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Agenda item 3

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, Dhaka Ahsania Mission, SERAC-Bangladesh, Shivi Development Society, Union for International Cancer Control, 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.

[28 May 2020]

* 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 44th session of the Human Rights Council every success and sincerely hopes that under the guidance of its President, Ambassador Elisabeth Tichy-Fisslberger, the council will continue to promote 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 8 million annually² and costing the global economy up to two percent of its GDP.³ During this unprecedented pandemic, tobacco, cigarettes, and the actions of the tobacco industry are even more of a blight on society. As the WHO states,

“Tobacco smoking is a known risk factor for many respiratory infections and increases the severity of respiratory diseases. A review of studies by public health experts convened by WHO on 29 April 2020 found that smokers are more likely to develop severe disease with COVID-19, compared to non-smokers. COVID-19 is an infectious disease that primarily attacks the lungs. Smoking impairs lung function making it harder for the body to fight off coronaviruses and other diseases. Tobacco is also a major risk factor for noncommunicable diseases like cardiovascular disease, cancer, respiratory disease and diabetes which put people with these conditions at higher risk for developing severe illness when affected by COVID-19. Available research suggests that smokers are at higher risk of developing severe disease and death.”⁴

Tobacco, COVID-19 and the right to health are inextricably linked, and it is essential now, more than ever, that governments provide cessation support to those citizens that want to quit.

Action on Smoking and Health respectfully requests that the forty-fourth 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:

- *Addressing the impact on the right to health of the tobacco epidemic, including cigarettes, smokeless tobacco and other products, which causes eight million preventable deaths annually⁵ and costs the global economy up to two percent of GDP⁶, creating a substantial barrier to economic and human development;*
- *Addressing the negative impact of tobacco use on the outcomes of COVID-19 patients.*
- *Including access to cessation support as an essential part of discussion on Universal Health Coverage.*
- *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;*

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 <https://www.who.int/news-room/detail/11-05-2020-who-statement-tobacco-use-and-covid-19>.

5 *Id.* at note 2.

6 *Id.* at note 3.

- *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;*
- *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 and our partners congratulate the Human Rights Council for its efforts to include human rights considerations in the 2030 Development Agenda.

In 2017, tobacco giant Philip Morris International (PMI) approached the Danish Institute for Human Rights (DIHR), a quasi-state body to collaborate on a “human rights implementation plan” for PMI. The DIHR was given access to the corporation to assess PMI's value chain. Following DIHR's completion of their work, they concluded:

“Tobacco is deeply harmful to human health, and there can be no doubt that the production and marketing of tobacco is irreconcilable with the human right to health. For the tobacco industry, the [United Nations Guiding Principles on Business and Human Rights] therefore require the cessation of the production and marketing of tobacco.”

Human development requires the vigorous application of human rights norms. ASH and our partners 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. Thank you for your consideration.

Airspace Action on Smoking and Health African Union of Consumers African Tobacco Control Alliance (ATCA) Alliance contre le tabac Asociatia Generatia Romania Sanatoasa 2035 Association DNF – Pour un monde zéro tabac Association of European Cancer Leagues Association pour la Défense des Droits des Consommateurs (ADC) Tchad Association PROI, Bosnia and Herzegovina ASH Canada ASH Finland ASH Scotland Austrian Council on Smoking & Health BLUE 21 / Unfairtobacco CEDRO - Centro de Información y Educación para la Prevención del Abuso de Drogas. Centro de investigación para la epidemia del Tabaquismo- Uruguay Coalition for a Tobacco Free Palau Comité National Contre le Tabagisme European Network for Smoking and Tobacco Prevention Fiji Cancer Society FRESH- UK Fundación Anáas Healis Sekhsaria Institute of Public Health Health Funds for a Smokefree Netherlands Health Mission HRIDAY (Health Related Information Dissemination Amongst Youth) Indraprastha Public Affairs Centre (IPAC), India International Centre for Tobacco Cessation INWAT-Europe Malaysian Public Health Physicians' Association (PPPKAM) Malaysian Women's Action for Tobacco Control & Health (MyWATCH) Norwegian Cancer Society OxySuisse Physicians for a Smoke-Free Canada Public Health Advocacy Institute Public Health Law Center Samoa Cancer Society Inc Slovenian Coalition for Public Health, Environment and Tobacco Control Smoke-free Life Coalition- Bulgaria Smoke Free Partnership Society for Oral Cancer and Health Southeast Asia Tobacco Control Alliance (SEATCA) Stopping Tobacco Organizations and Products (STOP) Swiss Association for Tobacco Prevention Swarna Hansa Foundation Tobacco - Free Association of Zambia Tobacco Free Portfolios Zambia Heart and Stroke Foundation NGO(s) without consultative status, also share the views expressed in this statement.