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SHADOW REPORT

ON THE STATUS OF IMPLEMENTATION OF THE WORLD  
HEALTH ORGANIZATION FRAMEWORK CONVENTION  
ON TOBACCO CONTROL (WHO-FCTC),  
ARTICLES 8 & 13 IN UGANDA - 2012

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Uganda National Tobacco Control Association

## Acronyms

BATU	-	British American Tobacco – Uganda
CFI	-	Certificate of Financial Implication
CSO	-	Civil Society Organisation
CTCA	-	Centre for Tobacco Control in Africa
DEO	-	District Environment Officer
DHI	-	District Health Inspector
DHO	-	District Health Officer
FCA	-	Framework Convention Alliance
FCTC	-	Framework Convention on Tobacco Control
GYTS	-	Global Youth Tobacco Survey
JLOS	-	Justice Law and Order Sector
KI	-	Key Informant
NEMA	-	National Environmental Management Authority
POS	-	Points of sale
TAPS	-	Tobacco Advertising, Promotion and Sponsorship
UNTCA	-	Uganda National Tobacco Control Association
WHO	-	World Health Organisation



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**Gilbert Muyambi**  
**Executive Secretary**



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## Executive Summary

Uganda ratified the World Health Organization's Framework Convention on Tobacco Control (WHO FCTC) in June 2007, but to date does not have a compliant tobacco control law. Currently, there is a draft Tobacco Control Bill (2012), which is in the enactment process and was presented for public hearing on the 24 July 2012 by a private Member of Parliament moving the motion of the bill in parliament. However, there are some existing laws that lend limited support to tobacco control efforts, but these have not been effective. For example: The 1995 Constitution of the Republic of Uganda, under article 39, The National Environment Act 1996, in section 58(1), The Public Health Act (1964), section 13(a) and section 13(b), The National Environment (control of smoking in public places) Regulations 2004, Occupational Safety and Health Act, 2006 among others.

Despite the existence of some tobacco control related laws and smoke free regulations, enforcement has remained the biggest challenge for agencies mandated to bring them to bear. There is very little awareness among the general Ugandan public of the existence of these laws, but even more worryingly, amongst statutory bodies such as the Judiciary, District authorities and the Ugandan Police Force. Some owners of public places do display 'No Smoking' signs on their premises, but this is only as far as they are willing to go.

The tobacco industry in Uganda continues to advertise, promote and sponsor activities aimed at increasing demand for tobacco products especially amongst the youth. The Global Youth Tobacco Survey (GYTS, 2007) indicates that overall 15.6% of 13-15 year old students have smoked cigarettes. The rate among boys that have used tobacco is significantly higher (19.2%) than among girls (11.2%).

There are, however, some gains noted as tobacco advertising is less explicit than it was previously. For instance, there are virtually no billboards advertising tobacco products, although Point of Sale (POS) violations do stand out prominently.

The findings of this report on Uganda's compliance with the FCTC with specific regard to Articles 8 and 13 on "protection from exposure to second-hand smoke" and "tobacco advertising promotion and sponsorship (TAPS)" respectively, suggests that there are glaring gaps in the implementation of the Convention that Uganda ratified in June 2007.



*From left to right: Tobacco advertisement for 'Yes' cigarettes at the door of a shop in Apedopong, Gulu district, a 'Dunhill' neon sign at the Heats bar in Mbarara, western Uganda and a cigarette display point in Nakumat supermarket in Bukoto, Kampala.*



## SECTION ONE - Introduction and Methodology

### Introduction

Tobacco, which is not an indigenous crop, has been grown in Uganda since the 1920s, having been introduced during British colonial rule. Since independence in 1962, tobacco has been one of the oldest export crops for Uganda. By 2006, it was cultivated in about 22 districts of Uganda, which are amongst the poorest and most food insecure.

The tobacco industry in Uganda is dominated by British American Tobacco Uganda (BATU), which has about 80% market share. Tobacco products are widely available and openly sold in supermarkets, small retail shops, markets, kiosks, liquor stores and by roadside vendors.

The industry also controls the crop farming system in Uganda through provision of inputs for tobacco growing, such as seeds and fertilizers, construction of kilns (through loans) and deducts such monies from the farmers when they sell their tobacco leaf. Because of the domination of BATU in monopolistic market conditions, farmers only have access to one principal buyer for their products. Due to the lack of competition, and hence unfavorable prices, tobacco farmers operate in a form of bondage to tobacco companies while the industry reaps huge profits (*Musoke D, 2008*). Although tobacco is not a priority crop in Uganda, the government levies tax on tobacco products to generate public funds, rather than as a public health strategy, hence disregarding public health concerns associated with tobacco use. The tax revenue accruing from tobacco is only about 1% of the total tax revenue (excise taxes, VAT and customs duty) (*UBOS, 2009; URA 2011*).

Currently, Uganda is largely a tobacco leaf exporter. Hence most of the tobacco products consumed are imported. Imports of manufactured tobacco products have increased by about 112% from 2006 to 2010 and contribute to about 0.3% of the total import bill of Uganda. Substantial

profits derived from tobacco business benefit the industry at the expense of the farmers who only sell the leaf in its raw form.

A study conducted by Tayebwa in 2011 shows that tobacco growing districts are among the most food insecure, malnourished and impoverished. A lot of time is spent on tobacco related activities and less time is devoted to food production. It should be noted that some tobacco growing districts, which have alternative cash/food crops, are not as food insecure as those which solely rely on tobacco (*Tayebwa, 2011*). It has been estimated that tobacco growing requires 3000 hours of labor per hectare per year compared to beans, which requires 298 hours and maize, which requires 265 hours (*Varashim VM et al, 2004*). This implies that ten times more labor effort is needed on a hectare of tobacco than a hectare of maize or beans.

Tobacco farming requires vast acreages of land to be cleared of natural forests. In addition, curing of tobacco consumes a lot of firewood. These practices have led to the destruction of the environment with detrimental effects on bio diversity. Tobacco is a heavy feeder crop requiring constant application of fertilizers and herbicides, leading to contamination of soils, ground water and degradation of biodiversity (*Tayebwa, 2011*).

Child labour is common in tobacco growing areas. Children work on family farms from a very early age, which disrupts their education (*WHO, 2004*). The Global Youth Tobacco Survey (*GYTS 2002*) found out that 47.3% of children live in homes where others smoke in their presence and 66.9% are around others who smoke in places outside their home. It also reported that about 7 out of 10 students were in favor of a ban on smoking in public places. Most students who were current smokers expressed a desire to stop smoking: 80.7% for Arua, 77.9% for Kampala and 76.8% for the rest of the Central Districts and almost similar numbers attempted to stop smoking but failed. Furthermore, 80.6% of students, over three

quarters for all districts, reported high levels of exposure to tobacco advertising. Findings revealed that a significant majority, over two-thirds in all districts had been taught about the dangers of smoking. A 2009 study published in the East African Journal of Public Health shows a 66% support for a law against public smoking among Ugandan youth (*Rudatsikira E et al, 2009*).

Meanwhile, British American Tobacco-Uganda (BATU) has, for the last three consecutive years, announced increases in cigarette sales (29% in 2011) and profits to its shareholders.

The Centre for Tobacco Control in Africa (CTCA) estimates that 13,500 lives are lost to tobacco use in Uganda each year. In a study conducted at Mulago, Uganda's national referral hospital, 75% of patients with oral cancer had a history of smoking, according to a 2008 Makerere University report.

## Methodology

Walking tour observations were conducted, focus group discussions held and desk research executed to generate data for this report.

The walking tours were conducted during the months of June and July 2012, in three selected major cities in Uganda, namely: Kampala Capital City, in the central region, Gulu town, in the northern region and Mbarara town, in the western region. In each of the three selected towns, ten strategic streets were sampled for assessment of Tobacco Advertising, Promotion and Sponsorship. In each of the selected streets we looked out for Points of Sale (POS) and outdoor bill board advertising.

A data collection workshop organized by Uganda National Tobacco Control Association (UNTCA) whereby focus group discussions were held with representatives of key tobacco control stakeholders, these included: CSO's active in Tobacco Control, members of selected media houses and representatives from the Uganda Police. The workshop also involved presentations by Key Informants (KI) in Tobacco control. The purpose of this workshop was to share and collect views on articles 8 and 13 of the FCTC. Desk research and literature review was conducted on Article 8 and 13 with regard to Uganda's compliance to the FCTC. Journal publications (PubMed, Tobacco Control), press articles, reports such as Global Youth Tobacco Survey (GYTS), and WHO reports among others contributed to the content of this report.



## SECTION TWO - Article 8

### Protection from exposure to Tobacco Smoke

In Article 8 of the FCTC, Parties recognize that scientific evidence has unequivocally established that exposure to tobacco smoke causes death, disease and disability. It also states that each Party, including Uganda, is required to adopt and implement effective legislative, executive, administrative and/or other measures, providing for protection from exposure to tobacco smoke in indoor workplaces, public transport, indoor public places and, as appropriate, other public places.

The WHO FCTC Guidelines for implementation of Article 8 further recommend that countries enact and enforce 100% smoke-free environments. There is no safe level of exposure to tobacco smoke and notions such as a threshold value for toxicity from second-hand smoke should be rejected as they are contradicted by scientific evidence. Approaches other than 100% smoke free environments, including ventilation, air filtration and the use of designated smoking areas (whether with separate ventilation systems or not), have repeatedly been shown to be ineffective and there is conclusive evidence, scientific and otherwise, that engineering approaches do not protect against exposure to tobacco smoke.

### Existing legal and Policy Framework in Uganda

The existing legal framework relating to exposure to tobacco smoke in Uganda is covered by the National Environment (Control of smoking in public place) regulations 2004.

The regulations ban smoking in 'public places', which are defined as public transport, bars, restaurants, airports, etc. Owners of public places in Uganda are mandated to erect 'No Smoking' signs on their premises. The mandate of enforcing

the regulations on smoke free places is placed on local governments.

The regulations are not fully FCTC-compliant and were enacted prior to Uganda's ratification of the FCTC in 2007. The 2004 regulations provide for 'smoking areas' in fully enclosed areas and 'non-smoking areas'. The law was enacted from a solely environmental health perspective by the Uganda National Environmental Management Authority (NEMA) after a court order.

According to Jackie Tumwine (2011), Uganda's smoke-free legislation was a result of a public interest litigation provided for under Article 50 of the 1995 Constitution of Uganda, which states that any individual or organization (whether aggrieved or not) is given leave to bring an action against the violation of another person's or group's human right. The High Court held that smoking in public places violated the rights of non-smoking members of the public and ordered NEMA to put in place regulations banning smoking in public places.

The proposed Uganda Tobacco Control Bill (2012) provides for comprehensive protection against exposure to second hand smoke. It outlaws smoking in public places in Uganda.

### Enforcement of Article 8 in Uganda

Uganda has existing regulations against exposure to second hand tobacco smoke and Smoking is banned in all indoor workplaces and public places but they are not fully enforced. Uganda's smoke-free regulations do not meet the FCTC standard

The regulations mandate The National Environment Management Authority (NEMA) and the local government authorities to enforce the regulations. At the district level, enforcement is under the supervision of the District Environment Officer (DEO), the District Health Officer (DHO)

and his District Health Inspector (DHI) and other officers. Local councils have the power to grant and revoke the licenses of facilities in the hospitality sector but these powers seem unutilized since there is no known record of their application. Local governments are empowered by the regulations to pass smoke-free byelaws declaring smoking or non-smoking areas in their districts. Districts are oblivious to this mandate even when the Local Governments Act of 1998 empowers them with byelaw legislative powers. There appear several competing development priorities as a result of a low appreciation of the public health, environment and development dimensions of tobacco use among their constituents.

The regulations seem unpopular amongst the public considering the widespread abuse and records indicate that no one has been tried in court for breach of the control of public smoking regulations since their enactment in 2004.

The national police commissioned an environmental police unit, which has an enforcement mandate for these regulations, but they have limited resources, both human and financial, to enforce these regulations.

In some places 'no smoking signs' exist as required by the regulations and in other places they are not very visible or are placed in non-descript areas instead of 'prominent' areas as required by law.

Passing of the draft Tobacco Control Bill (2012), which is an FCTC-compliant law, is a key instrument for enforcing the ban on smoking in public places as it clearly defines the phenomenon of smoking in public places and proposes penalties for offenders and an enforcement regime.

There is a need for extensive media campaigns and mobilization of all sectors of the public to increase awareness and education on the dangers of environmental smoke in order to develop a sense of civic vigilance that will demand for smoke-free environments. Smoke-free legislation should be emphasized while involving public sector implementing agencies, such as the Environmental Police Unit, the Justice Law and Order Sector (JLOS) and District local governments who are mandated to enforce the laws.

There is a need to strengthen the Ugandan public sector monitoring and regulatory mechanism for Tobacco control by giving it autonomy, visibility and increasing the levels of available funding (only \$ 1,020 was received in 2009 according to WHO).

Civil Society activism and advocacy to enforce smoke-free places needs to be strengthened through capacity building on a multi-dimensional scale, including participation by a wider range of stakeholders.



*This picture was taken from a toilet in Palui night club in Ntinda-Kampala*



## SECTION THREE - Article 13

### Tobacco Advertising, Promotion and Sponsorship

The FCTC recognizes that a comprehensive ban on tobacco advertising, promotion and sponsorship (TAPS) would reduce the consumption of tobacco products. It therefore calls on countries to undertake a comprehensive ban of all tobacco advertising, promotion and sponsorships, including a ban on cross-border advertising originating from their territory. This should be done within a period of five years after entry into force of the Convention.

### Existing Legal and Policy Framework

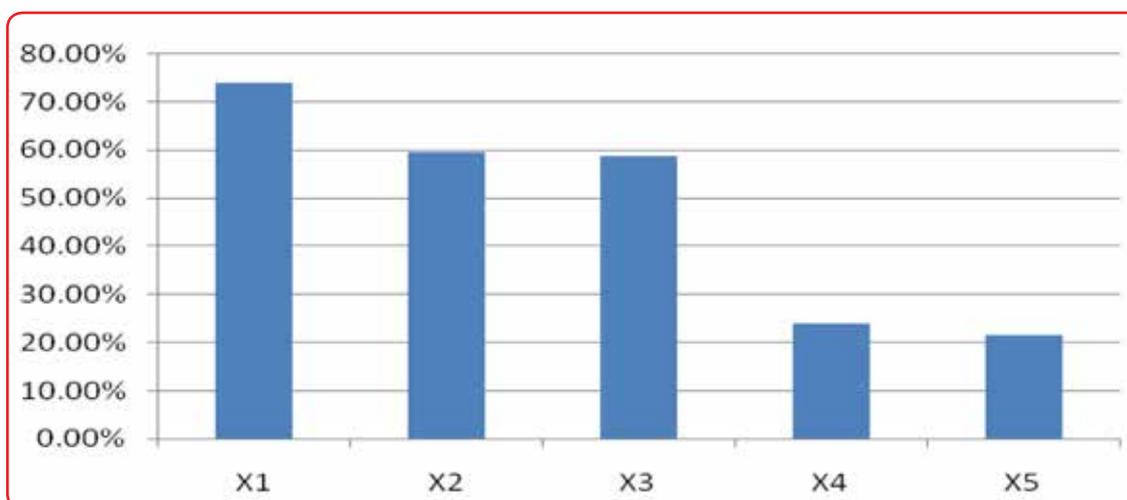
Uganda is listed by the Tobacco Atlas (2012) as a country ‘with COMPLETE absence of an advertising ban in national print, radio and TV media. According to the WHO (2009) Tobacco Control Report card on Uganda, the country does not have a national ban on direct advertising (including television, radio, magazines, newspapers, billboards, and point of sale, etc). Also there is no national ban on tobacco promotion or sponsorship.

There is no operational legal instrument explicitly banning TAPS in Uganda. However, the WHO FCTC recommends a comprehensive ban on all forms TAPS in 2007 which, among other things, calls for a ban on TAPS. The FCTC ban on TAPS is yet to be domesticated into Ugandan law.

The proposed draft Tobacco Control Bill (2012) contains provisions explicitly and comprehensively banning tobacco advertising, promotion and sponsorship in all its forms, directly and indirectly.

Results of the Global Youth Tobacco Survey report of 2002 with regard to Tobacco Advertising; Promotion and Sponsorship in Uganda.

% in Response	Key	Result
73.90%	X1	saw anti-smoking media messages, in the past 30 days
59.60%	X2	saw pro-cigarette ads on billboards, in the past 30 days
58.70%	X3	saw pro-cigarette ads in newspapers or magazines, in the past 30 days
24%	X4	have an object with a cigarette brand logo
21.50%	X5	were offered free cigarettes by a tobacco company representative



## Enforcement of TAPS in Uganda

The tobacco industry in Uganda continues to advertise, promote and sponsor activities aimed at increasing demand for tobacco products in direct contravention of the ministerial directive of 1995.

This report compiled considerable pictorial evidence of outdoor advertising in the form of posters, branded sign posts, company vehicles and buildings in the sampled districts of Kampala, Mbarara and Gulu.

In a study conducted in Kampala in 2004 among high school students aged 13-15 years of age, at least two-thirds of the students reported seeing both anti-tobacco and pro-tobacco advertisements in the preceding month (*Mpabulungi L. and Muula AS, 2004*).

### Point of Sale Violations

The findings of this report suggest strongly, that Point of Sale violations (POS) are very widespread in Uganda as evidenced in the pictures across this report. In all three towns sampled of Kampala, Gulu and Mbarara, Point of Sale violations were abundant at super markets, kiosks and stalls, bars, gas stations and several other establishments categorized as 'public places'. The violations are in the form of posters, umbrella shades, branded display cases and branded tobacco company vehicles.

### Advertising, Sponsorship and promotional events

The Ugandan tobacco industry is using promotional events including nightclubs among others to market brands as is shown by the sample complementary ticket below.

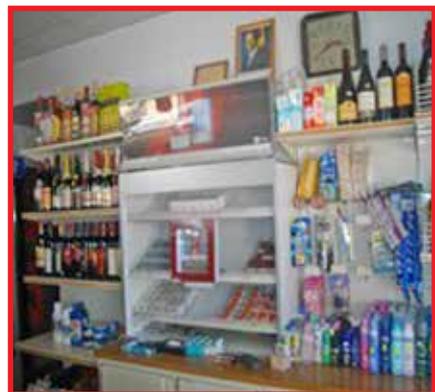
BATU has also been reported to engage in advertising through promotional events in a published study in the industry journal (*Tobacco Journal, 2007*). In 2006, BATU launched 'Dunhill' cigarette brand at a promotional event at Munyonyo Speke Resort. Earlier in 2000, a BATU competition dubbed 'Think and win' was arranged where anyone, including children, who picked five sticks of the 'Embassy' cigarette brand could enter a draw for a luxury holiday in South Africa. (*Tobacco Control, 2000*) Other events are community based where by Tobacco products are displayed at a temporary point of sale in places like trading centres around the suburbs of the city; below is a picture showing such an event.



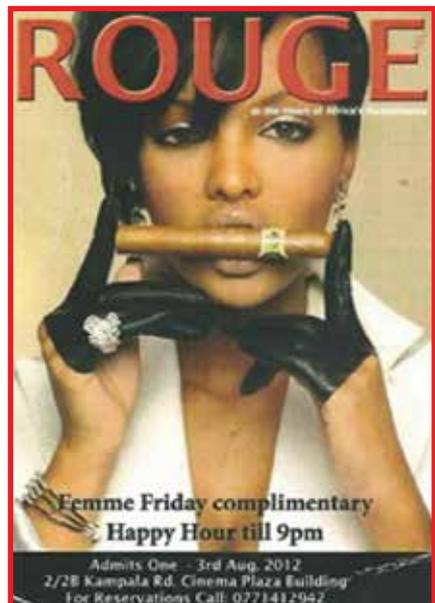
*Picture taken in Mbarara Town along Bananuka Street*



*Vehicle Branding for Supermatch*



*Photo taken at shell Bukoto in Kampala showing over the counter display of tobacco brands*



*A Complementary cigar given to ladies at Club Rouge*



*These photos were taken in September 2012 in front of Kabalagala Market, a city suburb in Kampala. The tobacco industry erected a tent and displayed their products clearly for the public to see, including children. They also used loud speakers to indiscriminately call members of the public to take a look at their display and buy the products.*

In 2007, the tobacco industry journal World Tobacco reported that BAT Uganda ‘is aggressive in the promotion and marketing of its products including through widespread advertising and competitions in the press’ (ASH, 2008).

The same journal also reported that BAT Uganda uses Corporate Social Responsibility to market its products such as its sponsorship of a Jua Kali exhibition in 2006 as a means to ‘deflect criticism and avoid unwanted regulation’. Such sponsorships attract press coverage, and target young clients as they get a chance to meet local politicians (ASH, 2008)

The Bloomberg news service has reported on BAT Uganda’s advertising of its tree planting scheme of 2.5 million trees for curing through newspaper advertisements.

BATU is adept at using media reports filed by business reporters in the mainstream media as a way of indirect advertising. News reports of BATU’s corporate social responsibility schemes are widely reported in the media disguised as ordinary news reporting. BATU recently helped build a maternity ward in Hoima district Hospital attracting widespread press coverage.

### Billboard Advertising

During the data collection process in the towns of Kampala, Mbarara and Gulu, and in the sampled streets, bill board advertising was not seen.

The tobacco industry in Uganda conducts self regulation on TAPS and there is no direct advertising on bill boards and in the media. However there are other innovative tactics the industry uses including advertising in new media such as the internet and social media and indirect advertising through engineered news paper articles, brand stretching and ‘corporate social responsibility’ as shown.





**DIANA APIO-K**

## Child labour fight not just for tobacco firms

**R**ecently, the media has been awash with reports of child labour in tobacco growing areas of Uganda. Embedded in a report released by a local child rights NGO, the vice is being attributed to a number of issues, notable among them, the "limited understanding about child labour in the community".

While the tobacco industry players would by default be thrown at the centre of the blame game, the call for action goes beyond the polemics.

For starters, child labour remains a universal problem not only in the tobacco industry but in the agricultural sector as a whole. This is particularly so in the developing world given its unique socio-economic dynamics. Accepting this reality should be the first practical step in any effort aimed at addressing the problem.

As the only international tobacco group with a significant interest in tobacco leaf growing in Uganda, British American Tobacco Uganda is committed to working with other key stakeholders, including tobacco farmers, to address this problem.

**BAT Uganda, for example, strongly discourages child labour in tobacco growing and this is explicitly captured in the farmers' contracts. The farmers have to undertake not to employ children, whether theirs or any other children - in their farms or any tobacco activity - as one of the preconditions for being contracted.**

We are so committed to this that even during their extension activities, our field staff go ahead to sensitize the farmers on child labour elimination and also maintain stringent age-limit enforcement during engagement of workers at all levels. But it goes beyond this.

Tobacco farmers must be the focal point in any programme geared towards eliminating child labour. They should be the first people to appreciate that it is for their own good and they have a big role to play in ending child labour. Changing the mindset is what we need to prioritise.

Even with several community awareness programmes that we contribute to, in collaboration with various community organisations in Masindi and Kiryandongo districts where village child labour committees have been formed to assist in the identification and withdrawal of child labourers from the tobacco growing areas and placing them into schools, some incidents are still reported.

More collective stringent measures could perhaps yield better results if all parties joined hands for this cause. Fighting this vice is a journey, and not a one-off project for the tobacco industry.

As a member of the Elimination of Child Labour in Tobacco Growing (ECLTG), a multi-stakeholder platform that seeks to withdraw child labourers from tobacco growing and place them in schools, BAT Uganda has been, and continues to be, in the forefront in galvanising public support in child labour elimination.

A key project from this programme is the establishment of the Kyema Vocational Training Institute in Masindi, where students from Banyoro and other tobacco growing areas are equipped with technical skills in carpentry, joinery, tiling, bricklaying, concrete practice and agricultural skills.

This facility was completed in 2009 and handed over to the Uganda government in March 2010. Initially, the school was set up for students from the tobacco growing communities who were vulnerable to child labour, but the school has now been upgraded into a Vocational Training School (VTS), hosting students from all parts of Uganda.

If such initiatives are replicated and boosted across the board, perhaps we can be able to go a long way in tackling some of the other drivers of child labour like the effects of "alcoholism, orphanhood and related family problems, child neglect and lack of complementary opportunities for several children who have completed primary school", as captured in the report.

*The author is the Corporate and Regulatory Affairs Manager, British American Tobacco Uganda.*

Most media outlets in Uganda are privately owned, such as FM radio stations, making enforcement of TAPS difficult as their commercial interests compromise this.

Advertising in the entertainment industry in Uganda through local songs, like shisha by Ragga Dee, soap operas, such as the Hostel and television shows are alternative approaches of the industry to avoid TAPS as it reaches out to its target audience of young people. There is no clear law banning such new media, nor elaborate monitoring mechanisms to check such approaches.

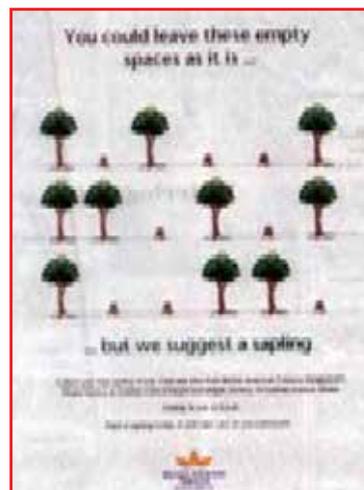
## Recommendations on complying with the FCTC article on TAPS

Passing of the draft Tobacco Control Bill (2012), which is an FCTC-compliant law, is a key instrument for legislating for a ban on tobacco advertising, promotion and sponsorship in all its forms, both direct and indirect.

In order to implement a comprehensive ban as is laid down in Articles 13.1 and 13.2 of the Convention, the government of Uganda must ban advertising, promotion and sponsorship as defined in Article 1(c) and (g) of the Convention. Article 1(c) defines "tobacco advertising and promotion" as "any form of commercial communication, recommendation or action with the aim, effect or likely effect of promoting a tobacco product or tobacco use either directly or indirectly". Article 1(g) defines "tobacco sponsorship" as "any form of contribution to any event, activity or individual with the aim, effect or likely effect of promoting a tobacco product or tobacco use either directly or indirectly".

Establishment of a comprehensive ban on all TAPS as stipulated in Article 13 of the FCTC includes bans on cross boarder advertising, promotion and sponsorship originating from the country in question. This prevents tobacco companies from exploiting loop-holes in previous legislation against tobacco control such as redirecting expenditure to direct and indirect advertising. Sensitization of the general public on the different laws protecting them from tricks used by the tobacco industries such as;

1. Advertising through display of tobacco brands at display points in hotels, social meeting places and on ash trays.
2. Promotion programmes such as brand stretching where different non-tobacco products such as umbrellas, torches and graph books are branded with tobacco company insignia as shown below;
3. Sponsorship through financing community based projects using construction as in the cases of a Hoima hospital wing and tree planting charity walk campaigns.



Therefore there is a need for laws against the tobacco industry and ways in which members of the public can respond to breaches of these laws. Comprehensive tobacco control laws are effective in creating a total ban on TAPS. The CSOs and Government have a major role to play in meeting this end. Their combined efforts support the struggle to sanction the self regulating tobacco industry with the help of strong public education and community awareness programmes.

Creation of appropriate monitoring mechanisms such as a centre for TAPS, as provided for by Article 13, would allow for a unified front for all stakeholders to participate in monitoring and evaluating exercises that hold the tobacco industry accountable for their conduct, in relation to TAPS policies. This centre would also to be tasked with keeping up to date with new methods and trends, including technologies, used by the tobacco industry to promote their products such as using social media and viral adverts on You Tube, Twitter and Facebook as illustrated.

Law enforcement agencies must be trained and well funded to deal with practical enforcement of the FCTC guidelines which most of the environment police are currently not aware of, preferring to only deal with issues such as land disputes or noise pollution. This will involve basic training of the police and other legally mandated enforcement agencies to protect the public from all tobacco related offences, especially TAPS which encourages more people to smoke; leading to higher rates of cancer due to increased consumption of carcinogens.

Community policing should be encouraged as this has seen positive results in countries such as Malaysia with their policy of, *“everything works.”* Under this policy, citizens’ work with police to enforce the law since most of the population know their rights and are well conversant with the law on tobacco smoking and the hazards of second hand smoking.

Alternately, using a system of good-will ambassadors, such as celebrities or political figures, to act as faces for the campaign in favor of tobacco control as a public platform can also produce effective results. They can focus on specific issues that are relevant to tobacco control and associated hazards, such as: control reducing maternal and child mortality rates and number of cancer cases. Politicians come with media attention and political influence to help push the agenda of tobacco control since they represent the will of the entire populace.



## SECTION FOUR - Milestones, Challenges, Recommendations & Conclusion

### Milestones

Uganda has made some achievements as far as the implementation of Article 8 and 13 of the FCTC are concerned, as noted below:

1. Articles 39 of The Constitution of the Republic of Uganda 1995 provides for a right to a clean and healthy environment.
2. There also exists The National Environment (Smoking in public places) Regulations 2004 - although these have been poorly enforced.
3. Uganda signed and ratified the WHO FCTC in 2005, 2007 respectively and is in the process of domesticating this treaty.
4. Billboard advertising of Tobacco products in Uganda has largely declined due to self- regulation by the industry and there are no visible violations on Ugandan roads. However, much as there is no explicit advertising of tobacco products on roadside bill boards on highways or other road networks; self regulation is not legally binding and the FCTC recommends a comprehensive ban on TAPS.
5. There is a growing civil society momentum that has been engaging Government in the process of domesticating the FCTC. Civil society was very instrumental in compelling government to enact The National Environment (Smoking in public places) Regulations 2004 when it instituted legal proceedings against government on grounds of non compliance of Article 39 to provide a smoke free-clean and healthy environment. Also civil society through the Uganda Tobacco Control Association initiated the private member's Bill and contacted both the mover and seconder of the motion for the Bill.
6. This Bill is currently being reviewed by the parliamentary Law Council from where it will be forwarded to the Ministry of Finance seeking a Certificate of Financial Implication (CFI).

### Challenges

In the implementation of FCTC in Uganda, the government is facing a number of challenges that include but are not limited to:

1. Lack of a comprehensive Tobacco Control Law that provides a legal basis for implementation of articles 8 & 13 in Uganda. As a party to the FCTC, Uganda is obligated to domesticate and implement the treaty. Principle (3) of the FCTC guidelines states that legislation is necessary to protect people from exposure to tobacco smoke. The absence of a comprehensive tobacco control law has therefore created complacency on both the part of government and the general public on observing the rights and obligations under articles 8 & 13 of FCTC. The tobacco industry on the other hand has taken advantage of this situation by pretending to self-regulate while continuing to advertise, promote and sponsor dangerous products.
2. Lack of clearly effective penalties and definitions within the existing tobacco control laws:
  - Section 13 of the National Environment (Control of Smoking in Public Places) Regulations 2004 for example provides for a minimum fine of not less than Ush 50, 000, and not more than Ush 300,000

to persons upon conviction of violation of these regulations. This penalty is neither effective nor economically viable in terms of value nor prevention of offenders of smoke free regulations from continuing to violate the law.

- The current definition of public places as stipulated in the smoke free regulations of 2004 is not comprehensive enough. Smokers have used this loop hole and resorted to smoking in their homes and vehicles among other places which are not defined as public smoke free zones within the law.
3. There are limited specialized personnel in government to enforce the existent smoke free regulations. Granted NEMA as the lead government agency mandated to enforce smoke free regulations in Uganda has environmental inspectors as well as an established environmental police unit, these already have an overstretched workload and enforcement of smoke free regulations does not seem to be a priority on their agenda.
  4. There are high levels of ignorance among the general Ugandan public, Government and Judiciary on the existence of tobacco control laws. Government has failed to sensitize the public on the different laws and regulations that have already been put in place including the National Environment (Control of Smoking in Public Places) Regulations 2004.
  5. Lack of adequate funding to facilitate raising awareness at community level and enforcement of the tobacco control policies, which in this case is a short fall in the upholding of principle 4 under the FCTC guidelines which states that good planning and adequate resources are necessary to implement legislation. It is notable that the government does not consider health issues as a key priority in its National agenda. Tobacco Control receives no support funding neither does the tobacco control focal office within the Ministry of Health.
  6. A fragmented approach and lack of coordination among CSOs in tackling tobacco control has made it hard for CSOs to be able to monitor and evaluate tobacco based activities, which is a key tool in tobacco control as stipulated in Article 13 of the FCTC at national, district and sub county level.
  7. Resistance from different Government entities such as the Ministry of Trade and Industry which believe that tobacco control is contrary to commerce and trade in Uganda. BAT is regarded as a leading revenue contributor to state coffers.

## General Recommendations

1. Existing laws and regulations need to be repealed by new and comprehensive tobacco control legislation, which is compliant with the FCTC. This will ensure for a more effective legal framework for implementation of the treaty, and especially article 8 and 13 which are the focus of this report.
2. Education of the public on the provisions of the smoke-free regulations and the rights of non-smokers under the Ugandan Constitution. In particular the education of business owners and their workers' representatives on the provisions of the smoke-free regulations and their rights and obligations within workplaces.
3. Building capacity in districts and mobilizing resources to enable enforcement of the relevant laws.
4. A comprehensive ban on all forms of TAPS including cross-border advertising, promotion and sponsorship originating from its territory, subject to the legal environment and technical means available to Uganda.

5. The Uganda Media Council and Communications Commission needs to be sensitized and brought on board regarding TAPS as they have a powerful regulatory mandate that could extend to enforcement of a ban on TAPS in the Ugandan arts and media.

## Conclusion

Despite the existence of various laws and regulations in line with tobacco control, the country has not fully domesticated the FCTC.

The government needs to quickly expedite the passing of the Draft Tobacco Control bill and ensure the establishment of a concrete legal framework with a comprehensive tobacco control law, policy, regulations and national tobacco control action plan.



## KEY MESSAGES

-  Strong National and International monitoring is essential for the fight against tobacco epidemic to succeed. (WHO, 2008)
-  Monitoring helps ensure that resources are located where they are most needed and will be most effective to reduce tobacco use and its deadly toll.
-  Monitoring provides powerful evidence to advocate for strong control policies.
-  A Monitoring System must track:
  - Tobacco use and its deadly consequences
  - The existence and effectiveness of policy interventions
  - Tobacco Industry marketing, promotion and lobbying
-  Collaboration between partners and organizations is essential to ensure timely dissemination of relevant information including using this to drive decision making on the reduction of tobacco use.
-  Basic monitoring need not be more expensive and is within reach of virtually all countries.



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**NOTES**

