

## TOBACCO AND CHILD RIGHTS

Protecting children from tobacco use and industry interference, 27 May 2020

### KEY FACTS<sup>i</sup>

- The high rates of tobacco use among children globally and the targeting of children by the tobacco industry is a major threat to the health of children now and in the future
- Around 38 million children are current users of tobacco in its many forms
- Tobacco dependence mostly starts in childhood when children are illegally supplied tobacco in violation of many national laws
- Evidence clearly shows the damage caused by tobacco use and second-hand smoke, the targeting of children by tobacco companies and the widespread illegal use of child labour in growing and selling tobacco
- In addition to several forms of tobacco delivery, e-cigarettes and new products are flooding into unregulated markets to addict current and future generations of children
- Governments as Parties have ratified several treaties to protect children including the WHO Framework Convention on Tobacco Control (FCTC) and the United Nations Convention on Rights of the Child (UN CRC)<sup>ii</sup>.

### TOBACCO VIOLATES CHILD RIGHTS

- Human rights experts<sup>iii</sup> <sup>iv</sup> confirm that tobacco production and tobacco use are linked to numerous human rights violations and are undermining sustainable developments goals
- The denial of child rights is at the heart of the tobacco industry's interference in health policies. With five tobacco giants controlling 80 percent of the global market that kills eight million people a year, the industry is presenting itself as part of the solution, not the problem<sup>v</sup>
- The servitude of children in tobacco production is rife as well as dangerous<sup>vi</sup> despite claims by the tobacco industry and its front groups that they want to end child labour in tobacco practices
- While claiming to care about children, the global industry is expanding its base of allied front groups, flooding markets with new products and using philanthropy to reinvent itself as caring about children<sup>vii</sup>.

### EVIDENCE ON HOW THE TOBACCO INDUSTRY TARGETS CHILDREN<sup>viii</sup>

Research and internal industry documents reveal their multi-pronged tactics designed to attract new generations of tobacco users by:

- Marketing products using appealing designs and packaging
- Adding popular flavours to attract children
- Launching celebrity sponsorships and brand sponsored contests
- Expanding point-of-sale marketing promotion around schools
- Using allied front groups to promote their commercial interests in opposing health
- Flooding markets with new products they claim to be safe or safer
- Marketing tobacco products via social media and vending machines
- Threatening legal actions to block and delay tobacco control policies.

## GLOBAL TREATIES AND CONVENTIONS HAVE THE POWER TO PROTECT CHILDREN FROM TOBACCO

Measures to protect children from tobacco are embedded in the WHO FCTC; the United Nations Convention on the Rights of the Child, and the United Nations Sustainable Development Goals (SDGs).

### 1. WHO Framework Convention on Tobacco Control<sup>ix</sup>

The FCTC has several Articles that can be used in child health reports to protect children from tobacco:

- **Tobacco advertising, promotion, and sponsorship (Article 13)** Children are a vulnerable target for tobacco industry marketing. Tobacco advertising, promotion and sponsorship, both direct and indirect, should be banned.
- **Protection from exposure to tobacco smoke (Article 8)** Children are more vulnerable to the harmful effects of second-hand smoke. Providing comprehensive protection, particularly in indoor areas, is essential.
- **Price and tax measures (Article 6)** Children are less likely to initiate tobacco use if tobacco taxes and prices are high.
- **Regulation of the contents of tobacco products (Article 11)** Many products, including e-cigarettes, contain flavours to appeal to children so restrictions can reduce experimentation and uptake.
- **Packaging and labelling of tobacco products (Article 11)** As children are influenced by advertising tactics, standardised packaging with large graphic health warnings can reduce the appeal and use of tobacco.
- **Preventing tobacco industry interference in health policies (Article 5.3)** Monitoring and exposing industry interference in health rights and policies is needed to protect children from tobacco.

### 2. United Nations Convention on the Rights of the Child

Several articles can be used in reporting requirements to protect children from tobacco:

- Article 2 Non-discrimination
- Article 3 Best interests of the child
- Article 6 Life, survival and development
- Article 12 Respect for the views of the child
- Article 17 Access to information
- Article 24 Health and health services
- Article 27 Adequate standard of living
- Article 28 Right to education
- Article 32 Child labour
- Article 33 Drug abuse
- Article 36 Other forms of exploitation

### 3. Sustainable Development Goals<sup>x</sup>

In 2015, the United Nations set down 17 Sustainable Development Goals for 2030. SDG 3.4 aims to reduce by one third premature deaths from non-communicable diseases (NCDs), including tobacco caused diseases. Target 3a specifically commits countries to strengthen the implementation of the WHO FCTC to help battle NCDs.

## HUMAN RIGHTS CONVENTIONS: CONTACTS FOR SUBMISSIONS<sup>xi</sup>

- International Covenant on Economic, Social and Cultural Rights (ICESCR)**  
The ICESCR enshrines the right to health and reports can be submitted to its ICESCR committee on how tobacco negatively impacts the right to health.  
<https://www.ohchr.org/en/hrbodies/cescr/pages/cescrindex.aspx>
- International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)**  
The tobacco industry targets racial minorities with advertising to encourage tobacco use. The ICERD committee is concerned with protecting the rights of racial minorities, and welcomes reports on targeted advertising and/or increased smoking rates. <https://www.ohchr.org/EN/HRBodies/CERD/Pages/CERDIndex.aspx>
- United Nations Convention on the Rights of the Child (UN CRC)**  
Reports can be submitted on tobacco harm caused by illegal sales, second hand smoke exposure and marketing tactics to target children and undermine child rights.  
<https://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 using tobacco around the world is increasing, in large part due to targeted advertising by the tobacco industry. The CEDAW Committee can receive reports on how tobacco is negatively impacting women and girls. <https://www.ohchr.org/EN/HRBodies/CEDAW/pages/cedawindex.aspx>
- Convention on the Rights of Persons with Disabilities (CRPD)**  
People with disabilities frequently use tobacco at a much higher rate than the rest of the population and reports can be submitted to the CRPD Committee. <https://www.ohchr.org/EN/HRBodies/CRPD/Pages/Guidelines.aspx>

## LANDMARK DECLARATION ON HUMAN RIGHTS AND A TOBACCO-FREE WORLD

In a world first, over 2000 delegates and 167 organisations at the 17<sup>th</sup> World Conference on Tobacco or Health (WCTOH) in 2018 endorsed the “Cape Town Declaration on Human Rights and a Tobacco-free World” calling for urgent action before the 18<sup>th</sup> WCTOH in Ireland in March 2021<sup>xii</sup>. To assist Parties, WHO’s World No Tobacco Day in 2020 is “Protecting youth from industry manipulation and preventing them from tobacco and nicotine use.”<sup>xiii</sup>

## SIX STEPS TOWARDS TOBACCO-FREE GENERATIONS

There is an urgent need for Parties and civil society to do more to protect children by making use of existing treaties and conventions. Protecting child rights has been a long, slow process over three decades as progress needs leadership and national action plans based on several steps:

1. Forming a coalition of stakeholders to develop a regular status report on children and tobacco with recommendations for policy makers
2. Reviewing treaties and national frameworks to identify entry points for reports from civil society and inclusion in government reports with responsibilities for health, human rights and sustainable futures
3. Developing a roadmap with communication strategy for integrating tobacco control into national frameworks and treaty reports from whole of government
4. Exposing industry interference in denying children a tobacco-free future with regular media reports
5. Accessing the Resource Hub on human rights and tobacco at ASH USA and the UNION’s Working Group on child rights and tobacco at [ajones@theunion.org](mailto:ajones@theunion.org)
6. Working together to advance the Cape Town Declarations for Human Rights and a Tobacco-free World.

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