

Civil society organizations request the IACHR to recognize tobacco control policies as a tool to protect the human right to health.

The tobacco epidemic has become one of the world's gravest public health concerns. Globally, six million people die each year from tobacco use, including one million people in the Americas, where there are nearly 145 million smokers. The threat is growing, with 10 million people expected to die globally from tobacco-related diseases by the year 2025 under current trends, and the impact falling disproportionately on marginalized populations.

Comprehensive tobacco control frameworks significantly reduce smoking levels and the associated harms to health, thus reducing health and social costs. Failure to implement tobacco control measures is a significant impediment to people's rights to health and life and obstructs countries' sustainable development.

The international community at large has made the connection between the protection of human rights and tobacco control, including United Nations' work linking tobacco control, non-communicable diseases, and human rights. UN treaty bodies are also connecting human rights and the Framework Convention on Tobacco Control (FCTC), a treaty developed through the World Health Organization that the vast majority of the world's countries, including those in the Americas, have ratified. The measures included in the FCTC are based on extensive scientific evidence that has unequivocally shown that these policies reduce tobacco consumption, and related mortality, morbidity and disability. In addition the Convention recognizes that "tobacco control is an integral component in the protection of the right to health," and directly obligates states to regulate tobacco. National courts have also sought to uphold tobacco policies in light of international obligations.

For the right to health to be fully realized, the Inter-American Commission must join hands with the UN, WHO, and the international community to advance the right to health, as well as the right to life, through comprehensive tobacco control measures.

In accordance with the FCTC and their human rights obligations, countries throughout the Americas have taken significant steps to regulate tobacco use. Yet further actions – and even some of the actions states have already taken – are at risk. Following the success of various interventions, the tobacco industry (TI) has struck back, suing governments in national courts and alleging that the regulation of tobacco violates its rights to freedom of expression, enterprise, and property, and that the regulations violate an individual's purported right to smoke. In addition, **the TI has further sought to target youth, women, and minority groups through multimillion-dollar marketing strategies that use alluring messages promoting smoking as "cool" or "sexy."** These corporations have also spent millions on lobbying to undermine public policies. Because of all of these strategies, governments have faced obstacles in implementing legislation in accordance with their human rights obligations.

States need every tool at their disposal to defend and add to existing tobacco control measures. **Human rights law has the ability to serve as a powerful source of state obligation by propelling states toward the strict tobacco control regime required to protect the rights to health and life. Nevertheless, not all states are taking the necessary tobacco control measures required under human rights law, and thus they do not comply with the Inter-American Convention, which represents a central concern of the IACHR.**

The fight against tobacco cannot be won through national action alone. **Tobacco control requires a multi-sectorial approach that includes coordination mechanisms at national, international, regional and local levels.** In this context, civil society organizations and experts on tobacco control have long argued that state action must be bolstered by the support of international human rights bodies, such as the IACHR. **The guidance and authority of such bodies can help facilitate and**

motivate states to build comprehensive and multi-disciplinary responses to meet their human rights obligations with respect to tobacco control.

With its responsibility to promote the observance and protection of human rights in the Americas, the IACHR has the mandate to help states meet their obligations to regulate tobacco. **A strong stance from the Inter-American Commission on states' human rights obligations regarding tobacco control can empower states to overcome tobacco industry efforts to thwart measures necessary to protect the rights to health and life. It can guide states to implement a rights-based approach to tobacco control, including through prioritizing protection of marginalized populations, clarifying state responsibilities, improving compliance, and advancing regional tobacco control actions.**

The organizations signing this document celebrate that the IACHR has granted a thematic hearing on right to health and smoking in the Americas and respectfully ask the Commission to recommend that states take measures in order to confront the tobacco epidemic and prevent the tobacco industry from violating the right to health through their deceptive behavior.

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Other organizations...