**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 209 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 Nichtrauchen 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

Korea Health Promotion Institute

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

Meqoamia 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

shinelife 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