

**Needs assessment
for implementation of the
WHO Framework Convention on Tobacco
Control in the Gabonese Republic**

Convention Secretariat

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Executive summary

The World Health Organization Framework Convention on Tobacco Control (WHO FCTC) is the first international health treaty negotiated under the auspices of WHO and was adopted in 2003. It has since become one of the most widely and rapidly embraced treaties in the history of the United Nations, with 177 Parties to date. The Gabonese Republic (hereinafter Gabon) signed the WHO FCTC on 22 August 2003, being among the first 40 countries to do so, and ratified it on 20 February 2009. The Convention entered into force for Gabon on 21 May 2009.

An assessment of the needs for implementation of the WHO FCTC in Gabon was conducted jointly by the Government of Gabon and the Convention Secretariat from April to July 2013, including an initial analysis of the status of implementation, and the challenges and potential needs deriving from the country's most recent implementation report and other sources of information. An international team led by the Convention Secretariat, with the participation of the WHO Country Office in Gabon, conducted a mission together with representatives of the Government, from 1 to 9 July 2013. The assessment involved relevant ministries and agencies of Gabon and several nongovernmental organizations working on tobacco control (see Annex).

This needs assessment report presents an article-by-article analysis of progress made in Gabon in implementation; the gaps that exist; and the subsequent possible action that can be taken to fill those gaps. The key elements that need to be put in place to enable Gabon to fully meet its obligations under the Convention are summarized below. Further details are contained in the report itself.

First, the WHO FCTC is an international treaty and therefore international law. Having ratified this treaty, Gabon is obliged to implement its provisions through national laws, regulations or other measures. It is therefore important to identify all obligations in the substantive articles of the Convention, link them with the relevant ministries and agencies, obtain the required resources and seek support internationally where appropriate.

Second, the Convention requires Parties to develop, implement, periodically update and review comprehensive, multisectoral, national tobacco control strategies, plans and programmes. Public health is one of the priorities of the President's Emerging Gabon initiative that is the strategic plan of the country for 2011–2016. Tobacco consumption and exposure to tobacco smoke are identified as major risk factors contributing to the burden of noncommunicable diseases in the National Health Development Plan (2011–2015). Gabon has not developed a comprehensive, multisectoral national action plan to implement the Convention. It is recommended that such a plan be developed with the involvement of all relevant stakeholders, providing clear mandates and responsibilities, and that the plan be officially adopted and launched.

Third, the Convention requires a multisectoral, national coordinating mechanism to be established and financed to coordinate its implementation. The Director of Mental Health, Drug, Alcohol and Tobacco Control serves as the national tobacco control focal point. However, there are no additional staff and no office space allocated to the programme. There is also no separate budget line in the Ministry of Health dedicated to tobacco control and implementation of the Convention, including for the coordination mechanism. Other relevant ministries and agencies have started to be actively involved in the implementation of the Convention and some have identified focal points. The Tobacco Control Act (the Act) that is expected to enter into force soon, envisages in its Chapter 11 the establishment of a National Tobacco Control Commission under the leadership of the Prime Minister. The Act also

defines the mandate and financing mechanism of the Commission. It is recommended that the Commission be established once the Act is enacted. It is also recommended that all relevant ministries and agencies should be represented on the Commission, along with nongovernmental organizations active in tobacco control.

Fourth, under Article 5.2(b) of the WHO FCTC, Parties have an obligation to develop and adopt national tobacco control legislation to enable full implementation to take place. Both the National Assembly and the Senate have adopted the Act and it is now waiting for the President to sign it into law. This is a major milestone of Gabon's domestication of the Convention through national legislation. The Act is comprehensive and addresses most articles of the Convention. It stipulates the establishment of a National Tobacco Control Commission, banning of tobacco industry interference in public health policies, smoke-free policies, packaging and labelling requirements, and restrictions on tobacco advertising, promotion and sponsorship. The immediate priority is to promulgate the Act to allow the development of regulations and decrees for its implementation, and it is recommended that certain areas requiring strengthening be addressed at a later stage.

Fifth, the tobacco industry has tried to interfere in the national tobacco legislation process, but due to the strong political commitment of the Government and the Parliament it did not succeed. The Act in its Chapter 7 bans interference by the tobacco industry with national tobacco control policies as well as any direct or indirect partnership with the tobacco industry. It bans any public subsidies or incentives to tobacco cultivation, production and manufacturing. It also stipulates that any interactions with the tobacco industry must be transparent. Once enacted, the Act will serve as a strong legal basis for implementation of Article 5.3 and the guidelines for its implementation. It is recommended that detailed regulations or decrees be developed to further strengthen implementation of the Act.

Sixth, increasing tobacco taxation is one of the most effective demand-reduction measures to reduce tobacco consumption. The Government of Gabon recognizes the importance of price and tax measures to support achievement of the objective of the Convention. The Act in its Chapter 9 stipulates that tobacco and tobacco products should be heavily taxed. Although the overall taxation of tobacco products could be raised further, there has been a slight increase in recent years. The Ministry of Economy, Labour and Sustainable Development supports the use of tobacco taxes both for achieving better health outcomes and increasing revenues. It is therefore recommended that Gabon regularly increase tobacco tax rates to reduce the affordability of tobacco products.

Seventh, Gabon has conducted a number of education, communication and awareness-raising activities on the harmful effects of tobacco consumption and exposure to tobacco smoke among the population at large and key target groups, such as youth, media professionals, educators and decision-makers. There is a lack of sufficient financial support to enable the resource-demanding activities required to meet the obligations under Article 12 to be carried out. It was agreed during the needs assessment that it would be important for the Ministry of Digital Economy, Communication and Post to coordinate with national radio and television to ensure their supportive and proactive contributions to advocacy campaigns. It is therefore recommended that the Ministry of Health work closely with the Ministry of Digital Economy, Communication and Post, as well as other ministries and civil society organizations, to develop and implement evidence-based education, communication and public awareness-raising programmes. Free air time should be provided by national radio and television for the broadcasting of anti-tobacco use messages.

Eighth, Gabon was among the first signatories to the Protocol to Eliminate Illicit Trade in Tobacco Products. The Act in its Chapters 5 and 6 also establishes strong measures for

implementation of Article 15 of the Convention. It is recommended that Gabon ratify the Protocol as early as possible.

Ninth, the United Nations Development Assistance Framework (UNDAF) is the strategic programme framework jointly agreed between the Government and the UN system to outline priorities in national development. The current UNDAF covers the period 2012 to 2016. Although the UNDAF does not specifically mention the WHO FCTC, supporting the implementation of regional and international declarations, conventions and agreements to which Gabon is a Party is identified as one of the priorities. Supporting implementation of the WHO FCTC should be included under objective two (which deals with international agreements, treaties and declarations) with appropriate outcomes, as the third in sequence subsequent to already-listed human rights treaties and International Labour Organization (ILO) Conventions. The international team met the UN Resident Coordinator with the UN Country Team and discussed whether implementation of the Convention could be included in the mid-term review scheduled for September 2013 and future programme activities. It is recommended that the Government advocate for the inclusion of support for implementation of the Convention in the future programme activities of the UN Country Team in Gabon.

Tenth, the Conference of the Parties has adopted seven guidelines, for the implementation of Articles 5.3, 8, 9 and 10, 11, 12, 13, and 14. The aim of these guidelines is to assist Parties in meeting their legal obligations under the respective articles of the Convention. The guidelines draw on the best available scientific evidence and experience of Parties. Gabon is strongly encouraged to follow these guidelines in order to fully implement the Convention.

Eleventh, addressing the issues raised in this report, including, in particular, the treaty provisions with time-bound provisions (Articles 11 and 13, as well as the recommendations contained in the guidelines for implementation of Article 8), will make a substantial contribution to meeting the obligations under the WHO FCTC and improvement of the health status and quality of life in Gabon.

The needs identified in this report represent priority areas that require immediate attention. As soon as Gabon addresses these areas, the Convention Secretariat, in cooperation with WHO and relevant international partners, will be available and committed to supporting the process. The Convention Secretariat is also committed to providing and facilitating technical assistance, particularly in the following areas, upon request of the Ministry of Health: (1) support to developing the national tobacco control strategy/action plan; (2) support to developing a media strategy and materials for national radio and television; (3) support and facilitation of a stakeholder meeting that will consider the present report, the national tobacco control strategy or action plan, and the establishment of a National Tobacco Control Commission; and (4) facilitation of technical support in tobacco taxation policy.

The full report, which follows this summary, can also be the basis for any proposal(s) that may be presented to relevant partners to support Gabon in meeting its obligations under the Convention.

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¹ This publication has been produced with the assistance of the European Union. The contents are the sole responsibility of the Convention Secretariat, WHO Framework Convention of Tobacco Control, and can in no way be taken to reflect the views of the European Union.

Introduction

The WHO FCTC is the first international treaty negotiated under the auspices of WHO. The Gabonese Republic (hereinafter Gabon) signed the WHO FCTC on 22 August 2003 and was among the first 40 countries to do so. Gabon ratified the WHO FCTC on 20 February 2009. The Convention entered into force for Gabon on 21 May 2009.

The Convention recognizes the need to generate global action so that all countries are able to implement its provisions effectively. Article 21 of the WHO FCTC requires Parties to regularly submit to the Conference of Parties (COP) reports on their implementation of the Convention, including any challenges they may face in this regard. Article 26 of the Convention recognizes the importance that financial resources play in achieving the objectives of the treaty. The COP further requested that detailed needs assessments be undertaken at country level, especially in developing countries and countries with economies in transition, to ensure that lower-resource Parties receive the necessary support to be able to fully meet their obligations under the treaty.

At its first session (February 2006), the COP called upon developed country Parties to provide technical and financial support to developing country Parties and Parties with economies in transition (decision FCTC/COP1(13)).¹ The COP also called upon the developing country Parties and Parties with economies in transition to conduct needs assessments in light of their total obligations related to the implementation of all provisions of the Convention and to communicate their prioritized needs to development partners. The Convention Secretariat was further requested to assist Parties, upon request, with the conduct of needs assessments, to advise them on existing mechanisms of funding and technical assistance, and to provide information to development partners on the needs identified.

At its second session (July 2007), the COP requested the Convention Secretariat (in decision FCTC/COP2(10))² to actively seek extrabudgetary contributions specifically for the purpose of assisting Parties in need to carry out needs assessments and develop project and programme proposals for financial assistance from all available funding sources.

At its third, fourth and fifth sessions (held in November of 2008, 2010 and 2012), the COP adopted the workplans and budgets for the bienniums 2010–2011, 2012–2013 and 2014–2015, respectively. The workplans, inter alia, re-emphasized the importance of assisting developing country Parties and Parties with economies in transition, strengthening coordination with international organizations, and aligning tobacco control policies at country level to promote implementation of the Convention. Needs assessments, combined with the promotion of access to available resources, the promotion of treaty tools at country level, the transfer of expertise and technology, international cooperation and South-South cooperation were outlined as major components of this work.

The assessment of needs is necessary to identify the objectives to be accomplished under the WHO FCTC, resources available to a Party for implementation, and any gaps in that regard. Such assessment should therefore be comprehensive and based on all substantive articles of the WHO FCTC with a view to establishing a baseline of needs. The needs assessment is also expected to serve as a basis for assistance in programme and project development,

¹ See COP/1/2006/CD, *Decisions and ancillary documents*, available at: http://apps.who.int/gb/fctc/E/E_cop1.htm.

² See COP/2/2007/CD, *Decisions and ancillary documents*, available at: http://apps.who.int/gb/fctc/E/E_cop2.htm.

particularly to lower-resource countries, as part of efforts to promote and accelerate access to relevant internationally available resources.

The needs assessments are carried out in three phases:

- (a) initial **analysis** of the status, challenges and potential needs deriving from the latest implementation report of the Party and other sources of information;
- (b) **visit** of an international team to the country for a joint review with government representatives of both the health and other relevant sectors; and
- (c) **follow-up** with country representatives to obtain further details and clarifications, review additional materials jointly identified, and develop and finalize the needs assessment report in cooperation with the government focal point(s).

With the above objectives and process in view, a joint assessment of the needs concerning implementation of the WHO FCTC was conducted by the Government of Gabon and the Convention Secretariat, including a mission by an international team of experts from the Convention Secretariat and the WHO Country Office in Gabon from 1 to 8 July 2013. The detailed assessment involved relevant Government ministries and agencies (see Annex). The following report is based on the findings of the joint needs assessment exercise described above.

This report contains a detailed overview of the status of implementation of substantive articles of the treaty. It identifies gaps and areas where further action is needed to ensure full compliance with the requirements of the treaty, also taking into account the guidance provided by implementation guidelines adopted by the COP where relevant. This is followed by specific recommendations concerning each particular area.

Status of implementation, gaps and recommendations

This core section of the report follows the structure of the Convention. It outlines the requirements of each of the substantive articles of the Convention, reviews the stage of implementation of each article, outlines achievements and identifies the gaps between the requirements of the treaty and level of implementation by Gabon. Finally, it provides recommendations on how the gaps identified could be addressed, with a view to supporting the country in meeting its obligations under the Convention.

Relationship between this Convention and other agreements and legal instruments (Article 2)

Article 2.1 of the Convention, in order to better protect human health, encourages Parties “*to implement measures beyond those required by this Convention and its protocols, and nothing in these instruments shall prevent a Party from imposing stricter requirements that are consistent with their provisions and are in accordance with international law*”.

Currently, no measures have been implemented in Gabon that go beyond those provided for by the Convention.

It is therefore recommended that the Government, while working on meeting the obligations under the Convention, also identify areas in which measures going beyond the minimum requirements of the Convention can be implemented.

Article 2.2 clarifies that the Convention does not affect “*the right of Parties to enter into bilateral or multilateral agreements ... on issues relevant or additional to the Convention and its protocols, provided that such agreements are compatible with their obligations under the Convention and its protocols. The Parties concerned shall communicate such agreements to the Conference of the Parties through the Secretariat*”.

Gabon has not entered into any bilateral or multilateral agreements on issues relevant or additional to the Convention and its Protocol. The Tobacco Control Act (the Act) that is expected to enter into force soon, requires (in its Article 47 under Chapter 11) the National Tobacco Control Commission to monitor and evaluate any regional and international agreements signed by Gabon.

Gap – There is a lack of awareness of the obligation under this Article and of the proactive role that the Ministry of Foreign Affairs and International Cooperation needs to play in the reporting process.

It is therefore recommended that if such agreements are identified in the future, the Government communicate them to the Secretariat either as part of Gabon’s next WHO FCTC implementation report(s) or independently.

Guiding Principles (Article 4)

The Preamble of the Convention emphasizes “*the special contribution of nongovernmental organizations and other members of civil society not affiliated with the tobacco industry, including health professional bodies, women’s, youth, environmental and consumer groups, and academic and health care institutions, to tobacco control efforts nationally and internationally and the vital importance of their participation in national and international tobacco control efforts*”.

Article 4.7 recognizes that “*the participation of civil society is essential in achieving the objective of the Convention and its protocols*”.

The two nongovernmental organizations (NGOs) in Gabon working on tobacco control play an important role in advancing programmes and policies. Action for Gabon (Agir pour le Gabon) was established in 1995 and People’s Health Movement in Gabon (Mouvement populaire pour la Santé au Gabon (PHMGabon)) was established in 2005. PHMGabon is a member of People’s Health Movement, the Framework Convention Alliance and African Conservation Tillage Network.

The NGOs mainly raise public awareness and conduct advocacy campaigns on the harmful effect of tobacco use and exposure to tobacco smoke, organize debates in the media and publish articles in national newspapers and journals. Action for Gabon has organized an annual advocacy campaign addressing tobacco use among young people at national level since 1998, organizes workshops and training sessions, and promotes smoke-free policies. Both NGOs play a constructive role in the development of national tobacco control legislation and in monitoring the activities and interference of the tobacco industry. Both NGOs work closely with WHO.

This Article of the Convention has not been addressed in the Act.

Gaps –

1. There are only two NGOs currently involved in tobacco control.
2. There is a lack of funding for the relevant NGOs, which hinders their capacity to contribute more to the implementation of the Convention.

It is therefore recommended that the Government mobilize more civil society organizations to support implementation of the Convention, including medical or public health associations and those at the provincial and community levels, to improve outreach to the general public. It is further recommended that the Government include representation of NGOs on the National Tobacco Control Commission, to be established as stipulated in Chapter 11 of the Act.

General obligations (Article 5)

Article 5.1 calls upon Parties to “*develop, implement, periodically update and review comprehensive multisectoral national tobacco control strategies, plans and programmes in accordance with this Convention*”.

Public health is one of the priorities of the President’s Emerging Gabon initiative that is the strategic plan of the country for 2011–2016. Tobacco consumption and exposure to tobacco smoke are identified as major risk factors contributing to the burden of noncommunicable diseases in the initiative; tackling them is also identified as a priority in the National Health Development Plan of Gabon (2011–2015).

Gabon has not developed a multisectoral comprehensive national action plan to implement the Convention. Article 46 under Chapter 11 of the Act gives this mandate to the National Tobacco Control Commission.

Gap – There is no comprehensive multisectoral national tobacco control strategy or action plan.

It is therefore recommended that Gabon include implementation of the Convention in its next National Health Development Plan or other national development plan. It is also recommended that Gabon develop a comprehensive, multisectoral national tobacco control strategy/action plan with the active involvement of all relevant stakeholders, using this needs assessment report as a reference, and that the strategic plan address all substantive articles of the Convention in a comprehensive way. It is further recommended that Gabon organize a high-level workshop with relevant stakeholders, including representatives from all relevant Government agencies, to launch and disseminate both the needs assessment report and the national tobacco control strategy/action plan once they are finalized and officially approved.

The Convention Secretariat is committed to facilitating provision of expertise and technical support for the development and implementation of the national tobacco control strategy/action plan upon request from the Ministry of Health.

Article 5.2(a) calls on Parties to “*establish or reinforce and finance a national coordinating mechanism or focal points for tobacco control*”.

The Director of Mental Health, Drug, Alcohol and Tobacco Control serves as the national tobacco control focal point. Apart from the national focal point, however, no additional staff and office space are allocated to the programme. There is also no separate budget line in the Ministry of Health dedicated to tobacco control and implementation of the Convention, including a coordination mechanism. The international team met the Honourable Minister of Health and the Vice Minister of Health during the mission. Both stated that they are committed to proposing a separate budget line for the national tobacco control programme in the 2014 budget.

Other relevant ministries and agencies have started to become actively involved in implementation of the Convention and some have identified focal persons.

As Gabon is a Party to the Convention, the whole Government has obligations under the Convention, with relevant ministries and agencies having responsibility for implementation under their mandates. The Act in its Chapter 11 establishes the National Tobacco Control Commission under the leadership of the Prime Minister. The Act also clearly stipulates the mandate of the Commission and its financing mechanism. Once the Act is effective, a decree will be required to establish the composition, functioning and conduct of proceedings of the Commission.

Gaps –

1. There are no full-time members of staff dedicated to the tobacco control programme and there is also no specific budget line in the Ministry of Health dedicated to tobacco control and implementation of the Convention, including the required coordination mechanism.
2. There is no multisectoral national coordination mechanism.

It is therefore recommended that more dedicated staff and a budget line be allocated to tobacco control in the Ministry of Health. It is recommended that the National Tobacco Control Commission be established once the Act is enacted. It is also recommended that all relevant ministries and agencies be represented on the National Tobacco Control Commission, as well as representatives of relevant NGOs. While the Ministry of Health should take the lead in implementing the Convention, other relevant ministries should also designate focal points and allocate staff time and a budget to its implementation.

In support of the Government's efforts to establish a multisectoral national coordination mechanism, the Convention Secretariat is committed to sharing international experiences and providing technical assistance upon the request of the Government.

Article 5.2(b) calls on Parties to “adopt and implement effective legislative, executive, administrative and/or other measures, and cooperate, as appropriate, with other Parties in developing appropriate policies, for preventing and reducing tobacco consumption, nicotine addiction and exposure to tobacco smoke”.

Gabon has not adopted comprehensive, national tobacco control legislation since it became a Party to the Convention in 2009. However, Order 006 of the Ministry of Small and Medium Scale Enterprises, Handicrafts and Trade regulates some aspects of health warning messages and information regarding the contents of tobacco products on packaging and labelling.

Both the National Assembly and the Senate adopted the Tobacco Control Act in May 2013, which was recently submitted to the office of the President for signature and promulgation. This is a major milestone in Gabon's domestication of the Convention through national legislation. The Act is comprehensive and addresses most articles of the Convention. It establishes the National Tobacco Control Commission and stipulates the financial mechanism required for its functioning, bans tobacco industry interference in public health policies, stipulates smoke-free public places, work places and public transport, introduces packaging and labelling requirements including large health warnings, and restricts tobacco advertising, promotion and sponsorship, as well as control of illicit trade in tobacco products and a sanctions regime. It also makes it clear that abiding by the Act does not exempt the tobacco industry from legal liability for the damage it causes to people's health.

The international team met the Honourable President of the National Assembly, the Vice-President of the Senate, the Spokesperson of the President and a number of members of Parliament and thanked them for their leadership and commitment to the national tobacco control legislation process.

The international team gave detailed comments on the Act during the mission. Further details are also included in the sections on the relevant articles below, because there are still some parts of the Act which are not fully compliant with the Convention and its guidelines.

Gaps –

1. The Act does not stipulate that all indoor public places and work places must be 100% smoke-free.
2. The Act does not completely ban tobacco advertising, particularly at points of sale.
3. The Act should also not require tar and nicotine levels to be provided on packing and labelling.

It is therefore recommended that the Act be promulgated by the President as soon as possible, and suitable decrees and regulations developed to ensure its effective implementation so that the obligations under the Convention can be met. It is further recommended that the Act be amended in the near future to make it fully in line with the obligations under the Convention, particularly the time-bound provisions relating to Articles 11 and 13 and the recommendations with specific timelines contained in the guidelines for implementation of Article 8.

The Convention Secretariat is committed to facilitating technical assistance in making the Act fully compliant with the Convention and the guidelines for its implementation, upon the request of the Government.

Article 5.3 stipulates that in setting “public health policies with respect to tobacco control, Parties shall act to protect these policies from commercial and other vested interests of the tobacco industry”.

The guidelines for implementation of Article 5.3 recommend that “all branches of government... should not endorse, support, form partnerships with or participate in activities of the tobacco industry described as socially responsible”.

Gabon has a code of conduct for public officials. This could be further utilized to implement Article 5.3 of the Convention and the guidelines for its implementation.

The tobacco industry has tried to delay ratification of the Convention and interfere in the national tobacco legislation process. However, due to the political commitment of the Government and the Parliament, the Act has been adopted by the National Assembly and the Senate. The Act in its ~~Article 32 under~~ Chapter 7 bans interference by the tobacco industry in national tobacco control policies as well as any direct or indirect partnership with the tobacco industry in its Article 32; it further bans any public subsidies or incentives to tobacco cultivation, and the production and manufacture of tobacco products. Article 33 requires that any interactions with the tobacco industry must be transparent. Article 34 also bans all partnerships and agreements with the industry –and those working to advance its interests. Once enacted, the Act will serve as a very strong legal basis for implementation of Article 5.3 and the guidelines for its implementation.

Gaps – Currently there is no provision in the code of conduct of public servants that explicitly requires public officials to comply with the requirements of Article 5.3 and the guidelines for its implementation.

It is therefore recommended that the Ministry of Health promote and raise awareness of the obligations and recommendations under Article 5.3 and the guidelines for its implementation within the Government. It is also recommended that specific reference be made to Article 5.3 in the code of conduct for public officials and the regulations governing the functioning of the National Tobacco Control Commission. It is further recommended that detailed regulations or decrees be developed to further strengthen the implementation under Chapter 7 of the Act.

Article 5.4 calls on Parties to “cooperate in the formulation of measures, procedures and guidelines for the implementation of the Convention and the protocols to which they are Parties”.

Gabon participated in the fifth session of the COP and participated in international cooperation in line with its obligations under Article 5.4.

Further cooperation and participation in such intergovernmental processes will facilitate Gabon’s implementation of the Convention, the Protocol, and other instruments adopted by the COP.

Article 5.5 calls on Parties to “cooperate, as appropriate, with competent international and regional intergovernmental organizations and other bodies to achieve the objectives of the Convention and the protocols to which they are Parties”.

Gabon has been cooperating with WHO in implementation of the Convention. One of the local NGOs working on tobacco control is a member of the Framework Convention Alliance.

Article 51 under Chapter 12 of the Act states that Gabon will cooperate with any appropriate national and international organizations in tobacco control. This is in line with Gabon's obligations under Article 5.5 of the Convention.

Further details on international cooperation are given in the section on Article 22, below.

Article 5.6 calls on Parties to “*within means and resources at their disposal, cooperate to raise financial resources for effective implementation of the Convention through bilateral and multilateral funding mechanisms*”.

Gabon has received technical support from WHO for implementation of the Convention, in line with Article 5.6. Additional efforts to mobilize financial resources to undertake tobacco control measures and implement the Convention are encouraged.

Price and tax measures (Article 6)

In Article 6.1, the Parties recognize that “*price and tax measures are an effective and important means of reducing tobacco consumption by various segments of the population, in particular young persons*”.

The Government of Gabon has indicated that it recognizes the importance of price and tax measures for reducing tobacco consumption. The taxation rate on tobacco products is higher than that for any other commodity. The Act in its Chapter 9 prohibits tobacco products from any tax exemption and also requires that tobacco products be heavily taxed on the basis of the provisions set out in the Finance Act.

Gabon has met the obligation under Article 6.1 of the Convention.

Article 6.2(a) stipulates that each Party should take account of its national health objectives concerning tobacco control in implementing “*tax policies and, where appropriate, price policies, on tobacco products so as to contribute to the health objectives aimed at reducing tobacco consumption*”.

All tobacco products are subject to 18% ad valorem tax and 30% excise tax. In addition, imported cigarettes, cigars, cigarillos, smoked or chewing tobacco, are subject to an import levy of 30%,¹ The Community Integration Tax is 1%, the Community Integration Contribution is 0.4% and Sampling Organization for the Harmonization of Business Law in Africa is 0.05%. For all other imported tobacco products not listed above, the overall tax is 70.19%. The taxation rate applied to tobacco products has barely changed over the past five years.

The Ministry of Economy, Labour and Sustainable Development supports the use of taxation policy on tobacco products both for achieving better health outcomes and increasing revenues. The international team met the Honourable Minister of Economy, Labour and Sustainable Development who stated that he is committed to increasing tobacco taxation and requested technical support in this area.

¹ Gabon is a member of the Central African Economic and Monetary Community (CEMAC). The levy for tobacco products imported into CEMAC from outside is 30%. No import levy is applied among the members of CEMAC.

Gaps –

1. The tobacco product taxation level is still low and has not been sufficiently increased over the past few years.
2. Current tax rates do not take into account changes in household incomes and have not kept up with inflation.

It is therefore recommended that tax rates be increased on a regular basis to take into account both increases in consumer prices and household incomes, in order to decrease the affordability of tobacco products.

In support of the Government's effort to implement effective tax and price measures to reduce tobacco consumption, the Convention Secretariat is committed to facilitating provision of expertise and technical support, such as from the World Bank, upon request from the Government.

Article 6.2(b) requires Parties to prohibit or restrict, “as appropriate, sales to and/or importations by international travellers of tax- and duty-free tobacco products”.

Currently 125 cigars, 400 sticks of cigarettes and 500 g of raw tobacco may be bought tax- and duty-free and/or imported by international travellers.

Gabon has met the obligation under Article 6.2(b) of the Convention.

However, it is recommended that Gabon strengthen enforcement and further restrict sales to and/or importations by international travellers of tax- and duty-free tobacco products.

Article 6.3 requires that Parties shall “provide rates of taxation for tobacco products ... in their periodic reports to the Conference of the Parties, in accordance with Article 21”.

Gabon has provided this information in its 2012 implementation report and has therefore met the obligations under Article 6.3.

Protection from exposure to tobacco smoke (Article 8)

Article 8.2 requires Parties to “adopt and implement in areas of existing national jurisdiction as determined by national law and actively promote at other jurisdictional levels the adoption and implementation of 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 Article 8 guidelines emphasize that “there is no safe level of exposure to tobacco smoke” and call on each Party to “strive to provide universal protection within five years of the WHO Framework Convention's entry into force for that Party”.

This is one of the articles of the Convention that contains a recommended timeframe for implementation of specific measures according to the guidelines adopted by the COP. The recommended deadline for Gabon will be 21 May 2014.

Currently, there is no policy or legislative measure related to this Article of the Convention. However, there is in general no smoking in hospitals, petrol stations and military premises. Students are not allowed to smoke anywhere on school premises; however this does not apply to school personnel. This positive change in behaviour and social norms is due to education, public awareness-raising and advocacy.

Once the Act becomes effective, Chapter 4 will prohibit smoking in public places and exposing others to tobacco smoke. Fines for violations are also specified.

Smoking in public places is banned under Article 19 of the Act, which gives a broad definition of public places including pre-schools, schools, universities, hospitals, other health facilities, showrooms, theatres, cinemas, concert halls, sports facilities, libraries, elevators, bus shelters, ~~public services~~ ~~utilites offices~~, ~~public and administrative offices~~ ~~and~~ buildings, public transport vehicles such as buses and taxis, halls and waiting rooms in airports, train stations and other public transport terminals ~~and~~ common spaces in residential buildings, ~~and bus shelters~~. This Chapter obliges the managers or those in charge of the public places or public transport to install warning signs and to designate the appropriate spaces for smokers.

Gaps –

1. The Act does not specifically ban smoking in all indoor work places.
2. The Act allows smoking areas to be designated in some indoor public places, work places and public transport, such as transport by sea, river or rail, airports, hotels, bars, discos, nightclubs, casinos, restaurants and supermarkets.

It is therefore recommended that:

1. ***Gabon implement a 100% ban on exposure to tobacco smoke in all indoor public places, work places and public transport and in any other appropriate places designated by the Ministry of Health, ideally by May 2014 in order to meet the deadline recommended by the guidelines for implementation of Article 8 (to provide universal coverage within five years of the Convention entering into force for Gabon).***
2. ***Future decrees and regulations be put in place to strengthen implementation of the Act so that it is fully compliant with Article 8 and the guidelines for its implementation, by banning smoking rooms or areas in indoor public places, work places and, as appropriate, other places defined by the Ministry Health.***
3. ***Article 21 of the Act be removed in any future amendment of the Act to achieve a 100% ban on exposure to tobacco smoke in indoor public places, work places and public transport, and any other appropriate places.***

**Regulation of the contents of tobacco products (Article 9) and
Regulation of tobacco product disclosures (Article 10)**

Article 9 requires Parties to “adopt and implement effective legislative, executive and administrative or other measures” for the testing and measuring of the contents and emissions of tobacco products.

Currently, there is no policy or legislative measure related to this Article of the Convention and the Act does not address it.

Gaps:

1. There are no national regulations and standards concerning contents and emissions of tobacco products, including the banning of additives, in accordance with Articles 9 and 10 and the partial guidelines for their implementation adopted by the COP.
2. The Act does not specify a designated laboratory for testing tobacco products.

It is recommended that the Ministry of Health implement Articles 9 and 10 and the partial guidelines for their implementation. Relevant legislation and regulations should be developed to include testing and measurement of the contents and emissions of tobacco products in line with the guidance contained in the guidelines on Articles 9 and 10. It is recommended that the details of the substantive requirements, procedures and enforcement of such decrees or regulations be specified. It is also recommended that the Ministry of Health assess the arrangements for testing, either by developing its own testing capacity or utilizing capable laboratories in the region through bilateral arrangements. The tobacco industry should bear all the costs of such testing requirements.

Article 10 requires each Party to “adopt and implement effective legislative, executive, administrative or other measures requiring manufacturers and importers of tobacco products to disclose to governmental authorities information about the contents and emissions of tobacco products. Each Party shall further adopt and implement effective measures for public disclosure of information about the toxic constituents of the tobacco products and the emissions that they may produce”.

Currently, there is no policy or legislative measure related to this Article of the Convention, and the Act does not address it.

Gaps –

1. The partial guidelines for implementation of Articles 9 and 10 adopted by the COP have not been utilized in the regulation of tobacco product disclosures.
2. There is no requirement for the tobacco industry to disclose the contents and emissions of tobacco products to the Ministry of Health.
3. There are no measures for public disclosure of information about the toxic constituents of tobacco products and the emissions that they may produce.

It is therefore recommended that Gabon include in future decrees and regulations the requirement for the tobacco industry to disclose to the Government information concerning the contents and emissions of tobacco products. It is further recommended that Gabon enable public access to information submitted by the tobacco industry.

Packaging and labelling of tobacco products (Article 11)

Article 11 requires each Party “within a period of three years after entry into force of the Convention for the Party to adopt and implement ... effective measures” on packaging and labelling of tobacco products.

This is one of the articles of the Convention that contains a deadline for implementation of specific measures. The deadline of 21 May 2012 for Gabon has not been met.

While there is a ministerial order which dates back to May 1998, with four articles on health warning messages, it is the only existing regulation. Chapter 2 of the Act addresses most of the requirements of this Article of the Convention.

Further decrees or regulations with more details on implementation of packaging and labelling measures in the Act need to be developed once the Act becomes effective.

Table 1. Comparison of the treaty requirements and level of compliance with these requirements in Gabon, concerning measures under Article 11.

Paragraph	Content	Level of compliance	Comments and identified
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11			gaps
1(a)	tobacco product packaging and labelling do not promote a tobacco product by any means that are false, misleading, deceptive or likely to create an erroneous impression about its characteristics, health effects, hazards or emissions, including any term, descriptor, trademark, figurative or any other sign that directly or indirectly creates the false impression that a particular tobacco product is less harmful than other tobacco products. These may include terms such as “low tar”, “light”, “ultra-light”, or “mild”.	NOT YET IMPLEMENTED	This provision is not addressed in the Act. Terms such as “gold”, “class A” , etc. are to be found on tobacco labelling and packing. Relevant decrees or regulations need to include measures to ban misleading terms.
1(b)	Each unit packet and package of tobacco products and any outside packaging and labelling of such products also carry health warnings describing the harmful effects of tobacco use, and may include other appropriate messages.	IMPLEMENTED	The Ministry of Small and Medium Scale Enterprises, Handicrafts and Trade has required the words “smoking seriously hams health” to be carried on tobacco labelling and packing since 1998. Article 4-5 of the Act requires two health warnings: 1. “Tobacco kills” and 2. “Forbidden for people under 18”. It further bans any packaging of tobacco products which is not in accordance with the Act. Packets and packages and all forms of outer packaging of tobacco products sold in Gabon must include health warnings.
1(b)(i)	[The warning] shall be approved by the competent national authority.	IMPLEMENTED	Current one in the ministerial order and future ones in the Act.
1(b)(ii)	[The warnings] shall be rotating.	NOT YET IMPLEMENTED	Not addressed in the Act but the regulations will include this requirement.
1(b)(iii)	[The warning] shall be large, clear, visible and legible.	NOT YET IMPLEMENTED	Currently no requirement but Article 4-5 of the Act requires health warnings to be in indelible and legible characters.
1(b)(iv)	[The warning] should be 50% or more of the principal display areas but shall be no less than 30% of the principal display areas.	NOT YET IMPLEMENTED	Currently no requirement but Article 4-5 of the Act requires 60% of side A and 65% of side B to be covered by warnings.
1(b)(v)	[The warning] may be in the form of or include pictures or pictograms	NOT YET IMPLEMENTED	Not addressed in the Act. However, the Government plans to include this in the Decree.
2	Each unit packet and package of tobacco products and any outside packaging and labelling of such products shall, in addition to the warnings specified in paragraph 1(b) of this Article, contain	IMPLEMENTED Measured not recommended	Article 2 of Order 006 of the Ministry of Small and Medium Scale Enterprises, Handicrafts and Trade has required nicotine and tar contents to be printed on packaging since

	information on relevant constituents and emissions of tobacco products as defined by national authorities.		1998. Article 4-6 of the Act requires quantitative statements about tobacco constituents to be included, which is not compatible with the recommendations of the guidelines on implementation of Article 11.
3	Each Party shall require that the warnings and other textual information specified in paragraphs 1(b) and paragraph 2 of this Article will appear on each unit packet and package of tobacco products and any outside packaging and labelling of such products in its principal language or languages.	NOT YET IMPLEMENTED	Not specified in the Act, although the labelling and packaging is usually in the official language (French). Decrees and regulations in this regard need to ensure that the language requirement also applies to imported tobacco products.

Gaps –

1. Gabon has missed the deadline for implementation of Article 11.
2. Article 6 of the Act requires nicotine and tar content to be indicated on one side of tobacco product packaging. This is not recommended by the guidelines for implementation of Article 11.

It is therefore recommended that Gabon enact and enforce the Act in a timely manner to enable implementation of Article 11 of the WHO FCTC and the guidelines for its implementation. It is also recommended that future decrees or regulations require the display of pictorial health warnings on cigarette packages. It is further recommended that future decrees or regulations require the warnings and other textual information to contain information on relevant constituents and emissions of tobacco products. However, in line with Article 11 of the WHO FCTC, Gabon should not require quantitative or qualitative statements about tobacco constituents and emissions that might imply that one brand is less harmful than another, such as tar, nicotine and carbon monoxide figures.

Education, communication, training and public awareness (Article 12)

Article 12 requires that “each Party shall adopt and implement effective legislative, executive, administrative or other measures to promote” education, communication and public awareness about the health, economic and environmental consequences of tobacco consumption and exposure to tobacco smoke, the benefits of tobacco cessation and tobacco-free lifestyles, as well as training for all concerned persons and public access to information on the tobacco industry.

Gabon has conducted a number of education, communication and awareness-raising activities on the harmful effects of tobacco use and exposure to tobacco smoke among the population at large and key target groups, such as youth, media professionals, educators and decision-makers. Advocacy materials are usually pretested. Activities include: (i) the broadcasting on national television of a documentary containing interviews with medical doctors, such as cardiologists, oncologists, gynaecologists and neurologists, who are smokers or ex-smokers; (ii) the filming of an educational spot on the harms of alcohol, tobacco and drug consumption; (iii) a training workshop to sensitize journalists and media professionals on the harms of tobacco consumption conducted by the NGO Action for Gabon; and (iv) the training of high-

school students on the harms of drug and tobacco use through trained school personnel who have been appointed to high schools since 2010.

During the mission of the international team, it was agreed that the Ministry of Digital Economy, Communication and Post should coordinate with national radio and television to ensure their supportive and proactive contributions to tobacco control advocacy campaigns. Gabon Television and Radio Gabon agreed to provide free prime air time for the broadcasting of campaign messages.

In Article 46 under Chapter 11 of the Act, the National Tobacco Control Commission is given the mandate of strengthening information, education and communication activities concerning the dangers associated with tobacco consumption and the benefits of cessation.

Gaps –

1. There is a requirement for a coordinated and targeted media campaign to inform the public about the Act after its promulgation and to inform the public about the harms caused by tobacco products.
2. There is no systematic collection of information on the tobacco industry and no public access to such information.
3. There is a lack of systematic evaluation of the effectiveness of education, communication and training activities.
4. There is a lack of pre-service and in-service tobacco control and cessation training for health professionals and educators.

It is therefore recommended that the Ministry of Health work together with the Ministry of Digital Economy, Communication and Post, the Ministry of Family and Social Affairs, the Ministry of National Education, Higher and Technical Education and Vocational Training, and other ministries and civil society organizations to develop and implement evidence-based education, communication, public awareness and training programmes and strengthen coordination among these agencies and NGOs. Free air time should be provided by national radio and television stations for the broadcasting of messages aimed at raising awareness of the Act and preventing tobacco use and exposure to tobacco smoke. International cooperation may be useful to ensure that rigorous, systematic and objective methods are used in designing and implementing these programmes.

In support of the Government's efforts to implement Article 12 and the guidelines for its implementation, the Convention Secretariat is committed to facilitating provision of expertise and technical support upon request from the Government.

Tobacco advertising, promotion and sponsorship (Article 13)

Article 13.1 of the Convention notes that the Parties “recognize that a comprehensive ban on advertising, promoting and sponsorship would reduce the consumption of tobacco products”.

This is one of the articles of the Convention that contains a deadline for implementation of specific measures. The deadline for Gabon will be 21 May 2014.

Currently, there is no national policy or legislation to address this obligation. Tobacco advertisements on television and radio and in the press are not yet prohibited.

However, this Article is addressed in the Act in a comprehensive way. Article 9 under Chapter 3 of the Act prohibits any advertisements for cigarettes and other tobacco products in the press, in films, radio and television shows, and through social networks and all other

communication technologies. It prohibits using persons under 21 years old and celebrities in tobacco advertising and requires any tobacco advertising to be accompanied by a health warning. However, in order to be in line with the WHO FCTC, all tobacco advertising should be banned.

Article 11 under Chapter 3 of the Act prohibits all tobacco promotion activities aimed at the public, Article 13 prohibits the distribution of samples of tobacco products, and Article 15 prohibits all forms of promotional items including clothing, umbrellas, banners and scarves. Article 14 prohibits tobacco industry sponsorship of sporting or artistic events, of teams made up of young people, and of any individual.

Gaps –

1. No measures have been implemented yet to ban tobacco advertising, promotion and sponsorship, although such measures are contained in the Act.
2. Article 10 of the Act does not prohibit tobacco advertising at points of sale, including the display of tobacco products.

It is therefore recommended that Gabon enact and enforce the Act in order to introduce a comprehensive ban on tobacco advertising, promotion and sponsorship. It is also recommended that point of sale tobacco advertising, including the display of tobacco products at points of sale, be banned either by future decrees or regulations or through amendment of the Act. It is further recommended that such decrees or regulations include reference to a ban on “corporate social responsibility” activities.

Article 13.7 reaffirms Parties’ “sovereign right to ban those forms of cross-border tobacco advertising, promotion and sponsorship entering their territory and to impose equal penalties as those applicable to domestic advertising, promotion and sponsorship originating from their territory in accordance with their national law”.

Gabon has not implemented any measures to ban cross-border tobacco advertising, promotion and sponsorship entering and originating from its territory.

This Article is not addressed in the Act.

It is therefore recommended that Gabon ban cross-border tobacco advertising, promotion and sponsorship entering and originating from its territory in future decrees or regulations.

Measures concerning tobacco dependence and cessation (Article 14)

Article 14.1 requires each Party to “develop and disseminate appropriate, comprehensive and integrated guidelines [concerning tobacco dependence and cessation] based on scientific evidence and best practices... [and] take effective measures to promote cessation of tobacco use and adequate treatment for tobacco dependence”.

Gabon does not have guidelines concerning tobacco dependence and cessation.

Gap – Gabon has not developed national guidelines to promote cessation of tobacco use.

It is therefore recommended that Gabon make full use of the guidelines for implementation of Article 14 of the Convention in designing and developing its own comprehensive guidelines concerning tobacco dependence and cessation, taking into account national circumstances and priorities.

Article 14.2 stipulates that to achieve the end outlined in Article 14.1, each Party shall endeavour to implement effective tobacco cessation programmes aimed at “*promoting the cessation of tobacco use*”, “*include diagnosis and treatment of tobacco dependence and counselling services on cessation of tobacco use in national health and education programmes*”, “*establish in health care facilities and rehabilitation centres programmes for diagnosing, counselling, preventing and treating tobacco dependence*”, and ensure the accessibility and affordability of treatments for tobacco dependence.

In Gabon, health professionals are not trained during pre-service training on cessation and treatment of tobacco dependence. It is mandatory to ask whether a patient uses tobacco or not in medical consultations, but cessation advice is not provided in health care facilities. There is no reference clinic for the treatment of tobacco dependence.

Due to the low level of demand, tobacco cessation medicines need to be ordered and imported from abroad. These pharmaceutical products are mainly available in pharmacies in the Capital.

Gaps –

1. There is no comprehensive and integrated programme and there are no national guidelines concerning tobacco dependence and cessation in Gabon.
2. There is no national quit line.
3. Pharmaceutical products for the treatment of tobacco dependence are not available through the public health service.

It is therefore recommended that: (i) national programmes and services on diagnosis and treatment of tobacco dependence, and counselling services on cessation of tobacco use be established. Community-based counselling and cessation programmes should be a primary approach; (ii) all health care workers be trained to record tobacco use, give brief advice and encourage quit attempts; (iii) Gabon collaborate with other Parties to facilitate accessibility and affordability of pharmaceutical products for the treatment of tobacco dependence; (iv) Gabon establish a national toll-free quit line whenever feasible or provide information to the public through other suitable channels; (vi) curricula on tobacco dependence treatment be strengthened at medical, dental, nursing and pharmacy schools.

Illicit trade in tobacco products (Article 15)

In Article 15 of the Convention the “*Parties recognize that the elimination of all forms of illicit trade in tobacco products, including smuggling, illicit manufacturing and counterfeiting, and the development and implementation of related national law, in addition to subregional, regional and global agreements, are essential components of tobacco control*”.

Gabon has encountered smuggling of cigarettes and tobacco products in recent years. Once illicit tobacco products are confiscated, prosecutors decide whether to destroy them or not. Customs allowances for imports are up to 125 cigars, 400 cigarettes and 500 g of raw tobacco, but in practice there is no enforcement in this regard.

The Protocol to Eliminate Trade in Tobacco Products adopted at COP5 provides an additional legal instrument to reduce supply. Gabon was among the first 10 signatories to the Protocol, which demonstrated the country’s strong commitment and political will.

Control systems are in place to make sure that the Customs Code is implemented in regard to imported tobacco products.⁷ However, there is no tracing system in regard to the transportation of tobacco products.

The Act in its Chapter 65 stipulates measures to control illicit tobacco products, including a licensing requirement, an effective tracking and tracing system, coordination among enforcement agencies, and information gathering and sharing. Once enacted, it will provide a strong legal framework for the elimination of illicit trade in tobacco products, in addition to the existing customs regulations.

An overview of the measures taken against illicit trade in tobacco products, with identified gaps, is given in **Table 2** below.

Table 2: Overview of measures taken against illicit trade in tobacco products in Gabon

Paragraph 15	Content	Level of compliance	Comments and identified gaps
2	Each Party shall adopt and implement effective legislative, executive, administrative or other measures to ensure that all unit packets and packages of tobacco products and any outside packaging of such products are marked to assist Parties in determining the origin of tobacco products.	NOT YET IMPLEMENTED	Article 3 of the Act requires the name(s) and country of origin of manufacturers to be printed on unit packets and packages.
2(a) and 3	require that unit packets and packages of tobacco products for retail and wholesale use that are sold on its domestic market carry the statement: “ <i>Sales only allowed in (insert name of the country, subnational, regional or federal unit)</i> ” or carry any other effective marking indicating the final destination or which would assist authorities in determining whether the product is legally for sale on the domestic market.	NOT YET IMPLEMENTED	Article 3 of the Act requires the words “sale in the CEMAC zone” to be carried on each unit packet and package.
2(b) and 3	consider, as appropriate, developing a practical tracking and tracing regime that would further secure the distribution system and assist in the investigation of illicit trade.	NOT YET IMPLEMENTED	Chapters 5 and 6 of the Act require the establishment of an effective tracking and tracing system.
4(a)	monitor and collect data on cross-border trade in tobacco products, including illicit trade, and exchange information among customs, tax and other authorities, as appropriate, and in accordance with national law and relevant applicable bilateral or multilateral agreements.	IMPLEMENTED	Data collected can be shared upon request among different government agencies.
4(b)	enact or strengthen legislation, with appropriate penalties and remedies, against illicit trade in	IMPLEMENTED	The Customs Code has provisions on penalties.

	tobacco products, including counterfeit and contraband cigarettes.		
4(c)	take appropriate steps to ensure that all confiscated manufacturing equipment, counterfeit and contraband cigarettes and other tobacco products are destroyed, using environmentally-friendly methods where feasible, or disposed of in accordance with national law.	PARTIALLY IMPLEMENTED	Illicit tobacco products are confiscated but are not automatically destroyed. It is up to the courts to decide whether to destroy or not. Environmentally-friendly methods have not been established.
4(d)	adopt and implement measures to monitor, document and control the storage and distribution of tobacco products held or moving under suspension of taxes or duties within its jurisdiction.	IMPLEMENTED	Included in the Customs Code The Act in Chapter 10 includes penalties for illicit trade in tobacco products.
4(e)	adopt measures as appropriate to enable the confiscation of proceeds derived from the illicit trade in tobacco products.	NOT YET IMPLEMENTED	The Act does not have any relevant provision.
5	Information collected pursuant to subparagraphs 4(a) and 4(d) of this Article shall, as appropriate, be provided in aggregate form by the Parties in their periodic reports to the COP, in accordance with Article 21.	OBLIGATION MET	Information has been submitted in the 2012 implementation report.
6	Promote cooperation between national agencies, as well as relevant regional and international intergovernmental organizations as it relates to investigations, prosecutions and proceedings, with a view to eliminating illicit trade in tobacco products. Special emphasis shall be placed on cooperation at regional and subregional levels to combat illicit trade of tobacco products.	OBLIGATION MET	Gabon cooperates closely with members of the Central African Economic and Monetary Community. It is also a member of the World Customs Organization.
7	Each Party shall endeavour to adopt and implement further measures including licensing, where appropriate, to control or regulate the production and distribution of tobacco products in order to prevent illicit trade.	OBLIGATION MET	The Act in its Chapter 6 stipulates licensing for manufacturing of tobacco products and the equipment used in producing tobacco products, importation and exportation of tobacco products, and transportation of tobacco products on a commercial scale.

Gaps –

1. Currently there is no effective tracking and tracing system.
2. The Act does not clearly require that all confiscated manufacturing equipment, counterfeit and contraband cigarettes, and other tobacco products are destroyed.
3. Environmentally-friendly methods to destroy all confiscated manufacturing equipment, counterfeit and contraband cigarettes, and other tobacco products have not

been established.

It is therefore recommended that:

- 1. The Act be enacted as soon as possible so that effective measures to eliminate illicit trade in tobacco products may be implemented and so that the tracking and tracing system may be strengthened.***
- 2. All illicit tobacco products be confiscated and destroyed.***
- 3. The Ministry of Economy, Labour and Sustainable Development in cooperation with the Ministry of Health develop feasible environmentally-friendly methods to destroy all confiscated manufacturing equipment, counterfeit and contraband cigarettes, and other tobacco products.***
- 4. Gabon ratify the Protocol to Eliminate Illicit Trade in Tobacco Products as soon as possible and contribute to the early entry into force of the Protocol.***

Sales to and by minors (Article 16)

Article 16 requires “measures at the appropriate government level to prohibit the sales of tobacco products to persons under the age set by domestic law, national law or eighteen.”

Article 16.1(a) requires Parties to ensure that “all sellers of tobacco products place a clear and prominent indicator inside their point of sale about the prohibition of tobacco sales to minors and, in case of doubt, [to] request that each tobacco purchaser provide appropriate evidence of having reached full legal age;”.

Currently, there is no policy or legislative measure that bans sale to minors. Minors can buy cigarettes and other tobacco products without any limit.

However, Article 22 under Chapter 5 of the Act prohibits the sale of cigarettes and other tobacco products to people aged less than 18 years.

Gabon has not yet met the obligations under Article 16.1(a).

It is therefore recommended that the Act be enacted to enable implementation of Article 16 of the Convention. It is also recommended that the Ministry of Health work closely with the Ministry of the Interior and other law enforcement agencies to enforce the legislation once it is adopted.

Article 16.1(b) requires Parties to “ban the sale of tobacco products in any manner by which they are directly accessible, such as store shelves”.

There is no policy or legislative measure related to this Article. Currently, cigarettes are accessible in small wooden boxes (“semi-quioske”) in many places.

This Article has not been addressed and Gabon has not met the obligations under Article 16.1(b).

It is therefore recommended that decree(s) and regulations to implement the Act include the requirement to implement Article 16.1(b) of the Convention.

Article 16.1(c) requires Parties to prohibit “the manufacture and sale of sweets, snacks, toys or any other objects in the form of tobacco products which appeal to minors”.

There is no policy or legislative measure related to this Article. Currently biscuits, chocolates and chewing gum in the form of tobacco products are on sale.

This Article is not addressed in the Act.

Gabon has not yet met the obligations under Article 16.1(c).

It is therefore recommended that decree(s) and regulations to implement the Act include the requirement to implement Article 16.1. (c) of the Convention.

Article 16.1(d) calls on each Party to ensure “that tobacco vending machines under its jurisdiction are not accessible to minors and do not promote the sale of tobacco products to minors”.

There is no policy or legislative measure related to this Article. Currently there are no tobacco vending machines in Gabon. However, preventive measures should be put in place in case these machines are introduced to Gabon in the future. Vending machines constitute, by their very presence, a means of advertising and promotion.

It is therefore recommended that the decree(s) and regulations to implement the Act include provisions banning tobacco vending machines, in order to prevent their introduction into the country in the future.

Article 16.3 calls on Parties to “endeavour to prohibit the sale of cigarettes individually or in small packets which increase the affordability of such products to minors”.

Cigarettes are commonly sold individually.

Gaps –

1. There is no policy or legislative measure related to this Article.
2. There is no provision in the Act that addresses this issue.

It is therefore recommended that provisions be introduced into decrees and regulations stipulating a ban on sales of cigarettes individually or in small packets.

Article 16.7 calls on Parties to “adopt and implement effective legislative, executive, administrative or other measures to prohibit the sales of tobacco products by persons under the age set by domestic law, national law or eighteen.”

Currently, there is no policy or legislative measure that bans sale by minors, and some children do indeed sell cigarettes and other tobacco products.

This Article is addressed in Article 18 under Chapter 3 of the Act, which bans sales of tobacco products by persons under 18 years old.

Gabon has not yet met the obligations under Article 16.7.

It is therefore recommended that Gabon enact and enforce the Act in order to ban sales of tobacco products by minors.

Provision of support for economically viable alternative activities (Article 17)

Article 17 calls on Parties to promote, as appropriate, “in cooperation with each other and with competent international and regional intergovernmental organizations... economically viable alternatives for tobacco workers, growers and, as the case may be, individual sellers”.

Tobacco is not grown on a commercial scale in Gabon. Some farmers grow tobacco on scattered plots of land or in their back yards for individual use. Currently, the Government does not promote tobacco growing and production of tobacco products. Gabonese Cigarette Society (SOCIGA) is the only tobacco company in Gabon and it mainly assembles foreign brand cigarettes. The raw materials are imported into the country.

At present, the production of “cassava” (manioc) is considered as an alternative to tobacco growing, but it is still in the experimentation phase regarding transfer of knowledge to farmers. The project is being undertaken in collaboration with the Ministry of Agriculture.

Article 35 under Chapter 7 of the Act stipulates that the State will not grant any subsidies or incentives for the cultivation or processing of tobacco.

Although tobacco manufacturing is on a small scale, it is still recommended that the relevant Government agencies implement measures to promote economically viable alternatives for tobacco workers. It is also recommended that Gabon promote economically viable alternatives to tobacco production through mobilization of support by relevant international organizations and development partners.

Protection of the environment and the health of persons (Articles 18)

In Article 18, Parties agree to “have due regard to the protection of the environment and the health of persons in relation to the environment in respect of tobacco cultivation and manufacture”.

The Ministry of Economy, Labour and Sustainable Development was briefed about this treaty obligation during the joint needs assessment mission and indicated that it is committed to working closely with the Ministry of Health to implement it in the future.

Article 36 under Chapter 8 of the Act stipulates the mandatory relocation of manufacturer of cigarettes or other tobacco products to so-called industrial zones, to be preceded by a study on the environmental impact of the manufacturer. Factories in existence before enactment of the Act must comply with these provisions.

The working group on economically sustainable alternatives to tobacco growing (in relation to Articles 17 and 18 of the Convention) is developing policy options to implement these Articles and will submit the recommendations to COP6 in 2014.

Gap – There is no measure or policy in place to protect the environment and health of persons working in tobacco manufacture.

It is therefore recommended that the Ministry of Health work together with the Ministry of Economy, Labour and Sustainable Development to consider the health of persons working in tobacco cultivation and manufacture in future decrees or regulations in order to implement Article 18 of the Convention.

Liability (Article 19)

Article 19 requires Parties to consider, for the purpose of tobacco control, “*taking legislative action or promoting their existing laws, where necessary, to deal with criminal and civil liability, including compensation where appropriate*”.

Currently there are no policy or legislative measures related to this Article.

In 2009, a petition was signed and submitted to Supreme Court of Gabon by the inhabitants of a residential area in which the domestic tobacco factory, SOCIGA, was situated, citing the pollution and diseases caused by SOCIGA and requesting the relocation of the factory. However, the petition was rejected by the court.

A positive development is that Article 36 under Chapter 8 of the Act addresses this issue and will require mandatory relocation of manufacturers of cigarettes or other tobacco products to so-called industrial zones.

Article 41 under Chapter 10 of the Act makes it clear that abiding by the Act does not exempt the tobacco industry from legal liability for damage that its activities cause to people and the environment. This will be the legal basis for implementation of Article 19 of the Convention.

Gabon has met its obligations under Article 19.

At its fifth session, the COP established an expert group on liability comprising no more than three experts per WHO region. The expert group will submit a report to the COP at its sixth session.

It is recommended that Gabon implement its existing laws as necessary to implement Article 19 of the Convention. It is also recommended that Gabon either directly participate in the expert group or contribute to the work of the group through its regional representatives.

Research, surveillance and exchange of information (Article 20)

Article 20 requires Parties to “*develop and promote national research and to coordinate research programmes at the regional and international levels in the field of tobacco control*”.

There is a limited amount of research and surveillance in the field of tobacco consumption in Gabon.

In 2007, a survey on tobacco consumption in secondary schools was conducted by an NGO, Action for Gabon (Agir pour le Gabon), in collaboration with the Public Health School of Brussels Free University. Information was collected through a self-administered questionnaire focusing on the psychosocial factors associated with smoking. The questionnaire was completed by 4833 students aged between 14 and 22 years. Results showed that in 2007, 14.7% of boys and 7.6% of girls were smokers. Smoking prevalence increased by age, at 6.4% among those aged 14 to 16 years, 10.2% among those aged 17 to 19 years, and 13.3% among 20–22 year-olds.

The WHO STEPS survey of chronic disease risk factors in Gabon was conducted from March to April 2009 and found that 12.1% of adults aged 16 to 64 years old smoked tobacco (19.7% of men and 4.6% of women).

The national tobacco control focal point has been trained how to conduct the Global Youth Tobacco Survey (GYTS) which is scheduled to be held in Gabon in October 2013. This will provide important updated information on tobacco use among young people.

Article 46 under Chapter 11 of the Act stipulates that research and surveillance will be conducted under the auspices of the National Tobacco Control Commission.

Gaps –

1. There is a lack of updated national data on prevalence of tobacco use and exposure to tobacco smoke among youths and adults.
2. There is a lack of national data on the burden of disease related to tobacco and direct costs attributable to tobacco use and exposure to tobacco smoke.
3. There is a lack of evaluation studies on the effectiveness of interventions to reduce tobacco use prevalence.
4. There is a lack of epidemiological surveillance of tobacco consumption and related social, economic and health indicators.
5. There is a lack of capacity and resources to conduct research.

It is therefore recommended that Gabon conduct surveys to estimate the epidemic of tobacco use and exposure to tobacco smoke, and conduct research addressing the determinants and consequences of tobacco consumption and exposure to tobacco smoke, including data on mortality and morbidity attributable to tobacco use. It is also recommended that the future Demographic and Health Survey include questions related to tobacco use and exposure to tobacco smoke. It is further recommended that Gabon conduct evaluation studies of the effectiveness of interventions to reduce tobacco use prevalence. The Government is encouraged to utilize research findings and surveillance results in developing the national tobacco control programme and interventions.

Reporting and exchange of information (Article 21)

Article 21 requires each Party to “submit to the Conference of the Parties, through the Secretariat, periodic reports on its implementation of this Convention”.

Gabon has provided the two-year (first) implementation report on 22 April 2012. The next implementation report is due in the 2014 reporting period (1 January to 30 April 2014).

Gabon has met its obligations under Article 21 of the Convention.

As the COP established a new two-year cycle of implementation reports starting from 2012 with a deadline of submission six months prior to each COP session, it is recommended that the Government start the preparation of the next report well in advance in 2013 in order to meet the deadline in 2014, and similarly in subsequent reporting cycles.

Cooperation in the scientific, technical, and legal fields and provision of related expertise (Article 22)

Article 22 requires that Parties “shall cooperate directly or through competent international bodies to strengthen their capacity to fulfill the obligations arising from this Convention, taking into account the needs of developing country Parties and Parties with economies in transition. Such cooperation shall promote the transfer of technical, scientific and legal expertise and technology, as mutually agreed, to establish and strengthen national tobacco control strategies, plans and programmes”.

WHO has been supporting the Ministry of Health and the main NGOs in the country in implementation of the Convention, developing national tobacco control legislation, and undertaking education, communication, research and capacity building.

The United Nations Development Assistance Framework (UNDAF) is the strategic programme framework jointly agreed between governments and the United Nations system outlining priorities in national development. In decision FCTC/COP4(17), the COP acknowledges the importance of implementation of the Convention under the UNDAF as a strategic approach to ensure long-term and sustainable implementation, monitoring and evaluation of progress for developing countries. The decision encourages developing countries to utilize the opportunities for assistance under the UNDAF and requests the Convention Secretariat to actively work with the United Nations agencies responsible for implementation of the UNDAF and coordination of the delivery of assistance, in order to strengthen implementation of the Convention at country level.

The current UNDAF covers 2012 to 2016. Although the UNDAF does not specifically mention the WHO FCTC, supporting the implementation of regional and international declarations, conventions and agreements to which Gabon is a Party is identified as one of the priorities. Supporting the implementation of the WHO FCTC should be included under objective two (dealing with international agreements, treaties and declarations) with appropriate outcomes, as the third in sequence subsequent to already-listed human rights treaties and ILO Conventions. The international team met the United Nations Resident Coordinator and the UN Country Team and discussed whether implementation of the Convention could be included in the mid-term review scheduled for September 2013 and future programme activities. It is therefore recommended that the Government advocate for the inclusion of support for implementation of the Convention in the future programme activities of the UN Country Team in Gabon. The UN Country Team is committed to supporting the implementation of the Convention. The WHO Country Office and the United Nations Development Programme (UNDP) will liaise with the concerned stakeholders to facilitate this effort.

Gaps –

1. Supporting implementation of the Convention has not been highlighted in the current UNDAF.
2. Implementation of the Convention has not been included in UN Country Team programme activities other than those of WHO.

It is therefore recommended that the Ministry of Health actively follow up with the WHO Country Office, the United Nations Resident Coordinator and UNDP to include implementation of the Convention under the UNDAF programming activities during the upcoming mid-term review in September 2013. It is further recommended that the Government of Gabon actively seek opportunities to cooperate with other Parties, competent international organizations and development partners present in the country to support implementation of the Convention.

Financial resources (Article 26)

In Article 26, Parties recognize “the important role that financial resources play in achieving the objective of this Convention”. Furthermore, Article 26.2 calls on each Party to “provide financial support in respect of its national activities intended to achieve the objective of the Convention, in accordance with its national plans, priorities and programmes”.

Each year, the Ministry of Health allocates a modest budget to the Division of Mental Health, Drugs, Alcohol and Tobacco Control. The tobacco control programme and implementation of the Convention are under this Division and accordingly benefit from the overall budget. However, there is no separate budget line for tobacco control and the overall budget is very modest. There is no official space for the tobacco control programme and there ~~are no full-time staff~~ are no full-time staff for the programme.

The Act, in Article 48 under Chapter 11, establishes the financing mechanism of the National Tobacco Commission. The financial resources will consist of governmental revenue, donations, the Commission's own budget, fines collected under Article 45 of the Act and 2% of tobacco taxation and import duties. ~~Based on Articles 34 and 35 of the Act, the National Tobacco Control Commission proposes the amount of the budget required per year.~~

Gaps –

1. There is no separate budget line for implementation of the Convention in the Ministry of Health. The funding currently allocated by the Ministry of Health is far from sufficient to fully implement the Convention and implement the Act.
2. Other relevant ministries that have obligations to implement the Convention have not allocated staff or budget to its implementation.

It is therefore recommended that the Ministry of Health create a separate budget line for implementation of the Convention. It is also recommended that all relevant ministries allocate budget and staff time to implementation of the Convention. It is further recommended that the Ministry of Budget, Public Accounts and Civil Services support such budget proposals and that the National Assembly and the Senate approve them, in order to enable more effective implementation of the Convention and the Tobacco Control Act.

Article 26.3 requires Parties to “*promote, as appropriate, the utilization of bilateral, regional, sub-regional and other multilateral channels to provide funding for the development and strengthening of multisectoral comprehensive tobacco control programmes of developing country Parties and Parties with economies in transition*”.

Currently, WHO is the only partner for implementation of the Convention in Gabon. UNDP, the United Nations Children's Fund (UNICEF), the United Nations Population Fund (UNFPA), the United Nations Educational, Scientific and Cultural Organization (UNESCO), FAO and other United Nations agencies present in the country could play a more active role in supporting implementation of the Convention, as could the World Bank in supporting the development of appropriate tobacco tax policies. UNICEF could contribute to the prevention of exposure to tobacco smoke among children and to preventing young people from using tobacco through its ongoing programmes.

Gap – Gabon has not yet fully utilized the bilateral, regional, subregional and other multilateral channels available to provide funding for the development and strengthening of multisectoral, comprehensive tobacco control programmes.

It is therefore recommended that, in line with Article 26.3 of the Convention, the Government of Gabon seek assistance from development partners and promote inclusion of implementation of the Convention in bilateral and multilateral agreements and action plans developed with these agencies.

Article 26.3 specifically points out that those projects promoting “economically viable alternatives to tobacco production, including crop diversification should be addressed and supported in the context of nationally developed strategies of sustainable development”.

Gabon does not grow tobacco on a commercial scale and there is only one tobacco company in the country. The Government is aware of this treaty obligation.

Gap – The Government has not yet promoted such projects.

It is therefore recommended that the relevant ministries, including the Ministry of Economy, Labour and Sustainable Development, and the Ministry of Small and Medium Scale Enterprises, Handicrafts and Trade, make efforts to implement Gabon’s obligations under Article 26.3 of the Convention.

Article 26.4 stipulates that “Parties represented in relevant regional and international intergovernmental organizations, and financial and development institutions shall encourage these entities to provide financial assistance for developing country Parties and for Parties with economies in transition to assist them in meeting their obligations under the Convention, without limiting the rights of participation within these organizations”.

President Ali Bongo Ondimba spoke about the importance of the prevention and control of noncommunicable diseases, and about tobacco use as one of the risk factors for those diseases, at the UN General Assembly in 2012²¹. The Ministry of Foreign Affairs and International Cooperation is committed to ensuring that Gabon promotes implementation of the Convention in the relevant bilateral and multilateral forums.

Gap – Other than from WHO, Gabon has not to date been successful in mobilizing financial assistance from other Parties, regional and international organizations, and financial and development partners that are able to provide aid to developing countries (including Gabon) in meeting their obligations under the Convention.

It is recommended that Gabon utilize the potential of Article 26.4 to advocate for moving the Convention higher up the international development agenda. It is also recommended that other ministries, such as the Ministry of Foreign Affairs and International Cooperation, the Ministry of Economy, Labour and Sustainable Development, the Ministry of Small and Medium Scale Enterprises, Handicrafts and Trade, etc., representing Gabon in other regional and global forums, also proactively urge regional and international organizations and financial institutions to provide financial assistance to developing countries with regard to supporting them in implementation of the Convention.

ANNEX

List of Government agencies and their representatives, legislative bodies, members of the international team and nongovernmental organizations participating in the joint needs assessment

Ministry of Health

Dr Léon Nzouba, Honourable Minister of Health

Dr Alice Bertille Bikissa Nembé, Vice Minister of Health

Dr Jean Damascène Khouilia, Secretary General

Dr Frédéric Mbungu, Director of Mental Health, Drug, Alcohol and Tobacco Control

Other ministries

1. Ministry of Family and Social Affairs
2. Ministry of Justice, Human Rights and Relations with the Constitutional Institutions
3. Ministry of Foreign Affairs, International Cooperation, Francophonie
4. Ministry of Agriculture, Livestock, Fisheries and Rural Development
5. Ministry of Investment Promotion, Public Works, Transport, Housing and Tourism
6. Ministry of Digital Economy, Communication and Post
7. Ministry of Water and Forestry
8. Ministry of Small and Medium Scale Enterprises, Handicraft and Trade
9. Ministry of the Interior, Public Security, Immigration and Decentralization
10. Ministry of National Defence
11. Ministry of Economy, Labour and Sustainable Development
12. Ministry of Budget, Public Accounts and the Civil Service

Legislative bodies and key persons involved

1. Mr Guy Nzouba-Ndama, President of the National Assembly (NA)
2. Mr Idriss Ngari, Second Vice-President of the NA
3. Mr Benjamin Ngadi, Director of the President of the NA Cabinet
4. Ms Marie Françoise Pucetti, Adviser to the President of the NA
5. Mr Brice Joseph Kombila Koumba, Adviser to the President of the NA
6. Dr Akere, First Vice-President of the Senate
7. Mr Abessolo, President of the Commission of Social Affairs of the Senate
8. Mrs Owanga, Rapporteur of the Commission of Social Affairs, Cultural Affairs and Communication of the Senate

Convention Secretariat

Mr Vijay Trivedi, Coordinator,

Ms Guangyuan Liu, Technical Officer

Ms Neda Rahimabadi, Temporary Adviser

WHO

Dr Boureima Hama Sambo, WHO Representative in Gabon

Ms Gislène Moussouamy, WHO Office in Gabon

Nongovernmental organizations

Agir pour le Gabon
Mouvement Populaire pour le Gabon

In addition, the international team met Ms Marie-Evelyne Petrus-Barry, United Nations Resident Coordinator for Gabon and the representatives of UNDP, UNICEF, UNFPA, UNESCO and UNAIDS in the country.