

Voluntary Implementation Peer Review and Support Mechanism (VIPRS Mechanism)

This document relates to item 5.1 of the provisional COP agenda and corresponds to document [FCTC/COP/11/11](#)

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Key recommendations

- GATC acknowledges the report from the Convention Secretariat and regrets that there were insufficient expressions of interest from Parties for the VIPRS Mechanism to be implemented.
- GATC recommends discontinuing the VIPRS Mechanism and encourages Parties to reconsider a mandatory review process, that would apply to all Parties and would provide oversight of non-compliance with obligations of the treaty.

Key messages

- An effective IRM, modeled on successful mechanisms in other international conventions, like the United Nations Convention on the Rights of the Child (CRC) or the International Covenant on Economic, Social and Cultural Rights (ICESCR) is not a punitive measure. Rather, it is an essential tool for accountability in cases of non-compliance, and advice and assistance to Parties where necessary.
- An effective IRM strengthens the whole-of-government approach as it provides support arguments to tobacco control focal points to remind other government entities that this treaty is actually binding and requires implementation and enforcement of its provisions.

What is being proposed

The VIPRS Mechanism was established by Decision [FCTC/COP10\(22\)](#) to be a voluntary, peer-led, remote review process aimed at fostering supportive review among Parties to the WHO Framework Convention on Tobacco Control (WHO FCTC). However, only four Parties expressed initial interest, and ultimately only one remained, which is insufficient for the peer-review mechanism to operate.

The report proposes that the COP consider two main alternatives regarding the VIPRS Mechanism, due to a lack of interest from Parties that has prevented the mechanism from becoming operational:

1. Reconsider establishing an Implementation Review Mechanism (IRM) that is not voluntary, would apply to all Parties, and would be aligned more closely with review processes used in other multilateral treaties.
2. Discontinue the VIPRS Mechanism until such time as it may consider it appropriate (for example, if Parties are willing to engage in a mandatory review process, which entails oversight of their non-compliance with obligations of the treaty). The Convention Secretariat would continue to support Parties with implementation of their reporting obligations under the WHO FCTC, and with needs assessment, on Party request, until such future time.

Why this is important

One of Parties' obligations under the WHO FCTC is to submit periodic reports on implementation of the Convention (Article 21). These reports are received by the Convention Secretariat and then used in the compilation of the biannual Global Progress Report.

While the WHO FCTC is a legally binding instrument, the reality is that mechanisms to ensure governments are complying with their treaty obligations are limited.

Implementation Review systems are commonly used in other areas of international cooperation. These systems involve establishing a standing implementation or compliance committee elected by the COP, which:

- engages in transparent, non-punitive, and ongoing monitoring of the implementation of the treaty;
- facilitates implementation by working with Parties, the treaty Secretariat and relevant stakeholders to provide advice and assistance to Parties;
- addresses cases of possible non-compliance with treaty obligations, usually in consultation with the COP; and
- reports periodically to the COP to enable the COP to perform its ongoing implementation review role.

Background

Civil society has supported the creation of an Implementation Review Mechanism (IRM) since it was proposed at COP4. We believe that a mandatory IRM, similar to those found in other international treaties, is necessary to ensure the effective implementation of the WHO FCTC. However, as the creation of an IRM has progressed through subsequent COP meetings, it has been watered down and therefore the proposed VIPRS Mechanism will not contribute to the effective implementation of the WHO FCTC.