

TOBACCO INDUSTRY INTERFERENCE INDEX 2021 - JORDAN

Country Status in Implementation of the World Health
Organization Framework Convention On Tobacco
Control (FCTC) Article 5.3





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About Framework Convention Alliance (FCA):

Framework Convention Alliance (FCA) represents the civil society voice, was created in 1999 and formally established in 2003. It is made up of nearly 500 organizations from over 100 countries. FCA works on the development, ratification and implementation of the international treaty, the World Health Organization (WHO) Framework Convention on Tobacco Control (FCTC).

The WHO FCTC is the world's first modern-day global public health treaty. It requires Parties to the treaty (countries) to adopt a comprehensive range of measures designed to reduce the devastating health and economic impacts of tobacco. FCA is also a leading advocate for including the FCTC and global tobacco control in the international health and development framework, including the Sustainable Development Goals (SDGs) that were adopted by the UN General Assembly in 2015.

For more information, visit: <https://www.fctc.org/>

"The biggest obstacle for tobacco control policies is the vested interests and interference by the tobacco industry. Governments need to be aware of their deception, lies and tactics. The tobacco industry is never a viable partner or ally to public health, environment or economic growth.

Tobacco Industry has one goal only, that is to exploit economically vulnerable governments and their citizens to make more money while people get sicker and governments get poorer." - HRH Princess Dina Mired, the Immediate Past President of the Union for International Cancer Control (UICC) and Special Envoy for NCD's for Vital Strategies.

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INTRODUCTION:

About WHO FCTC Article 5.3

The World Health Organization Framework Convention on Tobacco Control (WHO FCTC) is a legally-binding international treaty that was open for signatures in 2003, and came into force in 2005 (1). It provides evidence-based measures for tobacco control that helps party members reduce the tobacco pandemic if implemented fully (1). The WHO FCTC contains Article 5.3, which addresses protection of public health policies (including tobacco control policies) from the vested interests of the tobacco industry (1). WHO FCTC Article 5.3 states that, “In setting and implementing their 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 in accordance with national law” (1). Parties of the WHO FCTC have agreed that there is a fundamental and irreconcilable conflict between the tobacco industry’s interests and public health policy interests (1, 2).

The article is supported by a guideline for implementation to ensure that measures in combating tobacco industry are “comprehensive and effective” (2). It aims to expand on Article 5.3 by including other supportive strategies and regulations that help divergent branches of government in not only being aware of tobacco industry strategies, but also collecting the necessary information on tobacco industry interference, which can be utilized effectively by the government in order to protect itself and the citizenry from their interference and vested interests (2). The implementation of the WHO FCTC is hindered by tobacco industry interference, which poses a challenge to achieve goals endorsed by its members (1, 2).

Governments should be aware of all forms of whitewashing within the strategies employed by the tobacco industry, including the perceived ability to come off as a strong partner to the government through profitable tax revenues, increased employment, and bringing international investments into low and middle income countries. All these strategies are deployed in order to deceive governments into allowing the tobacco industry to further its interests through the selling of highly addictive nicotinic products, one of the main causes of morbidity and mortality worldwide (3). For more information, visit: https://www.who.int/tobacco/wntd/2012/article_5_3_fctc/en/, or https://www.who.int/fctc/guidelines/adopted/article_5_3/ar/

About Tobacco Industry Interference Index (TIII)

The Tobacco Industry Interference Index (TIII) is a civil society report created to assess the implementation of FCTC Article 5.3. This is an initiative from the South Asia Tobacco Control Alliance (SEATCA) and the WHO FCTC Knowledge Hub on Article 5.3.

For more information, visit:

<https://seatca.org/?p=6221> and <https://untobaccocontrol.org/kh/article-53/>

Limitations of this report

Because this report was conducted during COVID-19 pandemic (still ongoing), access to information is quite limited, with most of the obtained documents and materials based on information available on the public domain (news, articles, social media, official gazette, etc.) and interviews with different stakeholders in Jordan. Potential limitations include limited access to confidential information on interaction between the government and tobacco industry, limited access to undisclosed contributions of tobacco industry to governmental employees and government activities, and limited access to information on parliamentarians or governmental officials’ investments in tobacco industry. In our aim to reduce such limitations, a close collaboration with different governmental and non-governmental agencies was done for the purpose of obtaining documents and information related to their knowledge of tobacco industry interference in Jordan. This collaboration helped cover different aspects that the authors alone would have missed or were unable to retrieve.

Background:

Tobacco usage is a global health challenge, and a leading cause of morbidity and mortality (3). Jordan experience an ongoing high level of tobacco industry interference (4, 5). In parallel to the high tobacco industry interference, Jordan in prevalence documented the highest male smoking prevalence globally, with 65.3% of males are current conventional tobacco smokers, and 15% are current e-cigarette users (6). Furthermore, the prevalence of smoking among females increased, with 16.4% of females are current conventional tobacco smokers, and 2.4% are current e-cigarette users (6).

Jordan has signed and ratified the FCTC in 2004, becoming one of the first countries in the world to take such an initiative (7). To support Jordan's work in tobacco control, the country was selected in 2017 to participate in the FCTC 2030 project and receive financial and technical support from the UK government, facilitated by the World Health Organization (WHO) (8). Accordingly, annual action plans were constructed with Ministry of Health, WHO and Tobacco Control NGOs to tackle the different articles of WHO FCTC and accelerate their implementation (9). However, challenges in implementation are still in sight (10, 11). Smoking in public health places, although banned by Public Health Law 47/2008, is not fully enforced, thanks to high tobacco industry interference. Cessation services, although expanding, are not fully integrated in all primary healthcare centers. Tobacco advertisements are prevalent across the country, and taxation measures are insufficient, making tobacco products highly affordable to youth (10, 11).

Article 5.3 of the WHO FCTC calls on parties to establish formal mechanisms to protect against tobacco industry influence in tobacco control policies (1, 2). Jordan has experienced continual interference from the tobacco industry (4, 5). In 2019, Jordan has published its first Tobacco Industry Interference Index report, followed by the second report the following year (4, 5).

Despite all tobacco control efforts, Jordan scored a poor 79% in the first report, with a humble improvement to 78% in the second report to drop, marking Jordan among the highest reported countries under tobacco industry interference (4, 5, 12, 13). This is due to the government's challenge and struggle within its system (4, 5). The Jordanian government is divided on two fronts concerning the tobacco industry. On one front there are those that are opposed to the tobacco industry and its harmful marketing consequences, with the Ministry of Health taking on the mantle in striving to combat this epidemic because of its serious repercussions on the health of the citizenry, seeking to implement the Framework Convention on Tobacco Control (FCTC). Article 5.3 stresses the conflict between tobacco and public health interests. On the other front there are those that advocate for the tobacco industry and consider tobacco manufacturers to be legal partners that contribute to generating income for the country, with the Ministry of Industry and Trade, the Ministry of Finance, and the Ministry of Tourism as prime examples.

Due to the COVID-19 pandemic, the acquisition of new data and information was more limited in comparison to previous reports. However, the level of commitment and collaboration between tobacco control partners from both governmental and non-governmental organizations made it possible to secure interviews with the Minister of Health, as well as additional staff of the ministry and other partners such as the King Hussein Cancer Centre (KHCC), Greater Amman Municipality (GAM) and working NGOs on tobacco control in Jordan. Furthermore, an investigation was conducted by the authors to understand the dynamics of selling and promoting a legalized new generation device (NGD) in Jordan, the IQOS, which is included in this report.

Tobacco Industry Interference Index (TIII) 2021:

The report shows that tobacco industry interference remains a critical issue, with hidden stakes influencing governmental decisions, discussions and requests. This is evident when the Ministry of Interior requested a review on the transfer of shisha license from one site to another (14, 15). Although the Prime Ministry initially declined the request, it was to no avail when the repeal of the Industries and Crafts law went into effect, which resulted in the article that banned transfer of license to another site no longer existing (14-16). Thus, upon receiving a second request from the Ministry of Interior, the Prime Minister approved their request (15). This in turn had implications

on the work of GAM and other municipalities (15, 17), their efforts not enough in stopping shisha license owners from being able to transfer to another site from a legal standpoint (17).

In order to limit the potential abuse that this decision can incur, some limitations were imposed, including limiting the transfer of a shisha license to once every 5 years, and limiting the transfer to only within the geographic area of the municipality the license came to be in (15).

Another important aspect is the environmental impact of tobacco manufacturing. In the last report, it was highlighted that Japan Tobacco International (JTI) received an award from the Ministry of Environment for their efforts to reduce CO2 emissions and environmental impact (18). In 2020, the Environmental Classification and Licensing System of 2020 was issued (19). While its articles do mandate tobacco industry to file for licensing like all other manufacturing industries, the classification for their environmental impact was put in category 3 (limited danger) (19). Category 1 is high danger, category 2 is intermediate danger, and category 4 is low danger (19). The tobacco industry is a major contributor to pollution and climate change (19). The current classification whitewashes their disastrous environmental impact.

Globally, the world was affected by the COVID-19 pandemic during the year 2020 (20). Jordan was no exception, and was severely affected by the pandemic (20). Even though the country initially imposed one of the strictest lockdowns, it came with many repercussions to the financial status of the country and the government (21-24). In the midst of the pandemic while the country was suffering, the tobacco industry found several opportunities to further its agenda under the guise of national support and solidarity (25). The prime example of this action was the large donations they provided to the Himmit Watan (همة وطن) fund, which was established by the government to support the health sector and the poor families affected gravely by the pandemic (25). This fund was established by the implementation of the Defense Law by the Prime Minister, and financially supported by the Ministry of Health and Ministry of Social Development (26). The fund is chaired by Al Kabariti, a previous prime minister of Jordan, with ministers, previous ministers, senators, parliamentarians and other high-level politicians taking part in the supervisory committee of the fund (26). The fund also documents the high-level donors (more than 100,000 JOD) in the Taxation Department for preferential treatment in the future (26). The donations were direct from the tobacco industry and indirect through individuals that are owners or shareholders of the tobacco industry in Jordan (25).

The lockdown at the early stages of COVID-19 provided other opportunities for the tobacco industry to work with the government. The government announced plans of distributing tobacco products to households (22, 27), which later on did not follow through. Additionally, the government considered tobacco as an essential good and allowed distributors and sellers to open up early during the pandemic (22, 27, 28). Furthermore, the government distributed the confiscated illicit tobacco products to the military (29), and considered shisha places and cafes to be one of the mostly affected sectors by the pandemic (24). All the aforementioned was followed by an increase of 50% in tobacco consumption by Jordanians (23), while the rest of the world had a decline in smoking consumption during the pandemic (30).

Finally, during the pandemic, the Jordanian government welcomed new investment from the Yemini government and British American Tobacco (BAT) into the duty-free area to produce tobacco products with 100% Jordanian staff (31).

Objectives:

The objective of the 2021 Tobacco Industry Interference Index report is to continue the previous work and provide a comprehensive summary/assessment of tobacco industry interference in Jordan across the year 2020, followed by the government's response to these instances of interferences to protect tobacco control policies. Additionally, the report aimed to supplement the assessment with an investigative reporting on how Philip Morris International (PMI) promote and sell their new approved product in Jordan, IQOS (I Quit Ordinary Smoking).

Summary Findings:

The report's score is 78, which is the same as last year. No sufficient efforts were done by the government to reduce or mitigate the harms of tobacco industry interference during 2020. However, vested interests of the tobacco industry remain high, with lack of access to tobacco control partners for information on key meetings and interactions.

a) INDUSTRY PARTICIPATION IN POLICY DEVELOPMENT:

In 2020, we did not account for incidences that the industry directly participated in when it came to policy development. However, their influence during previous years came to fruition as heated cigarettes technical regulations came into effect on the 1st of January, 2020 (32). Moreover, the indirect influence is palpable in the action of the Ministry of Interior and their request to revisit the transfer of shisha licenses (14, 15). The Ministry of Interior, Ministry of Tourism, Ministry of Trade and Industry, Jordan Standards and Metrology Organization (JSMO) and Municipalities have supported the tobacco industry in providing benefits and lobbying on their behalf (14, 15, 33-37).

b) INDUSTRY RELATED CORPORATE SOCIAL RESPONSABILITY (CSR) ACTIVITIES:

The tobacco industry managed to take advantage of the pandemic to whitewash its brand by contributing to the Himmit Watan fund in support of the COVID-19 pandemic relief (25). Having donated more than 500,000 JOD in direct and indirect payments would certainly give them future leverage with the government.

c) BENEFITS TO THE INDUSTRY:

On top of the whitewashing through CSR, the Jordanian government promoted tobacco consumption during lockdown, and prioritized the tobacco industry's distribution and sales when the country decided to end total lockdown (22, 27, 28). The government recognized shisha cafes and stores as one of the most affected establishments to the pandemic (28). In addition, the environmental risk of tobacco manufacturing was set at "limited danger" category, minimizing the true deleterious environmental impact the industry contributes (19). The increase in given benefits to the industry increased the score from 4 to 5 in questionnaire item 7.

d) UNNECESSARY INTERACTION:

The government welcomed an investment by the Yemini government and BAT in the duty-free areas to manufacture tobacco locally, with an aim to mostly export the products (31). The investment would employ 100% Jordanian workforce, with BAT owning 25% of the new investment (31).

e) TRANSPARENCY:

There were no specific changes in transparency in the interaction with the tobacco industry and the government. However, GAM has notified the authors of the report of a law that can be utilized as an opening to request meeting minutes and additional documents from the government based on that (38). We are not aware of any NGO or governmental agency that used this law to request information or data regarding interaction with the tobacco industry.

f) CONFLICT OF INTEREST:

We have not been able to document any new incidents of conflict of interest during the year 2020. As aforementioned, access to information and data was quite limited due to COVID-19.

g) PREVENTIVE MEASURES:

Customs requires additional documentation from the tobacco industry that must be submitted before the release of any product (39). This is a new effort to have periodic submissions by the industry, but is still far behind a comprehensive legislation that would require the tobacco industry to periodically submit information on tobacco production, manufacturing, market share, marketing expenditures, revenues and any other activity, including lobbying, philanthropy, political contributions and all other activities.

How does the tobacco industry, such as Phillip Morris International (PMI), promote IQOS in Jordan?

Accessibility, affordability, and lack of law enforcement are the major challenges facing the tobacco control implementation agenda in Jordan (11). For some Jordanians, it can be affordable to have access to tobacco products in Jordan, such as newly emerging products like the IQOS (I Quit Ordinary Smoking). The government efforts to enforce more regulations restricting selling of these products in the Jordanian market inspired us to do an investigation exploring the marketing strategies and tactics of tobacco companies, how new products are introduced, and the level of compliance to Jordanian law.

This investigation is not meant to provide a platform in recognition of any ethical practice by PMI, since they are selling a deadly and highly addictive product. However, it can help in understanding the promoting and marketing strategies relating to this new product, especially when the selling price is high.

We chose three selling locations in Amman Mall, as well one selling location outside the mall, for buying the products. Firstly, we tested the issue of non-smokers being sold the product, and concluded that it is next to impossible since the first question any potential buyer is asked upon approaching the sales team is whether or not they are a smoker. Upon knowing that the customer is a non-smoker, the sales team in all locations, with apologies, decline to sell the device. Secondly, at a later time we tried to buy it as a gift for a relative who smokes, to which they offered a voucher wrapped in an appealing box (without the device) for the smoker to use in exchange for the device. The reasoning behind this cautionary measure is to obtain personal details, as well as to explain how the device works, claimed the sales personnel.

We were surprised by this behavior, as it contradicted the selling tactics in Jordan concerning traditional cigarettes, with anyone able to buy the product with no regard to compliance of existing laws. We then went to a tobacco shop in Dabouq, which has an IQOS section as well. The storeowner said that he could not sell us the IQOS unless the IQOS sales personnel is present; instead we were offered to buy other vape products.

We then decided to go back and buy the products as light smokers. The sales person responded by rote that it is not a cessation product, and that it is not a cigarette replacement. He then asked us for our ID, copied all the data in the system (including the national ID number), and asked for other additional information such as phone numbers, addresses, and smoking behavior (e.g. number of cigarettes smoked per day and when), as well as how we found out about IQOS. The sales personnel were given the name of a relative who already uses their product. Surprisingly, accessing the relative's personal information from their system granted us a 10% discount. They also explained the device and how to use it, while introducing additional accessories like device cover, holder for the sticks box, etc. The interaction took 30 minutes, and the device after the discount, along with the holder and a couple of flavored boxes of heated sticks, cost us 60 JOD.

Their customer service personnel called the next day to ask for feedback about our experience in purchasing the product, asking questions such as if we used it, the flavor of tobacco used, and offered support in activating the product; we were also asked about how satisfied we were with the purchase, and asked to save the hotline number for any future inquiries or feedback. They also mentioned in case of a defect in the device, that it could be exchanged anytime free of charge.

This investigation has provided crucial evidence about PMI's conduct in IQOS sales. PMI reported that they aim to increase their revenue from IQOS to 50% of total net revenues by 2025 (40). We believe that based on the actions of PMI employees, the IQOS is not a primary product that the company cares about in Jordan; it is not their main money-making product as they tried to limit who would have access to it. This is in contrast to traditional cigarettes, which are shamelessly sold to the youth and the vulnerable. This supports previous reporting that cigarettes are the main revenue-generating product for these companies (41), and the claim of harm reduction is a façade to whitewash their brand. PMI also collects an extensive amount of information and data about users, which can help them further push their products in the future. Moreover, their customer service call experience makes this product sound and feel elitist, limited to the "special" few, creating this brand loyalty and image that comes with it. And finally, selling the device entails the collection of all kinds of personal information, including sensitive information, which is a clear breach of privacy. When the sales person can get access to any person based on their ID number, it is a critical issue that even raises questions on if the government approved of this, and how? Creating this database for their consumers leads to what purpose? Can the ministry of health, or other governmental agency for that matter, by law obtain consumer data from tobacco companies such as PMI? This investigation raises questions that require additional examination.

Collaboration with the Government and NGOs:

In this report, we aimed to follow the recommendations we posed during the previous report. We tried to the best of our abilities to get in touch with the tobacco control partners and encourage them to participate and contribute to this report. This culminated in having more partners who have contributed to the report than previous years, with active technical participation.

While being in touch with the government and NGOs, we were informed of some key issues of the current collaboration efforts that might hinder the efforts or reduce their efficacy to suboptimal levels. One key issue that was conveyed on several instances was the vague coordination among the partners. This resulted in having several partners working on the same issues and investigating the same incidents, while reaching similar conclusions without adding anything new to the discussion. The MOH has highlighted in our meetings and discussions that for effective collaboration, communication, willingness to share information and future plans, and humility to work in a larger coordinated team are key elements that are needed to optimize tobacco control work (42).

Allocating tasks and responsibilities among the NGOs and tobacco control partners can be a possibility to solve this issue. Further, approaching the partners and keeping them involved in your project or activity can incentivize them to support your activity. From our experience, the lack of access to data due to COVID-19 was eased by the support given by the tobacco control partners through the many important documents provided to us, which facilitated the work on this report. However, we still could not get access to all information from concluded reports and projects as some NGOs do not fully publish the outcomes of their reports and work and make it publicly accessible.

Another example of successful partnership is when tobacco control partners submitted a letter to the prime minister of Jordan, urging him to keep and maintain the ban on shisha in cafés as a COVID-19 mitigation (43). The letter was sent in December 2020, and was referred to the Minister of Health for further action (44).

On another point, we were informed that an assessment of the FCTC 2030 project was done in 2020 (45). This was performed by York University, with several stakeholders in Jordan interviewed about the project and its delivery (45). The outcomes of this report are important and should be shared publicly with access to source data and transcripts to ensure transparency of work and trustworthiness.

On a hopeful note, Her Royal Highness Princess Dina Mired has supported the efforts of the government and NGOs in tobacco control and lobbying against tobacco industry interference on national and international levels (46). As a recognition of her efforts, the WHO has awarded her the World No Tobacco Day Award (46).

Other Tobacco Control Issues:

In our efforts to gather information about tobacco industry interference, we were guided by the partners on some key issues on tobacco control. The first was the issue of e-cigarettes in Jordan. The WHO have finalized a legal review on the case of e-cigarettes legislation in Jordan, and evidence highlight that the regulations that allowed e-cigarettes are contradictory to the law (47). Since the Public Health Law 47/2008 bans e-cigarettes and devices used for smoking (48), a bylaw or regulation cannot contradict an article in a law. Thus, there are legal grounds to challenge the Jordanian government on this issue and request the removal of these contradictory regulations. However, upon requesting additional information from WHO on this issue, they disclosed that they shared all the documents with the Ministry of Health. On 13th of July 2021, the Minister of Health addressed this issue based on the reports of WHO and requested the JFDA to make the necessary legal changes (49).

A second issue is that JSMO wanted to continue the work on e-cigarettes technical regulation, for which the Ministry of Health sent a letter requesting postponement, as promoting e-cigarettes can worsen the COVID-19 pandemic (50).

A third issue is access to cessation services in Jordan. The MOH has expanded tremendously in its efforts in giving citizens access to cessation services, and now have a cessation clinic in every governorate across the country (51, 52). This can provide an opportunity for smokers who want to quit but faced the challenge of having limited cessation clinics catering to only the biggest cities. This was followed by the WHO's support to cessation clinics for nicotine patches (53).

Recommendations Based on the Current Report:

Jordan suffered for decades from low political will to support a tobacco control agenda (4, 5, 11, 15, 33-36, 54-56). However, the recent appointment of Dr. Feras Hawari as Minister of Health poses a window of opportunities that the tobacco control partners must take advantage of in order to push forward implementation of the FCTC's agenda. In the suggested recommendations based on the current report, the authors will assume that the partners will take advantage of the status of the Minister of Health by proposing stronger recommendations.

- 1- The Ministry of Health should take advantage of the Access to Information Law and request tobacco industries to release their data on users, production, lobbying, donations, CSR, philanthropies, etc.
- 2- The Ministry of Health should champion an amendment to the Public Health Law 47 to include articles on tobacco industry interference, and integrate the ministerial decisions into law articles.
- 3- The tobacco control partners should create a more collaborative road map for implementation of work with a focus on partnership and collaboration and is not limited to objectives and areas of work.
- 4- Although law changes can be a key to push forward the agenda, the tobacco industry uses them to further its own as well. The MOH's and GAM's legal department must inform the tobacco control teams in their respective organizations on these changes beforehand and as early as possible to facilitate space for counter-efforts to combat the industry.
- 5- Access to results and information from concluded projects of tobacco control partners is ethically obligated. All information and data should be communicated in an accessible way to other partners.
- 6- A Jordan-centered and tailored Article 5.3 training/workshop is necessary, as the local challenges can be different from other global challenges. The internationally run workshops might not reflect the local needs and can be not fully implemented in the country.

Reflections from Partners:

King Hussein Cancer Center:

The Tobacco Control community's efforts to achieve protection of public health policies from commercial and other vested interests of the tobacco industry continue to be seriously undermined by a variety of factors, including: advantages granted to the tobacco industry and its representatives through membership in government committees responsible for regulating the tobacco sector; absence of restrictions on their participation in social initiatives (CSR); institutional and legal gaps which strengthen their economic influence through diverse activities and diverse products (up to December 2018, there were no less than 1700 entities registered as entities with "economic activities related to tobacco products"; and the intersection of the industry with other sensitive sectors such as education and health. Over the past three years, and in parallel with these challenges, there have been many constraints that have limited the possibility to fully implement the development of a monitoring system to assess the tobacco industry's interference in order to enhance advocacy efforts, including: (a) the challenges faced with regard to the availability and collection of data (fluctuating availability of registered investment information from governmental websites), (b) the continuity in the publication of government laws, updated laws, decisions, and other forms of regulations, and (c) introducing privileges and incentives to attract and retain foreign investments. From our perspective, the establishment of a multi-sectoral alliance is imperative and critical at this moment in laying the groundwork to sustain the tobacco control community's efforts, while at the same time improving the content of relevant laws.

World Health Organization:

Jordan has shown a keen interest in tackling the tobacco epidemic. The Jordanian government took many notable steps for the purpose of implementing the WHO FCTC. Most notable is the banning all forms of smoking in all public places, establishing a National Committee for Tobacco Control under the prime minister, and establishing a Technical Tobacco Control Committee. Furthermore, the government included partners from relevant stakeholders like the NGOs, the WHO, and others in reaching some of the decisions related to tobacco control.

Unfortunately, the tobacco industry lobby is still very prominent in Jordan. Among the Tobacco Industry Interference Index scores, Jordan scores amongst the highest countries that suffer from an excessive level of Tobacco Industry interference. Due to that fact, the tobacco industry still has some direct influence over key decisions that concern tobacco control. Unnecessary interaction with the tobacco industry is also noted, with governmental officials attending ceremonies and events hosted by the industry or their front groups.

Onlook into the 2022 Report:

The Ministry of Health team has worked on several legal steps to advance the tobacco control agenda (57). The political will and support from the newly appointed minister has facilitated this process as well (57, 58). Recently, a new regulation concerning serving shisha was published in the official gazette, clearly banning all forms of smoking in indoor public places, allowing shisha to be served only outdoors and in certain establishments, as well as bans all forms of advertisement, promotion and sponsorship, and lists additional regulations that help cover many of the legal gaps that were present (57). This comes as a great and tremendous step in implementation of Article 8 and 13 of the FCTC. Additionally, the Minister contacted the JFDA on the issue of e-cigarettes directives and highlighted that they are contradictory to the Public Health Law 47, requesting amending the current legal issue (49).

Furthermore, Customs have excluded the tobacco industry from any privileges in their draft for a new bylaw on the facilitation of customs to special entities that abide by customs regulations (59). This is a great step as tobacco smuggling and illicit trade are major concerns in Jordan (11).

Using this momentum is crucial to push forward the tobacco control agenda and preventive measures to tobacco industry interference and the implementation of Article 5.3 of the FCTC. The authors of the report and the tobacco control partners are committed to continue the work and push for implementation of the recommendations of this report.

COUNTRY: Jordan

INDICATORS	0	1	2	3	4	5
Level of Industry Participation in Policy-Development						
1. The government accepts, supports or endorses any offer for assistance by or in collaboration with the tobacco industry or any entity or person working to further its interests. ¹ in setting or implementing public health policies in relation to tobacco control ² (Rec 3.4)						5
<ul style="list-style-type: none"> No change in the score - The previous TIII reports highlighted that tobacco industry and their front groups are actively present in health and tobacco control policy development. They are also present in inspection committees on restaurants and cafes. Several efforts were done to exclude the tobacco industry's presence from JSMO's technical regulation and standards committees, but all efforts failed as they have a strong backing from JSMO, Ministry of Trade and Industry, Ministry of Finance and the Prime Ministry of Jordan (4, 5). Following the publication of the heated tobacco technical regulation that only uses text warnings with no pictorial warnings, the heated tobacco technical regulation came into effect as of 1st of January 2020 (32). Since the e-cigarettes committee is still ongoing, the Ministry of Health have requested to postpone the work of Jordan Standard and Metrology Organization (JSMO) on the e-cigarette technical regulation due to COVID-19 (50). The tobacco industry, though, remains represented by having participation as chamber of industry and chamber of commerce representatives. 						
1. The government accepts, supports or endorses <u>policies or legislation drafted</u> by or in collaboration with the tobacco industry. (Rec 3.4)						5
<ul style="list-style-type: none"> No change in the score - The previous TIII reports highlighted that the tobacco industry and its front groups have participated in the drafting process of tobacco control legislation and have been endorsed by the government on several occasions including by Ministry of Health, Greater Amman Municipality, Ministry of Tourism, Ministry of Trade and Industry and Jordan Standards and Metrology Organization (4, 5). Although MOH and GAM are more careful now in dealing and cooperating with the industry and their front groups, the tobacco industry still remains as a permanent member of JSMO's tobacco committee (4, 5). 						
1. The government allows/ invites the tobacco industry to sit in government interagency/ multi-sectoral committee/ advisory group body that sets public health policy. (Rec 4.8) 1 Never 5 Yes						5
<ul style="list-style-type: none"> No change in the score - The previous TIII reports highlighted that tobacco industry and its front groups are part of the tourism committee and JSMO's tobacco committee (4, 5). 						
1. The government nominates or allows representatives from the tobacco industry (including State-owned) in the delegation to the COP or other subsidiary bodies or accepts their sponsorship for delegates. (i.e. COP 4 & 5, INB 4 5, WG) ³ (Rec 4.9 & 8.3)		1				
<ul style="list-style-type: none"> No change in the score – There is no evidence to date of tobacco industry being nominated as representatives to the COP or having them sponsor Jordan's delegation. 						
Tobacco related CSR activities						
1. A. The government agencies or its officials endorses, supports, forms partnerships with or participates in activities of the tobacco industry described as socially responsible. (Rec 6.2) B. The government (its agencies and officials) receives CSR contributions ⁴ (monetary or otherwise, including CSR contributions) from the tobacco industry or those working to further its interests. (Rec 6.4)						5
NOTE: exclude enforcement activities as this is covered in another question						

¹ The term, "tobacco industry" includes those representing its interests or working to further its interests, including the State-owned tobacco industry.

² "Offer of assistance" may include draft legislation, technical input, recommendations, oversees study tour

³ Please annex a list since 2009 so that the respondent can quantify the frequency, <http://www.who.int/fctc/cop/en/>

⁴ political, social financial, educations, community, technical expertise or training to counter smuggling or any other forms of contributions

INDICATORS						
	0	1	2	3	4	5
<ul style="list-style-type: none"> No change in the score - The previous TIII reports highlighted that tobacco industry invested heavily in funding schools, students and providing scholarships for orphans and university students (4, 5). They also provided funding to governmental agencies (4, 5). As part of COVID-19 support to the government, tobacco industry and tobacco industry owners and shareholders have donated more than 500,000 JODs to Himmit Watan fund (25). The fund supported health initiative and providing food to the poor families (25). The fund was established by the Prime Minister and includes high-level politicians as members of the supervisory board of the fund including previous Prime Minister, current Ministers, previous Ministers and Parliamentarians (26). The fund also documents donors in the taxation department to receive preferential treatment in the future (26). 						
Benefits to the Tobacco Industry						
1. The government accommodates requests from the tobacco industry for a longer time frame for implementation or postponement of tobacco control law. (e.g. 180 days is common for PHW, Tax increase can be implemented within 1 month) (Rec 7.1)						5
<ul style="list-style-type: none"> No change in the score - The previous TIII reports highlighted that on several occasions, the government has postponed adoption of laws and implementation of laws to benefit the tobacco industry and its front groups (4, 5). In the case of heated tobacco, it was for the benefit of the tobacco industry to allow the technical regulation to pass as early as possible so they can import and produce heated cigarettes. This was highlighted in point 1 that it came into force by 1st of January 2020 (32). 						
1. The government gives privileges, incentives, tax exemptions or benefits to the tobacco industry (Rec 7.3)						5
<ul style="list-style-type: none"> Score increased from 4 to 5. The previous TIII reports highlighted that the government has provided the tobacco industry and its front groups with financial support, tax exemptions, investment support, direct advertisement to the tobacco industry on governmental platforms including the Prime Ministry pages, and offered to lobby on behalf of the tobacco industry (4, 5). On 15th of January 2020, the Ministry of Interior has requested a review of the transfer of license to a different location by the Prime Ministry (14). This comes before the repeal of the Industries and Crafts law of 1953 (16). The aforementioned law banned transfer or change of license by changing the location of the structure of the building. This was used as the foundation to limit transfer of shisha license from one institute to another, in a hope with time to decrease the number of shisha licenses, since issuance of new licenses is banded (14, 33). However, by the repeal of the Industries and Crafts law, the transfer can happen again. As such, the Ministry of Interior requested from the Prime Ministry to review their decision (14). Since the request came before the repeal of the Industries and Crafts law, their request was declined (14). Nonetheless, the Ministry of Interior requested another review on 21st of July and 30 of September 2020. The Prime Ministry has allowed on the 4th of November 2020 the transfer of shisha license to a new place, given this only occurs once every 5 years for each license (15). Although we do not know who incentivized the Ministry of Interior to request this review, it is worth mentioning that the Ministry of Interior have issued illegally shisha licenses over several years when they did not have the mandate or authority (33). These licenses were not revoked, but confirmed later on by the Prime Ministry who also did not have the authority to do so with the licenses issued by Ministry of Tourism (33). On the recently issued Environmental Classification and Licensing System of 2020, the tobacco industry is required to apply for environmental license like all other industries, businesses and factories. However, they were classified as limited danger to the environment (category 3), even though they are one of the major contributors to environmental damage (19, 60). Cigarettes are still promoted on the Jordanian duty-free website (61). However, the duty free have added recently IQOS to its sale points but not on the promotional website. During the lockdown for COVID-19, the Minister of Labor announced on public television that the government will distribute cigarettes to smokers in addition to bread and other essential products (27). The tobacco industry was given priority in opening up when only few essential establishments were allowed to open up during the ease of lockdown, even though tobacco is not an essential consumer good (28). The government classified shisha cafes as one of the most affected sectors economically during COVID-19 pandemic due to lockdown and COVID-19 mitigation measures (24), and to support them decided to allow shisha to be served in outdoor areas (62). 						
Forms of Unnecessary Interaction						

INDICATORS	0	1	2	3	4	5
1. Top level government officials (such as President/ Prime Minister or Minister ⁵) meet with/ foster relations with the tobacco companies such as attending social functions and other events sponsored or organized by the tobacco companies or those furthering its interests. (Rec 2.1)						5
<ul style="list-style-type: none"> No change in the score – The previous TIII reports highlighted that Prime Ministers, Ministers, Parliamentarians and high governmental officials have attended gatherings and ceremonies with the tobacco industry (4, 5). They also hosted them in conferences and high-level gatherings and awarded them for their environmental efforts and other economic contributions (4, 5). 						
2. The government accepts assistance/ offers of assistance from the tobacco industry on enforcement such as conducting raids on tobacco smuggling or enforcing smoke free policies or no sales to minors. (including monetary contribution for these activities) (Rec 4.3)						5
<ul style="list-style-type: none"> No change in the score – The previous TIII reports highlighted that the government does collaborate with the tobacco industry in training on anti-smuggling and illicit trade control (4, 5). The report also highlights the role of the tobacco industry in influencing the government to accept the purchase of the digital tax stamp system through the industry (4, 5). The government also blocked on several occasions the Illicit Trade Protocol ratification (4, 5). 						
1. The government accepts, supports, endorses, or enters into partnerships or non-binding agreements with the tobacco industry or any entity working to further its interests. (Rec 3.1) NOTE: This must <u>not</u> involve CSR, enforcement activity, or tobacco control policy development since these are already covered in the previous questions.						5
<ul style="list-style-type: none"> No change in the score – The previous TIII reports highlighted that several partnerships were formed regarding investment, renewable energy and illicit trade control with the tobacco industry (4, 5). This also includes a partnership on the development of the digital tax stamp system (4, 5). Jordan's government welcomed a Yemini governmental investment into the duty-free area in Jordan to produce tobacco (31). The project is the first Yemini governmental investment in Jordan, and will employ 100% Jordanian staff (31). The Yemini government owns 27.81% of the project, while British American Tobacco owns 25% (31). 						
Transparency						
11. The government does not publicly disclose meetings/ interactions with the tobacco industry in cases where such interactions are strictly necessary for regulation. (Rec 2.2)						5
<ul style="list-style-type: none"> No change in the score - The previous TIII reports highlighted that the meetings of the government and the tobacco industry remain undisclosed (4, 5). We were notified recently by Greater Amman Municipality that there is a law that tobacco control activists can utilize to request access to information called Access to Information Law (38). However, we are not aware of any party that have utilized this law to request disclosure of meetings/interactions of the government with tobacco industry. It is important to highlight that Article 5.3 and its guidelines of implementation state that such meetings should be publicly disclosed without the necessities of using other laws to request the government's release of the meeting minutes (2). 						
12. The government requires rules for the disclosure or registration of tobacco industry entities, affiliated organizations, and individuals acting on their behalf including lobbyists (Rec 5.3)				3		
<ul style="list-style-type: none"> No change in the score - The previous TIII reports highlighted that the code of conduct requires public workers such as ministers to disclose information regarding ties to the tobacco industry but excludes parliamentarians from such obligations (4, 5). Furthermore, the Ministry of Trade and Industry does require registration of such activities, but they all remain confidential and out of public disclosure (4, 5). 						
Conflict of Interest						
13. The government does not prohibit contributions from the tobacco industry or any entity working to further its interests to political parties, candidates, or campaigns or to require full disclosure of such contributions. (Rec 4.11) 1 Never 5 Yes						5
<ul style="list-style-type: none"> No change in the score - The previous TIII reports highlighted that we are not aware of any rules or laws that require disclosure of these contributions (4, 5). No changes have occurred on this issue. 						

⁵ include immediate members of the families of the high-level officials

INDICATORS	0	1	2	3	4	5
14. Retired senior government officials form part of the tobacco industry (former Prime Minister, Minister, Attorney General) (Rec 4.4)			2			
<ul style="list-style-type: none"> No change in the score - The previous TIII reports highlighted that only few incidents were documented of previous governmental officials holding positions, with some being previous Minister of Tourism and previous Parliamentarians (4, 5). 						
15. Current government officials and relatives hold positions in the tobacco business including consultancy positions. (Rec 4.5, 4.8, 4.10)						5
<ul style="list-style-type: none"> No change in the score - The previous TIII reports highlighted that Parliamentarians, Senators and other public servants are holding positions in the tobacco industry and some are owners of establishments that serve these products and/or have direct ties with them (4, 5). 						
Preventive Measures SCORING for this section: 1. Yes, 2. Yes but partial only, 3. Policy/ Program being developed 4. Committed to develop such a policy/ program 5. None						
1. The government has put in place a procedure for disclosing the records of the interaction (such as agenda, attendees, minutes and outcome) with the tobacco industry and its representatives. (Rec 5.1)				3		
<ul style="list-style-type: none"> No change in the score - The previous TIII reports highlighted that although meeting minutes are not publicly disclosed, the Ministry of Health have drafted a tobacco control that would cover such gaps (4, 5). Though the law draft is still on stasis since 2019 (4, 5). 						
1. The government has formulated, adopted or implemented a code of conduct for public officials, prescribing the standards with which they should comply in their dealings with the tobacco industry. Yes - for whole of government code; Yes but partial if only MOH (Rec 4.2)			2			
<ul style="list-style-type: none"> No change in the score - The previous TIII reports highlighted that although there is no specific guide on interaction with the tobacco industry, the code of conducts of public servants require disclosure of tobacco industry ties (4, 5). However, this does not apply to the Parliament (4, 5). Additionally, the Minister of Health issued several decrees banning accepting gifts from the tobacco industry (4, 5). 						
2. The government requires the tobacco industry to periodically submit information on tobacco production, manufacture, market share, marketing expenditures, revenues and any other activity, including lobbying, philanthropy, political contributions and all other activities. (Rec 5.2)			2			
<ul style="list-style-type: none"> Score dropped from 3 to 2. The previous TIII reports highlighted that information regarding production, manufacturing, sales and other expenditures are documented in Ministry of Finance and Ministry of Trade (4, 5). However, they are not publicly disclosed (4, 5). Instructions for the implementation of the inventory control system for goods in entities registered within the development areas require that tobacco products must fill out a release form before extraction from development areas (39). However, this does not include market share, other forms of production outside of development areas, lobbying, philanthropy, political contributions, etc. However, the government still plans to issue other laws and regulations as mentioned in the previous reports but the work progress on the new tobacco control law was put in stasis since the letter from the Jordanian Food and Drug Agency (63). 						
3. The government has a program / system/ plan to consistently ⁶ raise awareness within its departments on policies relating to FCTC Article 5.3 Guidelines. (Rec 1.1, 1.2)				3		
<ul style="list-style-type: none"> No change in the score - The previous TIII reports highlighted that FCTC2030 annual action plan included agenda items on raising awareness regarding Article 5.3 (4, 5), but they were not executed. 						
4. The government has put in place a policy to disallow the acceptance of all forms of contributions/ gifts from the tobacco industry (monetary or otherwise) including offers of assistance, policy drafts, or study visit invitations given or offered to the government, its agencies, officials and their relatives. (Rec 3.4)		2				

6 For purposes of this question, “consistently” means: a. Each time the FCTC is discussed, 5.3 is explained. AND b. Whenever the opportunity arises such when the tobacco industry intervention is discovered or reported.

INDICATORS	0	1	2	3	4	5
<ul style="list-style-type: none"> No change in the score - The previous TIII reports highlighted that the directive of the Minister of Health bans \ accepting gifts from tobacco industry, but is insufficient to cover all necessary aspects (4, 5). However, the draft of the tobacco control law does cover the remaining issues but has not moved forward since 2019 (4, 5). 						
TOTAL	78					

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TOBACCO INDUSTRY INTERFERENCE INDEX 2021 - JORDAN

Country Status in Implementation of the World Health Organization
Framework Convention On Tobacco Control (FCTC) Article 5.3

