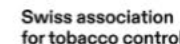
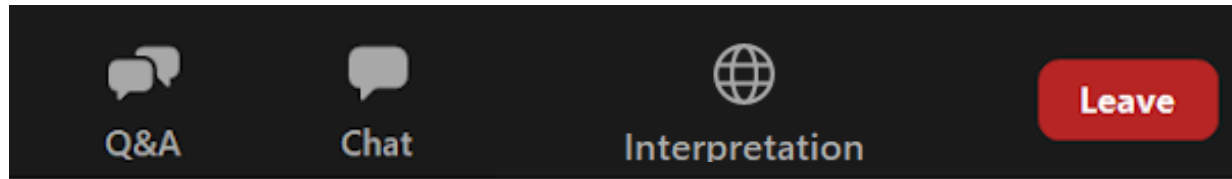


Human Rights Council Virtual Side Event Tobacco and Human Rights

Tuesday, June 18, 2024



TECHNOLOGY



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SPEAKERS



Gabriel Ordoñez Guzmán

Director of Prevention & Control Strategies for NCDs, Mental Health, and Drug Socioeconomics, Ecuadorian Ministry of Public Health



H.E. Ms. Carmen Avila

Ambassador and Deputy Permanent Representative, Permanent Mission of Panama to the UN Geneva



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Contribución del CMCT de la OMS a la promoción y respeto de los derechos humanos

Decisión: “Contribución del CMCT de la OMS a la promoción y el respeto de los derechos humanos” [(FCTC/COP10(20)]

Propuesto por el Ecuador

Copatrocinadores: Brasil, Nueva Zelandia, Palau, Panamá

ALIENTA a las Partes a que consideren la posibilidad de incorporar los principios del CMCT de la OMS e iniciativas para aplicar el Convenio al colaborar con los mecanismos de derechos humanos de las Naciones Unidas;

PIDE a la Secretaría del Convenio que fomente la coordinación y la colaboración con las entidades del sistema de las Naciones Unidas con mandatos en materia de derechos humanos a fin de concienciar sobre la importancia de la aplicación del CMCT de la OMS en el respeto de los derechos humanos.

Decisión: “Contribución del CMCT de la OMS a la promoción y el respeto de los derechos humanos”

Propuesto por el Ecuador

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¿Porqué es importante?

El sistema de derechos humanos facilita la implementación del CMCT, alineando el control del tabaco con las iniciativas de derechos humanos para reforzar políticas y recursos. Esta conexión, especialmente relevante para los derechos a la salud y la vida, extiende su impacto a más derechos. Además, las normativas de derechos humanos son clave para contrarrestar la influencia de la industria tabacalera en la política pública.



Nexo entre los derechos humanos y el CMCT

El CMCT considera en su preámbulo a varios instrumentos de derechos humanos:

- Art. 12 del Pacto Internacional de Derechos Económicos, Sociales y Culturales “(...) *toda persona tiene derecho al disfrute del más alto nivel posible de salud física y mental.*”
- Convención sobre la eliminación de todas las formas de discriminación contra la mujer; estableciendo que los *Estados Parte adoptarán medidas apropiadas para eliminar la discriminación contra la mujer en la esfera de la atención médica,*
- Convención sobre los derechos del niño; *los Estados Parte reconocen el derecho del niño al disfrute del más alto nivel posible de salud.*
- Constitución de la OMS, en el que se afirma que *el goce del grado máximo de salud que se pueda lograr es uno de los derechos fundamentales de todo ser humano sin distinción de raza, religión, ideología política o condición económica o social,*

Proyecto de Decisión: “Contribución del CMCT de la OMS a la promoción y el respeto de los derechos humanos”

Derechos humanos, el CMCT y la agenda de desarrollo global

La Resolución 35/23 del Consejo de Derechos Humanos de la ONU reconoce el derecho de todos al disfrute del más alto nivel posible de salud física y mental en la implementación de la Agenda 2030 para el Desarrollo Sostenible e insta a los Estados a trabajar hacia la plena aplicación de los Objetivos Sostenibles 2030 y metas que incluyen, entre otros, la meta 3.a del CMCT.

Decisión: “Contribución del CMCT de la OMS a la promoción y el respeto de los derechos humanos”

Derechos humanos y la interferencia de la industria tabacalera

Una política de derechos humanos puede contrarrestar la interferencia de la industria tabacalera mediante la promoción de normas y obligaciones legales que **prioricen la salud pública y los derechos humanos sobre los intereses comerciales del tabaco.**

Decisión: “Contribución del CMCT de la OMS a la promoción y el respeto de los derechos humanos”

Integración del CMCT y las normas de derechos humanos

El Convenio Marco para el Control del Tabaco (CMCT) no introduce nuevos derechos humanos, sino que sus obligaciones ya están vinculadas a derechos reconocidos, como muestra el Artículo 8 y su relación con el derecho a la vida, la salud y un medio ambiente sano. **La integración del CMCT con procesos de derechos humanos, por tanto, no implica nuevos derechos, sino que fortalece los ya existentes.**

Decisión: “Contribución del CMCT de la OMS a la promoción y el respeto de los derechos humanos”

Conclusiones

Aplicar el Convenio Marco de la OMS para el Control del Tabaco, es a su vez trabajar en fortalecer los derechos humanos.

Es importante hacer un llamado a los países para fomentar la colaboración entre las agencias de salud (OMS), derechos humanos y medio ambiente. Un ejemplo claro es en el Comité Intergubernamental de Negociación para desarrollar un instrumento internacional jurídicamente vinculante sobre la contaminación por plásticos y colocar a los filtros en el listado de productos plásticos evitables, peligrosos y de un solo uso.



EL NUEVO
ECUADOR 

Ministerio de Salud Pública



MINISTERIO DE
RELACIONES EXTERIORES

Misión Permanente de Panamá
Oficina de las Naciones Unidas
y otros Organismos Internacionales
Ginebra, Suiza

HUMAN RIGHTS COUNCIL SIDE EVENT: TOBACCO AND HUMAN RIGHTS



INTRODUCTION

THE WHO FRAMEWORK CONVENTION ON TOBACCO CONTROL

- The first global public treaty developed by the countries in response to the globalization of the tobacco epidemic
- Adopted on 21 May 2003 by the World Health Assembly and entered in force on 7 February 2005.
- WHO FCTC by the countries in response to the globalization of the tobacco epidemic and it is an evidence-based treaty that reaffirms the rights of the people to the highest standard of health
- 183 States Parties to the Convention

Protocol to Eliminate the Illicit Trade on Tobacco Products

- Adopted on 12 November 2012 with 54 signatories
- 68 States Parties



FCTC
CONVENIO MARCO DE LA OMS
PARA EL CONTROL DEL TABACO



PROTOCOLO
PARA LA ELIMINACIÓN
DEL COMERCIO ILCITO
DE PRODUCTOS DE TABACO

THE WHO FRAMEWORK CONVENTION OF TOBACCO CONTROL (WHO FCTC)



The WHO Framework Convention on Tobacco Control is the first global public healthy treaty.

It was developed by countries in response to the globalisation of the tobacco epidemic. It is an evidence-based treaty that reaffirms the right of all people to the highest standard of health

Duration of the Intergovernmental Negotiations: 5 years

Open to signature: Since 16 June 2003

Entered in Force: 27 February 2005

Parties: 183

Cover: 90% of the Population.

PROTOCOLO PARA LA ELIMINACIÓN DEL COMERCIO ILICITO DE PRODUCTOS DE TABACO



Almost 10% of the world trade of tobacco is illicit

The illicit trade affect the public health: because increase the accesibility and affordability and tobacco consumption

Organizad crime: It is linked to illicit trade, tobacco products financing criminal activities

EFFECTIVE POLITICAL WILL AND COMMITMENTS OF THE GOVERNMENTS

Adoption 12 November 2012
54 signatories
68 Countries have ratified

Lost of income ofr the government
Without ilitic trade
Earn 30 billions dollars a year in tax revenues

Ratification of the Protocol for the Elimination of the Illicit Trade of Tobacco Products

- NICARAGUA
- URUGUAY
- ECUADOR
- PANAMA
- BRASIL
- COSTA RICA
- PARAGUAY



NEGOTIATION PROCESS

Resolutions of the World Health Assembly since 1970-1999.

- Health consequences of smoking, WHO tobacco programme and health, tobacco and travel, international day on tobacco control

52 WHA 17-25 mayo 1999.

- Towards a WHO framework convention on tobacco control

Intergubernamental Negotiation Body (INB)

- First Meeting: 25-29 October 1999
- Sixth Meeting: February 2003

2023 WHO celebrated in the 76 World Health Assembly the 20 years of the adoption of the WHO FCTC

ARTICLES RELATED WITH THE HUMAN RIGHTS AND ENVIRONMENT

Part II: Objective, guiding principles and general obligations

- Article 3 that the Objective of the
- Convention and its Protocols to protect the present and future generations

Part III: Measures relating to the reduction of demand for tobacco

- Article 8: adoption and implementation of effective measure to provide protection from exposure to tobacco smoke on indoor workplaces

Part V: Protection of the environment

- Article 18: Protection of the Environment and the Health of the Persons

OUTCOMES OF THE COP 5-10 FEBRUARY 2024



Decision Declaration of Panama (FCTC/COP10 (11))

Decision Global Estrategy to accelerate the tobacco control: Advincing Sustainable Development through the implementation of the WHO FTCT 2019-2025 that extends it until 2030 to support the SDG's FCTC/COP 10 (15)

Desicion Contribution of the WHO FTCT to the promotion to the fulfilment of human rights FCTC/COP 10 (20)

Decision Declaration of Panamá FCTC/COP10 (11)

Preambular Paragraphs made reference to the health issues related to the right to the health and the WHO Constitution.

Principles of the WHO FCTC

Reaffirming – protection

Reaffirming the compromise to the application of the WHO FCTC

Research and strengthening measure to prevent and combating against of the negative impacts of the tobacco

Considering to include activities related with the WHO FTCT while collaborating the human rights and special procedures of the UN System

Promoting the Sustainable Development FCTC/COP 10 (15)

- Extension of the Global Strategy to Accelerate Tobacco Control: Advancing Sustainable Development Goals through the implementation of the WHO FTCT 2019-2025: Extension until 2030 armonizing with the Agenda 2030 SDG



FCTC
CONVENIO MARCO DE LA OMS
PARA EL CONTROL DEL TABACO

Contribution of the WHO FCTC to the promotion and fulfillment of the Human Rights (FCTC/COP 10 (20))

Encourage to the Parties ...

- Considering the possibility to incorporate the principles of the WHO FCTC and initiatives for the application of the Convention while collaborating with the human rights procedures and mechanism and the UN System

Request to the Secretariat...

- Enhancing and promote the coordination and collaboration with the UN entities and the mandates of the human rights with the objective to raise awareness in the application of the Convention in the respect of the human rights



GRACIAS

**Make
every day
World No
Tobacco Day.**

www.who.int/tobacco



World Health
Organization

31 MAY

Tobacco as a threat to the right to health



UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER

Some basic information

1.25 billion adult users of tobacco

8 million deaths

US\$ 1.4 trillion annually in healthcare expenditure and lost productivity

One-third of 15 to 25-year-olds

Why is this a problem?

1. We all have the right to:

- the highest attainable standard of physical and mental health
- a clean, healthy and sustainable environment
- LIFE

• 2. Tobacco related deaths are preventable....

- The reason people are dying or are at risk of dying from tobacco-related illnesses is because selling a killer product is the business model of the industry behind it
- Making this product addictive is a way of keeping the business model sustainable

Third problem

Sustainable Development Goals:

- Targets for NCDs (3.4), UHC (3.8) and FCTC (3.a).
- The tobacco industry is undermining all efforts to achieve these goals due to the health and social costs of its products



The right to health



Recognised in many instruments: ICESCR, CRC, CRPD, UDHR



An inclusive right: access to health care as well as attention to the underlying determinants of health (clean air, adequate housing and nutrition, health information and education, etc.)



It is not a right to be healthy...



BUT: (1) a right to the enjoyment of a variety of facilities, goods, services and conditions needed to realise the highest attainable standard of health and



(2) to the environmental and other conditions needed for healthy life

The right to a clean, healthy and sustainable environment

Legally recognised in more than eighty percent of UN Member States (156 out of 193 States), prior to the global recognition by the HRC and the GA.

Elements include but are not limited to: Clean air, healthy ecosystems and biodiversity, non-toxic environment

Tobacco impacts

Right to health



Toxic for foetuses in utero



Toxic for non-smokers through second-hand exposure



Major risk factor for NCDs: Cancer, cardiovascular diseases, diabetes and chronic respiratory diseases. Responsible for 41 million deaths annually/ 74% of all deaths globally

Clean, healthy, sustainable environment

- Tobacco cultivation has caused 5% of global deforestation, leading to biodiversity loss and ecosystem disruption
- Cigarette ends are a major source of environmental pollution, harming ecosystems and polluting oceans

States' human rights obligations

- Respect, protect and fulfil the rights to health and to a clean, healthy and sustainable environment
 - *Protect*: Measures to prevent third party interference, including the tobacco industry
 - *Fulfil* : Appropriate legislative, administrative, budgetary, judicial, promotional and other measures
- Guiding principles on business and human rights: A tool to support States in prevention and in ensuring accountability by the tobacco industry

Objectives of OHCHR's work to promote the rights to health and to clean, healthy and sustainable environment



**PROMOTING GREATER
UNDERSTANDING OF
HOW HUMAN RIGHTS
NORMS CAN
STRENGTHEN HEALTH**



**SUPPORTING STATES
IN CREATING AN
ENABLING LEGAL AND
POLICY FRAMEWORK**



**BUILDING
PARTNERSHIPS**

OHCHR's work on the UN Interagency Task Force on NCDs

- 1999: Ad Hoc Interagency Task Force on Tobacco Control in 1999 established by ECOSOC to strengthen global support for tobacco control and develop a joint United Nations response to NCDs
- 2013: The Task Force was created by expanding the mandate of the Ad hoc Task Force
 - 45 UN system organisations, including the FCTC Secretariat
 - Uses its networks and expertise to help governments develop and introduce effective responses to prevent and control NCDs.
 - Tobacco control a key part of this work
 - Technical support to enable governments across the world to develop and implement multisectoral action that is aligned with broader national development plans
 - A Human Rights Team coordinated by OHCHR supports the integration of human rights into the Task Force's work

How to utilize the COP 10 Human Rights Decision for advocacy

Kelsey Romeo-Stuppy

Managing Attorney

ASH > ACTION ON SMOKING & HEALTH

TOBACCO INFRINGES ON



WOMEN'S RIGHTS



CHILDREN'S RIGHTS



RIGHT TO LIFE



RIGHT TO HEALTH



RIGHT TO EDUCATION

COP 10 Human Rights Decision



FCTC

WHO FRAMEWORK CONVENTION
ON TOBACCO CONTROL

CONFERENCE OF THE PARTIES TO THE
WHO FRAMEWORK CONVENTION ON TOBACCO CONTROL

Tenth session (resumed)

Panama City, Panama, 5–10 February 2024

FCTC/COP10(20)
10 February 2024

DECISION

FCTC/COP10(20) Contribution of the WHO FCTC to the promotion and fulfillment of human rights

The Conference of the Parties,

Guided by the purpose and principles of the Charter of the United Nations;

Recalling the Universal Declaration of Human Rights, proclaimed by the General Assembly of the United Nations in 1948, including Article 25, which declares that everyone has the right to a standard



There are two major elements to the Decision. Civil society can support both when working within human rights mechanisms and with the FCTC Secretariat. The decision:

“ENCOURAGES Parties to consider including WHO FCTC principles and implementation efforts when engaging with the United Nations human rights mechanisms;

REQUESTS the Convention Secretariat to foster coordination and collaboration with entities in the United Nations system pursuing human rights mandates in order to raise awareness of the importance of the WHO FCTC implementation in the fulfilment of human rights.”

Next Steps: How to Connect the WHO FCTC with Human Rights Mechanisms

The Human Rights Decision will help to ensure whole of government approaches to tobacco control regulations and human rights, building on this Decision.

In particular, this Decision can be used to highlight the contribution that the WHO Framework Convention on Tobacco Control can make to the goals of numerous mechanisms with UN mandates including the Human Rights Council, the Committee on the Elimination of Racial Discrimination (CERD), the Committee on Economic, Social and Cultural Rights (CESCR), the Committee on the Elimination of Discrimination against Women (CEDAW), the Committee on the Rights of the Child (CRC) and other mechanisms such as the UN Summit for the Future.

UN level advocacy



Universal Periodic
Review

Convention on the
Rights of the Child



CEDAW

Why are these reports needed?

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

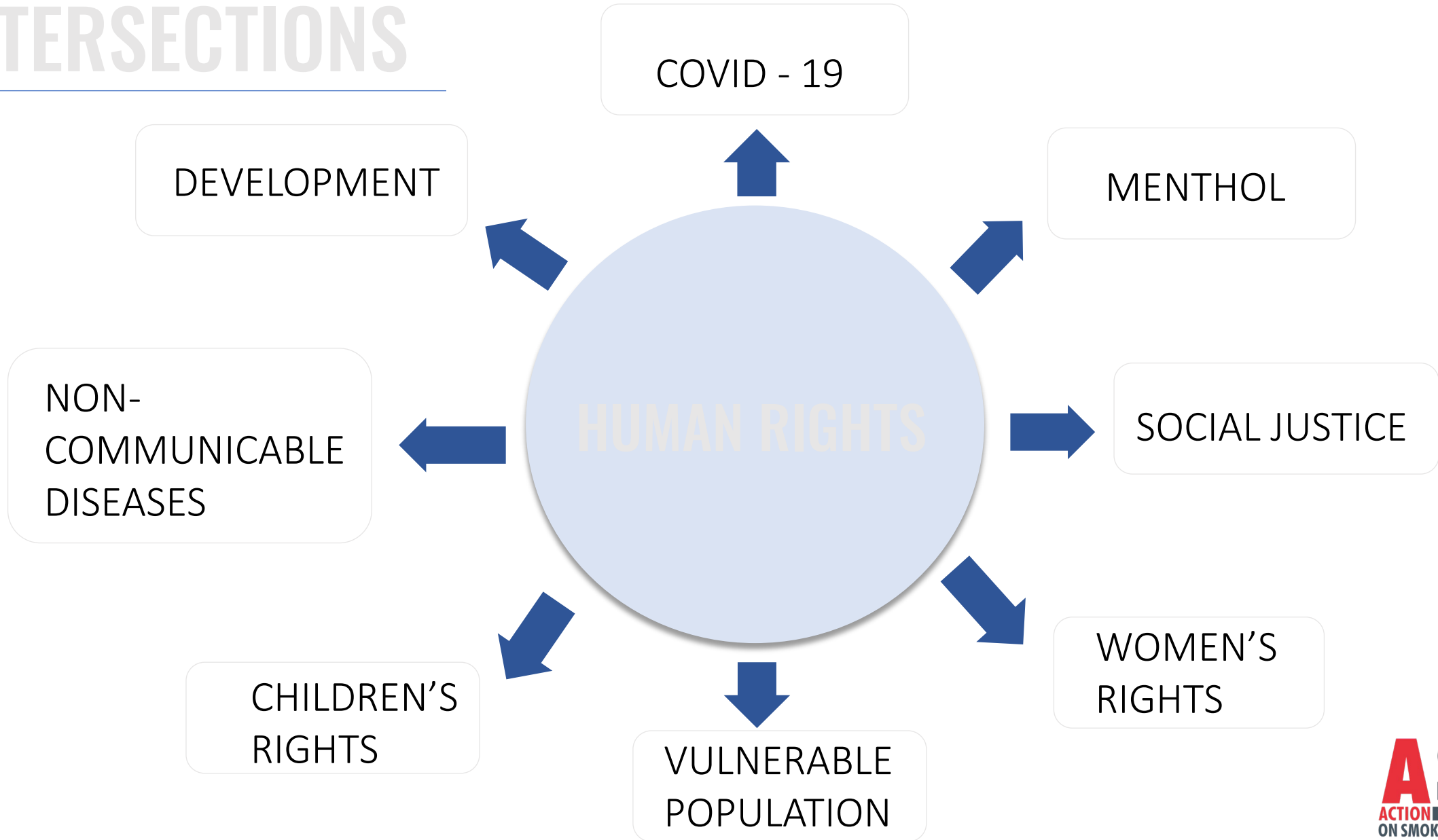
Human rights bodies are **4x more likely** to mention tobacco after receiving a report on the tobacco epidemic.

How it comes together: a real life example

The Local Component



INTERSECTIONS



ENDGAME



STAY INVOLVED



Please complete our survey after the webinar ends. Thank you!

NEXT WEBINAR:



Stay tuned for our next webinar in July:
Tobacco and the Convention on the
Elimination of All Forms of
Discrimination Against Women