

The production, marketing and sale of cigarettes violates the right to health and right to life of people around the world. Targeted advertising also violates the rights of specific legally-protected groups, such as women, children, and racial minorities. A human rights approach to ending the tobacco epidemic is unique as it implores or requires governments to advance human development by implementing measures that decrease smoking.

Governments are obligated to protect the health of their citizens through international and regional human rights treaties. Tobacco control advocates can use these human rights mechanisms to help end the tobacco epidemic. In addition to this reference guide, ASH has produced a video as an introduction to this topic; you can view it at www.ash.org/human-rights-resources.

***It is possible to submit the report and not continue on to the next steps. However, following up with steps 5-7 will help to encourage your government to take action.**

****Keep ASH informed! Let us know about your report submissions, hearings, and any media campaigns, as we strive to keep track of human rights and tobacco efforts around the world. Email us at info@ash.org.**

Human Rights Treaty Body Reporting

One way that advocates and civil society organizations can take action is through country-level treaty reporting. There are several international human rights treaties on topics that are relevant to tobacco control, and countries are obligated to report to those treaties about the human rights situation in their countries. However, those reports seldom include tobacco. The reports are submitted to the committee for each treaty, which in turn makes recommendations back to the country who submitted the report. Advocates have the opportunity to submit reports to draw each treaty committees' attention to the way tobacco devastates the populations the treaties are bound to protect. The opportunities for advocate engagement are in the blue boxes in the chart on the back of this guide and enumerated further below.

There are several steps that hold true regardless of which treaty body you are submitting to:

1. Check which treaties your country is a party to: <http://www.ohchr.org/EN/Countries/Pages/HumanRightsintheWorld.aspx>. Go to your country, then status of ratifications.
2. Choose a treaty/issue area to focus on based on upcoming reporting deadlines and topics of concern in your country. For example, if a high percentage of women or girls smoke in your country, and your country is due to report to CEDAW next year, CEDAW would be a good fit. You can read more about each treaty body that is relevant to tobacco control and its specific process for reporting at the websites listed below:

International Covenant on Economic, Social and Cultural Rights (ICESCR)

The ICESCR enshrines the right to health. The committee should hear from advocates about how tobacco negatively impacts the right to health in your country. <http://www.ohchr.org/en/hrbodies/cescr/pages/cescrindex.aspx>.

International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)

Big Tobacco frequently targets racial minorities with advertising, often with deadly results. The committee is concerned with protecting the rights of racial minorities, so include relevant information on targeted advertising and/or increased smoking rates in your report. <http://www.ohchr.org/EN/HRBodies/CERD/Pages/CERDIndex.aspx>

Convention on the Rights of the Child (CRC)

The large majority of smokers become addicted as children and adult tobacco use has negative impacts as well. The Committee is tasked with protecting the rights of children around the world. Tobacco advertising, second hand smoke, smoking near schools, and many other tobacco issues infringe on those rights. <http://www.ohchr.org/EN/HRBodies/CRC/Pages/CRCIndex.aspx>.

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

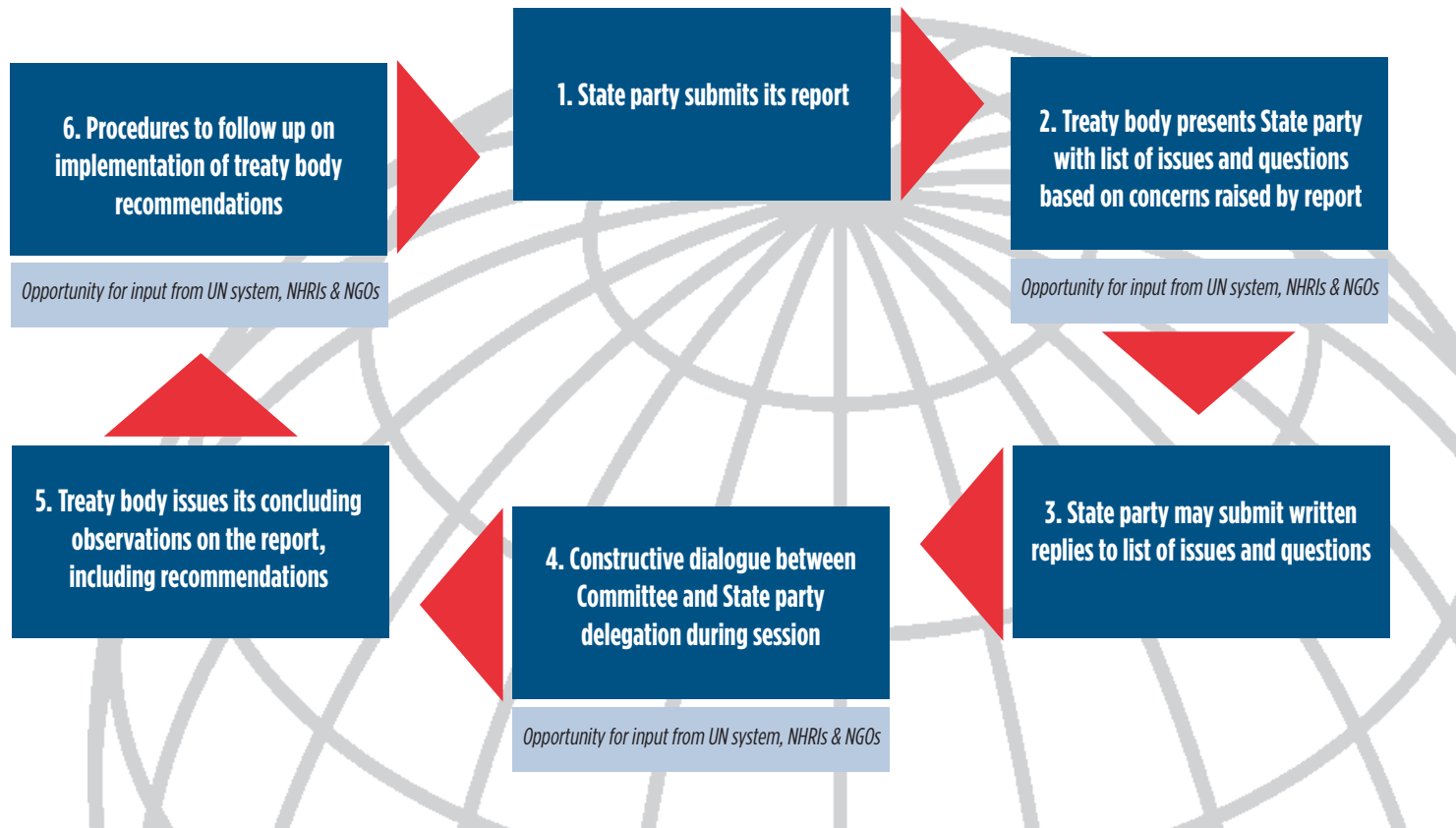
The number of women and girls smoking around the world is increasing, in large part due to targeted advertising by the tobacco industry. The Committee will want to hear how tobacco is negatively impacting women and girls in your country. <http://www.ohchr.org/EN/HRBodies/CEDAW/pages/cedawindex.aspx>

Convention on the Rights of Persons with Disabilities (CRPD)

People with disabilities frequently smoke at a much higher rate than the rest of the population. If this is true in your country, consider submitting a report to the CRPD. <http://www.ohchr.org/EN/HRBodies/CRPD/Pages/CRPDIndex.aspx>

3. Determine when the next report is due. <http://www.ohchr.org/EN/Countries/Pages/HumanRightsintheWorld.aspx>. Go to your country, then reporting status.
4. Work with partners in tobacco control and in fields related to the subject matter of the treaty committee to prepare and submit a report.* You can find examples of shadow reports on the ASH resource page: www.ash.org/human-rights-resources.
5. Follow up the report with a request for a presentation to the committee, to further highlight tobacco. You can read about the process to do that on each committee's page, see treaty specific websites above.
6. In both your report and your presentation, ask for the committee to include tobacco control in their recommendation back to the country.
7. Follow up to make sure the recommendation is met. Use media and grass roots campaigns to ensure the government knows that its citizens want to be protected from tobacco.** Examples of press releases and press kits are available on ASH's resource page: www.ash.org/human-rights-resources.

The Reporting Cycle Under the Human Rights Treaties



Universal Periodic Review

The Human Rights Council (HRC) is the principal United Nations intergovernmental body responsible for human rights. Its role includes strengthening the promotion and protection of human rights around the globe, and making recommendations to address violations of human rights. The Universal Periodic Review (UPR) is a review of the human rights records of all Member States before the HRC, as each state reports approximately once every 5 years. It provides an opportunity for Member States to discuss the steps taken to protect human rights in their countries and gives an opportunity to address violations. Advocates can participate in the UPR process in five main forms:

1. Campaign during the consultation process (at least a year before the report deadline) to have tobacco issues included in the national report that the State under Review must submit to the UPR. Each government will have its own website on this topic;
2. Send information to the Office of the High Commissioner on

the tobacco situation in the country either jointly with other NGO's or individually as a "stakeholders report," similar to the treaty reports on the front of this document: <http://www.ohchr.org/en/hrbodies/upr/pages/NgosNhris.aspx>;

3. Educate members of the UPR Working Group on issues relating to tobacco through individual meetings or side events. Encourage them to ask questions and make recommendations about tobacco during the review;

4. Organizations with ECOSOC status can take the floor at the Human Rights Council during the adoption of the report to address tobacco issues specific to the country and ask the HRC to request that the government take action; and

5. Monitor and participate in the implementation of the UPR recommendations by the government.

Read more about civil society engagement in the UPR process in the UPR memo on the ASH resource page: www.ash.org/human-rights-resources and about the UPR itself at <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx>.

Other Uses for Human Rights Arguments

There are numerous other uses for human rights arguments. They can help in domestic litigation against the tobacco industry and can be very persuasive to the media.

Regional advocacy is essential as well. Africa, Europe, and the Americas all have regional human rights committees that should include tobacco in their work.

Ongoing Opportunities

ASH maintains an updated list on our website of ongoing opportunities for tobacco control advocates to engage in human rights processes. Some of the opportunities include things like submitting comments to UN working groups, following up on relevant resolutions, and advocating to national governments. See www.ash.org/human-rights-resources.

About ASH

Founded in 1967, Action on Smoking and Health (ASH) is the United States' oldest anti-tobacco organization, dedicated to a world with ZERO tobacco deaths. Because tobacco is the leading cause of preventable death worldwide, ASH supports bold solutions proportionate to the magnitude of the problem.