

# Draft Decision: Forward-looking tobacco control measures (in relation to Article 2.1 of the WHO FCTC)

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## An evolving landscape – 20 years since FCTC Adoption

- The World Health Organization (WHO) Framework Convention on Tobacco Control (FCTC) provides a framework for tobacco control measures aimed at reducing the prevalence of tobacco use and exposure to tobacco smoke.
- Since entering into force in 2005, the tobacco control landscape has greatly evolved.
- Parties have been faced with new challenges in setting and implementing of tobacco control measures because of industry interference.
- Since the FCTC was adopted, new measures and expanded approaches to tobacco control have been developed.
- Many of these new measures relate to Article 2.1, and Parties could benefit from greater information sharing.

# Article 2.1



- Article 2.1 of the WHO FCTC states: *“In order to better protect human health, Parties are encouraged to implement measures beyond those required by this Convention and its protocols, and nothing in these instruments shall prevent a Party from imposing stricter requirements that are consistent with their provisions and are in accordance with international law.”*
- Legal protection
  - Article 2.1 provides legal coverage for Parties who take measures beyond what is explicit or implicit in the WHO FCTC.
- Evolution of tobacco control
  - Article 2.1 encourages Parties to think beyond the prescribed measures dating from 2003 when the WHO FCTC was first signed.
  - Over the last 20 years, a number of Parties have implemented measures beyond those required by the Convention and its protocols.
  - WHO FCTC was intended to be the “floor” and not the “ceiling.”



# Article 2.1 vs. Endgame

- Progressive, comprehensive and multisectoral approaches to implement the WHO FCTC are key to achieving the objective of the Convention and further underpin Article 2.1.
- Policy options under Article 2.1 may focus on, among others:
  - Products
  - Users
  - Market/supply; and/or
  - Institutional structure<sup>1</sup>.
- Endgame: “initiatives designed to change/eliminate permanently the structural, political and social dynamics that sustain the tobacco epidemic, in order to achieve within a specific time an endpoint for the tobacco epidemic”<sup>2</sup>.
  - Endgame has a deadline/due date and can be considered as one potential approach under but distinct from Article 2.1.



<sup>1</sup>Pan American Health Organization, Session 4: The future of tobacco control: is the endgame a possibility for the Americas?

<sup>2</sup>Malone R, McDaniel P, Smith E. Tobacco control endgames: global initiatives and implications for the UK. *Cancer Research UK*. 2014.

# Examples of general Article 2.1 measures

Some examples of measures that could be considered in relation to the general implementation of Article 2.1:



- Smokefree private spaces (regulate or ban smoking in private places)
- Designate specific store types to sell tobacco (e.g., selling tobacco products only in specialist stores)
- “Polluter pays” approach and extended producer responsibility framework to internalize the environmental costs of tobacco production and use back to the tobacco industry
- Imposing a health levy or solidarity levy on the tobacco industry



# Draft decision

- Proposed by Canada: Forward-looking tobacco control measures (in relation to Article 2.1 of the WHO FCTC)
- The draft decision proposes the establishment of an expert group on tobacco control measures that are forward-looking and could be contemplated within the scope of Article 2.1 of the WHO FCTC.
- Expert group mandate:
  - Identify and describe measures that are considered within the scope of Article 2.1;
  - Through research and elaborating findings, to consider Party experience and published literature or any other source of information they find appropriate; and
  - Prepare a report to be submitted to COP11.
- Canada hopes that this work will strengthen the evidence base on forward-looking tobacco control measures, while also providing a list that Parties could consult when considering measures to enhance their FCTC implementation efforts.

# Rationale

- 20 years after the adoption of the FCTC is a good time to:
  - Look back and reflect on what we have achieved to date; and
  - Look forward to identify tobacco control measures that could strengthen our ability to limit the global burden of tobacco related illness and disease.
- Article 2.1 provides an opportunity for Parties to be creative and introduce new measures that may reflect the evolving science upon which tobacco control measures are based.
- This draft decision is a starting point to generate new discussions on tobacco control and reinvigorate the collective response to the global tobacco epidemic.
- The focus of the draft decision would align with the objective of the FCTC *“to protect present and future generations from the devastating health, social, environmental and economic consequences of tobacco consumption and exposure to tobacco smoke by providing a framework for tobacco control measures to be implemented by Parties at the national, regional and international levels in order to reduce continually and substantially the prevalence of tobacco use and exposure to tobacco smoke.”*

**Thank you!**