as critical to the overall success of the FCTC, and the limited evidence of active measures reported in these reports raise serious concerns. While issues of resources and capacity might explain limited progress in much of the Global South, the disappointing levels of implementation in high income countries rather suggest limited political commitment. This is echoed by the limited interpretation of Art. 5.3 that characterises some national tobacco control plans. While Art. 5.3 is increasingly seen as a model that might be applicable to other industries, this analysis shows that substantial work needs to be done within tobacco control to consolidate this approach. Increasing policy interest in harm reduction and innovative products may further hinder such progress.

**OP007 LITIGATION, A KEY TO TOBACCO FREE WORLD: A REVIEW OF JUDICIAL PRONOUNCEMENTS FROM INDIA**

**Deepthi Singh, Amit Yadav. Public Health Foundation of India**

**Background:** Law as an instrument of social transformation helps in creating public awareness strengthens public policies and redresses injuries. The legislature realized the hazardous effects of tobacco use which has resulted in drafting of the pertinent tobacco control laws. The judiciary has complemented these legislative goals of public health pronouncing tobacco control initiatives as imperative to realization of fundamental right to life. The Supreme Court of India in 2001 itself banned smoking in public places throughout the country and since then has upheld several tobacco control provisions under its domestic laws. Recently health rights judgments from Australia, Latin America, Colombia, South Africa, Argentina, Brazil & Canada strengthened tobacco control enforceability and these judicial precedents have provided strength to the much awaited goal of the endgame for tobacco.

**Objective:** This paper will present a review of the judicial pronouncements in enforcing right to health as a concomitant part of the Indian constitution with special reference to tobacco control litigations in India

**Method:** Review of primary sources such as Indian Tobacco Control Laws, the Constitution of India and key tobacco control litigations from India and other countries have been undertaken.

**Result:** The Courts in India have played a significant role in realization of the right to health by recognizing it as a part of the fundamental right to life and issued suitable directions to the state authorities for the fulfilment of their duties. Similarly, for the effectiveness of tobacco control in India, judiciary has come up with path breaking judgments from enforcing the ban on smoking in public places to imposing a ban on sale of gutkha (smokeless) products across the country and have paved the way for achieving the goal of a tobacco free society.

**Conclusion:** This paper identifies series of judgments passed in public interest and role of judiciary in progressive realization of the right to health. The judiciary has played a vital role in enforcing tobacco control laws in India by creating a promising scenario for successful implementation of stronger and effective tobacco control measures.

**OP017 FCTC ARTICLE 5.3 & GOOD GOVERNANCE/ANTI-CORRUPTION MEASURES: HOW TO ACCELERATE ARTICLE 5.3 IMPLEMENTATION**

**John Stewart, Cloe Franko. Corporate Accountability International, United States**

**Background:** Big Tobacco’s future hinges on its ability to interfere in public health laws. The world’s first public health and corporate accountability treaty, the Framework Convention on Tobacco Control (FCTC), includes a critical provision, Article 5.3, which states the tobacco industry has an irreconcilable conflict of interest with public health. Article 5.3 is already paying dividends for public health. However, its incorporation into national legislation has been slower than other FCTC articles, in part because Article 5.3 is a good governance measure that limits corporate interference in policymaking.

The tobacco control movement has spent decades devising a good governance framework for tobacco products to regulate the industry and protect public health policies from commercial interests.

**Objective:**

1. Encourage policymakers and advocates to accelerate implementation of Article 5.3 into national legislation.
2. Make the case that Article 5.3 and its guidelines can be considered anti-corruption measures and that this comparison can be a powerful tool for advocacy and enforcement.
3. Share successful case studies and ideas for how to mobilize the anti-corruption and transparency community.

**Method:** Survey of policymakers, tobacco control, transparency and anti-corruption organizations, research of case studies of tobacco industry interference that have challenged the industry and policymakers that have violated Article 5.3 and research of existing anti-corruption law and how it compares to Article 5.3 and its guidelines.

**Result:** Because the tobacco industry has a history of fomenting corrupt practices among policymakers, insulating public policymaking from tobacco industry interference and increasing transparency is, in actually, an anti-corruption measure. This is precisely what Article 5.3 aims to do. Article 5.3 and its guidelines can be incorporated into existing anti-corruption measures like codes of conduct across enforcement mechanisms.

**Conclusion:** National anti-corruption laws present an opportunity to strengthen the implementation and enforcement of Article 5.3 provisions. Anti-corruption laws apply broadly to government officials across agencies to further public health policy.

**OP035 TOBACCO INDUSTRY DIVERSIFICATION IN AFRICA: STRATEGIES, ACTIVITIES AND IMPLICATIONS**

**Mohamed Ould Sidi Mohamed, Kellen Nyamurung, Possy Mugyenyi. WHO – Center for Tobacco Control (CTCA), Uganda**

**Background:** Center for Tobacco Control (CTCA) has prepared this study on tobacco industry (TI) for governments and other TC stakeholders in Africa to provide a snapshot of the TI behavior in terms of common activities and tactics, TI market share and progress on implementation of Article 5.3 of the FCTC. Furthermore, this report provides a comparison of TI actions and makes recommendations on how to counter the TI interference in the region.

**Objective:** The objectives of this presentation

1. Identify the tobacco industry interference in AFRO region
2. Determine tobacco industries marketing strategies in Africa
3. Determine the range and target of industry activities and tactics
4. Identify corporate social responsibilities activities
5. Identify tobacco industry lobbying strategies and sources

**Method:** The study used data from 12 countries using a semi-structured questionnaire based on the WHO-FCTC Article 5.3 and guideline. Specifically the data collection tool focused on interference on legislation, tobacco production, market share, and new tactics of the TI including TAPS, CSR, philanthropy, alliances and front groups. The data collection took place from September 2012 to March 2013 and analysis focused on twelve countries and in the Africa region. Data collection was done by Ministry of Health and Civil Society Organizations (CSOs) in the TC. The countries that participated in the study include: Benin, Burkina Faso, Cameroon, Chad, Cote d’Ivore, Ghana, Niger, Senegal, Angola, Kenya, Mauritania and Uganda.

**Results:**

- Market share: three major trans-national tobacco companies operating in these countries are British American Tobacco (BAT), Imperial Tobacco and Philip Morris. BAT has a strong presence in Angola, Burkina Faso, Ghana, Kenya, Senegal, and Uganda; while Imperial Tobacco has a strong presence in Côte d’Ivoire, Burkina Faso and Chad, while Philip Morris International is in Senegal.
- Tactics and activities: the analysis shows a gradual move from use of giant billboard to subtle but aggressive point of sale brand. The findings also show that the TI is targeting children and the youth in their marketing.
- Implementation of Article 5.3: Some countries’ view the TI as a partner, source of a partner, source of revenue

**OP038 ENDGAME FOR MENTHOL AND SLIM CIGARETTES IN EUROPE? POLAND – THE LAST HURDLE**

**Mateusz Zygmunt Zatonski. Health Promotion Foundation, Poland**

**Background:** In internal tobacco industry documents, menthol and “slim” cigarettes appear as key products for enticing teenagers into smoking, and in Japan, Finland, or Poland account for over 1/3 of the tobacco market share. In December 2012 the EU Commission proposed to update the Tobacco Products Directive, including a ban on the sale of flavoured and “slim” cigarettes (FaScs) in the EU. While the majority of EU countries support this proposal, the Polish Ministry of Agriculture, under Polish tobacco growers and many MPs, has called the government to block the update.

**Objective:**

1. Identify the key stakeholders among the Polish and EU bodies involved in the discussion over the sale of FaScs since December 2012.
2. Classify their position, and assess their relative impact on the eventual outcome of the debate.

**Method:** Qualitative analysis and synthesis of primary and secondary sources released by the EU during the update’s formulation, and of sources documenting the attitudes towards this proposal, e.g. EU Commission update proposal and impact assessment, Eurobarometer survey on Europeans attitudes towards tobacco (May 2012), Euromonitor tobacco in Poland report (September 2012), and documents analysing the impact of the update on Poland released by tobacco companies, the pro-tobacco lobby, the anti-tobacco lobby, Polish governmental agencies, and the reception of the update in the Polish parliament and media.

**Result:** Eight principal stakeholders were identified that could be grouped as: public opinion (Polish citizens, media), lobbyists (pro-tobacco and pro-health groups), political bodies (EU Commission, Polish Health Ministry, Polish Agri-