

# كسر القوالب Breaking the mold

## #Breaking\_The\_Mold Arab Civil Society Actors and their Quest to Influence Policy-Making

Case Study #13

Country Jordan

Keywords: Tobacco Laws, Public Health, Health Rights, Jordan, Advocacy

### AMENDING THE PUBLIC HEALTH LAW TO COMBAT TOBACCO USAGE | Karim Merhej |

#### BACKGROUND AND TIMELINE

In early 2013, Dr. Firas Al Hawari, director of the Cancer Control Office of the King Hussein Cancer Center (KHCC), had warned that, should active measures not be taken to combat smoking, Jordan was fast approaching a catastrophe, and urged for the proper implementation of the Public Health Law<sup>1</sup>. It appears that his words have not been heeded, as 'tobacco use in Jordan [has become] a public health emergency', being 'a major driver of poor health and premature mortality' and posing a significant threat to Jordan's socioeconomic development (United Nations - Jordan, 2018). Jordan has one of the highest smoking rates in the Middle East (Sweis & Cherukupalli, 2015), with no indication that it is decreasing. A study by the Department of Statistics in 2010 revealed that around 61 percent of all households in Jordan had at least one member who smoked any kind of tobacco, and that 72 percent of households had never heard of secondhand smoking (Khasawneh & Allan, 2011). In 2015, it was estimated that 70.2 percent of all males aged 15 or above smoked<sup>2</sup>.

In 2008, a new Public Health Law was issued with clear directives to ban smoking in public spaces, and specifications of the fines for violating the law. However, the law was not without its loopholes and inadequacies: The fines imposed were very small, and the definition of 'public space' was inadequate (Emam, 2017). In 2015, the World Health Organization (WHO) held a series of meetings with the Ministry of Health and numerous civil society organizations (CSOs) working on combating the usage of tobacco to identify potential avenues for cooperation and collaboration.

Backed by the WHO, the Ministry of Health drafted amendments to the Public Health Law and submitted them to parliament<sup>3</sup>. This prompted several CSOs to ally with and pressure parliamentarians and senators to agree to the submitted amendments. This case study will look at their concerted efforts, the results of their advocacy work and the outcomes and implications of the newly amended Public Health Law.

<sup>1</sup>Interview held on Roya TV with Dr. Firas Hawari and Dr. Lareesa Al Wer on February 11, 2013. Retrieved from <https://bit.ly/2RqHeor>

<sup>2</sup>Figure retrieved from the World Health Organization: [http://gamapserver.who.int/gho/interactive\\_charts/tobacco/use/atlas.html](http://gamapserver.who.int/gho/interactive_charts/tobacco/use/atlas.html)

<sup>3</sup>Interview with Hanin Odeh, Director General of the Royal Health Awareness Society (RHAS), and Mariam Abdoh, Programs Development and Advocacy Manager of the RHAS, held on February 27, 2019.

## CIVIL SOCIETY ACTORS' ROLE AND INVOLVEMENT

At the aforementioned meetings organized by the WHO, the CSOs, realizing the importance of mutual cooperation in order to achieve common objectives, established an informal coalition<sup>4</sup> which coordinated its efforts to pressure the parliament to pass amendments to the Public Health Law<sup>5</sup>. However, it is believed that some of the CSOs' recommendations to the ministry were diluted by the latter in the drafting of the amendments, namely those related to the definition of public spaces<sup>6</sup>. As a matter of fact, very few of the CSOs' recommendations were actually put into the amendments eventually submitted<sup>7</sup>. Nonetheless, once the amendments reached parliament, the CSOs sprung to action to try and pressure both MPs and senators to agree to as many of the amendments as possible, which, despite their shortcomings, were still considered better than keeping the law as it is<sup>8</sup>. The CSOs met with the Parliamentary Committee on Health to explain to them the tobacco situation in Jordan, and why an amended and properly implemented Public Health Law is urgently needed<sup>9</sup>. When the amendments were referred to the Senate, the CSOs met with the Senate Committee on Health, Population and Environment in the company of Princess Dina Mired (former director general of the King Hussein Cancer Foundation [KHCF] and current President of the Union for International Cancer Control) (Bager, 2016). Convincing the senators on the need to agree on the amendments was not a very difficult task, as the head of the aforementioned Senate Committee was fully in support of the amendments, and senators in general respect the public health law by not smoking in parliament<sup>10</sup>. In spite of certain disagreements, especially regarding whether or not 'tribal courts'<sup>11</sup> should be included in the list of spaces defined as 'public spaces'<sup>12</sup>, they were eventually overcome<sup>13</sup>, and in May 2017, the amendments to the Public Health Law were endorsed, with 'tribal courts' explicitly stated as an example of a public space (World Health Organization, 2017; Official Gazette, 2017).

## STRATEGIES

The collaborative work of the civil society actors greatly contributed to the eventual adoption of the amendments: Relying on personal connections to come into direct contact with the Parliamentary Committee on Health, the different CSOs separately delivered to the committee, over the course of several days, presentations explaining the need for an amended Public Health Law, which left the MPs under the impression that this was a cohesive, well-coordinated, result-oriented team of CSOs<sup>14</sup>. Further, the presentations offered very solid arguments about tobacco's negative economic impact on Jordan and Jordanian households: Given that successive Jordanian governments are chronically at a deficit and that they see the taxes generated from the tobacco industry as an essential input to the treasury, it was necessary to inform decision-makers that the health costs that the Jordanian government incurs to treat tobacco-induced non-communicable diseases, such as lung cancer and cardiovascular diseases, far outweigh the funds that the government makes via taxation of tobacco-related products.



Such arguments are empirically verified by scientific research confirming that through the reduction of the consumption of cigarettes and other tobacco-related products, Jordan can achieve both short- and long-term economic gains (Toukan, 2016). The CSOs relied on data from the KHCC to validate their claims, and on expert findings on the economic dimension of tobacco to give credence to their arguments<sup>15</sup>. Despite the CSOs generally agreeing that the amendments were not optimal<sup>16</sup>, they managed to make it clear to MPs and senators that it was in the government's interest to combat and limit the usage of tobacco by amending the Public Health Law.

## INFLUENCING FACTORS, POLICY WINDOWS

The group of CSOs and activists who lobbied MPs and senators to adopt the amendments to the Public Health Law consisted of numerous well-respected CSOs, semi-governmental NGOs such as the KHCF/C, and leading health activists, such as Princess Dina Mired. This facilitated the access to the official corridors of power. In addition, the close relationship and shared values between the CSOs and then-Minister of Health Dr. Mahmoud Al Shayyab further made it easy for the CSOs to have access to MPs and senators<sup>17</sup>.

The amendments made to the Public Health Law are not optimal and the law as it currently stands is not flawless. Arguably the biggest problem associated with the law is that, despite the amendments made, it is not in compliance with Article 8 of the Framework Convention on Tobacco Control (FCTC) which stipulates that signatories to the convention must provide "protection from exposure to tobacco smoke in indoor workplaces, public transport, indoor public places and, as appropriate, other public places."<sup>18</sup> The FCTC does not provide a list of spaces that are to be considered "public" in which smoking is to be prohibited; instead, it states that virtually any indoor space is to be considered a public space where smoking should be forbidden. Although Jordan ratified the FCTC in 2004<sup>19</sup>, the amendments made to the Public Health Law are in contradiction with Article 8 of the FCTC, as the amended version of Article 52 of the Public Health Law explicitly provides a list of spaces to be considered "public spaces" in which smoking is prohibited, such as governmental buildings, hospitals, health centers, restaurants and schools, to name a few<sup>20</sup>.

<sup>4</sup>Interview with Dr. Zainab Al Kilani, Assistant Professor at the University of Petra and co-founder of the Alliance of Jordanian Universities to Combat Smoking (اتحاد الجامعات الأردنية لمكافحة التدخين), held on October 30, 2018.

<sup>5</sup>Interview with Dr. Lareesa Al Wer, Co-founder of the 'No Smoking Organization' (جمعية لا للتدخين), held on October 17, 2018.

<sup>6</sup>Interview with Rana Ghafary, Head of Advocacy and Government Affairs Department at the KHCF, and Dalia Sharif, Coordinator at the Advocacy and Government Affairs Department of the KHCF, held on March 27, 2019.

<sup>7</sup>Interview with Hanin Odeh and Mariam Abdoh held on February 27, 2019.

<sup>8</sup>Interview with Hanin Odeh and Mariam Abdoh held on February 27, 2019.

<sup>9</sup>Interview with Mawya Al Zawawi, Founder of the Lina and Green Hands Society and Member of the Framework Convention Alliance Board of Directors (Eastern Mediterranean Region), held on October 15, 2018.

<sup>10</sup>Interview with Princess Dina Mired, President of the Union for International Cancer Control and former Director General of the KHCF, held on March 20, 2019.

<sup>11</sup>In Arabic: العشائر

<sup>12</sup>Interview with Hanin Odeh and Mariam Abdoh held on February 27, 2019.

<sup>13</sup>Interview with Mawya Al Zawawi held on October 15, 2018.

<sup>14</sup>Interview with Dr. Zainab Al Kilani held on October 30, 2018.

<sup>15</sup>Interview with Mawya Al Zawawi held on October 15, 2018.

<sup>16</sup>The main concern raised by the individuals interviewed regarding the amendments has to do with the definition of 'public space' mentioned in the law.

<sup>17</sup>The subsequent section will elucidate further.

Interview with Mawya Al Zawawi held on October 15, 2018.

<sup>18</sup>Article 8 of the FCTC. Retrieved from: <https://bit.ly/2FL51sw> (p.8).

<sup>19</sup>Retrieved from <https://www.who.int/fctc/reporting/jor/en/>

<sup>20</sup>The amendments can be viewed here: <https://bit.ly/2Tupfui>

While the list of spaces mentioned in the amended article may appear exhaustive at first glance, the fact that it is framed as 'examples' of public spaces makes it problematic, as a loophole now exists: certain spaces that should be considered as public spaces are not included, which would allow owners of such establishments to permit indoor smoking without being subjected to the law<sup>21</sup>. Glaringly, 'cafés' are not mentioned as an example, which could theoretically allow restaurant owners to argue that they are running a café and that the article does not apply to them.

The tobacco industry in Jordan, backed by restaurant owners, has a strong influence on law-makers and policy-makers, and use the 'economic argument' based on the claims that (a) the tobacco industry creates many jobs for Jordanian citizens in marginalized rural areas, and (b) restaurants would go out of business should smoking be fully banned in closed indoor spaces. Both claims are given substantial attention by the parliament and the government, and it is likely that the pressure – either direct or indirect – exerted by this special interest group eventually diluted the amendments prepared by the Ministry of Health so as not to fully comply with the FCTC<sup>22 23</sup>.

## POLICY OUTCOME AND CONCLUSIONS

Despite the fact that the amendments made are not compatible with the FCTC, there is a general agreement among CSOs that the amendments constitute a positive, albeit incomplete, step towards combating the usage of tobacco in Jordan<sup>24</sup>. For instance, Article 63 of the Public Health Law, dealing with the penalties to be meted out to violators, now imposes higher fines for breaking the law, a fact that should theoretically discourage individuals from smoking in public spaces as defined by the law. The table below compares how Article 63 of the Public Health Law changed with the amendments.

|                                                                                 | Public Health Law No. 48 (2008) <sup>25</sup>                                      | Law No. 11 (2017) - Amendment to the Public Health Law <sup>26</sup>                  |
|---------------------------------------------------------------------------------|------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| Smoking or permitting smoking in public spaces in which it is forbidden         | Fine: Between 15 and 25 JD<br>Or<br>Imprisonment: Between one week and one month   | Fine: Between 100 and 200 JD<br>Or<br>Imprisonment: Between one and three months      |
| Smoking or permitting smoking in public and private schools                     | Same as above                                                                      | Fine: Between 1,000 and 3,000 JD<br>And<br>Imprisonment: Between three and six months |
| Smoking or permitting smoking in public and private kindergartens and nurseries | Fine: Between 500 and 1,000 JD<br>Or<br>Imprisonment: Between three and six months | Same as above                                                                         |

However, regardless of how satisfactory and on par with international standards a law is, it is meaningless if it is not enforced. Even after its 2017 amendments, the Public Health Law remains very poorly enforced, and anecdotal evidence shows that many individuals smoke in public spaces where it is prohibited by law, such as in public buses (Ayoub, 2018). Even MPs<sup>27</sup> in the Lower House of Parliament or civil servants in governmental buildings tend to smoke with complete impunity (Abou Jammour, 2018). The process for the enforcement of the Public Health Law is very unclear, making it difficult for CSOs and citizens alike to hold government and violators of the law accountable<sup>28</sup>.

Given the high prevalence of smoking in Jordan, it is unsurprising to see that awareness of the negative health implications of smoking, as well as second-hand smoking, is very low (Jaber, 2018). The fight against the usage of tobacco is very difficult, as CSOs are faced with passive or active resistance from numerous sides, as well as apathy. At the governmental level, the Ministry of Health is currently struggling with what it perceives as a more serious crisis than combating tobacco usage in Jordan, namely the substantial discontent expressed by specialized doctors regarding their working terms within government-run hospitals (Ennussour, 2019); discontent that led them to organize a march to the Royal Court<sup>29</sup>. In addition, the dire economic situation in Jordan<sup>30</sup> makes the government as a whole lean toward the economic argument presented by the tobacco industry, and reluctant in effectively tackling the consumption of tobacco in society<sup>31</sup>.

The legislative changes brought about by CSOs working on health-awareness and combating tobacco consumption are modest, and the road to the total ban of smoking in all public spaces in Jordan is still long. Not only is the present Public Health Law not in line with the FCTC, but the mechanism for its implementation and proper enforcement is sorely lacking. Nevertheless, the CSOs remain committed in their efforts: launched in late January 2019 by a partnership grouping CSOs<sup>32</sup>, the Ministry of Health, the WHO and the Greater Amman Municipality, the latest Otfiha campaign, which seeks to promote the proper implementation of the Public Health Law and encourage citizens to report violations via a hotline or a smartphone application is an example of the CSOs' drive and commitment to the cause they believe in (Al Zuboud & Al Jayousi, 2019). However, even such a promising initiative can be problematic, as individuals who report violations are not subsequently informed as to what has happened with their complaint and whether proper action was undertaken<sup>33</sup>. Nonetheless, such an initiative resulted from joint efforts and from the persistence of the CSOs' dedication to combat tobacco usage. The hope is that such a persistence and determination will continue so that Jordan will not have to be confronted in the near future with what Dr. Firas Al Hawari from the KHCC calls a "tsunami of non-communicable diseases caused by smoking" (Ayoub, 2018).

<sup>21</sup>Interview with Hanin Odeh and Mariam Abdoh held on February 27, 2019; interview Rana Ghafary and Dalia Sharif held on March 27, 2019.

<sup>22</sup>This point was stressed by all aforementioned interviewees.

<sup>23</sup>Evidence of the influence that the tobacco industry has on the government and lawmakers is abundant. For instance, the official Twitter and YouTube accounts of the Prime Ministry shared a short video on January 10, 2019, featuring the general manager of Philip Morris International (PMI) in Jordan and Palestine boasting of the supposed positive role that PMI plays in the Jordanian economy. The video can be accessed here: <https://bit.ly/2CIZVek> and the Twitter post can be accessed here: <https://bit.ly/2WyoPBQ>. The same individual was given a platform to speak on PMI's corporate social responsibility at the Jordan Economic Forum organized by the Jordanian Parliament in May 2018, as evidenced by the forum's agenda which can be accessed here: <https://bit.ly/21IQ9Y1>. One of the interviewees even stated that an MP contacted during the lobbying efforts was personally in favor of the amendments but did not dare support them publicly, as several of the MP's constituents are employed in the tobacco industry.

<sup>24</sup>This point was made by all aforementioned interviewees.

<sup>25</sup>The original, unamended version of Public Health Law No. 47 (2008) can be viewed here: <https://bit.ly/2HHbjkF>

<sup>26</sup>The amendments can be viewed here: <https://bit.ly/2Tupfui>

<sup>27</sup>The following footage from Roya TV showcases this trend: <https://bit.ly/2RyNsm1>

<sup>28</sup>Interview with Rana Ghafary and Dalia Sharif held on March 27, 2019,

<sup>29</sup>An episode of the show Sawt Al Mamlaka on Al Mamlaka TV dealing with this particular issue was aired in late February 2019 and can be accessed here: <https://bit.ly/2YwNITn>

<sup>30</sup>In addition to the refugee crisis that Jordan has faced since the outbreak of hostilities in Syria in 2011, the unemployment rate in the fourth quarter of 2018 stood at 18.7 percent, while GDP growth in the 3rd quarter of 2018 was a meager 2 percent. Figures retrieved from the Jordanian Government's Department of Statistics: <http://dosweb.dos.gov.jo/>

<sup>31</sup>Interview with Princess Dina Mired held on March 20, 2019.

<sup>32</sup>The CSOs participating in the campaign are: the Royal Health Awareness Society, the KHCC/C, No Smoking Organization, Lina and Green Hands Society, the Alliance of Jordanian Universities to Combat Tobacco, the Jordan chapter of the International Federation of Medical Students' Association, and the Jordanian Society to Combat Smoking.

<sup>33</sup>Interview with Hanin Odeh and Mariam Abdoh held on February 27, 2019.

## REFERENCES

- Abou Jammour, M. (2018). Al Tadxhin Al Qasri: Khatar yatahaddad al Urduniyiin bil marafiq wa al mu'assasat al 'amma. Retrieved from <https://bit.ly/2F86xWz>
- Al Zuboud, M. & Al Jayousi, A. (2019). Itlaq hamlet <Otfiha> li tatbiq qanoun al sohha al 'amma 47 «al qanoun yahmi sohtak». Retrieved from <https://bit.ly/2uyQoC2>
- Ayoub, T. (2018). Tarakhin rasmi bi tatbiq qanoun al Suhha Al 'Amma. Retrieved from <https://bit.ly/2FbASCz>
- Bager, J. (2016). Princess Dina Mired of Jordan: 'There is no time to waste' in fight against cancer. Retrieved from <https://bit.ly/2QnBsiB>
- Emam, D. (2017). Amendments to Public Health Law a step in right direction – experts. Retrieved from <https://bit.ly/2F8zl0Z>
- Ennussour, A. (2019). Al Zubn: «Al Suhha» tu'ani tassaruban shadidan li attiba' ba'd al «ikhtissas». Retrieved from <https://bit.ly/2l3KO2v>
- Jaber, M. (2018). Al Tadxhin Al Salbi... Amradh Qatila 'tastawtin' bil manazil. Retrieved from <https://bit.ly/2Rva9rj>
- Khasawneh, G. & Allan, U. (2011). Al Tadxhiin fi Al 'Urdun 2010. Department of Statistics. Retrieved from [http://www.dos.gov.jo/dos\\_home\\_a/main/Analasis\\_Reports/Smoking\\_2010/Smoking\\_2010.pdf](http://www.dos.gov.jo/dos_home_a/main/Analasis_Reports/Smoking_2010/Smoking_2010.pdf)
- Official Gazette. (2017). Qanoun raqm (11) li sanat 2017 – Qanoun mu'addal li Qanoun Al Suhha al 'Amma. Retrieved from <https://bit.ly/2Tupfui>
- Sweis, N. & Cherukupalli, R. (2015). Cigarette demand is responsive to higher prices: findings from a survey of University students in Jordan. *Tobacco Control*, 25 (6), 631-633. doi:10.1136/tobaccocontrol-2015-052316
- Toukan, A. (2016). The Economic Impact of Cigarette Smoking on the Poor in Jordan. *Value in Health Regional Issues*, 10, 61-66. <http://dx.doi.org/10.1016/j.vhri.2016.06.001>
- United Nations – Jordan. (2018). The Ministry of Health and the United Nations in Jordan call upon everyone to unite to end tobacco use. Retrieved from <https://bit.ly/2RcLQ1O>
- World Health Organization – Regional Office for the Eastern Mediterranean. (2017). Jordan announces implementation of the Public Health Law and launch of tobacco control campaign. Retrieved from <https://bit.ly/2Fb18wW>



## BREAKING THE MOLD PROJECT

In mid- 2018, the "Civil Society Actors and Policymaking in the Arab World" program at IFI, with the support of Open Society Foundations, launched the second round of its extended research project "Arab Civil Society Actors and their Quest to Influence Policy-Making". This project mapped and analyzed the attempts of Arab civil society, in all its orientations, structures, and differences, to influence public policy across a variety of domains. This research produced 92 case studies outlining the role of civil society in impacting political, social, economic, gender, educational, health-related, and environmental policies in ten Arab countries: Lebanon, Syria, Palestine, Jordan, Egypt, Morocco, Tunisia, Yemen, and the Arab Gulf.

Over two dozen researchers and research groups from the above countries participated in this project, which was conducted over a year and a half. The results were reviewed by an advisory committee for methodology to ensure alignment with the project's goals, and were presented by the researchers in various themed sessions over the course of the two days.

## THE CIVIL SOCIETY ACTORS AND POLICY-MAKING PROGRAM

at the Issam Fares Institute for Public Policy and International Affairs at AUB, examines the role that civil society actors play in shaping and making policy. Specifically, the program focuses on the following aspects: how civil society actors organize themselves into advocacy coalitions; how policy networks are formed to influence policy processes and outcomes; and how policy research institutes contribute their research into policy. The program also explores the media's expanding role, which some claim has catalyzed the Uprisings throughout the region.

## THE ISSAM FARES INSTITUTE FOR PUBLIC POLICY AND INTERNATIONAL AFFAIRS AT THE AMERICAN UNIVERSITY OF BEIRUT

The Issam Fares Institute for Public Policy and International Affairs (IFI) at the American University of Beirut (AUB) is an independent, research-based, policy oriented institute. It aims to initiate and develop policy-relevant research in and about the Arab region. The Institute is committed to expanding and deepening knowledge production and to creating a space for the interdisciplinary exchange of ideas among researchers, civil society actors, and policy makers.

Issam Fares Institute for Public Policy and International Affairs  
American University of Beirut  
P.O.Box 11-0236

 Riad El-Solh / Beirut 1107 2020 Lebanon  
 961-1-350000 ext. 4150 / Fax: +961-1-737627  
 ifi.comms@aub.edu.lb  
 www.aub.edu.lb  
 aub.ifi  
 @ifi\_aub  
 @ifi\_aub

