

## Recognizing the Contribution of the WHO FCTC to the Promotion and Fulfilment of Human Rights

This document relates to item 7.3 of the provisional COP agenda and corresponds to documents [FCTC/COP/10/15](#) and [FCTC/COP/10/P/CONF./3](#)

Tenth session of the Conference of the Parties to the WHO Framework Convention on Tobacco Control, 5 – 10 February 2024, Panama City, Panama

### ***Key recommendations***

- GATC supports the adoption of the Draft Decision on Human Rights proposed by the government of Ecuador.
- GATC urges Parties to consider including WHO FCTC principles and implementation efforts when engaging with the United Nations human rights mechanisms.
- GATC requests the Convention Secretariat to foster coordination and collaboration with entities in the United Nations system pursuing human rights mandates to raise awareness of the importance of the WHO FCTC implementation in the fulfilment of human rights.

### ***Key messages***

- The Decision would emphasize the mutually reinforcing nature of the WHO FCTC, Human Rights treaties and the 2030 Agenda for Sustainable Development. By implementing the WHO FCTC, countries make simultaneous progress towards tobacco control, human rights and sustainable development goals.
- A COP Decision on Human Rights will foster whole of government cooperation in the implementation of the WHO FCTC to achieve human rights objectives. The Decision would not add any new obligations or prejudice the sovereign right of the Parties.
- The Decision is supportive and assists the tobacco control efforts of national governments; it can be a tool that will help tobacco focal points of national governments in addressing challenges in implementing the WHO FCTC at national level (tobacco industry interference, lack of adequate budgets and resources, for example).

### **What is being proposed**

The draft decision urges Parties to consider including WHO FCTC principles and implementation efforts when engaging with the United Nations human rights mechanisms.

Furthermore, the draft decision also requests that the Convention Secretariat fosters coordination and collaboration with entities in the United Nations system pursuing human rights mandates to raise awareness of the importance of the WHO FCTC implementation in the fulfilment of human rights.

There are no immediate cost implications associated with this decision.

## Why this is important

A COP Decision on Human Rights would affirm the contribution of the WHO FCTC and the Global Strategy to Accelerate Tobacco Control to the global Non-Communicable Disease, Human Rights, and Sustainable Development agendas and will make international obligations more coherent. The draft decision also opens the door to stakeholders broader than just those in public health. It provides new opportunities for cooperation among policy-makers from different departments as well as civil society groups in the realms of public health, sustainable development and human rights. The draft decision can be a useful tool for Parties to use to address one of the major obstacles in WHO FCTC implementation, tobacco Industry interference at country level to block implementation of the WHO FCTC.

- Human rights are the basis for tobacco control and certain rights like the right to health can only be fully realized without addictive, health-harming tobacco products.
- The human rights-based approach generates additional support for tobacco control measures and provides a further defense against tobacco industry challenges of such measures, including in the courts, if necessary.
- The human rights-based approach is a different lens for looking at tobacco and thereby helps to recapture and refocus the attention of policy-makers, the media and the public.

## Background

The Preamble of the WHO FCTC clearly illustrates the connection between tobacco control and human rights; it references the right to health in three separate human rights treaties, as well as the World Health Organization's Constitution.<sup>1</sup> COP7 agreed to decision FCTC/COP7(26)<sup>2</sup> (International cooperation for implementation of the WHO FCTC, including on human rights) urging parties to link the human rights and development frameworks in tackling the global tobacco epidemic and inviting the Convention Secretariat to collaborate with other UN bodies to protect public health interests from the commercial and other vested interests of the tobacco industry. In a related decision, COP7 adopted FCTC/COP7(19)<sup>3</sup> (Relationship of the Convention Secretariat with other international entities: observer status). These documents demonstrate ongoing attempts to strengthen the link between human rights and tobacco control and the WHO FCTC.

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<sup>1</sup> WHO Framework Convention on Tobacco Control, Preamble, 2003, ([http://www.who.int/fctc/text\\_download/en/](http://www.who.int/fctc/text_download/en/))

<sup>2</sup> WHO Framework Convention on Tobacco Control, Conference of the Parties, Decision FCTC/COP7(26) ([http://www.who.int/fctc/cop/cop7/FCTC\\_COP7\\_26\\_EN.pdf](http://www.who.int/fctc/cop/cop7/FCTC_COP7_26_EN.pdf))

<sup>3</sup> WHO Framework Convention on Tobacco Control, Conference of the Parties, Decision FCTC/COP/7(19) ([http://www.who.int/fctc/cop/cop7/FCTC\\_COP7\\_19\\_EN.pdf](http://www.who.int/fctc/cop/cop7/FCTC_COP7_19_EN.pdf))