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**Progress report on
Tobacco-free initiative**

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1. Introduction

Tobacco control remains one of the greatest challenges facing the Eastern Mediterranean Region. However, there are a number of positive new developments at national and regional levels. In the *WHO report on the global tobacco epidemic, 2009: implementing smoke-free environments*, it was reported that three countries in the Region had improved their tobacco control policies since the release of the 2008 version of the report.

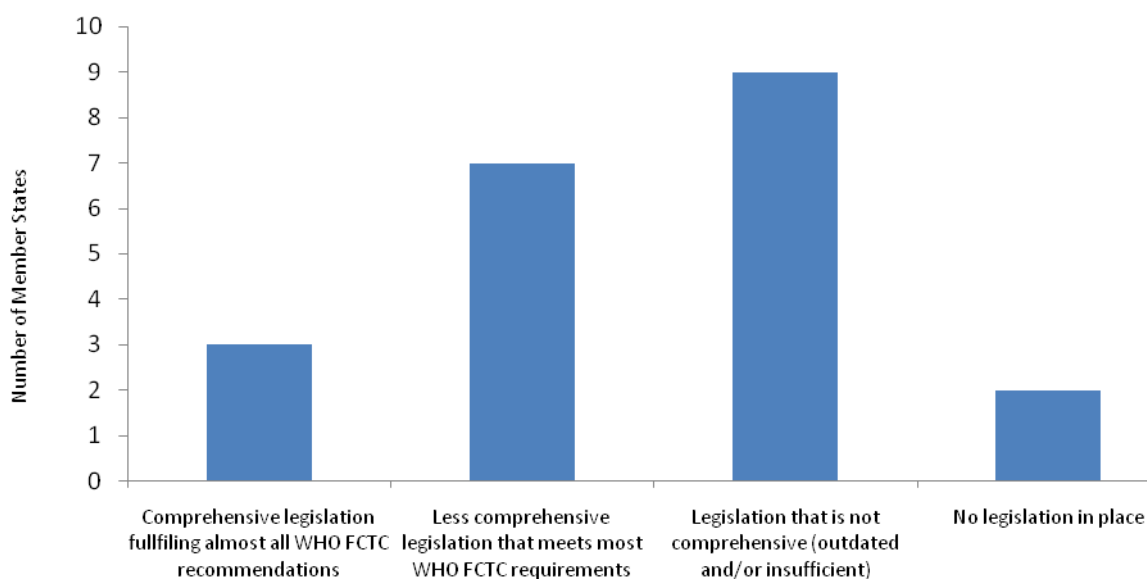
These developments on the tobacco control front are a reflection of the efforts of countries and national authorities to implement the WHO Framework Convention on Tobacco Control (FCTC). However, further progress is being impeded by several factors. One is discontinuity in the legal framework of tobacco control due to lack of enforcement, absence of compliance, or patchy implementation of tobacco control legislation. Another factor is the absence of a systematic approach to tobacco control at national level that helps maintain consistency in tobacco control policies. These two factors will be the focus of this report, which describes what has been achieved to date and what still needs improvement to achieve the planned results.

2. Situation analysis

Since the adoption of the WHO FCTC, the development of national tobacco control legislation has increased in the Region, with continuous and systematic support from WHO. The Regional Office provided technical support for the development of new legislation in Djibouti, Egypt, Lebanon, Pakistan, Sudan, Tunisia and Yemen. Following the adoption of advanced legislation in some countries of the Region, tools were developed by the Regional Office to support implementation of the legislation. For example, the Regional Office developed 12 pictorial health warnings to support countries in implementing such warnings on cigarette packs. These warnings were pilot tested in Egypt, Jordan and United Arab Emirates. Model legislation was also developed in Arabic and shared with countries in the Region for their adaptation and use. Upon request, the Regional Office provided support to Member States to draft certain parts of their national legislation, such as by-laws, specific articles related to tobacco-free public places or health warnings, as in the case of Egypt and Pakistan. Over the past three years, several countries have adopted new legislation intended to be comprehensive as well as in line with the WHO FCTC and its guidelines: the Libyan Arab Jamahiriya in 2006; Djibouti and Egypt in 2007; and Bahrain, Syrian Arab Republic and United Arab Emirates in 2009. Additionally, some countries have issued ministerial or administrative decrees regarding tobacco, such as a decree issued in the city of Muscat, Oman, which addressed tobacco control in public places.

With regard to tobacco control legislation, countries of the Region are divided into four categories as shown in Figure 1.

- 1) Countries with comprehensive legislation, that is in line with the WHO FCTC and WHO recommendations
- 2) Countries that have less comprehensive legislation that meets most of the requirements of the WHO FCTC and most WHO recommendations
- 3) Countries with legislation that is not comprehensive (outdated and/or insufficient)
- 4) Countries with no legislation at all.



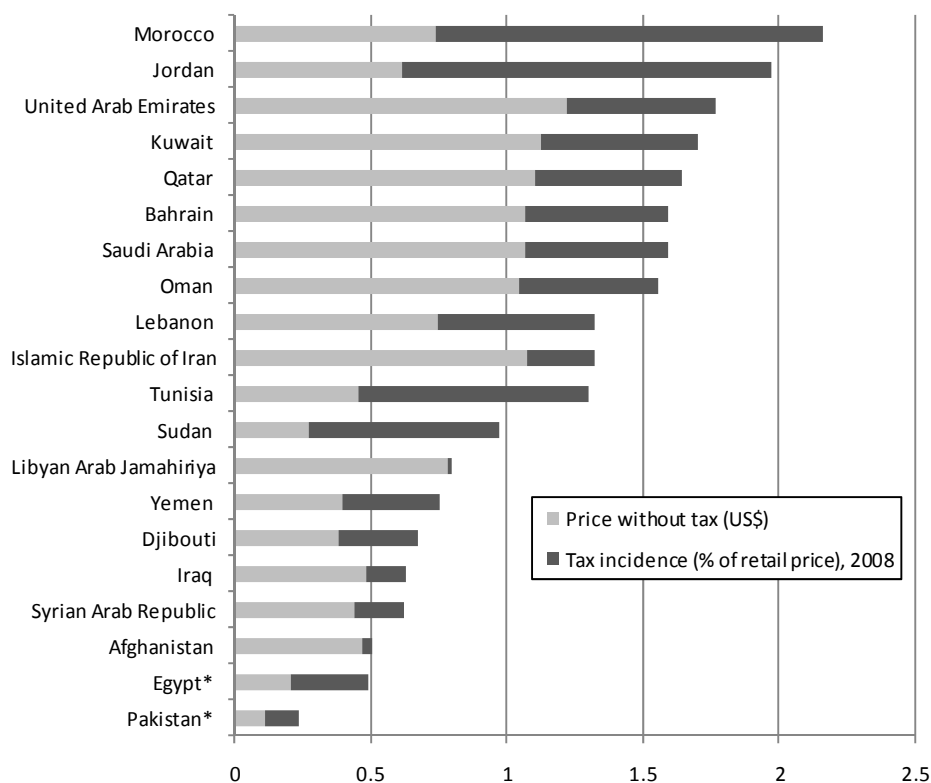
Based on most recent available information from Member States up to the end of 2009

Figure 1. Situation of tobacco control legislation in countries of the Region

Public health evidence is the backbone of tobacco control legislation. However, this evidence must be communicated effectively to lawmakers to ensure it is reflected in related legislation. For example, the rationale behind implementing 100% tobacco-free public places with no designated areas for smokers is well understood by physicians and people working in the field of tobacco control but not well-understood in other professions. If the scientific evidence and the aims of the policy are not well-presented to the legislators and other national authorities, the draft legislation may be defeated or weakened. In the case of pictorial health warnings, evidence shows that for such warnings to be effective they must cover a certain proportion of the packaging. Lack of understanding of the evidence is a common reason for weaknesses in tobacco control policies and legislation.

Inconsistencies in tobacco control legislation among countries result in a number of challenges.

- Lack of synergy, which can be used by of the tobacco industry to its benefits, for example, if one country is implementing pictorial health warnings while its neighbour is not, tobacco products can cross over from one country to the other, undermining the policy.
- Different fiscal measures (see Figure 2), which make tobacco products more affordable in some countries than others.
- Contradictory marketing policies, which in some countries allow for the sale of certain tobacco-related products, such as e-cigarettes and children' toys that resemble tobacco products, and in others do not.



Source: WHO report on global tobacco epidemic, 2009 (tax data not reported for Somalia, West Bank and Gaza Strip)

* An upward revision of price and tax incidence took place in these countries during 2010

Figure 2. Tax incidence and price per pack of cigarettes in the Region

To overcome this situation and, to move ahead with synergized tobacco control legislation in the Region, it is strongly recommended that each country have a clear set of measures in its legislation that reflects the Articles of the WHO FCTC and its guidelines, as summarized below.

1) Measures that address the demand side:

- raising taxation
- banning advertising, promotion and sponsorship
- enforcing pictorial health warnings
- enforcing tobacco-free public places
- providing policy information and education.

2) Measures that address the supply side:

- agriculture policies
- trade and marketing policies
- restricting access of tobacco products to young people
- smuggling control policies
- product regulation policies.

3) Measures that address litigation and penalties:

- action against the tobacco industry for violating laws that protect the public
- action against third parties who are violating the law in favour of tobacco use
- action against individuals/agencies/private entities for noncompliance.

Although legislation is a crucial component of any jurisdiction's tobacco control programme, it is only one component of a comprehensive tobacco control approach. The FCTC in Article 5 states that each Party must develop, implement, periodically update and review comprehensive multisectoral national tobacco control strategies, plans and programmes. It also identifies two elements for the success of national tobacco control programmes: adopting and implementing effective legislation; and establishing or reinforcing and financing a national coordinating mechanism.

Accordingly, it is essential that a national policy be put in place to pave the way for the implementation, enforcement, compliance and regular updating of tobacco control legislation. In addition, it is vital for each country to have a strong national plan of action for tobacco control that is based on scientific evidence. Unless these are in place in each Member State, tobacco control will not reach the comprehensive status that is aimed for, and whatever partial policies exist will not lead to the reduction tobacco-related morbidity and mortality.

In conclusion, although strong legislation is very important for national tobacco control programmes, it must be implemented as part of a comprehensive multisectoral approach that covers all aspects of tobacco control, including enforcement mechanisms and specific approaches to improve compliance.

3. Future directions

Taking into consideration the different legislative status of tobacco control in Member States, a regional plan of action needs to be developed in order to unify the regional targets and objectives. Development of the plan of action should be preceded by national assessments to provide baseline information on tobacco legislation throughout the Region.

The Regional Office will engage with all Member States in developing this plan of action, which will be presented for endorsement to the 58th session of the Regional Committee in 2011.

It must be recognized that comprehensive tobacco control of legislation is only one component of the legal framework of tobacco control at national level. Its implementation needs to be accompanied by strong measures for enforcement and compliance. The Regional Office will work with Member States to strengthen the legal framework for tobacco control and incorporate related activities as part of the proposed regional plan of action.