their products.

In truth, the tobacco industry uses these activities to shamelessly promote their products. Where there is an absolute ban of tobacco advertisement, the industry uses its so-called CSR activities to keep their name in the media. The tobacco industry also takes advantage of its so-called CSR activities to partner with government agencies in order to continue to have an influence on key persons in the government. The biggest negation is probably when the industry donates to projects benefiting public health and to programs that will help the youth. WHO points out the inherent contraction in tobacco industry CSR because the industry’s core functions are in conflict with the goals of public health.

Policymakers, government agencies and non-governmental organizations should be more vigilant in dealing with the tobacco industry. The Article 5.3 Guidelines recommend that States prohibit government officials and employees from participating in the so-called CSR activities of the tobacco industry and to reject any contribution from the tobacco industry. The Guidelines further recommend that the government denormalize and to the extent possible, regulate activities described as “socially responsible” by the tobacco industry. These so-called CSR activities are actually marketing and public relation strategies and the FCTC considers it within the definition of advertising, promotion and sponsorship, which should be banned.

It is hard to ignore CSR activities of the tobacco industry when it has been an entrenched practice and harder to ignore the amount of money being offered to fund worthwhile projects, especially when there are many people relying on these projects. However, the government is responsible for promoting health and protecting the people from devastating effects of tobacco products and there is a clear conflict of interest and a greater disadvantage to public health if it would continue partnering with or receiving donations from the tobacco industry.

Raising Awareness

The best means to denormalize tobacco industry’s so called CSR is to expose its true nature. And this is best done through awareness raising campaigns and media blitz. In Thailand, publications about the tobacco industry’s lies have been published in the vernacular to expose the tobacco industry’s motives. The protest of the tobacco control movement in Thailand against the global tobacco industry exhibit, Tab Expo, manifests the level of awareness of the tobacco industry’s ill motives. Needless to say, initiatives to raise awareness about tobacco industry interference and motives support efforts to denormalize CSR activities of the tobacco industry.

Another strategic measure to counter tobacco industry’s so-called CSR is by direct action such as publicly condemning or rejecting a donation by the tobacco industry. This can be done through a policy banning CSR activities by the tobacco industry and/or the publication thereof, or possibly through a correspondence with the tobacco industry asking them to stop their so-called CSR activities to avoid inadvertently advertising their companies or brands,
avoid influencing the youth’s impression of their companies and brands, avoid enticing partnerships and interactions with government employees, and the like.

The biggest challenge in denormalizing CSR is in the strong lure of money and resources. Many grantees, including governments, find it difficult to resist the resources that the tobacco industry are donating and hence, many will find it difficult to resist such donations or to condemn such donations. There needs to be a systematic raising of public awareness in understanding how and why doing something as good as CSR can actually be bad if this comes from the tobacco industry.

The role of media cannot be overemphasized when it comes to denormalizing CSR because this requires raising awareness of these two elements:

a. the true nature of CSR
b. initiatives or trend in rejecting or condemning CSR

In countries that have successfully denormalized CSR, the public’s level of awareness of the true nature of the tobacco industry and their so-called CSR is high. In addition, action taken against the tobacco industry or that which exposes its true nature is well-publicized in the effective media channels.

In many of the said countries, Civil Society action was instrumental in denormalizing CSR. A recent example is the declaration of Gates Foundation that it will withdraw its support from the International Development and Research Center due to the linkage between the head of the said organization and the tobacco industry. This was a result of the outcry of alliances of NGOs globally. The action of governments themselves in denormalizing CSR of tobacco industry leaves much to be desired and the Article 5.3 Guidelines create new opportunities for this.

State and Personnel Policies & Enforcement Systems

The governments act of issuing policies to implement Article 5.3 such as Code of Conduct specifying the protection from tobacco industry interference, policies to reject partnerships and contributions, laws to require transparency and information from the tobacco industry and the public’s support of these policies creates an environment that is ripe for denormalizing tobacco industry CSR. It is important, however, that these policies are not treated as mere scraps of paper but are consistently enforced. The enforcement action on these policies would further contribute to the environment where tobacco industry CSR is denormalized.

Once policies are adopted by the government, the role of civil society is critical. As with many transparency groups, there is much reliance on NGOs to serve as watchdogs and assist in enforcement of policies that bind the government and its personnel.

Other Policies: No Contribution Policies for Universities, etc.

The Article 5.3 Guidelines create a new opportunity for many other government agencies to contribute to denormalizing tobacco industry CSR including those done with the private sector. Policies to regulate the private sector who are often targeted by the tobacco industry will further boost the effort to denormalize CSR.

Many of the donations of the tobacco industry are coursed through the private sector including philanthropic organizations or charitable institutions and given to the public or private sector through research institutions, NGOs, universities, government agencies’ programs, etc. One way to ensure that CSR is denormalized is to encourage the private sector through the government regulatory
bodies, to reject tobacco industry contributions. An example is a declaration by the Commission on Higher Education to support Article 5.3 and a request for all universities and higher education institutions to reject any contribution from the tobacco industry or those representing its interests.

Another potent area to adopt such policies is the Ministry for the Youths or Ministry for the Civil Society or Social Welfare. These agencies can urge those under their jurisdiction to refuse tobacco industry contributions and donations. Better yet, making the receipt of such contributions illegal. Such that receiving tobacco industry money will create a stigma. This will hasten the denormalization of the tobacco industry.

**E. TREAT STATE MONOPOLIES THE SAME WAY**

This Part is about Recommendation 8 of the Article 5.3 Guidelines. Unlike the other specific recommendations, this one must be read in conjuction with others.

From a policy development standpoint, it only means that in setting and implementing all policies relating to Article 5.3, the governments must be careful not to exclude or treat State Monopolies differently.

One of the simplest way to do this is to ensure that the definition of the “tobacco industry” is broad enough to include State Monopolies. This provides a measure of assurance that even State Monopolies are required to submit necessary information, and not given any privileged treatment.

Specific challenges are posed when it comes to a State policy of “not investing with the tobacco industry” where the government, by having a State Monopoly is essentially an investor in the tobacco industry. It is possible for the government to assure that no further investment is made to the State Monopoly and investments will be channeled to financing alternative livelihood programs.

Policies requiring the rejection of partnerships and contributions can apply to a State monopoly thus barring a State Monopoly from contributing or partnering with another government agency or branch of government.

However, avoiding interaction with the State Monopoly may be difficult to enforce in cases where State Monopoly is treated as a co-equal government entity. This is especially true where the State Monopoly is part of the government structure and its personnel are considered government personnel. In such cases, special policies must be enacted to elaborate on the distinct treatment of the specific type of government personnel employed by the State Monopoly. In the same manner, where the Code of Conduct will apply to government personnel employed by the State Monopoly, special provisions are required to clarify the distinction between government employees in general and those employed under the State Monopoly.
F. TEMPLATES

This toolkit comes with some policy templates that can assist in the implementation of Article 5.3. Governments can adopt a national law covering all the areas of Article 5.3 guidelines in order to ensure a comprehensive government policy, which does not bar each agency from issuing further specific rules and regulations.

On the other hand, even without a national law, agencies that contribute to tobacco control can already start implementing specific Article 5.3 measures in accordance with their respective mandates. Each agency can adopt their respective Codes of Conduct, or require the tobacco industry to submit certain information as a requirement for doing business.

Agencies can also adopt a hiring policy and their respective human resource departments can develop more specific guidelines to govern applicants to government positions.

To denormalize so-called CSR practices of the tobacco industry, the appropriate government agencies can take measures to ensure that the No Contribution policy is emphasized, even by private institutions that fall within their jurisdiction.

Below is a list of policies and their features. These templates are available as .doc files and can be downloaded from______________

A. Comprehensive Government Policy

Objective: To ensure that the government agencies contributing to tobacco control are shielded from interference from the tobacco industry and those representing its interests.

Coverage: This policy applies to agencies that can contribute to various aspects of tobacco control as well as to all the bureaus, offices, bodies, agencies, and government-owned or controlled corporations assigned to the said agency.

Elements:
1. Identification and gathering of pertinent information that will help the government comply with the obligation under the FCTC.
2. Disclosure of or registration of entities, organizations or individuals affiliated with or acting on their behalf.
3. Require agencies to share information with other agencies and with the public will help in the promotion transparency and accountability in government. In order to encourage civil society’s participation in monitoring the tobacco industry, providing access to information to civil society is essential.
4. A provision requiring that documents submitted must be with the undertaking that such contain true and accurate information, in order to ensure reliability of the documents and accountability from the tobacco industry.
Mode: This policy can be adopted through a law or an issuance by the pertinent ministry. The local government can also be required to gather pertinent business information. The Securities and Exchange Commission can require information relating to registration of tobacco industry affiliation.

B. Requiring Information from the Tobacco Industry

Objective: To ensure that tobacco industry information that helps in setting and implementing tobacco control measures, are available to the public.

Coverage: This policy applies to agencies that regulate or has jurisdiction over any organization comprising the tobacco industry.

Elements:
1. Identifying and gathering pertinent information that will help the government comply with the obligation under the FCTC.
2. Disclosure of or registration of entities, organizations or individuals affiliated with or acting on their behalf.
3. Obliging agencies to share information with other agencies and with the public will help in the promotion transparency and accountability in government. In order to encourage civil society’s participation in monitoring the tobacco industry, providing access to information to civil society is essential.
4. A provision requiring that documents submitted must be with the undertaking that such contain true and accurate information, in order to ensure reliability of the documents and accountability from the tobacco industry.

Mode: This policy can be adopted through a law or an issuance by the pertinent ministry. The local government can also be required to gather pertinent business information. The Securities and Exchange Commission can require information relating to registration of tobacco industry affiliation.

C. Code of Conduct

Objective: To ensure that existing Codes of Conduct and related programs and initiatives take into account the Article 5.3 provisions.

Coverage: This policy applies to all government personnel.

Elements:
1. Broad definition of the tobacco industry
2. Emphasis on encouraging reporting of violations and integration with existing programs has provisions on Divestment and Whistleblower Protection.

Mode: The following policy is a document that contains proposed amendments to the Code of Conduct of government officials and employees. It may be enforced by the Central Government Body in charge of overseeing the conduct of government personnel or implementing provisions related to the Code of Conduct. It
may also be enforced by each agency, if it has the capacity to create or modify its own Code of Conduct, to guide its officials and employees in their interaction with other officials, employees and the transacting public.

D. Hiring Policy

**Objective**: To ensure that the Human Resources Department of agencies which contribute to tobacco control provide necessary measures to ensure that the public officials in said agencies do not have tobacco industry interests. It aims to avoid a situation of conflict of interest for individuals who have current or previous connections with the tobacco industry.

**Coverage**: This policy applies to government personnel in agencies or bodies that contribute to tobacco control

**Elements**:
1. Defines “interest” that needs to be declared
2. Specifies rules in dealing with applicants to public positions

**Mode**: This can be issued as a department memorandum or an order by a centralized personnel agency of the government.

E. No Contribution Policy

**Objective**: To ensure that certain agencies that has jurisdiction over other institutions, whether public or private, that can significantly contribute to tobacco control, provide necessary measures to ensure that these institutions are also shielded from tobacco industry interests. This aims to denormalize the tobacco industry’s so-called CSR activities.

**Coverage**: This policy applies to identified government agencies that contribute to tobacco control and has regulatory authority over certain institutions that are vested with public interest or that can significantly contribute to tobacco control. This can also apply to government agencies which regulate charitable or similar organizations which are often targeted by the tobacco industry for its so-called CSR activities.

**Elements**:
1. Applies strictly to all public institutions
2. Requires private institutions to report any contributions from the tobacco industry

**Mode**: This can be issued as an order that is circulated to institutions concerned or a new regulation.
The table below shows the list of template policies and the corresponding implementing agency expected to adopt them. It also shows the expected output and impact.

<table>
<thead>
<tr>
<th>POLICY</th>
<th>AGENCY/DEPARTMENT</th>
<th>IMPLEMENTATION</th>
<th>IMPACT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Requiring Information form the Tobacco Industry</td>
<td>Can be passed as part of national law or adopted and implemented by tobacco regulating agencies</td>
<td>Different agencies are requiring tobacco industry to regularly submit reports and these are publicly available</td>
<td>Improved monitoring of tobacco industry activities and enforcement of laws, more evidence to support decision making relating to tobacco regulation</td>
</tr>
<tr>
<td>Comprehensive Government Policy</td>
<td>Can be adopted by agencies that can contribute to tobacco control or passed as part of national law</td>
<td>Government agencies, instrumentalities and bodies are required to raise awareness and monitor tobacco industry interference. Contributions are not received from the tobacco industry and the industry is not given any benefits. Pertinent agencies will require information from the tobacco industry and make it publicly available Conflicts of interests are managed</td>
<td>Reduced conflict of interest situations with the tobacco industry Less opportunity for the tobacco industry to interfere with the setting and implementation of tobacco control measures</td>
</tr>
<tr>
<td>POLICY</td>
<td>AGENCY/DEPARTMENT</td>
<td>IMPLEMENTATION</td>
<td>IMPACT</td>
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<td>---------------------</td>
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</tr>
<tr>
<td>Code of Conduct</td>
<td>Can be adopted as amendment to the Code or as a policy by each appropriate agency, or the agency in charge of civil servants and other government personnel, and/or those in charge of promoting transparency in government (Ombudsman, etc.)</td>
<td>Investigative procedure and appropriate sanctions are available for dealing with the tobacco industry in violation of the code. Public officials are required to declare and divest financial interests in and contributions of the tobacco industry Whistleblowers are protected The Tobacco Industry interference issues are integrated into the transparency programs of the pertinent agencies</td>
<td>Reporting of violations are encouraged Reduced conflict of interest situations with the tobacco industry Less opportunity for the tobacco industry to interfere with the setting and implementing of tobacco control measures Minimize expense from tobacco control budget through integration with mainstream transparency programs</td>
</tr>
<tr>
<td>No contribution policy</td>
<td>Can be adopted by the agencies that have jurisdiction over the academe and research institutions. Can also apply to agencies that have authority over charitable institutions</td>
<td>Institutions that are concerned with the welfare of the youth, including private institutions which are mandated to comply with State objectives, refuse tobacco industry contributions, including their so-called CSR activities</td>
<td>CSR activities are denormalized</td>
</tr>
</tbody>
</table>
1. Transparency and Accountability Measures

The Guidelines implementing Article 5.3 of the FCTC recognizes the need to gather information from the tobacco industry, such as disclosure of or registration of entities, organizations or individuals affiliated with or acting on their behalf. Information obtained may be used to facilitate regulation of the industry. To ensure reliability and accountability, it is important to include a provision requiring that documents submitted must be with the undertaking that such contain true and accurate information.

Gathering pertinent information will help the government comply with the obligation under the Framework Convention on Tobacco Control. Obliging agencies to share information with other agencies and with the public will help in the promotion transparency and accountability in government. Providing access to information to civil society will encourage their participation in monitoring the tobacco industry. This policy applies only to some agencies that deal with the tobacco industry.

Suggested Template for Transparency and Accountability Measures

(Date)

TO:
FROM:
SUBJECT: Imposing transparency and accountability measures through the requirement of information from the tobacco industry

Article 5.3 of the World Health Organization Framework Convention on Tobacco Control (WHO FCTC) obligates the State to protect its public health policies against the commercial and other vested interest of the tobacco industry. The guidelines for the implementation of Article 5.3 recommend that Parties develop policies requiring transparent and accurate information about the activities and practices of the tobacco industry to its facilitate regulation. The WHO FCTC further encourages that Parties implement measures beyond those recommended by the treaty and its guidelines.

In view of these objectives, the following rules are hereby promulgated:

The term “tobacco industry” shall refer to organizations, entities, associations, and individuals that work for or in behalf or the tobacco industry, such as, but not limited to, tobacco manufacturers, wholesale distributors, importers of tobacco products, tobacco retailers, lawyers, scientists, lobbyists, front groups and any other individual or organization that work to further the interests of the tobacco industry.

Specific Guidelines:

The agency shall require transparent and accurate information from the tobacco industry.

1. All reports from the tobacco industry required to be submitted to the agency must be with the undertaking that such documents contain true and accurate information.
   List of required information may include the following:
   (a) Reports for disclosure or registration of the tobacco industry entities, affiliated organizations and individuals acting on their behalf, including lobbyists.
   (b) Information on tobacco production, manufacture, market share, marketing expenditures, revenues and any other activity, such as lobbying, philanthropy, political contributions.
   (c) Information about tobacco advertising, promotions and sponsorship, such as but not limited to:
      (i) The kind of advertising, promotion or sponsorship, including its content, form and type of media;
      (ii) The placement and extent or frequency of the advertising, promotion or sponsorship;
      (iii) The identity of all entities involved in the advertising, promotion and sponsorship including advertising and production companies;
      (iv) In case of cross-border advertising, promotion or sponsorship originating from a Party’s territory, the territory or territories in which it is intended to be or may be, received; and
      (v) The amount of financial or other resources used for advertising, promotion or sponsorship.

2. Additional information required to support the tobacco control measures.

3. The agency shall make sure that the documents submitted by the tobacco industry will be accessible to the public for scrutiny, copying or reproduction.

This policy shall take effect immediately.
2. Agency Policy

The Agency policy is a document that the agency may adopt to incorporate the Guidelines implementing Article 5.3 of the FCTC. The provisions pertain to duties and prohibitions specific to the agency. It also provide for Programs to ensure efficient implementation of the policy which include monitoring, education and information, research and development, partnership with national, regional and local levels, as well as, civil society groups and human resource development. The aim of the document is to be as comprehensive as possible in order to exhaust the recommendations of the Article 5.3 guidelines.

The Agency Policy should have a broad coverage to ensure effective implementation. It should apply not only to the Department itself but also to all the bureaus, offices, regulatory agencies, and government-owned or controlled corporations assigned to it. The template can be customized to reflect the appropriate provisions for the agency implementing it.

Suggested Template for Agency Policy

(Date)

TO:
FROM:
SUBJECT: Implementation of Article 5.3 of the World Health Organization Framework Convention on Tobacco Control

Tobacco is the single most preventable cause of death in the world today. The spread of the tobacco epidemic is a global problem with serious consequences for public health and calls for the widest possible international cooperation and participation of all countries in an effective, appropriate and comprehensive international response.

The World Health Organization Framework Convention on Tobacco Control (FCTC), the world's first global public health treaty requires the State parties to adopt a comprehensive range of measures designed to reduce the devastating health and economic impacts of tobacco. As Party to this treaty, the Philippines is under a positive legal duty to implement the measures stated therein.

The WHO FCTC recognizes that tobacco interference poses the single greatest threat to tobacco control. It has been documented that the tobacco industry has used strategies to subvert, hinder and prevent tobacco control efforts. Article 5.3 of the treaty obligates the Parties to protect public health policies with respect to tobacco control from the commercial and other vested interest of the tobacco industry.

The guidelines implementing Article 5.3 recommends that the efforts to protect tobacco control policies from the tobacco industry apply to persons, bodies and entities that contribute to, or could contribute to, the formulation, implementation, administration or enforcement of those policies. This agency has a role in implementation of Article 5.3 of the FCTC in that it ______________

(Choose agency's role)

a. promotes the welfare of vulnerable sectors like the youth, women, and laborers by educating them about tobacco use and its harmful consequences.
b. enforces tobacco control laws and/or prosecute its violators
c. regulates the tobacco industry conduct and operations such as collecting taxes and tariffs, dealing with tobacco smuggling, regulating tobacco packaging and promotions and promoting alternative livelihood to tobacco farming
d. promotes accountability and transparency, as well as, investigates/prosecutes graft and corrupt practices in the government

In line with these objectives, the following guidelines shall set the direction where public health policies on tobacco control shall be protected from the commercial and other vested interest of the tobacco industry:

The term “tobacco industry” shall refer to organizations, entities, associations, and individuals that work for or in behalf or the tobacco industry, such as, but not limited to, tobacco manufacturers, wholesale distributors, importers of tobacco products, tobacco retailers, lawyers, scientists, lobbyists, front groups and any other individual or organization that work to further the interests of the tobacco industry.

I. Duties

A. Raise awareness

1. The X Department (or Sub-committee on information) shall conduct information dissemination about the addictive and harmful nature of tobacco products, tobacco industry interference with tobacco control policies, and the true purpose and scope of activities described as “socially responsible”.
The information shall include awareness of the industry practice of using individuals, front groups and affiliated organizations to act, openly or covertly, on their behalf or to take action to further the interest of the tobacco industry.

2. Focal persons from each sub-agency shall coordinate with X Department for the approval of messages and budget for the information dissemination with their own sub-agencies.

B. Disclosure and management of conflict of interest

1. The X Department is directed to amend the agency’s policy on disclosure and management of conflict of interest to comply with the guidelines implementing Article 5.3 of the FCTC.

2. The Y Department shall amend the hiring policy to include applicant’s disclosure of material and financial interest in the tobacco industry including, but not limited to, current or previous occupational activity.

3. The agency, through the Z Department, shall monitor and prevent the tobacco industry from serving on delegations to meetings of Conference of Parties and its subsidiary bodies.

C. Measures to promote transparency

1. Limit interaction with the tobacco industry

   a. Option 1: The agency prohibits all interaction with the tobacco industry.  
      Option 2: The agency shall interact with the tobacco industry only when strictly necessary for its effective regulation.

   b. Meetings within the context of “effective regulation” are limited to the following instances: 
      (Enumerate instances when meetings are allowable which should be tailored with the purpose and/or mandate of the agency in regulating the tobacco industry, for example – BIR should limit their meetings with the industry for the purpose of enforcing collection of taxes on tobacco.)

   c. In the event that a meeting is strictly necessary, officials, employees and representatives of the department or agency shall abide by the following rules:

      a. Any proposed meeting with the tobacco industry must be made known to all officials concerned and approved by the head of the agency.

      b. All stakeholders in tobacco control, including non-governmental organizations, must be notified of the proposed meeting.

      c. As much as possible, interactions with the tobacco industry must be conducted through public forums.

      d. Set the meeting agenda. Ask the industry about what they want to discuss – in writing – then decide whether to agree with the meeting or not. Stick to the agenda and make the meeting brief.

      e. Clarify the goal and structure of the meeting. Before the meeting, it must be made clear that such interaction does not imply partnership, dialogue or collaboration and indicate in writing to the tobacco industry that they may not mischaracterize the nature of the meeting.

      f. Decide the meeting location and hold it the premises of the department/institution/agency.

      g. Predetermine the meeting participants by asking for the names and positions of those who will attend the meeting.

      h. Moderate the meeting. A lawyer must be present and must closely advise the official/employee/representative during the meeting.

      i. Write the official minutes. Transcript of the meeting must be filed for record purposes and be made available to the public upon request.
j. Maintain the right to terminate the meeting at any point.

k. Distribute information on the meetings as appropriate. Publicly correct any misinformation regarding the meeting.

l. Decide on follow up questions that must be answered after the meeting.

m. All non-mediated exchanges (in person, phone or email) between officials, employees and representatives of the agency should be avoided.

2. **The agency shall require transparent and accurate information from the tobacco industry.**

   (a) All reports from the tobacco industry required to be submitted to the agency must be with the undertaking that such documents contain true and accurate information.

   List of required information may include the following:

   1. Reports for disclosure or registration of the tobacco industry entities, affiliated organizations and individuals acting on their behalf, including lobbyists.

   2. Information on tobacco production, manufacture, market share, marketing expenditures, revenues and any other activity, such as lobbying, philanthropy, political contributions.

   3. Information about tobacco advertising, promotions and sponsorship, such as but not limited to:

      a. The kind of advertising, promotion or sponsorship, including its content, form and type of media.

      b. The placement and extent or frequency of the advertising, promotion or sponsorship.

      c. The identity of all entities involved in the advertising, promotion and sponsorship including advertising and production companies.

      d. In case of cross-border advertising, promotion or sponsorship originating from a Party's territory, the territory or territories in which it is intended to be or may be, received.

      e. The amount of financial or other resources used for advertising, promotion or sponsorship.

   4. Additional information required to support the tobacco control measures.

   (b) The agency shall make sure that the documents submitted by the tobacco industry will be accessible to the public for scrutiny, copying or reproduction.

II. **Prohibitions**

A. **Reject Partnerships with the tobacco industry**

   1. The agency shall not form partnership with the tobacco industry. It shall not accept non-binding or non-enforceable agreements and/or voluntary arrangements with the tobacco industry. It shall not endorse, support, or participate in any activity of the tobacco industry, including, but not limited to, corporate social responsible activities.

   2. The agency (ex. DepEd, DSWD) shall not accept, support, or endorse tobacco industry organizing, promoting, participating in or performing, youth, public education or any initiatives that are directly or indirectly related to tobacco control, as well as, other activities funded directly or indirectly by the tobacco industry.

B. **Avoid Conflict of Interest**

   1. The agency shall not award contracts for carrying out any work related to setting and implementing public health policies with respect to tobacco control to candidates or tenderers who have direct or indirect financial interest with the tobacco industry.

   2. The agency shall not receive any contributions from the tobacco industry, including, but not limited to, payments, gifts and services, monetary or in-kind, research funding, financial aid, policy drafts and legal advice. This provision shall not include amount awarded by court or administrative bodies.
3. The agency shall not have any financial interest in tobacco companies.

**C. No preferential treatment to the tobacco industry**

1. The agency shall not grant incentives, privileges, or benefits to the tobacco industry.

**III. Programs**

*X Committee* shall be formed to oversee the implementation of the policies and programs set forth under this Order.

Roles and functions of the *X Committee*:

1. Ensure that this policy and other related rules are implemented.
2. Formulate and recommend policies, standards, guidelines and approaches on subprograms.
3. Coordinate and provide technical assistance to different sub-committees for implementation of the programs
4. Approve the programs and budget for the sub-committees

1. **Monitoring**

*Sub-committee A* shall develop a surveillance program to monitor the enforcement of the policies in the central office and each sub-agency.

The *Sub-committee A* shall coordinate with focal persons in each sub-agency who will monitor and report compliance with the rules.

2. **Education and Information**

This component shall focus on the information and education of the employees of the agency and the transacting public. The *Sub-committee B* shall be tasked to implement this sub-program. It shall be responsible for:
- Organizing seminars/forums
- Coordinating with the National Center for Health Promotion of the Department of Health, for development of information, educational and communication materials.
- Making the materials available for the officials, employees and the transacting public

3. **Research and Development**

*Sub-committee C* shall be formed to analyze available data and addressing research gaps including conducting surveillance or monitoring of industry activities and practices. It shall recommend updates on the policies or program to the *X Committee* in order to incorporate new information and new strategies of the tobacco industry.

4. **Partnership Building and Networking**

*Sub-committee D* shall be formed to implement this component which shall focus on creating and maintaining linkages at the national, regional and local levels to help facilitate the implementation of the program.

It shall also engage the assistance of non-government organizations and other members of the civil society to help monitor the activities of the tobacco industry.

5. **Human Resource Development**

*Sub-committee E* shall be created to shall ensure the capacity of focal persons in each agency in implementing the provisions of this Order. It shall provide capacity-building services and activities and shall assure the availability and access to training programs by the program implementers.
3. Code of Conduct

The Code of Conduct is a document which contains proposed amendments to each agencies Codes of Conduct. It is presumed that each agency operates on their Codes of Conduct or relies on the rules provided by the Civil service Commission.

Most of the Code of Conduct provisions provided by Guidelines implementing Article 5.3, such as receipt of gifts and public disclosure, are already covered by existing laws and rules. However, these proposed rules specifically mentioned the tobacco industry. The definition of the tobacco industry also is very broadly worded to comply with the Guidelines implementing Article 5.3. It aims to include individuals, organizations or entities working to further the interest of the tobacco industry.

As per recommendations of the Article 5.3 Guidelines, the proposed Code of Conduct also has provisions on Divestment and Whistleblower Protection. Since most agencies have good Codes of Conduct in place, the challenge is to have in place programs to monitor and report the government employees/officials dealings and relationships with the tobacco industry. These programs will help us determine how well we are complying with Article 5.3.

Suggested Code of Conduct Template

TO: [Date]
FROM:
SUBJECT: Amendment to the Code of Conduct incorporating Article 5.3 of the FCTC

I. Rationale

Tobacco is the single most preventable cause of death in the world today. The spread of the tobacco epidemic is a global problem with serious consequences for public health and calls for the widest possible international cooperation and participation of all countries in an effective, appropriate and comprehensive international response.

The World Health Organization Framework Convention on Tobacco Control (FCTC), the world's first global public health treaty requires the State Parties to adopt a comprehensive range of measures designed to reduce the devastating health and economic impacts of tobacco. As Party to this treaty, the Philippines is under a positive legal duty to implement the measures stated therein.

The WHO FCTC recognizes that tobacco interference poses the single greatest threat to tobacco control. It has been documented that the tobacco industry has used strategies to subvert, hinder and prevent tobacco control efforts. Article 5.3 of the treaty obligates the Parties to protect public health policies with respect to tobacco control from the commercial and other vested interest of the tobacco industry.

II. Objectives

A. To establish a set of rules to guide officials and employees of the agency in dealing with the tobacco industry; and
B. To promote accountability and transparency in the government.

III. Definition of Terms

A. Conflict of interest - arises from a situation in which public officials have private interest which may influence, or appear to influence, the impartial and objective performance of their official duties. Conflict of interest is created when an official or employee has interest in the tobacco industry.
B. Divestment - the transfer of title or disposal of interest in property by voluntarily, completely and actually depriving or dispossessing oneself of his right or title to it in favor of a person or persons other than his spouse and relatives within the fourth degree of consanguinity or affinity.
C. Gift - a thing or a right to dispose of gratuitously, or any act or liberality, in favor of another who accepts it, and shall include a simulated sale or an ostensibly onerous disposition thereof. It shall not include an unsolicited gift of nominal or insignificant value not given in anticipation of, or in exchange for, a favor from a public official or employee.
D. Tobacco Industry - organizations, entities, associations, and individuals that work for or in behalf or the tobacco industry, such as, but not limited to, tobacco manufacturers, wholesale distributors, importers of tobacco products, tobacco retailers, lawyers, scientists, lobbyists, front groups and any other individual or organization that work to further the interests of the tobacco industry.
E. Whistleblower - any person believing that an employee or group of employees and/or officials of the agency is or has engaged in improper conduct that constitutes violation of these rules makes a disclosure, in good faith, through the filing of a complaint against the respondents.
IV. Specific Guidelines

A. Interactions with the tobacco industry must be transparent and limited to instances when strictly necessary for its effective regulation.

“Officials, employees and representatives of the agency shall interact with the tobacco industry only when strictly necessary for its effective regulation. They shall exercise transparency in all interaction with the tobacco industry.”

Proposed sanction under Revised Uniform Rules on Administrative Cases in the Civil Service

Insubordination (Section 52 B(5))
OR Simple Misconduct (Section 52 B(2))

B. No preferential treatment to the tobacco industry

“Officials and employees shall serve the public interest and are prohibited from providing incentives, privileges, benefits or exemptions to the tobacco industry.”

Proposed sanction under the Revised Uniform Rules on Administrative Cases in the Civil Service

Conduct prejudicial to the best interest of the service (Section 52 A(20))
OR Unfair discrimination in rendering public service due to party affiliation or preference. (Section 52 B(7))

C. Prohibition against receipt of gifts, donations and sponsorship

“Officials and employees shall not take advantage of their position for their own private interests. They shall not demand or receive any contributions from the tobacco industry for themselves, their families, relatives, friends, or any other persons or organizations. Contributions shall include, but are not limited to, payments, gifts and services, monetary or in-kind, research funding, financial aid, policy drafts and legal advice.”

Proposed sanction under the Revised Uniform Rules on Administrative Cases in the Civil Service

Soliciting or accepting directly or indirectly, any gift, gratuity, favor, entertainment, loan or anything of monetary value which in the course of his official duties or in connection with any operation being regulated by, or any transaction which may be affected by the functions of his office. The propriety or impropriety of the foregoing shall be determined by its value, kinship, or relationship between giver and receiver and the motivation. A thing of monetary value is one which is evidently or manifestly excessive by its very nature. (Section 52 A (11))
OR Receiving for personal use of a fee, gift or other valuable thing in the course of official duties or in connection therewith when such fee, gift or other valuable thing is given by any person in the hope or expectation of receiving a favor or better treatment than that accorded to other persons, or committing acts punishable under the anti-graft laws. (Section 52 A (9))

D. Divestment of interest in the tobacco industry

Officials and employees shall declare and divest themselves of their direct or indirect interest in the tobacco industry.

For the purpose of this rule, interest in the tobacco industry means personal, financial or other interest, including, but not limited to:

1. having an existing ownership or investment
2. receiving any contribution from the tobacco industry
3. being a member of the Board of Directors, an officer of the corporation or a partner in a partnership.

Proposed sanction under the Revised Uniform Rules on Administrative Cases in the Civil Service

Failure to resign from his position in the private business enterprise within thirty (30) days from assumption of public office when conflict of interest arises, and/or failure to divest himself of his shareholdings or interest in private business enterprise within sixty (60) days from assumption of public office when conflict of interest arises; Provided, however, that for those who are already in the service and conflict of interest arises, the official or employee must either resign or divest himself of said interest within the periods hereinafter; provided, reckoned from the date when the conflict of interest had arisen. (Section 52 B (9))
V. Reporting of Violations

A. Complaint

1. Formal Requirements. A complaint against a civil service official or employee shall not be given due course unless it is in writing, subscribed and sworn to by the complainant. However, in cases initiated by the proper disciplining authority, the complaint need not be under oath.

Anonymous complaints may be entertained provided there is obvious truth or merit to the allegations therein or supported by documentary or direct evidence.

The complaint should be written in a clear, simple and concise language and in a systematic manner as to apprise the civil servant concerned of the nature and cause of the accusation against him and to enable him to intelligently prepare his defense or answer.

The complaint shall contain the following:
(a) full name and address of the complainant;
(b) full name and address of the person complained of as well as his position and office of employment;
(c) a narration of the relevant and material facts which shows the acts or omissions allegedly committed by the civil servant; and
(d) If available, the complainant may also submit certified true copies of documentary evidence and affidavits of his witnesses.

2. Venue. The complaint shall be filed in the X Department. Upon receipt of the complaint, it shall be acted upon within three (3) working days. If the X Department finds that the complaint is sufficient in form and substance, it shall require the person complained of to submit a Counter-Affidavit/Comment under oath within three (3) days from receipt.

B. Investigation

1. Conference. The parties may be summoned to a conference where the investigator may propound clarificatory questions.

2. Fact-Finding Investigation. A fact-finding investigation may be conducted further or prior to the preliminary investigation for the purpose of ascertaining the truth.

   (a) The preliminary investigation shall commence not later than five (5) days from receipt of the complaint by the disciplining authority and shall be terminated within thirty (30) days thereafter.
   (b) Within five (5) days from the termination of the preliminary investigation, the investigating officer shall submit the Investigation Report and the complete records of the case to the disciplining authority.
   (c) If a prima facie case is established during the investigation, the disciplining authority shall issue a formal charge and a formal investigation shall follow.
   (d) In the absence of a prima facie case, the complaint shall be dismissed.

C. Formal Investigation and Hearing of the Case

1. Notice. The respondent shall be provided a copy of the formal charge including all evidences supporting the formal charge. He/She shall be informed of his right to formal investigation and counsel of his/her choice and shall be required to submit a sworn answer within five (5) days from receipt of formal charge.

2. Failure or Refusal to Answer. If the respondent fails or refuses to file his answer to the formal charge within five (5) days from receipt thereof, he shall be considered to have waived his right thereto and formal investigation may commence.

3. Pre-Hearing Conference. A pre-hearing conference may be conducted for the parties to appear, consider and agree on any of the following:
a. Stipulation of facts;
b. Simplification of issues;
c. Identification and marking of evidence of the parties;
d. Waiver of objections to admissibility of evidence;
e. Limiting the number of witnesses, and their names;
f. Dates of subsequent hearings; and

g. Such other matters as may aid in the prompt and just resolution of the case.

The parties may submit their position papers and memoranda and submit the case for resolution without need of further hearings.

4. **Formal Investigation.** Although the respondent does not request a formal investigation, one shall nevertheless be conducted by the disciplining authority where from the allegations of the complaint and the answer of the respondent, including the supporting documents of both parties, the merits of the case cannot be decided judiciously without conducting such investigation. The investigation shall be held not earlier than five (5) days nor later than ten (10) days from receipt of the respondent’s answer. Said investigation shall be finished within thirty (30) days from the issuance of the formal charge or the receipt of the answer unless the period is extended by the disciplining authority in meritorious cases.

Continuous hearings shall be conducted until the case is terminated. Where no pre-hearing conference is conducted, the parties, their counsel and witnesses, if any, shall be given a notice of at least five (5) days before the first scheduled hearing specifying the time, date and place of the said hearing and subsequent hearings. Thereafter, the schedule of hearings previously set shall be strictly followed without further notice.

If the respondent fails or refuses to appear during the scheduled hearings despite due notice, the investigation shall proceed ex parte and the respondent is deemed to have waived his right to be present and to submit evidence in his favor during those hearings.

Unless directed otherwise by the hearing officer, the order of the hearing may be as follows:

The prosecution shall present its evidence subject to the pre-hearing agreement;

a. Cross-examination by the party;
b. There may be redirect and re-cross examination;
c. The respondent shall then offer evidence in support of his defense following the same order;
d. Rebuttal and sur-rebuttal, if any.

When the presentation of evidence has been concluded, the parties shall formally offer their evidence either orally or in writing and thereafter objections thereto may also be made either orally or in writing. After which, both parties may be given time to submit their respective memorandum which in no case shall be beyond five (5) days after the termination of the investigation.

Failure to submit the same within the given period shall be considered a waiver thereof.

5. **Decision.** Within fifteen (15) days after the conclusion of the formal investigation, a report containing a narration of the material facts established during the investigation, the findings and the evidence supporting said findings, as well as the recommendations, shall be submitted by the Hearing Officer with the disciplining authority. The complete records of the case shall be attached to the Report of Investigation.

The disciplining authority shall render his decision on the case within thirty (30) days from receipt of the Report of Investigation.

6. **Penalty.** A decision rendered by heads of agencies whereby a penalty of suspension for not more than thirty (30) days or a fine in an amount not exceeding thirty (30) days’ salary is imposed, shall be final and executory. However, if the penalty imposed is suspension exceeding thirty (30) days, or fine in an amount exceeding thirty (30) days salary the same shall be final and executory after the lapse of the reglementary period for filing a motion for reconsideration or an appeal and no such pleading has been filed.
D. Remedies

1. **Motion for Reconsideration.** The party adversely affected by the decision may file a motion for reconsideration with the disciplining authority who rendered the same within fifteen (15) days from receipt thereof.

2. **Appeal.** Decisions of heads of departments, agencies, provinces, cities, municipalities and other instrumentalities imposing a penalty exceeding thirty (30) days suspension or fine in an amount exceeding thirty days salary, may be appealed to the Commission Proper within a period of fifteen (15) days from receipt thereof.
   
   In case the decision rendered by a bureau or office head is appealable to the Commission, the same may be initially appealed to the department head and finally to the Commission Proper. Pending appeal, the same shall be executory except where the penalty is removal, in which case the same shall be executory only after confirmation by the Secretary concerned.

VI. Whistleblower Protection

A. Protected Disclosure

1. Reporting of a violation of any provision of these rules shall be considered protected disclosure and the whistleblower shall be accorded protection from intimidation and reprisals.

2. The protection provided by this rule does not require that the whistleblower’s report/complaint lead to final determination by the agency that a violation has occurred.

3. To be considered a whistleblower and accorded with the rights and privileges under this act, the complainant:
   a. Shall execute a statement outlining, in sufficient detail, the participation of the respondent/s and the act committed constituting violation of the rules. The disclosure must be made voluntarily, in writing and under oath.
   b. In the event that he or she has taken part in the violation, he/she must not be the most guilty of all the respondents concerned or in instances where he or she is, such disclosure is compelling against one in higher authority.
   c. The information provided leads to successful conduct of investigation and gathering of evidence sufficient to sustain a finding of probable cause for filing of either a formal charge in the agency or for filing of criminal case before the court of competent jurisdiction.
   d. Has not been previously convicted by final decision of a criminal or administrative offense involving moral turpitude.

B. Requisites of Protected Disclosure

1. A disclosure must meet the following requirements to qualify as protected disclosure:
   a. The disclosure is not yet the subject of an existing or filed complaint or inquiry, or it introduces new evidence of a case earlier dismissed/archived, or it strengthens the case or the conduct of an investigation or inquiry.
   b. The disclosure is made before persons, offices, or agencies designated or mandated to receive the complaint (ex. officials of the agency, Heads of other public offices [such as the NBI, Office of the Ombudsman, Civil Service Commission, or Prosecutors of DOJ]
   c. The whistleblower assists or participates in the proceedings commenced to enforce the provisions of the rules in connection with the subject matter of his disclosure.
   d. The information provided can be supported by other material evidence.

2. The head of the agency, upon the recommendation of X Committee (committee established to implement the rules) and after proper evaluation shall certify that the person, having fulfilled all the requirements, is qualified to be a whistleblower and entitled to whatever rights and privileges attributed thereto.

C. Protection Accorded to Whistleblowers

1. Retaliatory acts against the whistleblower, such as but not limited to discriminatory actions, reprimand, punitive transfer, and undue poor performance reviews, are prohibited. The proper administrative action shall be taken against the person/s committing such retaliatory act/s.
Retaliation shall mean any direct or indirect detrimental action recommended, threatened, or taken because the protected disclosure.

2. He/she shall not be subject to any liability, whether administrative, civil, criminal or any other proceedings, for making a protected disclosure and no action, claim or demand may be taken or made of, or against the whistleblower for making the disclosure.

3. He/she shall have as defense in any other inquiry or proceeding, the absolute privilege with respect to the subject matter of the disclosure or information given to a qualified person, office or agency.

4. If he/she has made a protected disclosure and a provision of law, regulation, issuance, practice or other convention, imposes a duty on him/her to maintain confidentiality with respect to any information disclosed, he/she is considered not to have committed a breach thereof.

D. Rights and Benefits of a Protected Whistleblower

1. He/she shall not be liable to disciplinary action for making such protected disclosure. Refusal to follow orders of his/her immediate superior/supervisor outside of his/her regular functions that would cause him/her to violate any provision of these rules shall likewise be protected from reprisals and retaliatory action in the workplace.

2. The whistleblower and his/her immediate family shall be given free medical treatment, hospitalization and medicines for any harm, injury and illness incurred or suffered by reason of the protected disclosure.

3. The agency shall assist the whistleblower in relocation and/or in obtaining means of livelihood.

4. For the whistleblower who is also an employee of the agency, possible reassignment to other place of work with his/her consent.

5. The whistleblower shall be accorded interim protection as necessary during the course of review or investigation regarding the violation of these rules.

6. The whistleblower shall be informed of the outcome of the investigation including whether disciplinary measures or sanctions have been imposed.

E. Malicious allegations.

In case the appropriate unit determines, after investigation, that the complaint made by the whistleblower has baseless, untruthful, fabricated, malicious or vexatious allegations, the whistleblower shall lose all benefits or protection under the rules, without prejudice to the filing of administrative or criminal case against him/her.

VII. Funding.

All costs incident to the implementation of this Administrative Order shall be sourced from the budget of X Department.

VIII. Review of the Rules

The rules shall be subjected to periodical review to assess the necessity for amendments taking into consideration new information or strategies in dealing with the tobacco industry.

IX. Repealing Clause

Other related issuances inconsistent with the provisions of this ______ are hereby revised, modified or rescinded accordingly. All other provisions of existing issuances which are not affected by this order shall remain valid and in effect.

X. Effectivity Clause

This ______ shall take effect fifteen (15) days following the date of its publication in a newspaper of general circulation.
4. Hiring Policy

The Hiring Policy provides for stringent guidelines that can be used by the Human Resource Department in screening applicants for employment. It aims to avoid a situation of conflict of interest for individuals who have current or previous connections with the tobacco industry.

The Hiring Policy is an effective preventive measure and is the simplest to operationalize. However, the Agency must be clear about its role in tobacco control before it can impose these guidelines. An "Undertaking" or "Oath" for applicants may also be added stating that in case they are accepted, they will not receive any contribution or have any interest in the Tobacco Industry even for a number of years after leaving service.

Hiring Policy Template

(ToDate)

TO:  
FROM: Revised Guidelines for Hiring of Personnel

SUBJECT: Revised Guidelines for Hiring of Personnel

Article 5.3 of the World Health Organization Framework Convention on Tobacco Control (WHO FCTC) obligates the State to protect its public health policies against the commercial and other vested interest of the tobacco industry. The guidelines for the implementation of Article 5.3 recommend that Parties develop clear policies requiring applicants for public office which have a role in setting and implementing public health policies with respect to tobacco control to declare any current or previous occupational activity with the tobacco industry and for public officials to declare and divest their direct interest in the tobacco industry. The WHO FCTC further encourages that Parties implement measures beyond those recommended by the treaty and its guidelines.

In view of the foregoing, the agency, hereby, issues the following guidelines:

Section 1. The Personnel Department shall screen the candidates for the vacant positions and ensure that disclosure of tobacco industry relationship, including current or previous occupational activity, is included in the applicant's data sheet. It shall be the responsibility of the Personnel department to check or verify previous employment and other information stated in the applicant's data sheet.

Section 2. The agency shall not hire applicants who have direct or indirect interest in the tobacco industry.

For the purpose of this rule, interest in the tobacco industry means personal, financial or other interest, including, but not limited to:

a. having an existing ownership or investment
b. receiving or having received any contribution from the tobacco industry within three (3) years prior to his/her application with the agency
c. being a member of the Board of Directors, an officer of the corporation or a partner in a partnership

Section 3. Applicants previously employed by the tobacco industry and are not disqualified under Section 2 will not be assigned to positions where they will be tasked with the creation, implementation, administration or enforcement of tobacco control policies.

Section 4. For the purpose of this rule, the term “Tobacco industry” shall apply to organizations, entities, associations, and individuals that work for or in behalf of the tobacco industry, such as, but not limited to, tobacco manufacturers, wholesale distributors, importers of tobacco products, tobacco retailers, lawyers, scientists, lobbyists, front groups and any other individual or organization that work to further the interests of the tobacco industry.

This policy shall take effect immediately.
12. The Article 13 Guidelines defines "responsible entities" as:

ENDNOTES

3. Ibid.
4. Ibid.
5. Ibid.
7. In some jurisdictions, the World Health Organization (WHO) Framework Convention on Tobacco Control (FCTC) and its obligations are deemed part of the law of the land and do not require any enabling policy; in these cases, the focus is on the operationalizing the policy.
11. The Article 13 Guidelines defines "responsible entities" as:

53. The responsible entities should be defined widely, covering the entire marketing chain. Primary responsibility should lie with the initiator of advertising, promotion or sponsorship, usually tobacco manufacturers, wholesale distributors, importers, retailers and their agents and associations.
54. Moreover, many other entities are involved in tobacco advertising, promotion and sponsorship and should also be held responsible.
55. Responsibility cannot be attributed in the same manner to all entities, as their involvement in the production, placement and dissemination of tobacco advertising, promotion and sponsorship varies. In the case of tobacco sponsorship, the responsible entities are those that make any relevant form of contribution, those that receive any relevant form of contribution and any intermediaries that facilitate the making or receiving of a relevant form of contribution. When tobacco advertising and promotion involve communication, the way in which entities should be held responsible depends on their role in the production and dissemination of the content of the communication and the possibilities they have to control it. The disseminator should be made responsible in so far as it is aware of, or was in the position to become aware of, the content of the advertising and promotion. This is true whatever media or communications technology is involved, but it applies especially to controlling content on the Internet and direct broadcast satellite.
56. In relation to all forms of media and communications:
   • Persons or entities that produce or publish content (e.g. advertising agencies, designers, publishers of newspapers and other printed materials, broadcasters and producers of films, television and radio programmes, games and live performances, and Internet, mobile phone, satellite and game content producers) should be banned from including tobacco advertising, promotion and sponsorship.
   • Persons or entities, for example media and event organizers, sportspeople, celebrities, film stars and other artists, should be banned from engaging in tobacco advertising, promotion and sponsorship.
   • Particular obligations (such as that to remove or disable access to content) should be applied to other entities involved in analogue or digital media and communication (such as social networking sites, Internet service providers and telecommunication companies), once they have notice of tobacco advertising, promotion and sponsorship.
   • In the case of legal entities, the responsibility should normally lie on the company, not an individual employee.
57. A contract, agreement or arrangement concerning tobacco advertising, promotion or sponsorship should be held invalid if it is agreed in violation of a comprehensive ban.
58. In relation to the Internet, for example, there are five principal categories of responsible entity upon which bans or particular obligations should be imposed.
   • Content producers create the content or cause it to be created. These include tobacco companies, advertising agencies, and producers of television programmes, films and games that are distributed online. Content producers should be banned from including tobacco advertising, promotion or sponsorship in the content they produce.
   • Content publishers include publishers and entities that select content before it is made available to Internet users (e.g. Internet sites of newspapers or broadcasters). Content publishers should be banned from including tobacco advertising, promotion or sponsorship in the content they make available.
   • Content hosts are entities that control Internet-connected computer servers on which content is stored, including entities that aggregate content produced by others without selecting the content before they make it available to Internet users (such as social networking Internet sites). Content hosts should have an obligation to remove or disable access to tobacco advertising, promotion and sponsorship once they have received notice of the content.
   • Content navigators are entities that facilitate the location of content by users of communications services, such as Internet search engines. Content navigators should have an obligation to disable access to tobacco advertising, promotion and sponsorship once they have received notice of the content.
   • Access providers are entities that provide end-user access to communications services, such as Internet service providers and mobile telephone companies. Access providers should have an obligation to disable access to tobacco advertising, promotion and sponsorship once they have received notice of the content.
Unlike the obligations on content producers, content publishers and content hosts, Parties could limit the obligations on content navigators and access providers to using reasonable efforts to disable access in light of what is technically possible.

ENDNOTES

59. Unlike the obligations on content producers, content publishers and content hosts, Parties could limit the obligations on content navigators and access providers to using reasonable efforts to disable access in light of what is technically possible.


18. Ibid.
19. Article 5.3 Guidelines, Recommendation 4.10.
22. Article 5.3 Guidelines, Recommendation 5.1.
23. Article 5.3 Guidelines, Recommendation 5.3.
25. Article 13 Guidelines, paragraph 41.
26. The measures recommended in these guidelines aim at protecting against interference not only by the tobacco industry but also, as appropriate, by organizations and individuals that work to further the interests of the tobacco industry. Article 5.3 Guidelines, paragraph 11.
27. Article 5.3 Guidelines, Recommendation 4.1.
30. Ethical Guidelines for Meeting with the Tobacco Industry.
31. Ibid.
32. Ibid.
33. Ibid.
34. Ibid.
35. Ibid.
36. Ibid.
37. Ibid.
38. Article 5.3 Guidelines, Recommendation 5.1.
39. Article 5.3 Guidelines, Recommendation 5.3.
40. Article 5.3 Guidelines, Recommendation 6.2.
41. Article 5.3 Guidelines, paragraph 41.
42. Article 5.3 Guidelines, paragraph 21.
43. “The tobacco industry shall not be a partner in any initiative linked to setting or implementing public health policies, given that its interests are in direct conflict with the goals of public health.” Article 5.3 Guidelines, Recommendation 3.1.
44. “Parties should not endorse, support, form partnerships with or participate in the activities of the tobacco industry described as socially responsible.” Article 5.3 Guidelines, Recommendation 3.2.
45. “Parties should not accept, support, or endorse the tobacco industry organizing, promoting, participating in, or performing, youth, public education or any initiatives that are directly or indirectly related to tobacco control.” Article 5.3 Guidelines, Recommendation 4.3.
46. “Parties should not award contracts for carrying out any work related to setting and implementing public health policies with respect to tobacco control to candidates or tenderers who have conflicts of interest with established tobacco control policies.” Article 5.3 Guidelines, paragraph 23.
47. “Payments, gifts and services, monetary or in-kind, and research funding offered by the tobacco industry to government institutions, officials or employees can create conflicts of interest. Conflicting interests are created even if a promise of favourable consideration is not given in exchange, as the potential exists for personal interest to influence official responsibilities as recognized in the International Code of Conduct for Public Officials adopted by the United nations general Assembly and by several governmental and regional economic integration organizations.” Article 5.3 Guidelines, Recommendation 4.7.
49. Article 5.3 Guidelines, Recommendation 7.1.
50. Article 5.3 Guidelines, paragraph 33.
51. “Nongovernmental organizations and other members of civil society not affiliated with the tobacco industry could play an essential role in monitoring the activities of the tobacco industry.” Article 5.3 Guidelines, Recommendation 4.7.
54. Article 5.3 Guidelines, Recommendation 2.1.
“Transparency is openness in public transactions such as biddings, purchases, financial transactions and other matters involving public interest.

1. Officials and employees shall at all times exercise transparency in all transactions, contracts, relationship and interest of the agency.

2. Officials and employees shall state their office policies and procedures in clear and understandable language, ensure openness of information, conduct public consultation whenever appropriate, and encourage suggestions to simplify systems and procedure.

3. Officials and employees shall upon request, make available public documents for inspection by the public within reasonable working hours provided it is not in violation of the rule of confidentiality required by existing laws, rules and regulations.”

56. DOH Code of Conduct, Rule I, Section 2 (2.1) DOH Administrative Order No. 2009-0004.

“Officials and employees shall not discriminate against or dispense undue favors to anyone. Neither shall they allow kinship, rank, position, affiliation or favors to influence the performance of their official acts or duties. They shall endeavor to discourage wrong perception of their roles as dispenser or peddlers of undue patronage.”

57. DOH Code of Conduct, Rule III, Section 1 (c) DOH Administrative Order No. 2009-0004.

“Officials and employees shall not engage, directly or indirectly, in any of the following or similar acts:

   (c) Give undue advantage/preference to anyone to further the personal/private interests and the one who benefited therefrom.”

58. Article 5.3 Guidelines, paragraph 17.7.

59. Article 5.3 Guidelines, paragraph 23.

“Payments, gifts and services, monetary or in-kind, and research funding offered by the tobacco industry to government institutions, officials or employees can create conflicts of interest. Conflicting interests are created even if a promise of favourable consideration is not given in exchange, as the potential exists for personal interest to influence official responsibilities as recognized in the International Code of Conduct for Public Officials adopted by the United nations general Assembly and by several governmental and regional economic integration organizations.”

60. DOH Code of Conduct, Rule IV, Section 4, DOH Administrative Order No. 2009-0004.

1. “Officials and employees shall not accept or receive any gift, donation, and sponsorship, directly or indirectly, regardless of the amount from any of the following:

   (a) Any tobacco, milk and pharmaceutical companies and organizations/entities associated with or related to these industries.”

61. Article 5.3 Guidelines, Recommendation 4.6.

“Parties should require government officials to declare and divest themselves of direct interests in the tobacco industry.”


“Conflict of interest” arises when a public official or employee is a member of a board, an officer, or a substantial stockholder of a private corporation or owner or has a substantial interest in a business, and the interest of such corporation or business, or his rights or duties therein, may be opposed to or affected by the faithful performance of official duty.


“Section 9. Divestment. - A public official or employee shall avoid conflicts of interest at all times. When a conflict of interest arises, he shall resign from his position in any private business enterprise within thirty (30) days from his assumption of office and/or divest himself of his shareholdings or interest within sixty (60) days from such assumption.

“The same rule shall apply where the public official or employee is a partner in a partnership.

“The requirement of divestment shall not apply to those who serve the Government in an honorary capacity nor to laborers and casual or temporary workers.”

64. Rep. Act No. 6713, Section 7(b).

(b) Outside employment and other activities related thereto. - Public officials and employees during their incumbency shall not:

   (1) Own, control, manage or accept employment as officer, employee, consultant, counsel, broker, agent, trustee or nominee in any private enterprise regulated, supervised or licensed by their office unless expressly allowed by law;

65. Rep. Act No. 6713, sections 3(i) and 9.


67. CSC MC No. 19, s. 1999, section 11.

68. CSC MC No. 19, s. 1999, section 12.

69. CSC MC No. 19, s. 1999, section 13.

70. CSC MC No. 19, s. 1999, section 14.

71. CSC MC No. 19, s. 1999, section 15.

72. CSC MC No. 19, s. 1999, section 18.

73. CSC MC No. 19, s. 1999, section 20.

74. CSC MC No. 19, s. 1999, section 23.

75. CSC MC No. 19, s. 1999, section 24.

76. CSC MC No. 19, s. 1999, section 27.

77. CSC MC No. 19, s. 1999, section 35.

78. CSC MC No. 19, s. 1999, section 36.

79. CSC MC No. 19, s. 1999, section 37.

80. CSC MC No. 19, s. 1999, section 38.

81. CSC MC No. 19, s. 1999, section 43.

82. CSC MC No. 19, s. 1999, section 38.

83. CSC MC No. 19, s. 1999, section 37.

84. Guidelines for Implementation of Article 5.3 of the WHO FCTC, paragraph 34.

“Codes of conduct or staff regulations for all branches of governments should include a ‘whistleblower function,’ with adequate protection of whistleblowers. In addition, Parties should be encouraged to use and enforce mechanisms to ensure compliance with these guidelines, such as the possibility of bringing an action to court, and to use complaint procedure such as an ombudsman system.”

86. DOH Code of Conduct, Rule VII, Section 4 (7), DOH Administrative Order No. 2009-0004.
87. DOH Code of Conduct, Rule VII, Section 2 (6), DOH Administrative Order No. 2009-0004.
88. DOH Code of Conduct, Rule VIII, Section 1, DOH Administrative Order No. 2009-0004.
89. DOH Code of Conduct, Rule VIII, Section 2, DOH Administrative Order No. 2009-0004.
90. DOH Code of Conduct, Rule VIII, Section 3, DOH Administrative Order No. 2009-0004.
91. Rep. Act No. 6713, Sec. 7(b).

ABBREVIATIONS

Association of Southeast Asian Nations - ASEAN
Civil Service Commission - CSC
civil society - CS
civil society organization - CSO
Conference of the Parties - COP
corporate social responsibility - CSR
Department of Health - DOH
Department of Interior and Local Government - DILG
Department of Science and Technology - DOST
Framework Convention on Tobacco Control - FCTC
local government unit - LGU
National Housing Authority - NHA
non-government organization - NGO
tobacco industry - TI
UN Convention against Corruption - UNCAC
World Health Assembly - WHA
World Health Organization - WHO

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SEATCA is a multi-sectoral alliance established to support ASEAN countries in developing and putting in place effective tobacco control policies. It responds to a grave need to fast track tobacco control policies in Southeast Asia. The alliance works to identify tobacco control priorities in the region and to coordinate efforts on these priorities. SEATCA promotes knowledge-sharing among countries for effective, evidence-based tobacco control measures and regional cooperation among its advocacy partners.

SEATCA is acknowledged by governments and academic institutions for its advancement of tobacco control movements in Southeast Asia. In 2004 the WHO Western Pacific Regional Office (WPRO) presented the World No Tobacco Day Award to SEATCA. WHO-WPRO has since engaged SEATCA to provide technical assistance directly to government officials across the region.

HEALTH JUSTICE

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HealthJustice aims to bridge the gap between health and law to empower Filipinos to make healthy choices. The founding members of HealthJustice include doctors, lawyers, and economists who have been recognized for their services in both the private and public sector. They have a wealth of experience in promoting policy change in the fields of health, environment, and human rights. They envision HealthJustice to serve as a vehicle for Filipinos to be free from health risks that could be prevented through appropriate health policies.

The vision of HealthJustice is to enlighten Filipinos to make the right health choices and endowed with equal access to health. Its mission is to be the source of information (research), formation (alliance building), transformation (capacity building), and translation (dissemination) for priority public health policies.

It will be the most valuable & effective resource on matters affecting public health policies. This will be achieved through research, training, and constant efforts to expand of the pool of experts in order to build constituency and support advocate groups.