



Government of Pakistan
Ministry of National Health Services,
Regulations & Coordination



Guidelines For Ministry of National Health Services Regulations & Coordination & Its Affiliated Institutes in Compliance to Who FCTC's Article 5.3



Background

Tobacco usage stands as the primary cause of preventable fatalities, prematurely claiming the lives of half of its consumers. It also serves as a prominent risk factor for a wide range of Non-Communicable Diseases (NCDs), including cardiovascular disease, cancer, chronic respiratory conditions, diabetes, tuberculosis, and neurological disorders. Approximately 17.53% of total NCD-related deaths are attributable to tobacco usage in Pakistan.¹ Tobacco kills 160,100 Pakistanis every year.² The premature demise of tobacco users not only deprives their families of income but also escalates healthcare costs and hampers economic progress. The total costs attributable to all smoking-related diseases and deaths in Pakistan for 2019 are Rs 615.07 billion (\$3.85 billion), and the indirect costs (morbidity and mortality) make up 70 percent of the total cost. Smoking-attributable total direct and indirect cost of cancer, cardiovascular and respiratory diseases amount to a total of Rs 437.76 billion (US\$ 2.74 billion) which is 3.65 times higher than the overall tax revenue from the tobacco industry (120 billion in 2019).³

World Health Organization – Framework Convention on Tobacco Control (WHO FCTC) is the first international treaty to provide a framework (and attendant obligations) for tobacco regulations. The Government of Pakistan signed and ratified the WHO FCTC in May, 2004⁴. The WHO FCTC preamble acknowledges the need for nations to remain vigilant against any attempts by the tobacco industry to undermine or subvert tobacco control initiatives. It emphasizes the necessity to be informed about detrimental activities undertaken by the tobacco industry that could impede tobacco control efforts.

Rationale

Article 5.3 of the FCTC acknowledges the inherent and irreparable conflict between the tobacco industry's interests and the objectives of public health. These guidelines assume a pivotal role in safeguarding public health policies from unwarranted influence, lobbying, and interference by the tobacco industry. By instituting clear and comprehensive guidelines, Pakistan can strengthen its dedication to shielding public health policies from the vested interests of the tobacco industry.

The National Tobacco Control Strategy of Pakistan serves as the foundational framework for preserving public health by combatting the tobacco epidemic. The formulation of FCTC Article 5.3 guidelines seamlessly aligns with this strategy, presenting a robust and standardized approach to shield public health policies from interference by the tobacco industry.

¹ Global Burden of Disease Study 2019, Institute of Health Metrics and Evaluation

² The Tobacco Atlas, 6th Edition: 2018

³ <https://pide.org.pk/research/the-economic-cost-of-tobacco-induced-diseases-in-pakistan/>

⁴ <https://fctc.org/parties-ratifications-and-accessions-latest/>

The development of FCTC Article 5.3 guidelines harmonizes cohesively with the global commitment encapsulated in the **Sustainable Development Goals (SDGs)**.

Target 3.4 of the SDGs expressly focuses on reducing premature mortality from Non-Communicable Diseases (NCDs), encompassing the prevention and treatment of substance abuse, such as tobacco use. These guidelines strive to contribute to the admirable objective of universal health coverage by establishing an environment that safeguards public health policies from external interference.

WHO FCTC obliges Parties to formulate, execute, periodically update, and review comprehensive, multi-sectoral national tobacco control strategies, plans, and programs. In the process of establishing and executing public health policies pertaining to tobacco control, Article 5.3 of the WHO FCTC, in particular, directs the parties to shield these policies from the influence of commercial interests and other vested interests associated with the tobacco industry, in accordance with national laws. Additionally, the guidelines of Article 5.3 recommend that Parties institute measures to restrict interactions with the tobacco industry while ensuring the transparency of any such interactions that do occur.

Aim

These guidelines aim to safeguard tobacco control policies and initiatives from the influence of commercial and other vested interests associated with the tobacco industry.

Scope

These guidelines are applicable to all officials within the Ministry of National Health Services, Regulations & Coordination (M/o NHR&C), its attached departments, autonomous institutions, and offices under its purview. It also extends to any individuals acting on Ministry's behalf.

Interaction with the Tobacco Industry

Officials and personnel affiliated with the Ministry of NHR&C, its various departments, autonomous institutions, and offices under its purview, as well as individuals acting on Ministry's behalf, shall engage with the tobacco industry only when absolutely essential to effectively regulate, supervise, or oversee the activities of the tobacco industry and its products.

For instances, where interactions with the tobacco industry are deemed necessary, such engagements must be carried out transparently and in a manner that eliminates any perception or inference of an actual or potential partnership or collaboration arising from or as a result of such interactions.

Partnership and Contribution

Officials and employees of Ministry of NHR&C, its Departments, and all the autonomous institutions and Offices under its jurisdiction and any person acting on their behalf shall not directly or indirectly accept, support, or endorse;

- a. any potential or real partnerships and binding or non-binding agreements as well as any voluntary arrangement with the tobacco industry or any entity or front groups or person working to further the industry's interests.
- b. the tobacco industry organizing, promoting, participating in, or performing, youth, public education or any initiatives that are directly or indirectly related to tobacco control or their logo/brand name/trademark.
- c. any position paper, piece of evidence, guideline or policy instrument drafted or published by or in collaboration with or under financial support from tobacco industry or any organization acting as a front group of Tobacco Industry (TI).

In case of any existing partnership, agreement, or collaboration with the tobacco industry, or front groups working to further the industry's interests should be discontinued within 30 days from the date of this guideline's adoption.

Conflict of Interest

Officials must ensure that individuals employed by the tobacco industry or any entity advocating for TI's interests do not serve as members or in any other capacity of government bodies, committees, or advisory groups responsible for establishing or executing tobacco control or public health policies.

The Ministry of NHR&C/attached departments should refrain from awarding contracts for tasks related to the formulation and implementation of public health policies concerning tobacco control to candidates or tenderers who have conflicts of interest with established tobacco control policies.

Personnel from the Ministry of NHR&C, its various departments, autonomous institutions, and offices under its purview, as well as individuals acting on Ministry's behalf, are prohibited from accepting any form of compensation, gifts, or services, whether in monetary or non-monetary forms, from the tobacco industry.

Reporting Violations

Written communication/any kind of communication must be submitted to Head/Focal point, Tobacco Control Cell, located at 3rd Floor, Ministry of NHR&C, Kohsar Block in case of any observed violation.

Instructions for Engaging with the Tobacco Industry

- a. Any planned engagement with the tobacco industry must be well-known to all relevant officials and receive approval from an authority no lower than the rank of Director General (Health) in the case of the Ministry of NHR&C, its departments, and

the heads of autonomous institutions and offices under their jurisdiction, as well as individuals acting on Ministry's behalf.

b. The agenda for the proposed interaction should be documented in writing at least one week in advance and should receive approval from an authority no lower than the rank of Director General (Health), in the case of the Ministry of NHR&C, its departments, and the heads of autonomous institutions and offices under their jurisdiction, as well as individuals acting on Ministry's behalf. Officials must strictly adhere to the approved agenda and format for the interaction.

c. Prior to the meeting, it must be explicitly clarified that such interaction does not imply a partnership, dialogue, or collaboration. It must be communicated to the tobacco industry that they should not misrepresent or misuse the nature of the meeting.

d. The participants in the interaction must be predetermined, and all details, including names and designations, should be fully disclosed and documented in the meeting minutes.

e. Officials should keep the interaction concise and retain the right to terminate it at any point.

f. All interactions must strictly take place within the premises of the department's office. Engaging with the tobacco industry outside of these premises is strictly prohibited.

g. During all such meetings, officials should prioritize public health and advocate for the welfare of the public.

h. All interactions with the tobacco industry must be meticulously documented, and should be made available on demand. The meeting minutes must be prepared by the officials involved.

Notice to Visitors

All meetings concerning matters associated with tobacco trade, commerce, production, promotion, supply, and distribution should be scheduled through advance appointments made via written communication to Head/Focal point, Tobacco Control Cell, located at 3rd Floor, Ministry of NHR&C, Kohsar Block, Islamabad or telephone **051-9203404** or at email: **ddtcc@tcc.gov.pk** at least 10 working days prior to the intended meeting date.

Definition of Terms

1. **‘Conflict of interest’** shall mean a situation where there is a conflict between the public duties and private interests of a public office holder where the public office holder has or is subject to interests that could improperly influence the performance of his or her official duties and responsibilities. This includes any personal, financial or any other interest, such as having an existing ownership or investment therein, being an officer or a member of the board of directors of a corporation (including its subsidiaries, affiliates, branches) or a partner in partnership engaged therein, and receiving any contribution therefrom. This also includes receiving or accepting any offer or contribution, even if a promise of favourable consideration is not given in exchange. A conflict of interest shall be deemed to exist where a perception of conflict of interest may exist or arise.
2. **‘Contributions’** shall mean anything given, whether monetary or in-kind, in favour of an official, employee, or an agency or institution he/she represents or is known to represent, other than those required by law. This includes but is not limited to any act, right, liberality, payment, gift, service, gratuity, favour, entertainment, loan, funding and technical or legal advice.
3. **‘Government body’** includes all government ministries, departments, agencies, bodies, quasi- or semi-governmental institutions, boards, committees, commissions and other state-run or state-funded bodies in all branches and at all levels of government.

"Government" means the **Central Government and in respect of officers of an All-Pakistan Service serving in a Province, the Provincial Government⁵
4. **‘Tobacco Industry’** includes all organizations, firms, entities, associations, and individuals that engage in work for or on behalf of the tobacco industry, such as, but not limited to, tobacco manufacturers, wholesalers, distributors, importers of tobacco products, growers, tobacco retailers, front groups and any other individuals or organisations, including, but not limited to lawyers, scientists, advertising and marketing consultants, and lobbyists that work to further the interests of the tobacco industry.
5. **“Tobacco Industry Interference” (TII)** refers to a broad spectrum of tactics and strategies employed directly or indirectly by the tobacco industry to disrupt the development and implementation of public health policies related to tobacco control.

⁵ [https://establishment.gov.pk/SiteImage/Misc/files/F\(1\).pdf](https://establishment.gov.pk/SiteImage/Misc/files/F(1).pdf)

6. Government Servants:⁶

every person, whether on duty or on leave, within or without Pakistan, serving in a civil capacity in connection with the affairs of the Centre and to the members of an All-Pakistan Service during their employment under the Provincial Governments or while on deputation with any other Government, agency, institution or authority

7. Civil Servants⁷

"civil servant" means a person who is a member of an All-Pakistan Service or of a civil service of the Federation or who holds a civil post in connection with the affairs of the Federation, including any such post connected with defence, but does not include- (i) a person who is on deputation to the Federation from any Province or other authority; (ii) a person who is employed on contract, or on work-charged basis or who is paid from contingencies; or (iii) a person who is "worker" or "workman" as defined in the Factories Act, 1934 (XXV of 1934), or the Workman's Compensation Act, 1923 . (VIII of 1923)

all those serving officials either civil or military, who perform their duties while serving their outfits in federal, provincial or district areas of the government of Pakistan

⁶ [https://establishment.gov.pk/SiteImage/Misc/files/F\(1\).pdf](https://establishment.gov.pk/SiteImage/Misc/files/F(1).pdf)

⁷ [https://establishment.gov.pk/SiteImage/Misc/files/Civil%20Servants%20Act%2C%201973\(1\).pdf](https://establishment.gov.pk/SiteImage/Misc/files/Civil%20Servants%20Act%2C%201973(1).pdf)