



# Why a Human Rights Approach to Tobacco?

HARRY A. LANDO

NCTOH

AUGUST 27, 2019

# Expressing tobacco control in human rights terms invokes a universally accepted moral framework

- Reaching out to women's and children's rights and other civil society organizations can broaden tobacco control coalitions
- Human rights advocates can become engaged in tobacco control advocacy


# A human rights approach to tobacco control is unique

- It calls on governments to protect their citizens by implementing tobacco control laws and strategies
- Combat tobacco epidemic based on legally binding human rights norms

**SMOKING  
PROHIBITED  
BY LAW**



Including E-cigarettes and All  
Other Electronic Smoking Devices



Human rights-based approach  
addresses societal factors and role of third  
parties that exacerbate the epidemic,  
especially among certain vulnerable groups

- Factors must be changed at societal level and not just by appealing to individuals to change their behavior

# Tobacco control and sustainable development

Member states of the UN adopted the Sustainable Development Goals in September 2015





# Which human rights are implicated?



- Life: Tobacco is the leading cause of preventable death
- Children: Tobacco marketing targets youth
- Health: Tobacco use infringes on achieving the “highest attainable standard of health”
- Education: Child labor in tobacco production, money spent on tobacco rather than education

# Human Rights and Tobacco Control Network

- First international meeting held in Lausanne, Switzerland in 2008 with 20 partners from around the world
- Meeting to discuss Human Rights Based Approaches (HRBA) to tobacco control
- Consensus at end of meeting to form HRTCEN
- Summary document produced including declaration and action steps

The Human Rights  
and Tobacco Control  
Network



# What is the basis for a human rights approach to tobacco control?



- Many countries have incorporated human rights in their constitutions
- With tens of millions of lives at stake worth examining whether human rights are relevant to tobacco control
- If so, how can a human rights framework meaningfully be applied?



# Applicable International Human Rights Standards



- Right to Health
- WHO constitution affirms that “the enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinction of race, religion, and political belief, economic, or social condition”.
- This right was reaffirmed in Article 25 of the 1948 United Nations Universal Declaration of Human Rights

# Human rights not only include physical and mental health, but societal and environmental conditions that enable that state of good health

- Human rights documents: International Convention on the Elimination of All Forms of Racial Discrimination (1969)
- Convention on the Elimination of All Forms of Discrimination Against Women, CEDAW (1981)
- Convention on the Rights of the Child (1989)





States have the duty to refrain from violating or interfering with human rights (respect); are required to prevent third parties from violating human rights (protect); and have the obligation to adopt and implement all appropriate measures to ensure that every person can realize their human rights (fulfill)

- This includes the government responsibility to take all necessary legislative, administrative, or other measures to regulate the tobacco industry in the most effective and enforceable way to protect the right to health

# Collaboration with Action on Smoking and Health



- ASH's accomplishments: Published article "Tobacco Industry Marketing: A Violation of Human Rights in Latin America"
- Presentation before Inter-American Commission on Human Rights, first time Commission considered tobacco as a human rights issue
- Successful campaign to end Danish Institute of Human Rights' partnership with Philip Morris International
- 2018 Cape Town Declaration



# Cape Town Declaration on Human Rights and a Tobacco-Free World <https://ash.org/declaration/>

- More than 150 signatory organizations from around the world
- Recognizes human rights as applicable to tobacco control
- Addresses human rights relevance of the Framework Convention on Tobacco Control





# Conclusion

- Production and marketing of tobacco are incompatible with key human rights including the right to health
- A human rights-based approach can reframe the discussion and attract additional stakeholders



# Continued

- Such an approach calls upon all of government and not just health ministries
- Given the magnitude of the global tobacco epidemic, using a human rights lens can increase the opportunity for bending the curve of the epidemic and preventing future tobacco-related deaths

# Resources used in presentation

Dresler C, Marks S. The emerging human right to tobacco control. Human Rights Quarterly 2006;28:599-561

Daynard R. Allying tobacco control with human rights: invited commentary. Tob Control 2012;21:213-214

World Health Organization. New avenues for tobacco control: links to sustainable development and human rights. European Tobacco Trends Report 2019

Dresler C, Henry K, Loftus J, Lando H. Assessment of short reports using a human rights-based approach to tobacco control to the Committee on Economics, Cultural, and Social Rights. Tob Control 2018;27(4):385-389

<https://ash.org/human-rights/>