

Special Report: Success and Immediate Action Needed on Tobacco, Social Inequity, and Human Rights



Speakers



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Policy Director, ASH



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Moderator

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Dedicated to **ZERO** Tobacco Deaths



The Tobacco Epidemic as a Human Rights Imperative

Chris Bostic

Policy Director

ASH > ACTION ON SMOKING & HEALTH

“For the tobacco industry, the UN Guiding Principles on Business and Human Rights therefore require the cessation of the production and marketing of tobacco.”

– Danish Human Rights Institute,
May 2017

THE DANISH
INSTITUTE FOR
HUMAN RIGHTS

Human Rights at Stake



Right to Life



Right to Health



Protection of Children



Right to Education & Information



LGBTQI Rights



Women's Rights



Right to a Healthy Environment



Right to Healthy Work Conditions



Right to be Free from Racial Discrimination



Rights of People with Disabilities

HUMAN RIGHTS: THE ARGUMENT

Everyone has a
right to life and
to health

Governments
have a duty to
enforce those
rights

Governments therefore
have a duty to protect
their citizens from the
tobacco industry and
harms from tobacco

Legal remedies are
available at the
international, regional,
and national levels.

RUGGIE PRINCIPLES

Protect =

Shield citizens from the tobacco industry

Respect =

Industry *should* uphold human rights norms without being forced

Remedy =

When industry wrongs individuals, they should have mechanisms to seek redress

Signing + Ratifying = National Law

The screenshot shows the United Nations Human Rights Office website. At the top, there are logos for the United Nations and the Office of the High Commissioner for Human Rights. Below the logos is a navigation bar with links: 'What are human rights?', 'Topics', 'Countries', 'Instruments & mechanisms', 'Latest', 'About us', and 'Get Involved'. The main content area is titled 'Human Rights Instruments' and 'CORE INSTRUMENT UNIVERSAL INSTRUMENT'. The title of the instrument is 'International Convention on the Elimination of All Forms of Racial Discrimination'. Below the title, it says 'ADOPTED 21 December 1965' and 'BY UN General Assembly resolution 2106 (XX)'. There are social media share buttons for Facebook, Twitter, and LinkedIn. Below that, there is a download link for a PDF and a link to 'View ratification status by country'. On the right side, there is a 'Table of Contents' section with links to 'PART I', 'PART II', and 'PART III'. Below the table of contents, there is a section titled 'Entry into force: 4 January 1969, in accordance with Article 19'. The text below this section states: 'The States Parties to this Convention, Considering that the Charter of the United Nations is based on the principles of the dignity and equality inherent in all human beings, and that all Member States have pledged themselves to take joint and separate action, in co-operation with the Organization, for the achievement of one of the purposes of the United Nations which is to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion, Considering that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour or national origin,

CERD Connection

CERD includes requirements to ensure that all people have the **right to public health**.

Because CERD is national law, governments are required to protect those rights.

Tobacco violates numerous human rights, but most notably, the **right to health**.

Tobacco companies violate citizens' **right to be free from racial discrimination** by targeting the Black community with menthol cigarettes.

We can report these violations to CERD who can ask countries to act to protect their citizens' rights.



Click here to watch Nichelle Gray's video presentation:
https://www.youtube.com/watch?v=KGIZsALnb_E

Tobacco Control Advocacy and The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)

Kelsey Romeo-Stuppy

Managing Attorneys

ASH > ACTION ON SMOKING & HEALTH

Special Report

- ✓ Background- how ASH got involved with CERD
- ✓ Report to CERD on the U.S.
- ✓ General Recommendation n°37
- ✓ Communications
- ✓ Outcomes/Impacts
- ✓ Resources



Menthol: A U.S. Example



Lawsuit against the FDA

Case 3:20-cv-04012 Document 1 Filed 06/17/20 Page 1 of 45

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7 Chris@PollockCohen.com

8 *Counsel for Plaintiffs African American Tobacco*
9 *Control Leadership Council and Action on Smoking*
10 *and Health*

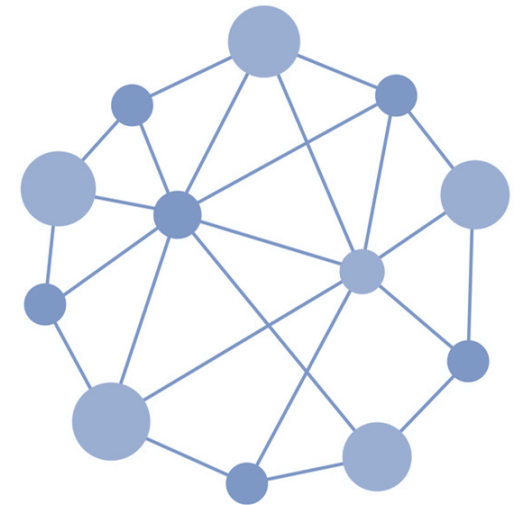
11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION

14 AFRICAN AMERICAN TOBACCO)
15 CONTROL LEADERSHIP COUNCIL and)
ACTION ON SMOKING AND HEALTH,)

Plaintiffs,)

Case No.:

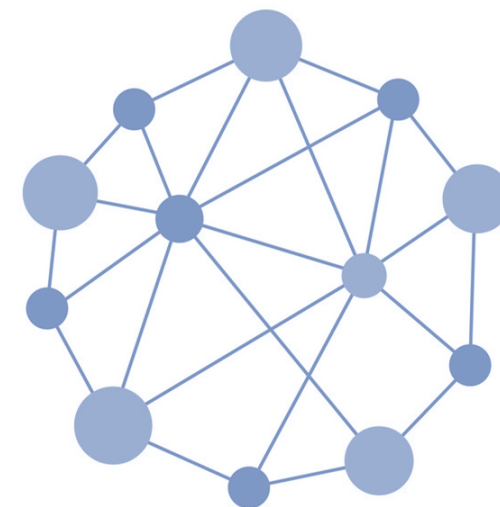
COMPLAINT
(Administrative Procedure Act Case)



Global action for *everyone's* health.

U.S. CERD Report

Info from Civil Society Organizations	Review - ACLU and TSP	14 Jul 2022	26 Jul 2022	View document
Info from Civil Society Organizations	Review - Action on Smoking & Health (ASH)	25 Jul 2022	28 Jul 2022	View document
Info from Civil Society Organizations	Review - American Civil Liberties Union (ACLU) of Puerto Rico	29 Jul 2022	02 Aug 2022	View document
Info from Civil Society Organizations	Review - American Civil Liberties Union and Human Rights Watch (Annex)	14 Jul 2022	26 Jul 2022	View document
Info from Civil Society Organizations	Review - Apache Nde Nnee Isdzánízhááhí Didígo Truthing Directive (IDTD)	25 Jul 2022	26 Jul 2022	View document
Info from Civil Society Organizations	Review - Apache Nde Nnee Isdzánízhááhí Didígo Truthing Directive (IDTD)	25 Jul 2022	26 Jul 2022	View document
Info from Civil Society Organizations	Review - Black Alliance for Just Immigration (BAJI), Bridge Alliance (HBA), Human Rights First (HRF), The Refugee and Immigrant Center for Education and Legal Services (RAICES), and Robert F. Kennedy Human Rights (RFK Human Rights) Communities United for Status and Protection (CUSP) and Institute for Justice & Democracy in Haiti (IJDH)	23 Jul 2022	27 Jul 2022	View document
Info from Civil Society Organizations	Review - Center for Reproductive Rights	19 Jul 2022	28 Jul 2022	View document
Info from Civil Society Organizations	Review - Center for the Human Rights of Children (CHRC)	16 Jul 2022	27 Jul 2022	View document



That's
great....

So what?

How the UN Committee on the Elimination of all forms of Racial Discrimination (CERD)'s General Recommendation 37 Advances Tobacco Control

HUMAN RIGHTS CONNECTION

Everyone has a right to life and to health

Governments have a **duty to enforce** those rights

Governments therefore have a **duty to protect** their citizens from the tobacco industry and harms from tobacco

Legal remedies are available at the international, regional, and national levels.

ICERD is a government obligation, and provides one path to seek remedies.

182 COUNTRIES HAVE RATIFIED CERD



Country Status

State Party (182) Signatory (3) No Action (12)

Individual communications procedure

Source: <https://indicators.ohchr.org>

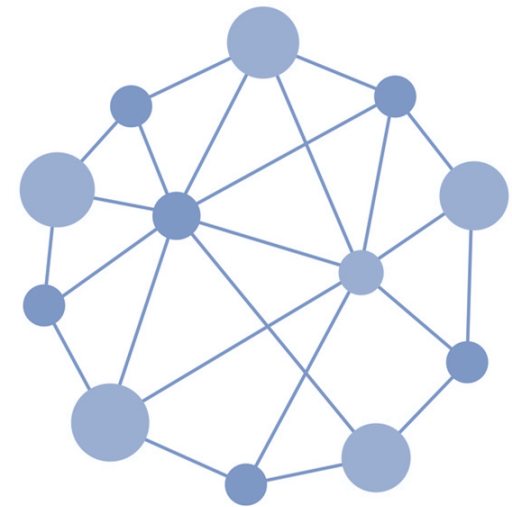
**Signing CERD +
Ratifying CERD =
National Law**

CERD has the force of national law, so
General Recommendation 37
will be a **global legal recommendation** to
strengthen tobacco control at the national level.

What is a General Recommendation?

GENERAL RECOMMENDATIONS

The Committee makes recommendations on any issue relating to racial discrimination to which it believes the States parties should devote more attention. Recommendations are not legally binding; however, they are considered authoritative statements on the interpretation of legal duties assumed by states parties to the treaty.



Step 1- GR 37

ASH submitted to a questionnaire issued by the Committee on issues to consider for a potential General Recommendation on Racism and the Right to Health

Submissions received

State parties

- Colombia
- Costa Rica
- Greece
- Mexico
- Spain

National Human Rights Institutions

- Defensoría Del Pueblo De La Nación República Argentina
- The Slovak National Centre for Human Rights

Civil Society

- Action on Smoking & Health (ASH)
- The Center for Reproductive Rights

Step 2- General Day of Discussion

Thematic discussion: Racial discrimination and the right to health, Day of General Discussion 2022

DATE

23 August 2022

LOCATION

ROOM XX, PALAIS DES NATIONS, GENEVA

ASH participated in the
Day of General
Discussion in Geneva

Step 3- GR 37

The Committee published
the first Draft of General
Recommendation
n°37(2023) on Racial
discrimination in the
enjoyment of the right to
health

Tobacco was included!

(a) *Racial discrimination in availability of public health, including essential medicine:*

Failure to provide public health on an equal footing includes:

(i) Failure to recognize causes of mortality and morbidity affecting disproportionately groups within the purview of the Convention as public health preventable risks, diseases and deaths.²² Mental health issues for groups within the purview of the Convention are disproportionately neglected in public health, resulting in exponentially nullifying or impairing their treatment on an equal footing. **Despite evidence-based racial tobacco and alcohol disparities, public health does not address them as such, leading to a vicious circle of morbidity and mortality reifying bias and stigmatisation among health professionals;²³**

(ii) Failure to eliminate racial discrimination in other determinants of health, such as safe and potable drinking water and adequate sanitation facilities,

(iii) Failure to provide reasonable, proportionate and steadily progressive availability of primary health care, hospitals, clinics and other health-related services, trained medical and professional personnel, and essential medicine. Distribution of public health and health-care facilities, goods and services, as well as programmes, are oftentimes disproportionately lacking in areas where individuals and groups protected under the Convention are spatially concentrated.²⁴ Public and private health systems, policies, and programmes fail to take into account high rates of maternal mortality among women belonging to groups within the purview of the Convention, or high rates of violence and their effect on physical and mental health of individuals, families and communities.

Step 4- Now- Comments on Draft

CALL FOR INPUT | TREATY BODIES

Call for contributions: Draft General Recommendation n°37 on Racial discrimination in the enjoyment of the right to health

ISSUED BY
CERD

DEADLINE
04 August 2023

**Comments are due by
August 4**

Recommendations in our [Comment](#)

- ✓ FCTC
- ✓ Advertising bans
- ✓ Flavor bans
- ✓ Indigenous peoples
- ✓ Culturally competent cessation support
- ✓ SDGs



What does victory look like?



Gold- the CERD committee adds all of our recommendations to the General Recommendation, lots of press



Silver- the CERD committee adds some of our recommendations to the General Recommendation, some press



Bronze- the CERD committee keeps the current recommendation, no interference from the industry

Potential Impact

- ✓ Governments are obligation to view tobacco control as part of their HR obligations under ICERD
- ✓ CERD can question countries about tobacco control progress
- ✓ Press/ Publications- elevate tobacco as a HR issue
- ✓ Influence tobacco control locally, nationally, and internationally.

Amplifying the CERD Sign On Report

Megan Manning

Associate Director of Communications
ASH > ACTION ON SMOKING & HEALTH

What you can do

- ✓ Sign on to the CERD report
- ✓ Invite more organizations to sign on to the CERD report before the August 4, 2023 deadline.

<https://ash.org/sign-cerd-2023>

- ✓ Publicize the report after the August 4th submission date.

Why are these reports needed?

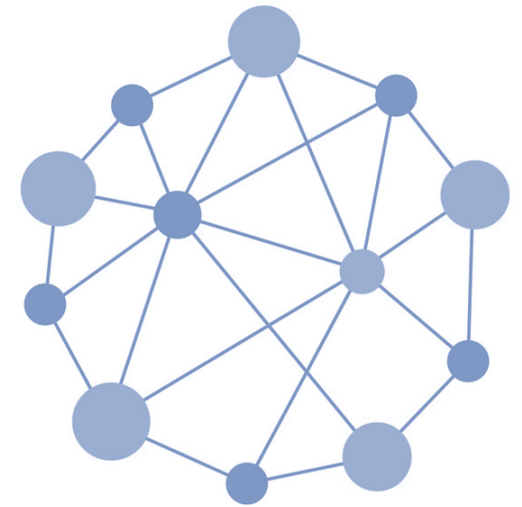
Tobacco violates numerous human rights, particularly, the **right to health.**

Human rights bodies are **4x more likely** to mention tobacco after receiving a report on the tobacco epidemic.

Messaging: After August 4th

Make our CERD Submission newsworthy, now.

- Connect it to other breaking news items
- Connect it to social justice and health equity issues
- Highlight local health disparities and tobacco use rates in your community
- Share a personal story of someone hurt by tobacco possibly someone who started smoking as a minor because of menthol ads they saw



Media Outreach

Advancing Momentum for a Tobacco-Free California

How to Prepare a Press Release

Press releases let you control the narrative on your piece of news and hopefully provide instant exposure to your narrative. They are written like a news article with the most important information at the beginning, quotes from credible sources, and background information toward the end to set the stage on why your information is newsworthy.

Characteristics of a Press Release	
Purpose	To share new information or make an official announcement that impacts your organization.
Target Audience	Affiliates of your organization
Document Length	~400 words

WHY ISSUE OR PUBLISH A PRESS RELEASE

You have something new to say or share. For example,

- » A report is published.
- » Someone new joined your Board of Directors or Staff.
- » A new campaign begins.
- » You're responding to breaking news and want to ensure your narrative is part of the current news cycle.
- » You're responding to misinformation about your organization to set the record straight.

That's it! You simply have something new to share. **Do not** issue a press release just to report that you issued one. Reporters are overwhelmed with pitches as it is, make sure you have something newsworthy to say and worth their time to read.

Paid press releases also offer a boost in your Search Engine Optimization (SEO). Ensure you are using relevant keywords in the headline and body of the release. Paid wire services rank very high in search engines, so publishing with them will get your release in newsrooms (not necessarily covered) and high in search ranking.

Whether you self-publish your release or use a wire service, **do** email it directly to key reporters covering your topic/beat in the community your work effects.

WHAT'S INCLUDED IN A PRESS RELEASE

1. **Your headline** (in bold, not all capital letters unless acronym) should be attention-grabbing, relevant, and include keywords that someone tracking your issue may have a Google Alert set up to follow. It should be under 75 characters including spaces. Google will only read the first 60-65 characters. Sub-headers (in italics) are optional and can be longer, adding additional context or your brand name if it didn't fit in the header.
2. **Contact for media requests.** If you need to save characters on a paid service, hyperlink the email address in the person's name.
3. **City, state, and date in the opening of the first paragraph.** Be sure to use all capital letters and bold font.

1

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Press Release Factsheet

Advancing Momentum for a Tobacco-Free California

How to Prepare an Op-Ed

An Op-Ed (named for the print newspaper section, *Opposite the Editorial*) is a longer submission that must be timely, relevant to the outlet, and stand out. Organizations often submit op-eds that are not picked up, so here's a checklist to save you time and ensure that you only write and submit an op-ed when appropriate.

Characteristics of an Op-Ed	
Purpose	To raise awareness about an important issue that is not talked about often.
Target Audience	Local paper and readers
Document Length	<750 words

CHOOSING A TOPIC

Op-eds should be reserved for topics that are important and need to be addressed immediately. When deciding on a topic, choose one that you can passionately write about. This will aid in getting your point across effectively.

FORMATTING & STYLE

- Use very short paragraphs that take up 4-5 lines maximum, similar to a blog post.
- Use an attention-grabbing headline. Remember, you need to catch the op-ed editor's attention first and preferably with one email. They are reading hundreds of op-ed submissions a day; ensure yours stands out to them and not just to their readers. Many editors will only read your opening paragraph, so make it count with a news hook, an important current event, or a compelling story.
- Keep your submission to ~550 words maximum and definitely no more than 750 words. Be sure to check the submission criteria before submitting your op-ed.

PITCHING YOUR PIECE

- Pitch the news outlet that is right for your goals. This does not mean the paper needs to agree with you, it just means to pitch as local as you can. Local papers are best when interested in addressing something happening in your community because it is relevant to their readers and they are likely getting fewer pitches.
- Send a mindful email to the editor. The email message asking an editor to read your op-ed (which is usually also pasted in the body of the email unless they have an online form submission) is just as important as the op-ed itself.
 - » Use your best content in the 250-word maximum pitch email.
 - » You can repeat parts of your op-ed and spoil the ending because your pitch email is not being published, but it will hopefully get the editor to read your whole op-ed before deciding.
 - » If the author of the op-ed can personally submit it and briefly state their credentials, that also gives you a slight leg up.
- Follow up the next day! Check in to see if an editor has made a decision on your piece (phone calls are effective). If you do not hear back, send an additional polite email saying you are moving on to another outlet, so they know it is no longer exclusive to them.

Visit us at endtobaccoca.ash.org for more information.

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ACTION ON SMOKING & HEALTH

Op-Ed Factsheet

Advancing Momentum for a Tobacco-Free California

How to Prepare a Letter to the Editor

A Letter to the Editor (LTE) is a reader's response to something published in the paper to which the LTE is submitted. The bigger the outlet, the more submissions they receive, so think as locally as possible with which outlet you monitor, looking for something to respond to or initiate discussion.

Characteristics of an LTE	
Purpose	To offer a response or different perspective to a published article.
Target Audience	Outlet editor and readers
Document Length	<200 words

GETTING STARTED

1. Act quickly! Aim to submit your response within two days of the article's publication date.
2. Before you start writing, check the outlet's guidelines for word count and other requirements. Usually you are limited to 100-150 words.
3. Quote/reference what you are responding to, usually an editorial or op-ed from that specific paper.
4. Be concise yet compelling. Consider using a personal story about how you have been impacted.
5. Use facts, figures, and/or research to support your case.
6. End with a call to action for the readers, even if it is a simple challenge to change their mindset on an issue.

DO'S AND DON'TS

- Prioritize well-written and well-argued writing that is rooted in facts.
- Submit your LTE using the website's online form or by emailing it to the person listed on their website.
- Read examples of the latest op-eds and/or LTEs published by the outlet you plan to pitch. You'll have a leg up if you get a sense for what they publish before you start your draft.
- Do not "yell" to get your point across. Editors often reject submissions because of tone.
- If submitting your LTE via email, do not send it as an attachment. Instead, paste your entire LTE into the body of the email and note your credentials/association.

Visit us at endtobaccoca.ash.org for more information.

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ACTION ON SMOKING & HEALTH

LTE Factsheet

Create Website Content

MENTHOL MARKETING EXPOSES INSTITUTIONAL RACISM

facebook twitter email sharethis Like 1 googleplus pinterest

Guest Blog Author: Michael Schwalbe, Professor of Sociology at North Carolina State University

When it comes to destroying Black lives, no modern American institution can match the tobacco industry.

It isn't just that 45,000 Black Americans die of tobacco-related diseases every year; it isn't just that tobacco use is the main risk factor for the leading causes of death—heart disease, cancer, stroke—among Black Americans; it isn't just that lung cancer, caused mainly by smoking, is the form of cancer that kills most Black Americans; it isn't just that Black smokers suffer higher rates of death from causes related to smoking. It's worse than that.

What's worse is that much of this toll of death and disease is not an incidental result of the fact that about 15% of African Americans are smokers (most of whom want to quit). It's a result of the tobacco industry's sixty-year history of targeted marketing of menthol cigarettes to the Black community. This is institutional racism operating in the plain light of day.

Menthol is a problem because it's a sales gimmick that actually works. In adspeak, it "cools and soothes" the throat. In fact, it numbs the throat.

Blog

TOBACCO COMPANIES RACIALLY DISCRIMINATE AGAINST MINORITIES

facebook twitter email sharethis Like 4 googleplus pinterest

Tobacco use disproportionately affects many marginalized populations, including racial and ethnic minorities, who have a long and documented history of being aggressively targeted by the tobacco industry.

ASH supports those who categorize the tobacco industry's aggressive marketing as institutional racism. [Read more on that here>](#)

You might be thinking, don't all companies advertise their products? What's different here? The product.

Tobacco products kill when used as intended. They're responsible for more than 8 million deaths worldwide every year and more than 480,000 deaths a year in the U.S. alone. That's about 1 in 5 American deaths a year, or 1,300 Americans dying every single day.

With a death toll so outrageous, anything tobacco companies do to boost



97 ORGANIZATIONS AGREE, UN HUMAN RIGHTS COMMITTEE MUST ADDRESS MENTHOL

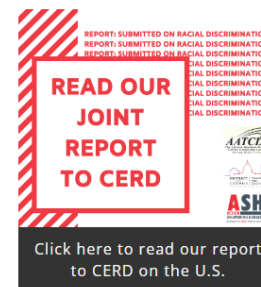
facebook twitter email sharethis Like 9 googleplus pinterest

Media Contact:
Megan Arendt
arendtm@ash.org
(202)390-9513

97 Organizations Agree, UN Human Rights Committee Must Address Menthol

Action on Smoking and Health (ASH) leads 97 organizations from around the world in this public health appeal to end racial discrimination

Washington, DC – April 21, 2021 – Today, as we continue to fight for the health and safety of all African Americans, Action on Smoking and Health (ASH) is pleased to be joined by the DC Tobacco-Free Coalition, African American Tobacco Control Leadership Council, National Council of Churches, the Campaign for Tobacco-Free Kids, and a total of 97 organizations from around the world in submitting a time-sensitive



Report Release Page
(published last)

Content Page

Amplify on Social Media

ASH will email all
signatories social
media graphics
for use

Make your own social
media content using
ASH's stock photos
and videos



Stock Photos...-

general use ☆



Stock Videos ...

General Use ☆



Process

- ✓ Sign on or submit your comment by Aug. 4
- ✓ Communications around the comment
- ✓ Participate in regional consultations of CERD
(more info coming)
- ✓ Engage with CERD committee members
- ✓ Engage in November CERD meeting
- ✓ Publicize outcome!

Resources

- ✓ [CERD General Recommendation Draft](#)
- ✓ ASH webpage- [CERD General Recommendation](#)
- ✓ ASH Submission- [sign on](#)

THANK YOU

Megan Manning

Associate Director of Communications

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Kelsey Romeo-Stuppy

Managing Attorney

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<https://ash.org>

**Sign the CERD
Report Here:**

ash.org/sign-cerd-2023



Dedicated to **ZERO** Tobacco Deaths



@ASHglobalAction



@ASHorg

Stay Involved



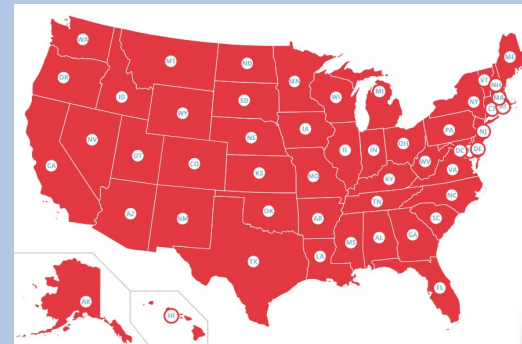
Have you seen tobacco industry interference in public health policymaking? Email us the details at info@ash.org!

NEXT WEBINAR:

Thursday, July 27, 2023

Using Data to Amplify Tobacco
Control Advocacy

New Data Released!



*U.S. Tobacco
Lobbyist & Lobbying
Firm Registration
Tracker 2023*

ash.org/tobacco-money