

# COP10

## Outcomes and Next Steps

March 14, 2024



# SPEAKERS



**Chris Bostic, Kelsey Romeo-Stuppy, Laurent Huber**



# COP 10 Article 19 (Liability) Decision

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# COP 10- Article 19 Decision



**FCTC**

WHO FRAMEWORK CONVENTION  
ON TOBACCO CONTROL

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

Tenth session (resumed)  
Panama City, Panama, 5–10 February 2024

FCTC/COP10(13)  
10 February 2024

## DECISION

### FCTC/COP10(13) Implementation of Article 19 of the WHO FCTC: Liability

The Conference of the Parties (COP),

Acknowledging that issues relating to liability, as determined by each Party within its jurisdiction, are an important part of comprehensive tobacco control;

Recalling decisions FCTC/COP5(9), FCTC/COP6(7), FCTC/COP7(11) in relation to implementation of Article 19 of the WHO FCTC on liability, as well as decision FCTC/COP8(18) encouraging Parties to promote national and international cooperation to enhance implementation of Article 5.3 of the WHO FCTC in relation to Article 19 of the WHO FCTC;



# The Decision calls on three different groups:

## URGES Parties:

- (a) to hold businesses liable
- (b) to require accountability and transparency;
- (c) to consider strengthening liability regimes,
- (d) to establish and apply, effective, proportionate and dissuasive sanctions
- (e) to exchange information on liability of the tobacco industry,
- (f) to ensure policy coherence- international and regional organizations, as well as among non-State actors, particularly those working on Sustainable Development Goals and noncommunicable diseases, and on the environmental agenda;
- (g) to call upon international and regional organizations in which Parties are represented to ensure that the work supports tobacco control and does not undermine it;
- (h) to closely monitor transactions, that could interfere with and undermine public health policy;

## **The Decision calls on three different groups:**

### **Re-establishes an Expert Group on Liability**

- (i) to review and collect information to strengthen their criminal and civil liability regimes**
- (ii) to provide options for Parties to detect and counter tobacco industry efforts to evade applicable liability regimes or to undermine tobacco control, including through corporate reorganization or investments;**
- (iii) to support Parties in collecting evidence to be used in tobacco-related litigation;**
- (iv) to report on its work at the Eleventh session of the Conference of the Parties;**

# The Decision calls on three different groups:

## REQUESTS the Convention Secretariat:

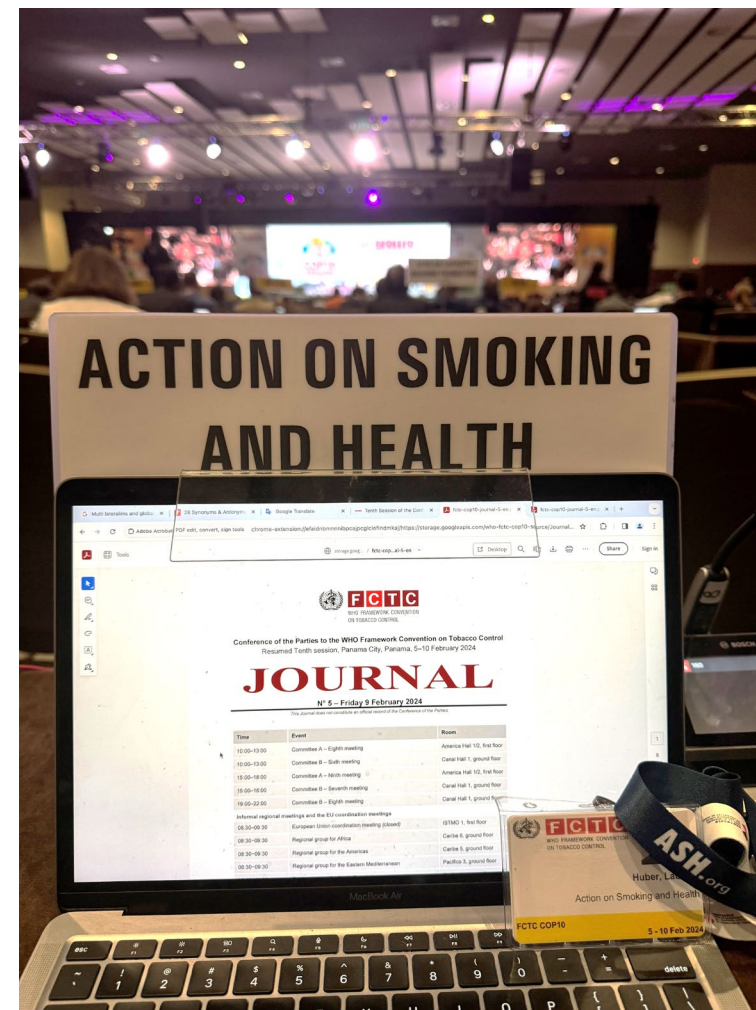
- (a) under the guidance of the Bureau, to set out the terms of reference of the expert group in accordance with the above mandate and to facilitate the establishment of the expert group, to be composed of:
  - (i) up to 12 members, with appropriate technical experience and ensuring regional balance; and
  - (ii) up to two observers with relevant expertise that represent civil society organizations that are accredited observers to the COP;
- (b) to make the necessary arrangements, including budgetary arrangements, for the expert group to complete its work

## 5. FURTHER REQUESTS the Convention Secretariat:

- (a) to continue to raise awareness about Article 19 of the WHO FCTC and the tools available for Parties to strengthen its implementation;
- (b) to participate in global fora to promote policy coherence between tobacco industry liability and the development of international law in relation to the environment, human rights and regulation of business conduct;
- (c) to include an item on liability in the provisional agenda for each regular session of the Conference of Parties

# Next Steps: Article 19 Decision

- Terms of reference
- Expert Group
- Advocacy to raise awareness



# Article 19 Decision: Practical Uses

## Example- Criminal Law Sick of Smoking, The Netherlands

- The proposed charges were attempted murder, manslaughter, aggravated assault and forgery.
- Ultimately, more than 24 000 people endorsed the campaign to hold the tobacco industry to account. Many organisations joined the indictment. Together, they represented over 1 million people.
- The judge agreed that the arguments of the plaintiffs were correct, but referred the issue to the legislature.
- This action generated an enormous amount of publicity and contributed substantially to the awareness. A study found that a majority (61%) of the Dutch population think it is right that cigarette manufacturers have been called to account.



# COP 10 Human Rights Decision

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# TOBACCO INFRINGES ON



WOMEN'S RIGHTS



CHILDREN'S RIGHTS



RIGHT TO LIFE



RIGHT TO HEALTH

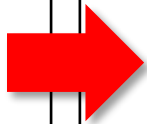


RIGHT TO EDUCATION

# HUMAN RIGHTS AT COP: THE BACKGROUND



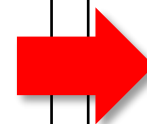
Decision FCTC/COP7(29), re-emphasized that the enjoyment of the highest attainable standard of health is a fundamental human right



COP 8- no Human Rights  
Decision



Advocacy



COP 10

# COP 10 Human Rights Decision



**FCTC**

WHO FRAMEWORK CONVENTION  
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CONFERENCE OF THE PARTIES TO THE  
WHO FRAMEWORK CONVENTION ON TOBACCO CONTROL  
Tenth session (resumed)  
Panama City, Panama, 5–10 February 2024

FCTC/COP10(20)  
10 February 2024

## DECISION

**FCTC/COP10(20) Contribution of the WHO FCTC to the promotion and fulfillment of human rights**

The Conference of the Parties,

Guided by the purpose and principles of the Charter of the United Nations;

Recalling the Universal Declaration of Human Rights, proclaimed by the General Assembly of the United Nations in 1948, including Article 25, which declares that everyone has the right to a standard



**There are two major elements to the Decision. Civil society can support both when working within human rights mechanisms and with the FCTC Secretariat. The decision:**

“ENCOURAGES Parties to consider including WHO FCTC principles and implementation efforts when engaging with the United Nations human rights mechanisms;

REQUESTS the Convention Secretariat to foster coordination and collaboration with entities in the United Nations system pursuing human rights mandates in order to raise awareness of the importance of the WHO FCTC implementation in the fulfilment of human rights.”

## **Next Steps: How to Connect the WHO FCTC with Human Rights Mechanisms**

**The Human Rights Decision will help to ensure whole of government approaches to tobacco control regulations and human rights, building on this Decision.**

In particular, this Decision can be used to highlight the contribution that the WHO Framework Convention on Tobacco Control can make to the goals of numerous mechanisms with UN mandates including the Human Rights Council, the Committee on the Elimination of Racial Discrimination (CERD), the Committee on Economic, Social and Cultural Rights (CESCR), the Committee on the Elimination of Discrimination against Women (CEDAW), the Committee on the Rights of the Child (CRC) and other mechanisms such as the UN Summit for the Future.

# THANK YOU!

## CONTACT INFORMATION

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## OUR CHILDREN DESERVE TO GROW UP WITHOUT TOBACCO



**ACTION**  
ON SMOKING & HEALTH

Dedicated to **ZERO** Tobacco Deaths



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

**Chris Bostic**

March 14, 2024

*COP10 Outcomes*

# What is Article 2.1?

*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.*



# Why is there an Article 2.1?

1. To ensure that the specific obligations in the FCTC are a floor and not a ceiling
2. An understanding that best practices will evolve
3. Part of what makes the FCTC a Framework Convention, i.e., it's meant to progress
4. To forestall the tobacco industry from claiming that stricter policies violate the FCTC



# What was the Decision?

Establishes an expert group to:

- “identify and describe forward-looking tobacco control measures and measures that expand or intensify approaches to tobacco control”
- Report back to COP11



# Expert Group

Up to 12 members from Parties, with regional representation

Up to 2 civil society observers

Secretariat establishes the Expert Group under the guidance of the Bureau



# Next Steps

1. Set the terms of reference for the Expert Group
2. Recruit members
3. Invite the FCTC Knowledge Hubs and the WHO to collaborate



# More information

Summary:

<https://ash.org/fctc-cop10-article-2-1-decision/>

Decision:

<https://ash.org/wp-content/uploads/2024/03/FCTC-COP10-12-en-Art-2.1.pdf>



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# WHO Framework Convention on Tobacco Control 10<sup>th</sup> session of the Conference of the Parties

## Article 18 Decision

*Protection of the environment and the health of persons*

**LAURENT HUBER**

MARCH 14, 2024

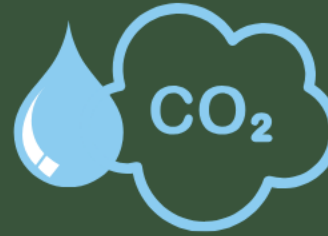
# LIFE CYCLE OF TOBACCO PRODUCTS





## LAND USE

- 200,000 hectares of land cleared annually
- 4 million hectares of arable land affected, particularly in food-insecure countries



## RESOURCE CONSUMPTION

- 22 billion tonnes of water
- 84 million tonnes of CO2 emitted annually



## DEFORESTATION

- 50 million trees chopped to cure tobacco
- 600 million trees used annually
- Contributes to 5% of global deforestation

# ENVIRONMENTAL IMPACT OF TOBACCO SUPPLY CHAIN



## WASTE

- 2 million tons of packaging in 2021
- Classified as toxic hazardous waste



## POLLUTION

- 4.5 trillion non-biodegradable cigarette butts
- Nicotine devices: single-use, non-recyclable, with toxic batteries

# ***PART V: PROTECTION OF THE ENVIRONMENT***

## ***Article 18***

### ***Protection of the environment and the health of persons***

*In carrying out their obligations under this Convention, the Parties agree to have due regard to the protection of the environment and the health of persons in relation to the environment in respect of tobacco cultivation and manufacture within their respective territories.*

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# FCTC ARTICLE 18 DECISION



CONFERENCE OF THE PARTIES TO THE  
WHO FRAMEWORK CONVENTION ON TOBACCO CONTROL  
Tenth session (resumed)  
Panama City, Panama, 5–10 February 2024

FCTC/COP10(14)  
10 February 2024

## DECISION

### FCTC/COP10(14) Implementation of Article 18 of the WHO FCTC

The Conference of the Parties (COP),

Considering Article 18 of the WHO Framework Convention on Tobacco Control (WHO FCTC), whereby the Parties agreed to have due regard to the protection of the environment and the health of persons in relation to the environment in respect of tobacco cultivation and manufacture within their respective territories;



**COP10 adopted historic decisions to protect the environment from the harms of tobacco and to address cross-border tobacco advertising, promotion and sponsorship and the depiction of tobacco in entertainment media**

العربية 中文 Français Русский  
Español

# FCTC ARTICLE 18 DECISION

- Clarifies the “potential **environmental damage caused by tobacco waste**”
- Recognizes “that **plastic cigarette filters are unnecessary, avoidable and problematic, single-use plastics** that are widely spread in the environment, killing microorganisms and marine life, as well as polluting oceans”

# FCTC ARTICLE 18 DECISION

- Points to “the **pollution of soil and water resources by waste from tobacco products and related electronic devices, including filters of cigarettes as well as batteries, plastic cartridges and metals**”
- Reminds us that “that **WHO has recommended an immediate ban on cigarette filters and vaporizers in its submission to the Intergovernmental Negotiating Committee on Plastic Pollution**”
- Invites Parties to use **litigation** “to **hold the tobacco industry accountable** for the **damage** it causes to the **environment**”

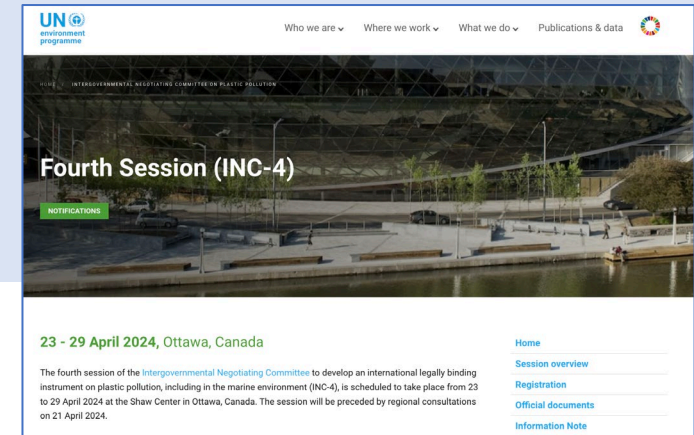
# FCTC ARTICLE 18 DECISION

- Alerts us of the fact that the industry uses environmental platforms as part of its corporate social responsibility campaigns and reminds countries about the need to “**reduce tobacco industry interference in tobacco control policies**” including in the context of environmental protection projects associated with tobacco and urges Parties “**in accordance with WHO FCTC Article 5.3, to protect tobacco-related environmental policies from the commercial and vested interests of the tobacco industry and those working to further its interests**”

# FCTC ARTICLE 18 DECISION

- Reinforces that “this decision aims at **aligning the WHO FCTC work with the principles, objectives and commitments of other international agreements, ...**, including but not limited to the **Intergovernmental Negotiating Committee on Plastic Pollution,**”
- Points out to “the **work of the Intergovernmental Negotiating Committee on Plastic Pollution, the issue of microplastic pollution caused by plastic cigarette filters, ongoing global efforts in the development of standards for hazardous waste management under environmental laws, and the fact that the WHO FCTC has been officially referenced during the United Nations plastics treaty negotiations.**”

# INC4 PLASTIC TREATY



- **The WHO FCTC must be included in the Preamble of the Zero Draft**
- **Classify cig filters as hazardous plastic waste, do not include them in circular economy schemes**
- **Include cigarette filters along with single use plastic nicotine delivery products in the list of “Problematic and avoidable plastic products, including short-lived and single-use plastic products” to be banned**
- **Furthermore, cigarette filters alternatives or substitutes should not be encouraged as there is no evidence that such alternatives will be environmentally safer or less hazardous to health than current cellulose acetate filters.**

# TOBACCO INDUSTRY GREENWASHING



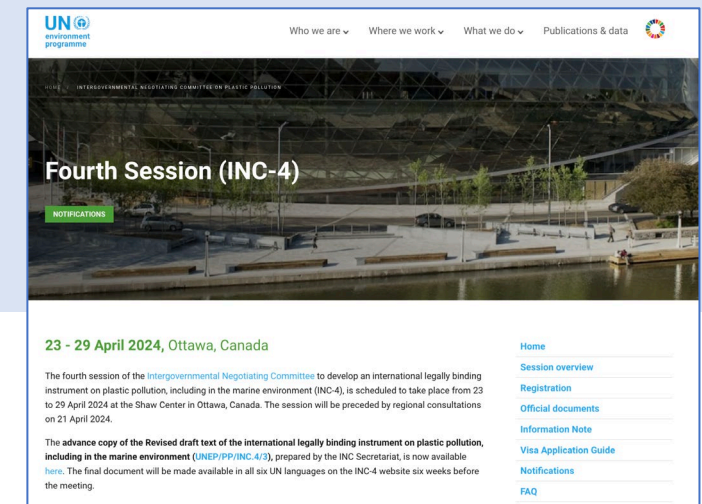
**Left:** Deputy Mayor of Rouen

**Right:** President of the Tobacconists of Seine-Maritime / Rouen



“tobacco industry is increasingly using actions related to environmental and sustainability claims to mask the damage it causes and to promote itself through extended producer responsibility systems” and calls on countries to align with “WHO FCTC Article 5.3, to protect tobacco-related environmental policies from the commercial and vested interests of the tobacco industry and those working to further its interests.”

# INC4 PLASTIC TREATY



- The tobacco Industry must not be treated as a “stakeholder” or “responsible producer”
- but should be made to pay for the pollution.
- We call on countries to ensure that adequate firewalls are put in place to guarantee that corporate conflicts of interests do not undermine the outcomes of the negotiations of the treaty to end plastic pollution.

# PANAMÁ DECLARATION

## DECISION

### FCTC/COP10(11) Panama Declaration

The Conference of the Parties (COP),

Recalling the declarations adopted in decisions FCTC/COP4(5), FCTC/COP5(5), FCTC/COP6(26), FCTC/COP7(29) and FCTC/COP9(10);

Mindful of the Preamble of the Constitution of the World Health Organization, which states that the enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being;

(b) to strengthen implementation of measures and further **enhance policy coherence within governments to prevent tobacco industry interference in public health policies, in accordance with Article 5.3 of the WHO FCTC** and its Guidelines for implementation, and to continue to monitor technological developments in respect of novel and emerging nicotine and tobacco products;

(e) to explore and strengthen **measures to prevent and address the negative impact of tobacco on the environment**, including in relation to **plastic filters** of cigarettes and other tobacco products, **deforestation** and **disposable** products;

(f) to consider **including WHO FCTC implementation efforts when engaging with United Nations human rights mechanisms and bodies**;

# Stay Involved



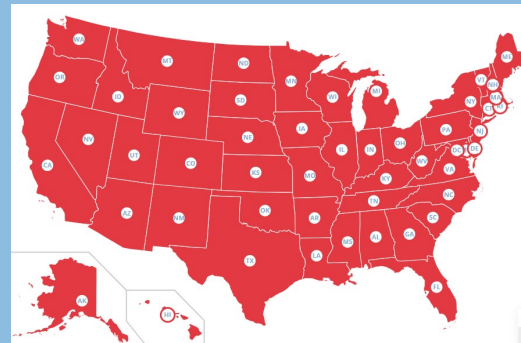
Please complete our survey after the webinar ends. Thank you!

NEXT WEBINAR: March 21, 2024

**Tobacco and Racism Around the World:**  
*International Day for the Elimination of  
Racial Discrimination (CERD)*

Registration Link in Thank You Email

## Resource to Use



*U.S. Tobacco  
Lobbyist & Lobbying  
Firm Registration  
Tracker 2023*

[ash.org/tobacco-money](https://ash.org/tobacco-money)