

Comments on the Draft General Recommendation n°37 on Racial discrimination in the enjoyment of the right to health

Founded in 1967, Action on Smoking and Health (ASH) is the United States' oldest organization devoted to fight the harms caused by tobacco, both in the US and globally, and is dedicated to a world with zero tobacco deaths. Action on Smoking and Health, an organization with consultative ECOSOC status, is joined in this submission by 208 signatories. They include, among others, academic institutions, legal centers, and public health advocacy organizations from 61 countries around the world. We are writing to highlight the importance of including tobacco in General Recommendation 37.

Tobacco use is the single leading cause of preventable death and disease worldwide and causes more than 8 million deaths per year. Over 80% of the world's 1.3 billion tobacco users live in low- and middle-income countries. "Marginalized and vulnerable populations- including, people in low- and middle-income communities, women, children, racial and ethnic minorities, LGBTQI+ persons, and Indigenous peoples, bear a disproportionate burden of tobacco-related harm."

We are pleased to see tobacco mentioned in section II(B)(12)(a)(i) under Racial discrimination in availability of public health, including essential medicine. While we applaud this inclusion, respectfully, tobacco impacts several other areas of the right to health and should be further included throughout other areas of General Recommendation 37. This submission will briefly describe some of the key issues impacting tobacco, race, and the right to health and will provide recommendations for additions to General Recommendation 37.

Background

The Framework Convention on Tobacco Control (FCTC)

The WHO Framework Convention on Tobacco Control (FCTC) is an international treaty that reaffirms the right of all people to the highest standard of health, recalling the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, as well as the Constitution of the World Health Organization.

The FCTC has been instrumental in changing the global conversation about tobacco, and many of its articles address rights that are important to the implementation of ICERD, including:

- Right to health and life – FCTC Articles 9, 10, 11, 12, 13, 14, and 16
- Right to a healthy environment – FCTC Articles 8, 17, and 18
- Children's rights – FCTC Article 8, 12, 13, 16 and 17
- Women's rights – FCTC Article 8, and 13

Indigenous peoples

The Preamble of the WHO FCTC states that Parties to the Convention are ‘Deeply concerned about the high levels of smoking and other forms of tobacco consumption by Indigenous peoples.’ The prevalence of tobacco use amongst Indigenous peoples is higher in some places than amongst the general population, often with disproportionately detrimental impacts on their health, economic and cultural well-being. This list is not exhaustive, but simply meant to serve as an example of how tobacco is an issue that impacts racial groups around the world.

- In Australia, where prevalence among Australian Aboriginal and Torres Strait Islander Peoples is almost twice that of the general population.
- In New Zealand, where smoking prevalence is almost twice as high among Māori versus general population.
- In Canada, where smoking rates are 2.5 times higher among Inuit, and higher among First Nations people overall.
- In the United States, American Indian, Alaska natives have the highest rates of smoking prevalence.

Targeted advertising and flavors

Tobacco companies misappropriate Indigenous traditions and symbols in marketing and target flavored products to marginalized and vulnerable populations, for example, African Americans in the United States. Tobacco companies have strategically targeted racial and ethnic communities for decades.

Culturally competent cessation support

The Guiding Principles of the WHO FCTC highlight the need for Parties to take measures to promote the participation of Indigenous people and communities in the development, implementation and evaluation of tobacco control programs that are socially and culturally appropriate. This is necessary because, as just one example, “African American adults have been found to be more likely to express interest in quitting and more likely to have tried to quit in the past year than white adults, but are less likely to use proven treatments (e.g., counseling and/or medications) and are less likely to succeed in quitting.” Culturally competent cessation support is necessary to help end the tobacco epidemic.

Sustainable Development Goals (SDGs)

The negative impact of tobacco on global development was recognized by the global community in September 2015, when all United Nations Member States adopted the UN Sustainable Development Goals (SDGs) which include Target 3.a which calls on countries to “Strengthen the implementation of the World Health Organization Framework Convention on Tobacco Control in all countries, as appropriate.” Target 3.4 goes on to call on countries to “by 2030, reduce by one third premature mortality from non-communicable diseases through prevention and treatment”. The FCTC, and tobacco control, is considered an accelerator for sustainable development overall.

Recommendations

We respectfully suggest that the Committee's General Recommendation No.37 on racial discrimination and the right to health include clear and specific language and recommendations that:

The Framework Convention on Tobacco Control

- Call on all state parties to ICERD to sign, ratify, and fully implement all articles of the Framework Convention on Tobacco Control.
- Countries should implement provisions of the WHO FCTC, and tobacco control measures more generally, in ways that take account of health disparities among racial groups;

Culturally competent cessation support

- Call on state parties, in accordance with Article 14 of the FCTC, to provide culturally competent tobacco cessation support.

Targeted advertising and flavors

- Call on state parties, in accordance with the FCTC, to implement and enforce a comprehensive ban on tobacco advertising, promotion and sponsorship;
- Call on state parties, in accordance with the FCTC, to prohibit flavors in tobacco products.

Indigenous Peoples

- Affirm, in line with Article 24 of United Nations Declaration on The Rights of Indigenous Peoples (UNDRIP), that Indigenous peoples have the right to the highest attainable standard of health. And that:
 - Health includes physical and mental health, free from addictions such as tobacco.
 - The Tobacco Industry, their products, and their associates obstruct this fundamental human right to health.
- Recall that it is incumbent on States to undertake steps to achieve the full realization of this right and protect the health of Indigenous peoples.

Sustainable Development Goals (SDGs)

- Affirm the connection between the right to health and the SDGs, including SDG 3.a, which calls for implementation of the Framework Convention on Tobacco Control.

Thank you for the opportunity to provide input; General Recommendation 37 will have an important impact at the national and international level. Thank you for protecting the right to health of everyone, of every race.

Signed,

2Space PBC
ACT Health Promotion/ACT Promoção da Saúde
ACT-Alliance contre le tabac
Action on Smoking & Health - Philippines
Action on Smoking and Health
Advancing Synergy
Advocacy center «Life»
Afectados por Tabaquismo en Extremadura
African American Tobacco Control Leadership Council
African Tobacco Control Alliance (ATCA)
Afrique Sans Tabac
Aktionsbündnis Nichtraucher e.V. (ABNR e.V.)
Alameda County Tobacco Control Coalition
Anti-smoking Crusaders
Anti-smoking Jordanian society
Anti-Vaping Champions at UCLA
AP HP
Arizonans Concerned About Smoking, Inc.
ASH Canada
ASH Scotland
Asian Pacific Islander Coalition Advocating Together (APICAT) for Health
Association for Nonsmokers-Minnesota
Asthma and Allergy Foundation of America
Austrian Council on Smoking and Health
Back To Life Housing
Bahrain Anti-smoking Society
Bay Area Community Resources and Marin County Health and Human Services (Youth Advocacy Committee)
Black Paris Tours
BlueLink Foundation
Breathe California of the Bay Area, Golden Gate and Central Coast
Bridges Diasporic Arts
Butte County Public Health Tobacco Education Program
CA LGBTQ Health and Human Services Network
Campaign for Tobacco-Free Kids

Cancer Aid Society
Center for MultiCultural Health
Child Labor Coalition
CIET Uruguay
Cigarette Butt Pollution Project
CILTAS-MS
CLAS Coalition for Americas' Health
CleanEarth4Kids.org
CNPT
Coalition for a Smoke-Free Long Beach and Long Beach Environmental Alliance
Colegio de Odontólogos y Estomatólogos de la I Región
Colorado Black Health Collaborative
Colorado Council of Black Nurses Inc.
Comité national contre le tabagisme, CNCT
Communities of color
Community Wellness Alliance
Consumers for Affordable Health Care
Contra Costa Health
Corporate Accountability
Counter Tools
DC Tobacco Free Coalition
Department of Environmental Health Surveillance and Occupational Health, Secretariat and Surveillance in Health and Environment, Ministry of Health of Brazil-DSAST/SVSA/MS
Department of Public Health Sciences
Dr.D Y Patil Dental College and Hospital
Drug Fight Malawi
Enough of Gun Violence
Equality California
EqualityMaine
European Network for Smoking and Tobacco Prevention - ENSP
Greater Friendship Missionary Baptist Church
Federación de Asociaciones de Enfermería Familiar y Comunitaria (FAECAP)
Federation of Malaysian Consumers Association (FOMCA)

FIC Bolivia/Fundacion Bolivia
Saludable/Alianza por la Salud
Fundación Bolivia Saludable
Fundación Canaria Dental
Fundación Ellen Riegner de Casas
Fundación Interamericana del Corazón
Argentina
Gangstas To Growers
Generational Health Network
German Network for Tobacco free Healthcare
Services
GISS Center
Global Allergy & Airways Patient Platform
Global Alliance for Tobacco Control
Global Health Visions (GHV)
Gravenstein Health Action Coalition
GRESP/APMGF
Haakro Welfare Association.(HWA)
Healis Sekhsaria Institute for Public Health--
only an affiliate
Health Funds for a Smokefree Netherlands
Health Institute Association (Turkey)
(Sagliga Evet Dernegi
Healthier Lyon County
Healthy Black Families, Inc.
Healthy DC & Me Leadership Coalition
Howard University Cancer Center
Hyah belatadkheen
IFMSA Brazil
International Alliance of Women
International Tobacco Control Policy
Evaluation Project (ITC Project)
International Union Against Tuberculosis and
Lung Disease
Islamic Renaissance Malaysia
Istituto Superiore di Sanità
Japan Society for Tobacco Control
Jump at the Sun Consultants, LLC
Kavali Consulting LLC
Kenya Tobacco Control Alliance -Ketca
Leadership Council for Healthy Communities
LGBTQ Center OC
Lithuanian Tobacco and Alcohol Control
Coalition
Louisiana Public Health Institute
Lovexair Foundation
M.I. Mother's Keeper

Maine Chapter, American Academy of
Pediatrics
Maine Community Action Partnership
Maine Medical Association
Making it Count
Malaysian Women's Action for Tobacco
Control and Health (MyWATCH)
Mariposa Health and Wellness Coalition
Megoamia community development
organization
Mile High Medical Society
Minnesota Society for Public Health
Education
Mircea and Partners Law Firm
Movendi International
National council against smoking
National Jordanian Anti-smoking Society
National LGBT Cancer Network
NCD unit in Ministry of health Zanzibar
Neighborhood Planning Unit H - Adamsville
New England Arab American Organization
(NEAAO)
New York State Public Health Association
NHMRC Centre of Research Excellence on
Achieving the Tobacco Endgame
Nofumadores.org
North American Quitline Consortium
Northeast Ohio Black Health Coalition
Norwegian Cancer Society
Nursing Association of Moldova
NY SAHY
Office of Samoan Affairs
OMIS Uruguay
Parents Against Vaping e-cigarettes
Physicians for a Smoke-Free Canada
Preventing Tobacco Addiction Foundation
PROGGA, Knowledge for Progress
PROI
Project Success Coalition
Public Health Law Center
Race, Racism and the Law
Rajasthan Cancer Foundation
RENATA
ROVER Tobacco Control Library
Rural Health Unit- Talisayan
Salud Justa Mx
Save A Girl Save A World
shinelifelife international foundation

Shivi Development Society
Sierra Leone Alliance Against Hunger and Malnutrition (SLAAHM)
SITAB (Italian Society of Tobaccology)
SLO Co. Tobacco Control Coalition
Smoke Free Israel
Smoke Free Outdoor Areas Antelope Valley Coalition
Smoke Free St. Joe Coalition
Smokefree Air For Everyone
Smoking Cessation Leadership Center
Social Liberation n Health Network
Sociedad Española de Especialistas en Tabaquismo (SEDET)
Societat Catalana d'Atenció i Tractament del Consum del Tabac (SCATT)
Society for Oral Cancer and Health
Southeast Asia Tobacco Control Alliance
Stan Martin Consulting
Strategic Institute for Public Health Education & Research (SIPHER)
Swedish Heart Lung Foundation
Swiss Association for Tobacco Control
T&T Consulting Limited
Tabac Liberte
Tanzania Tobacco Control Forum
TB PROOF
Te Ao Hurihuri
Temperance Awakening
Tennessee Tribune Newspaper
The Arab Council for Social Responsibility
The Center for Black Health & Equity
The Danish Heart Foundation
The Girls Association for Development
The Israeli Medical Association for Smoking Cessation and Prevention
The Louisiana Campaign for Tobacco-Free Living
The Lutheran Outreach Community Based Organization

The Scribes of Heru Writers Collective
The Spanish COPD Patient association, APEPOC
The University of Kansas Cancer Center
Tobacco Control Alliance
Tobacco Control Area . Spanish Society of Pneumology and Thoracic Surgery
Tobacco Education & Advocacy of the Midlands
Tobacco Free Portfolios
Tobacco Monitor
TobaccoFree Research Institute Ireland
Transcending Institutions and Communities Inc.
Tulasi Mehar UNESCO Club
Uganda Non- Communicable Disease Alliance (UNCDA)
Union for International Cancer Control
Vision for Alternative Development
Vital Strategies
Volunteers Against Smoking and Tobacco WALK
William S. Robinson & Associates, Inc.
Winona County Alliance for Substance Abuse
Wisconsin African American Tobacco Prevention Network
Wisconsin Tobacco Prevention and Poverty Network
Women Advancing Nutrition Dietetics and Agriculture (WANDA)
Women Watch Afrika, Inc.
Women's Coalition Against Cancer -(wocaca)
Women's Participation Institute
XQNS citizen initiative for the improvement of the Tobacco Law in Spain
YAADA
YMCA DC Youth & Government
Youth and Women for Change in Eswatini