1.What is your understanding of undue corporate influence in policy and regulatory matters? What challenges have you observed? Could you think of any concrete examples in activities or operations of your organization?

The tobacco industry has long asserted undue corporate influence in policies and regulation around the world. Governments identified tobacco industry interference as a main obstacle to their efforts to implement tobacco control measures. The [Tobacco Industry Interference report](https://exposetobacco.org/wp-content/uploads/GlobalTIIIndex2021.pdf) provides several examples, including-

* Several governments were persuaded by the doubletalk of transnational tobacco companies such as Philip Morris International (PMI), British American Tobacco (BAT) and Japan Tobacco International (JTI), which offered new tobacco products for approval and claimed they were moving away from cigarettes. In reality, they were selling more cigarettes and simultaneously obstructing government regulatory efforts that would affect cigarette sales.
* The TI exploited the COVID-19 pandemic with a multipronged tactic to entice, persuade and coerce governments towards weaker public health policies. Many governments, made vulnerable by the pandemic, freely accepted and endorsed charity from the TI, when such donations often come with strings attached, and compromised on policies. Instead of removing benefits to the industry, many governments made decisions that benefited the industry, particularly in lowering or not imposing taxes and delaying legislation or its implementation.
* Many government officials met with industry executives in a non-transparent manner and were persuaded to allow this business to function as “essential” during the pandemic lockdowns. Conflict of interest situations rendered officials vulnerable to accept proposals from the industry and view it as a “partner” of economic recovery rather than a burden to public health and society.

2. Do you think there is a kind of political engagement by businesses that could be defined as appropriate or necessary? Could you please share concrete examples?

The World Health Organization (WHO) Framework Convention on Tobacco Control (FCTC) Article 5.3. Article 5.3 and its Guidelines outline how governments can protect public health policies from the tobacco industry and its front groups. No level of engagement is appropriate from the tobacco industry.

3. What measures could States take to prevent and address corporate political activities that may undermine the State’s ability to protect human rights and businesses’ responsibility to respect human rights?

States should fully implement the WHO Framework Convention on Tobacco Control and especially Article 5.3.

4. What are good practices that business could implement to avoid undue political influence or engaging in political activities that negatively impact human rights?

N/A

5. What are the specific human rights risks posed by corporate influence in the political and regulatory sphere to groups in most vulnerable situations such as women and girls, indigenous communities, human rights defenders, persons with disabilities, persons with different sexual orientation or gender identity or migrant workers?

The tobacco industry has often targeted these vulnerable populations through predatory advertising and marketing. There is a risk to their right to health if they start or continue smoking. There is a risk to their right to education because the industry often perpetuates myths or outright lies regarding their products. And there is a risk to their right to life, as tobacco kills half of all consumers when used exactly as intended.

6. How does corporate influence in the political and regulatory sphere impact the ability of victims of business-related human rights abuses to seek access to effective remedies? What specific challenges do rightsholders face in accessing effective remedy?

The tobacco industry has, and continues to, spend millions of dollars on litigation around the world. In fact, the tobacco industry [outspent](https://www.latimes.com/archives/la-xpm-2004-sep-12-fi-smoke12-story.html) the U.S. government (Department of Justice) in a case alleging that the industry at violated anti-racketeering laws. Cases like this create significant legal chill and prevents victims from seeking remedies.

7. What recommendations on this topic would you like the Working Group to include in its report?

We would like to see the Working Group acknowledge Article 5.3 of the FCTC and encourage States to exclude the tobacco industry from all policy discussions.