

February 14, 2019

To the attention of:

Dr Michelle Bachelet
High Commissioner for Human Rights
Palais Wilson – United Nations
Geneva, Switzerland

I am writing on behalf of Action on Smoking and Health. Founded in 1967, [Action on Smoking and Health](#) (ASH), an organization with ECOSOC Status, is the United States' oldest organization devoted to fight the harms caused by tobacco both in the US and globally and dedicated to a world with zero tobacco deaths. We appreciate the opportunity to provide input into the report of the High Commissioner.

Tobacco poses special challenges to the contribution of the right to health framework to achieving the health-related Sustainable Development Goals, especially, but not limited to, Goal 3, Target 3.a (“Strengthen the implementation of the World Health Organization Framework Convention on Tobacco Control in all countries, as appropriate”) and its related indicator.

Addressing the tobacco epidemic is an essential component of the right to health and local governments can play a critical role in accelerating the implementation of the Framework Convention on Tobacco Control (FCTC) and also help address the 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. Local governments can help governments act on the affirmation by the Committee on Economic Social, and Cultural Rights that “failure to discourage production, marketing and consumption of tobacco” constitutes a violation of the obligation to protect under Article 12 of the ICESCR. (E/C.12/2000/4, 11 August 2000, para. 51). They can also play a role in monitoring and exposing tobacco industry interference in achieving Target 3.a.

In many countries, local governments can take action even when federal governments cannot or will not. For example, federal smoke-free legislation in Switzerland has been slow, and subjected to several legal challenges by tobacco companies. However, In Switzerland, as in many other countries, localities have the right to pass their own laws. By passing their own local smoke-free air laws, individual cantons drove the national government to create a federal law on the topic.

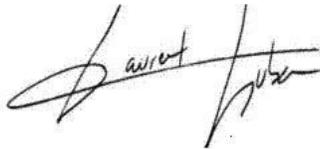
The fundamentally harmful nature of the tobacco industry is such that it cannot be a partner in efforts to engage local communities in the promotion and protection of human rights. Initiatives by the tobacco industry to engage in local policy making or promotion of a "smoke free world" constitute a public

relations ploy to advance their corporate interests and are contrary to the right to health in the context of the contributions of the right to health framework to the effective implementation and achievement of the health-related Sustainable Development Goals. In fact, the guidelines for Article 5.3 of the FCTC, recommendation 2.1 states that “Parties should interact with the tobacco industry only when and to the extent strictly necessary to enable them to effectively regulate the tobacco industry and tobacco products.” As such local governments should not only not work with the tobacco industry but also expose any attempts by the tobacco industry to discourage local efforts to decrease tobacco use.

Regarding best practices, we consider, consistent with target 3.a, that full and accelerated implementation of the FCTC is essential and that local governments can and should take a critical role in implementing policy and monitoring tobacco industry interference to achieve this target.

We are grateful to you for the support you have expressed for considering the tobacco epidemic as a major challenge to the promotion and protection of human rights at the local level and for reflecting this concern in the report you will present to the Human Rights Council at its 42nd session.

Sincerely,

A handwritten signature in black ink, appearing to read 'Laurent Huber', written in a cursive style.

Laurent Huber
Executive Director