

Declaration on Human Rights and a Tobacco-Free World




Protect **#HumanRights**. Together, we can
combat the tobacco industry and fight for a
#smokefree world. Sign the Declaration:
Declaration **#WCTOH2018**

2018

ANNUAL REPORT





"I'll never understand why a product that causes diseases and harm to nearly **every organ of the body** can be sold at every gas station and drug store. **No other hazardous, proven-deadly product receives the same free pass to be sold for mass consumption.**"

- Laurent Huber, ASH Executive Director

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EXECUTIVE DIRECTOR'S MESSAGE



The tobacco control community is at a crossroads. **The evidence is unequivocal: the most widely consumed nicotine delivery product, combustible cigarettes, an addictive and lethal product, kills more than 7 million people every year, and this number is still rising.**

The tobacco control community was united when combustibles and chewing tobacco products were the only game in town. But today, with an increasing variety of new nicotine delivery products becoming available, the public health community is divided between harm reduction enthusiasts (i.e. pro-e-cigarettes) and harm reduction skeptics (i.e. anti-e-cigarettes).

One side claims that the new products are the vaccine that could solve the tobacco epidemic and the other side argues that it will only increase nicotine addiction while not significantly decreasing the use of deadly combustible products. Data supporting both sides of these conflicting arguments is flooding the media, confusing the tobacco control community and general public alike.

Wherever you fall on the e-cigarette spectrum, we can all agree that children should not use any nicotine delivery devices. As such, the marketing of and flavorings used in e-cigarettes should be banned to further protect children from starting a life-long nicotine addiction while their brains are still being developed.

This situation has been further complicated with the claim made by cigarette companies that they want to transform their business and move towards a smoke-free future, leaving the public and governments wondering whether this is a public relations stunt that should be ignored or a legitimate strategy warranting efforts to accelerate that transformation. Given the history of the tobacco industry, there are good reasons to be skeptical and to uphold Article 5.3 of the WHO Framework Convention on Tobacco Control (FCTC) which recommends Parties, "Reject partnerships and non-binding or non-enforceable agreements with the tobacco industry."

If we want to avoid the predicted one billion preventable deaths caused by tobacco products in the 21st century, more needs to be done. The onus to achieve a smoke-free future must be on governments, and we cannot allow the tobacco industry to highjack the smoke-free future debate, as they are not motivated by public health objectives, but financial objectives. To be clear, the tobacco industry's objectives are not aligned with the obligation that governments have to protect the right to health of their citizens.



While the WHO Framework Convention on Tobacco Control (FCTC) has been instrumental in changing the global conversation about tobacco, implementation has been disappointing and a majority of countries seem to see the FCTC as a menu rather than a recipe, implementing one measure and declaring success. In its 2017 Report on the Global Tobacco Epidemic, WHO celebrated the fact that nearly 2/3 of countries are covered by at least one FCTC measure. This represents progress but not success. It is imperative that countries accelerate the implementation of all measures in the FCTC.

Surely, we can all agree that more needs to be done to address the death toll from combustible tobacco. Countries must consider Article 2.1 of the FCTC, which states that, "In order to better protect human health, Parties are encouraged to implement measures beyond those required by this Convention and its protocols."

We must save lives by ending the age of the cigarette.

A human rights approach to ending the tobacco epidemic can be the answer for the 21st century, as it frames the right to be free from smoking addiction and calls on governments to advance human development by implementing measures that decrease smoking. This will require accelerated and comprehensive implementation of the FCTC and encourage countries to look into new and innovative ways to reduce current smoking levels.

The FCTC is the floor, not the ceiling. Ending the completely preventable tobacco epidemic is a human rights and development challenge that the world can overcome this century!

A handwritten signature in black ink, appearing to read 'Laurent Huber'.

Laurent Huber
Executive Director
Action on Smoking and Health (ASH)

Goal 1: Serve as an incubator and catalyst for interventions that move the world towards ZERO tobacco use prevalence



ASH started 2018 by forming and leading a national coalition to phase out the sale of cigarettes. Experts on the committee began strategizing to ensure a joint mission and objectives were in place to strengthen this groundbreaking program of work.

As a research and advocacy-based organization, ASH coordinated with partners at Stanford University, the University of Oklahoma, and the Truth Initiative to determine the level of public support for phasing out the sale of cigarettes. We also began working with graduate students at Syracuse University's Newhouse School of Public Communications to garner baseline public opinion research that feeds into our communications plans for educating different audiences on why it's time to phase out the sale of cigarettes.

We educated and strategized with local tobacco control officials and advocates at various events and conferences, including the Reduce Tobacco Use Conference in Norfolk, VA and the Clearing the Air Institute in Missouri. These events were also valuable learning experiences for ASH, allowing us to test and strengthen our

messaging development for and grassroots support of this program.

The results of formal and informal surveys so far invite optimism – large segments of the public seem ready to discuss ending cigarette sales.

ASH staff were especially encouraged by the enthusiasm within the California tobacco control community, particularly when committing themselves to being the first in the U.S. to pass a sales ban on tobacco products. We do anticipate they will be first, and we are connecting them with members of our expert steering group to help as needed.

On the international front, ASH staff began conversations with advocates and regulators from various countries to determine interest in the topic. In early 2019, ASH formed an international coalition determined to phase out the sale of commercial cigarettes. We look forward to strengthening our coalitions of experts and supporters, and we foresee significant domestic and international growth for this program throughout 2019.

Goal 2: Hold the tobacco industry accountable through the rule of law



ASH's criminal liability program continues to gain momentum. This initiative, which seeks to hold tobacco executives and/or corporations criminally liable for tobacco related deaths, has three paths: foreign, domestic (U.S.), and international.

As a direct result of the legal training session we held in 2017, our partners in France at Comité National Contre le Tabagisme (CNCT) filed a criminal complaint in March 2018. In June of this year, we held our second training in Geneva, Switzerland. We continue to assist several groups from our training sessions as they work to file a case in their home countries.

We are continually invited to speak at conferences, most notably at the Conference of the Parties (COP) of the tobacco treaty, the Framework Convention on Tobacco Control (FCTC). The panel our Managing Attorney spoke on covered Article 19 of the treaty, which focuses on liability. There were 12 speakers, and all but ASH spoke on civil liability (lawsuits). However, another of the panelists was an ASH workshop trainee and a government representative to the COP. She publicly pointed out the necessity of criminal action and noted the insight she gained by attending ASH's training session. Slowly but surely, with our ongoing advocacy, the international tobacco control community is recognizing the possibility of criminal liability.

Our partners in the Netherlands at Sick of Smoking and the Dutch Cancer Society have

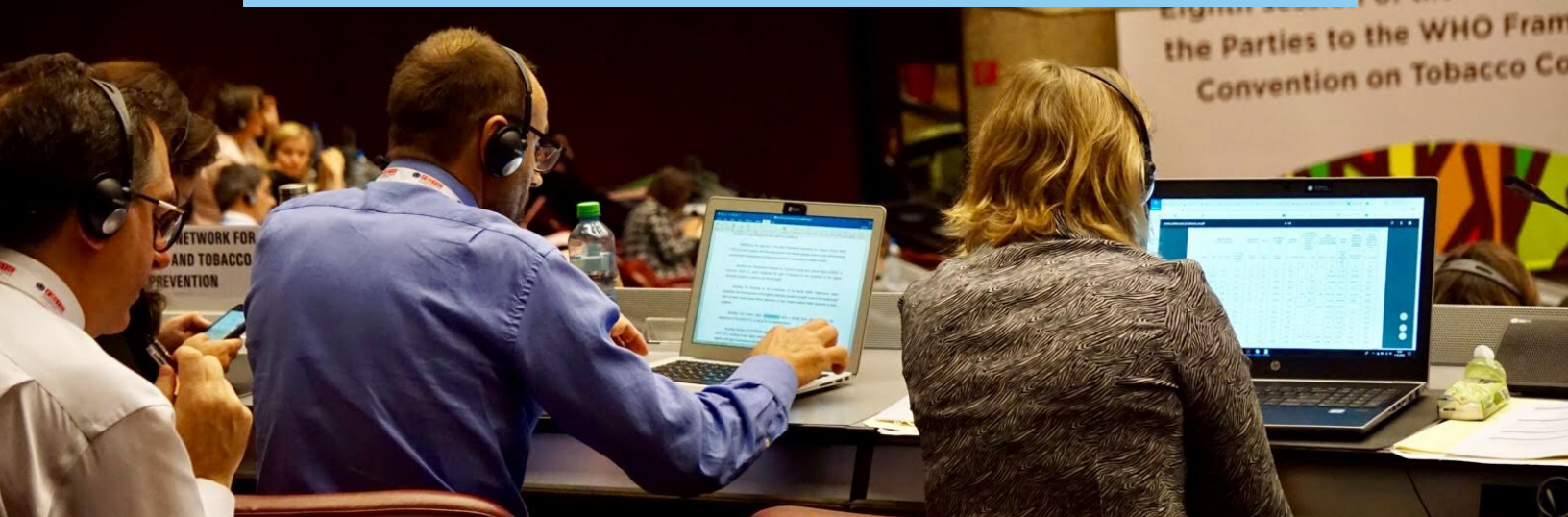
been working on a criminal complaint. The Dutch Prosecution Service declined to prosecute. ASH and our Dutch partners disagreed with this decision, so our Dutch partners appealed the prosecutor's decision to the court, asking them to require the prosecutor to press charges. Unfortunately, in December, the court decided they will not require the prosecutor to open a criminal case.

The Dutch court's verdict acknowledges that the tobacco industry knowingly makes a harmful and addictive product for financial gain. While the result is disappointing, this statement is a victory.

In many ways, this campaign has been a success. Sick of Smoking garnered incredible support in the Netherlands, in fact, 61% of the Dutch population approved of the criminal action. Their campaign highlighted the importance of eliminating smoking and helps pave the way for another of ASH's programs, phasing out the sale of cigarettes.

We are convinced that the efforts of our Dutch colleagues, which have been indefatigable in seeking a criminal case, will be equally tireless in working towards a smoke-free generation. While this result is disappointing, it is not surprising. Most people do not view cigarettes as an issue for the criminal court, but ASH and our colleagues will continue to work to change their minds. We will ensure that criminal charges be brought against the tobacco industry.

Goal 3: Use global norms to move local communities toward a zero tobacco-use prevalence



ASH solidified its position in 2018 as the organization spearheading the link between tobacco and human rights. Our work for the year included:

- 1.) Strengthening the capacity of public health advocates to use human rights arguments and human rights mechanisms to advance tobacco control;
- 2.) Encouraging the human rights community to include tobacco use reduction indicators in their programs of work; and
- 3.) Integrating tobacco control in global, regional and national human rights agendas.

ASH implemented a top down, bottom up approach to achieve the above aims. The top down approach promoted the inclusion of tobacco control in global human rights bodies such as the Human Rights Council and fostered collaboration among health and human rights mechanisms to reduce tobacco use through the global tobacco treaty (the WHO Framework Convention on Tobacco Control, FCTC) Conference of the Parties (COP).

Our bottom up approach built the capacity of tobacco control advocates, allowing them to use

human rights tools to advance tobacco control. This included running training sessions for public health leaders in Europe, Africa, and the Asia Pacific region on how to engage in human rights reporting processes to advance national tobacco control campaigns and strengthening partners' capacity to engage in regional and international human rights platforms and the processes associated with the WHO FCTC Conference of the Parties to cement the nexus between tobacco control and human rights. ASH also worked with national partners in Norway, Mexico, and Uruguay to include tobacco in their national reports to human rights treaty bodies.

A key activity from 2018 was ASH's attendance at the World Conference on Tobacco or Health (WCTOH) where we led a campaign for the conference and individual organizations to adopt the **Cape Town Declaration on Human Rights and a Tobacco-Free World**, released a video tutorial for advocates on how to use human rights tools, and ran a photo booth public messaging campaign to link tobacco and human rights. The Declaration was adopted by WCTOH on March 9th and signed by 163 civil society organizations worldwide, illustrating a consensus within the public health community on the connection between the tobacco epidemic and the human rights agenda.



ASH went on to submit the Cape Town Declaration to the United Nations Human Rights Council to inform and influence their discussions and upcoming High Commissioner report. ASH campaigned for the European Network for Smoking Prevention (ENSP) Conference to adopt the Cape Town Declaration and their own “Declaración de Madrid” which recognized the tobacco epidemic as an obstacle to the rights of Spaniards. The Asia Pacific Conference on Tobacco or Health (APACT) also adopted the Cape Town Declaration, rounding out the resounding global support for linking tobacco and human rights.

We promoted the addition of human rights to the WHO FCTC COP8 agenda. Our outreach resulted in countries seeking a way to formally address human rights during COP8. We then led the campaign to adopt their COP8 Decision to strengthen implementation of the FCTC through human rights tools. COP8 ended with a mandate given to the FCTC Bureau, Coordinators, and Convention Secretariat to present a draft human rights decision for FCTC COP9 in 2020.





Goal 4: Ensure effective communications that create a desire to end the tobacco epidemic

With our phase out program in the research phase and the criminal liability program focused on trainings, ASH's communications for 2018 were centered on our human rights program.

The World Conference on Tobacco or Health (WCTOH) in March was the start of our year-long campaign for the promotion and adoption of the Cape Town Declaration on Human Rights and a Tobacco-Free World. At WCTOH, we led a social media photo booth campaign to introduce our human rights work to tobacco control experts who were new to the connection. We produced two videos detailing the connection between tobacco and human rights that were well received, and our human rights fact sheets were used worldwide, establishing ASH as the organization leading this work.

ASH Executive Director Laurent Huber was the keynote speaker at the European Network for Smoking Prevention (ENSP) conference and garnered a lot of media attention for ASH with his new message framing the marketing and sale of cigarettes as a human rights violation.

We continued to grow our supporter base with a standing petition on our homepage that asks

supporters if they agree we need to get rid of cigarettes. And ASH benefited from Facebook's promotion of their new fundraising feature where fans can start their own fundraisers on our behalf.

Our relationships with health and tobacco reporters continued to grow, with *The Hill* and the *British Medical Journal (BMJ)* requesting exclusive op-eds from ASH. We also held our first press conference in Geneva, Switzerland to announce our organizational sign on campaign, calling on Switzerland to ratify the WHO FCTC. During the press conference, ASH Executive Director Laurent Huber moderated and made several connections back to tobacco as a human rights issue for governments to address.

In Geneva at COP8, ASH staff played a crucial role in the Framework Convention Alliance (FCA)'s communications work: supporting media outreach, social media and website posts; serving as event photographer; and contributing multiple *Daily Bulletin* articles while also running graphic design and helping with article editing. We are proud of our ongoing partnership with the FCA and other ally organizations that help amplify our joint end goal of reaching zero tobacco deaths.

ENDING THE TOBACCO EPIDEMIC

While ASH's programmatic achievements are impressive individually, they are even more effective because we've done them in concert. If there is one word that sums up ASH's work this year, it would be "synergy." **All of our major areas of work – criminal liability, phasing out cigarette sales, the tobacco treaty, and human rights – are puzzle pieces that fit together to end the tobacco epidemic.**

Synergy also applies to our partnerships. More than ever, our work is breaking down barriers and encouraging cooperation with experts in other areas. We are working with communications experts, criminal lawyers, government officials, videographers, and many, many more experts to ensure that our approach to ending the tobacco epidemic is efficient and effective.

Together, we can phase cigarettes off the commercial market. Together, we can hold tobacco executives criminally liable for selling a deadly product. Together, we can protect the health of generations to come.

Join us for the last chapter of the tobacco wars and support our fight by making a donation today. A world with zero deaths from tobacco is possible, and we can get there with your help.



Statement of Financial Position

	DECEMBER 31,	
	2018	2017 (AS RESTATED)
ASSETS		
Cash and cash equivalents	\$ 1,182,416	\$ 1,137,689
Grants and contributions receivable	48,000	334,853
Due from ASH - International	-	9,399
Prepaid expenses and other assets	9,378	21,046
Investments	4,314,614	4,851,264
Property and equipment, net	-	-
TOTAL ASSETS	\$ 5,554,408	\$ 6,354,251
LIABILITIES AND NET ASSETS		
LIABILITIES:		
Accounts payable	\$ 10,178	\$ 56,470
Accrued expenses and other liabilities	180,422	171,010
TOTAL LIABILITIES	\$ 190,600	\$ 227,480
NET ASSETS:		
Without donor restrictions:		
Undesignated	\$ 406,112	\$ 434,961
Board-designated	470,160	508,660
Total without donor restrictions	\$ 876,272	\$ 943,621
With donor restrictions	4,487,536	5,183,150
TOTAL NET ASSETS	\$ 5,363,808	\$ 6,126,771
TOTAL LIABILITIES AND NET ASSETS	\$ 5,554,408	\$ 6,354,251

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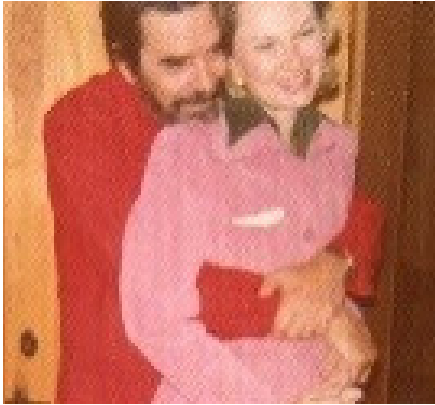
Partner Organizations

Advancing Tobacco Free Communities (ATFC)
American Academy of Pediatricians
American Cancer Society
American Heart Association
Americans for Nonsmokers' Rights
American Lung Association
Association of State and Territorial Health Officials
Bill & Melinda Gates Foundation
Bloomberg Initiative
Campaign for Tobacco-Free Kids
Canadian Cancer Society
Corporate Accountability International
Craigslist Charitable Fund
F.M. Kirby Foundation
Fragasso Financial Advisors
Framework Convention Alliance
Fundación Interamericana del Corazón Argentina
Georgetown University Law Center – Harrison Institute
Georgetown University Law Center – O'Neil
Institute for National and Global Health Law
Harvard School of Public Health
Human Rights and Tobacco Control Network

International Development Research Centre
Johns Hopkins University
National Association of Attorneys General
National Association of County and City Health Officials
NCD Alliance
Non-Communicable Disease Roundtable
Pan American Health Organization
Public Citizen
Public Health Law Center
Robert Wood Johnson Foundation
Seaway Valley Prevention Council
Southeast Asia Tobacco Control Alliance
The State University of New York, Potsdam
The Ohio State University Moritz College of Law
Truth Initiative
The South Centre The University of Maryland
Francis King Carey School of Law
Thoracic Foundation
University of California, San Francisco Center for Tobacco Control Research and Education
United Nations Economic and Social Council
United Nations Human Rights Council
World Health Organization



OUR MOTIVATION



When Sylvio started smoking to fit in and became a heavy smoker by age 14, he was far too young to know the reality of what his addiction would entail. He couldn't give up smoking despite ongoing sickness, and unfortunately, his smoking addiction eventually took his life.

Sylvio's wife Muriel survived him with severe chronic shortness of breath and asthma, due to secondhand smoke exposure.

Muriel is a longtime ASH supporter who inspires us daily to work to prevent more couples from suffering as they have.

"Nothing any of us will ever do will save as many lives as reducing the use of tobacco products."

- Michael Bloomberg, Former New York City Mayor

Betsy Mathews started smoking in 1944, her freshman year in college. She kept it up for 70 years until X-rays revealed two large, fast-growing tumors in her lungs.

She quit in the fall, but the doctor doubts it was discipline. More likely, he said, she inhaled one day and it felt like the devil breathing fire.

Death came two days after Christmas, six weeks after the diagnosis.

She was an active, vibrant person who ate the right foods and kept her weight down. Smoking-induced cancer stole her too soon from the grandchildren and the little great-grandbaby she loved so much.

When she still had enough strength to talk, her son asked if there was anything she'd like to share with others about smoking.

She whispered, "Tell them not to be like me."





Share this report

There's a reason why you stand with ASH. Let your friends, family, and coworkers know why ending the tobacco epidemic is important to you. www.ASH.org



Follow us on Social Media

Your daily updates on the latest successes in our movement can be found on Facebook and Twitter.



@ASHorg



Facebook.com/ASHglobalAction

Share your story with ASH

We want to know how tobacco has impacted your life and what motivates you to stay involved with our work. Email your story to HQ@ash.org and we can feature your experiences on our website, social media, and future reports. Your story may be the tipping point to get more people involved in the fight against big tobacco!

Sign up for newsletters

Email us at HQ@ash.org to begin receiving our quarterly newsletter of progress and ways to get involved.

Make a donation

You are the reason we can stand up to big tobacco every day. Your generosity and dedication allow ASH to be the catalyst for innovative concepts and groundbreaking programs which improve health for all. Without your help, we would not be the incubator pushing for a tobacco-free future. www.ash.org/donate



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