

# UN UNIVERSAL DECLARATION OF HUMAN RIGHTS

Drafting Committee

General Assembly  
adopted 1948  
(none dissenting)

Preamble and  
**30 articles**

[http://www.un.org/  
en/documents/udhr/  
index.shtml](http://www.un.org/en/documents/udhr/index.shtml)

ECTOIH Istanbul 2014  
M.Neuberger, ENSP



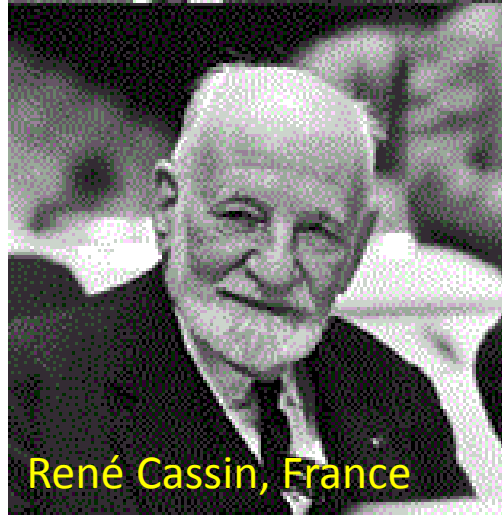
Dr. Charles Malik, Lebanon



Alexandre Bogomolov, USSR



Dr. Peng-chun Chang, China



René Cassin, France



Eleanor Roosevelt, USA



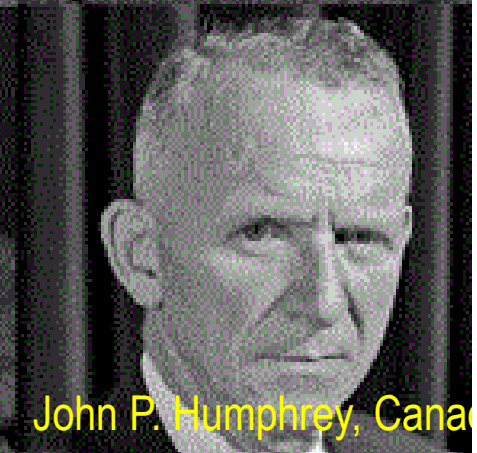
Charles Dukes, UK



William Hodgson, Australia



Hernan Santa Cruz, Chile



John P. Humphrey, Canada

Refined and adapted to new challenges,  
special groups,



<http://www.unicef.org/crc/>

Convention on the Rights of the Child  
special needs

[www.oecd.org/newsroom/newoecdguidelinesto  
protecthumanrightsandsocialdevelopment.htm](http://www.oecd.org/newsroom/newoecdguidelinesto<br/>protecthumanrightsandsocialdevelopment.htm)

“It is my aspiration that **health** will finally  
be seen not as a blessing to be wished for,  
but as a human right to be fought for.”

United Nations Secretary General, Kofi Annan



World Health Organization

Health & Human Rights  
Publication Series  
Issue No.1, July 2002

25 Questions & Answers on Health and Human Rights

SAĞLIK VE İNSAN HAKLARI ÜZERİNE 25 SORU - 25 CEVAP

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United Nations **Human Rights**  
Office of the High Commissioner for Human Rights

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> English <http://www.ohchr.org/EN/>

How we make a difference

**YOUNG MIGRANTS**  
The UN World Youth Report  
the challenges they face at  
preparation, journey, challenge  
migration issues.

All stories

Most important instrument to establish  
human rights associated with smoking:

adopted 2003  
(none dissenting)  
in force 2005  
177 ratified



## Abuse of general definitions of human rights and freedoms

Tobacco industry and tobacconists defend their business interests by false quotations:

Art. 1: All human beings are born free and equal in dignity and rights. (All are born non-smoking)

They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood. (This contradicts smoking in the presence of non-smokers or in the same rooms)

Art. 2: Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth,...

Smoking status is not mentioned:  
There is no discrimination against bad habits or addictions.

Art. 25: (1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

(2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.



Smoking Right is a Basic Human Right-Sigara İçme Hakkı Temel İnsan Hakkıdır

Members (79)

See /

Admins



Kubilay  
Derinoğlu



Tolga  
Demirsoz



Hakan Tuna



Menekşe  
Ayşen  
Menekşe



Çağla Tuna



Capulcu  
Bulent Barin



Cenk Tuna



Ogan Üzel



Gül özcan  
Tuna



TC Elif  
Özbaykal



Serhat  
Tuna

# Undermining of human rights to health

## **Philip Morris: Tolerance / Accomodation Program:**

"Develop communications and ally-building programs to favorably effect perceptions about smokers and the notion that they can happily co-exist with non-smokers"

## **Manipulate public opinion statistics (Bates No. 20241871):**

"Generate favorable public opinion data to underpin popularity of accommodation themes, support reasonable solutions" (e.g. counteract EUROBAROMETER Passive Smoking survey)

## **Prevent total bans by partial bans and alibi legislation:**

"Develop preemptive legislation with acceptable solutions..."

## **Support proxy warriors (smokers clubs, hospitality industry,...)**

"Create, develop and assist SRGs (Smokers Rights Groups)"

## **Buy opinion leaders and multipliers:**

"Enlist the help of libertarian opinion leaders, journalists, academics. Continue to support events which help shift the debate away from smoking and health."

(support of media reports on sick building, flawed studies on electromagnetic fields, etc.)

## Basic Human Rights

to life, health, livelihoods, food, education, healthy environment and development are in conflict with passive smoking and creation of nicotine dependence.

Labor unions, consumer organizations and  agree, that the right to **health** is a priority and does not include the consumption of addictive drugs.

Health risks of **second-hand smoke** are large and have to be prevented by smoking bans in all rooms accessible for non-smokers and in rooms with connected air space.

**Third-hand** smoke and cigarette butts justify smoking bans in public places used by children later.

For addicted patients (ICD-10: **F17.2**) and for prisoners NRT offers sufficient relief.

Tobacco will kill an estimated one billion people in the 21<sup>st</sup> century in the absence of aggressive action by governments against tobacco trade. 80% these deaths will be in **developing countries** - those least able to manage this epidemic.

**Women** in low- and middle-income countries are a particular target of tobacco marketing.

They can expose their fetuses and **infants** and pass smoking habits to adolescents.

Tobacco purchases contribute to **poverty** and malnutrition. Health hazards and lost **educational** opportunities from child work in tobacco farming.

**Environmental degradation** by deforestation and runoff of pesticides into rivers ,...

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Tobacco industry strategy: **Denial** of facts, **delay** of legislation, **bribe**

**Third party** corruption: Chamber of Commerce, Institute of Economic Affairs,

American Law Institute, Center for Indoor Air Research,....

**Support** of opposition against „Nanny State“ (liberals) and **EU** legislation (nationalists),

**remember to vote on May 25**

ruthless smokers who claim the right to smoke anytime & everywhere,

innkeepers ruling their property, posters of unwanted guests at entrance.

Human rights violations associated with current smoking among South African adults

Dutra et al. 2014: Social Science & Medicine, 105: 103-11

Majority of smokers are not willfully causing harm to themselves and to others:

**Cognitive dissonance** ↓ Smokers reduce psychological tension & distress by **rationalization** of their unhealthy behavior. They are **vulnerable to disinformation** by industry and 3rd parties.

Justifications for continuation of smoking, for relapse and for exposing others

Examples of healthy smokers, light smoking, bridge non-smoking by E-cigarettes, joy, need for thinking, good mood (against depression), coping with stress, unable to quit,

other addictions more dangerous, need for business and economy, help fellow smokers

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to achieve their pretended human right

Right of free decision is taken away by „brainwash“, manipulation and above all by addiction

Edward Bernays: „Propaganda“ (U.S.A., 1928):

“The conscious and intelligent manipulation of the organized habits and opinions of the masses is an important element in democratic society.

Those who manipulate this unseen mechanism of society constitute an invisible government which is the true ruling power of our country.

We are governed, our minds are molded, our tastes formed, our ideas suggested, largely by men we have never heard of.”



Nephew of Sigmund Freud

**„Father of marketing“**

(sold tobacco to women  
and war to men)

copied by Joseph Goebbels



Constitution of WHO (1946) defines the **right to health** as

"the enjoyment of the highest attainable standard of health"

**UN 1966: Covenant on Economic, Social and Cultural Rights**, Art. 12: this shall include:

- Reduction of stillbirth & infant mortality; right for **healthy development of the child**;
- The improvement of all aspects of **environmental and industrial hygiene**;
- Prevention, treatment & control** of epidemic, endemic, occupational & other diseases;
- Conditions assuring all **medical service** and medical attention in the event of sickness

**UN 1979: Convention on the Elimination of All Forms of Discrimination against Women**

CEDAW 2010: „The Committee is particularly concerned that women are often targets in tobacco advertising campaigns, which encourage and increase the usage of tobacco among women, resulting in tobacco related diseases and deaths."

**UN 1989: Convention on the Rights of the Child**, Art. 17: appropriate information;

Art. 19: protection from abuse, exploitation ; Art. 24: health care (2c: environmental).

Obligation to regulate or prohibit information on and marketing of substances such as alcohol and tobacco, particularly when it targets children and adolescents.

**UN 2006: Convention on the Rights of Persons with Disabilities**, Art. 25: Health;

Art. 5: Measures to accelerate or achieve de facto equality shall not be considered discrimination

To achieve these goals, a **broad evidence** base supports a combination of:  
tobacco taxes, clean indoor air laws, comprehensive bans on advertising & promotion,  
public information campaigns, smoking cessation support and incentives  
(individual therapy more successful if supported by society, legislation)



## Human Rights & Tobacco Control are synergistic and mutually reinforcing

**FCTC, Art. 5.3:** Protection of public health policies from interests of the tobacco industry

Fundamental conflict: Products addictive, cause disease, death, social ills

EU tobacco product directive negotiations: interactions not transparent, conflicts of interests: Michel Petite (ethical committee), Catherine Day (general secretary): Dalligate  
Dubious role of Barroso and Giovanni Kessler (OALF). Presents for parliamentarians.

Art. 8: Protection from exposure to tobacco smoke

Eurobarometer 2012: The human right to breath unpolluted air (without the risk of cancer, cardiovascular and respiratory disease) is still violated at work in 28% and in some countries of Central and Eastern Europe in the majority of eating/drinking venues. Younger persons exposed more frequently to SHS, infants endangered by THS, unborn

Art. 13: Advertising, promotion, sponsorship. (manipulation, lies, denialism)

Problematic distribution of newspapers by tobacconists. New loopholes: E-cigarettes,...  
Secret funding of parties and politicians: Legislation for transparency.

Art. 16: Sales to and by minors. (aged <18 years, Art. 1 of CRC, unless national law defines majority earlier: A, B, Lx). Test purchase. Fine dealers.

Denormalize, recognize as air pollution, social acceptance ↓,  
motivation to quit, consumption ↓, seduction of youth ↓,  
free from addiction, enjoy life without drugs in fresh air

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