

## Policy briefing: Standardisation and harmonisation of data and data collection initiatives

Fourth session of the Conference of the Parties to the WHO Framework Convention on Tobacco Control, 15-20 November 2010, Punta del Este, Uruguay

### Recommendation

The fourth session of the Conference of the Parties to the WHO Framework Convention on Tobacco Control should decide:

- to establish an expert group, comprising nominees of the Parties with specific expertise, staff of the Convention Secretariat, representatives of WHO's Tobacco Free Initiative, and representatives of relevant intergovernmental and nongovernmental organisations with specific expertise, to:
  - revise the reporting tools developed in accordance with Article 21 of the Convention and the data collection instrument used for WHO's global tobacco control report, in order to elaborate a single agreed data collection instrument which effectively facilitates the provision of information about all aspects of implementation of the Convention;
  - identify, and, where necessary, develop, standard definitions and indicators for use in the single data collection instrument, which shall include the definitions in Article 1 of the Convention and supplementary definitions provided in guidelines for implementation of the Convention;
  - submit the single data collection instrument, including the definitions and indicators, for consideration and adoption by the Conference of the Parties at its fifth session; and
  - request competent authorities within WHO, in particular the Tobacco Free Initiative, and invite other relevant intergovernmental, governmental and nongovernmental organisations, to use the single instrument for data collection efforts relating to tobacco control;
- that all Parties, except those required to submit reports in 2012, shall submit reports using the single agreed data collection instrument to the Convention Secretariat no later than 10 months in advance of the sixth regular session of the Conference of the Parties;
- that all Parties shall report using the single agreed data collection instrument no later than 10 months in advance of each subsequent regular session of the Conference of the Parties;
- to reaffirm the need for assistance to Parties in fulfilling their reporting obligations, and to request the Convention Secretariat, with the assistance of competent authorities within WHO, in particular the Tobacco Free Initiative, to increase the efficiency and effectiveness of such assistance; and
- to request the Convention Secretariat, with the assistance of competent authorities within WHO, in particular the Tobacco Free Initiative, to further develop the database of Parties' reports so that periodic reporting may achieve its objective of enabling Parties to understand and learn from each others' experience in implementing the Convention.

## Background

Under Article 21 of the WHO Framework Convention on Tobacco Control (FCTC), each Party is required to submit periodic reports on its implementation of the Convention in a format and frequency determined by the Conference of the Parties (COP).

Parties' reports are required to include information on various matters specified in Article 21 including: legislative, executive, administrative or other measures taken to implement the Convention; constraints or barriers encountered in implementation and measures taken to overcome these barriers; financial and technical assistance provided or received for tobacco control activities; surveillance and research undertaken; and other specified matters relating to taxation, advertising, promotion and sponsorship, illicit trade, health effects of tobacco consumption and exposure to tobacco smoke, and legislation, regulation and pertinent jurisprudence.

In its decision adopting the provisional format for Parties' first reports, the first session of the Conference of the Parties (COP-1) noted: 'The objective of reporting is to enable Parties to understand and learn from each others' experience in implementing the WHO Framework Convention on Tobacco Control' (decision FCTC/COP1(14)). It also indicated that Parties' reports would 'form the basis' for the COP's consideration of implementation of the Convention, in accordance with its responsibility under Article 23.5 to 'keep under regular review the implementation of the Convention and take the decisions necessary to promote its effective implementation'. In establishing the reporting arrangements for the Convention, COP-1 decided 'to further consider the matter of reporting in 2010'.

While progress has been made between COP-1 and the fourth session of the COP (COP-4) – tools for the submission of reports have been developed, most Parties have submitted at least one report, these reports have been made available on the website of the Convention Secretariat, and the Secretariat has prepared three 'global progress reports' – the FCTC reporting instrument is still some way from effectively fulfilling its objectives.

A large number of Parties are having difficulty in completing and submitting their reports. According to the Convention Secretariat's report for COP-4 on key findings in relation to the reports of the Parties and global progress in implementation (document FCTC/COP/4/14), of the 153 Parties due to submit their first reports (two years after entry into force) prior to the preparation of the Secretariat's report, only 37 submitted their reports on time – 51 submitted with a delay of up to six months, 15 with a delay of up to 12 months, 32 with a delay of more than 12 months, and 18 are yet to submit their reports (15 of which are overdue by more than 12 months). In the most recent reporting cycle (requiring submission of second reports five years after entry into force of the Convention), just under half of the Parties due to submit their reports prior to the preparation of the Secretariat's report had done so.

A key problem in relation to the reporting process is lack of capacity, both at the domestic and international levels. Many Parties report inadequate technical and financial resources as a barrier to implementation of their obligations under the Convention. In respect of their reporting obligations, Parties' capacity is particularly stretched by the existence of a range of other data collection initiatives, both national and global. In particular, data collection for WHO's global tobacco control report (GTCR) is considered to overlap with the reporting process under the Convention. At the international level, the FCTC COP has applied insufficient resources to the elaboration of reporting tools, the provision of assistance and support to Parties in fulfilling their obligations, and the effective use of the resulting reports.

Capacity constraints present serious barriers to the achievement of the reporting system's objectives of enabling Parties to understand and learn from each others' experience and providing the COP with the information it needs to review and promote implementation. An additional barrier is presented by the decision to establish graduated reporting arrangements – with each Party reporting two years, five years and eight years after entry into force of the Convention for that Party. These staggered reports, which show progress at a range of different dates for different Parties, do not allow for a full picture of global progress in implementation.

At its third session (COP-3), the COP noted 'the need for constant assessment of the reporting system ... in order to track progress, to improve the comparability of data and to highlight the challenges and opportunities in implementation', recognising 'that increased international collaboration, exchanges of information and mutual assistance are critical elements of the Convention' (decision FCTC/COP3(17)). The decision requested a report 'on measures: a) to improve the comparability of data over time; b) to standardise collected data within and between Parties; c) to develop indicators and definitions for use by Parties' national and international data collection initiatives; and d) to further harmonise with other

data collection initiatives', and requested the Secretariat to assist Parties, upon request, in meeting their reporting obligations.

The requested report (document FCTC/COP/4/15), prepared by the Secretariat with the cooperation of WHO's Tobacco Free Initiative (TFI) and input from a number of Parties, as well as other relevant organisations, has been submitted for consideration by COP-4. The Framework Convention Alliance (FCA) commends the report, which contains a number of very useful 'recommended steps' for the COP's consideration (para 81). These include:

- for 'harmonisation in relation to the reporting instrument of the Convention and the GTCR survey', a 'fully aligned process through a single internationally agreed instrument';
- providing 'a full list of standard definitions so that each Party is aware of the standards and specifications of the information requested';
- 'aligning the treaty reporting cycle with the cycle of sessions of the Conference of the Parties';
- 'promoting and offering assistance to Parties, particularly developing country Parties and Parties with economies in transition, in the process of reporting to ensure completeness and quality of data reported'; and
- 'collating information on tobacco-control laws and regulations from different existing databases, completion of such information, if necessary and promoting its use', so as to 'enable governments and research groups to access relevant information in one place'.

### **Development of a single internationally agreed data collection instrument with standardised definitions and indicators**

The report on standardisation and harmonisation notes that participation in data collection exercises 'imposes a burden on available capacities in many countries, particularly those with limited resources'. As such, harmonisation will 'ensure better use of available resources in both data collection and management, analysis and dissemination'.

The report identifies two principal international tobacco control monitoring systems: the reporting system of the Convention; and the survey for WHO's GTCR, which is coordinated by TFI and has, since 2007, collected annual data on the demand reduction measures included in TFI's 'MPOWER package'. The overlap between the two processes has been identified as 'the main concern for governments' with respect to tobacco control reporting/monitoring systems, and Parties and experts have 'voiced their support for a full alignment in process and content so as to eliminate the need for double reporting'.

FCA fully supports the recommendation for revision of the Convention's reporting instrument and the GTCR to develop a single internationally agreed data collection instrument. FCA commends the Secretariat and TFI for initiating the process of comparing the reports to develop questions that 'better assist Parties in providing relevant information'. In this regard, FCA would like to again draw the COP's attention to its concerns in relation to the questionnaire and instructions developed for reporting under the Convention.

As previously indicated, FCA considers that there are a number of questions in the reporting questionnaire and directions in the accompanying 'step by step instructions' that confuse, misstate or omit important provisions of the Convention, including, in particular, questions and instructions relating to Articles 8, 11, 12, 13, 15 and 20. These errors have the potential not only to create unnecessary difficulties for Parties in completing their reports and to undermine the quality and usefulness of information provided, but also to negatively affect Parties' understanding, and therefore implementation, of their obligations. FCA has also recommended amendments to facilitate the provision of more complete responses and assist in contextualising responses. FCA would like to reiterate its earlier comments and recommendations for consideration by COP-4 in relation to the question of the need for an expert group to elaborate a single internationally agreed data collection instrument which effectively facilitates the provision of information about all aspects of implementation of the Convention.<sup>1</sup>

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<sup>1</sup> See FCA's COP-3 policy briefing on 'Reporting and exchange of information', available online at [http://www.fctc.org/dmdocuments/COP3\\_policy\\_briefing\\_reporting.pdf](http://www.fctc.org/dmdocuments/COP3_policy_briefing_reporting.pdf). In the period between COP-3 and COP-4, FCA prepared a policy briefing to be considered by the Bureau in adopting amendments to the Group 2 questions in accordance with its mandate under decision FCTC/COP3(17), and a policy briefing for consideration by the Convention Secretariat in the elaboration of 'a set of step-by-step instructions to assist in completing Group 2 questions', as per the request in the COP decision. These are available at <http://www.fctc.org/images/stories/FCA%20briefing%20on%20reporting.pdf>.

FCA supports the recommendation that the process for elaboration of the single data collection instrument include development of 'a full list of standard definitions so that each Party is aware of the standards and specifications of the information requested', which will lead to 'more accurate and comparable answers'. As stated in the report, '[c]lear definitions and indicators are crucial as far as the quality of collected data is concerned'. Experts who provided input into the elaboration of the report 'agreed that there is a need for further consideration of the definitions and indicators' for specific articles of the Convention, taking into account implementation guidelines adopted by the COP. Indicators should facilitate objective measurement of Parties' progress in implementation of their obligations. As recommended in the report, 'emphasis should be given to including all definitions available not only in the Convention but also in the guidelines for implementation of the Convention', and to clarifying 'notions appearing in various questions in the reporting instrument' (eg 'complete' and 'partial' bans under Articles 8 and 13). Again, FCA would like to reiterate the concerns it has previously raised and the recommendations it has made in relation to the Convention's reporting questionnaire and instructions.

As noted in the report on standardisation and harmonisation, the single data collection instrument should be used by both the Convention Secretariat and TFI in monitoring progress in global tobacco control. The report also recognises that, while complete standardisation across tobacco control surveys 'would not necessarily be beneficial' (as some variations 'lead to a wider diversity of questions, which result in the collection of a broader set of information'), further standardisation, 'in cooperation with WHO, as called for in Article 20 of the Convention, would contribute to better comparability of data'. FCA agrees that consistency and coherence in tobacco control data could be improved by broader usage of standardised definitions and indicators, and recommends that the COP invite other relevant intergovernmental, governmental and nongovernmental organisations to use the single data collection instrument for data collection efforts relating to tobacco control.

#### **Alignment of the treaty reporting cycle with sessions of the Conference of the Parties**

The report on standardisation and harmonisation notes that the 'full capacity of the reporting system of the Convention to provide globally comparable data could be realised if Parties were requested to report preferably at the same point in time'. It recommends transition to 'a two-year reporting cycle linked to sessions of the Conference of the Parties', to replace the current link between reporting dates and dates of entry into force. FCA supports this recommendation, which will in time allow for the reporting process to provide a full picture of global progress in implementation, as well as for comparison between different Parties at a single point in time.

FCA considers that it is critical to ensure that the single date for submission of reports is set sufficiently far in advance of sessions of the COP to allow for the reports to be published and comprehensively analysed. The report on standardisation and harmonisation suggests that '[i]f convening the sessions of the Conference of the Parties during the last quarter of the year remains the practice as so far established, reports of the Parties could be submitted in the early months of that year, for example by the end of April'. FCA does not consider that the suggested deadline, approximately six months in advance of a regular COP session, would allow sufficient time for publication, comprehensive review and analysis of the reports, as well as translation and dissemination of analysis documents such as the Secretariat's global progress summary. To allow for completion of the work necessary to facilitate the COP's task of reviewing implementation, FCA recommends that all Parties' reports be required to be submitted by a single deadline no later than 10 months in advance of each regular session of the COP.

FCA also considers that it is essential to allow sufficient time for the process of developing the single data collection instrument, recognising that it will be important for experts nominated by Parties, staff of the Convention Secretariat, representatives of TFI, and representatives of relevant intergovernmental and nongovernmental organisations with specific expertise to participate in this process. The report suggests that 'transition from the existing reporting timeline could start after the fourth session of the Conference of the Parties and be completed by its fifth session in 2012'. If it is envisaged that the new single deadline will require Parties to report using the single agreed data collection instrument, FCA does not consider that the transition should take place until after COP-5. The period between COP-4 and COP-5 should allow for the process of developing the instrument, with the results considered and adopted by COP-5. All Parties should then be required to report using the single data collection instrument no later than 10 months in advance of the COP's sixth regular session (COP-6). The small number of Parties required to submit reports in 2012 in accordance with the existing reporting timeline should be exempted from this requirement, and should submit reports using the single agreed

instrument on the next universal reporting deadline, no later than 10 months in advance of the COP's seventh regular session (COP-7).

### **Assistance to Parties in fulfilling their reporting obligations**

FCA fully supports the recommendation in the report on standardisation and harmonisation that the arrangements to support the single data collection instrument include 'promoting and offering assistance to Parties, particularly developing country Parties and Parties with economies in transition, in the process of reporting to ensure completeness and quality of data reported'.

The COP has previously requested the Convention Secretariat to assist Parties in fulfilling their reporting obligations, but the resources provided for such assistance have been insufficient. Under the 2010-2011 workplan and budget (decision FCTC/COP3(19)), activities to support Parties in fulfilling their reporting obligations were planned to be funded by extrabudgetary funds. As yet, no extrabudgetary funds have been received, and the Secretariat's interim performance report (document FCTC/COP/4/20) indicates that 'action will be required to overcome risks related to funding' for these critical activities.

As noted in the report on standardisation and harmonisation, '[t]he experience of different Parties indicates that reporting is a resource-demanding process both with respect to human and – if the data required to be reported are not available – financial resources'. '[E]nsuring completeness' and improving quality and accuracy of the data reported by establishing, sustaining and strengthening national capacities for research and data collection 'is a major objective to be addressed during the harmonisation process'. This should include training of data collectors and provision of support in the data collection process.

The report recommends that '[t]he necessary assistance should be made available and offered, on demand, by either the Convention Secretariat, WHO's Tobacco Free Initiative or WHO regional and country offices, whatever is the most accessible for the Party, and which has the necessary expertise on the respective item'. FCA agrees with this recommendation, and recommends that COP-4 reaffirm the need for assistance to Parties in fulfilling their reporting obligations and request the Secretariat, with the assistance of competent authorities within WHO, in particular TFI, to increase the efficiency and effectiveness of such assistance.

### **Further development of the database of Parties' reports**

As noted in the report on standardisation and harmonisation, '[w]orldwide there is an impressive number of databases which make tobacco-related information available, including several databases within WHO'. However, only the database of Parties' reports on the website of the Convention Secretariat provides a 'comprehensive source, specific to the Convention'.

FCA is pleased to see that the database, which is currently only searchable by name of Party, and provides the information contained in the reports only in their original pdf format, 'will be further developed and, **by the fourth session of the Conference of the Parties**, it will also allow progress on the implementation of the Convention to be tracked by its different provisions, both regionally and globally, and it will integrate the database on available resources for implementation of the Convention'. FCA considers that a complete, user-friendly database is critical to the reporting instrument's objective of enabling Parties to understand and learn from each others' experience in implementing the FCTC, as well as in allowing for the promotion and facilitation of implementation, particularly by intergovernmental and nongovernmental observers.

FCA supports the recommendation in the report on standardisation and harmonisation that the process to be initiated by COP-4 include 'collating information on tobacco-control laws and regulations from difference existing databases, completion of such information, if necessary and promoting its use', so as to 'enable governments and research groups to access relevant information in one place'. In view of the importance of the database of Parties' reports to the achievement of the objective of the Convention, FCA considers that this process should focus on further development of this central database, with information from other databases included in or linked to the website of the Convention Secretariat. FCA therefore recommends that COP-4 request the Secretariat, with the assistance of competent authorities within WHO, in particular TFI, to further develop the database of Parties' reports to enable periodic reporting under the FCTC to achieve its objective.