

“Bicentennial of National Independence: 1811 – 2011”

[EMBLEM: REPUBLIC OF PARAGUAY]

Ministry of Public Health and Social Welfare

Secretary General

S.G. Resolution No. 180

WHEREBY BOTH INDOOR AND OUTDOOR AREAS OCCUPIED BY THE PREMISES OF THE MINISTRY OF PUBLIC HEALTH AND SOCIAL WELFARE, CENTRAL LEVEL, ARE DECLARED “ONE HUNDRED PERCENT TOBACCO SMOKE-FREE,” AS WELL AS THE DEPARTMENTS OF HEALTH, ITS OFFICES AND ANY OTHER FACILITY OF THIS INSTITUTION, THROUGHOUT THE TERRITORY OF THE REPUBLIC

Asunción, April 7, 2009

IN LIGHT OF:

The submission received on March 16, 2009, as File No. 2457, whereby the Office of the National Program for Tobacco Control, a component of the Ministry of Public Health and Social Welfare, requests expansion of the measure implemented by S.G. Resolution No. 283, dated April 29, 2005, which prohibits smoking in all Hospitals, Health Centers and Posts, as well as in other areas that are dependencies of this State Secretariat; and

WHEREAS:

The Framework Convention for Tobacco Control of the World Health Organization (WHO), which Paraguay approved by Law No. 2969, promulgated on August 10, 2006, and its protocols, have as their objective *“to protect present and future generations from the devastating health, social, environmental and economic consequences of tobacco consumption and exposure to tobacco smoke by providing a framework for tobacco control measures to be implemented by the Parties at the national, regional and international levels in order to reduce continually and substantially the prevalence of tobacco use and exposure to tobacco smoke.”*

Through said legal instruments, Paraguay, together with the other States Parties, have undertaken binding commitments in their respective territories, such as those appearing in Article 4 – Basic Principles, number 1, of the aforesaid Convention: *“Every person should be informed of the health consequences, addictive nature and mortal threat posed by tobacco consumption and exposure to tobacco smoke and effective legislative, executive, administrative or other measures should be contemplated at the appropriate governmental level to protect all persons from exposure to tobacco smoke.”*

In this same context, Article 5 – General Obligations – of the Convention and the Law establish the following: *“Each Party shall develop, implement, periodically update and review comprehensive multisectoral national tobacco control strategies, plans and programmes in accordance with this Convention and the protocols to which it is a Party;”* and Article 8 – Protection against exposure to tobacco smoke – number 1, states: *“Parties recognize that scientific evidence has unequivocally established that exposure to tobacco smoke causes death, disease and disability;”* and number 2: *“Each Party shall adopt and implement in areas of existing national jurisdiction as determined by national law and actively promote at other jurisdictional levels the adoption and implementation of effective legislative, executive, administrative and/or other measures, providing for protection from exposure to tobacco smoke in indoor workplaces, public transport, indoor public places and, as appropriate, other public places.”*

In the legal framework cited, it is appropriate to update the regulations in force at the Ministry of Public Health and Social Welfare, incorporating exterior areas such as courtyards, parking areas and other open sites, into the Health Services and institutional facilities affected by the prohibition of smoking inside them, as set forth in S. G. Resolution No. 283/2005.

Pursuant to what is set forth in the National Constitution in its Article 242, Decree No. 21376/98 establishes that it is incumbent upon the Ministry of Public Health and Social Welfare to execute the general administration of the Institution, as the party responsible for the human, physical and financial resources thereof.

[stamp:] MINISTER OF PUBLIC HEALTH & SOCIAL WELFARE - THE MINISTER – [illegible signature]

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Ministry of Public Health and Social Welfare

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April 7, 2009

Sheet No. 2

NOW THEREFORE, by virtue of the legal provisions cited, and in the exercise of her attributions,

**THE MINISTER OF PUBLIC HEALTH AND SOCIAL WELFARE HEREBY
RESOLVES:**

- Article 1.** To declare **“one hundred percent free of tobacco smoke”** the areas occupied by the premises of the Ministry of Public Health and Social Welfare, central level, as well as by the Hospitals, Health Centers, Health Units, Laboratories, Institutes and other Health Services, Offices and any other ministerial facility, both in the capital as well as in the interior of the country; including covered places and open spaces such as courtyards, parking lots and other sites belonging to this State Secretariat.
- Article 2.** To prohibit the practice of smoking in the aforesaid areas, throughout their entire extent, and on a permanent basis; starting with the date of this Resolution.
- Article 3.** To establish that those responsible for the services and facilities of the Ministry of Public Health and Social Welfare must implement actions tending to motivate employees and/or hired personnel to comply and compel compliance in their respective work places with the Public Health measure set forth by this Resolution; for which they shall have the technical support of the National Program for Tobacco Control. To this end, employees and/or hired personnel must require offenders to stop smoking or leave the premises, and should they refuse, to seek the support of enforcement authorities.
- Article 4.** To determine that employees and/or hired personnel who violate this provision, tolerate or cover up in their work place persons who are violating it, shall be susceptible to the sanctions set forth in Law No. 1626/2000 – Public Employment, pursuant to Chapter 10 – Disciplinary Regime, Articles 64 to 71, inclusive.
- Article 5.** Provide notification hereof to the appropriate parties, and upon doing so, file it.

[stamp:] MINISTER OF PUBLIC HEALTH & SOCIAL WELFARE - THE MINISTER – [illegible signature]

**DRA ESPERANZA MARTÍNEZ
MINISTER**