



WHO FRAMEWORK CONVENTION  
ON TOBACCO CONTROL

CONFERENCE OF THE PARTIES TO THE  
WHO FRAMEWORK CONVENTION ON TOBACCO CONTROL

FCTC/COP/10/11  
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Provisional agenda item 6.4

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

### **Report by the Convention Secretariat**

#### **Purpose of the document**

The present report provides context for work that could be undertaken to strengthen the implementation of the WHO Framework Convention on Tobacco Control (WHO FCTC), taking into account Article 2.1 of the WHO FCTC. The report is intended to facilitate the deliberations of Parties under the item “Forward-looking tobacco control measures (in relation to Article 2.1 of the WHO FCTC)” proposed by a Party and pursuant to decision FCTC/COP9(2).

#### **Action by the Conference of the Parties**

The Conference of the Parties (COP) is invited to note the present report and provide further guidance.

Contribution to the Sustainable Development Goals (SDGs): All SDGs; in particular, SDG 3 and Target 3.a.

Link to Workplan and Budget item: To be decided by the COP.

Additional financial implications if not included in the Workplan and Budget: None.

Related document(s): None.

## BACKGROUND

1. The item “Forward-looking tobacco control measures (in relation to Article 2.1 of the WHO FCTC)” was proposed by a Party. The item had been proposed for consideration at the Ninth session of the Conference of the Parties (COP9) to the WHO Framework Convention on Tobacco Control (WHO FCTC). In decision FCTC/COP9(2), in light of restrictions made necessary as a result of the COVID-19 pandemic, COP9 deferred the item for consideration at the Tenth session of the Conference of the Parties (COP10).<sup>1</sup>

2. The present report provides context for work that could be undertaken to strengthen the implementation of the WHO FCTC, taking into account Article 2.1 of the WHO FCTC, in order to facilitate the deliberations of Parties.

## ARTICLE 2.1 IN RELATION TO OTHER PROVISIONS OF THE CONVENTION

3. It is recalled that Article 2.1 of the WHO FCTC encourages Parties, in order to better protect human health, “to implement measures beyond those required by this Convention and its protocols”, further articulating that “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”.

4. Article 2.1 should be read in conjunction with the objective of the Convention, which is “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 the 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”. In particular, the call for Parties to take action to reduce tobacco consumption and exposure to tobacco smoke “continually and substantially” echoes Article 2.1.

5. In the *Seoul Declaration* (decision FCTC/COP5(5)), which was recalled by the *Moscow Declaration* (decision FCTC/COP6(26)) and the *Delhi Declaration* (decision FCTC/COP7(29)), the Parties to the WHO FCTC declared their commitment to accelerate implementation of the Convention in order to reduce “continually and substantially” the prevalence of tobacco use and exposure to tobacco smoke. The *Moscow Declaration* further called on Parties to “continuously adopt progressive, comprehensive, multisectoral and responsive national tobacco control strategies, plans and programmes aimed at achieving the overall objectives of the WHO FCTC”.

6. Article 2.1 mutually reinforces Article 4 of the WHO FCTC, which establishes the principles that shall guide Parties in implementing the provisions of the Convention. One of those principles is that comprehensive multisectoral measures and responses are essential to prevent premature disability and mortality due to tobacco consumption and exposure to tobacco smoke.

7. Article 5 further advances Article 2.1 by providing that each Party shall develop, implement, periodically update and review comprehensive multisectoral national tobacco control strategies, plans and programmes in accordance with the Convention.

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<sup>1</sup> The proposed item was titled “Article 2.1 of the WHO FCTC on measures beyond those required by the Convention (item proposed by a Party)”, as recorded in the annotated provisional agenda of COP9 (FCTC/COP/9/1(annotated)).

8. Progressive, comprehensive and multisectoral approaches to implement the Convention are key to achieving the objective of the Convention and further underpin Article 2.1. The broad terminology used by Article 2.1 encourages Parties to engage in tobacco control measures that are robust and forward-looking provided that these are consistent with the provisions of the Convention and its protocols and are in accordance with international law.

### **EXPERIENCE TO DATE IN RELATION TO ARTICLE 2.1**

9. To date, the Conference of the Parties (COP) to the WHO FCTC has not adopted a decision focused on implementation of Article 2.1, nor has the COP considered a dedicated report that summarizes or analyses the experience of Parties in relation to implementation of this article.

10. In the context of reporting and exchange of information, Parties have indicated that they are implementing or contemplating forward-looking tobacco control measures and measures that expand or intensify approaches to tobacco control. The Party request to include the present item in the provisional agenda of the COP reflects the growing interest of Parties in exploring such measures and the scope of Article 2.1.

11. Further, Parties are mindful that forward-looking tobacco control measures are an important element of comprehensive and multisectoral tobacco control, and that such measures are most effective with the involvement of civil society. Parties and other tobacco control stakeholders remain aware of the aggressive tactics of the tobacco industry and those that work to further its interests to undermine implementation of the WHO FCTC, making the exploration of efforts to expand and intensify approaches taken to tobacco control even more pressing.

12. In light of the above considerations, Parties may benefit from additional information in relation to forward-looking tobacco control measures and measures that expand approaches to tobacco control and that could be said to fall within the scope of Article 2.1. This might include, but not be limited to, an overview of the experience of Parties and a literature review of relevant tobacco control practices. A better understanding of the landscape of forward-looking measures to advance tobacco control would assist Parties in continuing their progress in reducing continually and substantially the prevalence of tobacco use and exposure to tobacco smoke.

### **ACTION BY THE CONFERENCE OF THE PARTIES**

13. The COP is invited to note the present report and provide further guidance.

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