

Factsheet

What Heads of WHO Offices in Countries, Territories and Areas need to know regarding the WHO Framework Convention on Tobacco Control and the Protocol to Eliminate Illicit Trade in Tobacco Products

As WHO provides technical assistance to its Member States in tobacco control and the Secretariat of the WHO Framework Convention on Tobacco Control (WHO FCTC) supports Parties with implementation of the WHO FCTC and the Protocol to Eliminate Illicit Trade in Tobacco Products, the two entities are committed to working together to align and mutually reinforce their work on tobacco control. WHO country offices play a key role in this collaboration.

The WHO FCTC in brief

The WHO FCTC is the first international treaty negotiated under the auspices of WHO. It was adopted by the World Health Assembly on 21 May 2003 and entered into force on 27 February 2005.

The WHO FCTC was developed in response to the globalization of the tobacco epidemic and is an evidence-based treaty that reaffirms the right of all people to the highest standard of health. The Convention represents a milestone for the promotion of public health and provides new legal dimensions for international health cooperation. Its objective is to protect present and future generations from the devastating health, social, environmental and economic consequences of tobacco consumption and exposure to tobacco smoke.

The Conference of the Parties (COP) is the governing body of the WHO FCTC, keeping under regular review the implementation of the Convention and taking the decisions necessary to promote its effective implementation. The COP establishes subsidiary bodies such as working and expert groups to achieve the objectives of the Convention.

As of November 2022, the treaty has 182 Parties (181 State Parties and one regional economic integration organization). The list of Parties can be found at the United Nations Treaty Collection [section](#). All State Parties are also WHO Member States.



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The Protocol in brief

The Protocol to Eliminate Illicit Trade in Tobacco Products is the first protocol to the WHO FCTC and a new international treaty in its own right. It was adopted at the fifth session of the COP on 12 November 2012 and entered into force on 25 September 2018. The Protocol has the objective to eliminate all forms of illicit trade in tobacco products, in accordance with the terms of Article 15 of the WHO FCTC. It provides for a package of measures to be taken by countries to secure the supply chain of tobacco products at national, regional and global levels, and provides a legal basis for Parties to share information and cooperate in technical, administrative and legal matters.

The Protocol was developed in response to the growing illicit trade in tobacco products, often across borders. Illicit trade poses a serious threat to public health because it increases access to – often cheaper – tobacco products, thus fueling the tobacco epidemic and undermining tobacco control policies. It also causes substantial losses in government revenues, and at the same time contributes to the funding of international criminal activities.

The Meeting of the Parties (MOP) is the governing body of the Protocol, keeping under regular review the implementation of the Protocol and taking the decisions necessary to promote its effective implementation. The MOP establishes subsidiary bodies such as working and expert groups to further the objectives of the Protocol.

As of November 2022, the MOP comprises 66 Parties (65 State Parties and one regional economic integration organization). The list of Parties can be found at the United Nations Treaty Collection [section](#).



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The role of the Convention Secretariat

Established in 2007, the Convention Secretariat serves as Secretariat of both the WHO FCTC and the Protocol. The Convention Secretariat is an entity hosted by WHO with a distinct mandate, function and governance agreement.

Recognizing WHO's constitutional mandate in providing technical assistance to its Member States and the role of the Convention Secretariat to lead on WHO FCTC and Protocol matters, the *Hosting Terms* were promulgated in 2019 by Director-General of WHO. The Hosting Terms provide a basis for the two entities to cooperate and coordinate their work, with a view to ensuring transparency, efficiency, cost-effectiveness and avoidance of duplication, considering the policies and decisions of their respective governing bodies.

The role and work of the Convention Secretariat are governed by Article 24 of the WHO FCTC and Article 34 of the Protocol, the Rules of Procedure of the COP, and of the MOP, and further defined by decisions of the COP and the MOP.

Taking into account the specific provisions of the WHO FCTC and the Protocol, as well as the central role of the Convention Secretariat in supporting the implementation of the WHO FCTC and the Protocol, the Convention Secretariat abides by strict policies to prevent and address conflicts of interests with the tobacco industry, and its front groups, and other vested commercial interests as appropriate.



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The Convention Secretariat mandate includes:

Serving governing and subsidiary bodies of the treaties

- Prepare, convene and support COP and MOP regular sessions, held every two years
- Prepare the official documentation of the COP and MOP
- Support the governing bodies with the review of applications for observer status at the COP and MOP
- Support the COP and MOP Bureaus in organizing and conducting their intersessional work
- Make the necessary arrangements to enable the COP and MOP working and experts groups to fulfill their mandates
- Provide regular updates on the implementation of the workplans and budget, and decisions of the COP and MOP.

Assisting Parties in implementing the provisions of the Convention and the Protocol

Provide technical support Parties upon request

- Carry out joint needs assessments and provide post-mission assistance
- Identify challenges and best practice to enhance global and regional cooperation
- Promote regional workshops on treaty matters

Assessing progress and sharing knowledge

- Conduct the biennial reporting cycle for both treaties
- Manage the **WHO FCTC and Protocol Coordination Platform**
- Develop the **Global Progress Report** for both treaties

- Prepare in-depth analyses linked to priorities identified by Parties to the treaties
- Coordinate the work of WHO FCTC Knowledge Hubs and Observatories on tobacco industry's tactics.

Promoting international cooperation

- Enhance cooperation with international governmental organizations and nongovernment organizations observers to **COP and MOP**
- Promote South-South and Triangular cooperation
- Collaborate with the United Nations Interagency Task Force on the prevention and control of Non-communicable diseases (UNIATF)
- Implement multisectoral assistance within the United Nations system on matters relevant to the treaties, such as on human rights, environment, etc.
- Promote the treaties within the **2030 Agenda for Sustainable Development**.

Raising awareness and mobilizing resources

- Promote and increase visibility of the Convention and the Protocol through various channels such as media and social communication
- Develop and publish **technical publications**
- Mobilize finances and resources to support implementation of the treaties, in line with the workplans and budgets of the COP and MOP



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Areas of possible collaboration to support implementation of WHO FCTC and the Protocol at country level

In coordination with the Convention Secretariat, Heads of WHO Offices in Countries, Territories and Areas may undertake some of the following actions:

Support to implementation of the WHO FCTC

- provide technical assistance to WHO Member States that are Parties to the WHO FCTC to accelerate the full implementation of the Convention, including those as part of the **FCTC2030** project;
- promote the inclusion of the WHO FCTC in the WHO Country Cooperation Strategy;
- promote the integration of the WHO FCTC into the country work of UN funds, programmes and agencies;
- support WHO Member States that are Parties to the WHO FCTC on including SDG Target 3.a in **Voluntary National Reviews** of assessment of progress towards the 2030 Agenda for Sustainable Development; and
- advocate towards WHO Member States that are not Parties to the Convention on the benefits and process to become Parties to the WHO FCTC, and support them in that regard.

Promoting the Protocol

- advocate towards WHO Member States that are Parties to the Convention but not yet Parties to the Protocol on the benefits and process to become Parties to the Protocol, and support them in that regard.

The Convention Secretariat is also ready to provide any support to you and WHO country offices on matters relating to the Convention and especially in the areas related to the Protocol.

Other areas in relation to the work of the Convention Secretariat

- promote the *Model policy for Agencies of the United Nations system on Preventing Tobacco Industry Interference* ;
- support in-country technical missions and needs assessment missions organized by the Convention Secretariat, including those as part of the **FCTC2030** project;
- facilitate outreach and advocacy efforts of the Convention Secretariat at country level;
- facilitate the Convention Secretariat's communication with governments should support be requested; and
- support the Convention Secretariat with the collection of (mandatory) assessed contributions from Parties.



Lines of communication

As per the *WHO Hosting Terms for the Secretariat of the WHO FCTC and its Protocols*, the Convention Secretariat has the primary responsibility to co-ordinate its own external relations, including engaging with ministers and/or senior government officials, as well as treaty and technical focal points in missions and governments, on the implementation of the WHO FCTC and its Protocols.

The Convention Secretariat's official lines of communication are determined by the Parties and are not limited to high level officials of the health sector.

In addition, the Convention Secretariat regularly communicates on programmatic and procedural matters with the national focal point(s) on implementation of the WHO FCTC and the Protocol, designated by the Parties to the treaties. These contacts may be located in governmental sectors other than health. Accordingly, the Convention Secretariat's lines of communication may differ from those of WHO.

To ensure the best possible information sharing and cooperation with WHO country offices, and to provide optimal support to Parties in implementing the treaties, the Convention Secretariat has been copying WHO, including heads of WHO offices in countries, territories and areas and WHO Regional Directors, in all official communications with high-level government representatives in capitals, whenever appropriate, and will continue to do so.

Alignment with WHO	Special status of the Convention Secretariat
<ul style="list-style-type: none">• alignment of tobacco control work considering respective governing bodies' decisions• coordination on communications surrounding related technical matters• mutual information, participation and support in relation to respective governing bodies' meetings, as per agreed arrangements	<ul style="list-style-type: none">• programmatic independence on treaty matters• strategies, workplans and budgets decided by COP and MOP, separate from WHO's• coordination of its own external relations• WHO frameworks apply with agreed adaptations, as per COP and MOP decisions• distinct visual identity and website



Article 5.3 of the WHO FCTC

In setting and implementing their public health policies with respect to tobacco control, Parties shall act to protect these policies from commercial and other vested interests of the tobacco industry. The *Guidelines for implementation of Article 5.3* of the WHO FCTC aim to assist Parties in meeting their legal obligations under this article. The guidelines remind that there is a fundamental and irreconcilable conflict between the tobacco industry's interests and public health policy interests.

WHO has issued guidelines to help you respond to requests made by the tobacco industry to meet with the Organization (see Annex 4): <http://goo.gl/jfUZBe>



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“Parties rightly identified interference by the tobacco industry as the major threat to the implementation of the WHO FCTC. It’s the job of the Convention Secretariat, WHO, other international agencies and civil society groups to ensure that we fight on and ensure that the people who need reminding of their duties to the public – legislators and ministers, government officials, journalists and others – are constantly reminded of the need for action.”

Dr Adriana Blanco Marquizo
Head, Convention Secretariat

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