

# Article 19:

# Justice. Health. Saving Lives.



Tobacco control advocates from civil society and observer organizations delivered the call to advance liability to the Secretariat during COP10.

## Liability has the power to hold Big Tobacco accountable

### THE UNTAPPED POTENTIAL OF ARTICLE 19

Article 19 of the WHO Framework Convention on Tobacco Control (FCTC) is one of the treaty's most powerful but underutilized provisions. It enables Parties to hold the tobacco industry liable — civilly, criminally, and administratively — for the harms caused by its products, from health damages to environmental degradation.

For too long, the tobacco industry has used legal threats to deter governments from implementing strong tobacco control measures.<sup>1</sup> Now, global momentum is shifting.<sup>2,3</sup> Countries such as Brazil,<sup>4</sup> South Korea,<sup>5</sup> Nigeria,<sup>6</sup> and Canada<sup>7</sup> — plus, most recently, the U.S. city of Baltimore<sup>8</sup> — are taking legal action to make tobacco corporations pay for the damage they cause. And global leaders gathered at the World Conference on Tobacco Control in June 2025 called upon governments to hold the tobacco industry liable.<sup>9</sup>

Guided by the recommendations of the Expert Group on Liability,<sup>10</sup> COP11 offers a historic opportunity to strengthen national frameworks, secure justice, and ensure that the costs of Big Tobacco are borne by the industry, not the public.

### WHY ADVANCE ARTICLE 19?

- **Justice for harms:** Recover healthcare costs and environmental damages caused by tobacco products.
- **Public health funding:** Unlock resources for lifesaving tobacco control measures.
- **Industry accountability:** Expose wrongdoing, deter future misconduct, and change corporate practices.
- **Global readiness:** Parties worldwide are calling for more tools, expertise, and coordinated support.

Support is available. The FCTC **Civil Liability Toolkit**, now available in all six U.N. languages<sup>11</sup>, provides practical guidance for Parties to advance Article 19 implementation.

And the new **Expert Database**<sup>12</sup> connects governments with specialized experts and institutions that can provide technical and legal advice to help navigate liability cases.

## KEY POINTS FOR COP11 CONSIDERATION

Big Tobacco's tactics are ever-evolving. Public health approaches must evolve, too. Luckily, Article 19 is flexible and holds great potential. Three promising focus areas include:

- **Building a comprehensive liability approach:**

Advance civil, criminal, and administrative measures, including sanctions, levies, and fiscal guarantees, tailored to Parties' legal systems.

- **Addressing environmental and future harms:**

Explore remediation of decades of environmental damage and financial guarantees for products such as e-cigarettes and heated tobacco devices.

- **Increasing institutional support:** Strengthen the FCTC Secretariat's capacity to deliver technical guidance, facilitate workshops, maintain the Civil Liability Toolkit in six U.N. languages, and expand use of the legal Expert Database.

## RECOMMENDATIONS FOR PARTIES

At COP11, Parties should:

1. Adopt and operationalize the principles, practices, and policy options developed by the Expert Group.<sup>13</sup>
2. Ensure that Article 19 implementation is integrated into national tobacco control strategies, using legislative, administrative, fiscal, and regulatory tools.
3. Establish effective, proportionate, and dissuasive administrative sanctions; fiscal measures for cost recovery; and mechanisms to address environmental harms.<sup>14</sup>
4. Request the FCTC Secretariat to:
  - Continue documenting best practices and facilitating technical exchanges.
  - Report regularly on Parties' liability measures, including non-judicial approaches.

- Develop a self-assessment tool for administrative and non-judicial liability frameworks.
  - Promote and facilitate use of the Civil Liability Toolkit in all six U.N. languages and the legal Expert Database.
5. Commission a scoping paper on administrative and non-judicial liability, including environmental restoration and future harm guarantees.
  6. Share experiences, outcomes, and challenges through existing reporting channels.
  7. Continue to address tobacco industry accountability and liability, in line with rules of procedure, as a regular agenda item at all subsequent sessions of the COP, per the COP10 decision.

## COP11 AND ARTICLE 19

COP11 is a pivotal moment to make Big Tobacco pay for its harms. By endorsing and implementing the Expert Group's recommendations — across civil, criminal, and administrative domains — Parties can protect public health, safeguard the environment, recover costs, and ensure that the tobacco industry is held fully accountable.

### Spread the news!

Show your support for Article 19 and advancing tobacco industry liability at COP and MOP. Pick up your button and bookmark with us today.



For more information, email

[TobaccoCampaign@CorporateAccountability.org](mailto:TobaccoCampaign@CorporateAccountability.org)  
and visit [MakeBigTobaccoPay.org](http://MakeBigTobaccoPay.org).

## ENDNOTES

- 1 <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7709846/>
- 2 <https://ggtc.world/library/the-year-countries-made-big-tobacco-pay>
- 3 <https://tobaccocontrol.bmj.com/content/33/e2/e254>
- 4 <https://www.reuters.com/article/us-brazil-tobacco-lawsuit-idUSKCN1SS2DN>  
[8] <http://www.tobaccopreventioncessation.com/Using-the-judicial-system-to-fight-tobacco-Perspectives-from-the-Global-South,162648,0,2.html>
- 5 <https://www.reuters.com/article/korea-tobacco-lawsuit-idUKL3N0N61Z520140414> [8] <https://koreajoongangdaily.joins.com/news/2025-05-21/national/socialAffairs/Appellate-court-set-to-rule-on-Koreas-big-tobacco-case-over-cancer-insurance-coverage/2312438>
- 6 <https://nairametrics.com/2024/04/26/british-american-tobacco-hit-by-n10-6-trillion-lawsuits-in-nigeria-on-smoking-related-illnesses/?amp=1>
- 7 <http://www.tobaccopreventioncessation.com/Lessons-from-Canada-s-20-year-lawsuits-against-tobacco-companies,128456,0,2.html>
- 8 <https://www.publichealthlawcenter.org/commentary/250730/7/30/25-baltimore-triumphs-tobacco-waste-lawsuit-court-allows-case-progress>
- 9 <https://www.worldtobaccocontrol.org/wctc-2025-declaration/>
- 10 <https://storage.googleapis.com/who-fctc-cop11-source/Main%20documents/fctc-cop11-6-en.pdf>
- 11 <https://extranet.who.int/fctcapps/civil-liability-toolkit#>
- 12 <https://extranet.who.int/fctcapps/fctcapps/fctc/who-fctc-databases/article19-guideline>
- 13 <https://storage.googleapis.com/who-fctc-cop11-source/Main%20documents/fctc-cop11-6-en.pdf>
- 14 <https://tobaccocontrol.bmj.com/content/33/e2/e254>