

TOBACCO POLICY IN MOLDOVA AND THE ROLE OF CIVIL SOCIETY

Final Policy Paper

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Introduction

Moldova is a country where tobacco is cultivated and processed for a long time, a country whose prosperity, since recently, was based mainly on revenues transferred to the State treasury by tobacco industry. On the other hand, this is a country, where one quarter of the population consider their health bad and very bad, around a half – satisfactory and less than a quarter good¹; where the life expectancy at birth for men is 60 years and for women – 69 years²; a country where during the last years the oncology diseases increased almost twice, especially of respiratory system, where the main cause of population morbidity is the cardio vascular diseases, caused, in the majority of cases, by smoking and alcohol abuse.

Moldova is a country which, after independence and especially during the last decade, became a market for a flood of stuffs, from which the industrial countries began to get rid off – cigarettes, drugs, fast food. The country was overwhelmed by smoking epidemic. To understand this it's not obligatory to make some researches. It's enough to walk on the streets of the capital of Moldova - Chisinau and other cities; it's enough to have a glance at the numerous cafes, to enter them or simply approach them, and it's enough to stand for a while at a public bus station or to stroll through any clothing market. Men and women, young and old people are smoking, teenagers and even children are smoking too. They smoke while working and resting, being sad or joyful. And how to retrain from smoking, if a box of local cigarettes is cheaper than a loaf of bread, not mentioning an ice cream or a glass of juice; if at one bus station there are 3-4 stands selling cigarettes and none selling water or ice cream; if even in newspaper stands the newspapers are far away behind the trader and the cigarette boxes are happily aligned on the front line.

What is the attitude to the smoking epidemic of the State, one of whose responsibilities is to protect the health of population? What measures have been undertaken not to increase the number of smokers? What's to protect the non-smokers from the affection caused by smokers? What to do to stop those who legally or illegally import into the country the product, that upon long usage is killing half of its consumers and advertise it, using dummy arguments and methods? What the Moldovan legislation on tobacco and tobacco industry represent and is it capable to withstand smoking spread? Is the tobacco industry so important for Moldova, that because of it one can ignore the health of hundred thousands of people, insistently accustoming them to smoking? Who in reality is interested in increasing the number of smokers? Is the society capable to withstand the smoking epidemic and what can be done to stir to activity of anti smoking programs?

The author of this research tried to find answers to these questions, and this research represent the first attempt to analyze the measures, undertaken by state bodies and the community of Moldova to control smoking, to estimate their adequacy to the real situation with the smoking in the country and with world policy tendencies on tobacco control and consumption.

The main goal of the research was to analyse the peculiarities of elaboration of tobacco policy in Moldova, to evaluate the sincerity of governmental declaration of the intention to control tobacco, to investigate supporters and opponents of tobacco control policy, to establish the role of foreign tobacco producers, particularly BAT, in the formation of this policy and public opinion about it. Knowledge of these issues permitted us elaborate recommendations on strengthening tobacco control policy in the country and participation of various governmental institutions and NGOs in tobacco control policy advocacy.

¹ See: Public Opinion Barometer polling results. – Chisinau: Institute for Public Policies, November 2003. – P. 21.

² http://www.worldbank.org/cgi-bin/sendoff.cgi?page=%2Fdata%2Fcountrydata%2Faag%2Fmda_aag.pdf

The research is based on information, that the author found in different books and booklets regarding tobacco industry of Moldova, published in Soviet times; articles on this subject published in local editions during 2000 – 2004; the documents related with the activity of British American Tobacco (BAT), kept in the Guildford BAT archive and other sources.

Due to the fact that the activity of many state institutions, related with the subject of this research, is badly documented, the author of this research used for confirmation and supplements the interviews with the representatives of the Ministry of Health and the Ministry of Agriculture, different medical institutions, non governmental institutions, journalists and economists. Also, the sociological survey was undertaken, which permitted to have a real picture on smoking in Moldova, knowledge about smoking and attitude to it.

The author didn't have the purpose (and had no possibility) to make a thorough analysis of the situation in the Moldovan tobacco industry and limited herself to a review, which was possible to make based on publication in the open press.

The author expresses sincere thanks to Mr. Cornel Radu-Loghin (AerPur Romania) and Dr. Anna Gilmore (London School of Hygiene and Tropical Medicine) for their assistance in search of information and advice.

Special thanks are addressed to Mrs. Judith Watt (SmokeFree London), due to whose support and assistance this research, the sociological survey and many other activities have been undertaken, that contributed to tobacco control in Moldova getting more active.

1. Tobacco Cultivation and Cigarette Production in Moldova

The development of policy on tobacco control in Moldova has been largely determined by the importance that the tobacco sector has had, and continues to have, on the economy of the country.

Tobacco growing. The cultivation of tobacco, in the territory of modern Moldova, started over 300 years ago. Primarily, tobacco was being grown by peasants with small households but overall the plots occupied an insignificant area.

Tobacco production began to climb again at the beginning of the twentieth century, especially in the Soviet era when the big collective farms – kolhoses and sovholes – were established because they were provided with machinery and used modern technologies and scientific research in tobacco cultivation. The Second World War severely damaged the Moldovan tobacco industry, as well as the economy of the country in general. After the war, the economy started to recover and developed rapidly. By the mid 1950s, the area used for tobacco plantations had reached 17,000 hectares, four times the pre-war figure. This boom was followed by another period of decline that lasted until 1963.

In 1963, the Soviet concept of agricultural development underwent changes. Moldova was assigned the role of becoming one of the main suppliers of raw tobacco for the tobacco industry of the whole of the Soviet Union. From that time on the tobacco industry began to develop very rapidly. In the 1970s and 1980s, Moldavia produced around 40% of the total volume of tobacco products in the USSR. 1986 is considered the year of the highest production for the industry with 77,000 hectares occupied by tobacco and total production reaching 1,232,000 tons. The tobacco sector provided one fifth of the Republic's State Budget revenues.

Tobacco fermentation and cigarette production. In parallel with the development of tobacco farming, the development of Moldovan tobacco industry was speeding up and by the 1970s had reached a high level of production. There were ten tobacco fermentation factories in the Republic, whose capacity exceeded 100,000 tons. Chisinau tobacco factory was one of the leaders of the industry across the Soviet Union.

It must be said that the well-being of the tobacco sector was, in many respects, artificial. It was based on the Soviet Union's division of labor and the so-called market, when one or other Republic was assigned a certain role in the economy with supply and distribution being centralized. Even in Soviet period, research on the tobacco economy mentioned that, in the majority of collective farms, the increase in volume of the tobacco harvest was simply due to the increase of areas planted; that the tobacco yield in Moldova was much lower and its cost price was much higher than in other tobacco-producing Republics; that a large amount of the tobacco produced in Moldova was of low quality and that Moldova considerably behind other Republics in terms of labor productivity in the tobacco sector.

The situation dramatically changed after the collapse of the Soviet Union when traditional economic ties were disrupted. Centralized supplying of collective farms and distribution of the end-product stopped abruptly. Production of the raw material – tobacco leaf – decreased sharply. The privatization of land resulted in the disappearance of big collective farms and an end to the regulation of small producers' activities. Having lost their equipment and having no money to buy seeds, fertilizers, pesticides or fuel, many farmers simply stopped growing tobacco.

Due to a lack of raw material, the fermentation factories were standing idle and accumulating debts. The biggest producer of smoking products in Moldova, *Tobacco – CTC*, encountered serious problems with the production and distribution of its products.

These trends are still going on. The State periodically adopts different ideas and strategies to revitalize and develop the tobacco sector, but is not really providing assistance to implement them. Experts take a skeptical view of the potential for implementation of the latest Program for tobacco sector development for 2003-2010, which was adopted on 28 November 2002.

In August 2003, in order to implement this Program, the Ministry of Agriculture created *Moldova – Tobacco* as a unit charged with ensuring the implementation of state policy in the tobacco sector. In reality, this means a return to a state monopoly for the production of tobacco leaf and tobacco products (a situation that has been welcomed and not only by tobacco sector employees).

However, in the current conditions in Moldova, talk about the efficiency of such strategies is not useful for one simple reason: while the tobacco factory and fermentation factories are mainly owned by the State, most agricultural land has been transferred to private owners. It is impossible to control these land owners by directives; they need an economic rationale, which the Ministry of Agriculture simply has not put forward.

At present, Moldovan experts believe there is no point in returning to the practices of former times or to have as a benchmark the volumes of tobacco production and cigarettes that were reached in Moldova in the 1980s. The view is that those with aspirations to restore the tobacco sector to its former volumes of production are more influenced by nostalgia and old stereotypes of a highly productive economic organization than by modern realities or efficient economic programs. World trends in the tobacco market suggest that betting on tobacco is not the best solution for the economy of any country. Even though the tobacco industry remains one of the most profitable, bringing

millions in income to its owners - the big cigarette producers - the problems facing even these giants of industry is making them turn down further development and invest their capital in other spheres. Taking into account world trends, it may not be appropriate to encourage Moldovan farmers towards more tobacco production, but rather to help them find a worthwhile replacement for this crop. Perhaps the production of cigarettes should not be seen as the only salvation for the Moldovan economy. It is necessary to think about other possibilities that use the rich natural resources of the country and Moldova has the human potential to do this.

2. Tobacco Control in Moldova

1960 – 1995. Considering the importance for the Moldovan economy of the tobacco industry and the concerns about its decline over nearly two decades, it is not surprising that activities aimed at reducing smoking - now known as “tobacco control” - such as restricting the promotion of tobacco products or regulating tobacco products, were not seriously undertaken until relatively recently.

It is true that, during this earlier period, there were some restrictions in Moldova, (Moldavia at that time) as there were in the entire Soviet Union. So, the “Soviet Trade Rules” (notices which were supposed to be, and sometimes actually were, visibly posted in all shops) prohibited the sale of tobacco products to teenagers (defined as persons under 16 years old). In accordance with fire protection regulations, smoking in public places such as cinemas, theaters, organizations, educational institutions (except schools) was permitted only in places specially provided for that purpose, where fire extinguishers and bins with sand were supposed to be located. In practice, these places were usually the area by the stairs or the toilets; in a very few cases special rooms were provided for smokers, where the “special equipment” were the usual bins and sometimes chairs or sofas, depending on the financial circumstances of the organization. Smoking was prohibited in preschool institutions and schools, medical institutions, and on public transport (buses, trolleybuses). On trains, smoking was allowed only in certain areas (which, in reality, ended up being the places between the wagons) and in the restaurant wagons. Smoking in airplanes was permitted on certain long-distance flights until the middle of the 1970s and no-smoking zones were provided for non-smokers. Rules governing schoolchildren prohibited them from smoking. All these rules and regulations existed but it is another matter as to how they were observed.

Advertising for tobacco products, especially on the streets, was virtually nonexistent until the second half of the 1990s. Advocacy campaigns against smoking were dull and primitive. The most widespread “argument” against smoking was “A drop of nicotine kills a horse” and the most common slogan in public places was “Smoking means – harm to health”. However, until the 1980s smoking was not widespread in Moldova, particularly among women.

1996-2004. In mid-1990s, much more attention was paid to smoking and smoking control. To a great extent this was due to the fact that, after gaining its independence, Moldova became more active in foreign policy. The country became a member of such international organizations as the United Nations (UN), the World Health Organization (WHO) and other bodies, and began to restructure work internally in the country to take into account international priorities. By this time, the situation with regard to smoking had visibly changed. From a Former Soviet Union Republic, Moldova became an independent state. The country became more open and, as often happens, the people began acquiring new habits and new lifestyles without thinking too much about whether they are good or bad. Smoking was perceived by some as belonging to another world – richer, more open, and more independent; others demonstrated their emancipation, independence, and relaxation by smoking; and the rest were trying to forget about life’s problems and all the social and economical shocks. By the mid-1990s smoking in Moldova had become very popular.

On May 4 1992, Moldova became member of the World Health Organization (WHO). Over the next two years, the Medium-Term Program (MTP) of collaboration with WHO was developed. In April 1995, the WHO Liaison Office began its program to coordinate and develop relations with the Republic of Moldova. Activities within the health care system began to change to take into account the priorities set out in WHO guidelines, one of which is tobacco control. In 1997, the Ministry of Health of the Republic of Moldova nominated a National Coordinator to organize the activities related to tobacco control and the relationships with WHO/EURO in this area. For the first time the country participated in the development of, and debate about, the European Strategy for Tobacco Control (3rd Action Plan for a Tobacco-Free Europe, 1997-2001), which was approved in September 1997 at the 47th Session of WHO Regional Committee for Europe. Later, to comply with this plan, the “National Policy of the Republic of Moldova in the area of tobacco” and a draft law with the strange name of “Anti Tobacco Law” were developed. Both documents represented the first attempts to formulate measures that, in the opinion of the authors, could contribute to a decrease in the tobacco smoking epidemic, widespread in the country by that time. Whether these documents could have been useful or not, is now impossible to determine. The country still has no clear and intelligible policy with respect to reducing smoking prevalence.

Being a member of the World Health Organization, Moldova participated in the development of the WHO Framework Convention on Tobacco Control. In May 2003, the Minister of Health of Moldova voted for the text of the Convention at the World Health Assembly, demonstrating the intention of the country to sign this important international agreement. The confrontation between Convention’s supporters and opponents lasted practically one whole year, but with public support, the signing of the Convention by Moldova was achieved. The Plenipotentiary of Republic of Moldova at United Nations, Vsevolod Grigore, signed the FCTC on June 29 2004, the last possible day for signature.

As well as signing the Framework Convention, another important event for tobacco control happened in Moldova at the beginning of summer 2004. On June 16, the Prime Minister of Moldova signed a Disposition prohibiting smoking in the premises of Ministries, Departments and other Central and local public administration and management bodies. This measure influenced some Ministries (Education and Science, Health, Social Insurance) to issue Orders prohibiting smoking in other organizations under their authority. There is no doubt it will not be easy to implement these orders, but the fact that such documents are being produced shows that Moldova is in line with world trends in strengthening tobacco control measures.

3. Tobacco Control in Moldova and the Role of Civil Society

It is difficult to exaggerate the role of civil society in formulating state policy on particular problems. The experience of many countries demonstrates that non-government organizations can have an important role in the mobilization of key players to participate more efficiently and effectively in the political process. In countries where social transformations are slow, and where state bodies (such as Ministries, Departments and local public administrations) are passive, non-government organizations can assume the role of leaders in developing and promoting public policies.

Regretfully, the situation in Moldova is not ideal in this regard. Civil society in Moldova has insufficient experience of organizing itself due to the long tradition of a totalitarian administration. Most of the non-government organizations involved in activities with significant social impact were created and are being supported only by foreign donors. Very few NGOs exist in rural areas, the most important ones being concentrated in the capital city”.

There are no NGOs dealing specifically with tobacco control in Moldova. The most active in this area has been **the Moldova Health Communication Network (MHCN)** – a small non-government organization whose main objective is uniting the efforts of journalists, doctors and other health advocates to strengthen health and healthy lifestyle promotion.

Since 2001, MHCN has monitored the coverage of tobacco issues in the Moldovan press and has disseminated information on tobacco control policy amongst journalists writing on health issues. Under the auspices of different projects, members of the organization have held seminars and training sessions for youth and women NGOs, striving not only to disseminate information on the harm smoking causes, but also to extend the number of tobacco control activists. MHCN has organized radio reports on smoking on the National Radio of Moldova, “Antena C” (Chisinau) and “Sanatate” (Edinet) radio stations, and has prepared and distributed press kits on different aspects of tobacco control along with antismoking posters etc. In cooperation with some youth NGOs and the WHO Liaison Office in Moldova, for the last five years, MHCN has organized an annual drawing and writing competition called “Let Us Grow Up Without Tobacco!” for children and youth involving a large and growing number of participants.

The journalist members of the organization organized opposition in the Moldovan mass media to the so-called youth educational campaign which British American Tobacco attempted to organize in Moldova in 2001 (see chapter “Transnational Tobacco Companies in Moldova”). In 2004, as part of the MHCN project “Advocating for Policy Changes”, the main purpose of which is strengthening tobacco control policy in Moldova, the organization carried out the first national survey of knowledge, behavior and attitudes to smoking and tobacco control (see chapter “Smoking in Moldova”). MHCN has also organized several meetings with journalists, a round table with policymakers, doctors and NGO representatives and a workshop for tobacco control activists; it has also prepared and distributed to journalists and decision makers special bulletins to inform the public and politicians about key provisions of the WHO Framework Convention on Tobacco Control, and to persuade the Government of Moldova to sign this extremely important international agreement. Together with the Health Promotion and Disease Prevention Project (financed by the European Union), MHCN helped organize a Quit & Win campaign in the southern part of Moldova.

The Youth NGOs “Youth for the Right for Life” and “Young and Free” are recognized leaders among NGOs. Their main focus is on drugs, alcohol and HIV/AIDS control and on promoting a healthy way of life among youth. These two organizations are MHCN partners for various activities with young people. They have also organized various workshops and training sessions for young people, during which they always pay attention to smoking control because they consider smoking to be the first step to drug addiction. They give advice to those who want to quit smoking through the “confidential phone”- a special helpline organized to offer psychological support to drug users. Not long ago, the activists of these organizations began a campaign about smoking in public transport (Maxi Taxies). It is interesting to note that the rules of these organizations say that their members cannot be smokers.

In 2004, **the NGO “Rural and Social Initiative”** started some tobacco control activity for the first time. This is one of the few rural NGOs. It has a typically wide and vague range of aims and objectives – from creating and consolidating democratic social capital for sustainable youth development to implementing special youth programs to prevent HIV/AIDS. With a small grant from WHO/EURO, the organization held two workshops for activists in rural youth organizations about WHO Framework Convention on Tobacco Control.

Regrettably, this ends the list of NGOs that are, in part, dealing with tobacco control. It is even more unfortunate that no medical association, such as the society of cardiologists, oncologists or

pulmonologists, has paid much attention to the issue even though they could have contributed enormously to efforts to create a comprehensive national tobacco control program. The associations of consumers and numerous women and youth organizations are similarly disinterested in tobacco control. There are many reasons for this. First of all, these are, of course, the usual problems which directly affect the activity of the majority of NGOs – lack of funds, premises, means of communication, community support, lack of knowledge of foreign languages which makes it difficult to write and submit projects to, or establish relations with, foreign donors and organizations, or even to read the necessary information.

In the case of tobacco control, the situation is even more complicated. People see the contradictory positions taken by the Government with respect to smoking and tobacco production and tobacco products; they know who is supporting the local tobacco producers; they listen to and read about the owners of the tobacco-importing companies and the stands selling tobacco products. Against this backdrop, people do not really believe in the possibility of change and prefer not to complicate their lives by getting involved.

4. Moldovan Legislation on Tobacco

According to the National Lawmaking Centre, there are about 340(!) different laws and regulations directly or indirectly related to tobacco growing, manufacture, sale and promotion. The majority of these are in standard acts of the Ministry of Agriculture, of the Ministry of Health (for example, the Ministry of Health Regulation “Regarding the hygiene standards of nicotine, tar and residuals of dytiocarbamic pesticides in tobacco and cigarettes”) and other Ministries and Departments. They are aimed primarily at people engaged in tobacco growing and in the production and sale of tobacco products. This long list includes two key documents which form the basis for tobacco control efforts nowadays: Law # 386-XY dated July 19 2001 “Law on tobacco and tobacco products” and Law # 1227-XIII dated June 27 1997 “Law on publicity”.

Main documents regulating tobacco consumption in Moldova. Although the history of tobacco production in Moldova goes back more than a century, except for technical instructions (the so-called Technical Conditions - TU and State Standards - GOST) no documents regulating it were available until July 2001, when the Parliament adopted the above law. The Ministry of Agriculture initiated and drafted this law. The main purpose of the law was to establish the legal and economic basis for the production, processing and sale of tobacco and tobacco products, and to regulate the legal relations between state bodies and economic entities. Only 19 articles relate to the protection of health.

Thus, in Chapter II “Tobacco Production and Processing” there is a provision prohibiting the involvement of minors and pregnant women in the cultivating, harvesting and processing of tobacco (Article 5, point 2h). There is a similar prohibition in Chapter III “Industrial Processing of Tobacco” (Article 8, point 2f). These prohibitions were not new in 2001. They had previously been incorporated in Departmental Instructions (and they are violated nowadays, just as routinely as they were in earlier times).

Chapter IV – “Tobacco and Tobacco Products Sale” is more interesting from the point of view of tobacco control. According to Article 11 “Tobacco products retail” (p. 1 a, b) of this Chapter, only persons of 18 years or older are allowed to sell tobacco products and this is on condition that there is a license for retail sale and that certain other documents required by law accompany the goods. The sale of tobacco products is prohibited:

- through a mobile trade network (from motor vehicles, trailers, carriages etc.), by peddling, from any unauthorized trays and counters (in the streets, roads, in courtyards,

- in premises (rooms) etc.), and also in business premises of less than 4 square meters in area;
- in the grounds of school, preschool and medical institutions, in sports centers and halls, stadiums, etc (p. 3b);
- without notices on the pack regarding nicotine and tar content (p. 3e);
- without inscriptions warning that smoking is harmful to health (p. 3f);
- with nicotine and tar levels higher than prescribed levels (p. 3g);
- from open packages, except for cigars (p. 3j);
- to persons under 18 years (p. 3l).

Several of the above prohibitions (for example, p.3f, l) were incorporated in earlier instructions and dispositions but, in general, they were introduced for the first time with the 2001 law.

Article 12 “Tobacco Products Advertising”, of the same Chapter, was a tremendous step forward in strengthening tobacco control. This article forbids the advertising of tobacco products on radio and TV and all outdoor advertising, except at the point of sale. Before that the 1997 “Law on publicity” only limited the time of direct promotion of tobacco and tobacco products - if the publicity spot included “the process of tobacco and tobacco products consumption”, it could only be broadcast after 11.00p.m. Since the placing of a pack of cigarettes against a background of a beautiful landscape was not considered direct promotion, and since it was impossible to “show” something on radio, this earlier prohibition was purely academic.

Chapter V of the Law, titled “Consumers’ Rights Protection” has three Articles. The first – Article 13 “Right to Information Regarding Tobacco Products Quality” – regulates the information about tobacco products that must be printed on each pack. This is:

- information regarding nicotine and tar content, conforming to ISO 10315 and ISO 4387 standards (p.3a);
- the warning “smoking is dangerous for your health” (p.3);
- the statement “sale to minors is prohibited” (p.3).

Article 14 provides for limits on smoking in public places. The Law prohibits smoking:

- a) in any places at risk of fire;
- b) in school, preschool and medical institutions;
- c) in cinemas, theaters, circuses, concert halls, museums, libraries, exhibition halls and other public institutions, except for specially equipped facilities.

Finally, Article 15 of this Chapter provides for regulation of the quality of tobacco and tobacco products. In particular, the Law prohibits the production, importation and sale of tobacco products with nicotine, tar and other adverse substances exceeding the established limits. Tobacco and tobacco products produced, imported or sold which violate the requirements of the present Law can be confiscated. Confiscated goods are subject to destruction under a procedure established by the Government³.

Chapter VI “State Control of Tobacco Industry” describes the bodies authorized to carry out the state controls on the production and sale of tobacco and tobacco products (Article 16) and explains exactly what is considered a violation of this Law (Article 17). As the Law was drafted by tobacco

³ What was to be done with any confiscated cigarettes, including smuggled goods, was only decided three years after the adoption of the Law – in spring 2004.

producers mainly for tobacco producers, only violations relating to tobacco processing, production of tobacco articles, import-export of tobacco and tobacco products are provided and explained. Violations related to the sale of tobacco products or to smoking in public places are scarcely mentioned: “(1) The following refer to violations of the present Law.... (i) non compliance with limits provided in Article 14”. What sanctions may be applied to those who break the Law and who shall apply these sanctions is not clear because the Law describes this in general terms: “central and local public administration bodies within the limits of their competencies”.

Article 18 concerns “State Support of Tobacco Industry Development” and is important for the tobacco industry. According to this article, “the State stimulates and supports the development of tobacco industry through its economic instruments”. To this end, the Ministry of Finance is supposed to allocate annually 10-15% of excises on tobacco and tobacco products to a special account in the Ministry of Agriculture and Food Industry which would administer the Fund. The resources of the Fund are supposed to be used “on proposals put forward by the National Agency for Tobacco Industry Development to finance scientific research in this field, on selection and seed development and on **activities related to consumers’ health protection** (underlined by the author. - I. Z.).

The Law was published on August 3 2001 in a special government edition of the “Official Monitor of the Republic of Moldova” # 92-93 and entered into force upon its publication, except for points 3e and 3f of Article 11 (information on nicotine and tar content and health warning) for which a longer timeframe was provided for the producers and importers of cigarettes till January 1, 2002; and Article 18 (on the creation of the Fund) which was supposed to enter into force simultaneously with the 2002 Budget Law.

Two years later – in February 2003 - the Parliament again debated the Law on tobacco and introduced some amendments and modifications to the Law on publicity. The Law on tobacco was amended to include clauses needed by tobacco producers which did not change its main purpose. Of much more interest from the point of view of tobacco control, were the amendments incorporated into the Law on publicity. Article 19 “Particularities of certain types of goods and services publicity” was amended. A rather lengthy new section appeared in it, related to the promotion of tobacco products. The amended Law stated: “(2) Tobacco products publicity on radio and TV, as well as outdoor publicity, except in places of their production and sale is prohibited. Direct publicity (including the process of tobacco and tobacco products consumption) should not:

- a) create the impression that smoking contributes to personal or public success or sports achievements, or to the improvement of physical or psychological well-being;
- b) discredit abstinence from smoking or include information on positive therapeutic properties of tobacco and tobacco products or present their high quality as worthwhile.
- c) be addressed directly or indirectly to teenagers, or include images or statements by celebrities popular among teenagers;
- d) disseminate in any form on radio or TV reports, films, publications addressed to teenagers;
- e) be placed on the front page or last columns of newspapers and magazines, or on magazines covers;
- f) be distributed in child and educational institutions, medical institutions”.

The existing Article requiring publicity to include a warning about smoking being harmful to health was changed to: “(3) Direct publicity of tobacco and tobacco products in all cases should be accompanied by a warning regarding smoking harm, moreover this warning in TV and radio

programs, films shall not last less than three seconds of the publicity spot air time, and upon advertising by other means - not less than three per cent of the publicity space”.

On June 16 2004, the Prime Minister of the Republic of Moldova, Vasile Tarlev, issued Disposition # 82 prohibiting smoking in the premises of Ministries, Departments and other central and local public administrations bodies, starting from July 1, 2004. Based on this Disposition, many Ministries and Departments issued their own orders regarding the prohibition of smoking in their premises.

Thus, there is no sole legal document in the country whose main purpose is to regulate, if not all then the main, aspects of tobacco control. Separate provisions are dispersed in different documents, and this is not optimal for influencing the situation with regard to tobacco control.

At the end of 2002, an attempt was made in Moldova to draft a Law aimed at controlling smoking but it was unsuccessful. Attempts by the authors of the draft to take into account the contradictory opinions provided by the different parties to the process resulted in a draft law which was so weak that its adoption would have raised the usual ironic reactions in the press and in the community. Finally the National Lawmaking Centre decided to withdraw the draft and to concentrate on drafting amendments to existing laws, whether or not they are directly concerned with tobacco control. The amendments were drafted by June 2004 but after the National Lawmaking Centre their destiny is unclear.

5. Smoking in Moldova

In December 2003 sponsored by the OSI the NGO Moldova Health Communication Network had the possibility to carry out practically the first survey on smoking knowledge, attitudes and behaviour. The survey is the largest of its kind (and most likely the first) to have been conducted among the population of Moldova. A total of 1.106 people aged 14 to 60 were interviewed at home, in either Romanian or Russian, between 14 to 20 December 2003. The sample is representative of the adult population of Moldova.

The questionnaire for this survey included 72 questions (without questions on demographic data).

Overall smoking prevalence. Gender and smoking prevalence

A clear majority (58%) of Moldovans have tried smoking at some point in their lives. Currently, nearly three in ten (30%) of all adult Moldova residents smoke tobacco every day and a further 8% are near-daily or occasional smokers, totaling some 1.3 million people over the age of 14 years.

There is a highly significant difference between rates of smoking amongst men and women in Moldova. One half of Moldovan men (49%) smoke every day compared to only 5% of Moldovan women. A further 13% of men are occasional or near-daily smokers while only 3% of women smoke occasionally or almost every day. Overall, then, nearly two in three men (62%) smoke tobacco compared to less than one in ten (8%) women.

Age and smoking prevalence

There are significant differences in smoking prevalence between age groups. Young adults aged 19 to 40 years are most likely to smoke and prevalence declines as age increases. Overall, 44% of young adults smoke: 35% every day and a further 9% occasionally or almost every day.

Nearly one in four (24%) teenagers aged 14 to 18 smokes: 10% every day and a further 14% occasionally or almost every day. Smoking prevalence remains high in middle aged people aged 41

to 60 years. More than one in three (35%) in this older age group smokes: 29% every day and a further 6% occasionally or almost every day.

Urban/rural location, education and smoking prevalence

There is virtually no difference in smoking prevalence by residential area with 30% of both rural and urban dwellers smoking on a daily basis and a further 8% to 9% smoking occasionally or almost every day.

There is a small difference in current smoking status and level of education achieved, with somewhat lower rates of regular smoking amongst those people with a tertiary or post-graduate education.

Occupation and other demographics and smoking prevalence

There are interesting differences in smoking prevalence between occupation groups within the population. Overall smoking rates range from 16% of those who are housewives or retired to 55% of those who are unemployed.

The occupation group with the highest rate of daily smoking is that of the self-employed or businessman, among whom nearly half (45%) smoke every day. While students have a relatively low rate of daily smoking at 17%, a further 13% of students smoke occasionally or almost every day.

There are very few differences in smoking prevalence in terms of the other demographic indicators captured by the survey: nationality, marital status or income level. Looking just at daily smoking, it is interesting to note that nearly four in ten (38%) of those respondents with a higher than average income smoke every day compared to 26% of those respondents with no income.

Smoking rates are similar amongst Moldovans from all national groups with daily smoking prevalence of 29% amongst Romanians, 31% amongst Russians and 32% amongst Ukrainians.

Marital status – whether single, divorced, separated, widowed or married – has no impact on smoking prevalence.

Reasons for smoking

Current smokers (regular and occasional) were asked to nominate the reasons they smoke from a list of statements and then to identify the single most important reason for smoking. The most commonly reported reasons for smoking are that ‘smoking is a habit’ and that ‘smoking helps me to relax’. Ranked in order of importance, the responses were as follows:

- Smoking is a habit
- Smoking helps me to relax
- Feel the need to smoke/dependent
- Smoking gives me pleasure
- Fun/amusement
- Have nothing to do/I am bored
- Like to keep a cigarette in my hand
- Smoking stimulates me
- Curiosity

Male and female smokers both nominate the same top four reasons for smoking. This pattern was also true for people in both urban and rural locations. Only when considering different age groups, do slightly different responses emerge. It is very noticeable that among young smokers, aged 14 to 18 years, there is less recognition of smoking being a habit or dependence. Young smokers are significantly more likely to say the main reason they smoke is because they feel bored and have nothing to do.

Age of first cigarette

Those respondents who had ever tried smoking (N=643) were asked at what age they had their first cigarette. One in five (19%) Moldovans try smoking as young children or in their early teenage years. By the age of 18 years, 41% of Moldovan people have tried smoking.

The problem is much greater amongst boys than girls: nearly one in three (31%) of boys have smoked their first cigarette before the age of fifteen. By age 18, nearly two out of every three boys (63%) have tried smoking. Overall, the age at which people are most likely to first try smoking is 15 to 18 years. A very small number (2%) of people have their first cigarette after the age of 25 years.

Tobacco consumption. Usual quantity of cigarettes purchased

Current smokers were asked how many cigarettes they smoke per day. Overall, the highest proportion of smokers consume between 11 and 20 cigarettes per day (40%).

Once again, there are significant differences between men and women. Of those women who smoke, one in three (32%) smokes 11 or more cigarettes per day, while more than half (52%) of male smokers do so. One in ten (11%) of male smokers consume more than a pack per day.

The amount of cigarettes smoked per day varies greatly across occupation groups. Students, housewives and retired people tend to be lighter smokers, while the self-employed, businessmen, farmers and agricultural workers tend to be heavier smokers.

There is no difference between employed and unemployed smokers when it comes to the amount of cigarettes smoked per day.

An overwhelming majority (75%) of Moldovan smokers buy their cigarettes in packs of 20 cigarettes, with a further 8% buying them as single cigarettes and 9% buying in cartons of ten packs. The remaining 9% say that it does not matter to them what quantity they buy.

It is striking that younger smokers are much more likely to buy single cigarettes. One quarter (25%) of smokers aged 14-18 years prefer to buy single cigarettes and this rises to one-third (34%) of students who are smokers. Twenty per cent of smokers who are self-employed or businessmen buy prefer to buy their cigarettes in cartons of ten packs.

Dependence on tobacco

One of the widely-accepted indicators of dependence is the need to smoke upon waking as blood nicotine levels have dropped during sleep. Current smokers were asked whether they feel the need to smoke immediately upon waking and a clear majority (58%) said they did. Those indicating this dependence are more likely to be men, in the older age group, and living in rural areas.

Smoking at home and in public places

Overall, nearly four out of five smokers (78%) usually smoke at home. While there is virtually no difference by gender, it appears that rural smokers are more likely to smoke at home (86%) than urban smokers (67%); and only one third (32%) of young teenage smokers usually smoke at home.

Overall, half of all smokers (50%) currently smoke at their place of work although this varies widely by occupation group. Of those who do smoke at work (N=210), a clear majority (61%) usually smoke in the presence of their non-smoking colleagues, and nearly one half (47%) claim they smoke in enclosed space such as offices or corridors whether or not there are open windows or air-conditioning.

Understanding of harm caused by smoking

A very high proportion of Moldovans from all walks of life (86%) consider that people smoking near to them is harmful. Inevitably, non-smokers are much more likely (95%) than smokers (73%) to think that cigarette smoke is harmful.

All respondents were asked whether they agreed or disagreed with a number of statements about smoking. The overwhelming majority of Moldovans agree that smoking may cause cancer, lung

disease, heart disease and be harmful during pregnancy; although on all these points non-smokers are slightly more likely to agree than smokers. A clear majority also agree that tobacco is a drug. There is much less agreement about whether a smoker can give up any time s/he wishes with 62% of non-smokers believing this is so compared to 41% of smokers. There is also disagreement and confusion about whether light cigarettes are less harmful for health than regular cigarettes. Nearly three in ten (28%) of Moldovans say they do not know whether light cigarettes are less harmful. Nearly half (45%) of smokers believe this to be the case.

Attitudes to tobacco control legislation

Overall, more than two-thirds (69%) of Moldovans believe there should be a law to control tobacco products. Non-smokers are much more likely (81%) to consider a tobacco control law is necessary than smokers (49%). However, knowledge about current regulations governing tobacco and smoking varied widely. On the whole smokers were more likely than non-smokers to believe that specific laws exist.

Conclusions and Recommendations

In spite of the fact that a big number of Moldova's inhabitants smoke, and this negatively affects the population health – the number of oncology and cardio vascular diseases increases; although there are direct and indirect evidences that in the nearest future the number of smokers will increase, in our opinion, tobacco control in Moldova is more declarative. First of all, this is manifested by the fact that the majority of activities aimed to decrease smoking spread, were undertaken (and are undertaken) with a lot of delay, when certain tendencies, habits, relations connected with smoking had been already established in the society and it is rather difficult to influence the public opinion.

So, the prohibition of publicity on the streets was made when it had already played its role in involvement of women and young people in smoking, to which it had been planned. Moreover, as our own data state, by the time of publicity prohibition on the streets, the consumers simply ceased paying any attention to it. The prohibition of publicity in published editions was adopted when practically they stopped publishing it, because as a source of information it ceded its positions to radio and television and the quality of such publicity in white and black newspapers could more frighten, than attract the consumer.

The undertaken measures always had (and have) a halved character. Thus, establishing by law the requirement to place on boxes of cigarettes the warning regarding cigarettes harmful character, the lawmakers didn't indicate what surface of cigarette package this text shall occupy and as a result it is printed as small, as the modern polygraphist equipment permits. Prohibiting street publicity, they left it in places of sale and as a result the publicity increased three times, because on stands it can be placed on three sides and the stands themselves are placed in most popular places. Prohibiting the publicity of tobacco products on the first and last pages of editions, they "forgot" or didn't want to make this prohibition complete, the articles regarding the publicity of tobacco companies activities – parties, lotteries, "sports" competitions, contests as well as articles colorfully describing the extraordinary advantages of new types of cigarettes, are safely published on internal pages, and exactly on those where the most interesting for readers articles are published.

Publicity actions, which much more attract the consumer than street publicity and publicity in the press, such as different kinds of lotteries, contests have never been limited or regulated.

Economic measures, capable to decrease cigarettes consumption, such as increase of excises on tobacco articles, were only once introduced during the last ten years (and this has been done not for

limiting the spread of smoking, but to “defend” the domestic producer). But they were canceled after several months under the pressing of cigarette importers.

The worst thing is not the weakness of existing laws and dispositions, but the absence of a real mechanism for their implementation, control on their execution. The Chisinau airport can hardly be considered a place for selling tobacco products but even at present the departure hall is full of tobacco publicity and the litter bins are placed in such a way that for a non smoker to find a no smoking corner is practically impossible. The many years of correspondence of the Chief Sanitary Doctor of the country (!) with the airport management on this issue has brought no results yet, and this is not a simple inhabitant but an official person whose directives, within the framework of competencies, are obligatory to execution. Smoking in public areas is punished by penalties – very insignificant, but penalties. But, as nobody has ever seen a horse dying of the notorious drop of nicotine, as nobody in Moldova has ever seen a penalized smoker. The owners of oil stations often place publicity shields, motivating that they place them on private territory and the taxi drivers smoke in the presence of their passengers saying that this is their place of work. And nobody is disciplining either the first, or the second, although there are bodies, who are obligated to do this.

Our opinion with respect to the declarative character of measures undertaken in the country to limit smoking is confirmed by the fact that twice during the last ten years the Government and the Parliament adopted the Program for tobacco industry development, which does not provide decrease of the volume of cigarettes production for internal consumption (or at least limiting it to present volumes) but provides its increase. According to the same Program the deductions from cigarette sale shall be allocated to the Tobacco Industry Development Fund, and not at all on activities decreasing smoking harm. Time will show how lucrative this Program is, but it is adopted by the Parliament and the necessity to assist the tobacco industry is permanently mentioned from high tribunes. Anyway, there is no National Program on smoking control, as well as there is no mentioning of the necessity of smoking control in the draft of the National Policy in Healthcare.

The country lack not only the Program on smoking control, it has no coordinative body for this activity, too. The Ministry of Health occupies a passive position with respect to smoking.

The role of the public, non governmental organizations in smoking control in Moldova is very insignificant, yet. There is no understanding regarding the danger of smoking to health, the negative attitude to it has not yet been formed. Moreover, the struggle for survival in which the majority of the population of the country is involved for more than one decade, the lack of a clear perspective, hopes for the future, brought to the situation when desperate, tired people are not very keen on their health, and even life, and often are getting away from everyday troubles and stresses using the simplest and available means – alcohol and smoking. Those who are aware of smoking harmful character, not always can and want “to suffer for the society”, even if because they see the inconsistency and indecisiveness of the State, obliged to protect the health of its citizens.

If the State is really interested in decreasing the smoking epidemic, encompassing Moldova during the last decade, the following is important and imperative:

- To draft and adopt a real National Action Plan on Tobacco Control and to determine the organization, responsible for its implementation;
- To review, regulate and enforce the existing in this area law, paying a special attention to complete prohibition of all types of tobacco products and tobacco producers activities publicity, including promoting actions and sponsorship;
- Instead of several departmental dispositions to draft and adopt a law on prohibiting smoking on working places, including bars and restaurants;

- Gradual increasing of the level of taxation for tobacco products for obtaining a constantly increase in tobacco products prices, as one of the most effective measure in decreasing tobacco consumption.
- To ratify the Framework Convention for Tobacco Control, having in mind the fact that the Convention provides at the global level the general measures to be taken but establishes in the same time the financial ones in order to assist the countries with transition economies, to which Moldova relates.