



## Tobacco and the Rights of Women and Girls in Aotearoa New Zealand

### I. Summary

- A. Aotearoa New Zealand has made significant progress on tobacco control in recent years. However, according to the latest Tobacco Atlas, 5,032 people die each year from smoking, 15% of all deaths in Aotearoa New Zealand.<sup>1</sup>
- B. Tobacco is the world's leading cause of preventable death and is therefore a considerable obstacle to the right that all people living in Aotearoa New Zealand have to health.
- C. Tobacco is a human rights and women's and girls' rights issue and should be considered as part of the government's human rights obligations. Tobacco, and the actions of the tobacco industry, prevents the women and girls of Aotearoa New Zealand from enjoying the highest attainable standard of health.
- D. Tobacco use also causes inequities that place a disproportionate burden on Māori, the Indigenous Peoples of Aotearoa New Zealand. Smoking prevalence is 17.5% among Māori women, nearly three times the rate observed among non-Māori and non-Pacific women.<sup>2</sup>

### II. Relevant facts and statistics

- A. Women and girls are also exposed to second hand smoke (SHS), both at home and in public places. A recent study showed that the characteristics of participants exposed to SHS at home were: younger, women, those with lower educational attainment, lower income, living with a larger number of people in household, never smokers, and those with poor knowledge of tobacco's adverse health effects.<sup>3</sup>
- B. Smoking during pregnancy is a cause of preterm delivery and impaired fetal growth. According to epidemiological estimates, pregnant women (hapū māmā) who smoke have almost double the risk of low birth weight and three times the risk of premature birth than pregnant women

<sup>1</sup> Drope J, Hamill S, Chaloupka F, Guerrero C, Lee HM, Mirza M, Mouton A, Murukutla N, Ngo A, Perl R, Rodriguez-Iglesias G, Schluger N, Siu E, Vulovic V. The Tobacco Atlas. 2022. New York: Vital Strategies and Tobacconomics. Available at <https://tobaccoatlas.org/factsheets/new-zealand/>.

<sup>2</sup> New Zealand Health Survey Annual Data Explorer, New Zealand Ministry of Health/ Manatū Hauora (2023), Available at [https://minhealthnz.shinyapps.io/nz-health-survey-2022-23-annual-data-explorer/\\_w\\_707a8f12/#!/explore-indicators](https://minhealthnz.shinyapps.io/nz-health-survey-2022-23-annual-data-explorer/_w_707a8f12/#!/explore-indicators).

<sup>3</sup> Flor, L.S., Anderson, J.A., Ahmad, N. *et al.* Health effects associated with exposure to secondhand smoke: a Burden of Proof study. *Nat Med* 30, 1250–1257 (2024). Available at <https://doi.org/10.1038/s41591-023-02745-4>.

who do not smoke.<sup>4</sup> Smoking while pregnant is also associated with increased risk of sudden infant death syndrome.<sup>5</sup>

- C. The economic cost of smoking in Aotearoa New Zealand is US\$15.52 billion in healthcare costs alone.<sup>6</sup>
- D. Tobacco use also negatively impacts sustainable development and the environment, both of which have obvious negative consequences on the right to health of women and girls.
- E. Families of people who smoke spend resources on cigarettes that could be spent on other household expenses. The added healthcare expenses and lost income from tobacco induced-disease makes the financial situation much more dire.
- F. Cigarette butts are the most commonly discarded pieces of waste worldwide. It is estimated that 270 tons of butts become toxic waste in Aotearoa New Zealand each year.<sup>7</sup>
- G. Aotearoa New Zealand has set a goal of a 5% or less smoking rate by 2025; this goal applied to all population groups and reflected a desire to end health inequities caused by smoking. In 2022, the Aotearoa New Zealand Parliament passed the Smokefree Environments and Regulated Products (Smoked Tobacco) Act (SERPA), which introduced three key policies: a large reduction in tobacco retail availability, a new nicotine standard (effectively introducing denicotinisation), and a smokefree generation. However, a coalition government elected in 2023 overturned these measures in 2024, before any of them could be implemented. The current Government's actions went against strong advice from the Ministry of Health, which warned repealing these measures would jeopardise the Smokefree 2025 goal, particularly for Māori. The coalition government has thus far provided no alternative action plan to achieve the 2025 goal.

### III. **Special concerns**

- A. Māori have the country's highest smoking rate at 17.5%, and they are expected to reach the 5% goal only 40 years later in 2061 per government modeling.<sup>8</sup>

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<sup>4</sup> Information about Aotearoa New Zealand's smoking rates and how they are changing, Smokefree Aotearoa New Zealand, available at <https://www.smokefree.org.nz/smoking-its-effects/facts-figures>.

<sup>5</sup> Mitchell EA, Thompson JM, Zuccollo J, MacFarlane M, Taylor B, Elder D, Stewart AW, Percival T, Baker N, McDonald GK, Lawton B, Schlaud M, Fleming P. The combination of bed sharing and maternal smoking leads to a greatly increased risk of sudden unexpected death in infancy: the New Zealand SUDI Nationwide Case Control Study. *N Z Med J*. 2017 Jun 2;130(1456):52-64. PMID: 28571049, available at <https://pubmed.ncbi.nlm.nih.gov/28571049/>. See also <https://www.health.govt.nz/system/files/2022-05/sudden-unexpected-death-in-infancy-report-may2022.pdf>.

<sup>6</sup> Ait Ouakrim D, Wilson T, Howe S, *et al*, Economic effects for citizens and the government of a country-level tobacco endgame strategy: a modelling study, *Tobacco Control* Published Online First: 29 November 2023. doi: 10.1136/tc-2023-058131, available at <https://tobaccocontrol.bmj.com/content/early/2023/11/29/tc-2023-058131>.

<sup>7</sup> Keep New Zealand Beautiful National Litter Audit, Aotearoa New Zealand Ministry for the Environment, available at <https://environment.govt.nz/news/keep-new-zealand-beautiful-national-litter-audit/>.

<sup>8</sup> It's one of the world's toughest anti-smoking laws. The Māori see a major flaw, National Public Radio, Oct. 1, 2023, available at <https://www.npr.org/sections/goatsandsoda/2023/10/01/1191591336/its-one-of-the-worlds-toughest-anti-smoking-laws-the-m-ori-see-a-major->



the goal will be achieved. Scientific modelling shows that if the law had remained in place the goal would have been met, making 5% by 2025 “achievable” in the human rights context.<sup>15</sup> The current government is therefore in abeyance of its right to health obligations.

- B. We respectfully encourage CEDAW to call on the government of Aotearoa New Zealand to reverse its decision and reinstate the repealed measures contained in the Smokefree Environments Regulated Products (Smoked Tobacco) Amendment Act, with implementation of these policies occurring as rapidly as possible.

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‘generation ban’ to fund tax cuts, *The Guardian*, Nov. 26, 2023, available at <https://www.theguardian.com/world/2023/nov/27/new-zealand-scraps-world-first-smoking-generation-ban-to-fund-tax-cuts>.

<sup>15</sup> Ait Ouakrim D, Wilson T, Waa A, *et al*, Tobacco endgame intervention impacts on health gains and Māori:non-Māori health inequity: a simulation study of the Aotearoa/New Zealand Tobacco Action Plan, *Tobacco Control* Published Online First: 10 January 2023. doi: 10.1136/tc-2022-057655, available at <https://tobaccocontrol.bmj.com/content/early/2023/01/10/tc-2022-057655.info>.