



# Policy brief on tobacco control for parliamentarians

## Overview:

Tobacco is the leading cause of preventable death in the world today. Tobacco related illnesses kill 5.4 million people a year. If current patterns persist, smoking will kill more than 8 million a year by 2030, of which more than 80 per cent fatalities in low- and middle-income countries.

Growing tobacco use remains the biggest public health challenges facing the developing world. This is starkly manifest in Pakistan, where an estimated 40% males and 9% females are smokers - with smoking rates going up on daily basis. One authoritative estimate puts the number of tobacco-related deaths at 100,000 per year. This means 273 tobacco deaths a day. These are worrying statistics for public health officials, policy makers and general consumers alike.

## International Obligations for the Government of Pakistan

### Framework Convention on Tobacco Control:

Internationally, Framework Convention on Tobacco Control (henceforth FCTC) framed by the World Health Organization ties signatory countries to its articles and guidelines into domestic legislation. FCTC is a public health treaty, which became international law in February 2005. The government of Pakistan signed and ratified FCTC in 2004. This came after a national tobacco control law in 2002.

The WHO-Framework Convention on Tobacco Control (FCTC) has been signed by 168 of the 192 states and become parties to this historic international treaty which aims at reducing and controlling tobacco-related deaths and diseases in the world.

### Main Provisions in FCTC:

Right from the first preamble paragraph which states that "Parties to this Convention are determined to give priority to their right to protect public health", the FCTC is a global trend setter.

### A. Demand Reduction provision of FCTC: (Articles 6 - 14)

- Price and tax measures to reduce demand for tobacco plus prohibition or

### Article 11: Pictorial Health Warnings legislation to reduce tobacco use: key provision of the FCTC

Article 11 of the Framework Convention on Tobacco Control (FCTC) states that warning labels should cover at least 50 percent of the principal display areas of the package (i.e. both the front and back). It also requires that the messages be rotated and encourages the use of pictures and pictograms.

Article 11 of the Framework Convention on Tobacco Control (FCTC), dealing with package health warnings and labelling, contains key obligations. Effective package warnings increase awareness of the health effects of tobacco use and exposure to tobacco smoke, and decrease consumption. Deceptive labelling by the tobacco industry undermines public health objectives.



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restriction of tax and duty free sale or import of tobacco products (Article 6)

- Non-Price measures to reduce the demand for tobacco, namely;
  - Article 8: Protection from exposure to tobacco smoke.
  - Article 9 & 10: Regulation of the contents of tobacco products and ingredient disclosure.
  - Article 12: Public education, training, capacity building.
  - Article 13: Ban on tobacco advertising, promotion and sponsorship.
  - **Article 11: Pictorial Health Warnings legislation to reduce tobacco use: key provision of the FCTC**
  - Article 14: Demand reduction measures concerning tobacco dependence and cessation.

#### **B. Core supply reduction provision of FCTC: (Articles 15 - 18)**

- Article 15: Illicit Trade in tobacco products
- Article 16: Sales to minors
- Article 17: Support for economically viable alternative activities
- Article 18: Protection of the environment and health of persons in relation to tobacco cultivation and manufacturing within their respected territory.

#### **Other provisions of FCTC:**

- Research, surveillance, cooperation in scientific, technical and legal fields, exchange of information and

- Support for legislative action to deal with liability
- Article 5.3 guidelines were adopted by the third session to the Conference of Parties (COP) to the FCTC in November 2008. These guidelines recommend measures to limit government interaction with the industry, reject partnerships with the industry and ensure transparency in operations and activities.

#### **International Evidence regarding effectiveness of Pictorial Warnings:**

The adoption and implementation of this article has been linked to reduced smoking level in the countries. International evidence has established a relationship of the packaging reforms with discouragement of tobacco use. Pictorial and rotating messages have been especially effective in persuading smokers to quit the habit. One international study conducted by International Tobacco control project on the effectiveness of pictorial warnings in 19 countries in 2008 concluded that pictorial warning on cigarette packs were more effective than text-based warning in raising awareness of harmful effects of smoking and motivating smokers to quit. These finding also lend support to additional guidelines on article 11 which stipulate that at least 50 percent area of a cigarette pack should contain pictorial warning. In Pakistan , where literacy rate is abysmally low, pictorial warning are the most effective weapon in the armory of governments tobacco control policy . So far more than 30 countries worldwide including neighboring country India have implemented the pictorial health warnings on cigarette packs.

### **WHO- MPOWER**

WHO-MPOWER strategy launched in 2008 is a set of six policy measures which provides a clear road map for policy makers, advocates, and public health professionals to combat the tobacco menace. MPOWER stands for:

- M**onitoring tobacco use and prevention
- P**rotecting people from tobacco smoke
- O**ffering help to quit tobacco use
- W**arning people about the dangers of tobacco
- E**nforcing bans on tobacco advertising, promotion and sponsorship
- R**aising Taxes on tobacco

# Landmark Decision of the Government of Pakistan yet to land

Government of Pakistan announced a landmark decision of implementation of pictorial warnings on cigarette packs and joined the select list of countries effectively using picture based warnings. Ministry of Health announced amendments to the Printing of Warning Ordinance 1979 to incorporate pictorial health warning into domestic law. The ministry announced on May 31, 2009 that above mentioned warnings will come into effect from January 1, 2010 and tobacco industry was given a time period of six months to comply with the amendments. Now the new date set for implementation is 31 May 2010. The chronology of announced delay in the implementation of pictorial warnings by 31 May 2010 instead of 1st February 2010 can be pieced together from new items to give an overview of the run up to current delay

- **Landmark decisions for tobacco control;** Minister for Health announced pictorial warnings on cigarette packs by January 1, 2010 (The News, June 1, 2009)
- **Warnings to cover no less than 50% of display area:** It was decided in the meeting of Technical Advisory Group on Tobacco Control that the display area for picture based warnings will be not less than 50% on the cover and outers of cigarette packs with effect from January 1, 2010 (The News, June 8, Friday)
- **Tobacco industry strikes back and hard:** Media reported exclusively that Tobacco industry is scheduled to meet with the officials of tobacco control cell at ministry of health to demand an extension in the deadline for incorporation of pictorial health warnings on cigarette packs and outers. (The News, June 18, 2009)
- **Tobacco Industry strings out implementation process:** Representatives of tobacco industry met with DG implementation at tobacco control cell and argued the ministry of health with counter-questioning and asked for an extension of two years for compliance. (The News, Friday June 19, 2009)
- **Media and civil society concerned over tobacco industry malignant influence:** media and civil society organizations showed their strong apprehension on meeting of ministry of health with the officials of tobacco industry without taking civil society on board. Media reported it a threat to the decision of implementing pictorial warnings. (The Nation, June 20, 2009)
- **Health Ministry yet to fulfill pledge:** Health ministry's pledge to implement pictorial health warnings on cigarette packs seems in doldrums, as ministry due to the mounting pressure of the tobacco industry is taking no further steps to execute the decision in letter and spirit. (The Nation, July 1, 2009)
- **Health Ministry being influenced by tobacco industry:** Health ministry is getting influenced by the tobacco industry as no further steps have been taken since the health minister made the landmark announcement regarding pictorial warnings. The lenient attitude of the health ministry indicates its retraction from the earlier decision under the immense pressure of tobacco industry. (Business Recorder July 1. 2009)
- **No extension in deadline:** the tobacco industry left any stone unturned after the announcement to obtain an extension in the lead-time for printing of picture based health warnings on cigarette packs. The tobacco industry had slowly but surely been flexing its muscles to stall the process for incorporation of pictorial health warnings. Mir Ejaz Jakhri ordered the tobacco control cell to immediately finalize the Statutory Regulatory Order for introduction of pictorial warnings get it vetted by the law division. He announced no extension in deadline for tobacco industry. (The News, July 29, 2009)
- **No extension in deadline:** Finally breaking his silence, the federal Minister for Health said that there would be no extension in deadline for printing of picture based health warnings on cigarette packs. The decision is highly appreciated by the civic bodies and health experts. (The Nation, July 31, 2009)
- **Issuance of SRO:** The SRO regarding pictorial warnings unlikely to be issued before mid-August delayed the implementation till mid-February 2010 as against the January 2010 deadline announced by minister for Health.

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- **Tobacco lobby may force govt. to delay pictorial warnings on packs:** the cash-rich and well connected tobacco lobby may force the government to delay its decision to carry pictorial health warnings on cigarette packs. Government announced picture based health warnings on world no tobacco day, however, after the announcement, the tobacco industry's bigwigs became active and held a number of meetings with the high-ups of health ministry to reverse or delay the implementation of warnings. (Daily Times, September 21, 2009)
  - **Warnings on cigarette packs, Ministry fails to implement directives:** There is a history of tobacco industry's tactics to delay the implementation of pictorial warnings in other countries as well, this has not worked in the part and the ministry of health should make sure that history is not repeated in Pakistan. (The Nation, September 25, 2009)
  - **Govt. urged to implement health warnings on cigarette packs:** tobacco industry is playing all tactics to reverse or at least delay the decision of implementation of pictorial warnings. Media urge the ministry of health to stick to its commitment enshrined in FCTC to which government of Pakistan is a signatory. (Pakistan Observe, September 25, 2009)
  - **SRO regarding pictorial warnings has been drafted and vetted by the ministry of law:** It was revealed in October 2009 that the SRO regarding pictorial warnings has been drafted and vetted by the ministry of law but date of notification not given by the ministry of health. This led to a strong apprehension among media and civil society organization regarding the tobacco industry to back channel influence to delay the notification.
  - **Call to implement pictorial warning on cigarettes:** Smoking causes 100,000 deaths annually in Pakistan and any further delay in the notification and implementation of pictorial warnings would add to the toll of the death caused by tobacco industry and the figure is mounting at a rate of 273 deaths daily. These frightening figures leave little room for delay and complacency. (Business Recorder, October 9, 2009)
  - **Health ministry still to enforce laws:** with just eighty-one days left in the given deadline to the tobacco industry, Ministry of Health is yet to notify legislation that restricts the industry to comply with printing the pictorial health warnings cigarette packs by January 2010. Despite the fact that legislation has been done and vetted, still there is no visible sign as yet of being it notified. (The Nation, October 9, 2009)
  - **Legislation to be notified early next week;** pictorial warnings to be printed from February 2010: Secretary Health, Mr. Khushnood Akhtar Lashari, announced the notification of SRO in a week and gave the time period for printing of warnings on packs by February 2010. (The News, Friday, October 09, 2009).
  - **SRO delayed:** The SRO was not issued on the appointed day and instead notified on November 6, 2009. The SRO sets 1st February 2010 as the date of implementation.
  - **Pictorial warnings on cigarette packs delayed:** the health ministry has again delayed introduction of pictorial warnings on cigarette packs by tobacco industry till May 2010. Sources claim the cash rich tobacco industry has influenced the ministry to stall the decision. (Daily Times January 14, 2010)
  - **Tobacco Industry gains one full year to show compliance:** The secrecy maintained by the ministry of health as it silently submitted to the tobacco industry's demand for relaxation of deadline for printing of picture based health warnings on cigarette packs has given out a clear message; while the tobacco industry is honest to its cause, the ministry of health is not. After the latest relaxation allowed to tobacco industry, picture based warnings will now appear with effect from May 31, 2010, rather than the earlier February 1, 2010 deadline, and the January 1, 2010 deadlines announced on the occasion of World No Tobacco Day, May 31, 2009. (The News, January 15, 2010)

# Role of Parliamentarians:

Tobacco is a problem faced by the whole country. Only a holistic approach adopted at various levels can save our health and lives. The national, provincial and district level policy makers need to take a firm lead in fine-tuning the existing laws and providing legislative oversight of the implementation mechanisms.

Parliamentarians can play a pivotal role in advocating the government of Pakistan to harmonize the domestic legislation with the legal obligations of FCTC. Parliamentarians can supply political will and muscle to speedy implementation and enforcement of FCTC provisions. The Network calls upon all parliamentarians to play their role in pushing for speedy implementation of FCTC regarding pictorial warnings so that tobacco use in Pakistan can be curbed.

## How parliamentarians can do to assist tobacco control efforts?

**Parliamentarians can help in some of the following ways:**

1. Promoting "No-smoking" policy in parliament should be promoted.
2. Advocating speedy implementation of FCTC provision in general and pictorial warnings legislation by 1st February 2010.
3. Promoting the cause of "Tobacco free Pakistan" from all forums
4. Creating an all parliamentary group on tobacco control.
5. Forming an all parliamentary group on monitoring implementation of FCTC provisions
6. Lobbying fellow parliamentarians against tobacco use within the parliament
7. Making tobacco control a part of their political party manifesto.
8. Mainstreaming smoking and its effects into the work of standing committees on health, education, commerce and industry as an integrated approach.
9. Raising point of order regarding implementation of FCTC, tabling written questions and raising the issue in standing committee.
10. Monitoring influence of industry on health policy of Pakistan in accordance with article 5.3 of FCTC.
11. Working closely with civil society and media and use their expertise in research and advocacy.
12. Ensuring transparency in government interaction with the tobacco industry and in tobacco industry activities and operations.
13. Emphasizing the tobacco's industry fundamental conflict with public health.
14. Using the print and electronic media, to speak on tobacco control related issues, and encourage radio and TV program on tobacco-related programme.
15. Contributing to the formulation of national tobacco control policy plans of actions for tobacco control.
16. Developing and strengthening initiatives by national and international parliaments to implement relevant WHO and other UN and international public health bodies on tobacco use