

Strengthening synergies between the World Health Assembly and the Conference of the Parties to the WHO Framework Convention on Tobacco Control

1. The Director-General has the honour to transmit to the Seventieth World Health Assembly the report submitted by the President of the Conference of the Parties to the WHO Framework Convention on Tobacco Control (see Annex).

ACTION BY THE HEALTH ASSEMBLY

2. The Health Assembly is invited to note this report.

ANNEX

REPORT BY THE PRESIDENT OF THE CONFERENCE OF THE PARTIES

BACKGROUND

1. The Sixty-ninth World Health Assembly adopted a decision WHA69(13) (2016) on strengthening synergies between the Health Assembly and the Conference of the Parties to the WHO Framework Convention on Tobacco Control (FCTC). In that decision, the Health Assembly invites the Conference of the Parties to the WHO FCTC to consider the provision to the Health Assembly of a report for information on the outcomes of the Conference of the Parties.
2. Following the Health Assembly decision, the seventh session of the Conference of the Parties (COP7) adopted decision FCTC/COP7(18) on strengthening synergy between the Conference of the Parties and the Health Assembly. In that decision, the Conference of the Parties requests the President to report on the outcomes of COP7 to the Seventieth World Health Assembly. The COP7 decision also invites the World Health Assembly to request the WHO Director-General to continue to provide regular reports for information purposes to the Conference of the Parties on resolutions and decisions of the Health Assembly relevant to the implementation of the WHO FCTC.
3. The present report provides an overview of the main outcome and decisions adopted by COP7, with a view to sharing the information with the Health Assembly.
4. COP7 was held in Delhi, India, from 7 to 12 November 2016. The session was organized by the Convention Secretariat and hosted by the Government of India. COP7 attracted over 1100 participants, with representatives of 134 Parties to the Convention, observers from five States non-Party as well as from four international intergovernmental organizations and 13 nongovernmental organizations. The WHO delegation to COP7 was headed by the Deputy Director-General, and included the Regional Director for South-East Asia and staff from all three levels of the Organization. His Excellency Mr Maithripala Sirisena, President of the Democratic Socialist Republic of Sri Lanka, addressed COP7 as an invited speaker, raising the profile of the WHO FCTC governing body.
5. COP7 adopted 31 decisions, which can be found on the Convention Secretariat website:¹ 10 on treaty instruments and technical matters, four on reporting implementation assistance and international cooperation, 11 on budgetary and institutional matters, five on proceedings of the COP, and the Delhi Declaration.

TREATY INSTRUMENTS AND TECHNICAL MATTERS (10 DECISIONS)

6. COP7 discussed gender issues for the first time as a dedicated agenda item, resulting in a decision, FCTC/COP7(12), addressing gender-specific risks when developing tobacco control strategies. WHO and other United Nations agencies contributed to the development of the COP7 document on gender² and WHO was further invited by COP7, through the Convention Secretariat, to

¹ See <http://who.int/fctc/cop/cop7/Documentation-Decisions/en/>.

² See http://www.who.int/fctc/cop/cop7/FCTC_COP_7_14_EN.pdf?ua=1.

report to the eighth session of the Conference of the Parties (COP8) on evidence, experience and policy options at country level.

7. COP7 took note of the work of the Convention Secretariat on promoting the entry into force of the Protocol to Eliminate Illicit Trade in Tobacco Products adopted by the fifth session of the Conference of the Parties in 2012. COP7 decided¹ to intensify the work of the Panel of Experts on the Protocol to Eliminate Illicit Trade in Tobacco Products and mandated the Convention Secretariat to organize a preparatory meeting to prepare the agenda and conduct other relevant preparations for the first Meeting of the Parties to the Protocol. COP7 further urged the Parties to the Convention not to consider any proposal or assistance related to tracking and tracing from the tobacco industry.

8. COP7 adopted, in decision FCTC/COP7(14), the further partial guidelines for implementation of Articles 9 and 10 of the WHO FCTC (Regulation of the contents of tobacco products and Regulation of tobacco product disclosures) and decided to extend the mandate of the relevant working group.

9. COP7 created two new intersessional groups: (i) an expert group on tobacco advertising, promotion and sponsorship, is expected to report to COP8 on progress made towards combating cross-border advertising and tobacco advertising, promotion and sponsorship in entertainment media; (ii) a working group on measures to strengthen implementation of the Convention through coordination and cooperation was established and mandated to draft a medium-term strategic framework to guide the development of the biennial workplans, budgets and implementation support, thus integrating current efforts to assist Parties in their implementation work.

10. COP7 further advanced the work in implementation of Article 5.3 of the Convention on protecting public health policies with respect to tobacco control from the interference from the tobacco industry (decision FCTC/COP7(8)) and requested the Convention Secretariat to, among others, establish a Knowledge Hub for Article 5.3 and further promote a model policy for agencies of the United Nations system on preventing tobacco industry interference.

11. Decision FCTC/COP7(9) on electronic nicotine delivery systems and electronic non-nicotine delivery systems mandated the Convention Secretariat to invite Parties to monitor and report on the emerging issues related to their use and regulation and invite WHO to continue to provide technical and scientific assistance upon request.

12. Decision FCTC/COP7(10) addressed the economically sustainable alternatives to tobacco growing (in relation to Articles 17 and 18 of the Convention) and requested the Convention Secretariat to enhance cooperation with other United Nations agencies and partners to support the Parties.

13. Decision FCTC/COP7(11) welcomed the final report of the expert group on implementation of Article 19 of the Convention: “Liability” and requested the Convention Secretariat to make the toolkit available to Parties, develop a database of experts and institutions who can support Parties, and explore options to mobilize resources and mechanism of assistance for those Parties.

¹ See decision FCTC/COP7(6): http://www.who.int/fctc/cop/cop7/FCTC_COP7_6_EN.pdf?ua=1.

14. COP7 reviewed the report¹ of the Expert Group established by COP6 on impact assessment of the WHO FCTC. The independent group concluded that the 10 years since the WHO FCTC entered into force have seen some remarkable developments in global tobacco control. The WHO FCTC has undoubtedly played a critical role as an authoritative and agreed catalyst and framework for action. Evidence from a number of sources shows that the WHO FCTC has made a powerful contribution to tobacco control policy development and implementation, strengthening existing strategies, and contributing to denormalising smoking. Further, Parties that have implemented WHO FCTC provisions at high levels have generally experienced greater reductions in smoking prevalence. Major obstacles such as aggressive tobacco industry interference, lack of multisectoral coordination and actions, insufficient financial support to low- and middle-income countries, lack of alternative sustainable livelihood and special attention to the vulnerable groups still hinder the full potential of the impact of the Convention.

REPORTING, IMPLEMENTATION ASSISTANCE, INTERNATIONAL COOPERATION (FOUR DECISIONS)

15. COP7 reviewed the report by the expert group on reporting arrangements, including the proposal to establish the Implementation Review Committee. While all Parties emphasized the importance of identifying implementation gaps and addressing challenges, they remained divided on the proposal. COP7 mandated the newly established Working Group on Measures to strengthen implementation of the Convention through coordination and cooperation review the recommendations of the expert group on reporting arrangements and its proposed terms of reference.

16. COP7 reviewed the global progress in implementation of the WHO FCTC² based on the 133 reports received in the 2016 reporting cycle (74% of the 180 that were due to report). Among all Parties, the average adult (aged 15 years and over) smoking prevalence estimated³ for the year 2014 was 20.5% (34.6% of males; 6.2% of females). This amounts to a small drop since 2012, when the respective prevalence was 21.1% (35.6% of males; 6.6% of females). An increasing number of Parties reported progress in developing or amending tobacco control legislation. Upward trends of strengthening time-bound requirements⁴ continue to be identified, as Parties advance towards: plain packaging or large pictorial warnings; banning the display of tobacco products at points of sale; and extending smoke-free environmental legislation to cover outdoor areas in addition to those indoors. More progress is also detectable in implementing measures under Articles 6 (price and tax measures), 15 (illicit trade in tobacco products), 17 (economically viable alternative livelihood) and 19 (liability). The lack of human and financial resources remains the most frequently mentioned deficiency, while the tobacco industry continues to be the most important barrier in implementation of the Convention.

17. Decision FCTC/COP7(26) on international cooperation for implementation of the WHO FCTC, including on human rights invites the Convention Secretariat to collaborate with existing United Nations mechanism and processes on issues of business and human rights in order to protect public health interests from the commercial and other vested interests of the tobacco industry.

¹ See document FCTC/COP7/6 for details: http://www.who.int/fctc/cop/cop7/FCTC_COP_7_6_EN.pdf?ua=1.

² See document FCTC/COP7/4 for details: http://www.who.int/fctc/cop/cop7/FCTC_COP_7_4_EN.pdf?ua=1.

³ WHO estimates for the Parties of the WHO FCTC only. Source: WHO global report on trends in prevalence of tobacco smoking 2015.

⁴ Articles 8 (protection from exposure to tobacco smoke), 11 (packaging and labelling for tobacco products) and 13 (tobacco advertising, promotion and sponsorship).

18. Decision FCTC/COP7(27) on contribution of the Conference of the Parties to achieving the noncommunicable disease global target on the reduction of tobacco use. This topic will continue to be on the agenda of future sessions of the Conference of the Parties till the twelfth session in 2026, showing the Conference of the Parties' strong commitment in this regard. COP7 took note of the work of the Convention Secretariat as an independent member of both the United Nations Inter-agency Task Force on Prevention and Control of Non-Communicable Diseases and the WHO global coordination mechanism on the prevention and control of noncommunicable diseases. A framework of international cooperation under the Convention was also proposed under this agenda item.

19. Decision FCTC/COP7(21) on trade and investment issues, including agreements, and legal challenges in relation to the implementation of the WHO FCTC calls on Parties to increase coordination and cooperation between the health and trade/investment departments and requests the Convention Secretariat to collect, document and inform Parties about practices in safeguarding public health measures, relevant recent developments and decisions, and tobacco control measures most frequently targeted by the tobacco industry.

BUDGETARY AND INSTITUTIONAL MATTERS (11 DECISIONS)

20. Decision FCTC/COP7(30) elected Mr Chandra Kishore Mishra (India) as the President, Dr Reina Roa (Panama), Mr Cedric Alependava (Solomon Islands), Dr Vinyo Kodzo Kumako (Togo), Dr Jawad Al-Lawati (Oman) and Mr Kari Paaso (Finland) as the five Vice-Presidents to constitute the Bureau of the Conference of the Parties. Additionally, Regional Coordinators (from Angola, Georgia, Jordan, New Zealand, Myanmar and Uruguay) from the six WHO regions were also elected as observers to the Bureau.

21. COP7 adopted the workplan and budget for the financial period 2018–2019 in decision FCTC/COP7(24). The total amount of the adopted budget from the voluntary assessed contribution for the financial period 2018–2019 represents zero nominal growth compared with the adopted budget of the financial periods 2014–2015 and 2016–2017, rather than including the initial proposal for an increase. COP7 also adopted decision FCTC/COP7(23) on payment of the voluntary assessed contributions and measures to reduce Parties in arrears. COP7 decided that in the future Parties' contributions shall be designated as assessed contributions. The decision also established a process to reduce Parties in arrears and requested the Convention Secretariat to invite WHO and intergovernmental organization observers to the Conference of the Parties to support the collection of assessed contributions.

22. COP7 reviewed and adopted the Convention Secretariat's fundraising efforts and collaborative work in decision FCTC/COP7(25) and requested the Convention Secretariat to explore the possibility of a financing dialogue, if possible held to be immediately following the WHO financing dialogue, to facilitate the collection of extrabudgetary funds for the workplan and budget adopted by the Conference of the Parties. COP7 further requested the Convention Secretariat to review the fundraising strategy in line with the WHO Framework of Engagement with Non-State Actors.

23. On the agenda item Maximizing transparency of Parties' delegations, intergovernmental organizations, nongovernmental organizations and civil society groups during sessions of the COP and meetings of its subsidiary bodies, COP7 agreed to carry the item forward to the agenda of COP8 for further discussion, since no consensus was reached on the proposals presented in the background document. COP7 noted with appreciation that a few Party delegations voluntarily completed declaration of conflict of interest forms reporting that they do not have any interactions with the tobacco industry.

24. In its review of accreditation of international intergovernmental organizations with the status of observer to the Conference of the Parties, COP7 requested the Convention Secretariat to study whether international intergovernmental organizations with observer status to the Conference of the Parties had obtained the endorsement of their governing bodies before submitting their applications, and whether they carry out relevant actions in supporting the implementation of the treaty by the Parties. Additionally, intergovernmental organizations are expected to report on any unresolved, real or perceived conflicts of interest with the tobacco industry, and direct or indirect involvement with the tobacco industry, which could lead to potential interference from the tobacco industry in their policy-making processes related to the implementation of the Convention.

25. COP7 in its decision FCTC/COP7(19) requested the Convention Secretariat to initiate discussions with other United Nations agencies and relevant organizations with a view to considering application for observer status to their governing bodies.

26. Parties approved the key elements of future hosting arrangements between the Convention Secretariat and WHO as contained in document FCTC/COP/7/34¹ and mandated the Bureau to oversee and guide the preparation and conclusion of draft hosting terms in decision FCTC/COP7(20).

DELHI DECLARATION

27. COP7 adopted the Delhi Declaration (decision FCTC/COP7(29)), which calls on Parties to increase their efforts to prevent interference by the tobacco industry at all levels. The declaration calls on Parties to actively pursue the achievement of Target 3.a of Sustainable Development Goal 3 and requests the Convention Secretariat to take the lead in coordinating support to Parties to this effect in collaboration with WHO and other intergovernmental organizations, and to make all efforts to promote additional related targets. It also calls on Parties to engage in international cooperation to ensure effective implementation of the WHO FCTC, and to promote new and innovative forms of cooperation, including South–South and Triangular cooperation.

DATES AND VENUE OF COP8 AND THE FIRST SESSION OF THE MEETING OF THE PARTIES TO THE PROTOCOL TO ELIMINATE ILLICIT TRADE IN TOBACCO PRODUCTS

28. COP7 decided to hold the COP8 at the seat of the Secretariat in Geneva. The Bureau, in consultation with the Convention Secretariat, determined the dates of COP8 from 1 to 6 October 2018 as well as the dates of the first session of the Meeting of the Parties to the Protocol to Eliminate Illicit Trade in Tobacco Products, from 8 to 10 October 2018 at WHO headquarters, should the Protocol enter into force in time.

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¹ See the document: http://www.who.int/fctc/cop/cop7/FCTC_COP_7_34_EN.pdf?ua=1.