



Briefing for the Public Petitions Committee

Petition Number: [PE1580](#)

Main Petitioner: Sheila Duffy on behalf of ASH Scotland

Subject: Guidance for Parliament staff on international health treaty standards

Calls on the Parliament to develop guidance for all those working in the Parliament, to ensure adherence to obligations under the Framework Convention on Tobacco Control, as set up by the World Health Organisation, and to which the UK is a signatory.

Background

Framework Convention on Tobacco Control

The Framework Convention on Tobacco Control is a World Health Organisation treaty. It has 168 signatories, including the United Kingdom. Responsibility for compliance therefore rests with the United Kingdom.

The treaty's purpose is to set minimum standards for the regulation of tobacco products and to encourage international co-operation in addressing tobacco issues. It includes a range of measures designed to reduce both the demand and supply of tobacco products.

These include provisions to control: exposure to tobacco smoke; tobacco packaging; and tobacco advertising. The treaty also contains measures to support those trying to give up smoking.

The petitioner's concerns relate to Article 5.3 of the treaty. This states:

“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.”

The petitioner argues that the Scottish Parliament has facilitated the participation of the tobacco industry in the formulation of public health policies, contrary to the treaty requirements. The petition includes two examples of when the Scottish Parliament has taken evidence from tobacco industry representatives.

Guidelines on Article 5.3

The World Health Organisation has produced additional guidelines to aid with the implementation of Article 5.3 ([“Guidelines for implementation of Article 5.3 of the WHO Framework Convention on Tobacco Control”](#) 2008).

These apply to all branches of government including, in the words of the guidelines, the “legislative” branch. They also apply to “any national, state, provincial, municipal, local or other public or semi/quasi-public institution or body within the jurisdiction of a Party” (paragraph 10).

The Guidelines put forward a range of principles and detailed recommendations to “ensure that efforts to protect tobacco control from commercial and other vested interests of the tobacco industry are comprehensive and effective” (paragraph 7).

Below is a selection of the recommendations that are most relevant to the work of the Scottish Parliament. The list is not intended to cover everything in the guidelines that could be relevant to the Scottish Parliament.

- Parties should interact with the tobacco industry only when and to the extent strictly necessary to enable them to effectively regulate the tobacco industry and tobacco products (recommendation 2.1).
- Where interactions with the tobacco industry are necessary, Parties should ensure that such interactions are conducted transparently. Whenever possible, interactions should be conducted in public, for example through public hearings, public notice of interactions, disclosure of records of such interactions to the public (recommendation 2.2).
- Parties should formulate, adopt and implement a code of conduct for public officials, prescribing the standards with which they should comply in their dealings (recommendation 4.2).

Note that recommendation 4.2 is in the context of avoiding conflicts of interest for government officials and employees.

Scottish Government Action

The Scottish Government published its [“Tobacco Control Strategy – Creating a Tobacco-Free Generation”](#) in 2013. This strategy commits the Scottish Government to a range of actions to promote a tobacco-free Scotland.

Among the commitments is a commitment to (page 13):

“commission an audit of the implementation of Article 5.3 of the Framework Convention on Tobacco Control in Scotland, with a view to providing the Scottish Government with options for ensuring the continued protection of public health policy from undue interference from the tobacco industry.”

The Scottish Government has yet to take forward an audit of its compliance. However, it does take steps to ensure that it meets its obligations under Article 5.3. For example, the role of tobacco companies has been highlighted in the context of the Health (Tobacco, Nicotine etc. and Care) (Scotland) Bill.

Scottish Parliament Action

In the context of a letter from ASH Scotland, the Conveners' Group of the Scottish Parliament discussed the Article 5.3 obligation at its meeting on [26 February 2015](#). The conclusion, reported in a letter from the Convener of the Standards, Procedures and Public Appointments Committee¹, was that it should be left to committees to decide how to approach the issue on a case by case basis. The letter also highlighted that some suggestions had been given to conveners about how the issue could be approached.

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29 October 2015

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¹ Letter from Stewart Stevenson MSP, Convener of the Standards, Procedures and Public Appointments Committee, to Sheila Duffy, Chief Executive of ASH Scotland, dated 19 March 2015.