

Worldwide news and comment

AUSTRIA: GOVERNMENT CHOOSES TOBACCO INDUSTRY INTERESTS OVER CITIZENS' HEALTH

Austria achieved a dismal milestone in March 2018, when its government overturned modest (and long overdue) legislation for smoke free hospitality venues. The new laws had been due to come into force in May 2018.

Among high income countries, Austria already stood as a grim example of woefully inadequate tobacco control. The country has long been the standout laggard in Europe, ranking last on the European tobacco control scale since 2007. The lack of smoke free public spaces to protect the non-smoking majority is a key factor in Austria languishing at the bottom of the scale, resolutely clinging to the last century while many other European countries have achieved considerable progress.

Even taking into account Austria's appalling record on tobacco control, this is a new low. The repeal of such a basic public health protection is almost unheard of, even in low-income countries with endemic corruption—much less in one of the richest countries in the world. Austria's comprehensive failure to implement effective tobacco control policies is comparable to the national blind spot in the USA towards gun control; seemingly intractable policy intransigence which is puzzling to rational outside observers.

The decision was the result of an ignominious political compromise made after the 2017 national election (outlined at <http://blogs.bmj.com/tc/2018/01/09/austrias-new-government-a-victory-for-the-tobacco-industry-and-public-health-disaster/>). Over half a million people signed a petition urging the government to maintain the law. The political party that demanded the repeal as a condition of forming coalition government was the far right Freedom Party (FPO). Its election platform included referenda and 'direct democracy', and it cited 'freedom of choice' as the reason for demanding the law be repealed. Given the repeal occurred in the face of such strong public

opposition, it seems clear that the FPO's support for such notions depends on factors other than popular sentiment. In a representative survey only 29% approved the cancellation of the law (<http://www.aerzteinitiative.at/UmfrageGfK18.pdf>).

Numerous leading Austrian medical and health practitioners, who witness firsthand the devastating individual toll of smoking-caused disease and misery for individuals and their loved ones, also campaigned publicly against rolling back the law.

Faced with a clear choice between popular opinion, scientific evidence and the health and well-being of its citizens on the one hand, and craven political expediency and subservience to the tobacco industry on the other, the Austrian government chose the latter. The country continues to make a mockery of its legal obligations under the WHO Framework Convention on Tobacco Control (FCTC), which it ratified in 2005. This abrogation of responsibility should rightly see the Austrian government roundly condemned and censured by the international community when Austria takes the lead at the next FCTC Conference of the Parties, to be held in Geneva in October 2018.

This story (in German and English) with additional links is online at: <http://blogs.bmj.com/tc/2018/04/05/osterreich-regierung-entscheidet-fur-interessen-der-tabakindustrie-und-gegen-die-gesundheit-der-burger/>.

AFRICA/WORLD: 17TH WORLD CONFERENCE ON TOBACCO OR HEALTH

The 17th World Conference on Tobacco or Health (WCTOH) was held in Cape Town, South Africa from 7-9 March 2018. The first time the conference was held on the African continent provided a sobering reminder of the global scale of the tobacco industry's reach and relentless encroachment in countries least able to afford it.

While significant progress has been made in many countries to get on top of the tobacco epidemic, delegates from several low and middle income African countries highlighted the tobacco industry's aggressive expansion on the continent. Despite some parts of the tobacco industry claiming—hand on heart—that they are trying to lead the way to a smoke free world, the appeal of African countries to the tobacco industry is obvious. The combination of growing incomes, young populations and low smoking prevalence offers fertile ground to grow the combustible product market. Many of these countries are ill-equipped to fight the industry's strategies, not least because

of the intersection between tobacco use and other health challenges which include both non-communicable diseases such as diabetes, as well as infectious diseases such as HIV and tuberculosis.

Tobacco industry strategies to undermine public health policy making were the focus of several sessions. This is nothing new, although the latest incarnation by Philip Morris International (PMI) in the guise of its Foundation for a Smoke Free World (FSFW), was a new twist. As delegates were reminded, the initiative is entirely consistent with the industry's long history of funding and subverting public health science to advance their own interests.

Given concerns about tobacco industry tactics and PMI's US\$80 million funding for FSFW, a global tobacco industry watchdog was launched by Bloomberg Philanthropies at the start of the conference. Called STOP (Stopping Tobacco Organisations and Products), the agency will be started with funding of US\$20 million to 'aggressively monitor deceptive practices to undermine public health'. Tobacco industry strategies in low and middle income countries will be a particular focus, with information and data to be housed on a public website.

International Women's Day, celebrated on 8 March, took place during the conference, and was marked by a plenary session with a high-level panel that highlighted the need for tobacco control research and policies to take into account the specific impact of tobacco on women. This is particularly important for many low and middle income countries, where comparatively lower smoking rates are seen as an avenue for growth by the tobacco industry. Given the fact that other forms of tobacco are often used by women in the African region, the need for education about the health harms of these products was also highlighted.

Presenters also outlined the gendered nature of the economic impacts of tobacco use, due to diversion of family income, as well as direct health costs. The session was opened by the first African woman president of WCTOH, Dr Flavia Senkubuge, and concluded with a call for governments to implement tobacco taxation as the most powerful FCTC measure, and one that can help to prevent increases in female smoking.

Taxation and financing were an important broader theme, in particular the challenges of setting policy which is the responsibility of all government agencies, not only ministries of health. The conference ended with an 11 point declaration, which started with a call for governments to unite with civil society and accelerate FCTC implementation using a whole

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ASH Executive Director Laurent Huber with Head of the Secretariat of the WHO FCTC Vera da Costa e Silva. Credit: ASH, Vera da Costa e Silva/Twitter.

of government approach. Other points related to a united response of non-engagement with FSFW and other tobacco industry initiatives, financing, planning and operationalizing tobacco control strategies, the adoption of the Cape Town Declaration on Human Rights and a Tobacco-Free World, integration of gender-based data collection and reporting, a call for the International Labour Organisation to align with other UN agencies and end tobacco industry collaboration, and finally a call for governments to develop plans to phase out the sale of tobacco products.

More coverage of WCTOH, including interviews with delegates from several countries, is on our website at <http://blogs.bmj.com/tc/2018/03/26/reports-interviews-and-photos-from-wctoh2018-uniting-the-world-for-a-smoke-free-generation/>.

WORLD: CAPE TOWN DECLARATION ON HUMAN RIGHTS & TOBACCO-FREE WORLD

The *Cape Town Declaration on Human Rights and a Tobacco-Free World* was proposed by the Human Rights and Tobacco Control Network, Action on Smoking and Health (US), and Unfairtobacco and adopted by WCTOH. It advances the connection between human rights norms and the tobacco epidemic, and calls on governments to go much further in reducing smoking, based on their obligations under human rights accords. Over 100 organisations have endorsed the Declaration.



ASH US and Unfair tobacco coordinated a social media photo booth (**#TobaccoViolation**) at the World Conference on Tobacco or Health to help attendees show their support for the Cape Town Declaration and tobacco as a human rights issue. This photo shows delegates from a wide range of countries, including WCTOH 2018 President Dr Flavia Senkubuge in the top left hand corner. Credit: ASH US.

Human rights played a central role in the vision for the WHO Framework Convention on Tobacco Control, and the connection is enshrined in the chapeau:

‘Recalling Article 12 of the International Covenant on Economic, Social and Cultural Rights, adopted by the United Nations General Assembly on 16 December 1966, which states that it is the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.’

In 2017 the Danish Institute for Human Rights, a quasi-governmental organisation that signed and later agreed to cancel a contract with Philip Morris International to examine its human rights obligations, came to an obvious yet startling conclusion:

“...there can be no doubt that the production and marketing of tobacco is irreconcilable with the human right to health. For the tobacco industry, the UNGPs [UN Guiding Principles on Business and Human Rights] therefore require the cessation of the production and marketing of tobacco”.

For many involved in public health, DIHR’s statement was a call to action. In

September 2017, 123 organisations signed a ‘cease and desist’ letter to Philip Morris International. PMI’s response was predictable, making it appear that PMI’s commitment to a ‘smoke-free future’ is more a public relations campaign than a genuine commitment.

The Cape Town Declaration is not an end but a beginning. The goal is lofty but straightforward - to include tobacco control under existing human rights obligations. This will give tobacco control advocates another lever to pull, and add a seat to the table on the side of public health when tobacco regulations are being considered at the local, national and global levels.

Note: this is an edited extract of an article published on our website. The full article and relevant links are at <http://blogs.bmj.com/tc/2018/04/05/a-new-front-and-a-new-ally-in-the-tobacco-wars/>.

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WORLD CONFERENCE: NOT SO 'UNITED' FOR SOME – TAIWAN DELEGATES EXCLUDED

The WCTOH 2018 theme was 'Uniting the World for a Tobacco Free Generation'. Unfortunately for delegates from Taiwan, the 'Uniting' part of the theme rang hollow. Although their registration was accepted, along with poster and oral presentations following peer review, the small delegation from Taiwan was effectively barred from participation. Their posters were removed from the display area and their oral presentation was rescheduled to a satellite session outside of the official programme.

When the issue was raised with the conference secretariat immediately after the delegates had been told of the change in the registration status, the official response was 'no comment'. After paying conference registration, flights, accommodation and other expenses in good faith, the delegates were unable to participate for much of the conference. In a statement published on the *Tobacco Control* website the affected delegates stated:

'We wish to express our anger for this unacceptable political interference at an important civil society event in global tobacco control. Blocking the legitimate Taiwanese delegates from the WCTOH, violates the guiding principles of the WHO FCTC which emphasise the special contribution of civil society and recognise the participation of NGOs as essential to achieve the objectives of the FCTC and to counter tobacco industry's interference.' They went on to state:

'The independence of civil society has been compromised this time. We urge WHO and the WCTOH secretariat to commit to political neutrality regarding civil society's participation at a NGO event. Episodes like this must not happen again. We believe that it is necessary to condemn this action, because when basic civil human rights are violated, nobody really wins as *'Injustice anywhere is a threat to justice everywhere.'* — Martin Luther King Jr.

Taiwanese delegates have participated in previous WCTOHs with no issues. At the conclusion of the conference, the conference secretariat was again approached for comment and asked to provide clarification regarding reason(s) for the exclusion, why this WCTOH was different from previous conferences, when the decision was made to exclude Taiwanese delegates, whether they would be reimbursed and/or compensated, and whether delegates from Taiwan would

be excluded from future events. The full statement provided was:

'The World Conference on Tobacco or Health 2018 is an event co-sponsored by WHO and the WHO FCTC Secretariat. As such the organisers are bound to follow their respective policies concerning the status and representation of States and territories. Similar policies are applied for other meetings co-sponsored by WHO. In order to comply with those policies it has been necessary to adjust the type of registration available. When doing final checks prior to the start of the conference we found there were some participants whose registrations did not comply with these requirements. The participants concerned were duly informed by the conference and offered to present their posters and abstracts at satellite sessions which were very well attended throughout the conference. Additionally, the conference organisers will also offer full refund under certain conditions to the affected participants.'

It was several more days before the conference secretariat contacted the affected delegates directly to offer a refund of costs incurred. At the time of going to press, the delegates had received no explanation of why a WHO technical sponsorship would include a requirement to exclude civilian participation from a civilian and scientific conference, particularly given that it was the first WCTOH from which Taiwanese delegates had been blocked from full participation.

This was the second WCTOH in a row at which delegates from specific countries were excluded. Around 40 delegates from countries including Syria, Iraq, Tunisia, Nigeria and a large contingent from Bangladesh were refused visas for the 16th WCTOH held in Abu Dhabi.

Excluding delegates due to geopolitics is counter to the spirit of civil society inclusion and collaboration so vital for progress in tobacco control. Full statements from the Taiwan delegation and the Conference secretariat can be found at: <http://blogs.bmj.com/tc/2018/03/09/taiwanese-anti-tobacco-delegates-blocked-from-joining-the-17th-wctoh-due-to-political-interference-from-the-who/>.

WORLD: PHILIP MORRIS' FSFW FIRST SURVEY CRITICISED

While a small but vocal band of enthusiastic supporters of FSFW at WCTOH exhorted the public health community to accept the organisation at face value, the first research released by FSFW shortly after WCTOH appears to conform to expectations. Findings from its global survey of smokers triggered media coverage of

the need for tobacco taxes to be lowered and regulatory barriers to new products lowered (although curiously little about the need for governments to help PMI achieve its ostensible goal by phasing out combustible products.) As WCTOH delegates heard, there is good reason for the tobacco industry to oppose tobacco taxes: they are one of the most effective, but under utilised, tobacco control measures available to governments.

As has been repeatedly pointed out by global tobacco control experts, the biggest obstacle to reducing smoking is the tobacco industry itself. The Campaign for Tobacco Free Kids, Vital Strategies and the International Union Against Tuberculosis and Lung Disease said in a joint statement:

'We don't need a Philip Morris-funded survey to tell us why people smoke. Smoking is a worldwide health crisis created by tobacco companies — period. Corporations like Philip Morris International created and continue to drive the smoking epidemic by targeting children as customers, using slick and deceptive marketing to sell lethal tobacco products and lobbying and litigating to block solutions that are proven to reduce smoking rates.'

POLAND: GOVERNMENT STANDS AGAINST PMI SMOKE-FREE FOUNDATION

While discussion about how to respond to the Philip Morris International (PMI) funded Foundation for a Smoke Free World (FSFW) was a prominent theme at WCTOH, the Polish government has demonstrated a strong national response to ensure FSFW cannot influence policy-making.

In January 2018, the Polish Ministry of Health sent a letter to the heads of medical schools and research institutes warning them against cooperation with the Philip Morris International-funded Foundation for a Smoke Free World. The letter made it clear the government considers FSFW to be part of the tobacco industry. It noted that the WHO Framework Convention on Tobacco Control (FCTC) has been implemented into the Polish legal system, and highlighted the importance of Article 5.3 for protecting public health policies from tobacco industry interests.

The Ministry specifically warned schools and institutes: 'please be informed that the Ministry of Health, in any potential further legislative work aimed to reduce the use of tobacco products and related products, including any novel tobacco products and electronic cigarettes, shall take no account of the results of any

research conducted in cooperation with or with financing from the tobacco industry’.

This initiative of the Polish government follows issues with implementation of the European Tobacco Products Directive, when governments were lobbied by the e-cigarette industry, using arguments from research produced in Polish universities, which was funded by the e-cigarette industry. Indirect methods the tobacco industry used to influence the Polish government were also documented in a 2016 research paper accessible at <http://tobaccocontrol.bmj.com/content/25/5/521>.

More recently, PMI has directly financed a study on heat-not-burn products, conducted by the prestigious, publicly-funded Nencki Institute of Experimental Biology Polish Academy of Sciences. The results, presented at a November 2016 press conference, claimed meaningful reduction of toxicity on mitochondria and received positive media coverage through several outlets. The potential for positive coverage of tobacco industry-funded research shows there is a need for better communication about the real aims of the industry in funding such research.

In communicating its decision, the Polish government cited the WHO September 2017 statement which urges states and organisations to reject cooperation with FSFW. In January 2018, seventeen Canadian and US schools of public health issued a joint statement that they would not accept funds from or pursue work with FSFW. The Polish ministry of health has taken a positive step towards a national approach to rejecting cooperation with FSFW, and protecting public health from tobacco industry vested interests.

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NETHERLANDS: NO PROSECUTION OF TOBACCO INDUSTRY...YET

A growing coalition of anti-tobacco and health organisations in the Netherlands wants tobacco manufacturers in criminal court. Pressure on the Public Prosecutor’s Office to bring a criminal case against the tobacco industry to court is rising, with several influential health organisations including the Netherlands Cancer Institute (NKI-AVL) joining the coalition that has pressed charges. The coalition, which includes patients, as well as numerous health organisations, pressed

charges against four tobacco companies active in the Netherlands: Philip Morris International, British American Tobacco, Japan Tobacco International and Imperial Tobacco Benelux.

After an exceptionally long period of deliberation lasting 15 months, in February 2018 the Dutch Public Prosecutor’s Office announced that it won’t prosecute the tobacco industry in the Netherlands. However, the accusers will appeal to the court to force the Public Prosecutor to finally start a prosecution.

The tobacco manufacturers are accused of attempted murder and manslaughter and/or premeditated attempts to cause grievous bodily harm and/or premeditated attempts to cause damage to health. Another accusation concerns the falsification of documents. If the Public Prosecutor decides after appeal to bring the case to court it would be a first in the world.

The case dates to September 2016, when criminal lawyer Bénédicte Ficq (Ficq & Partners) filed a criminal complaint against the tobacco industry on behalf of two lung patients and the Youth Smoking Prevention Foundation. The complaint documentation filed argues that the tobacco industry deliberately makes cigarettes more addictive by adding hundreds of additives, which makes new smokers addicted quickly and makes existing smokers more addicted. The accusation also focusses on tiny holes in cigarette filters which sabotage official measurements of harmful substances by drawing extra air into the measurement machines. As a result, the machines measure lower values than those actually inhaled by smokers, who block the holes with their lips and fingers as they smoke. Because of this, smokers inhale 2–3 times the recorded and maximum allowed levels of harmful substances.

Lawyer Bénédicte Ficq commented: ‘... The industry has just one goal, and that is to get people addicted. People do not realise just how manipulated a cigarette is today. We want to make that clear to the Public Prosecutors Office, and we are convinced that when, like us, it understands what tobacco manufacturers put on the market, it too will conclude that it amounts to ‘causing grievous bodily harm’.

By knowingly and intentionally getting smokers addicted, the tobacco industry denies them their free will to smoke or not. The fact that cigarettes are a legal product according to the Tobacco Act does not relieve the tobacco industry

of its obligation to respect other laws. According to the submission, the tobacco industry fails to comply with a number of criminal law provisions. It therefore has a case to answer before a criminal court.

The Netherlands Cancer Institute (NKI-AVL), which is among the top 10 best cancer institutes in the world, was the first hospital/research institution in the Netherlands to join the growing coalition. The NKI believes that it is ‘banging its head against a brick wall’ and this has to stop. No less than 30% of the NKI patients die as a result of smoking. In the Netherlands, at least 55 people die every day because of smoking. As a result of their smoking behaviour of 20 years ago, women are now more likely to die from lung cancer than from breast cancer.

‘Every day, we do our utmost to provide cancer patients with the best possible care. Our researchers and practitioners are continuously looking for solutions to the cancer problem and the best treatment for all their patients. At the same time, we see tobacco manufacturers knowingly cause people to become addicted to the most carcinogenic product in existence: the cigarette’, says professor René Medema, chairman of the Board of Directors of the NKI. The University Medical Centre Groningen (UMCG) immediately followed the example of NKI and also filed a report against the tobacco industry. Other hospitals have said they will consider doing the same.

The campaign was started by the author, a chest physician and chair of the Youth Smoking Prevention Foundation <http://www.stichtingrookpreventiejeugd.nl/over-rookpreventie-jeugd/english>. It was made possible by joining together with two patients – one a young mother of three with lung cancer, the other with chronic obstructive pulmonary disease - funding from the Dutch Cancer Foundation and a grass roots organisation that is sick of smoking (<https://sickofsmoking.nl/en/>).

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