

# Tobacco Control Implementation and Enforcement

In just over a decade, the global community has made significant tobacco control progress, with some 4.7 billion people—63% of the world's population—now covered by at least one comprehensive policy measure, a quadrupling since 2007 when only 1 billion people (15% of the world's population) were covered.<sup>1</sup> Despite this success, there is much to be done, particularly in the areas of policy implementation and enforcement. According to the World Health Organization (WHO), more than one-fifth of the Parties to the Framework Convention on Tobacco Control (FCTC) consider better enforcement of FCTC measures absolutely imperative.<sup>2</sup> Achieving this ambitious goal is dependent on several related factors: precise regulations, effective communication and engagement, coordinated monitoring and enforcement actions, and awareness of—and ability to counter—disruptive tobacco industry interference.

## Regulations:

Regulations dictate how laws are implemented; the way in which they are drafted significantly impacts the way a law is ultimately put into practice and enforced. If regulations are imprecise, unclear, or vague, the law will be less effective and impactful.

Effective regulations should:

- **Assign legal duties of compliance**, with clear responsibilities for whomever the law covers, including businesses, individuals, or industries. The duty of compliance should generally lie with venue or business owners.
- **Clearly define what constitutes a violation and the associated penalties**, whether they are monetary (in the form of fines), administrative (suspension of licenses, seizure of products, removal of advertisements), or judicial (criminal sanctions, often used as a last resort for repeat offenders).
- **Assign enforcement authority** to the appropriate agency or agencies, delineating clear duties and powers.
- **Include a complaint mechanism** which enables civil society to report violations.

## Communication and Mobilization:

The public and key stakeholders must be informed of their rights and responsibilities under the law. Public education campaigns enumerating the benefits of tobacco control legislation help build consensus and facilitate smooth implementation. This requires active, targeted communication that explains the law's regulations, enforcement activities, and health benefits.

Affected businesses require clear, practical guidance on the law and need to understand their responsibilities under it and the penalties for not upholding it. Mobilizing business groups such as trade associations can be an effective and efficient way to engage with the sector. Signposting useful resources and explaining the rationale for the law



<sup>1</sup> World Health Organization. *WHO Report on the Global Tobacco Epidemic; 2017*

<sup>2</sup> World Health Organization. *2018 Global Progress Report on Implementation of the WHO Framework Convention on Tobacco Control; 2018*

are also important. Rewarding businesses for complying—while publicly reprimanding those that do not—can be an effective way to improve voluntary compliance.

Civil society also plays a critical role in effective tobacco control law implementation. Empowered citizens can monitor compliance, remind the public about the law, and report violations. If appropriate, civil society groups can play a formal role in enforcing the law by collaborating with government enforcement agencies. Individuals can also monitor and report industry interference and help hold governments accountable for upholding the law.

**Effective communication and engagement help maximize voluntary compliance, allowing limited enforcement resources to be earmarked for non-compliance areas.**

## Enforcement:

Enforcement is critical to implementing strong tobacco control regulations and laws. To be as effective as possible, enforcement policies and relevant agencies should prioritize:

- **Coordination** among all parties involved in direct law enforcement. The task force that helped pass the law may lead this coordination effort, or it can be delegated to specific members who are tasked with enforcement action. The coordinating group should conduct regular planning meetings; oversee budgets; share inspection and monitoring data; report results to political leaders and the general public; and set strategic goals and targets.
- **Regular monitoring and inspections under the law.** These activities should align with any broader strategy set in the planning phase and any other relevant health or agency strategies, including criteria for prioritizing specific venue types, retailer areas, or other categories. The penalty strategy should be clear, enumerating whether the focus is education and correction or punishment, within the confines of the law. If there are no comprehensive lists of the venues, retailers, or producers that need to be inspected, mapping should be conducted.
- **Protocols and inspections** to reflect the law's specific provisions. These can be:
  - › *Proactive:* inspectors conduct regular, planned compliance site monitoring, which may be part of other routine inspections like food safety.
  - › *Reactive:* inspectors respond to a complaint or tip-off.
  - › *Overt:* inspectors announce themselves on arrival before conducting compliance checks.
  - › *Covert:* inspectors conduct their compliance checks without identifying themselves, often undercover. They may reveal themselves at the end of their inspection, or they may return to the premises with their findings.
- **Training inspectors from all named responsible agencies** on tobacco harms and the law's purpose to protect the public's health. In addition, training should cover what constitutes a legal violation under the law; applicable sanctions; and exact issuing powers. Inspectors need to know what evidence should be gathered, how it should be preserved, and which procedures to follow for successful penalty application and communication with the violators. Inspectors should be equipped with all the relevant documentation and equipment to gather evidence.
- **Linking enforcement actions with other implementation activities** such as targeted mass media campaigns or sector-specific educational outreach. Where appropriate, local media should be included in enforcement activities and reporting. Plan for important cases, including high-profile persistent violators.



Photograph by Matthieu Zellweger / The Union

<sup>3</sup> Click [here](#) for examples of compliance and evidence checklists.

## Monitoring and Evaluation:

Regular compliance monitoring can provide useful data to inform government strategy in enforcement; strengthen legislation and regulations; and counter industry interference. There are many ways to measure compliance depending on the policy area, time, resources available, and local context. Examples of compliance data include dedicated surveys, inspection data, and complaint reporting through hotlines, apps, or social media.

Monitoring and evaluation of enforcement actions is also essential to identify strengths and weaknesses in enforcement plans and to support effective financial planning and resource prioritization. Tracking enforcement data can include metrics on the number of inspections, inspector-hours, citations, cases prosecuted, fines collected and inspection costs.

Local research evaluating the impact of the law's implementation—including health benefits and impact on the local economy—can help build political will and public support for tobacco control enforcement and provide evidence to pass new policies or strengthen existing ones.

Media can report monitoring data and evaluation findings; this facilitates accountability and transparency and encourages public engagement with and commitment to tobacco control.

## Industry Interference in Implementation and Enforcement:

The tobacco industry works tirelessly to interfere with tobacco control policies, often positioning itself as a good corporate actor or tobacco control ally while secretly undermining legislation. Stakeholders must remain vigilant to identify, expose and counter industry interference.

Common Industry Tactics:

- **Provide** public venues with smoking tools such as branded ashtrays or offer retailers equipment like cash registers or refrigerators.
- **Reimburse** retailers or venue managers when they receive a fine.
- **Act as Allies or Engage Front Groups** using the “third party” technique to build alliances and make its case.
- **Counter Critics**, attempting to weaken and fragment the public health community.
- **Influence Science** by producing and disseminating misleading research and information.
- **Interfere in Policy** by directly lobbying against or influencing tobacco control policies.
- **Lobby Other Policy Makers** by influencing “upstream” policies, complicating the passage of public health regulations.
- **Threaten to Take Legal Action** by engaging in litigation or threatening litigation.
- **Engage in Philanthropy and Corporate Social Responsibility** by giving gifts (fiscal or otherwise) to improve reputation, credibility, and reputational ability to influence policy.
- **Commit Bribery or Offer Hospitality**, providing government or policy makers money or goods in exchange for influence; offer hospitality to retailers and trade associations.

## Case Studies:

**Baguio City, The Philippines:** After passing its first comprehensive smoke-free law in 2008, Baguio's City's government strengthened the law in 2017 to further protect citizens from second and third-hand smoke. The 2017 Ordinance detailed the program's coordination and enforcement structures, but initial implementation efforts exposed several gaps, including lack of enforcement personnel and limited community participation. In 2018, the Baguio City government created a Community Smoke-Free Task Force, focused on strong smoke-free regulation implementation and enforcement. This supported dedicated staff for the Smoke-Free program in Baguio; authorized communities to lead local enforcement efforts; and established a coordination mechanism

between the city and community task force members. Large-scale public events also raised the smoke-free law's profile. Ultimately, the empowerment of civil society and effective collaboration between stakeholders led to more effective law implementation. A 2019 survey showed that there was more than a 28% decrease in individual smoke-free law violations following the creation of the Community Smoke-Free Task Force. Additionally, the focus on IEC materials resulted in a 99.12% awareness rate of the campaign.

**Shenzhen, China:** Shenzhen enacted its first smoke-free law in 2014, covering all indoor public places, indoor workplaces, public transportation, and specific outdoor venues. Entertainment venues received a grace period until 1 January 2017; on that date, Shenzhen became 100% smoke-free. The Shenzhen Tobacco Control Office's commitment and planning has been integral to its successful enforcement efforts. The Office conducts frequent enforcement actions, issues high fines, and focuses on ensuring public awareness of activities. Journalists are often involved in or informed of enforcement activities and regularly report on tobacco control stories via traditional media and social media. Frequent reporting ensures that tobacco control remains a high priority. Additionally, the Tobacco Control Office has been innovative in its approach to enforcement, using smoke detectors and live monitoring of venues to aid compliance efforts. Since 2017, compliance with the smoke-free regulations has increased by over 17 percent, and about 70% of smokers have reported decreased tobacco consumption.



Photograph by Shenzhen Municipal Tobacco Control Office

**Depok, Indonesia:** In 2014, Depok City passed a local government regulation that made the city 100% smoke-free, free from tobacco advertising and promotion at points-of-sale and banned tobacco product display. The tobacco industry attempted to undermine this regulation by providing retailers with advertising to be displayed in stores. The industry has also provided some retail chains with cupboards or curtains to conceal tobacco products. Because these materials sometimes use the brand's colors or are too small, products are still visible—a violation of the law. Depok's government has responded by issuing clear and strict standards, sensitizing retailers of the new regulations, conducting random inspections, and issuing warning letters when retailers are in violation. Advertisements are removed, and inspectors ensure that tobacco products are fully covered. Civil police also provide retailers with new signage, sensitizing the public and store owners on the smoke-free law and point-of-sale advertising restrictions, and replacing advertisements with anti-smoking banners. The city government also compelled the mayor to exclude the tobacco industry from health-related events.