In this edition, we shine a spotlight on Dr Nor Aryana Hassan and Dr Nazlinda Abu Jazid Javis: two doctors in the NCD division of Malaysia’s Ministry of Health who are helping implement and defend tobacco control policy.

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At mealtimes, the streets of Malaysia come alive with families dining out. Nearly two-thirds of Malaysians eat at least one meal a day outside the home, filling restaurants, hawker stalls, and roadside cafes.

And thanks in part to Dr Nor Aryana Hassan and Dr Nazlinda Abu Jazid Javis – two McCabe Centre alumni - Malaysian families can now enjoy their meals out without having to breathe in harmful second-hand smoke.

In 2019, Malaysia banned smoking at all public eateries, including restaurants and open-air hawker
stalls, in accordance with Article 8 of the WHO Framework Convention on Tobacco Control (FCTC). The ban was part of an amendment to the country’s Control of Tobacco Product Regulations 2004, which prohibits smoking in certain areas (eg hospitals, government offices) under the Food Act 1983.

But the ban was quickly challenged by a group of smokers who claimed it violated their rights under the country’s Constitution. The case was heard by the High Court of Malaysia, which dismissed the challenge in October 2019, ruling that restricting smoking in public eateries does not infringe smokers’ rights, since they are still allowed to smoke three metres away.

Dr Nor Aryana Hassan

As leaders in the Malaysian Ministry of Health’s Disease Control Division, Dr Aryana and Dr Nazlinda played key roles in developing and the defending the ban. They helped with planning, consultation and preparation of evidence to develop the ban, alongside colleagues in the Ministry of Health and officers from the Attorney General of Chamber. They also collaborated with colleagues to prepare an affidavit for the subsequent court case. The affidavit detailed the scientific evidence behind the ban, its basis in the World Health Organization (WHO) Framework Convention on Tobacco Control (FCTC), and the consultations and monitoring conducted before and after the ban was implemented – all key elements of the Ministry of Health’s case.

With the legal challenge out of the way, the ban on smoking in public eateries came into full effect on 1 January 2020. Dr Aryana is proud to have helped protect Malaysians from the risks of second-hand smoke. She says the ban will also help de-normalise smoking among the country’s youth.

“The ban prevents younger generations from witnessing the act of smoking and then picking up the behaviour,” says Dr Aryana, a public health medicine specialist and Senior Principal Assistant Director of the Ministry of Health’s FCTC & Tobacco Control Section.

Dr Aryana and Dr Nazlinda attended the McCabe Centre’s legal training course in 2017 and 2019, respectively, and are among four McCabe Centre alumni from Malaysia. Since attending the course, they have made great strides in their priority projects. McCabe Centre alumni each commit to projects
involving legal measures to prevent and control noncommunicable diseases (NCDs) in their country. Work on Dr Aryana’s priority project included helping develop a bill amending Malaysia’s tobacco control law to allow for tobacco plain packaging regulations, while Dr Nazlinda’s priority project included work on amendments to incorporate plain packaging regulations and a ban on promotions at the point of sale. The two have also collaborated with the McCabe Centre on a Malaysia-based workshop on plain packaging in 2018, and on sessions at the 2018 Southeast Asia Conference on Tobacco Control.
They say the training and support they received from the McCabe Centre has helped them significantly in their work, giving them important insights on trade law and the WHO FCTC, and reinforcing the power of legal measures to promote public health.

They are now able to share what they’ve learned through their priority projects to help others wanting to implement policy to prevent and control NCDs.

“A lot of processes are involved before the development of a policy,” says Dr Nazlinda, a medical doctor and Principal Assistant Director of the FCTC & Tobacco Control Section. “The policymaker must have a good base for the policy and provide clear objectives, supporting scientific evidence, and consultations with the public and other agencies.”

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