



**PUBLIC PETITION NO.**

**PE01580**

### **Name of petitioner**

Sheila Duffy on behalf of ASH Scotland

### **Petition title**

Guidance for Parliament staff on international health treaty standards

### **Petition summary**

Calling on the Scottish Parliament to develop guidance for all those working in the Parliament, to ensure adherence to obligations under the Framework Convention on Tobacco Control, as set up by the World Health Organisation, and to which the UK is a signatory.

### **Action taken to resolve issues of concern before submitting the petition**

In November 2014 we found out that clerks to the Economy, Energy and Tourism Committee had sent committee members information from Philip Morris International (PMI) in advance of one of its meetings. Clerks also printed out and distributed related papers to Members at the meeting itself.

PMI made claims of a rise in illicit tobacco and included what seems to us to be a clear attempt to influence members with regard to a proposed public health policy:

“Opponents of the Government’s plans for plain packaging say they would further assist the illicit trade by making counterfeiting easier and cheaper, as well as incentivising tobacco smuggling.

Evidence from Australia conducted by KPMG showed a rise in the illicit tobacco market to its highest recorded level following the introduction of plain packaging last year, but the Scottish Government have brazenly ignored its findings.”

We were concerned that the opinions of a tobacco company, moving against a government health initiative, should be proactively circulated to members by Committee clerks.

Regardless of the merits or otherwise of the project in question the PMI materials clearly oppose the introduction of a proposed public health measure and back this opposition with misinformation and as such we believe this campaign should not have been aided by Parliament officials.

We wrote to the Convener of the Standards Committee asking that Parliament officials be informed of the obligations imposed by the Framework Convention on Tobacco Control, but received a reply indicating that the matter would be left to individual committees.

The Health and Sport Committee called the Head of Corporate Affairs and Communications for Japan Tobacco International as a witness at its meeting of 8th September 2015.

JTI's appearance as a witness and its comments on proposals for partial smoke-free NHS grounds by law call into question Scotland's adherence to acceptable parameters of engagement between parties to the Framework Convention on Tobacco Control and the tobacco industry, as outlined in the Framework Convention on Tobacco Control and in subsequent guidance on implementing Article 5.3.

We believe that no guidance regarding the Committee's obligations under the Framework Convention on Tobacco Control was provided to the Health and Sport Committee members and would question how the Members and clerks can operate within the obligations of the Convention without good information as to what is required of them.

We appreciate that the Scottish Parliament is marked by its willingness to be open to all stakeholders, and accept that materials originating with tobacco companies can and will still form a legitimate part of scrutiny and debate in Parliamentary Committees. However there are parameters and checks that should be put in place for the Scottish Parliament to be able to demonstrate good governance in this matter and compliance with Scotland's international treaty obligations.

### **Petition background information**

The Framework Convention on Tobacco Control was set up by the World Health Organisation. The UK is one of the 180 parties to the FCTC (see <http://www.who.int/fctc/en/>). Recognising the tobacco industry's long history of interference in legitimate public health policies (<http://www.bath.ac.uk/ipr/policy-briefs/tobacco-companies-undermining-health-policy.html>), Article 5.3 of the Convention sets out strict parameters on engagement with the tobacco industry.

The FCTC does not prohibit parties from engagement with the tobacco industry but recognises that the interests of the industry are in direct conflict with the goals of public health, and therefore sets strict guidelines around any interaction:

- Parties to the Convention should protect their public health policies from commercial and other vested interests of the tobacco industry
- Parties should interact with the tobacco industry only when and to the extent strictly necessary to enable them to effectively regulate the tobacco industry and tobacco products.
- Parties should ensure that any interaction with the tobacco industry on matters related to matters related to tobacco control or public health is accountable and transparent.

Scotland's tobacco control strategy includes a commitment to carry out an audit of the implementation of Article 5.3 of the Framework Convention.

Signatories:

Prof Derek Bell – President, Royal College of Physicians Edinburgh

Dr Peter Bennie – Chair, British Medical Association Scotland

Dr Alastair Cook – Chair, Royal College of Psychiatrists in Scotland

Sheila Duffy – Chief Executive, ASH Scotland

Geoff Earl – Chair, Lothian Branch Royal College of Nursing

Irene Johnstone – Head of British Lung Foundation Scotland and Northern Ireland

Martin Keeley – President, Royal Environmental Health Institute of Scotland

Gregor McNie – Senior Public Affairs Manager, Cancer Research UK

Prof Alan Rodger - Former Medical Director, Beatson West of Scotland Cancer Centre (retired)

### **Unique web address**

<http://www.scottish.parliament.uk/GettingInvolved/Petitions/PE01580>

**Related information for petition**

**Do you wish your petition to be hosted on the Parliament's website to collect signatures online?**

**NO**

**How many signatures have you collected so far?**

9

**Closing date for collecting signatures online**

N/A

**Comments to stimulate online discussion**