Parliamentary Assembly
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Resolution 1286 (2002)[1]

Campaigning against passive and active smoking – daring to innovate and step up public health protection measures

Parliamentary Assembly

1. The harmful effects of tobacco on the health of smokers, their families, friends and colleagues and, in particular, their unborn children are now well known and undeniable. The Parliamentary Assembly is, however, aware that the habit of smoking is far from being in a state of decline; it is spreading among young people in particular, especially young women, and in many European countries which are Council of Europe member states tobacco consumption remains widespread, and smokers still enjoy a positive image.

2. The Assembly welcomes the fact that the World Health Organisation (WHO) is drafting a framework convention on tobacco control to combat this scourge at world level.

3. The Assembly recalls that the Council of Europe member states have made the protection of health a human right; recognition of this right implies that a tobacco smoke-free environment should be the norm for people living in Europe, and that non-smokers' rights should take priority over freedom to smoke.

4. The Assembly is concerned about the current practices and excesses of the tobacco industry, which is seeking to recruit new consumers and encourage them to become dependent on tobacco. It condemns the danger to young people, who are particularly vulnerable and exposed to such practices.

5. The Assembly therefore invites all member states to pass, without delay, public health legislation which is firmly anti-smoking and which:

gives urgent priority to drastically reducing smoking and recognising non-smokers' right to health protection;

makes smoke-free areas the absolute norm in enclosed places to which the public has access (public offices, workplaces, residential facilities and care centres, educational establishments, theatres and concert halls, sports venues, public transport, etc.). However, by derogation, clearly demarcated and separated areas could be set aside for smokers in public places and on company premises;

does not tolerate direct, indirect or disguised advertising of tobacco products or by-products in any form whatsoever;

encourages aggressive anti-smoking advertising that shows the harmful effects of tobacco smoke on the health of smokers and their entourage, and promotes the rights and image of non-smokers;

requires that tobacco products, particularly cigarette packets, bear a compulsory warning, written in strong terms, about the harmful effects of tobacco on the health of smokers and their entourage;

requires that all the ingredients of tobacco products are indicated and prohibits the use of chemical or other additives that increase dependency on tobacco;

prohibits any misleading term or expression that gives the impression that certain cigarettes are less dangerous.

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1. Assembly debate on 24 June 2002 (17th Sitting) (see Doc. 9463, report of the Social, Health and Family Affairs Committee, rapporteur: Mr Poty). Text adopted by the Assembly on 24 June 2002 (17th sitting).

6. The Assembly also invites member states to introduce:

appropriate policies to prevent adolescents, a tobacco industry target group, from starting to smoke and developing dependence on tobacco;

policies aimed at encouraging people to give up smoking,especially young people and pregnant women, by ensuring easy access to the various methods and substitutes available to help people stop smoking.

7. The Assembly recommends that member states adopt the “polluter pays” principle and levy a charge on all tobacco products, in addition to the relevant taxes, of an amount equivalent, if possible, to €0.75, €0.25 of which would go to a public body set up to finance anti-smoking activities, and the rest to research into, and treatment of, smoking-related diseases.

8. Member states must make sure that the legal provisions introduced accordingly are effectively enforced and are complied with; to this end, the states must recognise, among other things, consumer associations’ right to take a case to court and to seek compensation for the non-observance of legal prohibitions and for violations of non-smokers’ rights. In the event that these rights are not respected, member states could set up a mediation service to intervene as a first level of appeal, funded out of the tax on tobacco.

9. The Assembly asks the member states to conduct an active policy in favour of farmers who switch their production from tobacco to other products.

10. The Assembly also calls on member states to support the work of the World Health Organisation so that an efficient legal instrument for combating smoking worldwide is completed as soon as possible.