



# General Assembly

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## Human Rights Council

### Fiftieth session

13 June–8 July 2022

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, Vital Strategies, non-governmental organizations in special consultative status**

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

[23 May 2022]

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\* Issued as received, in the language of submission only. The views expressed in the present document do not necessarily reflect the views of the United Nations or its officials.



## **Tobacco and Human Rights**

Action on Smoking and Health (ASH) and 34 signatory organizations wish the 50th session of the Human Rights Council every success and sincerely hopes that the council will continue to promote the “right of everyone to the enjoyment of the highest attainable standard of physical and mental health.”

ASH and the 34 signatories 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.”

Continuing human rights issues stemming from the actions of the tobacco industry are a barrier to the 2030 development agenda, and exacerbate the COVID-19 pandemic. Implementing the best practices set out in the World Health Organization’s Framework Convention on Tobacco Control will help states achieve development goals and save lives.

Tobacco remains the leading cause of global preventable death. Left unchecked, tobacco will kill 1 billion people this century. During this unprecedented pandemic, tobacco, cigarettes, and the actions of the tobacco industry are even more of a blight on society. As WHO Director General, Dr Tedros Adhamon Ghebreyesus stated in May 2021, “Smokers have up to a 50% higher risk of developing severe disease and death from COVID-19, so quitting is best thing smokers can do to lower their risk from this coronavirus, as well as the risk of developing cancers, heart disease and respiratory illnesses”.

Tobacco is also a barrier to development. Tobacco use costs the global economy up to two percent of its GDP and estimates show that tobacco farming causes up to five percent of global deforestation, with 200,000 hectares of natural wood biomass loss each year. On the other hand, as the United Nations Development Program notes, the World Health Organization Framework Convention on Tobacco Control is an accelerator for Sustainable Development and reducing tobacco use is critical to achieving every goal in the SDGs. The FCTC itself is included in the SDG’s, under target 3.a.

Tobacco is not only expensive to the global economy, but to individuals as well. As an example, the poorest households in Bangladesh spend almost 10 times as much on tobacco as on education. And at country level, over 10.5 million currently malnourished people could have an adequate diet if money spent on tobacco were spent on food instead.

Unfortunately, it’s the poorest who tend to smoke the most. Globally, 84% of people who smoke live in developing and transitional economy countries. Tobacco companies also target consumers based on race. For example, in the United States of America, nearly 9 out of 10 Black people that smoke, smoke menthol cigarettes due to menthol cigarette advertising that has been targeted at the Black community for decades. Almost 100 organizations from around the world recently submitted a report to the Committee on the Elimination on Racial Discrimination (CERD) highlight this violation. This unequal pattern of tobacco use is seen in many countries, for example Aboriginal and Torres Strait Islander people smoke more than other Australians and are at higher risk of serious disease and death.

Tobacco companies also target consumers based on gender, and specifically target women in countries where gender equality is becoming the norm. For example, in 2010, in its concluding observations, the Committee on the Elimination of all forms of Discrimination Against Women (CEDAW) expressed concern about the negative impacts of tobacco on the women of Argentina, particularly about tobacco advertising directed at women. The committee went on to urge Argentina to ratify and implement the FCTC.

Furthermore, tobacco has been recognized as major barrier to the right to health of children by the 2020 A Future for the World’s Children WHO-UNICEF Lancet commission and the Committee on the right of the Child made it clear when adopting General comment No. 15

in 2013 on the right of the child to the enjoyment of the highest attainable standard of health that “States are required to introduce into domestic law, implement and enforce internationally agreed standards concerning children’s right to health, including ... the World Health Organization Framework Convention on Tobacco Control”.

Tobacco exacerbates inequalities, perpetuates poverty, and is a barrier to achieving development as well as a barrier to achieving the right to health. It is essential that we consider tobacco policy through these human rights lenses.

Action on Smoking and Health and the 34 signatories respectfully request that the 50th 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 annually and costs the global economy up to two percent of GDP, 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 the discussion on Universal Health Coverage;
- Inviting 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;
- Calling 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;
- Inviting 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
- Inviting 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 34 partners congratulate 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 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.

UK Fundaci n An as Healis Sekhsaria Institute for Public Health Health Funds for a Smokefree Netherlands Norwegian Cancer Society OxySuisse Pratyasha anti-drug's club Program on Human Rights in Development Public Health Advocacy Institute Public Health Advocacy Institute Public Health Law Center Smoke Free Israel Society for Oral Cancer and Health Southeast Asia Tobacco Control Alliance (SEATCA) STOP Swiss Association for Tobacco Control Taiwan Medical Alliance for the Control of Tobacco Tanzania Tobacco Control Forum Te Ao Hurihuri The International Union Against Tuberculosis and Lung Disease Tobacco Free Portfolios Uganda National Health Consumers Organisation Unfairtobacco / BLUE 21, NGO(s) without consultative status, also share the views expressed in this statement.