

ASIAN CONSULTANCY ON TOBACCO CONTROL

亞洲反吸煙諮詢所

Riftswood,
9th Milestone,
DD 229, Lot 147,
Clearwater Bay Road,
Sai Kung, Kowloon, Hong Kong.
Fax/Tel : (852) 2719-5741
Backup Tel : (852) 2719-1995

21 September 2005

Chairman Hon Andrew CHENG Kar-foo, and
Honourable Members
Smoking (Public Health) (Amendment) Bill 2005
Legislative Council Secretariat
3/F, Citibank Tower
3 Garden Road
Central, Hong Kong

Dear Honourable Chairman and Members,

Re: Smoking (Public Health) (Amendment) Bill 2005

1. Economic view from the World Bank (Appendix A)

I made an earlier submission, outlining the World Bank economists' view that the creation of smoke-free areas in workplaces, including restaurants, would have no negative impact on the economy of these institutions; in fact, it would save money for both employer and employee.

2. Hong Kong bound by international treaty (Appendix B)

I would like to add that Hong Kong is currently signatory to an international convention: *"The Framework Convention on Tobacco Control."* China signed this treaty on 10 November 2003, and by its signing included Hong Kong and Macau.

On 28 August 2005, the Chinese state media reported that the Standing Committee of the National People's Congress had approved ratification. The Chinese government informed WHO that the ratification instrument was being prepared and should be received by the UN shortly.

Thus, Hong Kong will imminently come under internationally-binding law to implement many aspects of tobacco control. I attach the full Convention for your information, but particularly relevant to the consideration of this particular Bill, in relation to the workplace of restaurant workers, is Article 8:

Protection from exposure to tobacco smoke

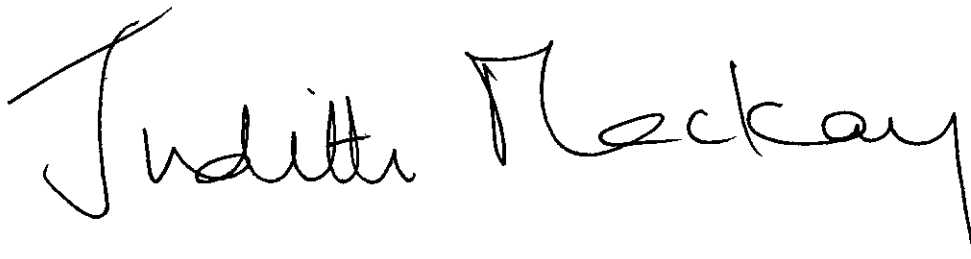
1. Parties recognize that scientific evidence has unequivocally established that exposure to tobacco smoke causes death, disease and disability.
2. Each Party shall adopt and implement in areas of existing national jurisdiction as determined by national law and actively promote at other jurisdictional 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.

*---

This treaty has now been signed by 168 governments around the world (out of 192), including all those in the Asian Pacific region, and it lays down the legal template for all countries to move forward on tobacco control.

I hope the attached information will be helpful to you in your deliberations.

Yours sincerely,

A handwritten signature in black ink, reading "Judith Mackay". The signature is written in a cursive, flowing style. The first name "Judith" is written in a slightly larger, more prominent script than the last name "Mackay". The signature is positioned in the center of the page, below the typed name.

Dr Judith Longstaff Mackay, FRCP(Edin), FRCP(Lon)

Senior Policy Advisor, World Health Organization; and
Director, Asian Consultancy on Tobacco Control, Hong Kong



Smoke-free workplaces

at a glance

Why should workplaces be smoke-free?

Smoking harms health: Smoking harms the health of smokers and those around them. Smokers are at far higher risks of strokes, heart attacks and other cardiovascular diseases; cancers of the lungs, mouth, larynx, bladder, pancreas, kidneys and stomach; emphysema, bronchitis, and tuberculosis. These diseases cause serious illness, disability and premature death. Tobacco causes 4 million deaths worldwide each year, and the numbers are rising fast.

Tobacco smoke also harms non-smokers exposed to so-called second-hand smoke or environmental tobacco smoke (ETS). In addition to smell and irritation to eyes, ETS exposure increases the risk of lung cancer and cardio-vascular and respiratory diseases. In the USA alone, each year ETS kills an estimated 35,000 to 65,000 adult non-smokers from heart disease and 3,000 non-smokers from lung cancer (California Environmental Protection Agency, 1997 and U.S. Environmental Protection Agency, 1993). This is a small fraction of global deaths from ETS.

ETS exposure is common in workplaces. In 1996, an estimated 130 million adult non-smokers in China were exposed to workplace ETS. In the UK in 1999, more than 3 million non-smokers were continuously or frequently exposed to tobacco smoke at work. In France, where there are laws restricting smoking in public spaces, 40% of employees are still exposed to ETS. ETS can interact with chemicals and radiation in workplaces to produce an additive or multiplicative effect and increase significantly the risk of many occupational diseases. In some countries, employers have a legal responsibility to protect the health of their employees. Smoke-free workplaces can reduce employers' legal liability, create safer working environments, improve workers' health and enhance corporate image.

Employers who keep their workplaces smoke-free and help employees to quit enjoy net benefits

Smoking costs employers money: Employers bear direct and indirect costs as a result of employees' smoking, including:

- More employee absenteeism
- Decreased productivity on-the-job
- Increased early retirement due to ill health
- Higher annual health-care costs for smokers and higher health insurance costs

- Higher life insurance premiums
- Higher maintenance and cleaning costs
- Higher risk of fire damage, explosions and other accidents related to smoking
- Higher fire insurance premiums.

These costs add up to significant amounts. A 1996 study of Scottish workplaces estimated the total related costs of employee smoking in Scotland at around three quarters of a billion US\$ per year (smoking related absence: \$60 million; productivity losses: \$675 million; losses from fire: \$6 million (Parrot *et al.*, 1996). A 1995 Canadian study estimated the cost to employers at \$3,022 per smoker per year (in 2002 US\$; adjusted for inflation from the original estimate of \$2,565 in 1995 US\$. Conference Board of Canada). Cost data from developing countries are lacking.

The adverse effects of ETS exposure on health and productivity of non-smoking employees add to employers' smoking-related costs.

The benefits from making workplaces smoke-free are far larger than the costs. Cessation programs are relatively low-cost and yield financial returns over the long run that far outweigh their costs. A theoretical model for the US estimates potential long term net benefits of a smoking cessation program at around \$4.5 million for large employers (Warner *et al.*, 1996).

Fears in the hospitality industry (hotels, restaurants etc.) that smoking bans may damage business interests are largely unfounded. Studies of hotels, bars and restaurants in several U.S. states, Canada and Australia all show that smoking bans do not result in business drop-off.

What can employers do about workplace smoking?

Employers can protect the health of their employees and reduce smoking-related costs by making workplaces smoke-free, and implementing programs to encourage and help smokers to quit. Smoke-free workplaces reduce ETS exposure for all workers, reduce employees' daily tobacco consumption, increase quit rates, and reduce cleaning costs and fire risk. Smoke free policies are easy to implement. Compliance is usually high, especially if employees (smokers and non-smokers) have helped develop the policy and are well-informed about its rationale. Smokers are usually the minority. Surveys show that many smokers and almost all non-smokers support clean air policies.

The goal should be a completely smoke-free workplace. There is no safe level of exposure to ETS. Ventilation cannot "clear the air" and protect workers from exposure. Enclosed smoking rooms may be used as a transitional arrangement, but should be phased out as quickly as feasible. Furthermore, provision of well-ventilated smoking rooms can be costly.

On-site smoking cessation programs make it easier to implement smoke-free workplaces and increase the benefits for employees and employers. Worksite cessation programs are effective in reducing smoking prevalence among employees. A meta-analysis of 20 studies of worksite smoking cessation programs found an average

quit rate after 12 months of 13%, much higher than the national average among all smokers of 2.5% (US, 1990 data). Quit rates were even higher for heavy smokers. Cessation programs are relatively low-cost and are highly cost-effective (Novotny *et al.*, 2000).

As people become better informed about the harm that tobacco products cause to smokers and those who live and work with them, smoke-free environments are becoming the norm. Most airlines, many workplaces and other enclosed public places are now smoke-free. There is a global trend towards safer, cleaner indoor environments.

Goals: Protect workers from harmful effects of second-hand smoke; encourage smokers to quit, to gain health benefits for employees and economic benefits for employers.

Main Activities	Beneficiaries/ Target Groups	Indicators
Make workplaces smoke-free, protect employees from second-hand smoke exposure		
<ul style="list-style-type: none"> establish a written policy with active participation of employees and managers communicate the policy and its rationale clearly and sanctions for non-compliance implement the policy according to agreed timetable monitor, enforce and adjust the policy if necessary decide whether the policy should apply to customers, visitors and clients (preferably yes) 	<p>all employees (including managers)</p> <p>customers, visitors and clients</p>	<ul style="list-style-type: none"> ✓ written policy exists that clearly states rationale, time frame, and where – if at all – smoking is permitted in work place ✓ % of employees exposed to ETS at work
Help employees to quit smoking, reduce risks of disease and premature death caused by smoking		
<ul style="list-style-type: none"> for workers who want to quit, ensure access to trained counsellors, cessation support and pharmacological treatments, including nicotine replacement therapy provide information to all workers on benefits of quitting and how to support colleagues 	employees who smoke	<ul style="list-style-type: none"> ✓ % of smokers who attempt to quit each year ✓ % of quitters still not smoking 12 months after quitting ✓ % of employees who smoke (and decreases in this prevalence)

How to make a workplace smoke-free

- **Establish a workplace committee.** The committee should include representatives from all parts of the organization. Senior management support and commitment are crucial for the success of the policy.
- **Involve employees and workers' organizations.** Involving employees fully is essential to ensure their cooperation in implementing the policy and to incorporate their suggestions in the program. It is important to know the attitudes of employees and management towards smoking in the workplace before embarking on a smoke-free initiative. Use questionnaires, meetings and focus groups to gather the necessary information. Include representatives from across the organization. Listen to smokers and non-smokers and make sure that employee groups who have high rates of smoking are fully engaged.
- **Formulate a written policy.** The committee should formulate a policy that clearly states objectives and how to achieve them. If possible, integrate the policy with other programs and procedures related to health and safety in the workplace. The policy should include:
 - * purpose of the policy (to avoid the harmful effects of smoking and ETS on health)
 - * a link between the smoke-free policy and corporate values (e.g. performance or employees as an asset)
 - * time frame for implementation
 - * a clear statement of whether smoking is permitted on the premises and if so where
 - * number and duration of acceptable smoking breaks (breaks should not exceed those for non-smokers)
 - * details of support available for smokers, such as counselling and cessation support
 - * disciplinary actions or consequences of non-compliance
 - * names of contact persons who can answer questions related to the policy.
- **Communicate the policy to employees.** Inform employees from the outset and well before implementation. Focus on smoke, not the smoker, and on health and safety, not on individual rights. Emphasizing benefits of a clean air policy for both smokers and non-smokers is less confrontational and probably more acceptable than emphasizing individual rights of non-smokers. Use available communication tools to reach out to all employees, especially supervisors who will

need to implement the policy, and smokers, who will need to adapt to the changes.

- **Provide information and support to smokers.** Provide employees with information about the risks of smoking and benefits of quitting. Use the organization's newsletter, posters, flyers, email and the intranet to deliver the information. Offer practical advice on how to quit. Provide support to smokers willing to quit, which can include time off work to attend counselling and cessation groups, and access to pharmacological cessation products such as nicotine replacement therapy or bupropion. Quitting is very difficult because nicotine is highly addictive; these products increase the success rate of quit attempts. Most smokers make 4–11 quit attempts before finally succeeding.
- **Determine disciplinary measures.** Develop a written disciplinary process and communicate it clearly to all employees. Monitor to ensure proper enforcement by managers.
- **Follow a time table for implementation.** The time table should have clear stages. After the policy is announced, a transition period is required before implementation starts to give employees time to adapt to the new environment. The time frame should not be too long, lest momentum is lost. Development and implementation should generally take 4–12 months.
- **Provide training.** Train middle managers and supervisors to communicate and enforce the policy. Provide training to workers' representatives and peer educators on how to stop smoking and how to provide support for colleagues. Train health and safety professionals to provide advice to smokers or refer workers to available cessation services in-house or to services outside the workplace.
- **Evaluate and monitor implementation.** Periodically assess whether the policy is achieving its objectives. Solicit staff views and review any problem areas, and decide whether the policy needs updating. Review is recommended every 12–18 months.

Resources

INSTITUTIONS

- **Safework Program of the International Labor Organization** www.ilo.org/safework
Carin Håkansta hakansta@ilo.org
- **Office on Smoking and Health of the US Centers for Disease Control and Prevention**
<http://www.cdc.gov/tobacco/index.htm>

DOCUMENTS AND DATA

General Information for Employers

- "Why Smoking in the Workplace Matters: An Employer's Guide", WHO, Regional Office for Europe, 2002. A publication of the WHO European Partnership Project to Reduce Tobacco Dependence. Online at: <http://www.euro.who.int/document/e74820.pdf>, or hard copy from Tobacco Free Initiative, WHO Regional Office for Europe. Explains the rationale for developing an organizational tobacco control policy from an employer's perspective. Concise, readable and clear.
- "Workplace smoking: trends, issues and strategies", Health Canada, 1996. Available online at: http://www.hc-sc.gc.ca/hppb/cessation/air/workplace_smoking/index.html or from the Publications Unit, Health Canada. Telephone: (613) 954-5995 Fax: (613) 941-5366. Comprehensive overview – trends, issues, impact of restrictions, economics, compliance, public support.

Economic Analysis:

- "Smoking and the bottom line: costs of smoking in the workplace". The Canadian Conference Board. Toronto, 1997. Available online at: <http://www.hc-sc.gc.ca/hppb/cessation/air/bottomline/report.html> or from the Publications Unit, Health Canada. Telephone: (613) 954-5995 Fax: (613) 941-5366. Short study that calculates costs to employers of employee smoking (productivity, absenteeism, insurance premiums and smoking areas).
- The Economics of Health, Safety and Well-being; *Barefoot Economics: "Assessing the economic value of developing a healthy work environment"*, Finnish Ministry of Social Affairs and Health and ILO- Safe Work programme. <http://www.ilo.org/public/english/protection/safework/econo/barefoot.pdf> A simple guide on how to estimate costs and benefits of measures to improve workplace safety. A practical tool for use by small businesses, and other decision makers.
- KE Warner, RJ Smith, DG Smith, BE Fries, "Health and Economic Implications of a Work-Site Smoking-cessation Program: A Simulation Analysis," J. of Occupational & Environmental Med. 1996;38: 981-992. A comprehensive simulation analysis of a workplace smoking cessation program that includes benefits to society as well as to employers. A helpful

guide for employers considering potential costs and benefits of smoking cessation programs.

Evidence:

- J Repace, I Kawachi, S Glantz, "Fact Sheet On Secondhand Smoke", UICC, 1999. <http://www.tobaccopedia.org/cgi-bin/search/seek.cgi?ID=963401235> Comprehensive review and summary of evidence on health hazards caused by Environmental Tobacco Smoke. Explains clearly why ventilation and air cleaning cannot reduce second-hand smoke to acceptable levels. Also summarizes studies on impact of clean air policies on revenues of hotels, restaurants and bars.

Practical Guides:

- "Tobacco in the Workplace: Meeting the Challenges. A Handbook for Employers", WHO, Regional Office for Europe, 2002. A publication of the WHO European Partnership Project to Reduce Tobacco Dependence. Online at: <http://www.euro.who.int/document/e74819.pdf>, or hard copy from Tobacco Free Initiative, WHO Regional Office for Europe. A step-by-step guide on how to adopt a strong and cost-effective response to the problem of smoking in the workplace.
- "Making Your Workplace Smokefree: A Decision Maker's Guide", US Department of Health and Human Services, 2000. Available online at: http://www.cdc.gov/tobacco/research_data/environmental/etsguide.htm Details on the costs, consequences, benefits of a smoke free workplace policy. The guide provides step-by-step directions on how to develop and implement smoke free policies.
- "Guidebook on Tobacco Reduction in the Workplace: an Alberta Perspective", Alberta Tobacco Reduction Alliance, 1999. Available online at: <http://www.smoke-free.ca/WNTD2001-cdcontents/wntd2001-letscleartheair/Resources/Alberta/ATRAguidebook.pdf> A step-by-step guide to help companies plan and implement a smoking-reduction program.
- J. Mackay *et al.*, "A Guide to Creating a Smoke-free Workplace". Provides practical and specific help, including an example of an employee survey and smoke-free policy, detailed information on costs and benefits. Available online, hot linked to this fact sheet at www.worldbank.org/hnp, at a glance series (by kind permission of J. Mackay).

Online versions of the "at a glance" series, with e-linkages to resources and more information, are available on the World Bank Health, Nutrition and Population web site: www.worldbank.org/hnp



世 界 卫 生 组 织

世界卫生组织烟草控制框架公约
政府间谈判机构
第六次会议
议程项目 4

A/FCTC/INB6/5
2003 年 3 月 3 日

世界卫生组织烟草控制框架公约草案

本文本于 2003 年 3 月 1 日提交给政府间谈判机构第六次会议最后一次全体会议。会议同意，该文本将提交给 2003 年 5 月第五十六届世界卫生大会。

说明：编辑和翻译修正将列入提交给卫生大会的最后文本。

序言

本公约缔约方，

决心优先考虑其保护公共卫生的权利，

认识到烟草流行的扩散是一个对公共卫生具有严重后果的全球性问题，要求所有国家开展尽可能广泛的国际合作和参加有效、适宜和综合的国际反应，

考虑到国际社会忧虑烟草消费和接触烟草烟雾对全世界健康、社会、经济和环境造成的破坏性后果，

严重关注全世界香烟和其它烟草制品消费和生产的增加，特别在发展中国家，以及它对家庭、穷人和国家卫生系统造成的负担，

认识到科学证据明确证实烟草消费和接触烟草烟雾造成死亡、疾病和残疾，接触吸烟及烟草制品的其它使用与发生烟草相关疾病之间有一段时间间隔，

还认识到香烟和包含烟草的一些其它制品经精心调制，用以产生和维持依赖，它们所含的许多化合物和它们所产生的烟雾具有药理活性、毒性、致突变性和致癌性，并且在主要国际疾病分类中将烟草依赖单独分类为一种障碍，

确认存在着明确的科学证据，表明产前接触烟草烟雾对儿童造成不利的健康和发育状况，

深切担忧全世界儿童和青少年吸烟和其它形式烟草消费的增加，特别在愈来愈小的年龄吸烟，

对全世界妇女和女孩吸烟及其它形式烟草消费的增加表示震惊，铭记妇女必须充分参与各级决策和实施工作以及必须采取有性别针对性的烟草控制战略，

深切担忧土著人民吸烟和其它形式烟草消费的高水平，

严重关注目的在于鼓励使用烟草制品的各种形式的广告、促销和赞助的影响，

认识到必须采取合作行动取缔香烟和其它烟草制品各种形式的非法贸易，包括走私、非法制造和伪造，

确认各级烟草控制，特别在发展中国家和经济转型期国家，需要与目前和预计的烟草控制活动需求相称的充足的财政和技术资源，

认识到必须制定适宜机制以处理成功减少烟草需求战略的长期社会和经济影响，

铭记烟草控制规划可能在一些发展中国家和经济转型期国家造成的中期和长期社会和经济困难，并认识到它们需要在国家制定的可持续发展战略的范围内获得技术和财政援助，

意识到许多国家正在开展的烟草控制宝贵工作并赞扬世界卫生组织的领导以及联合国系统其它组织和机构与其它国际和区域政府间组织在发展烟草控制措施方面的努力，

强调与烟草业无关联的非政府组织和民间社会其它方面，包括卫生专业机构，妇女、青年、环境和消费者团体，以及学术机构和卫生保健机构对国家和国际烟草控制努力的特殊贡献及其参与国家和国际烟草控制努力的极端重要性，

认识到必需警惕烟草业损害或破坏烟草控制工作的任何努力和必需了解烟草业对烟草控制工作产生不利影响的的活动，

忆及联合国大会 1966 年 12 月 16 日通过的《经济、社会、文化权利国际公约》第 12 条规定人人有权享有能达到的最高的体质和心理健康的标准，

还忆及世界卫生组织《组织法》序言，它宣称享受最高而能获致之健康标准，为人人基本权利之一，不因种族，宗教，政治信仰，经济或社会情境各异，而分轩輊，

决心在考虑目前和有关的科学、技术和经济问题的基础上促进烟草控制措施，

忆及联合国大会 1979 年 12 月 18 日通过的《消除对妇女一切形式歧视公约》规定，该公约各缔约国应采取适当措施，在卫生保健领域消除对妇女的歧视，

进一步忆及联合国大会 1989 年 11 月 20 日通过的《儿童权利公约》规定，该公约各缔约国确认儿童享有可达到的最高健康水准的权利，

兹议定条款如下：

第 I 部分：引言

第 1 条 *术语的使用*

为本公约目的：

- (a) “非法贸易”系指法律禁止并与生产、装运、接收、持有、分发、销售或购买有关的任何行径或行为，包括预定促进此类活动的任何行径或行为。
- (b) “区域经济一体化组织”系指一些主权国家组成的组织，它已由其成员国让渡处理一系列事项的权限，包括有权就这些事项作出对其成员国有约束力的决定¹。
- (c) “烟草广告和促销”系指任何形式的商业性宣传、建议或行动，其直接或间接目的、效果或可能效果在于推销烟草制品或促进烟草使用。
- (d) “烟草控制”系指通过消除或减少人群消费烟草制品和接触烟草烟雾旨在促进其健康的一系列减少供应、需求和危害战略。
- (e) “烟草业”系指烟草制造商、烟草制品批发商和进口商。
- (f) “烟草制品”系指全部或部分由烟叶作为原材料生产供吸烟、吸吮、咀嚼或鼻吸的制品。
- (g) “烟草赞助”系指对任何事件、活动或个人采取的任何形式的捐助，其直接或间接目的、效果或可能效果在于推销烟草制品或促进烟草使用。

第 2 条 *本公约与其它协定和法律文书的关系*

1. 为更好地保护人类健康，鼓励各缔约方实施本公约及其议定书要求之外的其它措施，这些文书不应阻碍缔约方实行符合其规定并符合国际法的更加严格的要求。
2. 本公约及其议定书的各项规定决不影响各缔约方就与本公约及其议定书有关的问题或本公约及其议定书之外的其它问题达成双边或多边协定（包括区域或亚区域协定）的权利，只要此类协定与本公约及其议定书所规定的其义务相一致。有关缔约方应通过秘书处将此类协定转送缔约方会议。

¹ 在适宜的地方，国家同样指区域经济一体化组织。

第 II 部分：目标、指导原则和一般义务

第 3 条

目 标

本公约及其议定书的目标是提供一个由各缔约方在国家、区域和全球各级实施烟草控制措施的框架，以便使烟草使用率和接触烟草烟雾持续大幅度下降，从而保护当代和后代免受烟草消费和接触烟草烟雾对健康、社会、环境 and 经济造成极具破坏性的影响。

第 4 条

指导原则

各缔约方为实现本公约及其议定书的目标和实施其各项规定，除其它外，应以下列原则为指导：

1. 每一个人应了解烟草消费和接触烟草烟雾造成的健康后果、成瘾性和致命威胁，并且应在适当的政府级别考虑有效的立法、实施、行政或其它措施，以保护所有人免于接触烟草烟雾。
2. 在国家、区域和国际各级需要强有力的政治承诺以制定和支持多部门综合措施和协调的反应，同时考虑到：
 - (a) 必需采取措施保护所有人免于接触烟草烟雾；
 - (b) 必需采取措施防止开始、促进和支持戒断以及减少任何形式的烟草制品消费；
 - (c) 必需采取措施促进土著个体和社区参与制定、实施和评价在社会和文化方面与其需求和观点相适应的烟草控制规划；以及
 - (d) 必需采取措施，在制定烟草控制战略时解决特定性别危险因素。
3. 结合当地文化、社会、经济、政治和法律因素开展国际合作，尤其是技术转让、知识和经济援助以及提供相关专长以制定和实施有效烟草控制规划，是本公约的一个重要组成部分。

4. 在国家、区域和全球各级采取多部门综合措施和反应以减少所有烟草制品的消费至关重要，以便按照公共卫生原则防止由烟草消费和接触烟草烟雾引起的疾病、过早残疾和死亡的发生。
5. 各缔约方在其管辖范围内确定的与责任有关的问题是烟草综合控制的重要部分。
6. 应在国家制定的可持续发展战略的范围内承认并注意技术和财政援助的重要性，以便帮助发展中国家缔约方和经济转型期缔约方由于烟草控制规划而使其生计受到严重影响的烟草种植者和工人进行经济过渡。
7. 为了实现本公约及其议定书的目标，民间社会的参与至关重要。

第5条

一般义务

1. 每一缔约方应根据本公约及其作为缔约方的议定书，制定、实施、定期更新和审查国家多部门综合烟草控制战略、计划和规划。
2. 为此目的，每一缔约方应根据其能力：
 - (a) 设立或加强并资助国家烟草控制协调机制或联络点；以及
 - (b) 采取和实行有效的立法、实施、行政和/或其它措施并酌情与其它缔约方合作，以制定适当的政策，防止和减少烟草消费、尼古丁成瘾和接触烟草烟雾。
3. 在制定和实施烟草控制方面的公共卫生政策时，各缔约方应根据国家法律采取行动，保护这些政策不受烟草业的商业和其它既得利益的影响。
4. 各缔约方应开展合作，为实施本公约及其作为缔约方的议定书制定提议的措施、程序和准则。
5. 各缔约方应酌情同有关国际和区域政府间组织及其它机构合作，以实现本公约及其作为缔约方的议定书的目标。

6. 各缔约方应在其拥有的手段和资源范围内开展合作，通过双边和多边资助机制为本公约的有效实施筹集财政资源。

第 III 部分：与减少烟草需求有关的措施

第 6 条

减少烟草需求的价格和税收措施

1. 各缔约方承认价格和税收措施是对各阶层人群，特别对青少年减少烟草消费的有效和重要手段。
2. 在不损害各缔约方决定和制定其税收政策的主权权利时，每一缔约方应考虑其有关烟草控制的国家卫生目标，并且酌情采取或维持措施，其中可包括：
 - (a) 对烟草制品实施税收政策并在适宜时实施价格政策，以便促进旨在减少烟草消费的卫生目标；以及
 - (b) 禁止或酌情限制由国际旅行者销售和/或进口免除国内税和关税的烟草制品。
3. 各缔约方应按照第 21 条在向缔约方会议提交的定期报告中提供烟草制品税率及烟草消费趋势。

第 7 条

减少烟草需求的非价格措施

各缔约方承认综合的非价格措施是减少烟草消费的有效和重要手段。每一缔约方应采取和实行按照第 8 条至第 13 条履行其义务所必要的有效的立法、实施、行政或其它措施，并且酌情为其实施直接或通过有关国际机构互相开展合作。缔约方会议应提出实施这些条款规定的适宜准则。

第 8 条

提供保护免于接触烟草烟雾

1. 各缔约方承认科学证据明确证实接触烟草烟雾造成死亡、疾病和残疾。

2. 每一缔约方应在国家法律规定的现有国家管辖领域内采取和实行,并在其它司法管辖级别积极促进采取和实行有效的立法、实施、行政和/或其它措施,提供保护以免于在室内工作场所、公共交通工具、室内公共场所及适宜时其它公共场所接触烟草烟雾。

第9条

管制烟草制品成份

缔约方会议应与有关国际机构协商提出检测和测量烟草制品成分和排放物以及管制这些成分和排放物的准则。在经有关国家当局批准的地方,每一缔约方应对此类检测和测量以及此类管制采取和实行有效的立法、实施和行政或其它措施。

第10条

管制烟草制品的披露

每一缔约方应根据其国家法律采取和实行有效的立法、实施、行政或其它措施,要求烟草制品制造厂商和进口商向政府当局披露烟草制品成份和排放物的信息。每一缔约方应进一步采取和实行有效措施以公开披露烟草制品的有毒成份和它们可能产生的排放物的信息。

第11条

烟草制品的包装和标签

1. 每一缔约方应在本公约对该缔约方生效后3年内,根据其国家法律采取和实行有效措施以确保:

(a) 烟草制品包装和标签不得以任何虚假、误导或欺骗或可能对其特性、健康后果、危害或排放物产生错误印象的手段推销一种烟草制品,包括直接或间接产生某一烟草制品比其它烟草制品危害小的虚假印象的任何词语、描述、商标、图形或任何其它标志。其中可包括“低烟碱”、“淡味”、“极淡味”或“柔和”等词语;以及

(b) 烟草制品的每一单位包装或盒及这类制品的任何外部包装和标签还带有说明烟草使用有害后果的健康警句,并可包括其它适宜信息。这些警句和信息 -

(i) 应经有关国家当局批准,

- (ii) 应可轮换使用,
 - (iii) 应是巨大、明确、醒目和清晰的,
 - (iv) 应占据主要可见部分 50%或以上,但不少于主要可见部分 30%,
 - (v) 可采取或包括图片或象形图的形式。
2. 除本条第 1(b)款规定的警句外,烟草制品的每一单位包装和盒及这类制品的任何外部包装和标签应包含国家当局确定的烟草制品相关成份和排放物的信息。
3. 每一缔约方应规定,本条第 1(b)款以及第 2 款规定的警句和其它文字信息应以其一种或多种主要语言出现在烟草制品每一单位包装和盒及这类制品的任何外部包装和标签上。
4. 就本条而言,当涉及烟草制品时,“外部包装和标签”系指这类制品零售中使用的任何包装和标签。

第12 条

教育、交流、培训和公众意识

每一缔约方应酌情利用现有一切交流工具,促进和加强公众对烟草控制问题的认识。为此目的,每一缔约方应采取和实行有效的立法、实施、行政或其它措施以促进:

- (a) 就烟草消费和接触烟草烟雾对健康的危害和成瘾性广泛获得有效综合的教育和公众意识规划;
- (b) 公众了解烟草消费和接触烟草烟雾对健康的危害以及第 14.2 条中提出的戒断烟草使用和无烟草生活方式的好处;
- (c) 公众根据国家法律获得与本公约目标有关的关于烟草业的一系列广泛信息;
- (d) 针对卫生工作者、社区工作者、社会工作者、媒体工作者、教育工作者、决策者、行政管理人員和其他有关人员的有效适宜的烟草控制培训或宣传和情况介绍规划;

(e) 与烟草业无关系的公立和私立机构以及非政府组织在制定和实施部门间烟草控制规划和战略方面的意识和参与；以及

(f) 公众了解并能获得关于烟草生产和消费的不利健康、经济和环境后果的信息。

第13条

烟草广告、促销和赞助

1. 各缔约方认识到全面禁止广告、促销和赞助将减少烟草制品的消费。
2. 每一缔约方应根据其宪法或宪法原则全面禁止所有的烟草广告、促销和赞助。根据该缔约方现有的法律环境和技术手段，其中包括全面禁止源自本国领土的跨国广告、促销和赞助。就此，每一缔约方在公约对其生效后的五年内，应采取适宜的立法、实施、行政和/或其它措施并按第 21 条的规定相应地进行报告。
3. 其宪法或宪法原则使之不能采取全面禁止措施的缔约方应限制所有的烟草广告、促销和赞助。根据该缔约方现有的法律环境和技术手段，其中包括限制或全面禁止源自其领土并具有跨国影响的广告、促销和赞助。就此，每一缔约方应采取适宜的立法、实施、行政和/或其它措施并按第 21 条的规定相应地进行报告。
4. 作为最低要求，并根据其宪法或宪法原则，每一缔约方应：
 - (a) 禁止采用任何虚假、误导或以其它方式欺骗或可能对其特性、健康后果、危害或排放物产生错误印象的手段推销烟草制品的所有形式的烟草广告、促销和赞助；
 - (b) 要求所有烟草广告，并在适宜时包括促销和赞助伴有健康或其它适宜的警句或信息；
 - (c) 限制采用鼓励公众购买烟草制品的直接或间接奖励手段；
 - (d) 对于尚未采取全面禁止措施的缔约方，要求烟草业向有关政府当局披露用于尚未被禁止的广告、促销和赞助的开支。根据国家法律，这些政府当局可决定向公众公开并根据第 21 条向缔约方会议提供这些数字。
 - (e) 在五年之内，在广播、电视、印刷品和酌情在其它媒体如因特网上全面禁止，或就其宪法或宪法原则使之不能采取全面禁止措施的缔约方而言，限制烟草广告、促销和赞助；以及

- (f) 禁止，或就其宪法或宪法原则使之不能采取禁止措施的缔约方而言，限制对国际事件、活动和/或其参加者的烟草赞助。
5. 鼓励缔约方实施第 4 款所规定义务之外的措施。
 6. 各缔约方应合作发展促进消灭跨国界广告的必要技术和其它手段。
 7. 已实施禁止某些形式的烟草广告、促销和赞助的缔约方享有主权权利根据其国家法律禁止进入其领土的此类跨国界烟草广告、促销和赞助并实施与源自其领土的国内广告、促销和赞助所适用的相同处罚。本款并不认可或批准任何特定处罚。
 8. 各缔约方应考虑制定一项议定书，确定需要国际合作的全面禁止跨国界广告、促销和赞助的适当措施。

第 14 条

关于烟草依赖和戒烟的减少需求措施

1. 每一缔约方应考虑到国家情况和重点，制定和传播以科学证据和最佳做法为基础的适宜、全面和综合准则，并应采取有效措施以促进戒断烟草使用和对烟草依赖的适当治疗。
2. 为此目的，每一缔约方应努力做到：
 - (a) 制定和实施有效的规划，包括教育机构、卫生保健设施、工作场所和体育环境等地点的规划，目的在于促进戒断烟草使用；
 - (b) 酌情在卫生工作者、社区工作者和社会工作者的参与下，将诊断和治疗烟草依赖及对戒断烟草使用提供咨询服务纳入国家卫生和教育规划、计划和战略；
 - (c) 在卫生保健设施和康复中心建立烟草依赖诊断、咨询、预防和治疗规划；以及
 - (d) 根据第 22 条与其它缔约方合作促进获得可负担得起的对烟草依赖的治疗，包括药物产品。产品及其成分可包括药物、用于用药和适宜时用于诊断的产品。

第 IV 部分：与减少烟草供应有关的措施

第 15 条

烟草制品非法贸易¹

1. 各缔约方认识到消灭一切形式的烟草制品非法贸易，包括走私、非法制造和伪造，以及制定和实施除亚区域、区域和全球协定之外的有关国家法律，是烟草控制的基本组成部分。
2. 每一缔约方应采取和实行有效的立法、实施、行政或其它措施，以确保所有烟草制品单位包装和盒以及此类制品的任何外包装有标志以协助各缔约方确定烟草制品的来源，并且根据国家法律和有关的双边或多边协议协助各缔约方确定转移地点并监测、记录和控制烟草制品的流动及其法律地位。此外，每一缔约方应：
 - (a) 要求在其国内市场用于零售或批发销售的烟草制品单位包装和盒含有一项声明：“只允许在（插入国家、亚国家、区域或联邦机构名称）销售”，或含有说明最终目的地或能够帮助当局确定该产品是否可在国内市场合法销售的任何其它有效标志；以及
 - (b) 酌情考虑发展实用的跟踪和追踪制度以进一步保护销售系统并协助调查非法贸易。
3. 每一缔约方应要求以清晰的形式和/或以本国的一种或多种主要语言提供本条第 2 款中规定的包装信息或标志。
4. 为了消灭烟草制品的非法贸易，每一缔约方应：
 - (a) 监测和收集关于烟草制品跨国界贸易（包括非法贸易）的数据，并根据国家法律和适用的有关双边或多边协议在海关、税收和其它有关部门之间交流信息；
 - (b) 实行或加强立法以及适当的处罚和补救办法以禁止烟草制品（包括冒牌和走私香烟）非法贸易；

¹ 在整个谈判前和谈判过程中对通过关于烟草制品非法贸易的早期议定书进行了相当多的讨论。可由政府间谈判机构在烟草控制框架公约通过之后立即或由缔约方会议在以后某个阶段发起对这样一份议定书进行谈判。

- (c) 采取适当措施确保在可行的情况下采用有益于环境的方法销毁或按照国家法律处理没收的所有生产设备、冒牌和走私香烟及其它烟草制品；
 - (d) 采取和实施措施以监测、记录和控制在其管辖范围内持有或运送的免除关税或国内税的烟草制品存放和销售；以及
 - (e) 酌情采取措施，使之有可能没收烟草制品非法贸易所得。
5. 根据第 21 条的规定，各缔约方应在给缔约方会议的定期报告中酌情以汇总形式提供按本条第 4 (a) 和 4 (d) 款收集的信息。
6. 各缔约方应酌情并根据国家法律促进国家机构以及有关区域和国际政府间组织之间在调查、起诉和诉讼程序方面的合作，以便消灭烟草制品的非法贸易。应特别重视区域和亚区域级在打击烟草制品非法贸易方面的合作。
7. 每一缔约方应努力酌情采取和实施包括颁发许可证在内的进一步措施，以控制或管制烟草制品的生产和销售，从而防止非法贸易。

第16条

对未成年人销售和由未成年人销售

1. 每一缔约方应在适当的政府级别采取和实行有效的立法、实施、行政或其它措施禁止向国内法律、国家法律规定的年龄或 18 岁以下者出售烟草制品。这些措施可包括：
- (a) 规定所有烟草制品销售者在销售点内设置关于禁止向未成年人出售烟草的清晰醒目告示，并且如果有怀疑，要求每一购买烟草者提供适当证据表明已达到法定年龄；
 - (b) 禁止以可直接选取烟草制品的任何方式，例如售货架等出售此类产品；
 - (c) 禁止生产和销售对未成年人具有吸引力的烟草制品形状的糖果、点心、玩具或任何其它实物。
 - (d) 确保其管辖范围内的烟草售货机不能被未成年人所利用，并且不能用于促进向未成年人销售烟草制品。

2. 每一缔约方应禁止或提倡禁止向公众尤其是未成年人免费分发烟草制品。
3. 每一缔约方应努力禁止分支或小包销售香烟，这种销售增强未成年人对此类制品的可负担性。
4. 各缔约方认识到，为了提高其有效性，防止向未成年人出售烟草制品的措施应酌情结合本公约中包含的其它规定实行。
5. 当签署、批准、接受、核准或加入本公约时，或在其后的任何时候，一缔约方可通过有约束力的书面声明表明承诺在其管辖范围内禁止使用自动售烟机，或在适宜时全面禁止自动售烟机。根据本条所作的任何声明应由保存人转送本公约所有缔约方。
6. 每一缔约方应采取和实行有效的立法、实施、行政或其它措施，包括对销售商和批发商实行处罚，以便确保遵守本条第 1-5 款中包含的义务。
7. 每一缔约方应酌情采取和实行有效的立法、实施、行政或其它措施，禁止由国内法律、国家法律规定的年龄或 18 岁以下者销售烟草制品。

第17条

对经济上切实可行的替代活动的支持

各缔约方应相互合作并与有关国际和区域政府间组织合作，酌情为烟草工人、种植者并根据个体销售商的情况，促进经济上切实可行的替代生计。

第 V 部分：保护环境

第18条

保护环境和人类健康

各缔约方同意在履行本公约之下的义务时，在本国领土内的烟草种植和生产方面对保护环境和与环境有关的人类健康给予应有的注意。

第 VI 部分：与责任有关的问题

第 19 条

责 任

1. 为烟草控制目的，各缔约方应考虑必要时采取立法行动或促进其现有法律以处理刑事和民事责任，适宜时包括赔偿。
2. 各缔约方应相互合作，根据第 21 条通过缔约方会议交流信息，包括：
 - (a) 根据 20.3(a)条有关烟草制品消费和接触烟草烟雾对健康影响的信息；以及
 - (b) 有关生效的立法和条例及相关判例的信息。
3. 各缔约方应酌情并经相互同意，在国家法规、政策、法律惯例及适用的现有条约安排的限度内，按照本公约在与民事和刑事责任相关的法律程序方面相互提供协助。
4. 在存在此类权利的地方，本公约决不应影响或限制缔约方利用相互法院的任何权利。
5. 如可能，缔约方会议可在初期阶段结合有关国际论坛正在开展的工作，审议与责任有关的问题，包括国际上对这些问题的适当做法和适宜手段，以便根据本条规定应要求支持各缔约方开展立法和其它活动。

第 VII 部分：科学和技术合作及信息交流

第 20 条

研究、监测和信息交流

1. 各缔约方承诺在烟草控制方面发展和促进国家研究并在区域和全球级协调研究规划。为此目的，每一缔约方应做到：
 - (a) 直接或通过有关国际和区域政府间组织及其它机构开始从事研究和科学评估及开展合作，并从而促进和鼓励针对烟草消费和接触烟草烟雾决定因素和后果的研究及确定替代作物的研究；以及

- (b) 在有关国际和区域政府间组织及其它机构的支持下,促进和加强对烟草控制活动,包括研究、实施和评价的所有参加者的培训和支持。
2. 各缔约方应酌情制定国家、区域和全球监测规划以监测烟草消费和接触烟草烟雾的规模、模式、决定因素和后果。为此目的,各缔约方应将烟草监测规划纳入国家、区域和全球卫生监测规划,使数据具有可比性并可酌情在区域和国际级进行分析。
3. 各缔约方认识到国际和区域政府间组织及其它机构提供的财政和技术援助的重要性。各缔约应努力:
- (a) 逐步建立用于烟草消费以及有关社会、经济和卫生指标流行病学监测的国家系统;
- (b) 在区域和全球烟草监测以及关于本条第3(a)款所规定指标的信息交流方面与有关国际和区域政府间组织及其它机构合作,包括政府机构和非政府机构;以及
- (c) 与世界卫生组织合作,制定一般准则或程序以确定烟草相关监测数据的收集、分析和传播。
4. 各缔约方应根据国家法律促进和便利交换可公开获得的与本公约有关的科学、技术、社会经济、商业和法律资料以及有关烟草业业务和烟草种植的资料,从而应考虑并针对发展中国家缔约方及经济转型期缔约方的特殊需求。每一缔约方应努力做到:
- (a) 逐步建立和保持更新的烟草控制法律和法规及适宜的执法情况以及相关判例数据库,并合作制定区域和全球烟草控制规划;
- (b) 根据本条第3(a)款逐步建立和保持更新的国家监测规划数据;以及
- (c) 与有关国际组织合作,逐步建立和保持全球系统以定期收集和传播与烟草生产、加工和对本公约或国家烟草控制活动有影响的烟草业活动有关的信息。
5. 各缔约方应与区域和国际政府间组织、成员国的金融和开发机构合作,促进和鼓励向本公约秘书处提供技术和财政资源以帮助发展中国家缔约方及经济转型期缔约方履行其关于监测、研究和信息交流的承诺。

第21条
报告和信息交流

1. 每一缔约方应定期通过秘书处向缔约方会议提交关于其实施本公约情况的报告，其中应包括如下方面：

- (a) 为实施本公约所采取的立法、实施、行政或其它措施等信息；
- (b) 在本公约实施中所遇到的任何制约或障碍以及为克服这些障碍所采取的措施等有关信息；
- (c) 为烟草控制活动提供或接受的财政和技术援助等有关信息；
- (d) 第20条中规定的监测和研究信息；以及
- (e) 第6.3、13.2、13.3、13.4(d)、15.5和19.2条中规定的信息。

2. 各缔约方此类报告的频率和格式应由缔约方会议确定。每一缔约方应在本公约对该缔约方生效后两年内作出首次报告。

3. 按照第22和26条，缔约方会议应考虑作出安排，以便协助有此要求的发展中国家缔约方和经济转型期缔约方履行它们在本条下的义务。

4. 本公约下的信息报告和交流须符合本国关于保密和隐私权的法律。经共同商定，各缔约方应保护交换的任何保密信息。

第22条
科学、技术和法律方面的合作及提供相关专长

1. 各缔约方应直接或通过有关国际机构进行合作，以加强能力履行由本公约产生的各项义务，并考虑到发展中国家缔约方和经济转型期缔约方的需要。经相互同意，此类合作应促进转让技术、科学和法律专长及技术，以制定和加强国家烟草控制战略、计划和规划，其目的尤其是：

- (a) 促进开发、转让和获得与烟草控制有关的技术、知识、技能、能力和专长；

(b) 提供技术、科学、法律和其它专长以制定和加强国家烟草控制战略、计划和规划，其目的尤其在于通过下列方面实施本公约：

(i) 根据要求，协助建立强有力的立法基础以及技术规划，包括预防开始使用、促进戒断和保护免于接触烟草烟雾的规划；

(ii) 以一种经济上切实可行的方式酌情帮助烟草工人开发经济上和法律上切实可行的适当替代生计；以及

(iii) 以一种经济上切实可行的方式酌情帮助烟草种植者将农业生产转向其它作物；

(c) 根据第 12 条支持有关人员的相关培训或宣传规划；

(d) 酌情为烟草控制战略、计划和规划提供必要的物资、设备、用品和后勤支持；

(e) 查明烟草控制方法，包括全面治疗尼古丁成瘾；以及

(f) 酌情促进研究以增强全面治疗尼古丁成瘾的可负担性。

2. 缔约方会议应在根据第 26 条获得的财政支持下促进和便利转让技术、科学和法律专长及技术。

第 VIII 部分：机构安排和财政资源

第 23 条

缔约方会议

1. 特此设立缔约方会议。缔约方会议第一次会议应由世界卫生组织于本公约生效后一年内召开。会议将在其第一次会议上决定其后的常会地点和时间。

2. 缔约方会议可于其认为必要的其它时间，或经任何缔约方书面请求，由本公约秘书处将该项请求转至各缔约方后 6 个月内至少有三分之一缔约方表示支持时，举行非常会议。

3. 缔约方会议应在其第一次会议上以协商一致方式通过其《议事规则》。
4. 缔约方会议应以协商一致方式通过其本身的以及指导资助它可能设立的任何附属机构的财务细则以及控制秘书处运转的财务规定。它应在每次常会上通过直至下次常会的财务期预算。
5. 缔约方会议应定期审评本公约的实施情况和作出为促进其有效实施所必要的决定，并可根据第 28、29 和 33 条通过议定书、附件及对公约的修正案。为此目的，它应：
 - (a) 促进和便利按照第 20 和 21 条进行的信息交流；
 - (b) 除第 20 条中规定的那些之外，促进和指导与实施本公约有关的研究和数据收集可比方法的发展和定期改进；
 - (c) 酌情促进发展、实施和评价战略、计划和规划以及政策、立法和其它措施；
 - (d) 审议各缔约方按照第 21 条提交的报告并通过关于本公约实施情况的定期报告；
 - (e) 按照第 26 条为本公约的实施促进和便利动员财政资源；
 - (f) 设立为实现本公约的目标所必需的附属机构；
 - (g) 酌情要求联合国系统主管和有关组织和机构、其它国际和区域政府间组织及非政府组织和机构提供服务、合作和信息，作为加强实施本公约的手段；以及
 - (h) 根据实施本公约所取得的经验，酌情考虑采取其它行动以实现本公约的目标。
6. 缔约方会议应为观察员参加其会议制定标准。

第 24 条

秘书处

1. 缔约方会议应指定一个常设秘书处并为其运转作出安排。缔约方会议应争取在其第一次会议上做到这一点。
2. 在指定和建立常设秘书处之前，本公约下的秘书处职能应由世界卫生组织提供。

3. 秘书处的职能应为:

- (a) 为缔约方会议及任何附属机构的各届会议作出安排并提供所需的服务;
- (b) 转递它根据本公约收到的报告;
- (c) 根据要求, 向各缔约方, 特别是发展中国家缔约方和经济转型期缔约方提供支持, 以汇编和转递按照本公约规定所需的信息;
- (d) 在缔约方会议指导下编制关于其在本公约下活动的报告, 并提交给缔约方会议;
- (e) 在缔约方会议的指导下确保与有关国际和区域政府间组织及其它机构的必要协调;
- (f) 在缔约方会议的指导下订立为有效履行其职能而可能需要的行政或合同安排; 以及
- (g) 履行本公约及其任何议定书所规定的其它秘书处职能和缔约方会议可能决定的其它职能。

第25条

缔约方会议与政府间组织之间的关系

缔约方会议可要求有关国际和区域政府间组织, 包括金融和发展机构的合作, 以便为实现本公约的目标提供技术和财政合作。

第26条

财政资源

1. 各缔约方认识到财政资源在实现本公约目标方面发挥的重要作用。
2. 每一缔约方应根据其国家计划、重点和规划为其旨在实现本公约目标的国家活动提供财政支持。

3. 各缔约方应酌情促进利用双边、区域、亚区域和其它多边渠道，为制定和加强发展中国家缔约方和经济转型期缔约方的多部门烟草控制综合规划提供资金。因此，应在国家制定的可持续发展战略的范围内处理和支持经济上切实可行的烟草生产替代生计，包括作物多样化。

4. 参加有关区域和国际政府间组织以及金融和发展机构的缔约方应鼓励这些机构为发展中国家缔约方和经济转型期缔约方提供财政援助，以协助它们实现其在本公约下的义务，并且不限制参加这些组织的权利。

5. 各缔约方同意：

(a) 为了协助各缔约方实现其在本公约下的义务，应为所有缔约方、尤其是发展中国家和经济转型期国家的利益，调动和利用一切可用于烟草控制活动的可能和现有相关公有和私有的财政、技术或其它资源。

(b) 秘书处应根据要求向发展中国家缔约方和经济转型期缔约方通报可用于协助实现其在本公约下义务的现有资金来源。

(c) 缔约方会议应在其第一次会议上根据秘书处进行的调查和其它有关信息，审议现有和可能的援助资源和机制，并考虑其适宜性。

(d) 在确定加强现有机制或建立全球自愿基金或其它适当财政机制的必要性以便为发展中国家缔约方和经济转型期缔约方按需提供额外财政资源并帮助它们实现本公约的目标时，缔约方会议应考虑审议结果。

第 IX 部分：争端的解决

第 27 条

争端的解决

1. 如两个或两个以上缔约方之间就本公约的解释或适用发生争端，有关缔约方应通过外交途径寻求通过谈判或它们自己选择的任何其它和平方式，包括斡旋、调停或和解解决该争端。未能通过斡旋、调停或和解达成一致不应免除争端各当事方继续寻求解决该争端的责任。

2. 当批准、接受、核准、正式确认或加入本公约时，或在其后的任何时候，一个国家或区域经济一体化组织可书面向保存人声明，对未能按照本条第1款解决的争端，它接受按照缔约方会议以协商一致方式通过的程序进行的特别仲裁作为强制性手段。

3. 除有关议定书另有规定外，本条规定应适用于议定书各缔约方之间的任何议定书。

第 X 部分：本公约的发展

第28条

公约的修正

1. 任何缔约方可对本公约提出修正。这些修正将由缔约方会议进行审议。
2. 对本公约的修正案应由缔约方会议通过。对本公约提出的任何修正案文应由秘书处拟议通过该修正的会议之前至少六个月送交各缔约方。秘书处还应将提出的修正送交本公约各签署方，并送交保存人供参考。
3. 各缔约方应尽一切努力以协商一致方式就对本公约提出的任何修正达成协议。如为谋求协商一致已尽了一切努力，仍未达成协议，作为最后的方式，该修正应以出席会议并参加表决的缔约方四分之三多数票通过。就本条而言，出席会议并参加表决的缔约方系指出席会议并投一张赞成或反对票的缔约方。通过的任何修正应由秘书处送交保存人，再由保存人转送所有缔约方供其接受。
4. 对修正案的接受文书应交存于保存人。按照本条第3款通过的修正应于保存人收到本公约至少三分之二缔约方的接受文书之日后第九十天起对接受该修正的缔约方生效。
5. 对于任何其它缔约方，修正应在该缔约方向保存人交存接受该修正的文书之日后第九十天起对其生效。

第29条

公约附件的通过和修正

1. 本公约的附件及其修正应按照第28条中规定的程序提出、通过和生效。
2. 本公约的附件应构成本公约的组成部分，除另有明文规定外，凡提到本公约即同时提到其任何附件。

3. 附件应限于清单、表格及与程序、科学、技术或行政事项有关的任何其它描述性材料。

第 XI 部分：最后条款

第 30 条

保 留

对本公约不得作任何保留。

第 31 条

退 约

1. 自本公约对一缔约方生效之日起两年后，该缔约方可随时向保存人发出书面通知退出本公约。
2. 任何退出应自保存人收到退出通知书之日起一年期满时生效，或在退出通知中所述的更后日期生效。
3. 退出本公约的任何缔约方应被视为也退出其作为缔约方的任何议定书。

第 32 条

表 决 权

1. 除本条第 2 款所规定外，本公约每一缔约方应有一票表决权。
2. 区域经济一体化组织在其权限内的事项上应行使票数与其作为本公约缔约方的成员国数目相同的表决权。如果一个此类组织的任一成员国行使自己的表决权，则该组织不得行使表决权，反之亦然。

第 33 条

议 定 书

1. 任何缔约方可建议议定书。此类提案将由缔约方会议进行审议。

2. 缔约方会议可通过本公约的议定书。在通过议定书时，应尽一切努力达成一致意见。如为谋求协商一致已尽了一切努力，仍未达成协议，作为最后的方式，该议定书应以出席会议并参加表决的缔约方四分之三多数票通过。就本条而言，出席会议并参加表决的缔约方系指出席会议并投一张赞成或反对票的缔约方。
3. 提出的任何议定书文本应由秘书处在拟议通过该议定书的会议之前至少六个月送交各缔约方。
4. 只有本公约的缔约方才可成为议定书的缔约方。
5. 本公约的任何议定书只应对所述议定书的缔约方有约束力。只有某一议定书的缔约方才可作出仅与该有关议定书相关事项的决定。
6. 对任何议定书的生效所需的要求应由该文书加以确定。

第34条

签 署

本公约应自2003年6月16日至2003年6月22日在日内瓦世界卫生组织总部，其后自2003年6月30日至2004年6月29日在纽约联合国总部，开放供世界卫生组织所有会员国、非世界卫生组织会员国而系联合国成员国的任何国家以及区域经济一体化组织签署。

第35条

批准、接受、核准、正式确认或加入

1. 本公约须经各国批准、接受、核准或加入和各区域经济一体化组织正式确认或加入。公约应自签署截止日之次日起开放供加入。批准、接受、核准、正式确认或加入的文书应交存于保存人。
2. 任何成为本公约缔约方而其成员均非缔约方的区域经济一体化组织应受本公约一切义务的约束。如那些组织的一个或多个成员国为本公约的缔约方，该组织及其成员国应决定各自在履行公约义务方面的责任。在此情况下，该组织及其成员国无权同时行使本公约规定的权利。

3. 区域经济一体化组织应在其有关正式确认的文书或加入的文书中声明其在本公约所规定事项上的权限。这些组织还应将其权限范围的任何重大变更通知保存人，再由保存人通知各缔约方。

第36条

生效

1. 本公约应自第四十份批准、接受、核准、正式确认或加入的文书交存于保存人之日起第九十天起生效。
2. 对于在本条第1款中规定的生效条件达到之后批准、接受、核准或加入本公约的每个国家，本公约应自其交存批准、接受、核准或加入的文书之日起第九十天起生效。
3. 对于在达到本条第1款规定的生效条件之后交存正式确认的文书或加入的文书的每个区域经济一体化组织，本公约应自其交存正式确认或加入的文书之日起第九十天起生效。
4. 为本条的目的，区域经济一体化组织所交存的任何文书不应被视为该组织成员国所交存文书之外的额外文书。

第37条

保存人

联合国秘书长应为本公约及其修正案和按照第28、29和33条通过的议定书和附件的保存人。

第38条

作准文本

本公约正本交存于联合国秘书长，其阿拉伯文、中文、英文、法文、俄文和西班牙文本同为作准。

下列签署人，经正式授权，在本公约上签字，以昭信守。

二〇〇三年 月 日订于日内瓦。

= = =



WORLD HEALTH ORGANIZATION

**INTERGOVERNMENTAL NEGOTIATING BODY
ON THE WHO FRAMEWORK CONVENTION
ON TOBACCO CONTROL**

**Sixth session
Agenda item 4**

**A/FCTC/INB6/5
3 March 2003**

Draft WHO framework convention on tobacco control

This text was presented to the final plenary session of the sixth session of the Intergovernmental Negotiating Body on 1 March 2003. The meeting agreed that this text would be transmitted to the Fifty-sixth World Health Assembly in May 2003.

Note: Editorial and translation corrections will be included in the final version for the Health Assembly.

Preamble

The Parties to this Convention,

Determined to give priority to their right to protect public health,

Recognizing that the spread of the tobacco epidemic is a global problem with serious consequences for public health that calls for the widest possible international cooperation and the participation of all countries in an effective, appropriate and comprehensive international response,

Reflecting the concern of the international community about the devastating worldwide health, social, economic and environmental consequences of tobacco consumption and exposure to tobacco smoke,

Seriously concerned about the increase in the worldwide consumption and production of cigarettes and other tobacco products, particularly in developing countries, as well as about the burden this places on families, on the poor, and on national health systems,

Recognizing that scientific evidence has unequivocally established that tobacco consumption and exposure to tobacco smoke cause death, disease and disability, and that there is a time lag between the exposure to smoking and the other uses of tobacco products and the onset of tobacco-related diseases,

Recognizing also that cigarettes and some other products containing tobacco are highly engineered so as to create and maintain dependence, and that many of the compounds they contain and the smoke they produce are pharmacologically active, toxic, mutagenic and carcinogenic, and that tobacco dependence is separately classified as a disorder in major international classifications of diseases,

Acknowledging that there is clear scientific evidence that prenatal exposure to tobacco smoke causes adverse health and developmental conditions for children,

Deeply concerned about the escalation in smoking and other forms of tobacco consumption by children and adolescents worldwide, particularly smoking at increasingly early ages,

Alarmed by the increase in smoking and other forms of tobacco consumption by women and young girls worldwide and keeping in mind the need for full participation of women at all levels of policy-making and implementation and the need for gender-specific tobacco control strategies,

Deeply concerned about the high levels of smoking and other forms of tobacco consumption by indigenous peoples,

Seriously concerned about the impact of all forms of advertising, promotion and sponsorship aimed at encouraging the use of tobacco products,

Recognizing that cooperative action is necessary to eliminate all forms of illicit trade in cigarettes and other tobacco products, including smuggling, illicit manufacturing and counterfeiting,

Acknowledging that tobacco control at all levels and particularly in developing countries and in countries with economies in transition requires sufficient financial and technical resources commensurate with the current and projected need for tobacco control activities,

Recognizing the need to develop appropriate mechanisms to address the long-term social and economic implications of successful tobacco demand reduction strategies,

Mindful of the social and economic difficulties that tobacco control programmes may engender in the medium and long term in some developing countries and countries with economies in transition, and recognizing their need for technical and financial assistance in the context of nationally developed strategies for sustainable development,

Conscious of the valuable work being conducted by many States on tobacco control and commending the leadership of the World Health Organization as well as the efforts of other organizations and bodies of the United Nations system and other international and regional intergovernmental organizations in developing measures on tobacco control,

Emphasizing the special contribution of nongovernmental organizations and other members of civil society not affiliated with the tobacco industry, including health professional bodies, women's, youth, environmental and consumer groups, and academic and health care institutions, to tobacco control efforts nationally and internationally and the vital importance of their participation in national and international tobacco control efforts,

Recognizing the need to be alert to any efforts by the tobacco industry to undermine or subvert tobacco control efforts and the need to be informed of activities of the tobacco industry that have a negative impact on tobacco control efforts,

Recalling Article 12 of the International Covenant on Economic, Social and Cultural Rights, adopted by the United Nations General Assembly on 16 December 1966, which states that it is the right of everyone to the enjoyment of the highest attainable standard of physical and mental health,

Recalling also the preamble to 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 without distinction of race, religion, political belief, economic or social condition,

Determined to promote measures of tobacco control based on current and relevant scientific, technical and economic considerations,

Recalling that the Convention on the Elimination of All Forms of Discrimination against Women, adopted by the United Nations General Assembly on 18 December 1979, provides that States Parties to that Convention shall take appropriate measures to eliminate discrimination against women in the field of health care,

Recalling further that the Convention on the Rights of the Child, adopted by the United Nations General Assembly on 20 November 1989, provides that States Parties to that Convention recognize the right of the child to the enjoyment of the highest attainable standard of health,

Have agreed, as follows:

PART I: INTRODUCTION

Article 1

Use of terms

For the purposes of this Convention:

- (a) “illicit trade” means any practice or conduct prohibited by law and which relates to production, shipment, receipt, possession, distribution, sale or purchase including any practice or conduct intended to facilitate such activity;
- (b) “regional economic integration organization” means an organization that is composed of several sovereign states, and to which its Member States have transferred competence over a range of matters, including the authority to make decisions binding on its Member States in respect of those matters;¹
- (c) “tobacco advertising and promotion” means any form of commercial communication, recommendation or action with the aim, effect or likely effect of promoting a tobacco product or tobacco use either directly or indirectly;
- (d) “tobacco control” means a range of supply, demand and harm reduction strategies that aim to improve the health of a population by eliminating or reducing their consumption of tobacco products and exposure to tobacco smoke;
- (e) “tobacco industry” means tobacco manufacturers, wholesale distributors and importers of tobacco products;
- (f) “tobacco products” means products entirely or partly made of the leaf tobacco as raw material which are manufactured to be used for smoking, sucking, chewing or snuffing;
- (g) “tobacco sponsorship” means any form of contribution to any event, activity or individual with the aim, effect or likely effect of promoting a tobacco product or tobacco use either directly or indirectly;

Article 2

Relationship between this Convention and other agreements and legal instruments

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.
2. The provisions of the Convention and its protocols shall in no way affect the right of Parties to enter into bilateral or multilateral agreements, including regional or subregional agreements, on issues relevant or additional to the Convention and its protocols, provided that such agreements are compatible with their obligations under the Convention and its protocols. The Parties concerned shall communicate such agreements to the Conference of the Parties through the Secretariat.

¹ Where appropriate, national will refer equally to regional economic integration organizations.

PART II: OBJECTIVE, GUIDING PRINCIPLES AND GENERAL OBLIGATIONS

Article 3

Objective

The objective of this Convention and its protocols is to protect present and future generations from the devastating health, social, environmental and economic consequences of tobacco consumption and exposure to tobacco smoke by providing a framework for tobacco control measures to be implemented by the Parties at the national, regional and international levels in order to reduce continually and substantially the prevalence of tobacco use and exposure to tobacco smoke.

Article 4

Guiding principles

To achieve the objective of this Convention and its protocols and to implement its provisions, the Parties shall be guided, *inter alia*, by the principles set out below:

1. Every person should be informed of the health consequences, addictive nature and mortal threat posed by tobacco consumption and exposure to tobacco smoke and effective legislative, executive, administrative or other measures should be contemplated at the appropriate governmental level to protect all persons from exposure to tobacco smoke.
2. Strong political commitment is necessary to develop and support, at the national, regional and international levels, comprehensive multisectoral measures and coordinated responses, taking into consideration:
 - (a) the need to take measures to protect all persons from exposure to tobacco smoke;
 - (b) the need to take measures to prevent the initiation, to promote and support cessation, and to decrease the consumption of tobacco products in any form;
 - (c) the need to take measures to promote the participation of indigenous individuals and communities in the development, implementation and evaluation of tobacco control programmes that are socially and culturally appropriate to their needs and perspectives; and
 - (d) the need to take measures to address gender-specific risks when developing tobacco control strategies.
3. International cooperation, particularly transfer of technology, knowledge and financial assistance and provision of related expertise, to establish and implement effective tobacco control programmes, taking into consideration local culture, as well as social, economic, political and legal factors, is an important part of the Convention.
4. Comprehensive multisectoral measures and responses to reduce consumption of all tobacco products at the national, regional and international levels are essential so as to prevent, in accordance with public health principles, the incidence of diseases, premature disability and mortality due to tobacco consumption and exposure to tobacco smoke.
5. Issues relating to liability, as determined by each Party within its jurisdiction, are an important part of comprehensive tobacco control.

6. The importance of technical and financial assistance to aid the economic transition of tobacco growers and workers whose livelihoods are seriously affected as a consequence of tobacco control programmes in developing country Parties, as well as Parties with economies in transition, should be recognized and addressed in the context of nationally developed strategies for sustainable development.

7. The participation of civil society is essential in achieving the objective of the Convention and its protocols.

Article 5 ***General obligations***

1. Each Party shall develop, implement, periodically update and review comprehensive multisectoral national tobacco control strategies, plans and programmes in accordance with this Convention and the protocols to which it is a Party.

2. Towards this end, each Party shall, in accordance with its capabilities:

(a) establish or reinforce and finance a national coordinating mechanism or focal points for tobacco control; and

(b) adopt and implement effective legislative, executive, administrative and/or other measures and cooperate, as appropriate, with other Parties in developing appropriate policies for preventing and reducing tobacco consumption, nicotine addiction and exposure to tobacco smoke.

3. In setting and implementing their public health policies with respect to tobacco control, Parties shall act to protect these policies from commercial and other vested interests of the tobacco industry in accordance with national law.

4. The Parties shall cooperate in the formulation of proposed measures, procedures and guidelines for the implementation of the Convention and the protocols to which they are Parties.

5. The Parties shall cooperate, as appropriate, with competent international and regional intergovernmental organizations and other bodies to achieve the objectives of the Convention and the protocols to which they are Parties.

6. The Parties shall, within means and resources at their disposal, cooperate to raise financial resources for effective implementation of the Convention through bilateral and multilateral funding mechanisms.

PART III: MEASURES RELATING TO THE REDUCTION OF DEMAND FOR TOBACCO

Article 6 ***Price and tax measures to reduce the demand for tobacco***

1. The Parties recognize that price and tax measures are an effective and important means of reducing tobacco consumption by various segments of the population, in particular young persons.

2. Without prejudice to the sovereign right of the Parties to determine and establish their taxation policies, each Party should take account of its national health objectives concerning tobacco control and adopt or maintain, as appropriate, measures which may include:

- (a) implementing tax policies and, where appropriate, price policies, on tobacco products so as to contribute to the health objectives aimed at reducing tobacco consumption; and
- (b) prohibiting or restricting, as appropriate, sales to and/or importations by international travellers of tax- and duty-free tobacco products.

3. The Parties shall provide rates of taxation for tobacco products and trends in tobacco consumption in their periodic reports to the Conference of the Parties, in accordance with Article 21.

Article 7

Non-price measures to reduce the demand for tobacco

The Parties recognize that comprehensive non-price measures are an effective and important means of reducing tobacco consumption. Each Party shall adopt and implement effective legislative, executive, administrative or other measures necessary to implement its obligations pursuant to Articles 8 to 13 and shall cooperate, as appropriate, with each other directly or through competent international bodies with a view to their implementation. The Conference of the Parties shall propose appropriate guidelines for the implementation of the provisions of these Articles.

Article 8

Protection from exposure to tobacco smoke

1. Parties recognize that scientific evidence has unequivocally established that exposure to tobacco smoke causes death, disease and disability.

2. 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.

Article 9

Regulation of the contents of tobacco products

The Conference of the Parties, in consultation with competent international bodies, shall propose guidelines for testing and measuring the contents and emissions of tobacco products, and for the regulation of these contents and emissions. Each Party shall, where approved by competent national authorities, adopt and implement effective legislative, executive and administrative or other measures for such testing and measuring, and for such regulation.

Article 10

Regulation of tobacco product disclosures

Each Party shall, in accordance with its national law, adopt and implement effective legislative, executive, administrative or other measures requiring manufacturers and importers of tobacco products to disclose to governmental authorities information about the contents and emissions of tobacco

products. Each Party shall further adopt and implement effective measures for public disclosure of information about the toxic constituents of the tobacco products and the emissions that they may produce.

Article 11

Packaging and labelling of tobacco products

1. Each Party shall, within a period of three years after entry into force of this Convention for that Party, adopt and implement, in accordance with its national law, effective measures to ensure that:

(a) tobacco product packaging and labelling do not promote a tobacco product by any means that are false, misleading, deceptive or likely to create an erroneous impression about its characteristics, health effects, hazards or emissions, including any term, descriptor, trademark, figurative or any other sign that directly or indirectly creates the false impression that a particular tobacco product is less harmful than other tobacco products. These may include terms such as “low tar”, “light”, “ultra-light”, or “mild”; and

(b) each unit packet and package of tobacco products and any outside packaging and labelling of such products also carry health warnings describing the harmful effects of tobacco use, and may include other appropriate messages. These warnings and messages:

(i) shall be approved by the competent national authority,

(ii) shall be rotating,

(iii) shall be large, clear, visible and legible,

(iv) should be 50% or more of the principal display areas but shall be no less than 30% of the principal display areas,

(v) may be in the form of or include pictures or pictograms.

2. Each unit packet and package of tobacco products and any outside packaging and labelling of such products shall, in addition to the warnings specified in paragraph 1(b) of this Article, contain information on relevant constituents and emissions of tobacco products as defined by national authorities.

3. Each Party shall require that the warnings and other textual information specified in paragraphs 1(b) and paragraph 2 of this Article will appear on each unit packet and package of tobacco products and any outside packaging and labelling of such products in its principal language or languages.

4. For the purposes of this Article, the term “outside packaging and labelling” in relation to tobacco products applies to any packaging and labelling used in the retail sale of the product.

Article 12

Education, communication, training and public awareness

Each Party shall promote and strengthen public awareness of tobacco control issues, using all available communication tools, as appropriate. Towards this end, each Party shall adopt and implement effective legislative, executive, administrative or other measures to promote:

- (a) broad access to effective and comprehensive educational and public awareness programmes on the health risks including the addictive characteristics of tobacco consumption and exposure to tobacco smoke;
- (b) public awareness about the health risks of tobacco consumption and exposure to tobacco smoke, and about the benefits of the cessation of tobacco use and tobacco-free lifestyles as specified in Article 14.2;
- (c) public access, in accordance with national law, to a wide range of information on the tobacco industry as relevant to the objective of this Convention;
- (d) effective and appropriate training or sensitization and awareness programmes on tobacco control addressed to persons such as health workers, community workers, social workers, media professionals, educators, decision-makers, administrators and other concerned persons;
- (e) awareness and participation of public and private agencies and nongovernmental organizations not affiliated with the tobacco industry in developing and implementing intersectoral programmes and strategies for tobacco control; and
- (f) public awareness of and access to information regarding the adverse health, economic, and environmental consequences of tobacco production and consumption.

Article 13

Tobacco advertising, promotion and sponsorship

1. Parties recognize that a comprehensive ban on advertising, promotion and sponsorship would reduce the consumption of tobacco products.
2. Each Party shall, in accordance with its constitution or constitutional principles, undertake a comprehensive ban of all tobacco advertising, promotion and sponsorship. This shall include, subject to the legal environment and technical means available to that Party, a comprehensive ban on cross-border advertising, promotion and sponsorship originating from its territory. In this respect, within the period of five years after entry into force of this Convention for that Party, each Party shall undertake appropriate legislative, executive, administrative and/or other measures and report accordingly in conformity with Article 21.
3. A Party that is not in a position to undertake a comprehensive ban due to its constitution or constitutional principles shall apply restrictions on all tobacco advertising, promotion and sponsorship. This shall include, subject to the legal environment and technical means available to that Party, restrictions or a comprehensive ban on advertising, promotion and sponsorship originating from its territory with cross-border effects. In this respect, each Party shall undertake appropriate legislative, executive, administrative and/or other measures and report accordingly in conformity with Article 21.

4. As a minimum, and in accordance with its constitution or constitutional principles, each Party shall:

- (a) prohibit all forms of tobacco advertising, promotion and sponsorship that promote a tobacco product by any means that are false, misleading or deceptive or likely to create an erroneous impression about its characteristics, health effects, hazards or emissions;
- (b) require that health or other appropriate warnings or messages accompany all tobacco advertising and, as appropriate, promotion and sponsorship;
- (c) restrict the use of direct or indirect incentives that encourage the purchase of tobacco products by the public;
- (d) require, if it does not have a comprehensive ban, the disclosure to relevant governmental authorities of expenditures by the tobacco industry on advertising, promotion and sponsorship not yet prohibited. Those authorities may decide to make those figures available, subject to national law, to the public and to the Conference of the Parties, pursuant to Article 21;
- (e) undertake a comprehensive ban or, in the case of a Party that is not in a position to undertake a comprehensive ban due to its constitution or constitutional principles, restrict tobacco advertising, promotion and sponsorship on radio, television, print media and, as appropriate, other media, such as the internet, within a period of five years; and
- (f) prohibit, or in the case of a Party that is not in a position to prohibit due to its constitution or constitutional principles restrict, tobacco sponsorship of international events, activities and/or participants therein.

5. Parties are encouraged to implement measures beyond the obligations set out in paragraph 4.

6. Parties shall cooperate in the development of technologies and other means necessary to facilitate the elimination of cross-border advertising.

7. Parties which have a ban on certain forms of tobacco advertising, promotion and sponsorship have the sovereign right to ban those forms of cross-border tobacco advertising, promotion and sponsorship entering their territory and to impose equal penalties as those applicable to domestic advertising, promotion and sponsorship originating from their territory in accordance with their national law. This paragraph does not endorse or approve of any particular penalty.

8. Parties shall consider the elaboration of a protocol setting out appropriate measures that require international collaboration for a comprehensive ban on cross-border advertising, promotion and sponsorship.

Article 14

Demand reduction measures concerning tobacco dependence and cessation

1. Each Party shall develop and disseminate appropriate, comprehensive and integrated guidelines based on scientific evidence and best practices, taking into account national circumstances and priorities, and shall take effective measures to promote cessation of tobacco use and adequate treatment for tobacco dependence.

2. Towards this end, each Party shall endeavour to:

- (a) design and implement effective programmes aimed at promoting the cessation of tobacco use, in such locations as educational institutions, health care facilities, workplaces and sporting environments;
- (b) include diagnosis and treatment of tobacco dependence and counselling services on cessation of tobacco use in national health and education programmes, plans and strategies, with the participation of health workers, community workers and social workers as appropriate;
- (c) establish in health care facilities and rehabilitation centres programmes for diagnosing, counselling, preventing and treating tobacco dependence; and
- (d) collaborate with other Parties to facilitate accessibility and affordability for treatment of tobacco dependence including pharmaceutical products pursuant to Article 22. Such products and their constituents may include medicines, products used to administer medicines and diagnostics when appropriate.

PART IV: MEASURES RELATING TO THE REDUCTION OF THE SUPPLY OF TOBACCO

Article 15

Illicit trade in tobacco products¹

1. The Parties recognize that the elimination of all forms of illicit trade in tobacco products, including smuggling, illicit manufacturing and counterfeiting, and the development and implementation of related national law, in addition to subregional, regional and global agreements, are essential components of tobacco control.

2. Each Party shall adopt and implement effective legislative, executive, administrative or other measures to ensure that all unit packets and packages of tobacco products and any outside packaging of such products are marked to assist Parties in determining the origin of tobacco products, and in accordance with national law and relevant bilateral or multilateral agreements, assist Parties in determining the point of diversion and monitor, document and control the movement of tobacco products and their legal status. In addition, each Party shall:

- (a) require that unit packets and packages of tobacco products for retail and wholesale use that are sold on its domestic market carry the statement: "*Sales only allowed in (insert name of the country, subnational, regional or federal unit)*" or carry any other effective marking indicating the final destination or which would assist authorities in determining whether the product is legally for sale on the domestic market; and
- (b) consider, as appropriate, developing a practical tracking and tracing regime that would further secure the distribution system and assist in the investigation of illicit trade.

¹ There has been considerable discussion throughout the pre-negotiation and negotiation process concerning the adoption of an early protocol on illicit trade in tobacco products. The negotiation of such a protocol could be initiated by the INB immediately following the adoption of the FCTC, or at a later stage by the Conference of the Parties.

3. Each Party shall require that the packaging information or marking specified in paragraph 2 of this Article shall be presented in legible form and/or appear in its principal language or languages.
4. With a view to eliminating illicit trade in tobacco products, each Party shall:
 - (a) monitor and collect data on cross-border trade in tobacco products, including illicit trade, and exchange information among customs, tax and other authorities, as appropriate, and in accordance with national law and relevant applicable bilateral or multilateral agreements;
 - (b) enact or strengthen legislation, with appropriate penalties and remedies, against illicit trade in tobacco products, including counterfeit and contraband cigarettes;
 - (c) take appropriate steps to ensure that all confiscated manufacturing equipment, counterfeit and contraband cigarettes and other tobacco products are destroyed, using environmentally-friendly methods where feasible, or disposed of in accordance with national law;
 - (d) adopt and implement measures to monitor, document and control the storage and distribution of tobacco products held or moving under suspension of taxes or duties within its jurisdiction; and
 - (e) adopt measures as appropriate to enable the confiscation of proceeds derived from the illicit trade in tobacco products.
5. Information collected pursuant to subparagraphs 4(a) and 4(d) of this Article shall, as appropriate, be provided in aggregate form by the Parties in their periodic reports to the Conference of the Parties, in accordance with Article 21.
6. The Parties shall, as appropriate and in accordance with national law, promote cooperation between national agencies, as well as relevant regional and international intergovernmental organizations as it relates to investigations, prosecutions and proceedings, with a view to eliminating illicit trade in tobacco products. Special emphasis shall be placed on cooperation at regional and subregional levels to combat illicit trade of tobacco products.
7. Each Party shall endeavour to adopt and implement further measures including licensing, where appropriate, to control or regulate the production and distribution of tobacco products in order to prevent illicit trade.

Article 16
Sales to and by minors

1. Each Party shall adopt and implement effective legislative, executive, administrative or other measures at the appropriate government level to prohibit the sales of tobacco products to persons under the age set by domestic law, national law or eighteen. These measures may include:
 - (a) requiring that all sellers of tobacco products place a clear and prominent indicator inside their point of sale about the prohibition of tobacco sales to minors and, in case of doubt, request that each tobacco purchaser provide appropriate evidence of having reached full legal age;
 - (b) banning the sale of tobacco products in any manner by which they are directly accessible, such as store shelves;

- (c) prohibiting the manufacture and sale of sweets, snacks, toys or any other objects in the form of tobacco products which appeal to minors; and
 - (d) ensuring that tobacco vending machines under its jurisdiction are not accessible to minors and do not promote the sale of tobacco products to minors.
2. Each Party shall prohibit or promote the prohibition of the distribution of free tobacco products to the public and especially minors.
3. Each Party shall endeavour to prohibit the sale of cigarettes individually or in small packets which increase the affordability of such products to minors.
4. The Parties recognize that in order to increase their effectiveness, measures to prevent tobacco product sales to minors should, where appropriate, be implemented in conjunction with other provisions contained in this Convention.
5. When signing, ratifying, accepting, approving or acceding to the Convention or at any time thereafter, a Party may, by means of a binding written declaration, indicate its commitment to prohibit the introduction of tobacco vending machines within its jurisdiction or, as appropriate, to a total ban on tobacco vending machines. The declaration made pursuant to this Article shall be circulated by the Depositary to all Parties to the Convention.
6. Each Party shall adopt and implement effective legislative, executive, administrative or other measures, including penalties against sellers and distributors, in order to ensure compliance with the obligations contained in paragraphs 1-5 of this Article.
7. Each Party should, as appropriate, adopt and implement effective legislative, executive, administrative or other measures to prohibit the sales of tobacco products by persons under the age set by domestic law, national law or eighteen.

Article 17

Provision of support for economically viable alternative activities

Parties shall, in cooperation with each other and with competent international and regional intergovernmental organizations, promote, as appropriate, economically viable alternatives for tobacco workers, growers and, as the case may be, individual sellers.

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.

PART VI: QUESTIONS RELATED TO LIABILITY

Article 19

Liability

1. For the purpose of tobacco control, the Parties shall consider taking legislative action or promoting their existing laws, where necessary, to deal with criminal and civil liability, including compensation where appropriate.
2. Parties shall cooperate with each other in exchanging information through the Conference of the Parties in accordance with Article 21 including:
 - (a) information on the health effects of the consumption of tobacco products and exposure to tobacco smoke in accordance with Article 20.3(a); and
 - (b) information on legislation and regulations in force as well as pertinent jurisprudence.
3. The Parties shall, as appropriate and mutually agreed, within the limits of national legislation, policies, legal practices and applicable existing treaty arrangements, afford one another assistance in legal proceedings relating to civil and criminal liability consistent with this Convention.
4. The Convention shall in no way affect or limit any rights of access of the Parties to each other's courts where such rights exist.
5. The Conference of the Parties may consider, if possible, at an early stage, taking account of the work being done in relevant international fora, issues related to liability including appropriate international approaches to these issues and appropriate means to support, upon request, the Parties in their legislative and other activities in accordance with this Article.

PART VII: SCIENTIFIC AND TECHNICAL COOPERATION AND COMMUNICATION OF INFORMATION

Article 20

Research, surveillance and exchange of information

1. The Parties undertake to develop and promote national research and to coordinate research programmes at the regional and international levels in the field of tobacco control. Towards this end, each Party shall:
 - (a) initiate and cooperate in, directly or through competent international and regional intergovernmental organizations and other bodies, the conduct of research and scientific assessments, and in so doing promote and encourage research that addresses the determinants and consequences of tobacco consumption and exposure to tobacco smoke as well as research for identification of alternative crops; and
 - (b) promote and strengthen, with the support of competent international and regional intergovernmental organizations and other bodies, training and support for all those engaged in tobacco control activities, including research, implementation and evaluation.

2. The Parties shall establish, as appropriate, programmes for national, regional and global surveillance of the magnitude, patterns, determinants and consequences of tobacco consumption and exposure to tobacco smoke. Towards this end, the Parties should integrate tobacco surveillance programmes into national, regional and global health surveillance programmes so that data are comparable and can be analysed at the regional and international levels, as appropriate.

3. Parties recognize the importance of financial and technical assistance from international and regional intergovernmental organizations and other bodies. Each Party shall endeavour to:

- (a) establish progressively a national system for the epidemiological surveillance of tobacco consumption and related social, economic and health indicators;
- (b) cooperate with competent international and regional intergovernmental organizations and other bodies, including governmental and nongovernmental agencies, in regional and global tobacco surveillance and exchange of information on the indicators specified in paragraph 3(a) of this Article; and
- (c) cooperate with the World Health Organization in the development of general guidelines or procedures for defining the collection, analysis and dissemination of tobacco-related surveillance data.

4. The Parties shall, subject to national law, promote and facilitate the exchange of publicly available scientific, technical, socioeconomic, commercial and legal information, as well as information regarding practices of the tobacco industry and the cultivation of tobacco, which is relevant to this Convention, and in so doing shall take into account and address the special needs of developing country Parties and Parties with economies in transition. Each Party shall endeavour to:

- (a) progressively establish and maintain an updated database of laws and regulations on tobacco control and, as appropriate, information about their enforcement, as well as pertinent jurisprudence, and cooperate in the development of programmes for regional and global tobacco control;
- (b) progressively establish and maintain updated data from national surveillance programmes in accordance with paragraph 3(a) of this Article; and
- (c) cooperate with competent international organizations to progressively establish and maintain a global system to regularly collect and disseminate information on tobacco production, manufacture and the activities of the tobacco industry which have an impact on the Convention or national tobacco control activities.

5. Parties should cooperate in regional and international intergovernmental organizations and financial and development institutions of which they are members, to promote and encourage provision of technical and financial resources to the Secretariat to assist developing country Parties and Parties with economies in transition to meet their commitments on research, surveillance and exchange of information.

Article 21

Reporting and exchange of information

1. Each Party shall submit to the Conference of the Parties, through the Secretariat, periodic reports on its implementation of this Convention, which should include the following:
 - (a) information on legislative, executive, administrative or other measures taken to implement the Convention;
 - (b) information, as appropriate, on any constraints or barriers encountered in its implementation of the Convention, and on the measures taken to overcome these barriers;
 - (c) information, as appropriate, on financial and technical assistance provided or received for tobacco control activities;
 - (d) information on surveillance and research as specified in Article 20; and
 - (e) information specified in Articles 6.3, 13.2, 13.3, 13.4(d), 15.5 and 19.2.
2. The frequency and format of such reports by all Parties shall be determined by the Conference of the Parties. Each Party shall make its initial report within two years of the entry into force of the Convention for that Party.
3. The Conference of the Parties, pursuant to Articles 22 and 26, shall consider arrangements to assist developing country Parties and Parties with economies in transition, at their request, in meeting their obligations under this Article.
4. The reporting and exchange of information under the Convention shall be subject to national law regarding confidentiality and privacy. The Parties shall protect, as mutually agreed, any confidential information that is exchanged.

Article 22

Cooperation in the scientific, technical, and legal fields and provision of related expertise

1. The Parties shall cooperate directly or through competent international bodies to strengthen their capacity to fulfill the obligations arising from this Convention, taking into account the needs of developing country Parties and Parties with economies in transition. Such cooperation shall promote the transfer of technical, scientific and legal expertise and technology, as mutually agreed, to establish and strengthen national tobacco control strategies, plans and programmes aiming at, *inter alia*:
 - (a) facilitation of the development, transfer and acquisition of technology, knowledge, skills, capacity and expertise related to tobacco control;
 - (b) provision of technical, scientific, legal and other expertise to establish and strengthen national tobacco control strategies, plans and programmes, aiming at implementation of the Convention through, *inter alia*:
 - (i) assisting, upon request, in the development of a strong legislative foundation as well as technical programmes, including those on prevention of initiation, promotion of cessation and protection from exposure to tobacco smoke;

- (ii) assisting, as appropriate, tobacco workers in the development of appropriate economically and legally viable alternative livelihoods in an economically viable manner; and
 - (iii) assisting, as appropriate, tobacco growers in shifting agricultural production to alternative crops in an economically viable manner;
 - (c) support for appropriate training or sensitization programmes for appropriate personnel in accordance with Article 12;
 - (d) provision, as appropriate, of the necessary material, equipment and supplies, as well as logistical support, for tobacco control strategies, plans and programmes;
 - (e) identification of methods for tobacco control, including comprehensive treatment of nicotine addiction; and
 - (f) promotion, as appropriate, of research to increase the affordability of comprehensive treatment of nicotine addiction.
2. The Conference of the Parties shall promote and facilitate transfer of technical, scientific and legal expertise and technology with the financial support secured in accordance with Article 26.

PART VIII: INSTITUTIONAL ARRANGEMENTS AND FINANCIAL RESOURCES

Article 23

Conference of the Parties

1. A Conference of the Parties is hereby established. The first session of the Conference shall be convened by the World Health Organization not later than one year after the entry into force of this Convention. The Conference will determine the venue and timing of subsequent regular sessions at its first session.
2. Extraordinary sessions of the Conference of the Parties shall be held at such other times as may be deemed necessary by the Conference, or at the written request of any Party, provided that, within six months of the request being communicated to them by the Secretariat of the Convention, it is supported by at least one-third of the Parties.
3. The Conference of the Parties shall adopt by consensus its Rules of Procedure at its first session.
4. The Conference of the Parties shall by consensus adopt financial rules for itself as well as governing the funding of any subsidiary bodies it may establish as well as financial provisions governing the functioning of the Secretariat. At each ordinary session, it shall adopt a budget for the financial period until the next ordinary session.
5. The Conference of the Parties shall keep under regular review the implementation of the Convention and take the decisions necessary to promote its effective implementation and may adopt protocols, annexes and amendments to the Convention, in accordance with Articles 28, 29 and 33. Towards this end, it shall:

- (a) promote and facilitate the exchange of information pursuant to Articles 20 and 21;
- (b) promote and guide the development and periodic refinement of comparable methodologies for research and the collection of data, in addition to those provided for in Article 20, relevant to the implementation of the Convention;
- (c) promote, as appropriate, the development, implementation and evaluation of strategies, plans, and programmes, as well as policies, legislation and other measures;
- (d) consider reports submitted by the Parties in accordance with Article 21 and adopt regular reports on the implementation of the Convention;
- (e) promote and facilitate the mobilization of financial resources for the implementation of the Convention in accordance with Article 26;
- (f) establish such subsidiary bodies as are necessary to achieve the objective of the Convention;
- (g) request, where appropriate, the services and cooperation of, and information provided by, competent and relevant organizations and bodies of the United Nations system and other international and regional intergovernmental organizations and nongovernmental organizations and bodies as a means of strengthening the implementation of the Convention; and
- (h) consider other action, as appropriate, for the achievement of the objective of the Convention in the light of experience gained in its implementation.

6. The Conference of the Parties shall establish the criteria for the participation of observers at its proceedings.

Article 24
Secretariat

1. The Conference of the Parties shall designate a permanent secretariat and make arrangements for its functioning. The Conference of the Parties shall endeavour to do so at its first session.
2. Until such time as a permanent secretariat is designated and established, secretariat functions under this Convention shall be provided by the World Health Organization.
3. Secretariat functions shall be:
 - (a) to make arrangements for sessions of the Conference of the Parties and any subsidiary bodies and to provide them with services as required;
 - (b) to transmit reports received by it pursuant to the Convention;
 - (c) to provide support to the Parties, particularly developing country Parties and Parties with economies in transition, on request, in the compilation and communication of information required in accordance with the provisions of the Convention;

- (d) to prepare reports on its activities under the Convention under the guidance of the Conference of the Parties and submit them to the Conference of the Parties;
- (e) to ensure, under the guidance of the Conference of the Parties, the necessary coordination with the competent international and regional intergovernmental organizations and other bodies;
- (f) to enter, under the guidance of the Conference of the Parties, into such administrative or contractual arrangements as may be required for the effective discharge of its functions; and
- (g) to perform other secretariat functions specified by the Convention and by any of its protocols and such other functions as may be determined by the Conference of the Parties.

Article 25

Relations between the Conference of the Parties and intergovernmental organizations

In order to provide technical and financial cooperation for achieving the objective of this Convention, the Conference of the Parties may request the cooperation of competent international and regional intergovernmental organizations including financial and development institutions.

Article 26

Financial resources

1. The Parties recognize the important role that financial resources play in achieving the objective of this Convention.
2. Each Party shall provide financial support in respect of its national activities intended to achieve the objective of the Convention, in accordance with its national plans, priorities and programmes.
3. Parties shall promote, as appropriate, the utilization of bilateral, regional, subregional and other multilateral channels to provide funding for the development and strengthening of multisectoral comprehensive tobacco control programmes of developing country Parties and Parties with economies in transition. Accordingly, economically viable alternatives to tobacco production, including crop diversification should be addressed and supported in the context of nationally developed strategies of sustainable development.
4. Parties represented in relevant regional and international intergovernmental organizations, and financial and development institutions shall encourage these entities to provide financial assistance for developing country Parties and for Parties with economies in transition to assist them in meeting their obligations under the Convention, without limiting the rights of participation within these organizations.
5. The Parties agree that:
 - (a) to assist Parties in meeting their obligations under the Convention, all relevant potential and existing resources, financial, technical, or otherwise, both public and private that are available for tobacco control activities, should be mobilized and utilized for the benefit of all Parties, especially developing countries and countries with economies in transition;

- (b) the Secretariat shall advise developing country Parties and Parties with economies in transition, upon request, on available sources of funding to facilitate the implementation of their obligations under the Convention;
- (c) the Conference of the Parties in its first session shall review existing and potential sources and mechanisms of assistance based on a study conducted by the Secretariat and other relevant information, and consider their adequacy; and
- (d) the results of this review shall be taken into account by the Conference of the Parties in determining the necessity to enhance existing mechanisms or to establish a voluntary global fund or other appropriate financial mechanisms to channel additional financial resources, as needed, to developing country Parties and Parties with economies in transition to assist them in meeting the objectives of the Convention.

PART IX: SETTLEMENT OF DISPUTES

Article 27

Settlement of disputes

1. In the event of a dispute between two or more Parties concerning the interpretation or application of this Convention, the Parties concerned shall seek through diplomatic channels a settlement of the dispute through negotiation or any other peaceful means of their own choice, including good offices, mediation, or conciliation. Failure to reach agreement by good offices, mediation or conciliation shall not absolve parties to the dispute from the responsibility of continuing to seek to resolve it.
2. When ratifying, accepting, approving, formally confirming or acceding to the Convention, or at any time thereafter, a State or regional economic integration organization may declare in writing to the Depositary that, for a dispute not resolved in accordance with paragraph 1 of this Article, it accepts, as compulsory, ad hoc arbitration in accordance with procedures to be adopted by consensus by the Conference of the Parties.
3. The provisions of this Article shall apply with respect to any protocol as between the parties to the protocol, unless otherwise provided therein.

PART X: DEVELOPMENT OF THE CONVENTION

Article 28

Amendments to this Convention

1. Any Party may propose amendments to this Convention. Such amendments will be considered by the Conference of the Parties.
2. Amendments to the Convention shall be adopted by the Conference of the Parties. The text of any proposed amendment to the Convention shall be communicated to the Parties by the Secretariat at least six months before the session at which it is proposed for adoption. The Secretariat shall also

communicate proposed amendments to the signatories of the Convention and, for information, to the Depositary.

3. The Parties shall make every effort to reach agreement by consensus on any proposed amendment to the Convention. If all efforts at consensus have been exhausted, and no agreement reached, the amendment shall as a last resort be adopted by a three-quarters majority vote of the Parties present and voting at the session. For purposes of this Article, Parties present and voting means Parties present and casting an affirmative or negative vote. Any adopted amendment shall be communicated by the Secretariat to the Depositary, who shall circulate it to all Parties for acceptance.

4. Instruments of acceptance in respect of an amendment shall be deposited with the Depositary. An amendment adopted in accordance with paragraph 3 of this Article shall enter into force for those Parties having accepted it on the ninetieth day after the date of receipt by the Depositary of an instrument of acceptance by at least two-thirds of the Parties to the Convention.

5. The amendment shall enter into force for any other Party on the ninetieth day after the date on which that Party deposits with the Depositary its instrument of acceptance of the said amendment.

Article 29

Adoption and amendment of annexes to this Convention

1. Annexes to this Convention and amendments thereto shall be proposed, adopted and shall enter into force in accordance with the procedure set forth in Article 28.

2. Annexes to the Convention shall form an integral part thereof and, unless otherwise expressly provided, a reference to the Convention constitutes at the same time a reference to any annexes thereto.

3. Annexes shall be restricted to lists, forms and any other descriptive material relating to procedural, scientific, technical or administrative matters.

PART XI: FINAL PROVISIONS

Article 30

Reservations

No reservations may be made to this Convention.

Article 31

Withdrawal

1. At any time after two years from the date on which this Convention has entered into force for a Party, that Party may withdraw from the Convention by giving written notification to the Depositary.

2. Any such withdrawal shall take effect upon expiry of one year from the date of receipt by the Depositary of the notification of withdrawal, or on such later date as may be specified in the notification of withdrawal.

3. Any Party that withdraws from the Convention shall be considered as also having withdrawn from any protocol to which it is a Party.

Article 32
Right to vote

1. Each Party to this Convention shall have one vote, except as provided for in paragraph 2 of this Article.
2. Regional economic integration organizations, in matters within their competence, shall exercise their right to vote with a number of votes equal to the number of their Member States that are Parties to the Convention. Such an organization shall not exercise its right to vote if any of its Member States exercises its right, and vice versa.

Article 33
Protocols

1. Any Party may propose protocols. Such proposals will be considered by the Conference of the Parties.
2. The Conference of the Parties may adopt protocols to this Convention. In adopting these protocols every effort shall be made to reach consensus. If all efforts at consensus have been exhausted, and no agreement reached, the protocol shall as a last resort be adopted by a three-quarters majority vote of the Parties present and voting at the session. For the purposes of this Article, Parties present and voting means Parties present and casting an affirmative or negative vote.
3. The text of any proposed protocol shall be communicated to the Parties by the Secretariat at least six months before the session at which it is proposed for adoption.
4. Only Parties to the Convention may be parties to a protocol.
5. Any protocol to the Convention shall be binding only on the parties to the protocol in question. Only Parties to a protocol may take decisions on matters exclusively relating to the protocol in question.
6. The requirements for entry into force of any protocol shall be established by that instrument.

Article 34
Signature

This Convention shall be open for signature by all Members of the World Health Organization and by any States that are not Members of the World Health Organization but are members of the United Nations and by regional economic integration organizations at the World Health Organization Headquarters in Geneva from 16 June 2003 to 22 June 2003, and thereafter at United Nations Headquarters in New York, from 30 June 2003 to 29 June 2004.

Article 35

Ratification, acceptance, approval, formal confirmation or accession

1. This Convention shall be subject to ratification, acceptance, approval or accession by States and to formal confirmation or accession by regional economic integration organizations. It shall be open for accession from the day after the date on which the Convention is closed for signature. Instruments of ratification, acceptance, approval, formal confirmation or accession shall be deposited with the Depositary.
2. Any regional economic integration organization which becomes a Party to the Convention without any of its Member States being a Party shall be bound by all the obligations under the Convention. In the case of those organizations, one or more of whose Member States is a Party to the Convention, the organization and its Member States shall decide on their respective responsibilities for the performance of their obligations under the Convention. In such cases, the organization and the Member States shall not be entitled to exercise rights under the Convention concurrently.
3. Regional economic integration organizations shall, in their instruments relating to formal confirmation or in their instruments of accession, declare the extent of their competence with respect to the matters governed by the Convention. These organizations shall also inform the Depositary, who shall in turn inform the Parties, of any substantial modification in the extent of their competence.

Article 36

Entry into force

1. This Convention shall enter into force on the ninetieth day following the date of deposit of the fortieth instrument of ratification, acceptance, approval, formal confirmation or accession with the Depositary.
2. For each State that ratifies, accepts or approves the Convention or accedes thereto after the conditions set out in paragraph 1 of this Article for entry into force have been fulfilled, the Convention shall enter into force on the ninetieth day following the date of deposit of its instrument of ratification, acceptance, approval or accession.
3. For each regional economic integration organization depositing an instrument of formal confirmation or an instrument of accession after the conditions set out in paragraph 1 of this Article for entry into force have been fulfilled, the Convention shall enter into force on the ninetieth day following the date of its depositing of the instrument of formal confirmation or of accession.
4. For the purposes of this Article, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by States Members of the organization.

Article 37

Depositary

The Secretary-General of the United Nations shall be the Depositary of this Convention and amendments thereto and of protocols and annexes adopted in accordance with Articles 28, 29 and 33.

Article 38
Authentic texts

The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the undersigned, being duly authorized to that effect, have signed this Convention.

DONE at GENEVA this [date of month] two thousand and three.

= = =