

THE FCTC REQUIRES EFFECTIVE SMOKEFREE POLICIES

The Framework Convention on Tobacco Control (FCTC), the international tobacco control treaty, requires all ratifying nations to adopt effective smokefree policies. Specifically, Article 8 of the FCTC states:

- *"Parties recognize that scientific evidence has unequivocally established that exposure to tobacco smoke causes death, disease and disability." (FCTC Article 8.1.)*
- *"Each Party shall adopt and implement in areas of existing national jurisdiction as determined by national law and actively promote at other jurisdictional levels the adoption and implementation of effective legislative, executive, administrative and/or other measures, providing for protection from exposure to tobacco smoke in indoor workplaces, public transport, indoor public places and, as appropriate, other public places." (FCTC Article 8.2.)*

These legally binding provisions now apply to more than 150 nations that have ratified the FCTC, representing more than 80 percent of the world's population.¹

Achieving full compliance with Article 8 will require careful monitoring and effective advocacy by civil society organizations in many countries.

Implementation Guidelines Clarify the Meaning of FCTC Article 8

The member states of the FCTC have unanimously adopted implementation guidelines for countries to follow in meeting their FCTC obligations under Article 8.² The guidelines provide that:

- "Effective measures to provide protection from exposure to tobacco smoke, as envisioned by Article 8 of the WHO Framework Convention, require the total elimination of smoking and tobacco smoke in a particular space or environment in order to create a 100% smoke-free laws environment."
- "Approaches other than 100% smoke-free laws environments, including ventilation, air filtration, and the use of designated smoking areas ... have been repeatedly shown to be ineffective and there is conclusive evidence, scientific and otherwise, that engineering approaches do not protect against exposure to tobacco smoke."
- "All people should be protected from exposure to tobacco smoke. All indoor workplaces and indoor public places should be smoke-free."
- "Legislation is necessary to protect people from exposure to tobacco smoke. Voluntary smoke-free policies have repeatedly been shown to be ineffective and do not provide adequate protection. In order to be effective, legislation should be simple, clear and enforceable."
- "Good planning and adequate resources are essential for successful implementation and enforcement of smoke-free legislation."
- "Civil society has a central role in building support for and ensuring compliance with smoke-free measures, and should be included as an active partner in the process of developing, implementing and enforcing legislation."

¹ World Health Organization, 5 October 2007. Updated Status of the WHO Framework Convention on Tobacco Control. Available at <http://www.who.int/tobacco/framework/countrylist/en/index.html>. Accessed on 11.01.2007

² 'Adoption of the guidelines for implementation of Article 8'. World Health Organization, Conference of the Parties to the WHO Framework Convention on Tobacco Control, second session, decision FCTC/COP2(7). Available at: http://www.who.int/gb/fctc/PDF/cop2/FCTC_COP2_DIV9-en.pdf. Accessed 11.01.07