

# Using Human Rights to Promote Tobacco-Free Generations

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# UN Human Rights Treaties

- Universal Declaration of Human Rights (UDHR)
- International Covenant on Civil and Political Rights (ICCPR)
- International Covenant on Economic, Social, and Cultural Rights (ICESCR)
- Convention on the Rights of the Child (CRC)
- International Convention on the Elimination of all forms of Racial Discrimination (ICERD)
- Convention on the Elimination of Discrimination Against Women (CEDAW)

# Rights to Health and Life

↳ Right to: *“the highest attainable standard of physical and mental health”* including *“prevention... of epidemic... and other diseases”* (ICESCR ar.12)

↳ Right to life (UDHR ar.3, ICCPR ar.6)

# Children's Rights



Safe and clean environment (CRC ar.24)



Life and healthy development (CRC ar.6)



Protection from harmful drugs (CRC ar.33)



Protection from *“any activity that takes advantage... or could harm their welfare and development”* (CRC ar.36)

# Equality Rights



Equal access to human rights  
(UDHR ar.2,7, ICCPR ar.2,26, ICESCR ar.2)



Right to non-discrimination on the basis of race  
(ICERD)



Women's right to non-discrimination in the field  
of healthcare (CEDAW)

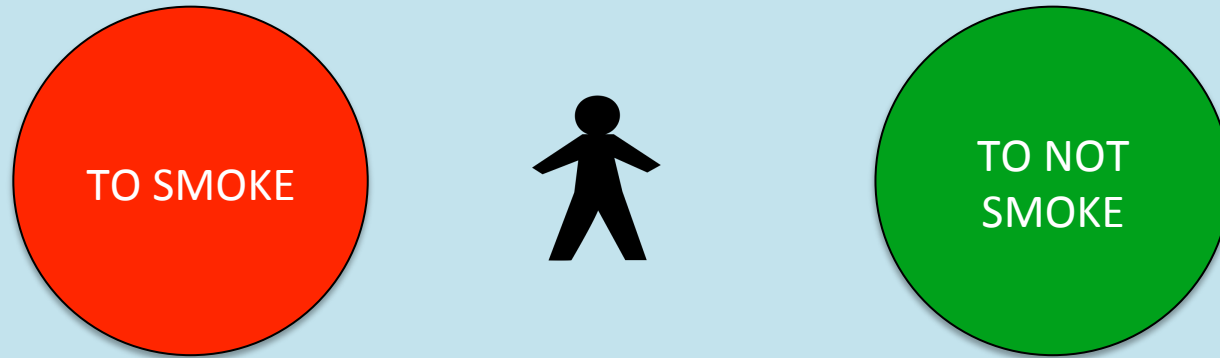
# The Right to Choice/Freedom?



**Autonomy** refers to the mental ability to act in accord with one's *own* motives, reasons, and values

**Freedom** refers to the *external conditions* that permit free action

# The Right to Choice/Freedom?

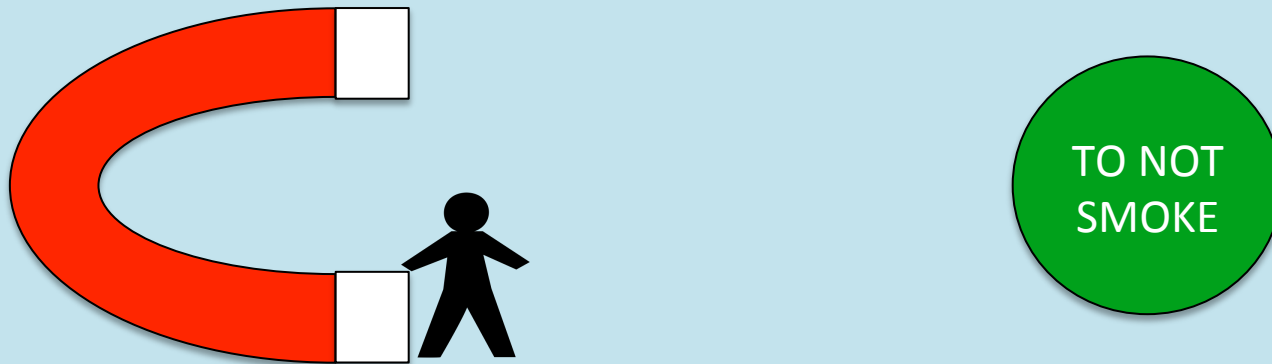


**Negative freedom**: created by minimal state interference  
(*having options*)

**Positive freedom**: created by state interference that  
promotes autonomy (*having meaningful options*)

Freedom doesn't just come from having options but FROM  
THE ABILITY TO CHOOSE BETWEEN OPTIONS

# Tobacco Addiction and Freedom



For most smokers, it is difficult to not smoke

Addiction  $\neq$  Autonomy

The option to smoke  $\neq$  positive freedom

It logically follows that state interventions that protect people from tobacco addiction also promote positive freedom



# A Right to Smoke?



Right to liberty (UDHR ar.3, ICCPR ar.9)



Human rights permit balancing to secure:  
*“the just requirements of morality, public order  
and the general welfare in a democratic  
society”* (UDHR ar.29)

# A Right to Smoke?



Self-determination: a right to “*freely pursue [one's own] economic, social and cultural development*” (ICESCR ar.1, ICCPR ar.1)



Privacy (UDHR ar.12, ICCPR ar.17)

There is a broad scope for  
the use of human rights to  
support tobacco-free  
generations.

Thanks for Listening!

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