

# Ghana

Overall score:

58

## I. Industry participation in policy development:

The Ministry of Health is the mandatory statutory institution responsible for the formulation of public health policies including policies related to tobacco control. The policies are executed by the agencies of the ministry such as the Food and Drugs Authority, Ghana Standards Authority and the Ghana Health Service. Per the membership of the Tobacco Control Inter-Agency Coordinating committee, the government does not allow tobacco industry actors to sit in or be part of its interagency-multi-sectoral committee or advisory body to formulate policies to promote public health or control the activities of the tobacco industry in Ghana. The Public Health Act (Tobacco Control Measures) deters the tobacco industry from sponsoring the government or organizations or for the government to endorse the activities of the tobacco industry. However, the Tobacco Control Regulation, 2016 (LI.2247) lacks clarity on provisions made to regulate the interference of industry actors or participation of the tobacco industry in policy development.

**II. Tobacco industry-related CSR activities:** There is no clear evidence that government and other public sector institutions benefit from the CSR activities of the tobacco industry. On that front, since tobacco-related CSR activities are not banned by law, it is unlikely that the tobacco industry does not use its CSR initiatives or activities to interfere in the government's efforts to implement tobacco control measures.

**III. Benefits given to the tobacco industry:** Existing evidence suggests that the friendly nature of government policy and regulations serves as an incentive to promote the tobacco industry.

For example, in the wake of the Tobacco Control Regulation, 2016 (LI2247), which required health warnings and messages for tobacco and tobacco products, the tobacco industry was allowed a maximum period of eighteen months (540 days) to implement the pictorial health warnings as compared to 180 days in most countries. This demonstrates some level of laxity in enforcing compliance with the industry, hence a benefit to the industry. It is mandatory that all tobacco products imported into the country bear health warnings (pictorial health warning) approved by the Food and Drugs Authority (FDA) per the national tobacco control law. However, even though the use of shisha is being regulated as any other tobacco product, there are no health warning labels on them, making it easier to be marketed and highly patronised, especially by the youth. The government made a declaration in June of 2018 to ban the use of shisha but this has yet to take effect. In addition, an appeal from the Ghana Health Service to ban the use of tobacco products in Ghanaian movies is also yet to take effect. Interestingly, travellers are permitted large quantities of duty-free tobacco products in the country. These are indications that government policies support or benefit the trade activities of the tobacco industry in the country.

**IV. Unnecessary interaction with the tobacco industry:** Reports have not revealed any close affinity between top government officials and the tobacco industry in terms of participating in their social functions or events organized or sponsored by the tobacco industry. There is no evidence of contributions from the tobacco industry in terms of offering assistance to the government

or the government accepting offers from the tobacco industry. However, in the past there was a Memorandum of Understanding between the government and the tobacco industry to help enforce a ban on illicit tobacco products through the provision of motorbikes.

- V. Procedure for transparency measures:** The government does not disclose its meetings with the tobacco industry or any other form of engagement with the tobacco industry. This is possibly because there is no specific regulation that specifies the disclosure of meetings. However, the tobacco control regulation LI.2247, under industry interference, stipulates that any interaction between the industry and the regulator must be strictly limited to tobacco control and enforcement. There is also no register of lobbyist acting on behalf of the tobacco industry.
- VI. Avoiding conflicts of interest:** There is no strict prohibition of contributions from the tobacco industry to the government and its agencies even though the 2012 Public Health Act, under sponsorship, indicates that a person shall not initiate or engage in any form of tobacco sponsorship. Since the passage of Act 851, Ghana has not developed a code of conduct to guide public officers in their conduct in dealing with the tobacco industry in line with Article 5.3. These gaps in the existing policies and legislation have the potential to actively promote tobacco industry interference.
- VII. Preventive measures:** There are no explicit preventive measures by way of laws, policies or regulations in relation to the tobacco industry. For instance, there are no available records outlining procedures for disclosing interactions or meetings between the government and the tobacco industry. The tobacco control regulations have given an indication of developing a code of conduct by the Minister of Health, which is yet to be drafted and operationalized. There is also no written plan/program by the government to regularly create awareness within its departments and agencies on policies relating to WHO Framework Convention on Tobacco Control (FCTC) Article 5.3 Guidelines. However, the Ministry of Health, Health Sector Medium Term Development Plan (HSMTDP) has a section on the implementation of the WHO FCTC without specifics to Article 5.3. The absence of these legal and administrative provisions and procedures have the potential to undermine efforts to strictly enforce tobacco control measures in Ghana and this creates an incentive for tobacco companies to interfere in efforts to implement tobacco control measures.

## Recommendations

Globally, interference by the tobacco industry has been copiously demonstrated to be a major affront to governments' attempts to implement WHO FCTC Article 5.3. Following an assessment of the breadth of tobacco industry interference to weaken, delay, undercut or distract the government from policy development and implementation of Article 5.3 Guidelines to control the use of tobacco products in Ghana through the Tobacco Industry Interference Index, this study highlighted policy strengths, potential situations of tobacco industry interference, gaps in government capacity to regulate the tobacco industry in the country or weaknesses in the government's ability to effectively enforce WHO FCTC Article 5.3 Guidelines.

1. Strengthen and capacitate the interagency-multi-sectoral committee with resources to develop and implement enforcement mechanisms to control tobacco use in the country.
2. Ban tobacco-related CSR activities as stipulated in Article 13 and Article 5.3 Guidelines of the WHO FCTC.
3. Require the tobacco industry to fully disclose all its activities including revenue and profits, tax exceptions or any privileges received by the tobacco industry.
4. Improve transparency in government interaction with the tobacco industry including making known any records of lobbyists acting in the interest of the tobacco industry.
5. Develop a code of conduct to guide public officials when interacting with the tobacco industry.
6. Develop programs to regularly increase awareness of public officials and agencies on FCTC Article 5.3.