

**Needs Assessment
for implementation of the
WHO Framework Convention on
Tobacco Control
in Jordan**

**Convention Secretariat
March 2010**

Executive Summary

The WHO Framework Convention on Tobacco Control (WHO FCTC) is the first public health treaty negotiated under the auspices of WHO. It is also one of the fastest ratified treaties and currently has 168¹ Parties. The ratification of the WHO FCTC on 19th August 2004 commits the Hashemite Kingdom of Jordan to meet the obligations to the treaty.

A needs assessment exercise for implementation of the WHO FCTC was conducted jointly by the Government of The Kingdom of Jordan and the Convention Secretariat on 17-19 October 2009. The detailed assessment involved various relevant ministries and agencies of the government of the Kingdom of Jordan with support from the WHO-TFI (**Annex I**). This needs assessment report therefore offers an article by article analysis of the obligations that the Kingdom of Jordan has to the Convention; the progress the country has made in implementation; the gaps that may exist and the subsequent possible actions that can fill those gaps.

The key elements among which need to be put in place to enable the government of the Kingdom of Jordan to meet its obligations to the Convention are summarized below and the details are found in the needs assessment report.

First, the WHO FCTC is an international treaty and therefore international law. The Kingdom of Jordan, having ratified this treaty is obliged to implement its provisions through national law, regulation or other measures.

Second, there is an *ad hoc* intragovernmental committee coordinated by the Ministry of Health through its focal point for tobacco control. This network has no formal authority or mandate from the government to coordinate implementation of the Convention. Therefore establishment of an official multisectoral national coordinating mechanism with a formal mandate from the government to coordinate implementation of the Convention is urgently needed. This mechanism will also offer a good platform for increased understanding of treaty obligations within the whole of government.

Third, the WHO FCTC is a comprehensive treaty whose implementation requires the involvement of many sectors for formulation of comprehensive national legislation, regulation and other measures including setting up an infrastructure for enforcement and identifying regulatory authorities with clear mandates. Jordan has many laws and regulations that address the obligations to the Convention (**Annex II**). Cooperation on the implementation of these laws is going on between a number of government agencies. It is useful to note that two laws partly overlap with provisions on prohibition of sale of tobacco products to minors (Laws on Public Health and Monitoring Juveniles Behaviour). The enforcement of the existing legislation remains a challenge, for example the ban on smoking in public places and the prohibition of sale of tobacco products to minors. There is therefore need to coordinate the analyses of all the relevant laws and regulations, the relationship of these laws and regulations to each other and clarify the enforcement mechanisms related to these laws. Clearer provisions both on the executing authorities

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and their mandate to enforce and penalize for non-compliance are recommended. Raising public awareness about both the existence and the rationale for these laws, in collaboration with civil society, will support the enforcement.

Fourth, the Convention also calls on Parties to provide in their budgets, financial resources for implementation of the Convention. These resources should be availed by the relevant ministries and government agencies. The information on allocation of budgets of the concerned government ministries and agencies that contribute to the implementation of the Convention should be identified and activities coordinated so as to ensure optimal use of these funds.

Fifth, there is already international cooperation with some development partners regarding tobacco control. Cooperation with other development agencies that are currently active in Jordan can contribute towards implementation of the Convention. These include USAID, German Technical Cooperation Agency (GTZ), Korean International Cooperation Agency (KOICA), Japan International Development Agency (JICA) and the World Bank. Involvement of the Ministry for Municipal, Rural and Environmental Affairs could support this engagement as most of the donors work with this ministry in the context of development.

According to findings of this report several articles will also need attention for promoting the implementation. Particular attention may need to be given to the obligations with a clear deadline after the entry into force of the Convention for Jordan and these are Article 8 (*Protection from exposure to tobacco smoke*) within 5 years as called for in the guidelines (February 2010); Article 11 (*Packaging and labelling of tobacco products*) within 3 years (February 2008) and Article 13 (*Tobacco advertising, promotion and sponsorship*) within 5 years (February 2010). Addressing the issues raised in this report will make a substantial contribution to meeting obligations to the WHO FCTC and improvement of the health status in Jordan.

The final report of this joint needs assessment, which follows this summary, can also be the basis for any proposal(s) that may be presented to relevant partners to support Jordan to meet its obligations to the Convention.

Introduction

The WHO Framework Convention on Tobacco Control (WHO FCTC) is the first and only international public health treaty negotiated under the auspices of the World Health Organization. The Kingdom of Jordan ratified the WHO FCTC on 19th August 2004 and the treaty entered into force on 27 February 2005.

The Convention recognizes the need to generate global action to enable all countries to respond effectively in the implementation of the provisions of the Convention. Article 21 of the Convention calls on Parties to periodically submit to the Conference of Parties implementation reports, including any difficulties they may face during implementation of the treaty. Article 26 of the Convention recognizes the importance that financial resources play in achieving the objectives of the treaty. The Conference of the Parties (COP) further directed that detailed needs assessment be done at country level, especially in developing countries and countries with economies in transition, to ensure that lower resource Parties are supported to fully meet their obligations under the treaty.

The initiation of this process dates back to the first session of the COP (February 2006)), when it 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)). The COP also called upon the developing country Parties and Parties with economies in transition to conduct needs assessment in light of their total obligations related to the implementation of all provisions of the Convention and 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 asked the Convention Secretariat (Decision FCTC/COP2(10)) 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 session (November 2008), the COP adopted the workplan and budget for the current biennium of 2010–11. The workplan, inter alia, stressed 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 the 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, and south-to-south cooperation were outlined as major components of this work.

The assessment of needs is necessary to identify what needs to be accomplished under the WHO FCTC, resources available to a Party for the implementation and any gaps thereof. It should therefore be comprehensive and based on all substantive articles of the Convention, with a view to establishing a baseline of needs that a Party requires to fulfill

its obligations under the Convention. The needs assessment is also expected to serve as a basis for assistance in programme and project development for meeting the obligations under the Convention, while promoting and accelerating access to internationally available resources for implementation of the Convention.

To be comprehensive, the needs assessment is carried out in three phases: (a) initial analysis of the status, challenges and potential needs deriving from the implementation report of the Party and other available sources of information; (b) visit of an international team to the country for a joint review with government representatives representing both the health and other relevant sectors; and (c) follow up with country representatives for further details and clarifications, review of additional materials jointly identified, and the development and finalization of 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 the implementation of the WHO FCTC was conducted by the Government of the Kingdom of Jordan and the Convention Secretariat, with the participation of WHO/TFI (HQ and Regional Office), from 17 to 19 October 2009. The detailed assessment involved various relevant ministries and agencies of the Government of the Kingdom of Jordan (Annex 1). The following report is, therefore, based on the findings of the joint needs assessment exercise.

The report contains a detailed overview of the status of implementation of substantive articles of the WHO FCTC and also identifies gaps and areas where further actions are needed to ensure full compliance with the requirements of the treaty. This is followed by specific recommendations concerning that particular area. The Executive Summary provides an overview of the joint needs assessment exercise and an outline of key findings and recommendations.

Article 2: Relationship between this Convention with other agreements and legal instruments

Article 2.1 - encourages Parties to the Convention to impose more strict requirements that go beyond those of the WHO FCTC and its protocols, and that are in conformity with international law.

Status

No information was found on requirements that go beyond those provided for by the Convention.

Principle action required

The government should provide for in the laws and regulation, provisions that are more strict than those in the Convention.

Action is by the Government of Jordan and principally by the Ministry of Health.

Article 2.2 - clarifies that the Convention does not affect the right of Parties to enter into bilateral or multi-lateral agreements provided such agreements are compatible with their obligations under the Convention and its protocols, and such agreements shall be communicated to the COP through the Secretariat.

Status

No relevant agreements have been reported to the COP through the Convention Secretariat.

Gaps vs. FCTC obligation

The Government of Jordan has entered into agreements that may have an impact on the Convention including:

Regional agreements: the PAFTA (Pan Arab Free Trade Area, 17 members) and a Free Trade Agreement with Egypt, Morocco and Tunisia.

Bilateral Agreements: Jordan has Free Trade Agreements with EFTA (European Free Trade Association), Canada (tobacco and cigarettes exempted from tariff elimination), Singapore, USA (tobacco exempted) and the EU (providing for free trade area by 2014).

These agreements have not yet been reported to the COP, through the Convention Secretariat.

Principal action required

The relevant ministries and agencies including the Ministry of Foreign Affairs, the Jordan Customs Department, the Ministry of Industry and Trade and Jordan Institute for Standards and Metrology should identify any relevant agreements and report them to the COP through the Convention Secretariat.

Action is by the Government of Jordan through all relevant Ministries and agencies that are responsible for such agreements.

Article 5: General Obligations

Article 5.1 requires each Party to develop, implement and periodically update a comprehensive, multi-sectoral national tobacco control strategies, plans, and programmes

Status

There are the following action plans of the Ministry of Health:

- National Action Plan to combat smoking in Jordan (2008-2009) with 8 strategies
- Action Plan for implementation of the smoking ban in the Public Health Law No. 47 of 2008 for the years 2008 and 2009.

According to the National Action Plan 2008-2009, a comprehensive national policy on tobacco control is in development.

Gaps vs. FCTC obligation

There is not yet a national multi-sectoral strategy on tobacco control.

Principal action required

Finalize the draft of a national strategy which should be in accordance with the WHO FCTC, its protocols and guidelines.

Action is by the Government of Jordan and principally by the Ministry of Health.

Article 5.2 (a) calls on Parties to establish and finance a national coordinating mechanism or focal point for tobacco control

Status

1. There is a focal point based in the Ministry of Health;
2. There is an ad hoc intergovernmental committee coordinated by the Ministry of Health to coordinate the implementation of the Convention.

Gaps vs. FCTC obligation

This *ad hoc* committee does not have formal authority or mandate from the government.

Principal action required:

To urgently initiate establishment of an official national coordinating mechanism with a formal mandate from the government to coordinate implementation of the Convention.

Establishment of this mechanism is an essential condition to meet the obligation under this provision.

Action is by the Government and principally by the Ministry of Health and Ministry of Prime Ministry Affairs.

Budget

Status

The Ministry of Health has presently limited dedicated funds for implementation of the Convention.

Gaps vs. FCTC obligation

Although there are numerous activities in other Ministries that support implementation of the Convention, these budget allocations to the relevant ministries have not been analysed.

Principal action required

1. Seek additional funds for implementation of the Convention in order for Jordan to meet its obligations to the Convention.
2. All relevant agencies to identify allocated funds which support implementation of the relevant provisions of the Convention that are their responsibility, in order to get a clear picture of all funds of the total government financing for implementation of the Convention.
3. Coordinate with these agencies to ensure optimal use of these funds to implement the Convention.

Action is by the Government and principally by the Ministry of Health and Ministry of Finance.

Article 5.2 (b) Calls on Parties to adopt and implement effective national law and cooperate with other parties in developing policies

Status

Currently Jordan has many different laws which are relevant to the implementation of the Convention including:

- The Public Health Law no 47 of 2008
- Standards and Metrology Law 22 of 2002
- Tobacco Technical Regulation no 446/2004 (Standards and Metrology)
- The Monitoring Juveniles Behaviour Law no 37 of 2006
- Law of the Supreme Council for Youth No 13 of 2005
- Public Transport No 53 of 2002
- Industry and Trade Law No. 18 of 1998
- Student Discipline Instructions no 1 of 2007 (Ministry of Education)
- Customs Law No. 20 of 1998

The Ministry of Health has made continuous efforts to get clarity about the enforcement mechanisms and responsible entities for each of these laws from and collaborate with the other government agencies such as sending official letters to and meeting with these ministries about the need of enforcement.

Gaps vs. FCTC obligation

1. At present a complete analysis of all the relevant laws in Jordan has not been done to identify which of the obligations to the FCTC are already covered by national regulation;
2. There are gaps in the enforcement of the existing laws including the Public Health Law No 47 of 2008 especially in relation to smoking in public places and sales of tobacco products to, and by minors;
3. In addition there is some lack of clarity about the enforcement mechanisms and responsible entities for each of these laws.

Principal action required

1. Coordination of the analyses by the government of the relevant laws pertaining to the implementation of the Convention, their relationship to each other and clarify the enforcement mechanisms related to these laws.
2. Strengthening the collaboration with relevant government agencies to establish a coordinated mechanism of enforcement for the identified laws.
3. Through the national coordinating mechanism in 5.2(a) above, monitor and evaluate the enforcement of these laws.
4. Continuation of raising public awareness about both the existence and the rationale for these laws, and in collaboration with civil society.

Action is by the Government of Jordan and principally by the Ministry of Health and all the responsible ministries and agencies of the government.

Article 5.3 calls on Parties to protect their national public health policies on tobacco control from the commercial and other vested interests of the tobacco industry

Status and Gaps vs. FCTC obligation

At present there is no formal policy for such protection.

Principal action required

Developing such a policy to adequately cover the obligations under this article and the relevant guidelines as adopted by COP3.

Action is by the Government of Jordan and principally the Ministry of Prime Ministry Affairs and Ministry of Health.

Article 5.4 calls on Parties to cooperate in formulation of measures, procedures, guidelines for the implementation of the Convention and the protocols

Status

Jordan has been participating in the working group 9 and 10 and the negotiations on a protocol on illicit trade in tobacco products.

Principle action required

Further involving other relevant arms and departments of government in national level consultations before the international meetings. The Government of Jordan may also consider to participate in other working groups and mechanism established by COP. Action is by the Government of Jordan and principally by Ministry of Health.

Article 5.5 calls on Parties to cooperate with competent international and regional intergovernmental organizations to achieve the objectives of the Convention and the protocols

Status

Regular assistance from WHO through WR Jordan for tobacco control activities. Cooperation with UNICEF has also resulted in development of an adolescents' manual on tobacco control.

Gaps vs. FCTC obligation

Potential partners who are currently active in the country have not yet been engaged to contribute towards implementation of the Convention.

Principal action required

Identify potential partners and internationally available resources for implementation of the Convention. Partners that are currently active in Jordan include USAID, German Technical Cooperation Agency (GTZ), Korean International Cooperation Agency (KOICA), Japan International Development Agency (JICA) and the World Bank and could be engaged to support implementation of the FCTC. Involvement of the Ministry for Municipal Development could support this engagement as most of the donors work with this Ministry in the context of Development.

Action by the Jordan government supported by the Convention Secretariat as necessary.

Article 6: Taxation on Tobacco

Article 6.1 calls on Parties to 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

Status

The awareness is not yet common among the relevant branches of the government on the potential of using taxation to decrease the demand for tobacco.

Gaps vs. FCTC obligation

There is not yet a clear government policy that taxation of tobacco products is applied to contribute to health objectives.

Principle action required

Initiating a process to establish a clear government policy that taxation of tobacco products will be done to contribute to health objectives. There is also need to collect and collate existing evidence showing that higher taxes on tobacco products results in higher revenues for governments even as it contributes to a reduction in consumption and therefore health effects.

Action is by the Government of Jordan and principally by the Ministry of Finance and Ministry of Health and other relevant government agencies.

Article 6.2 Without prejudice to the sovereign rights of the Parties to determine and establish their taxation policies, each Party should take into account of its national health objectives concerning tobacco control and adopt or maintain measure which may include

- *6.2 (a) Implementing tax policies, price policies on tobacco products so as to contribute to the health objectives aimed at reducing tobacco consumption*

Status

There is currently no clear government policy that tax policies are made to also contribute to the health objectives aimed at reducing tobacco consumption although the Ministry of Health continues to advocate for this.

Gaps vs. FCTC obligation

There is currently no policy measure, legislation or regulation addressing this obligation.

Principal action required

There is need for policy, legislation or regulation to address this obligation.

Action is by the Government of Jordan and principally by Ministry of Health, the Ministry of Finance and the other relevant Ministries.

- *6.2. (b) Prohibiting or restricting sales to and/or importations by international travellers of tax- and duty free tobacco products*

Status

Jordan provided information in the second implementation report (2010) that there is no general prohibition or restricting sales to international travellers going out of the country of tax- and duty-free tobacco products. There however are restrictions on imports by international travellers of these products, limited to one unit containing 10 packages of 20 cigarettes.

Gaps vs. FCTC obligation

There is currently no legislation or regulation addressing prohibition of sales by international travellers leaving the country of tax- and duty-free tobacco products.

Principal action required

Drafting of the relevant legislating and regulations, using language that reflects the spirit and letter of the Convention on formulation and implementing of regulations including indication of the institution which will apply and enforce these regulations.

Action is by the Government of Jordan and principally by the Ministry of Finance, Ministry of Industry and Trade, the Ministry of Health and other government agencies responsible for tax collection.

Article 6.3 - The Parties shall provide rates of taxation for tobacco products and trends in tobacco consumption in their periodic reports to the Conference of the Parties, in accordance with Article 21

Status

Jordan provided feedback on this obligation in its first implementation report indicating that a 20-pack of Marlboro costs 1.25 dinars² while Viceroy and LM cost 1 dinar.

Also that

1. Excise duty 23 fils per 20 cigarettes;
2. VAT of 102% of excise;
3. Higher Council for Youth tax 20 fils per 20 cigarettes.

Gaps vs. FCTC obligation

No gaps as relevant reports are provided.

Article 8: Protection from exposure to tobacco smoke

- *8.1. Parties recognize that scientific evidence has unequivocally established that exposure to tobacco smoke causes death, disease and disability*
- *8.2 Each Party shall adopt and implement and actively promote the adoption and implementation of legislative, executive, administrative and/or other measures providing for protection from exposure to tobacco smoke in indoor workplaces, public transport, indoor public places, indoor public places and other public places*

Status

The Public Health Law No 47 of 2008 prohibits smoking of any tobacco products in public places. It however allows for designated smoking areas, subject to a decision of the Minister of Health.

Gaps vs. FCTC obligation

The existing legislation and its enforcement do not go far enough to meet the obligations under Article 8 and the relevant guidelines. Article 8.2 is therefore not yet fulfilled since a complete ban on exposure to tobacco smoke has not yet been achieved.

² 1 Jordan Dinar = 1.41 USD

Principal action required:

Legislation needs to be amended to be in line with Article 8 and its guidelines to ensure that all indoor environments are smoke-free without exception for designated smoking areas.

Action is by the Government of Jordan and principally by the Ministry of Health, Ministry of Transport and the Ministry of Education and other relevant agencies.

The Article 8 Guidelines call on Parties to raise awareness among the public and opinion leaders about the risks of second hand smoke

These guidelines also state that effective measures to provide protection from exposure to tobacco smoke requires the total elimination of smoking and tobacco smoke in order to create a 100% smoke free environment indoors. The guidelines also state that the use of designated smoking areas are ineffective and do not protect against exposure to tobacco smoke.

Status

There are currently various activities that are targeting awareness among the public as contained in the Action Plan on Anti-smoking 2008-2009. This Action Plan is reviewed and updated every two years.

This programme has 8 strategies:

1. Development of a comprehensive national policy to combat smoking,
2. Activate and update legislation on anti-smoking;
3. The adoption of a health policy and help to address the cases of addiction caused by smoking;
4. Provide a comprehensive data base to the problem of smoking and to monitor trends in smoking;
5. Find and provide the climate community in denouncing smoking and is considered socially unacceptable (raise awareness and activation of civil community),
6. Strengthening the curricula of information on the problem of smoking (incl. school)
7. Development of an information strategy of integrated education (incl. role of the media);
8. The adoption of economic policy to control all the economic aspects of the problem

Gaps vs. FCTC obligation

Awareness raising activities are sporadic and not sustained throughout the year. Jordan has also not met the deadline as called for in the Article 8 guidelines to provide for universal protection within 5 years after ratification of the Convention (27 February 2010 for Jordan).

Principal action required:

Increasing support for public awareness to support successful implementation of existing legislation on smoke free public places. Also amendment of the current laws to provide universal protection to the public and meet the 5-year deadline as called for in the Article 8 guidelines.

Action is by the Government of Jordan and principally by Ministry of Health. Support from the civil society can strengthen progress.

Article 9: Regulation of the contents of tobacco products

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

Status

Jordan has two institutions whose mandates are relevant for the implementation of Articles 9 of the Convention. These are:

1. Jordan Institution for Standards and Metrology (JISM) which is a competent body for standardizing the contents of tobacco products and has established a technical committee on tobacco content. It is an agency of the Government.
2. The Royal Scientific Society (RSS) which is a competent body for conformity assessment (testing laboratory). It is a semi-private institute with very close links to the Government.

In terms of legislation and regulation, the Standards and Metrology Law 22 of 2002 and various regulations under it provide technical regulations and requirements that must be met by any product destined for the market in Jordan. A range of sanctions for non-compliance is provided for in the regulations.

The JISM Committee is reviewing the Tobacco Technical Regulation no 446/2004 and also preparing a technical regulation for the tobacco used in waterpipes (*ma'asel*).

Gaps vs. FCTC obligation

The legislation and regulations need to be more specific on the relevant offences and sanctions thereof, including which entity should be responsible for critical functions like confiscation. The legislation and regulations may also need to be updated to cover novel products like water pipes etc.

Principle action required

Updating of legislation and regulations to be in line with the Convention and its guidelines and also to provide clarity in enforcement.

Technical capacity

The Royal Scientific Society (RSS) capacity for conformity assessment (testing) of contents and emissions of tobacco products was also reviewed. It is evident that the RSS is well equipped with advanced analytical instrument and state-of-the-art facilities and also has good smoking machines facilities. In general therefore, the facilities and expertise at RSS are advanced and unique in the Middle East Region with extensive experience in analytical applications. The RSS therefore has the potential to serve the region in the field of tobacco product testing.

With the existing facilities, the RSS is able to perform almost all the analyses expected with the exception of TSNAs (Tobacco-specific N-nitrosamines), and this can be conducted either in collaboration with European Laboratories or with the acquisition of LCMSMS instrument which can be used for many applications and ammonia which requires another specific instrument.

The full report "Royal Scientific Society: Needs Assessment on Tobacco Analysis" is attached.

Gaps vs. FCTC obligation

The RSS is not yet able to perform all the expected analyses on tobacco products and emissions due to lack of relevant instruments in the laboratories.

Principle action required

Extension of RSS laboratory analysis to cover all relevant testing regimes through the following recommendation on RSS's facilities

1. develop collaboration with external laboratories within Middle East Region and Europe
2. Strengthen capacity to conduct Canadian Intense Regime Analysis.
3. Develop infrastructure and capacity to perform all the recommended analyses on tobacco and emissions;
4. Enhance safety facilities within the laboratory

Action is by the Government of Jordan and principally by Ministry of Health and that of Finance.

Article 10: Regulation of tobacco disclosures

Article 10 requires Parties to adopt and implement effective legislative, executive and 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.

Status

The Standards and Metrology Law 22 of 2002 and Regulation Standards and Metrology on Tobacco Products no 446/2004 obligate the private sector to cooperate to disclose to the government, information on contents and emission of tobacco products.

No gaps were identified to this obligation.

Article 10 also requires a Party to further adopt and implement effective measures for public disclosure of information about toxic constituents of the tobacco products and the emissions they may produce

Status

This is no requirement by law at present.

Gaps vs. FCTC obligation

No legislation, regulation or other measures on public disclosure on information about toxic constituents and emissions.

Principal action required

Elaboration of legislation, regulation or other measures on public disclosure to meet obligations to this provision.

Action is by the Government of Jordan and principally by Ministry of Health and Social Welfare and the relevant agencies.

Article 11: Packaging and labelling of tobacco products

Article 11 requires that each party shall, within a period of three years after entry into force of this Convention for that Party, adopt and implement, in accordance with its national law, effective measures to meet the obligations of this article.

Status

Jordan has various laws and regulations that address the obligations in this Article and which were adopted and implemented within the 3 years stipulated in the Convention. There is however still need to make the legislation and regulations more comprehensive.

Gaps vs. FCTC obligation

Some provisions on enforcement need to be clarified and strengthened; for example the authorized agency (JISM) can seize goods but have no authority to confiscate these goods. .

Principal action required

In drafting of the relevant legislation, regulation or measures, use language that reflects the spirit and letter of the Convention and its guidelines on formulation and implementation including provision of full authority to the authorized agencies to enforce the measures. Granting JISM the power to address violators as well as the power to impose sanctions, including seizure, confiscation and destruction of non compliant products would be beneficial.

Action is by the Government of Jordan and principally by Ministry of Health, JISM and the Ministry of Trade of Industry.

Article 11.1(a) requires Parties to, within a period of three years after entry into force of this Convention for that Party, adopt and implement, in accordance with its national law, effective measures to ensure that 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”

Status

Measures have been taken except the prohibition of use misleading terms on cigarettes packages such as "light". Jordan is therefore late in meeting this obligation as it was due by 27 February 2008. The JISM Committee is currently reviewing the Tobacco Technical Regulation no 446/2004 with a view to prohibition of the term "light".

Principle action required

Drafting of legislation and regulation to meet the obligations of the provisions of Article 11-1(a).

Action is by the Government of Jordan and principally by Ministry of Health, JISM and the Ministry of Trade of Industry.

Article 11.1(b) requires Parties to, within a period of three years after entry into force of this Convention for that Party, adopt and implement, in accordance with its national law, effective measures to ensure that 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.

Status

This is already in place and is required by regulation to be in Arabic on one side of the principal display panel of the basic packet of cigarettes and a picture on the other side. It does not however have any other messages.

Principal action required

To include, as appropriate, messages on cessation of tobacco use.

Action by the Government of Jordan and principally by Ministry of Health and JISM

Article 11.1(b) (i) requires that these warnings and messages shall be approved by the competent national authority

Status

The authority to approve these messages rests with the Jordan Institution for Standards and Metrology (JISM). This obligation is met.

Article 11.1(b) (ii) requires that these warnings and messages shall be rotating

Status

There is currently no requirement for rotation of messages. Jordan is therefore late in meeting this obligation as it was due by 27 February 2008.

Gaps vs. FCTC obligation

No regulation on rotation of health message.

Principal action required

Provision in legislation and regulation of rotating health warnings and messages as described in Article 11 and the relevant Guidelines.

Action is by the Government of Jordan and principally by Ministry of Health, JISM, and the Ministry of Trade and Industry.

Article 11.1(b) (iii) requires that these warnings and messages shall be large, clear, visible and legible

Status

The obligation is met. Health warnings in Jordan are put on the front display panel so as to ensure no information is hidden or blocked when you open a package of cigarettes

Article 11.1(b) (iv) requires that these warning and messages should be 50% or more of the principal display areas but shall be no less than 30% of the principal display areas

Status

The requirement is met as regulation requires the health warning or image to be 30% of the principal display area. It is located parallel to the lower edge of the packaging.

Gaps vs. FCTC obligation

The guidelines for implementation of Article 11 that were adopted by the Conference of Parties urges Parties to enact legislation and regulation that provides for more than 50% of the principal display area.

Principal action required

Amend the current legislation and regulation to require large, rotating health warning and images as described in the guidelines for implementation of Article 11 of the WHO FCTC.

Action is by the Government of Jordan and principally by Ministry of Health, JISM, and the Ministry of Trade and Industry.

Article 11.1(b) (v) requires that these warning and messages may be in the form of or include pictures or pictograms

Status

This is already in place and covers 30% of the principal display panel.

Article 11.2 requires that 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 information on relevant constituents and emissions of tobacco products as defined by national authorities.

Status

This is partly achieved by legislation and technical regulation which currently requires that the proportion of nicotine and tar is displayed on packets in Arabic. The JISM Committee is reviewing the Tobacco Technical Regulation no 446/2004 for possible improvements.

Gaps vs. FCTC obligation

Current legislation and regulations do not contain a provision on emissions. This needs to be added to complete Jordan's obligations to this Article.

Principal action required

Amend the current legislation and regulation to address the provision that information on relevant emissions be clearly marked on the unit packet or package.

Action is by the Government of Jordan and principally by Ministry of Health, JISM, and the Ministry of Trade and Industry.

Article 11.3 requires 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.

Status

This provision is partially met as there is legislation and technical regulation on packaging and labelling of packets of tobacco products.

Gaps vs. FCTC obligation

There is currently no provision on labelling of outside packaging.

Principal action required

Amend the current legislation and regulation to require labelling of outside packaging so as to complete Jordan's obligations to this Article.

Action is by the Government of Jordan and principally by Ministry of Health, JISM, and the Ministry of Trade of Industry.

The Article 11 Guidelines call on Parties to increase the effectiveness of their package and labelling measures

The guidelines for implementation of Article 11 provide key recommendations on developing effective requirements, legal measures, enforcement, monitoring and evaluation and international cooperation. There is therefore need that future drafting to strengthen legislation and regulation should use these guidelines.

_Action: by Ministry of Health, JISM and the Ministry of Trade of Industry.

Article 12: Education, communication, training and public awareness

Article 12 requires that each Party shall promote and strengthen public awareness of tobacco control issues, using all available communication tools.

Status

The Ministry of Health has public awareness programmes that are coordinated by the tobacco control unit in that ministry. However these provisions have not yet been secured in legislation or regulation.

Gaps vs. FCTC obligation

No formal policy or legislation to address Article 12.

Principal action required

To establish a clear government policy on the promotion of public awareness of tobacco control issues and use all available communication tools within government, including the ministry responsible for communication. This may be through relevant legislation or regulation that reflects the spirit and letter of the Convention including indicating the institution which will apply and enforce these regulations.

Action is by the Government of Jordan and principally by the Ministry of Health.

Article 12.2(a) requires that each Party shall adopt and implement effective legislative, executive, administrative or other measures to promote broad access to effective and comprehensive educational and public awareness programmes on health risks including the addictive characteristics of tobacco consumption and exposure to tobacco smoke;

Status

Broad access to public information on the health risks including addictive characteristics and exposure to tobacco smoke is provided through programmes in the Ministry of Health. There is however currently no legislation addressing this obligation.

Gaps vs. FCTC obligation

There is need to strengthen these activities and efforts to ensure the public have broad access to tobacco control information. This principle is also not secured in legislation, regulation or government policy.

Principal action required

Adoption of legislation, regulation or other measures as appropriate, to implement public access to information as required under this provision.

Action is by the Government of Jordan and principally by the Ministry of Health

Article 12.2(b) requires that each Party shall adopt and implement effective legislative, executive, administrative or other measures to promote public awareness about the health risks of tobacco consumption, exposure to tobacco smoke, and also about the benefits of cessation of tobacco use and tobacco free lifestyles as specified in Article 14;

Status

Public awareness programmes exist in Jordan and the benefits of cessation are also included in these programmes.

Gaps vs. FCTC obligation

The scale of raising awareness is moderate.

Principal action required

There is need to increase the scale of raising awareness both on harmful effects of smoking and the need for smoke free environment.

Action is by the Government of Jordan and principally by Ministry of Health

Article 12.2(c) requires that each Party shall adopt and implement effective legislative, executive, administrative or other measures to promote public access to wide range of information on the tobacco industry.

Status

There is currently no legislation, regulation or other measures addressing this obligation.

Gaps vs. FCTC obligation

Currently there are no measures that promote public access to wide range of information on the tobacco industry.

Principal action required

Need to adopt legislation, regulation or other measures that specify the nature of the access for the public and what information will be delivered.

Action is by the Government of Jordan and principally by the Ministry of Health

Article 12.2(d) requires that each Party shall adopt and implement effective legislative, executive, administrative or other measures to promote training or sensitization and awareness programmes on tobacco control addressed to persons such as health workers, community workers, social workers, media professionals, educators, decision-makers, administrators.

Status

Awareness raising programmes are currently in place and target various groups including the training of health workers. There is however need to expand these activities.

Gaps vs. FCTC obligation

The need for this provision to be clearly addressed by legislation, regulation or other measures.

Principal action required

Adopt relevant measures that will address this obligation.

Action is by the Government of Jordan and principally by the Ministry of Health

Article 12.2(e) requires that each Party shall adopt and implement effective legislative, executive, administrative or other measures to promote awareness and participation of public and private agencies and non governmental organizations not affiliated with the tobacco industry in developing and implementing of intersectoral programmes and strategies for tobacco control.

Status

There is some level of participation by certain NGOs in tobacco control activities.

Gaps vs. FCTC obligation

Limited awareness and participation of relevant public and private agencies and NGOs in developing and implementing intersectoral programmes and strategies for tobacco control. There are also no clear measures in place to secure this obligation.

Principal action required

Promotion of awareness and participation of public and private agencies and more NGOs in developing and implementing intersectoral programmes and strategies for tobacco control.

Action is by the Government of Jordan and principally by the Ministry of Health

Article 12.2 (f) requires that each Party shall adopt and implement effective legislative, executive, administrative or other measures to promote public awareness of and access to information regarding the adverse health, economic, and environmental consequences of tobacco production and consumption

Status

The Ministry of Health runs public awareness campaigns on a broad range of issues based on their workplans. There is access to health information, including effects of using tobacco products on the website of the Ministry of Health (www.sehatna.com). The frequency, reach and messages need to be further developed.

Principal action required

Adoption of measures that will ensure sustainable public education and awareness as found in this provision.

Action is by the Government of Jordan and principally by the Ministry of Health

Article 13: Tobacco advertising, promotion and sponsorship

This article requires recognition by the Party of the necessity of a ban on advertising, promoting and sponsorship to reduce the consumption of tobacco products and in accordance with its constitution or constitutional principles, undertake a comprehensive ban of all tobacco advertising, promotion and sponsoring. This shall include a comprehensive ban or applying restrictions on cross-border effect advertising, promotion and sponsorship originating from its territory.

Within the period of five years after entry into force of this Convention for that Party, each Party shall undertake appropriate legislative, executive, administrative and / or other measures and report accordingly with Article 21.

Status

There is a comprehensive ban on advertising, including cross-border advertising as per Public Health Law No. of 2008 and the Ministry of Health is the executing agency. Enforcement is taking place by designated officials of this Ministry who have authority to issue tickets in case of non compliance. These tickets are then sent to the Courts for appropriate sanctions. The Public Health Law also implicitly covers internet advertising. There is currently no enforcement of advertising by internet originating from abroad due to lack of appropriate technology.

Gaps vs. FCTC obligation

On enforcement of the Public Health Law, there is no regulation on misleading advertising and no explicit provisions on the ban on internet advertising and sales. The five years timeline to meet this obligation (27 February 2010) of a complete ban on tobacco advertising, promotion and sponsorship has not fully been met.

Principal action required

Amend the relevant legislation, using language that reflects the spirit and letter of the Convention on misleading advertising and take measures to enforce provisions banning internet sales. Cooperate with other Parties to develop the technology and other measures needed to facilitate the elimination of cross border/internet advertising.

Action is by the Government of Jordan and principally by the Ministry of Health.

The Article 13 Guidelines call on Parties to increase the effectiveness of their measures

Status

The Ministry of Health and that of Trade identify non compliance and issues tickets which are then presented to the courts. There are also no smoking scenes in recent Jordanian movies.

Gaps vs. FCTC obligation

The actual sanctions are decided on a case by case basis by the courts. There is no enforcement against placement of smoking scenes in foreign movies, internet advertising and corporate responsibility of tobacco companies.

Principal action required

Clear formulation about the authority for the enforcement of these legal measures.

Action is by the Government of Jordan and principally by the Ministry of Health and the Ministry of Trade of Industry.

Article 14: Demand reduction measures concerning tobacco dependence and cessation

Article 14.1 requires each Party to develop and disseminate guidelines based on scientific evidence and best practices concerning tobacco dependence and cessation and take effective measures to promote cessation of tobacco use and adequate treatment for tobacco dependence.

Article 14.2 requires that towards this end, each Party shall endeavour to:

- (a) design and implement effective programmes aimed at promoting the cessation of tobacco use, in such locations as educational institutions, health care facilities, workplaces and sporting environments;*
- (b) include diagnosis and treatment of tobacco dependence and counselling services on cessation of tobacco use in national health and education programmes, plans and strategies, with the participation of health workers, community workers and social workers as appropriate;*
- (c) establish in health care facilities and rehabilitation centres programmes for diagnosing, counselling, preventing and treating tobacco dependence; and*
- (d) collaborate with other Parties to facilitate accessibility and affordability for treatment of tobacco dependence including pharmaceutical products pursuant to Article 22. Such products and their constituents may include medicines, products used to administer medicines and diagnostics when appropriate.*

Status

There is a smoking cessation clinic run by the Ministry of Health which provides counselling and nicotine replacement therapy free of charge for Jordanians.

There are other private clinics and cessation therapy or cessation medication are available at private pharmacy but are not covered by insurance.

The Ministry of Health's Action plan has as one of its eight strategies the adoption of policy to address addiction caused by tobacco use including through establishing more cessation clinics and training of health workers (doctors, nurses, social workers etc) on tobacco cessation.

Gaps vs. FCTC obligation

There are currently no national guidelines and also no legislation or regulation in line with Article 14. There is also need to expand the programme to cover the sporting environment and involve more stakeholders in policy development and execution of the programme activities.

Principal action required

In drafting of the relevant legislation, regulation or policy, use language that reflects the spirit and letter of the Convention and its guidelines. There is also need for completion and implementation of the new Action plan 2010-2011 to include cessation activities and treatment of tobacco dependence.

Action is by the Government of Jordan and principally by the Ministry of Health.

Article 15: Illicit trade in tobacco products

This article reaffirms that 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.

Status

The Customs Law (No.20) and the Industry and Trade Law (No.18) both of 1998 determine the goods that are subject to the customs duties prescribed in the customs tariff and the other due fees and taxes and also how to address smuggled goods or goods treated as being smuggled.

Aqaba Special Economic Zone Authority (ASEZA)

ASEZA is the financially and administratively autonomous institution responsible for the management, regulation, and the development of the Aqaba Special Economic Zone (ASEZ). Six ministerial – level commissioners, each responsible for a major area of regulatory or operational activity, govern the ASEZ.

There is no sales tax on most goods sold in the ASEZ. Some consumer and industrial products and services, however, are subject to a sales tax of 7 percent. Alcohol and tobacco products are subject to a Special Tax upon their importation into the Zone.

Gaps vs. FCTC obligation

No information on the estimated volume of illicit trade and neither is there a requirement for "*sales only allowed in Jordan*" to appear on products sold in the local market.

Principal action required

Estimation of the volume of illicit trade in tobacco products in Jordan is necessary to appreciate the magnitude of this problem. There is also need to draft new law and regulations that reflects the spirit and letter of the Convention on formulation and implementing of regulations including indication of the institution which will apply and enforce these regulations through strong penalties such as enabling the confiscation of proceeds derived from the illicit trade.

Enhanced cooperation in investigations, prosecutions and confiscation of proceedings in order to eliminating illicit trade in tobacco product between national agencies is recommended. Cooperation with neighbouring countries is also critical in addressing this crime.

Action is by the Government of Jordan and principally by the Ministry of Health, the Customs and the Ministry of Finance.

Article 16 of the Framework Convention: Sales to and by minors

This article 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.

Status

The relevant laws that cover this obligation include the Public Health Law No 47 of 2008 and the Monitoring Juvenile Behavior Law No 37 of 2006.

Gaps vs. FCTC obligation

Enforcement is moderate. There is no clear provision on executing government agency with enforcement powers. Penalties and enforcement are in both laws but there is no clear mechanism of coordination in the enforcement of the two laws.

Principal action required

Clear provision of authority to a relevant government agency to enforce the abovementioned legislations and also an integrated and coordinated manner of enforcement and also amending to provide banning of vending machines.

Action is by the Government of Jordan and principally by the Ministry of Health and Ministry of Interior.

Article 17: Provision of support for economically viable alternative activities

Article 17 requires Parties, in cooperation with each other and with competent international and regional intergovernmental organizations, to avail economically viable alternatives for tobacco workers, growers and, as the case may be, individual sellers.

Status

There is minimal tobacco growing in Jordan and only for personal use. There are however four tobacco factories and two in the free zone. There is currently no legislation, regulation or measures addressing this obligation.

Gaps vs. FCTC obligation

There is no policy or other measures to address this obligation.

Principle action required

In drafting of the relevant legislation, regulation or other measures, use language that reflects the spirit and letter of the Convention including indication of the institution which will apply and enforce these regulations.

Action is by the Government of Jordan and principally by the Ministry of Agriculture, Ministry of Trade, Ministry of Municipal, Rural and Environmental Affairs and Ministry of Health.

Article 18: Protection of the environment and the health of persons

Article 18 requires that in carrying out their obligations under this Convention, the 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 within their respective territories.

Status

There is currently no commercial cultivation of tobacco in Jordan.

Gaps vs. FCTC obligation

There is no clear link between government policy and this obligation.

Principle action required

In drafting of the relevant policy, use language that reflects the spirit and letter of the Convention including indication of the institution which will apply and enforce these regulations.

Action is by the Government of Jordan and principally by the Ministry Rural and Environmental Affairs, the Ministry of Agriculture and the Ministry of Health.

Article 19: Liability

Article 19 requires that for the purpose of tobacco control, the Parties shall consider taking legislative actions or promotion their existing laws, where necessary, to deal with criminal and civil liability, including compensation where appropriate and also cooperate with other Parties through the exchange of information.

Status

There is currently no legislation addressing this obligation.

Gaps vs. FCTC obligation

No policy and legislation on dealing with criminal and civil liability, including compensation where appropriate.

Principle action required

In drafting of the relevant legislation that that holds the industry liable and allows for compensation of victims of exposure to tobacco and its products, use language that reflects the spirit and letter of the Convention on formulation and implementing of regulations including indication of the institution which will apply.

Action is by the Government of Jordan and principally by the Ministry of Prime Ministry Affairs, Ministry of Justice and Ministry of Health.

Article 20: Research, surveillance and exchange of information

This article requires that Parties undertake to develop and promote national research and to coordinate research programmes at the regional and international levels in the field of tobacco control.

Status

The three recent surveys on tobacco consumption and exposure to tobacco smoke are the Global Youth Tobacco Survey (GYTS) in 2006 for students aged 13-15 years; the STEPS survey of 2007 targeting adults aged 18+ years; and the survey on Global Health Professions Students Survey (GHPSS) also in 2007.

Gaps vs. FCTC obligation

There is currently no database on the laws and regulations on tobacco control and information about compliance, enforcement and relevant jurisprudence.

Principle action required

Establishing a national database of laws and regulations on tobacco control and information about compliance, enforcement and relevant jurisprudence.

Action is by the Government of Jordan and principally by Ministry of Health and other relevant Ministries.

Article 21: Reporting and exchange of information

Article 21 requires each Party to submit to the Conference of the Parties, through the Convention Secretariat, periodic reports on implementation of the Convention, which should include all relevant obligations as contained in the reporting instrument.

Status

Jordan provided its two-year report on the implementation of the Convention on 27 February 2007 and the second implementation report on 25 February 2010.

Gaps vs. FCTC obligation

This obligation is met and reported data needs to be more complete.

Principle action required

Support to improve the completeness of local data to support the reporting obligation.

Action is by the Government of Jordan and principally by Ministry of Health and other relevant Ministries.

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

This article 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.

Status

The Ministry of Health and other relevant Ministries and agencies (e.g. Education, Customs, Environment; Higher Youth Council etc) are currently supporting implementation activities through their regular budgets. Jordan has also received, in support of tobacco control, assistance from the WHO, UNICEF and USAID.

Gaps vs. FCTC obligation

Jordan has indicated areas of possible relevance for cooperation including

- 1) Enforcement of the law;
- 2) Public education on new law to promote primarily, implementation of smoking ban in public places and cessation of tobacco use.

There is however a general budget deficit as funds allocated for tobacco control are not adequate for implementation of the Convention.

Principal action required

Identifying potential partners and internationally available resources for receiving implementation assistance.

Action by the Jordan government supported by the Convention Secretariat as necessary.

Article 26: Financial resources

This article requires that each Party shall 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.

Status

The Ministry of Health has presently limited funds for implementation of the Convention and most activities are in relation to raising public awareness. The Ministry of Health also receives regular assistance for tobacco control activities from WHO through WHO Country Office in Jordan. Cooperation with UNICEF has also resulted in the development of an adolescents' manual on tobacco control.

Cooperation with John Hopkins University on two comprehensive awareness campaigns on passive smoking and on launching the new Public Health Law No 47 of 2008.

Gaps vs. FCTC obligation

Although there are numerous activities in other Ministries that support implementation of the Convention, these allocations to the relevant ministries have not been analysed. The allocation in the Ministry of Health needs to be increased to address the various obligations to the treaty.

Principal action required

The Government of Jordan should:

1. Seek additional funds for implementation of the Convention in order for Jordan to meet its obligations to the Convention.
2. Ensure that all the relevant agencies of government identify allocated funds which support implementation of the relevant provisions of the Convention that are their responsibility, in order to get a clear picture of all funds of the total government financing for implementation of the Convention.

There is also need to identify potential partners and internationally available resources for implementation of the Convention.

Action by the Jordan government supported by the Convention Secretariat as necessary.

The Ministry of Health could be the principal agency coordinating this obligation.

Annex I

List of participating Government Agencies

Ministry of Health

Dr Malek Ayed Habashnah

Director of Health Awareness and communication

Dr. Hiba Ayoub

Head of Tobacco Control Dept

Mrs. Fatin Al Bashiti

Director of Legal Affairs

Ministry of Finance/Jordan Customs department

Ministry of Finance/ Income and sales Tax department

Ministry of Industry and Trade

Ministry of Education

Police department (Rangers)/ the Royal Institution for Environmental Conservation

Higher Council for Youth

Jordanian Institution for Standards and Metrology

Royal Scientific Society

Jordan University of Science and Technology

Ministry of Agriculture

Convention Secretariat and WHO

Dr Ahmed E. Ogwell Ouma, Team Leader - Convention Secretariat;

Peter Hartog, Technical officer - Convention Secretariat

Barbara Zolty, Policy Officer - Tobacco Free Initiative, World Health Organization;

Farrukh Qureshi, Regional Project Officer - Eastern Mediterranean Regional Office (EMRO), Tobacco Free Initiative, World Health Organization.

Annex II

Laws relevant for the implementation of the Convention.

Currently Jordan has laws and regulations which are relevant to the implementation of the Convention and these include:

The Public Health Law no 47 of 2008

The Industry and Trade Law No. 18 of 1998

Standards and Metrology Law 22 of 2002

Tobacco Technical Regulation no 446/2004 (Standards and Metrology)

The Monitoring Juveniles Behaviour Law no 37 of 2006

Law of the Higher Council for Youth No 13 of 2005

Public Transport Law No 53 of 2002

Student Discipline Instructions no 1 of 2007 (Ministry of Education)

Customs Law No. 20 of 1998 and relevant regulations

Fatwa Council resolution, No. (15/2006)