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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Joint written statement* submitted by Action on Smoking and Health, Cancer Aid Society, Corporate Accountability International, non-governmental organizations in special consultative status, International Union against Tuberculosis and Lung Disease, non-governmental organizations on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[13 June 2019]

* Issued as received, in the language(s) of submission only.

Tobacco industry and the Right to Health

Action on Smoking and Health (ASH) wishes the 41st session of the Human Rights Council every success and sincerely hopes that under the guidance of its President, Ambassador Coly Seck, the council will continue to promote the “right of everyone to the enjoyment of the highest attainable standard of physical and mental health.”

ASH welcomes the Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

ASH would like to recall that on 23 June 2017 the Human Rights Council adopted Resolution HRC/RES/35/23 on “the right of everyone to the enjoyment of the highest attainable standard of physical and mental health in the implementation of the 2030 Agenda for Sustainable Development” urging “States to work towards the full implementation of all Sustainable Development Goals and targets with a view to contributing to the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health,” including Target 3.a to “strengthen the implementation of the World Health Organization Framework Convention on Tobacco Control in all countries as appropriate.”¹

Tobacco remains the leading cause of global preventable death, killing over 7 million annually² and costing the global economy up to two percent of its GDP.³

For these reasons, participants of the 17th World Conference on Tobacco or Health (WCTOH), who met in Cape Town, South Africa on 7-9 March 2018, the 3rd International Conference of the European Network for Smoking and Tobacco Prevention (ENSP) held in Madrid on 14-16 June 2018, the 12th Asia Pacific Conference on Tobacco or Health (APACT) held on 13-15 Sept 2018 and a growing list of over 200 civil society organizations from across the globe, showed their determination and commitment to promote and protect public health and human rights in relation to the tobacco epidemic by adopting the *Cape Town Declaration on Human Rights and a Tobacco Free World*.⁴ The Cape Town Declaration asserts that “the manufacture, marketing and sale of tobacco are incompatible with the human right to health,” and that it is “the obligation of States to address human rights implications over the whole life-cycle of tobacco growing, manufacturing, marketing, distribution, consumption and post consumption, including child labor, violations of workers’ rights and the rights of special populations as well as environmental destruction.”

The WCTOH, ENSP and APACT participants, as well as the signatory organizations, also reaffirmed the value of the preamble of the WHO Framework Convention on Tobacco Control (FCTC), in which the Parties express their determination “to give priority to the right to protect public health,”⁵ and to respect the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, as expressed in Article 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR).

Furthermore, the 4th International Conference of the European Network for Smoking and Tobacco Prevention held in Bucharest on 27-29 March 2019, following the first Global Forum on Human Rights and a Tobacco Free World also held in Bucharest on 26 March 2019, adopted the *Bucharest Declaration on Human Rights and a Tobacco Free World*⁶ and appeals to Governments to fully comply with their obligations under the WHO FCTC and human rights treaties they have ratified to prioritize human rights over the interests of the tobacco industry and to accelerate action, build partnerships and protect integrity, consistent with the WHO FCTC “Global Strategy to Accelerate Tobacco Control: Advancing Sustainable Development through the Implementation of the WHO FCTC 2019–2025.”⁷

1 Available from <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/190/18/PDF/G1719018.pdf?OpenElement>

2 Available from <http://www.who.int/mediacentre/factsheets/fs339/en/>.

3 Available from <http://www.europe.undp.org/content/geneva/en/home/presscenter/pressreleases/2017/05/26/tobacco-kills-more-than-7-million-people-per-year-and-is-costing-the-world-economy-usd-1-4-trillion-annually.html>

4 Available from www.ash.org/declaration.

5 Available from https://www.who.int/tobacco/framework/WHO_FCTC_english.pdf

6 Available from <https://doi.org/10.18332/tpc/109375>.

7 Available from <https://www.who.int/fctc/cop/g-s-2025/advance-copy-gs-2025.pdf>.

Action on Smoking and Health respectfully requests that the forty-first session of the Human Rights Council and subsequent HRC Resolutions and processes addressing the right of everyone to the enjoyment of the highest attainable standard of physical and mental health in the implementation of the 2030 Agenda for Sustainable Development consider:

- *Welcoming the adoption by the 17th World Conference on Tobacco or Health of the Cape Town Declaration on Human Rights and a Tobacco-free World, which made specific reference to resolution 35/23 and to Sustainable Development Goal 3 and called upon the Human Rights Council to take into account the threat tobacco poses to the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;*
- *Addressing the impact on the right to health of the tobacco epidemic, which causes seven million preventable deaths annually⁸ and costs the global economy up to two percent of GDP⁹, creating a substantial barrier to economic and human development;*
- *Requests that the Special Rapporteur, while considering the many ways towards the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, to pay particular attention to the progress being made towards implementation of Target 3.a of the 2030 Agenda for Sustainable Development and the obligation of States to address human rights implications over the whole life-cycle of tobacco growing, manufacturing, marketing, distribution, consumption and post consumption;*
- *Calls upon states when reporting on the implementation of the right to health under human rights treaties, to provide information on measures taken and challenges faced in implementing the FCTC and reducing the harm caused by tobacco that affect that right;*
- *Invites States to include the status of tobacco control efforts, both successes and failures, and the impact of those efforts on the right to health, when reporting during their Universal Periodic Review; and*
- *Invites States, relevant United Nations and regional human rights mechanisms, United Nation Agencies and civil society organizations to share how the WHO FCTC has helped progress towards the 2030 Agenda for Sustainable Development during the second intersessional meeting for dialogue and cooperation on human rights and the 2030 Agenda for Sustainable Development established by HRC/RES/37/24 on the promotion and protection of human rights and the implementation of the 2030 Agenda for Sustainable Development.*

Action on Smoking and Health congratulates the Human Rights Council for its efforts to include human rights considerations in the 2030 Development Agenda. Human development requires the vigorous application of human rights norms. ASH will continue to support the Council in its promotion of human rights, especially the right to health as it addresses the global morbidity and mortality caused by tobacco.

ASH Finland, Asociatia Generatia Romania Sanatoasa 2035 Association PROI, Bluelink Foundation of Bulgaria, Center for Tobacco Control Research and Education- University of California, San Francisco, Comité National Contre le Tabagisme, European Cancer Patient Coalitiion, Healis Sekhsaria Institute of Public Health, OxySuisse, Smoke-free Life Coalition in Bulgaria, Society for Oral Cancer and Health, Tanzania Tobacco Control Forum, Tobacco-Free Association of Zambia, Unfairtobacco / BLUE 21 e.V., Vital Strategies NGO(s) without consultative status, also share the views expressed in this statement.

⁸ *Id.* at note 2.

⁹ *Id.* at note 3.