

Status Report on Article 8

Rapid progress in smokefree

Hundreds of millions of people around the world are now protected from secondhand smoke. Many more people will be protected in the coming years, as the global momentum for smokefree public places and workplaces continues to increase. More than thirty countries, representing each of the world's populated continents, have enacted and enforced national or local smokefree laws. However, many millions of people remain exposed to secondhand smoke. Action is needed for implementation of effective smokefree policies around the world.

The duty to protect from tobacco smoke, embodied in the text of Article 8, is grounded in fundamental human rights and freedoms.

4 (a) GUIDELINES ON PROTECTION FROM EXPOSURE TO TOBACCO SMOKE (Article 8 of the FCTC)

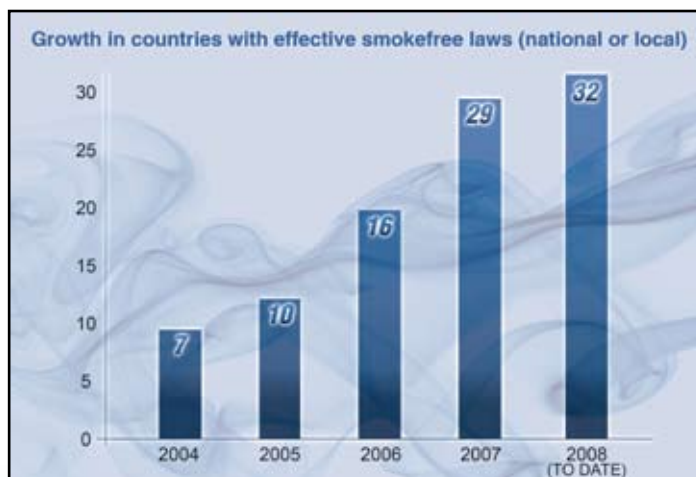
Article 8 commits governments to protecting their citizens from exposure to secondhand smoke in indoor public places and workplaces, and public transport.

Since the adoption of the Article 8 guidelines more than 60 countries have begun working to pass strong smokefree air laws.

Progress in smokefree has been rapid, and most of it has taken place since the start of negotiations of the WHO Framework Convention on Tobacco Control (FCTC) – the first global public health treaty.¹ And it has not just been the privilege of wealthy nations. Low- and middle-income countries are implementing smokefree legislation, most recently Kenya, Niger, Panama and Thailand. Smokefree laws can be successful anywhere in the world.

An international approach

The success in creating smokefree places has been helped and guided by the FCTC.² The FCTC came into force in 2005 and now has more than 160 Parties, covering over 80% of the world's population. Article 8 of the FCTC commits governments to protecting their citizens from exposure to secondhand smoke in indoor public places and workplaces, and public transport. In 2007 the countries unanimously adopted a set of guidelines for achieving this. The guidelines were based on



the lessons learned and best practices from countries that have successfully implemented smokefree policies (see Table 1). They provide a roadmap for countries looking to adopt national smokefree laws, and call for them to be introduced within five years of ratification of the FCTC.³

A large and growing number of countries have embarked upon smokefree campaigns since the adoption of the Article 8 guidelines. Campaigns for smokefree laws are in progress in more than sixty countries around the world. Smokefree laws are also being implemented in countless subnational jurisdictions. This shows that the adoption of the guidelines has been accompanied by a significant increase in the global momentum for smokefree public places and workplaces. A key development has been cooperation between countries. For example in Latin America countries with successful smokefree policies have recently sent delegations of policy experts to assist other countries wishing to adopt a similar approach.⁴

Table 1. Article 8 guidelines – core principles for effective smokefree policies

1. Eliminate tobacco smoke to create 100% smokefree places
2. Protect everyone – don't allow exemptions
3. Use legislation not voluntary measures
4. Provide resources for implementing and enforcing the law
5. Include civil society as an active partner
6. Monitor and evaluate smokefree laws
7. Be prepared to extend the law if needed

This report focuses on best practice in current and forthcoming smokefree policies. It highlights 'gold standard' policies that are close to meeting Article 8 guidelines, and also looks at countries with smokefree laws that have some hospitality exemptions.

Subnational jurisdictions such as states, provinces and cities are also featured. Some countries with good smokefree laws, but that are not parties to the FCTC, are included in a separate section.

Gold standard smokefree laws

Several countries have set high standards for smokefree legislation (see Table 2). This 'gold standard' means that: Smoking is prohibited in all enclosed public places and workplaces, including bars, and restaurants, and public transport. Designated smoking rooms are not allowed. There are a small number of exemptions, limited to residential or quasi-residential premises such as prisons, hotels and residential homes. The gold standard laws offer the best possible protection from secondhand smoke for most people, but a small number of workers remain exposed.

Table 2. Countries with comprehensive national smokefree laws that do not allow designated smoking rooms

Country	Date implemented
Ireland	2004
New Zealand	2004
Panama	2008
United Kingdom	2007
Uruguay	2006
Turkey	2008*

*entertainment venues in 2009

Ireland, the UK and Panama have laws that come closest to meeting the Article 8 guidelines. The other countries with gold standard laws are New Zealand, Turkey and Uruguay. Uruguay was the world's first middle-income country to enact smoke-free legislation, and has influenced other countries in Latin America to adopt smokefree policies.⁴ In Turkey, the legislation does not come into force in entertainment venues, such as bars and restaurants until July 2009.

Four years after the introduction of smokefree legislation in Ireland, compliance remains high at 95%.⁵ Other gold standard countries have experienced similar high levels of compliance.^{6,7}

^{8 9} Smokefree laws are popular with the public too, with support for them rising sharply after the laws were introduced.^{10 11 12}

Smokefree laws with exemptions

Table 3. Countries with national smokefree laws that allow designated smoking rooms or other hospitality exemptions

Country	Date implemented
Estonia	2007
Finland	2007*
France	2008
Iceland	2007
Italy	2005
Kenya	2008
Lithuania	2007
Malta	2005
Niger	2008
The Netherlands	2008
Norway	2004
Singapore	2007
Slovenia	2007
South Africa	2007
Sweden	2005
Thailand	2008

*Bars and restaurants in 2009

Many countries have introduced laws that prohibit smoking in indoor public places and workplaces, including bars, restaurants and public transport, but allow designated smoking rooms (DSR) or other hospitality exemptions such as cigar rooms (see Table 3). The most recent is Niger which enacted smokefree legislation on 12 September 2008.¹³ In some countries, such as France, Italy and Sweden, the strict criteria for DSRs – ventilated, completely separate, no food or drink served – mean that few venues have chosen to establish them. In Norway smoking rooms are allowed in some workplaces but not bars and restaurants.¹² Several countries, including Estonia, South Africa and Singapore, allow food and/or drink to be served in DSR.

Finland passed legislation in 2007 prohibiting smoking in public places and workplaces, but restaurants and bars that are planning to install DSRs are exempt from it until 2009.¹⁴

These countries offer high standards of protection for most people most of the time. However they fall short of the Article 8 guidelines by allowing DSRs and other hospitality exemptions.

Subnational jurisdictions and local action

Although many countries have national smokefree laws, in some countries change is being driven by action at local level. Many cities, states, provinces and other territories worldwide have adopted strong and effective smokefree laws.

The best examples of how local action can influence smokefree policies across a country are Australia and Canada. In Canada 10 out of 13 provinces and territories have effective smokefree laws, with very few exemptions (hotel rooms, residential facilities and, in some places, gaming facilities). Smokefree legislation for outdoor spaces is also very strong in some provinces and territories.¹⁵

All of Australia's states and mainland territories have now prohibited smoking in indoor public places and workplaces. Four states have extensive laws with no exemptions. In Queensland, smoking is prohibited in all outdoor eating and drinking areas.¹⁶ The laws across Australia are becoming pro-



The cities of Mecca and Medina in Saudi Arabia became smokefree by Royal Assent in 2002.²⁰

Table 4. Subnational jurisdictions with smokefree laws not allowing designated smoking rooms

Subnational jurisdiction	Number of people protected (proportion of national population)
Australian states – Australian Capital Territory, Queensland, South Australia Tasmania	6.6 million (31%)
British Overseas Territory - Bermuda	66,000 (c.100%)
Brazilian city – Recife	1.5 million (0.78%)
Canadian provinces and territories – Alberta, British Columbia, Manitoba, New Brunswick, Northwest Territories, Nova Scotia, Nunavut, Ontario, Quebec, Yukon	31.5 million (95%)
Special Administrative Region, China – Hong Kong	7.0 million (c.100%)
Indonesian city – Cirebon	224,000 (0.09%)
British Crown Dependency – Isle of Man	76,220 (c.100%)
Mexican city – Mexico City	8.7 million (8%)
Venezuelan State – Monagas	856,000 (3.24%)

*Bars and restaurants in 2009

gressively more similar and more effective.

The British Overseas Territory of Bermuda has had comprehensive smokefree legislation since 2006.¹⁷ The Chinese Special Administrative Region of Hong Kong passed smokefree laws (allowing DSRs) in 2007. Bars and restaurants are exempt until July 2009.¹⁸ Subnational jurisdictions in Venezuela also have smokefree laws.¹⁹

Good progress has been made in individual cities. Mexico City prohibited smoking in public places and workplaces in 2008 and does not allow DSRs. Cities in Brazil and Indonesia have also adopted comprehensive smokefree laws.¹²

Smokefree soon

As the momentum for smokefree public places continues to grow, more countries will be implementing effective national smokefree legislation in the near future. Several of them are low- or middle-income countries. Mexico strengthened its smokefree law in early 2008, and it is expected to be implemented soon.²¹ In Nigeria a national

tobacco bill has been drafted that will prohibit smoking in all public places.²² The Nigerian Federal Capital Territory has been smokefree since June 2008.²³ India will extend its smokefree legislation to cover workplaces in October 2008, though DSRs are allowed in workplaces and restaurants. The cities of Chennai and Delhi are planning to follow Chandigarh (which passed smokefree legislation in 2007) and become smokefree in the next two years.¹² Colombia has passed smokefree legislation which will come into force in December 2008.



Some countries that are not parties to the FCTC have made good progress with smokefree laws.

USA – 13 states, Washington DC and Puerto Rico have laws prohibiting smoking in public places and workplaces, with four more in 2009.

Argentina – five provinces have comprehensive smokefree laws: Córdoba, Mendoza, Neuquén, Santa Fe and Tucumán

Switzerland – several cantons have introduced smokefree laws, with Geneva’s being the most comprehensive

Moldova – smoking is prohibited in all indoor public places and workplaces. DSRs are allowed. Enforcement has been problematic. ^{24 25 26 27}

Helping more countries to adopt strong and effective smokefree laws

GSP recognises that lack of resources and technical expertise can hinder progress towards adopting, implementing and enforcing smokefree poli-

cies. With this in mind an Article 8 toolkit has been developed to provide advocates and policymakers around the world with resources to help them campaign for strong and effective smokefree policies. It includes key components and an overview of Article 8, a civil society tool for using the Guidelines, a policymaker's guide for compliance, and a media briefing. It is being released at the third session of the Conference of the Parties to the FCTC (COP 3) and is available at www.globalsmokefreepartnership.org.

The first 40 countries to ratify the FCTC have a deadline of February 2010 to legislate for effective smokefree policies. Several countries in this group have implemented strong and effective smokefree legislation, but most have not done so.

GSP strongly urges governments to act now to adopt strong and effective smokefree laws. Article 2.1 of the FCTC calls on Parties to “implement measures beyond those required”. We therefore ask all Parties to strive to achieve a gold standard and fully comply with the recommendations included in the Article 8 guidelines.

- **GSP would like to congratulate all the countries and subnational jurisdictions around the world that have adopted and enforced strong effective smokefree policies, or are planning to in the near future.**
- **We urge governments to adopt smokefree policies in line with the Article 8 guidelines by 2010.**
- **Please contact us for assistance with your campaign. We offer technical and operational assistance, as well as help with documents, websites and other resources.**



Visit www.globalsmokefreepartnership.org for more information

Prepared for the Global Smokefree Partnership by Gillian Griffith

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