

May 25, 2025

Tobacco and Human Rights

Action on Smoking and Health (ASH) and 38 signatory organizations wish the 59th session of the Human Rights Council every success and sincerely hope that the council will continue to promote the “right of everyone to the enjoyment of the highest attainable standard of physical and mental health” as well as the “right to a healthy environment.”

ASH and the 38 signatories 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.”

The Danish Institute for Human Rights, after doing a Human Rights Assessment of the tobacco company Philip Morris International, concluded that “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” and the UN Global Compact instated an exclusion for tobacco companies because they are “in direct conflict with UN goals, particularly with the right to public health.”¹

Continuing human rights issues stemming from the actions of the tobacco industry are a barrier to the 2030 development agenda. Tobacco remains the leading cause of global preventable death. Left unchecked, tobacco will kill 1 billion people this century. 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 is 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. The World Health Organization highlighted

¹ <https://www.humanrights.dk/news/human-rights-assessment-philip-morris-international>
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this challenge for World No Tobacco Day last year. The theme was “We Need Food, Not Tobacco,” and the 2023 global campaign aims to “raise awareness about alternative crop production and marketing opportunities for tobacco farmers and encourage them to grow sustainable, nutritious crops.”² Ending tobacco farming will help to achieve SDG 1- no poverty and SDG 2-zero hunger

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, nearly 9 out of 10 Black people that smoke, smoke menthol cigarettes³ due to menthol cigarette advertising that has been targeted at the Black community for decades. 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,⁴ which also violates the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). Ending the tobacco epidemic will also help achieve SDG 10- reducing inequalities.

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.^{5,6}

Furthermore, tobacco has been recognized as a 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 Rights 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.”

Every year the tobacco industry costs the world not only lives, but also “600 million trees, 200,000 hectares of land, 22 billion tonnes of water and [produces] 84 million tonnes of CO₂.” Tobacco products (and the companies who produce them) harm the environment throughout the entire lifecycle of the product - from growing all the way through post-consumer waste. One way that

² <https://www.who.int/europe/news-room/events/item/2023/05/31/default-calendar/world-no-tobacco-day-2023--we-need-food--not-tobacco>.

³ <https://truthinitiative.org/research-resources/targeted-communities/tobacco-use-african-american-community>.

⁴ <https://www.health.gov.au/health-topics/smoking-and-tobacco/smoking-and-tobacco-throughout-life/smoking-and-tobacco-and-aboriginal-and-torres-strait-islander-peoples>.

⁵ Committee on the Elimination of Discrimination against Women (2010), ‘Concluding Observations for Argentina, Section 39’, available at:

https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Download.aspx?symbolno=CEDAW%2fC%2fARG%2fCO%2f6&Lang=en.

⁶ In 2016, the CEDAW committee stated

“The Committee is concerned about the high level of tobacco consumption among girls compared with the level among boys. The Committee recommends that the State party (...) ratify and implement the WHO Framework Convention on Tobacco Control and reduce the high tobacco consumption among adolescents, in particular girls, and address the health consequences.” Available at:

https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Download.aspx?symbolno=CEDAW/C/ARG/CO/7&Lang=en.

society can make progress is by including a reference to the Framework Convention on Tobacco Control, as well as a total ban on plastic cigarette filters, in the upcoming Treaty to End Plastic Pollution. Tobacco control will facilitate progress towards several SDG's that are focused on the environment, including SDG 6- clean water and sanitation, 12- responsible consumption and production, 14- life below water, and 15-life on land.

Tobacco pollutes the planet throughout its life cycle, and as such, is an obstacle to the right to a healthy environment.⁷ Cigarette filters, not only do not protect health,⁸ but are toxic and do not biodegrade easily. However, they are littered at a rate of 4.5 trillion per year,⁹ releasing microplastics in the environment.¹⁰ Cigarette butts and other single use plastics associated with tobacco products are a significant contributor to plastic pollution.

International entities have begun to address this. The United Nations Environmental Assembly adopted UNEA Resolution 5/14 entitled "End plastic pollution: Towards an international legally binding instrument" to develop a legally binding instrument on plastic pollution, including the marine environment.¹¹ In 2024, the Human Rights Council adopted a resolution to address the "plastic pollution implications for the full enjoyment of human rights"¹² requesting "the Human Rights Council Advisory Committee to prepare a comprehensive study on the implications of plastic pollution for the full enjoyment of human rights, based on a comprehensive approach that addresses the full life cycle of plastic, and to present the study to the Human Rights Council at its sixty-sixth session."¹³ The resolution also "requests the Advisory Committee, when preparing the abovementioned study, to seek the views of and inputs from and to take into account work already done by relevant stakeholders." The WHO FCTC COP 10 Adopted a Decision recognizing the impact of cigarette filters¹⁴ and the WHO's and FCTC Secretariat input to the UN Treaty to end plastic pollution have called for an immediate ban on cigarette filters.¹⁵

⁷ <https://www.who.int/publications/i/item/9789240051287>

⁸ <https://pmc.ncbi.nlm.nih.gov/articles/PMC9340047/>

⁹ <https://fctc.who.int/newsroom/spotlight/environment/4.5-trillion-cigarette-butts-are-equal-to-1.69-billion-pounds-of-toxic-trash>

¹⁰ <https://fctc.who.int/newsroom/news/item/01-02-2022-unep-secretariat-of-the-who-fctc-partner-to-combat-microplastics-in-cigarettes>

¹¹ <https://www.unep.org/inc-plastic-pollution>

¹² <https://digitallibrary.un.org/record/4060543?v=pdf>

¹³ <https://digitallibrary.un.org/record/4060543?v=pdf>

¹⁴ [https://fctc.who.int/resources/publications/i/item/fctc-cop10\(14\)-implementation-of-article-18-of-the-who-fctc](https://fctc.who.int/resources/publications/i/item/fctc-cop10(14)-implementation-of-article-18-of-the-who-fctc)

¹⁵ https://resolutions.unep.org/resolutions/uploads/who_partb_28082023_1.pdf

The 2024 FCTC Conference of the Parties (COP) made several groundbreaking decisions that are relevant to the work of the Human Rights Council, including-

- **Contribution of the WHO FCTC to the promotion and fulfilment of human rights:** encourages Parties to consider including WHO FCTC principles and implementation efforts when engaging with the United Nations human rights mechanisms.
- **Article 2.1 on Forward Looking Measures:** As stated in the FCTC “in order to better protect human health, Parties are encouraged to implement measures beyond those required by this Convention and its protocols.” An Expert group will be established to explore cutting-edge policies which go beyond minimum FCTC measures to better protect the right to health that will be presented back to COP11.
- **Article 18 on Protection of the environment and the health of persons in relation to the environment in respect of tobacco cultivation and manufacture:** This Decision recognizes the extensive harm caused to the environment and the right to a health environment by the entire lifecycle of the cigarette, from production to use and disposal including the negative environmental impact of filters and calls on stronger collaboration between the FCTC and UN environmental treaties including the negotiations of the treaty to end plastic pollution.

Tobacco exacerbates inequalities, perpetuates poverty, and is a barrier to achieving development (and several of the sustainable development goals) 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 38 signatories respectfully request that the 59th 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;
- Including access to cessation support as an essential part of the discussion on Universal Health Coverage;
- Addressing tobacco’s (especially cigarette filters or butts) negative impact on the environment, including at the upcoming Intergovernmental Negotiating Committee (INC) to develop an international legally binding instrument on plastic pollution;
- Including tobacco in the Fourth High-level Meeting of the UN General Assembly on the prevention and control of NCDs and the promotion of mental health and wellbeing (HLM4)
- 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;

- Inviting the Human Rights Council Advisory Committee engaged in the development of a comprehensive study on the implications of plastic pollution for the full enjoyment of human rights, based on a comprehensive approach that addresses the full life cycle of plastic, that will be presented to the Human Rights Council at its sixty-sixth session to address the impact of tobacco products and cigarette filters when developing the report ;
- Calling upon states, when reporting on the implementation of the right to health under human rights treaties, to provide information on successful measures taken to reduce tobacco use as well as challenges faced in implementing the FCTC and reducing the harm caused by tobacco that affect that right; and
- 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.

Action on Smoking and Health and our 38 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 its 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.

Signed,

Action on Smoking and Health (ASH)

Afghanistan NCD Alliance

Aktionsbündnis Nichtraucher e.V.

AMBIO SOCIEDAD CIVIL

American College of Chest Physicians

ASH Scotland (UK)

Belgian Alliance for a Smoke-Free Society

CLAS

Comité national contre le tabagisme, CNCT

Corporate Accountability

Costa Rica Saludable

EducAR consumidores

European Network for Smoking and Tobacco Prevention - ENSP

Fundación Interamericana del Corazón Argentina

Fundación MÁS QUE IDEAS

Global Alliance for Tobacco Control

Institute of leadership and Development (INSLA)

InterAmerican Heart Foundation

Interfacing Development Interventions for Sustainability (IDIS), Inc.

King Hussein Cancer Center

Malaysian Women's Action for Tobacco Control and Health (MyWATCH)

Ñande Bolivia

National Cancer Control Foundation Yemen - Aden

Nofumadores.org

OMIS

Pratyasha Anti-drug's club

RENATA
Salud Crítica
Salud Justa Mx
SERAC-Bangladesh
Slovenian Coalition for Public Health, Environment and Tobacco Control
Southeast Asia Tobacco Control Alliance
Swiss Association for Tobacco Control
Tanzania Tobacco Control Forum
Te Ao Hurihuri
Tobacco Control Research Group, University of Bath
Tobacco Free Portfolios
Vital Strategies
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