

# Children's Rights and Tobacco Control

The right to a tobacco-free world



**Unfairtobacco**

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## Imprint

Children's Rights and Tobacco Control:  
The right to a tobacco-free world

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Action on Smoking and Health (ASH USA), Ärztlicher Arbeitskreis Rauchen und Gesundheit (ÄARG), Campaign for Tobacco-Free Kids, Deutsche Allianz Nichtübertragbare Krankheiten (DANK), Deutsche Gesellschaft für Pneumologie (DGP), German Center for Addiction Issues (DHS), Deutsche Krebshilfe, German Cancer Research Center (DKFZ), Fachstelle für Suchtprävention Berlin, Frauen Aktiv Contra Tabak (FACT), Health Care Plus, Institute for Therapy and Health Research (IFT-Nord), Karuna pr|events, Kindernothilfe, Rauchfrei Plus – Gesundheitseinrichtungen für Beratung und Tabakentwöhnung, Smoke Free Partnership (SFP), terre des hommes Deutschland, Vivantes Klinikum Neukölln, VIVID – Institute for the Prevention of Addiction, Austria

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### Donations

BLUE 21 e.V.  
IBAN: DE81 4306 0967 112 457 0800  
GLS Bank  
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January 2020

With financial support of Engagement Global on behalf of



Bundesministerium für  
wirtschaftliche Zusammenarbeit  
und Entwicklung

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Energie und Betriebe  
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# Sustainable development, children's rights and tobacco control

**Sonja von Eichborn**  
*Unfairtobacco*

When the members of the United Nations adopted the Agenda 2030 for Sustainable Development,<sup>1</sup> they promised, among other things, to fight poverty and hunger worldwide, protect the climate and improve the health of all. To this end, they set themselves 17 Sustainable Development Goals (SDGs). To achieve SDG 3 “Health for All at All Ages”, the agenda names in SDG 3.a the WHO Framework Convention on Tobacco Control (FCTC)<sup>2</sup> as most important instrument. This international health treaty with 180 Parties is based on human rights and explicitly refers to the UN Convention on the Rights of the Child (UN CRC).<sup>3</sup>

Germany has ratified all three international instruments. The accruing obligations are contrasted by the fact that Germany is one of the world's largest cigarette exporters and the national cigarette industry imports around 115,000 tonnes of tobacco leaf annually.

## How tobacco impedes sustainable development

More than 17 million people work in tobacco cultivation worldwide, mainly in low- and middle-income countries with low labour standards, where more than 90% of the global tobacco harvest is produced. Smallholder farmers find it difficult to earn a living from tobacco cultivation (irreconcilable with SDGs 1, 2).<sup>4</sup> Therefore, in many smallholder families, their own children have to contribute to their livelihood by working in the fields, even at the expense of their education (irreconcilable with SDGs 8.7, 4). Dangerous chemicals are intensively used in the fields, and due to the lack of protective clothing occupational accidents such as poisonings are widespread (irreconcilable with SDGs 3.9, 8). In addition, nicotine is absorbed through the skin when the workers get into contact with the tobacco leaves. This can cause acute nicotine poisoning, the so-called “green tobacco sickness” (irreconcilable with SDG 8.8). Therefore, the widespread use of

child labour is particularly worrying.<sup>5</sup> Moreover, tobacco cultivation damages the environment: tobacco depletes the soil of nutrients. Therefore, forests are cleared to develop new fertile fields, but also to obtain firewood for curing the green tobacco leaves. The curing process requires globally around 8 million tonnes of fuelwood every year (irreconcilable with SDGs 12.2, 13, 15.2).<sup>6</sup> Furthermore, the chemicals used in tobacco growing enter waterbodies and adversely affect aquatic life biodiversity (irreconcilable with SDGs 6.3, 6.6).<sup>7</sup>

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## Relevant Sustainable Development Goals (SDGs)

SDG 1	No Poverty
SDG 2	Zero Hunger
SDG 3	Good Health and Well-Being
SDG 4	Quality Education
SDG 5	Gender Equality
SDG 8	Decent Work
SDG 10	Reduced Inequalities
SDG 12	Responsible Consumption and Production
SDG 16	Peace, Justice, Strong Institutions
SDG 17	Partnerships for the Goals

---

Approximately one billion people worldwide consume tobacco, and eight million people die from it every year, about 1.2 million of them due to exposure to secondhand smoke.<sup>8</sup> It is estimated that at least 165,000 children under five years of age are among the deaths due to secondhand smoke (irreconcilable with SDG 3.2).<sup>9</sup> Tobacco is the leading preventable cause of premature death from non-communicable diseases (irreconcilable with SDG 3.4). Smoking prevalence is highest worldwide in population groups with low socio-economic status, in low- and middle-income countries as well as in high-income countries (irreconcilable with SDGs 1.2, 10.2).<sup>10</sup> After smoking, tobacco waste and especially cigarette butts also damage the environment because the toxicants contained in the butts leach out into soil and water (irreconcilable with SDGs 6.3, 6.6, 11.6, 14.1).

## How tobacco violates children's rights

Children and adolescents are particularly vulnerable to the effects of tobacco production and consumption. The widespread use of child labour in connection with the living and working conditions in tobacco cultivation specifically violates the children's rights to health (UN CRC Art. 24), to adequate standard of living (UN CRC Art. 27), to education (UN CRC Art. 28), to leisure (UN CRC Art. 31) and to protection from economic exploitation (UN CRC Art. 32). Both the marketing of addictive and harmful tobacco products, which is specifically targeted at children and adolescents, and the lack of protection from secondhand smoke violate children's rights to life (UN CRC Art. 6), to information (UN CRC Art. 17), to health (UN CRC Art. 24) and to protection from narcotic drugs (UN CRC Art. 33). In 2013, the UN Committee on the Rights of the Child published its General Comment on the Right to Health and explicitly referred to the need to transpose the WHO Framework Convention on Tobacco Control into domestic law.<sup>11</sup>

*"We want that tobacco is not sold anymore because it is poisonous."*

*Girl from Germany, 5<sup>th</sup> grade, in a school workshop.<sup>12</sup>*

The entirety of children's rights leads to the conclusion: children have a right to a tobacco-free world. That means a world where tobacco consumption has been reduced to a meaningless level in the majority of countries and where the tobacco industry is highly regulated. Children have the right to be protected from the tobacco industry, i.e. not to be exploited in tobacco cultivation, to live in a smoke-free environment which protects them from secondhand smoke as well as from starting to smoke themselves, and to have access to smoking cessation support if they have become addicted to tobacco.<sup>13</sup>

The state has an obligation to respect, protect and fulfil children's rights. The regulation of the tobacco industry is not a voluntary matter of companies, but a duty of the government. In all measures taken on the way to a tobacco-free world, the best interests of the child (UN CRC Art. 3) must be paramount and it must be ensured that children's views are considered (UN CRC Art. 12).

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## Relevant Articles of the UN Convention on the Rights of the Child (UN CRC)

- Art. 2 Non-discrimination
  - Art. 3 Best interests of the child
  - Art. 6 Life, survival and development
  - Art. 12 Respect for the views of the child
  - Art. 17 Access to information
  - Art. 24 Health and health services
  - Art. 27 Adequate standard of living
  - Art. 28 Right to education
  - Art. 31 Leisure, play and culture
  - Art. 32 Child labour
  - Art. 33 Drug abuse
  - Art. 36 Other forms of exploitation
- 

## How a tobacco-free world can be created

The framework and guidelines for action are to be found in the WHO Framework Convention on Tobacco Control, the Agenda 2030 for Sustainable Development and the UN Convention on the Rights of the Child, which are complementary and mutually reinforcing. The monitoring of implementation progress is embedded within the framework of these international instruments. The FCTC Secretariat of the WHO regularly evaluates the mandatory reports of the States Parties. In 2018, for example, measures to protect people from secondhand smoke in public places (FCTC Art. 8) have been implemented by 88% of the reporting states. A comprehensive ban on tobacco advertising (FCTC Art. 13) has only been implemented by 61% of the states, not including Germany. Support for alternative liveli-

hoods for tobacco farmers (FCTC Art. 17) is the least implemented article.<sup>14</sup>

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### Relevant Articles of the WHO Framework Convention on Tobacco Control (WHO FCTC)

- Art. 5.3 Protection of public health policies from vested interests of the tobacco industry
  - Art. 6 Increase of prices and taxes
  - Art. 8 Protection from exposure to tobacco smoke
  - Art. 11 Regulation of packaging and labelling
  - Art. 12 Education on the dangers of tobacco
  - Art. 13 Ban of tobacco advertisement
  - Art. 14 Cessation support
  - Art. 16 Prohibition of sale of tobacco to and by minors
  - Art. 17 Alternative livelihoods for tobacco farmers
  - Art. 18 Protection of the environment and occupational safety in tobacco cultivation
- 

The monitoring of the sustainability agenda is voluntary for the states. Since 2016, Germany has been reporting on progress with different priorities. The measures for implementing the FCTC (SDG 3.a) are assessed by the government as sufficient solely on the basis of smoking prevalence. Efforts to shape sustainable supply chains of German companies (SDGs 8, 12) are focused on individual sectors, e.g. textiles and cocoa, and continue to be based on voluntary action.<sup>15</sup>

The UN Convention on the Rights of the Child requires all States Parties to fulfil their reporting obligations. The German government sent its regular report to the UN Committee on the Rights of the Child in April 2019. In this report, the German government explains that smoking among 12- to 17-year-olds has decreased since the turn of the millennium, but completely ignores the topics of exposure to secondhand smoke and cigarette advertising. At the same time, the responsibility of companies for their supply chains remains voluntary.<sup>16</sup> Shadow reports from civil society are expected in the first half of 2020. The subsequent process of evaluation by the UN Committee on the Rights of the Child and by the public will continue throughout 2020.

### What this brochure offers

This brochure aims to highlight the links between SDGs, children's rights and tobacco control in different policy areas. Therefore, experts from different areas deal with issues ranging from tobacco cultivation to tobacco consumption.

*"I will be an ambassador of child labour to my parents and friends educating them on the negative effects of working in tobacco fields."*

*13-year-old boy from Tanzania, working on his family's tobacco farm<sup>17</sup>*

Dr. Katrin Schaller and Dr. Ute Mons show the health consequences for children and adolescents when their parents smoke. Dr. Martin Mlinarić examines whether and how socio-economic inequalities between and within societies affect the smoking behaviour of children and adolescents. Monique Muggli, Caroline Renzulli and Karoline Walter have studied social media worldwide and show how cigarette companies specifically target children and adolescents with their advertising. Human rights expert Ugur Esen Wortmann analyses how exposure to secondhand smoke in households violates the rights of children and how the personal rights of caregivers should be valued in view of this violation of rights. Anne Jacob takes us to the beginning of the cigarette industry's supply chain and describes the conditions and consequences of child labour in tobacco cultivation. In addition, Maren Leifker examines whether and how companies take responsibility for human rights violations. A final chapter links the authors' findings with recommendations for action for politics, business, civil society and individuals.

This brochure is about children's rights and children. They therefore have their say on the centre page of the brochure. Their views were collected by Linda Kröger, Dinah Stratenwerth and Anne Jacob.

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## Endnoten

- 1 UN General Assembly 2015: Transforming our World: the Agenda 2030 for Sustainable Development. A/RES/70/1. Online: [un.org/Depts/german/gv-70/band1/ar70001.pdf](http://un.org/Depts/german/gv-70/band1/ar70001.pdf).
  - 2 World Health Organization (WHO) 2003: WHO Framework Convention on Tobacco Control. Geneva: WHO. Online: [apps.who.int/iris/bitstream/handle/10665/42811/9241591013.pdf;jsessionid=51B591EE09F99B5F632DDF03C14F7F75?sequence=1](https://apps.who.int/iris/bitstream/handle/10665/42811/9241591013.pdf;jsessionid=51B591EE09F99B5F632DDF03C14F7F75?sequence=1), accessed 30.09.2019.
  - 3 UN General Assembly 1989: Convention on the Rights of the Child. Online: [www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx](http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx), accessed 30.09.2019.
  - 4 Graen L 2014: Doppelte Last: Tabak im Globalen Süden. Berlin: Unfairtobacco.org/BLUE 21. Online: [unfairtobacco.org/doppeltelast](http://unfairtobacco.org/doppeltelast), accessed 30.09.2019.
  - 5 Graen L 2017: SDG-Factsheet No. 4: Tobacco | Decent work: How tobacco control contributes to achieving Sustainable Development Goal 8. Berlin: Unfairtobacco.org/BLUE 21. Online: [unfairtobacco.org/en/sdg-facts04](http://unfairtobacco.org/en/sdg-facts04), accessed 30.09.2019.
  - 6 Zafeiridou M, Hopkinson NS, Voulvoulis N 2018: Cigarette Smoking: an assessment of tobacco's global environmental footprint across its entire supply chain, and policy strategies to reduce it. Geneva: WHO. Online: [www.who.int/fctc/publications/WHO-FCTC-Environment-Cigarette-smoking.pdf?ua=1](http://www.who.int/fctc/publications/WHO-FCTC-Environment-Cigarette-smoking.pdf?ua=1).
  - 7 Ibid.
  - 8 WHO 2019: Tobacco. Key facts. 26 July 2019. Online: [who.int/en/news-room/fact-sheets/detail/tobacco](http://who.int/en/news-room/fact-sheets/detail/tobacco), accessed 30.09.2019.
  - 9 Öberg M, Jaakkola MS, Woodward A et al. 2011: Worldwide burden of disease from exposure to second-hand smoke: a retrospective analysis of data from 192 countries. *The Lancet* 377(9760): 139–46. DOI: 10.1016/S0140-6736(10)61388-8.
  - 10 Eriksen M, Mackay J, Schluger N et al. 2015: The Tobacco Atlas, 5. Ed. Atlanta, Georgia, USA: American Cancer Society.
  - 11 UN Committee on the Rights of the Child (CRC) 2013: General comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health (Art. 24), 17 April 2013. CRC/C/GC/15. Online: [refworld.org/docid/51ef9e134.html](http://refworld.org/docid/51ef9e134.html), accessed 30.09.2019.
  - 12 Unfairtobacco 2019: Video clips from a project class on the subject of children's rights and tobacco. Not published.
  - 13 Unfairtobacco, Deutsche Krebshilfe, Deutsche Gesellschaft für Pneumologie et al. 2019: Children have a right to a tobacco-free world. Berlin: Unfairtobacco/BLUE 21. Online: [unfairtobacco.org/en/factsheet-childrens-rights](http://unfairtobacco.org/en/factsheet-childrens-rights), accessed 30.09.2019.
  - 14 World Health Organization 2018: 2018 Global progress report on implementation of the WHO Framework Convention on Tobacco Control. Geneva: WHO. Online: [www.who.int/fctc/reporting/WHO-FCTC-2018\\_global\\_progress\\_report.pdf](http://www.who.int/fctc/reporting/WHO-FCTC-2018_global_progress_report.pdf). World Health Organization 2019: WHO report on the global tobacco epidemic, 2019. Geneva: WHO. Online: [www.who.int/tobacco/surveillance/policy/country\\_profile/deu.pdf](http://www.who.int/tobacco/surveillance/policy/country_profile/deu.pdf).
  - 15 Die Bundesregierung 2016: Deutsche Nachhaltigkeitsstrategie, New Edition 2016. Berlin: Die Bundesregierung. Online: [www.bundesregierung.de/resource/blob/975274/1552680/3d30c6c2875a9a08d364620ab7916af6/2018-11-21-nachhaltigkeitsstrategie-data.pdf](http://www.bundesregierung.de/resource/blob/975274/1552680/3d30c6c2875a9a08d364620ab7916af6/2018-11-21-nachhaltigkeitsstrategie-data.pdf). Die Bundesregierung 2018: Deutsche Nachhaltigkeitsstrategie, Updated 2018. Berlin: Die Bundesregierung. Online: [www.bundesregierung.de/resource/blob/975274/1546450/65089964ed4a2ab07ca8a4919e09e0af/2018-11-07-aktualisierung-dns-2018-data.pdf](http://www.bundesregierung.de/resource/blob/975274/1546450/65089964ed4a2ab07ca8a4919e09e0af/2018-11-07-aktualisierung-dns-2018-data.pdf).
  - 16 Federal Ministry for Family Affairs, Senior Citizens, Women and Youth 2019: Fifth and Sixth State Party Reports of the Federal Republic of Germany on the United Nations Convention on the Rights of the Child. Berlin: BMFSFJ. Online: [tbinetnet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fDEU%2f5-6&Lang=en](http://tbinetnet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fDEU%2f5-6&Lang=en), accessed 14.01.2020.
  - 17 Kindernothilfe, terre des hommes Germany 2018: It's Time to Talk! – Children's Views on Children's Work. Surveys in Zambia and Tanzania.
-

# Impact of smoking and secondhand smoke for children and adolescents

PD Dr. Ute Mons,  
Dr. Katrin Schaller  
German Cancer Research Center

Smoking damages almost every organ in the body and is the single most important preventable risk factor for cancer, cardiovascular diseases, respiratory diseases and diabetes. Inhaling tobacco smoke from the ambient air (secondhand smoke) also causes numerous diseases, some of which are very serious.<sup>1</sup>

Children and adolescents suffer from smoking in several ways:

- if the mother smokes during pregnancy
- by exposure to secondhand smoke
- if they themselves start to smoke

## Smoking during pregnancy

If an expectant mother smokes during pregnancy, this can have a negative effect on the course of the pregnancy and the foetus. Some of the damage can have lasting consequences.<sup>2</sup>

## Children exposed to secondhand smoke

Secondhand smoke causes many of the health damages that are also consequences of smoking. This is all the more true when exposure is very high and occurs over a long period of time. Children are particularly at risk from exposure to secondhand smoke because they have a higher respiratory rate and a less efficient detox-

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## Health implications of smoking and exposure to secondhand smoke during pregnancy.

Source: Schaller K, Mons U 2019. ADHS = attention-deficit/hyperactivity syndrome.  
Illustration: German Cancer Research Center, Division of Cancer Prevention, 2018

### Pregnant women

- Ectopic pregnancy
- Placenta praevia
- Premature placental disruption
- Premature rupture of membranes
- Premature birth
- Miscarriage\*

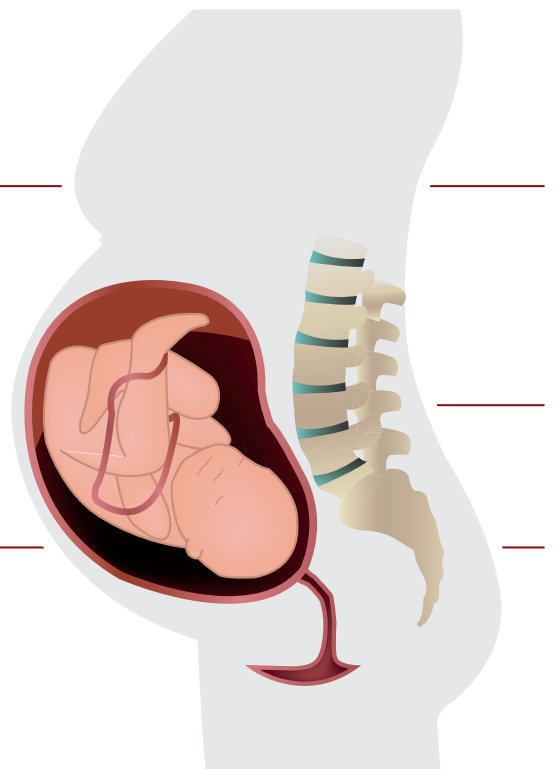
### Newborns

- Low birth weight
- Facial clefts
- Sudden infant death syndrome

### Children

- Reduced lung function
- Respiratory ailments
- Asthma
- Behaviour and concentration disorder (in particular ADHS)\*
- Overweight\*\*
- High blood pressure\*\*

*Causal relation* \*probable/\*\*possible





## Health consequences of exposure to secondhand smoke during childhood.

Source: Schaller K, Mons U 2019.

### Infants

- Sudden infant death syndrome

### Children

- Respiratory ailments
- Reduced lung function
- Infections of the lower respiratory tract
- Asthma
- Otitis media

### Adolescents

- Endothelial dysfunction\*\*

### Adults

- Overweight\*\*
- COPD\*\*



causal relationship \*\*possible

ification system than adults. In infants, exposure to secondhand smoke increases the risk of sudden infant death and in children, it increases the risk of respiratory ailments and infections of the lower respiratory tract. Individual studies suggest that exposure to tobacco smoke in childhood could have long-term adverse effects on health that extend into adolescence and adulthood.<sup>3</sup>

*“Smoking is dumb!”*

12-year-old boy from Germany, after a smoking prevention course.<sup>4</sup>

## Lifelong addiction

Nearly all smokers start smoking as teenagers.<sup>5</sup> The nicotine in the tobacco is addictive. Adolescents can

become addicted very quickly, even when they smoke very little.<sup>6</sup> Some teenagers only try smoking without making it a regular habit. However, after initially trying out cigarettes, most of them, an estimated 69%, will eventually continue and become regular smokers.<sup>7</sup> The earlier teenagers start smoking, the more likely they are to continue smoking for the rest of their lives.<sup>8</sup> As a result, they have a correspondingly high risk of contracting a secondary disease from smoking and eventually dying from it.

## Endnoten

- 1 Deutsches Krebsforschungszentrum (DKFZ; Publ.) 2015: Tabakatlas Deutschland 2015. Heidelberg: Pabst Publishers. P. 56ff.
- 2 DKFZ (Ed.) 2015. P. 28f.  
Schaller K, Mons U 2018: Passivrauchen – Gesundheitsgefahr vom Lebensanfang bis ins Erwachsenenalter. Atemwegs- und Lungenkrankheiten 5(45): 241ff. DOI:10.5414/ATX02391.
- 3 DKFZ (Ed.) 2015. P. 56.  
Schaller K, Mons U 2018. P. 243.
- 4 Karuna prjevents 2019: Statements made in prevention courses. Not published.
- 5 Marcon A, Pesce G, Calciano L et al. 2018: Trends in smoking initiation in Europe over 40 years: A retrospective cohort study. PLoS ONE 13(8): e0201881: 6, 14ff. DOI:10.1371/journal.pone.0201881.
- 6 DiFranza JR 2015: A 2015 Update on the Natural History and Diagnosis of Nicotine Addiction. Curr Pediatr Rev 11(1):43-55. DOI:10.2174/1573396311666150501002703.  
England LJ, Aagaard K, Bloch M et al. 2017: Developmental toxicity of nicotine: a transdisciplinary synthesis and implications for emerging tobacco products. Neurosci Biobehav Rev 72: 181. DOI:10.1016/j.neubiorev.2016.11.013.  
Lydon DM, Wilson SJ, Child A et al. 2014: Adolescent brain maturation and smoking: what we know and where we're headed. Neurosci Biobehav Rev 45:323-42. DOI:10.1016/j.neubiorev.2014.07.003.
- 7 Birge M, Duffy S, Miler JA et al. 2018: What proportion of people who try one cigarette become daily smokers? A meta-analysis of representative surveys. Nicotine Tob Res 12(20): 1431. DOI:10.1093/ntr/ntx243.
- 8 England LJ, Aagaard K, Bloch M et al. 2017.

# Social inequalities in smoking among children and adolescents

**Dr. Martin Mlinarić**

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Existing evidence suggests that tobacco control policies in the European Union and worldwide have contributed to a significant decrease in tobacco prevalence, particularly among adolescents, and in the overall visibility of smoking in public.<sup>1</sup> Nevertheless, in most EU countries, 20% to 30% of the population aged 15 years and older continue to smoke daily. Social inequalities in terms of socioeconomic status (SES; education, occupation, income) have not been affected by the introduction of current tobacco control policies (including increases in tobacco taxes, smoking bans, etc.).<sup>2</sup> These social inequalities in smoking have remained persistent for children and adolescents as well as for the adult population despite declining smoking rates among the general population.<sup>3</sup> As a result, SDG 10 on reducing inequalities within nations has not yet been effectively implemented for either younger or older population groups as far as tobacco use is concerned.

In addition to the social inequalities prevalent within high-income countries, the consumption and production of tobacco also poses additional risks for children in low- and middle-income countries. The strategies of the transnational tobacco industry and its third parties prevent effective health protection for children in poorer countries and cause child labour in tobacco cultivation in at least 17 countries of the world.<sup>4</sup> This massively violates internationally guaranteed children's and human rights.<sup>5</sup>

We also know that according to the WHO, 8 million people die every year as a result of tobacco use and that 80% of the one billion smokers worldwide live in low- and middle-income countries. Consequently, the tobacco-related deaths will mainly occur there.<sup>6</sup> The European Union and Germany, in particular, has a special political and ethical responsibility in terms of the universal protection of health, children and adolescents because the Federal Republic of Germany and the

Netherlands, for example, are the world's largest exporters of industrially manufactured tobacco products.

The tobacco epidemic contributes worldwide to the widening of health inequalities between global regions.<sup>7</sup> Tobacco prevalence rates in 126 countries fell by an average of only 3% between 2005 and 2015 despite the introduction of tobacco control policies.<sup>8</sup> Even though the situation for children in Anglo-Saxon, European and Latin American countries has improved with regard to exposure to secondhand smoke caused by adults, children and adolescents in poor countries are exposed to tobacco-related environmental damage and child labour in tobacco cultivation.<sup>9</sup> Deforestation and soil contamination in low- and middle-income countries of the Global South, for example, have a direct impact on the health and living conditions of young people growing up there.<sup>10</sup>

## The situation for families, children and adolescents in Germany

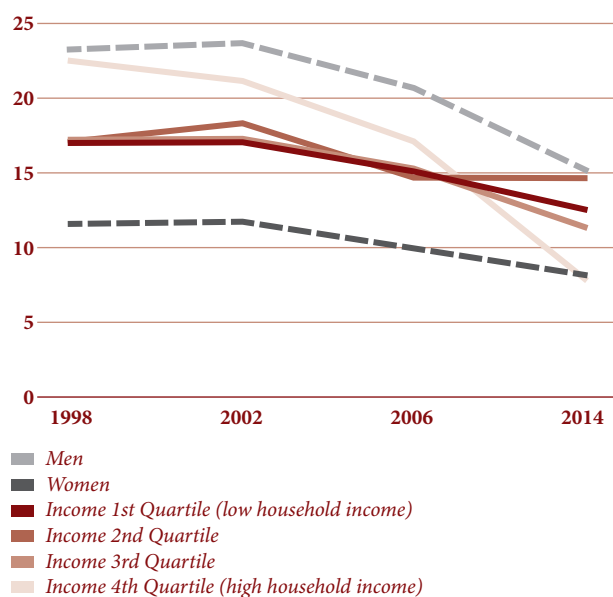
However, data from the Socio-Economic Panel (SOEP), the largest longitudinal household survey in Germany, indicate positively that the decline in smoking is primarily due to a change in behaviour among the younger generation. Moreover, the decline in smoking is very clearly reflected in those with high education and high income.<sup>11</sup> This development can be observed, for example, in the group of heavy smokers (>20 cigarettes daily).

Since 1998, the proportion of people from the highest income segment of society within the group of heavy smokers has been declining, but the trend for individuals and families with a low income has stagnated. The German Survey on Smoking Behaviour (DEBRA) reports similar results, with 40% of people without a school qualification being smokers, a third of the respondents having a low level of education and only 20% having an university entrance diploma (Abitur).<sup>12</sup>

These social-epidemiological findings point to the direct effects of exposing children to secondhand smoke and of the smoking norms practised in socially

## Heavy smokers in% (1998-2014) by income and gender

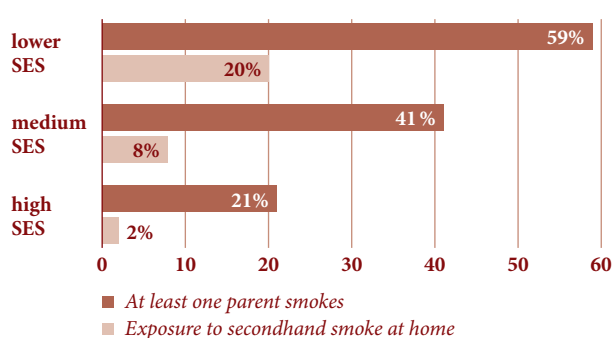
Data source: Heilert D, Kaul A 2017, p. 48.



disadvantaged families. Data from the health report of the Robert Koch Institute indicate that although domestic exposure to secondhand smoke decreased from 32% to 9% between 2003 and 2017, it is still highly socially selective. This is because 59% of children from disadvantaged families have at least one smoking par-

## Exposure to secondhand smoke for children (0-17 years) by social status groups in Germany

Data source: Kuntz et al. 2019, p. 223. SES = socio-economic status.



ent, whereas adolescents with a medium (41%) and high (21%) social status are significantly less affected. These inequalities also translate into direct domestic exposure to secondhand smoke, as 20% of children with low social status are exposed to secondhand smoke at home. Adolescents with a medium (8%) and high (2%) family social status are much less likely to be exposed to secondhand smoke.<sup>13</sup>

## Recent trends and necessary measures for protecting (un)born life

Currently around 390,000 children and adolescents in Germany smoke, and at least 120,000 people die every year as a result of smoking.<sup>14</sup> At the same time, the use of hookahs, e-cigarettes and e-shishas has increased dramatically. These products are very popular among adolescents, but the health risks of these substances are hugely underestimated.<sup>15</sup> Non-smokers' protection laws need to be constantly updated and amended, especially with regard to the role of innovative tobacco products.

Although non-smokers' protection laws and higher prices for tobacco products have been introduced, social inequalities in tobacco use have remained largely unchanged due to the unevenly distributed success in quitting smoking and, consequently, higher tobacco use among the less educated population groups.<sup>16</sup> Smoking cessation and successfully quitting is only likely to succeed among more educated groups in society, which in turn has a direct impact on the exposure of (unborn) children and adolescents to secondhand smoke in socially disadvantaged families. One in ten mothers smokes during pregnancy and, here too, there are enormous social differences. One third of all expectant mothers from socially disadvantaged groups smoke during pregnancy, whereas the figure is only one in 62 among mothers with a high socio-economic status.<sup>17</sup>

Toxic exposure to secondhand smoke can cause serious health risks for children such as asthma, rales or reduced lung function. This is particularly danger-

ous for children, unborn babies and pregnant women in a small enclosed space such as a car, where exposure to secondhand smoke can reach toxic levels comparable to that of a smoky pub. A recent study of seven cities in the European Union concludes that in European and German municipalities (in this case Hanover) at least 20% of adolescents are exposed to secondhand smoke in cars every week and, here too, social and environmental factors (family, school, social network, etc.) result in inequalities in (secondhand) smoking.<sup>18</sup>

*“I see smoking almost everywhere.”*

*Boy from Germany, 5<sup>th</sup> grade,  
in a school workshop<sup>19</sup>*

As a result of these social and environmental factors in adolescents' exposure to secondhand smoke, it can be stated that children from socially disadvantaged contexts are subject to serious health risks at an early stage of their lives. The current exploitation of children and adolescents by the tobacco and e-cigarette industry endangers children's health and well-being not only by condoning exposure to secondhand smoke, but also by allowing child labour in tobacco cultivation. This violates children's rights and is in complete violation of international human rights standards.<sup>20</sup>

The Federal Republic of Germany lags far behind in the implementation of both the WHO Framework Convention on Tobacco Control (FCTC) and the UN Sustainability Goals (here SDGs 3.a, 10). The great potential of evidence-based tobacco control policies (e.g. taxation of tobacco and e-products adapted to national purchasing power, bans on tobacco advertising, comprehensive smoking bans in restaurants, etc.) has so far been exploited very unsatisfactorily.<sup>21</sup> This has particularly dramatic consequences for children from families with a low socio-economic status, as it reveals entrenched inequalities in smoking and toxic domestic exposure to secondhand smoke. Policy-makers should therefore focus on the continuous moderni-

sation and the holistic nature of tobacco control policies to ensure that future generations from disadvantaged groups can enjoy a smoke-free and tobacco-free environment.



## Endnoten

- 1 Islami F, Torre LA, Jemal A 2015: Global trends of lung cancer mortality and smoking prevalence. *Transl Lung Cancer Res* 4(4):327–38. DOI:10.3978/j.issn.2218-6751.2015.08.04.
- 2 Bosdriesz JR, Willemsen MC, Stronks K et al. 2016: Tobacco control policy and socio-economic inequalities in smoking in 27 European countries. *Drug Alcohol Depend* 165:79–86. DOI:10.1016/j.drugalcdep.2016.05.020.  
Bosdriesz JR 2016: Tobacco control policies and socio-economic inequalities in smoking cessation: Evaluating natural experiments. Amsterdam: Ipskamp Drukkers. Online: [pure.uva.nl/ws/files/7696285/Bosdriesz\\_Thesis\\_complete\\_.pdf](http://pure.uva.nl/ws/files/7696285/Bosdriesz_Thesis_complete_.pdf).
- 3 Moor I, Rathmann K, Lenzi M et al. 2015: Socioeconomic inequalities in adolescent smoking across 35 countries: a multilevel analysis of the role of family, school and peers. *Eur J Public Health* 25(3):457–63. DOI:10.1093/eurpub/cku244.  
Schaap MM, Kunst AE 2009: Monitoring of socio-economic inequalities in smoking: learning from the experiences of recent scientific studies. *Public Health* 123(2):103–09. DOI:10.1016/j.puhe.2008.10.015.
- 4 Mlinarić M, Schreuders M, Graen L et al. 2019: Transnational tobacco companies and the mechanism of externalization: a realist synthesis. In print. *Health & Place*. DOI:10.1016/j.healthplace.2019.102240.
- 5 Gispén ME, Toebes B 2019: The Human Rights of Children in Tobacco Control. *Human Rights Quarterly* 41:340–373. Project MUSE, DOI:10.1353/hrq.2019.0029.
- 6 WHO 2019: Tobacco. Key facts. 26 July 2019. Online: [who.int/en/news-room/fact-sheets/detail/tobacco](http://who.int/en/news-room/fact-sheets/detail/tobacco), accessed 30.09.2019.
- 7 Reddy KS, Yadav A, Arora M et al. 2012: Integrating tobacco control into health and development agendas. *Tob Control* 21(2):281–86. DOI:10.1136/tobaccocontrol-2011-050419.
- 8 Gravely S, Giovino GA, Craig L et al. 2017: Implementation of key demand-reduction measures of the WHO Framework Convention on Tobacco Control and change in smoking prevalence in 126 countries: an association study. *Lancet Public Health* 2(4):e166–e174. DOI: 10.1016/S2468-2667(17)30045-2.
- 9 Lotrean LM 2008: Effects of comprehensive smoke-free legislation in Europe. *Salud pública Méx* 50:292–98. Online: [medigraphic.com/pdfs/salpubmex/sal-2008/sals083e.pdf](http://medigraphic.com/pdfs/salpubmex/sal-2008/sals083e.pdf).  
Moon G, Barnett R, Pearce J et al. 2018: The tobacco endgame: The neglected role of place and environment. *Health & Place*. DOI:10.1016/j.healthplace.2018.06.012.
- 10 Action on Smoking and Health 2015. Tobacco and the Developing World. London. Online: [ash.org.uk/download/tobacco-and-the-developing-world](http://ash.org.uk/download/tobacco-and-the-developing-world), accessed 17.09.2019.
- 11 Heilert D, Kaul A 2017: Smoking Behaviour in Germany – Evidence from the SOEP. Berlin: DIW Berlin. Online: [diw.de/documents/publikationen/73/diw\\_01.c.563343.de/diw\\_sp0920.pdf](http://diw.de/documents/publikationen/73/diw_01.c.563343.de/diw_sp0920.pdf).
- 12 Kotz D, Böckmann M, Kastaun S 2018: The Use of Tobacco, E-Cigarettes, and Methods to Quit Smoking in Germany. *Dtsch Arztebl Int* 2018;115(14):235–42. DOI:10.3238/arztebl.2018.0235.
- 13 Kuntz B, Zeiher J, Starker A, Lampert T 2019: Tabakkonsum und Passivrauchbelastung von Kindern und Jugendlichen in Deutschland – wo stehen wir heute? *Atemwegs- und Lungenerkrankheiten* 45(05): 217–26. DOI:10.5414/ATX02408.
- 14 Zeiher J, Starker A, Kuntz B 2018: Rauchverhalten von Kindern und Jugendlichen in Deutschland – Querschnittergebnisse aus KiGGS Welle 2 und Trends. *Journal of Health Monitoring* 3(1): 40–46. DOI:10.17886/RKI-GBE-2018-008.
- 15 Hollstein T 2019: Shisha-Rauchen: Das angeblich bessere Rauchen. *Ärzteblatt* 116(7):318–321. Online: [aerzteblatt.de/pdf.asp?id=205561](http://aerzteblatt.de/pdf.asp?id=205561), accessed 17.09.2019.
- 16 Bosdriesz JR, Willemsen MC, Stronks K et al. 2015: Socio-economic inequalities in smoking cessation in 11 European countries from 1987 to 2012. *J Epidemiol Community Health* 69(9):886–92. DOI:10.1136/jech-2014-205171.  
Rathmann K, Moor I, Kunst AE et al. 2016: Is educational differentiation associated with smoking and smoking inequalities in adolescence? A multilevel analysis across 27 European and North American countries. *Sociol Health Illn* 38(7):1005–25. DOI:10.1111/1467-9566.12420.
- 17 Kuntz B, Zeiher J, Starker A et al. 2018: Rauchen in der Schwangerschaft – Querschnittergebnisse aus KiGGS Welle 2 und Trends. *Journal of Health Monitoring* 3(1):47–53. DOI:10.17886/RKI-GBE-2018-009.
- 18 Mlinarić M, Schreuders M, Mons U et al. 2019: Exposure to car smoking among youth in seven cities across the European Union. *Drug Alcohol Depend*: 107561. DOI:10.1016/j.drugalcdep.2019.107561.
- 19 Unfairtobacco 2019: Video clips from a project class on the subject of children's rights and tobacco. Not published.
- 20 Gispén ME, Toebes B 2019.
- 21 Joossens L, Raw M 2017: The Tobacco Control Scale 2016 in Europe. Brussels: Association of European Cancer Leagues. Online: [cancer.be/sites/default/files/tobacco\\_control\\_scale.pdf](http://cancer.be/sites/default/files/tobacco_control_scale.pdf).

# The Use of Influencer Marketing and Social Media by Tobacco Companies

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The tobacco industry spends billions of dollars each year advertising its products and has a long history of targeting youth and other vulnerable populations. Tobacco companies advertise through many different channels including direct forms such as billboards or broadcast and print media, and indirect forms such as promotional discounts, event sponsorships and sophisticated product displays.<sup>1</sup> At least 48 countries have adopted comprehensive bans on tobacco advertising, promotion, and sponsorship, in accordance with WHO FCTC requirements.<sup>2</sup> However, as countries enforce stronger restrictions on traditional marketing channels, the industry shifts its strategy to exploit new marketing channels to attract users.<sup>3</sup>

*“I think it’s stupid that people are encouraged to smoke through hidden advertising.”*

*12-year old girl from Germany,  
after a smoking prevention course.<sup>4</sup>*

Increasingly, tobacco companies are turning to social media and the growing trend of influencer marketing to skirt advertising restrictions and continue marketing addictive products to young people.

Influencer marketing, which relies on the networks of popular social media users to promote brands online, is one of the fastest growing marketing trends. In 2018, Instagram influencer marketing grew by 39%, with influencers posting more than 2.1 million sponsored posts on Instagram<sup>5</sup>.

As the world becomes increasingly digital, social media represents an attractive new marketing frontier for tobacco companies because it is largely unregulated and provides access to billions of young people through platforms like Facebook, Instagram and Twitter.

As it is undisputed by public health authorities that exposure to tobacco marketing causes the initiation and progression of tobacco use among youth,<sup>6</sup> this marketing trend by tobacco companies represents a serious threat to today’s youth.

## Cigarette Influencers: A Secret Marketing Strategy

From 2015-2018, the Campaign for Tobacco-Free Kids identified and documented a global network of social media influencers using Instagram, Facebook and Twitter to promote cigarette brands. More than 100 cigarette-related advertising campaigns were documented through social listening analysis and interviews conducted with influencers paid to promote cigarette brands online in nine countries.<sup>7</sup>

According to this research, tobacco companies sought out young people with significant numbers of followers online (“influencers”) and paid them to post photos on social media featuring Marlboro, Lucky Strike and other cigarette brands. Influencers were instructed to post subtle photos of cigarettes and smoking on Instagram, Facebook and/or Twitter, accompanied by specific hashtags that associated posts with hundreds to even thousands of images all promoting a certain cigarette brand, for example, #redmovenow to promote Marlboro cigarettes in Egypt, #aheadBR to promote Kent cigarettes in Brazil, #likeus\_party to pro-



Instagram posting promoting Kent cigarettes (British American Tobacco) in Brazil using #aheadBR



Instagram posting promoting Iceball cigarettes (Philip Morris International) in Uruguay using #nighthunters

mote Lucky Strike cigarettes in Italy and #nighthunters to promote Iceball cigarettes in Uruguay.<sup>8</sup>

Influencers also disclosed that they were instructed on what cigarette brands to promote, how to produce appealing lifestyle content to subtly promote cigarette brands, what hashtags to include in social

media posts, when to post photos to reach the largest audience and how to take natural photos that do not look like staged advertisements for cigarettes.<sup>9</sup>

None of the influencer posts promoting cigarettes included any disclaimer that the content was paid for or sponsored by a tobacco company nor any

## LUCKY STRIKE 2017 - POST

Your activity was confirmed for this new period until April 30. There will not be any events in this period.

### YOU HAVE TO:

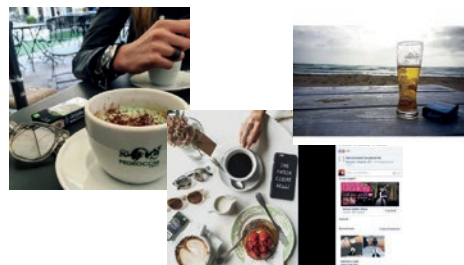
- Have at least **2 shares** a week with #likeus\_party (REMEMBER THAT YOU CAN POST PHOTOS generic photos on parties, lifestyle, fashion, travel, etc.
- At least **1 share** a week with #lus (THIS SHOULD ONLY BE USED FOR PHOTOS WHERE THE PRODUCT IS PRESENT.
- LIKE** posts and **SHARE** the contents on the LIKE US FB page\_ every week.

### NB: these are the minimum activities required

There is a small report on the subjects to use in your posts on the following pages. Remember to change them up and to not just photos on the same subject. Do not post pictures that are too sexy or not in line with the LIKEUS MOOD.

## POST : #LUS

You can post both the **blue ones** and the **double clic cold ones** ( NOW/ILD/PURPLE- NO CRISP/YELLOW NOW THAT THEY DON'T SELL THEM)  
Use the black or blue package cases or try to always cover up the images that are required to be on the packages by law.



Instructions provided to influencers for Lucky Strike cigarettes (British American Tobacco) in Italy

## #IDecideTo: Marlboro Social Media in Indonesia

In Indonesia, where nearly two-thirds of men smoke, a social media campaign for Marlboro cigarettes was viewed more than 47 million times on Twitter and Instagram from May to December 2016.

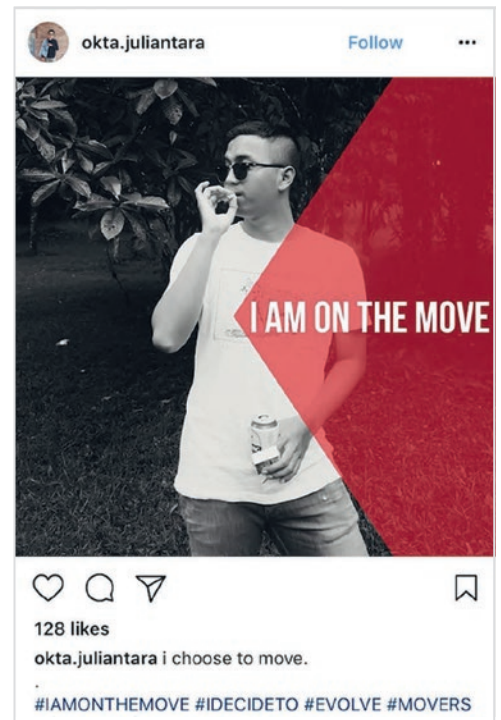
The campaign featured elaborate Marlboro-themed parties and events throughout Indonesia and was promoted online using #idecideto.

As part of the campaign, Instagram and Facebook users could add Marlboro-themed filters to social media posts. The filters featured aspirational slogans associated with Marlboro campaigns like “I am on the move” and imagery like the red Marlboro chevron.

Indonesia represents an ideal market for tobacco companies: the country has weak tobacco control laws, millions of smokers and 150 million internet users.<sup>10</sup>



Instagram posting from a Marlboro campaign in Indonesia using #idecideto



disclaimers about the health harms of smoking. In Italy, influencers paid to promote Lucky Strike cigarettes were specifically instructed to make sure that warning labels on cigarette packs were not visible in photos posted to social media.

Social listening analysis quantified the reach of these tobacco industry marketing campaigns in more than 40 countries including Indonesia, Brazil, Philippines, Uruguay, Egypt and Italy amongst others. Campaigns for Philip Morris International, British American Tobacco, Japan Tobacco International and Imperial Brands were identified via the hashtags associated with social media posts. In total, posts containing any of the 123 tobacco-related hashtags associated with cigarette marketing on social media were viewed more than 25 billion times on Twitter.

## Heated & E-Cigarettes – A Shift in Strategy

In August 2018, the New York Times<sup>11</sup> published a news story on how tobacco companies were secretly using social media and influencers to advertise cigarettes. Following the media coverage of this tactic, Tobacco-Free Kids observed a marked decrease in the use of influencers to advertise cigarettes and an increase in the use of influencers to advertise e-cigarettes and heated cigarettes around the world.

Many of the posts observed following this news story included “advertising disclosures” such as #paidbyiqos to advertise IQOS heated cigarettes or #vypepartner to advertise Vype e-cigarettes.

In the United States, JUUL, an e-cigarette that looks like a USB device, was one of the first brands to rely heavily on a social media influencer advertising strategy to reach teenagers. JUUL was launched in the

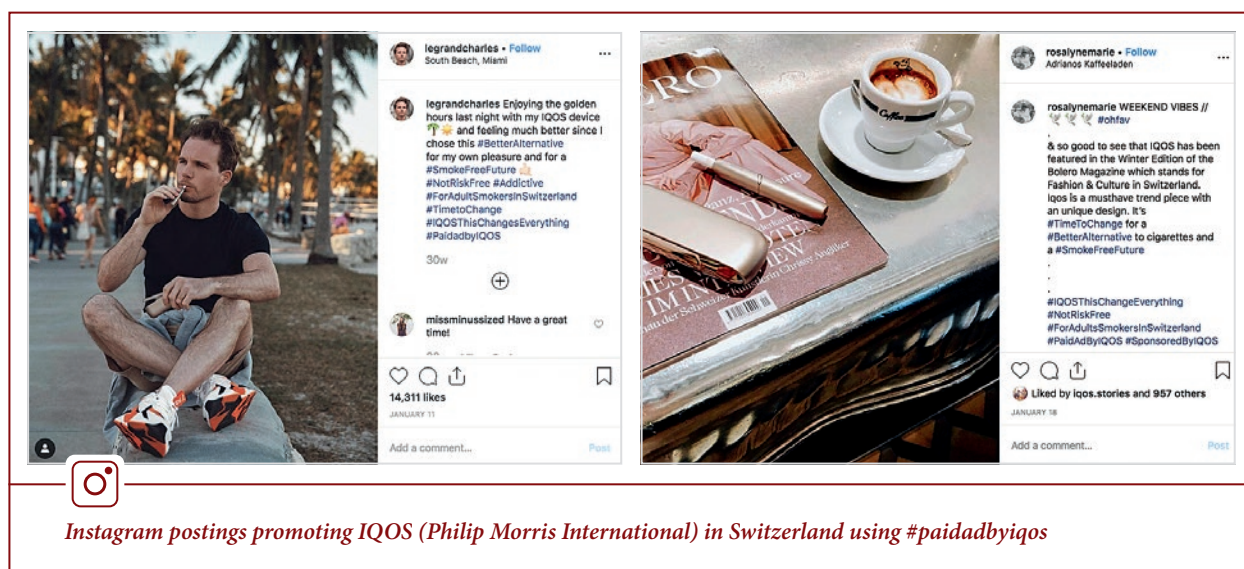


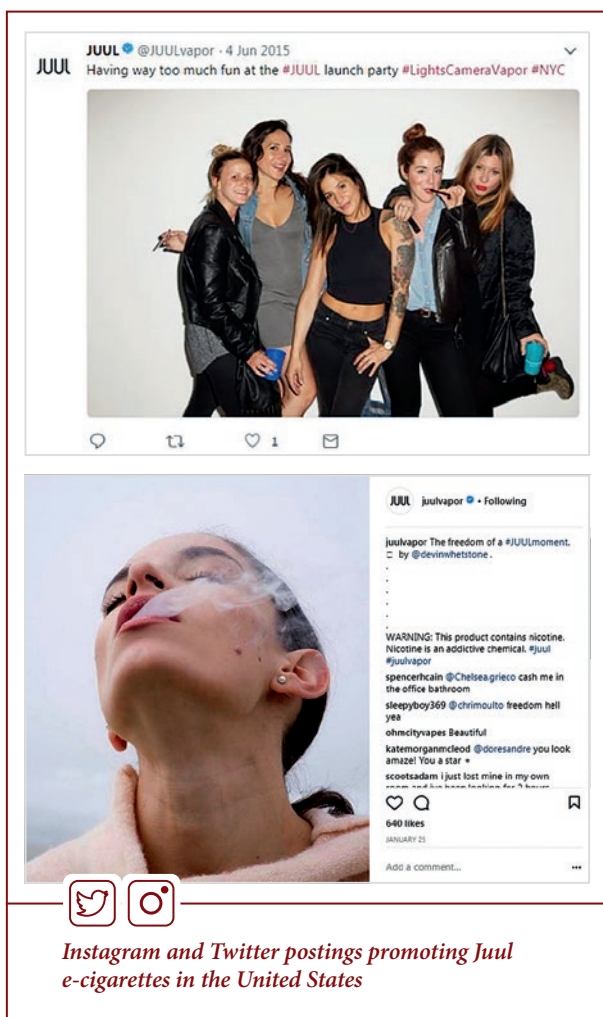


United States in 2015 with fruity, child-friendly flavours and is now for sale in 16 other countries, including Indonesia, the Philippines and European countries like Germany.<sup>12</sup> In the United States, JUUL cultivated and expanded its presence on social media outlets such as Instagram and Twitter beginning in 2015, allowing them to decrease spending on traditional marketing channels while sales of the product

and use among youth increased dramatically, leading to an epidemic of youth e-cigarette use.<sup>13</sup>

As part of its marketing strategy, JUUL paid for a sophisticated social media influencer program to “seed Juul product” and also secured “buzzmakers” with “a minimum of 30,000 followers,” to attend events and to develop “a network of creatives to leverage as loyalists for JUUL.”<sup>14</sup>





Given the pervasive use of social media by tobacco companies, States Parties to the WHO FCTC should adopt and implement comprehensive advertising bans including internet advertising. However, governments cannot enforce these policies without the social media companies also taking meaningful action.

While social media companies have existing policies prohibiting paid advertising for tobacco products and e-cigarettes on their platforms, these policies do not extend to the use of paid influencers promoting tobacco products and e-cigarettes.<sup>15</sup>

Until and unless governments implement comprehensive advertising bans including internet advertising and social media companies engage with governments as well as public health advocates on meaningful policies to restrict the use of social media platforms by tobacco companies, this form of marketing will remain one of the single greatest threats to curbing the global tobacco epidemic.

## Conclusions and Recommendations

Tobacco companies claim that their products are only marketed to and intended for adult smokers. The use of social media as a marketing channel for tobacco companies – where it is not possible to ensure marketing is limited to neither adults nor smokers – is in complete contradiction to these claims.

Tobacco companies will continue to use social media to advertise their products because platforms like Instagram, Facebook and Twitter represent a widely underregulated gateway to young people all over the world.

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## Endnoten

- 1 World Health Organization (WHO) 2013: Report on the Global Tobacco Epidemic, 2013. Geneva: WHO. Online: [who.int/tobacco/global\\_report/2013/en/](http://who.int/tobacco/global_report/2013/en/), accessed 05.08.2019.
  - 2 WHO 2019: Report on the Global Tobacco Epidemic, 2019. Geneva: WHO. Online: [who.int/tobacco/global\\_report/en/](http://who.int/tobacco/global_report/en/), accessed 05.08.2019.
  - 3 U.S. National Cancer Institute 2008: The Role of the Media in Promoting and Reducing Tobacco Use. Tobacco Control Monograph No. 19. Bethesda, MD: U.S. Department of Health and Human Services, National Institutes of Health, National Cancer Institute. NIH Pub. No. 07-6242. Online: [cancercontrol.cancer.gov/brp/tcrb/monographs/19/m19\\_complete.pdf](http://cancercontrol.cancer.gov/brp/tcrb/monographs/19/m19_complete.pdf).
  - 4 Karuna pr|events 2019: Statements made in prevention courses. Unpublished.
  - 5 Klear 2019: The State of Influencer Marketing 2019. Online: [klear.com/TheStateOfInfluencerMarketing2019.pdf](http://klear.com/TheStateOfInfluencerMarketing2019.pdf).
  - 6 U.S. National Cancer Institute 2008. DiFranza JR, Wellman RJ, Sargent JD et al. 2006: Tobacco Promotion and the Initiation of Tobacco Use: Assessing the Evidence for Causality. *Pediatrics*. 117(6):e1237-48. DOI: 10.1542/peds.2005-1817. Morgenstern M, Sargent JD, Isensee B et al. 2013: From never to daily smoking in 30 months: the predictive value of tobacco and non-tobacco advertising exposure. *BMJ Open* 3:e002907. DOI: 10.1136/bmjopen-2013-002907.
  - 7 Take A Part 2018: Where There's Smoke. Excerpts of confidential and anonymous interviews of influencers paid by tobacco companies or their agents in Brazil, Italy, and Uruguay. Online: [takeapart.org/wheretheressmoke/wp-content/uploads/2018/07/Anonymous-Interview-Quotes.pdf](http://takeapart.org/wheretheressmoke/wp-content/uploads/2018/07/Anonymous-Interview-Quotes.pdf).
  - 8 Take A Part 2019: Where There's Smoke. Gallery. Tobacco social media campaigns around the world. Online: [takeapart.org/wheretheressmoke/gallery/](http://takeapart.org/wheretheressmoke/gallery/), accessed 05.08.2019.
  - 9 Take A Part 2018.
  - 10 Wong E 2019: How Indonesians embrace the digital world. The Jakarta Post, 18 March 2019. Online: [thejakartapost.com/academia/2019/03/18/how-indonesians-embrace-the-digital-world.html](http://thejakartapost.com/academia/2019/03/18/how-indonesians-embrace-the-digital-world.html), accessed 05.08.2019.
  - 11 Kaplan S 2018: Big Tobacco's Global Reach on Social Media. New York Times, 24 August 2018. Online: [nytimes.com/2018/08/24/health/tobacco-social-media-smoking.html](http://nytimes.com/2018/08/24/health/tobacco-social-media-smoking.html), accessed 05.08.2019.
  - 12 JUUL Labs 2019: Find your country's online store. Online: [juul.com/global](http://juul.com/global), accessed 05.08.2019.
  - 13 Huang J, Duan Z, Kwok J et al. 2019: Vaping versus JUULing: how the extraordinary growth and marketing of JUUL transformed the US retail e-cigarette market. *Tobacco Control* 28:146-151. DOI: 10.1136/tobaccocontrol-2018-054382. Office of the Surgeon General 2018: Surgeon General's Advisory on E-Cigarette Use Among Youth. Washington D.C.: U.S. Department of Health and Human Services. Online: [ecigarettes.surgeongeneral.gov/documents/surgeon-generals-advisory-on-e-cigarette-use-among-youth-2018.pdf](http://ecigarettes.surgeongeneral.gov/documents/surgeon-generals-advisory-on-e-cigarette-use-among-youth-2018.pdf).
  - 14 House Committee on Oversight and Reform 2019: Memorandum to Democratic Members of the Subcommittee on Economic and Consumer Policy from Committee Staff, Re: Supplemental Memo for Hearing on "Examining JUUL's Role in the Youth Nicotine Epidemic: Parts I & II." Online: [oversight.house.gov/sites/democrats.oversight.house.gov/files/Supplemental%20Memo.pdf](https://oversight.house.gov/sites/democrats.oversight.house.gov/files/Supplemental%20Memo.pdf).
  - 15 Campaign for Tobacco-Free Kids 2019: Over 125 Organizations Call on Social Media Companies to End All Tobacco Advertising, Including by Paid Influencers. Online: [tobaccofreekids.org/press-releases/2019\\_05\\_21\\_socialmedia\\_advertising](http://tobaccofreekids.org/press-releases/2019_05_21_socialmedia_advertising), accessed 05.08.2019.
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# Children's Views

## It's Time to Talk! – Children's Views on Children's Work

In 2017, the children's rights organisations Kinder-nothilfe and terre des hommes Germany conducted a worldwide survey on the important views of over 1800 working children and adolescents. Children working in tobacco cultivation in Zambia and Tanzania were also asked about their situation, their future prospects and their demands.

More information: [www.time-to-talk.info](http://www.time-to-talk.info)



**My family is poor, so I want to help in anyway I can, so that I can remain in school and achieve my dream becoming a teacher.**

15-year-old boy from Zambia,  
working on the family's tobacco farm

**I dig in the fields for many hours, the whole day, I never find time to rest. (...)  
If I explain [to her stepmother, editor's note] that I am tired, she does not listen. Instead, she gives me other work to do, I have to weed tobacco and water seedbeds for tobacco.**

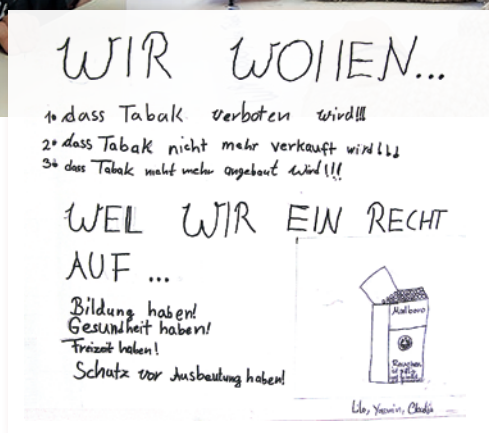
16-year-old girl from Tanzania,  
working in her family's tobacco farm

**Laws and policies are in place in Tanzania to protect children, but they are not effective, as children find themselves in complex problems from child abuse, violence and no education.**

Group of 13- to 17-year-old adolescents from Tanzania







## Unfairtobacco project class

In the years 2019 and 2020, Unfairtobacco accompanies a class in a Berlin special needs school with focus on language (fifth and sixth grade). In 2019, the students learned about tobacco cultivation, children's rights and the health-related consequences of smoking. They thought about what could be done. In 2020, they will submit their demands to the United Nations Commission on the Rights of the Child.

More information: [www.unfairtobacco.org](http://www.unfairtobacco.org)



**[This] bothers me... your body somehow doesn't want it.**

Girl, 5th grade, from Germany,  
on how she feels about secondhand smoke

**If I were a politician, I would also forbid the sale of cigarettes and the cultivation of cigarettes.**

Boy, 5th grade, from Germany,  
calls for a sales ban on cigarettes

**My mother and father always smoke. I always tell them to quit, but they don't listen.**

Boy, 5th grade, from Germany,  
about being exposed to secondhand smoke at home

**That they can go to school like us, and have more free time, and not have to work all day for tobacco.**

Girl, 5th grade, from Germany,  
about what she wants for children working in tobacco growing

## Karuna pr|events course

KARUNA pr|events offers out-of-school participatory courses on how to prevent addiction. In the tobacco course "Are you still smoking or have you started living?", students from the fifth grade onwards playfully acquire knowledge about the social and health-related consequences of smoking at six interactive learning stations. The statements here were collected in 2019.

More information: [www.karuna-prevents.de](http://www.karuna-prevents.de)



**Does smoking really make you happy enough to sacrifice your health for it?  
No, it does not!!! Smoking ruins everything for you.**

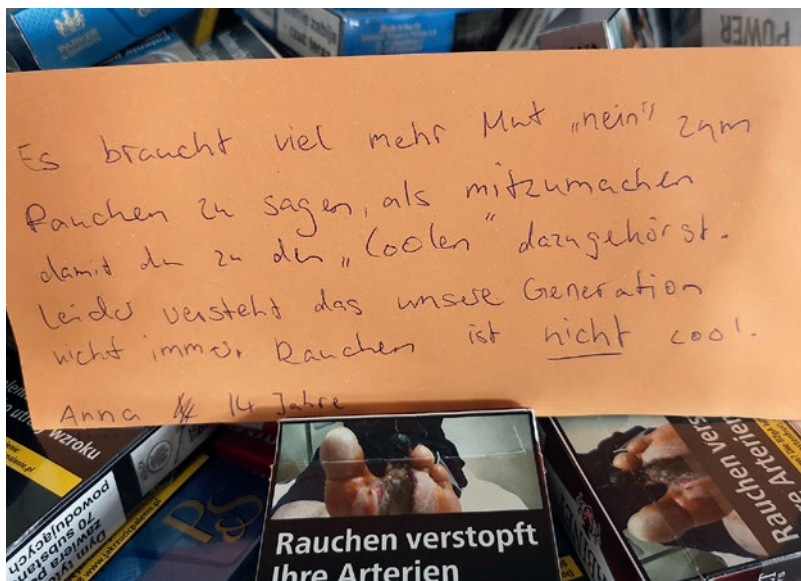
13-year-old girl from Germany expressing  
her doubts about the value of smoking

**I'm glad my parents don't smoke because it smells very bad and it's harmful to your health.**

13-year-old girl from Germany  
about secondhand smoke

**I think smoking is terrible because it harms your body, and when you start smoking, [you] can't stop anymore (or it's really difficult).**

12-year-old girl from Germany  
about the addictive effect of tobacco



# Exposure to secondhand smoke in households: children's rights versus privacy rights of caretakers

Ugur Esen Wortmann, LL.M.

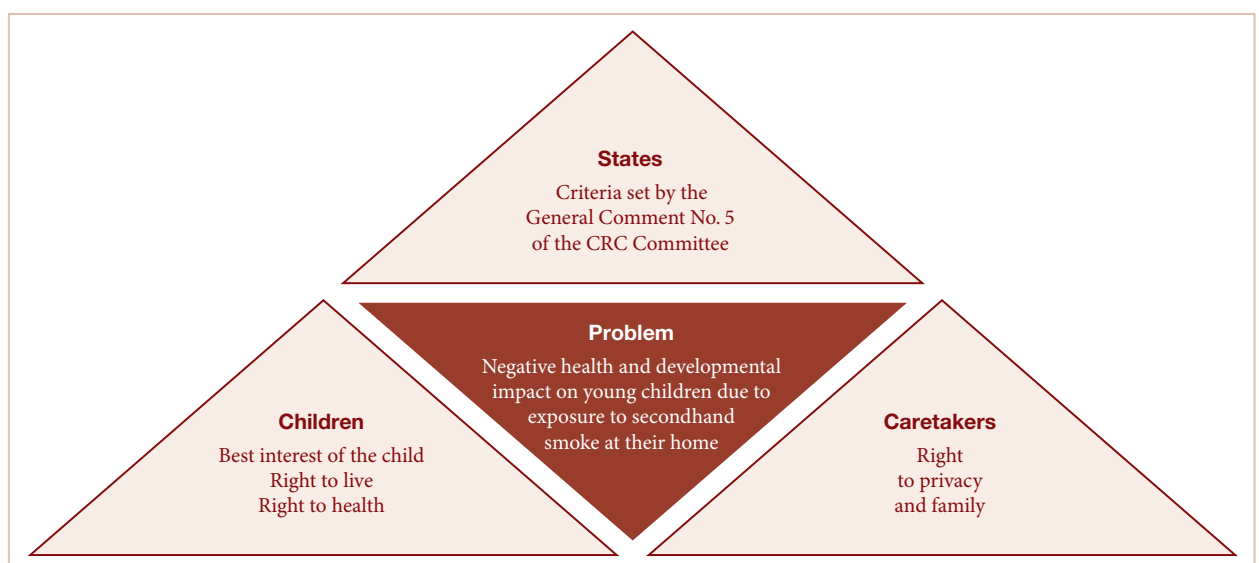
Children's exposure to secondhand smoke (SHS) in households is a complex legal setting in which different human rights and right holders coexist. The best interest of the child, right to life, survival, and development and right to health are some of the children's rights that are directly at stake in this setting.<sup>1</sup> However, caretakers' human rights, namely the right to privacy and family, are also subject to discussion.<sup>2</sup> In the context of SHS exposure in households however, there is no right of greater importance than the other due to the indivisible character of human rights.<sup>3</sup> It is therefore the responsibility of States parties to oversee this indivisibility and strike a fair balance between children's and caretakers' rights as the ultimate duty bearers of human rights treaties. In this regard, it is inevitable to ask whether regulations concerning children's exposure to SHS in households may be a step too far in striking this very delicate balance. "Can such regulations actually constitute an infringement upon the privacy rights of caretakers?" It may be discussed that the WHO Framework Convention on Tobacco Control (FCTC)<sup>4</sup> is the most progressive and well-enforced international document that aims to reduce the health effects of SHS exposure in public spheres. However, despite its wide-

spread ratification and guidelines with references to smoke-free housing environment,<sup>5</sup> the actual scope of the FCTC targets public spheres.<sup>6</sup> Therefore, FCTC guidelines cannot be considered as binding or sufficient tools in preventing children's exposure to SHS in households. Hence, the present essay aims to briefly substantiate the rights of children and caretakers in households beyond the FCTC. In answering this question, it is important to realize that these coexisting rights of children and caretakers constitute a triangular relationship together with States parties. This essay furthermore will look into analogous cases in which a different lifestyle-related act of caretakers – vegan diets – affects children, and how domestic courts in Europe have been dealing with such cases.

## Children

### Best Interest of the Child

The 'best interest of the child' principle can be found in Article 3(1) of the Convention on the Rights of the Child (CRC),<sup>7</sup> and it obliges States parties to consider the best interest of the child as a primary concern in all of their official actions regarding children. While Article 3(1) does not contain a definition of what the best



interest of the child is, it requires that all actions of public or private social welfare institutions, courts of law, administrative authorities or legislative bodies' decisions concerning children should be taken in systematic conformity with children's best interests.<sup>8</sup> According to the CRC Committee, Article 3(1) can be invoked as a substantive right, and a fundamental and interpretive legal principle, as well as a rule of procedure in legal proceedings in reaching its adequate practice.<sup>9</sup> In this regard, it is evident that children's exposure to SHS conflicts with the best interest of the child due to the scientifically evident risks and dangers it carries for the physical and psychological development of children.<sup>10</sup> In line with the Committee's interpretation, regulations concerning households and SHS exposure should take the best interest of the child principle as their primary consideration.

### Right to Life, Survival, and Development

The right to life, survival, and development of children is included in Article 6 of the CRC.<sup>11</sup> It is considered as an inclusive right by the CRC Committee, as the Committee emphasizes that underlying determinants of health are part of children's survival and development.<sup>12</sup> The CRC Committee furthermore states that the adequate application of Article 6 should also serve to a better physical, mental and social development of the child.<sup>13</sup> In different terms, Article 6 obliges State parties to ensure children's survival and offer them a healthy upbringing and development in physical, mental and sociological contexts. It is, therefore, possible to argue that children's exposure to SHS in households impairs their right to survival and development due to the negative effects it has on the physical and psychological health of children.

### Right to Health

Article 24 of the CRC is on the right to health, and it obliges States parties to recognize the right to health for all children ensuring that all children enjoy the highest attainable standard of health.<sup>14</sup> The provision specifies a wide range of implementation and prevention measures,<sup>15</sup> and specifically important for this

study, the obligation of States parties to consider the risks of environmental pollution.<sup>16</sup>

*"I experience smoking in my everyday life when I want to ask my mother something. She also smokes in the kitchen and it smells really bad. Sometimes I can't breathe properly either, so I just go away."*

*Boy from Germany,  
5<sup>th</sup> grade, in a school workshop<sup>17</sup>*

In doing this, the CRC Committee observes that States parties are responsible for taking measures to reduce the dangers and risks of environmental pollution on children's health.<sup>18</sup> The CRC Committee goes further and explicitly refers to a smoke-free environment as a core requirement for a healthy upbringing and development.<sup>19</sup> Even more importantly, the smoke-free environment is also mentioned by the Committee along with the obligation to provide adequate housing for children.<sup>20</sup> This understanding of the CRC Committee clearly manifests that States parties must ensure smoke-free and adequate housing as part of the children's right to health, which would result in conformity with the best interests of the child as well.

## Caretakers

### Right to Privacy and Family

The right to privacy and family is enshrined in various human rights instruments including Article 17 of the International Covenant on Civil and Political Rights<sup>21</sup> (ICCPR) and Article 8 of the European Convention on Human Rights<sup>22</sup> (ECHR). According to the Human Rights Committee (HRC), the monitoring body of the

ICCPR, object and purpose of Article 17 is to protect everyone against arbitrary or unlawful interference with their privacy.<sup>23</sup> This protection comprises especially family life and home setting regardless of the source of the interference.<sup>24</sup> Article 8 of the ECHR similarly states that “Everyone has the right to respect for his private and family life, his home and his correspondence”.<sup>25</sup> It is therefore clear that both articles commonly aim to protect family life and home of the right holders from an unlawful interference of States parties, private actors or other individuals. In the context of this essay, the characteristics of a household are highly important, and the European Court of Human Rights (ECtHR) recognizes households as autonomous concepts regardless of the national law.<sup>26</sup> The ECtHR also has a firm stand on privacy rights in the context of households, and it observes that the right to privacy and family is of a sensitive and strong character due to the protected legal interest under Article 8 of the ECHR.<sup>27</sup> Moreover, ECtHR interprets Article 8 as imposing negative obligations on States parties, such as not interfering with the right to privacy.<sup>28</sup> In short, when considering children’s rights, States parties are also obliged to realize, protect and not to infringe the privacy rights of caretakers in households.

### **Analogous cases: vegan diets**

The lifestyle of caretakers is a core component of a healthy upbringing and development of a child.<sup>29</sup> In this regard, unlike children’s exposure to SHS in households, vegan diets as lifestyle-related acts of caretakers have been subjected to discussion in different legal systems.<sup>30</sup> For example, the Higher Regional Court of Frankfurt, Germany, tried a custody case of a three-year-old who was given partly vegan and partly vegetarian food.<sup>31</sup> The initial decision of vegan nutrition was decided by both parents, but prior to the final verdict the child was considered as poorly nourished and in a life-threatening health situation by pediatricians, resulting in hospitalization.<sup>32</sup> Meanwhile, the custody was granted to the father, who supplied the child with

non-vegan nutrition and Vitamin-D pills without the mother’s knowledge, and the custody judgement was later appealed by the mother.<sup>33</sup> However, the Higher Court rejected the mother’s appeal on the ground of Section 1671 (1) of the German Civil Code<sup>34</sup> stipulating “custody decisions should be made in the most conducive way to the best interests of the child”.<sup>35</sup> The Court also referred to the definition of the best interests of the child principle as a way to facilitate the permanent development of the child as an independent and socially competent individual.<sup>36</sup> Similar cases can also be found under different legal systems, such as in Italy, where the Prosecutor’s Office of the Juvenile Court of Milan decided to remove a one-year-old – who was also fed on vegan food – from his parents’ custody and substantiated their opinion on the ground of the best interests of the child principle.<sup>37</sup> Even more significantly, in recent years similar cases emerged all around the world, broadening the discussion beyond the European legal horizon.<sup>38</sup> It is evident that vegan diets and smoking are both lifestyle-related acts of caretakers, and these acts may conflict with children’s best interests and development in some situations. Legal discussion regarding the vegan diets can be considered as an important benchmark in the idea of regulating the lifestyle-related acts of caretakers in households due to the importance they attach to children’s rights and best interest.

### **Conclusion**

Children’s exposure to SHS in households threatens the best interest of children, the children’s right to health, and overall child development.<sup>39</sup> In this context, children constitute the first corner of a triangular relationship by being entitled to have their best interests protected along with the other rights enshrined under the CRC. Caretakers then create the second corner of the triangle under which they hold a set of privacy rights. And finally, States parties are the ultimate duty bearers of the CRC and other international legal instruments under which privacy rights of caretakers and children’s



rights are equally protected. In fulfilling their legal obligations, States parties must ensure the human rights of all actors, strike a fair balance<sup>40</sup> and implement this balanced practice into their national laws.<sup>41</sup> This is a particular problem within the context of households, considering that family is a fundamental and holistic unit of society in which privacy rights are to be safeguarded to their largest extent.<sup>42</sup> While the way of striking this balance in the context of SHS exposure remains unclear, domestic courts tackle cases of vegan diets with already-available legal means in spite of the lack of scientific evidence on the side-effects of vegan diets.<sup>43</sup> These national judgements all indicate that when lifestyle-related acts of caretakers are incompatible with children's rights and the best interest principle, they can be limited on the grounds of children's rights. This outcome also shows that lifestyle-related acts of caretakers must be supportive for a child's growth and physical development, otherwise States parties may intervene. This aligns with the interpretation of the CRC Committee in recognizing the best

interest principle as a substantive right.<sup>44</sup> On the other hand, there is a strong consensus in the scientific community as regards the risks and dangers of SHS exposure.<sup>45</sup> Thus, it is contradicting that an evidently-harmful product like tobacco, with the potential to leave children with irreparable physical and mental harm, has never been subjected to a similar legal treatment. In this respect, a lack of legal discussion and governmental action can be considered as inconsistent and incompatible with children's rights and international human rights law as a whole. In conclusion, the initial question of whether regulation concerning children's exposure to SHS in households would infringe the privacy rights of caretakers remains unanswered. To answer this question, States parties, domestic and international courts need to establish further administrative practices and case law that weight the importance of children's and caretakers' rights. In doing so, States parties cannot ignore the existing legal means and their responsibilities emanating from their national legislation and international human rights law.

## Endnoten

- 1 UN General Assembly 1989: Convention on the Rights of the Child.
- 2 UN General Assembly 1966: International Covenant on Civil and Political Rights (ICCPR), United Nations, Treaty Series, Vol. 999: 171, Article 17.  
Council of Europe 1950: European Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by Protocols Nos. 11 and 14, ETS 5, Article 8.
- 3 UN General Assembly 1993: Vienna Declaration and Programme of Action. A/CONF.157/23, Preamble.
- 4 World Health Organization (WHO) 2003: Framework Convention on Tobacco Control. Geneva: WHO.
- 5 WHO FCTC 2007: Guidelines on protection from exposure to tobacco smoke, Para 29. Geneva: WHO. Online: [who.int/fctc/cop/art%208%20guidelines\\_english.pdf](http://who.int/fctc/cop/art%208%20guidelines_english.pdf).
- 6 WHO 2003: Article 8.
- 7 UN General Assembly 1989: Article 3.
- 8 Ibid.
- 9 UN Committee on the Rights of the Child (CRC) 2003: General comment No. 5 (2003): General measures of implementation of the Convention on the Rights of the Child, 27. November 2003, CRC/GC/2003/5, Para 12. Online: [www.refworld.org/docid/4538834f11.html](http://www.refworld.org/docid/4538834f11.html), accessed 19.08.2019.
- 10 Bandiera FC, Richardson AK, Lee DJ et al. 2011: Second-hand Smoke Exposure and Mental Health Among Children and Adolescents. *Arch Pediatr Adolesc Med.* 165(4):332–338. DOI: 10.1001/archpediatrics.2011.30.
- 11 UN General Assembly 1989: Article 6.
- 12 UN Committee on the Rights of the Child (CRC) 2013: General comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health (art. 24), 17 April 2013, CRC/C/GC/15, Para. 16–18. Online: [www.refworld.org/docid/51ef9e134.html](http://www.refworld.org/docid/51ef9e134.html), accessed 19.08.2019.
- 13 UN Committee on the Rights of the Child (CRC) 2003: CRC/GC/2003/5, Para 12.
- 14 UN General Assembly 1989: Article 24(1).
- 15 UN General Assembly 1989: Article 24.
- 16 UN General Assembly 1989: Article 24(2)(c).

- 17 Unfairtobacco 2019: Video clips from a project class on the subject of children's rights and tobacco. Not published.
- 18 UN Committee on the Rights of the Child (CRC) 2013: CRC/C/GC/15, Para 49.
- 19 Ibid.
- 20 Ibid.
- 21 UN General Assembly 1966: Article 17.
- 22 Council of Europe 1950: Article 8.
- 23 UN Human Rights Committee 1988: General Comment 16, HRI/GEN/1/Rev.9 (Vol. I):193, Para 1. Online: [ohchr.org/EN/HRBodies/Pages/TBGeneralComments.aspx](http://ohchr.org/EN/HRBodies/Pages/TBGeneralComments.aspx), accessed 19.08.2019.
- 24 European Court of Human Rights (ECtHR) 2005: Fadeyeva v. Russia, App no 55723/00. Para 94. Online: [hudoc.echr.coe.int/eng?i=001-69315](http://hudoc.echr.coe.int/eng?i=001-69315), accessed 19.08.2019.
- 25 Council of Europe 1950: Article 8(1).
- 26 ECtHR 2015: Chiragov and Others v. Armenia, App no 13216/05. Para 206. Online: [hudoc.echr.coe.int/eng?i=001-155353](http://hudoc.echr.coe.int/eng?i=001-155353), accessed 19.08.2019.
- 27 ECtHR 2004: Connors v. the United Kingdom, App no 66746/01. Para 82. Online: [hudoc.echr.coe.int/eng?i=001-61795](http://hudoc.echr.coe.int/eng?i=001-61795), accessed 19.08.2019.  
ECtHR 2011: Gladysheva v. Russia, App no 7097/10. Paras 91-96. Online: [hudoc.echr.coe.int/eng?i=001-107713](http://hudoc.echr.coe.int/eng?i=001-107713), accessed 19.08.2019.
- 28 ECtHR 1994: Kroon and Others v. Netherlands, App no 18535/91. Para 31. Online: [hudoc.echr.coe.int/eng?i=001-57904](http://hudoc.echr.coe.int/eng?i=001-57904), accessed 19.08.2019.
- 29 Breiner H, Ford M, Gadsden VL (Eds.) 2016: Parenting Matters, Supporting Parents of Children Ages 0-8. Washington (DC): National Academies Press (US). P. 46. DOI: 10.17226/21868.
- 30 This essay will not discuss the health effects of vegan diets. The purpose of this analogy is limited to see to what extent lifestyle related acts of caretakers are being limited in order to prevent children from possible harm.
- 31 Higher Regional Court Frankfurt (OLG Frankfurt) 2016: 4 UF 274/15, 4 February 2016. Para 2. Online: [www.rv.hessenrecht.hessen.de/bshe/document/LARE190018443](http://www.rv.hessenrecht.hessen.de/bshe/document/LARE190018443), accessed 19.08.2019.
- 32 Higher Regional Court Frankfurt (OLG Frankfurt) 2016: Para 3.
- 33 Higher Regional Court Frankfurt (OLG Frankfurt) 2016: Para 7.
- 34 German Civil Code (Bürgerliches Gesetzbuch), § 1671 Para 1, S. 2, No. 2.
- 35 Higher Regional Court Frankfurt (OLG Frankfurt) 2016: Para 24.
- 36 German Social Code, Book Eight (Sozialgesetzbuch Achtes Buch), § 1 Para 1.
- 37 The Independent 2016: Vegan child removed from parents' custody in Milan after being found malnourished. 11 July 2016. Online: [independent.co.uk/news/world/europe/vegan-child-removed-parents-custody-milan-italy-after-found-malnourished-a7130571.html](http://independent.co.uk/news/world/europe/vegan-child-removed-parents-custody-milan-italy-after-found-malnourished-a7130571.html), accessed 19.08.2019.
- Corriere della Sera 2016: Il bimbo «vegano» diventa un caso: ha un anno e pesa come un neonato. 8 July 2016. Online: [https://milano.corriere.it/notizie/cronaca/16\\_luglio\\_08/bimbo-vegano-diventa-caso-ha-anno-pesa-come-neonato-f782e90e-44ca-11e6-888b-7573a5147368.shtml](https://milano.corriere.it/notizie/cronaca/16_luglio_08/bimbo-vegano-diventa-caso-ha-anno-pesa-come-neonato-f782e90e-44ca-11e6-888b-7573a5147368.shtml), accessed 19.08.2019.
- 38 Cormack L 2018: Sydney parents face court over vegan diet which left baby 'malnourished'. The Sydney Morning Herald. 11 April 2018. Online: [smh.com.au/national/nsw/sydney-parents-face-court-over-vegan-diet-which-left-baby-malnourished-20180411-p4z8xq.html](http://smh.com.au/national/nsw/sydney-parents-face-court-over-vegan-diet-which-left-baby-malnourished-20180411-p4z8xq.html), accessed 19.08.2019.
- 39 Heshmat R, Qorbani M, Safiri S et al. 2017: Association of Passive and Active Smoking with Self-Rated Health and Life Satisfaction in Iranian Children and Adolescents: the CASPIAN IV Study. *BMJ Open* 7:e012694. DOI: 10.1136/bmjopen-2016-012694, accessed 19.08.2019.
- 40 ECtHR 2019: HUDOC. Online: [hudoc.echr.coe.int/eng#{%22documentcollectionid%22:\[%22GRANDCHAMBER%22,%22CHAMBER%22\]}](http://hudoc.echr.coe.int/eng#{%22documentcollectionid%22:[%22GRANDCHAMBER%22,%22CHAMBER%22]}), accessed 19.08.2019. This database contains more than 100 cases referring to the principle of fair balance.
- 41 ECtHR 2006: Hutten-Czapska v. Poland, App no 35014/97. Para 167. Online: [hudoc.echr.coe.int/eng?i=001-75882](http://hudoc.echr.coe.int/eng?i=001-75882), accessed 19.08.2019.
- 42 UN General Assembly 1989: Preamble.
- 43 Nathan C 2019: Is vegetarianism healthy for children?. *Critical Reviews in Food Science and Nutrition* 59(13): 2052-2060. DOI: 10.1080/10408398.2018.1437024.
- 44 UN Committee on the Rights of the Child (CRC) 2013a: General comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration (art. 3, para. 1), 29 May 2013, CRC/C/GC/14, Para 6. Online: [www.refworld.org/docid/51a84b5e4.html](http://www.refworld.org/docid/51a84b5e4.html), accessed 19.08.2019.
- 45 World Health Organization 2019: Global Health Observatory Data. Second-hand smoke. Online: [who.int/gho/phe/second-hand\\_smoke/en/](http://who.int/gho/phe/second-hand_smoke/en/), accessed 19.08.2019.

# Children in tobacco growing – the most vulnerable in the supply chain

Anne Jacob  
*Kindernothilfe*

International debates on tobacco usually focus on the consumption of the end product and its health effects for active and passive consumers. However, a look at the production chain shows that the very production process of the addictive drug has devastating consequences. In addition to the ecological impact, the cultivation of tobacco also has serious social implications. A large number of children's rights violations are directly related to the tobacco industry whose profit orientation puts financial pressure on the so-called first mile of the supply chain.

More than 90% of the tobacco leaf harvested worldwide is grown in the Global South, mostly on smallholder family farms. After harvesting and curing, the families resell the tobacco leaf produced and receive hardly any remuneration for this labour-intensive raw material. In sub-Saharan Africa, the average price for one kilo of tobacco is between 1.30 and 3.00 US dollars.<sup>1</sup> This is in stark contrast to the huge profit margins that large tobacco companies achieve when selling cigarettes and other tobacco products. Despite expensive credit and levy agreements with wholesalers for seeds, fertilisers and pesticides, smallholder farmers receive no financial security.<sup>2</sup> In countries such as China, India, Brazil, Malawi or Zambia, tobacco farming families live in poverty, which particularly affects their children. As child labourers, they are the most vulnerable link in the global tobacco supply chain.

## Situation of child labour worldwide

According to the most recent data of the International Labour Organization (ILO), worldwide around 152 million children between the ages of five and 17 work, 73 million of them under exploitative and sometimes dangerous conditions.<sup>3</sup> According to the ILO, around 71% of child labour in agriculture takes place within the context of a family-run business. It is estimated that at least 1.3 million children worldwide work in the

tobacco industry.<sup>4</sup> Precise figures are difficult to obtain, as informal work within the family is not covered by labour inspections, for example. Child labour is very complex and it is therefore important to make distinctions based on existing international standards. The ILO Convention 138 of 1973 initially establishes a minimum age for various forms of work:<sup>5</sup>

- Light work is permitted from a minimum age of 13 years.
- Ordinary work is permitted from a minimum age of 15 years.
- Dangerous work is permitted from a minimum age of 18 years, i.e. after reaching the majority age.

It was not until the 1990s that the issue of child labour once again attracted international attention, culminating in the ILO Convention 182 in 1999, which defines



*On a tobacco farm, a boy sorts cured tobacco leaves according to their quality.*

the worst forms of child labour. According to this convention, dangerous work is defined as work or an occupation performed by children and adolescents that has a detrimental effect on their physical and mental health or their moral development.<sup>6</sup>

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**Zambia is a very young country, with nearly half of its population under the age of 14. Some of the biggest problems it faces are immense unemployment, a high population growth and an increasing number of HIV infections and AIDS diseases. In addition, more and more people are suffering from malnutrition and preventable diseases. 35% of the population has no access to clean drinking water. Diseases such as malaria are widespread.**

**The number of children attending primary school in Zambia has increased significantly in recent years. About 80% of the children who are registered attend school regularly. However, the cost of school uniforms and school materials such as books is a financial barrier for many parents. Less than 50% of the adolescents attend secondary school or even undergo vocational training, as the majority of the population cannot afford further education.**

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## **Case study: Zambia**

Zambia in southern Africa has also signed the international conventions against exploitation and child labour and the UN Convention on the Rights of the Child. Yet many children and adolescents are still working in the production for the local and national markets.<sup>7</sup> Tobacco cultivation is one of the most important economic sectors in Zambia. Around 450,000 people work in the tobacco sector, including a large number of children and adolescents. Alternatives such as maize, cotton, rice or soya are also cultivated. However, the sale of tobacco is considered more profitable than other agricultural products.<sup>8</sup> Child labour is primarily a rural phenomenon in Zambia. Here the number of working boys and girls is three times higher than in urban areas. 92% of the seven to 14-year-old child workers are employed on farms.<sup>9</sup> The older the children are, the more likely they are to be engaged in exploitative employment.

## **Child labour in tobacco production**

Working in tobacco cultivation can be categorised as a harmful form of child labour due to a variety of factors that are defined in both ILO Conventions 138 and 182. Apart from working five to six hours every day and neglecting school attendance completely during harvest time, it is in particular the constant physical contact with the plant that is extremely harmful to children of all ages.<sup>10</sup> Children starting at the age of five years prepare the sowing by digging fields and clearing them of other plants and trees. They sow tobacco seeds, help with irrigation, fertilize the young plants and apply pesticides without protective gear. In interviews working children reported having unprotected, regular contact with chemicals. They spoke of physical reactions caused by inhalation or contact with the sprayed leaves when they were weeding, topping flowers and trimming side shoots. As a result, they suffered from vomiting, nausea, headaches and dizziness during work.<sup>11</sup> These symptoms also occur in the case of acute nicotine poisoning, known in tobacco cultivation as green tobacco sickness. Due to their height and weight, children are particularly exposed to dangerous doses of nicotine, which is absorbed through the skin and mucous membranes while having unrestricted contact with the plant.<sup>12</sup> After about 100 days the tobacco plant reaches a height of 1.5 metres and can be harvested by hand. The leaves are then bound together and cured. This is done in curing barns, where the children stoke open fireplaces to reach the appropriate curing temperatures. Without protection, they are exposed to the smoke and fumes of the fire and the curing vapours of the tobacco leaves.<sup>13</sup> Before being sold to wholesalers, the tobacco leaf is again sorted and packed by hand. During this process, the children often inhale large quantities of tobacco dust, which often leads to chronic respiratory problems. Other serious secondary damages, such as delayed brain development, are possible consequences of the ongoing poisoning of the children.



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## The cigarette industry's responsibility for the supply chain

### Maren Leifker, Bread for the World

With an average annual export of 125 billion cigarettes, Germany is one of the world's largest cigarette exporters. All major multinational cigarette companies – Philip Morris International (PMI), Japan Tobacco International (JTI), British American Tobacco (BAT) and Imperial Brands – have subsidiaries, factories and warehouses in Germany. In 2018, the German cigarette industry achieved a turnover of 21.6 billion euros. It imports around 115,000 tonnes of tobacco leaf a year – from Brazil, the USA, Malawi, and Zambia, among other countries. The cultivation of tobacco in these countries is often associated with human rights violations and environmental damage. For many farming families, the proceeds from tobacco leaf are not enough to secure a livelihood, child labour is widespread and the intensive use of pesticides makes the field workers sick and pollutes the environment.

The times when local companies did not have to deal with such problems along their supply chain are over. In 2011, the UN Human Rights Council adopted the Guiding Principles on Business and Human Rights. These principles stipulate that companies must address the negative impacts on human rights associated with their business activities, products or services. The UN Guiding Principles define very precisely the human rights-related due diligence obligations companies have to comply with in this respect. However, they are volun-

tary for companies, as is the National Action Plan on Business and Human Rights, which the German government adopted in 2016. Cigarette companies that do not comply with the guidelines and do not ensure that their suppliers do not use exploitative child labour, for example, need not fear any consequences. Children and families harmed have no prospect of compensation.

That is why laws are needed, like those already in place in other EU countries. Since 2017, large French corporations in France are obliged to exercise human rights and ecological due diligence. If the guidelines are not observed, non-governmental organisations can take legal action. In the Netherlands, a law in force since 2019 obliges companies to exclude child labour in their supply chains, not least because of the pressure exerted by critical consumers. In Germany and other European countries, more and more consumers are also paying attention to the conditions under which products are manufactured. German civil society organisations that have joined forces in the Initiative for a Supply Chain Act are calling upon the German government to finally put an end to profits without conscience and to enshrine the human rights-based due diligence obligations of companies in a law.

**More information on the German Initiative for a Supply Chain Act: [www.lieferkettengesetz.de](http://www.lieferkettengesetz.de)**

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## Violations of children's rights and economic exploitation of children

Due to their very difficult living and working conditions, Zambian farming families struggling for their livelihood despite their hard work are often dependent on the unpaid contribution of their own children in order to cope with this existential pressure.<sup>16</sup> The basic right to protect children from work “that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.” (UN CRC Art. 32) is thereby repeatedly violated. For children, the involvement of this kind of labour has a lasting effect on their entire lives: they have no childhood, as work-

ing children often have no opportunity to enjoy leisure and play (UN CRC Art. 31). The acute and long-term health consequences of coming in contact with tobacco plants delays their physical and mental development (UN CRC Art. 24, 33). The time-consuming activity deprives the children of the opportunity to attend school, or else school attendance is simply unaffordable for their parents.<sup>17</sup> This is devastating for their future because without a school-leaving certificate and vocational training (UN CRC Art. 28) they have no chance of achieving a higher income and a secure existence and later enabling their children to have a better life. This is often the start of a vicious circle, which ends up again and again in exploitative child labour over generations.

## Ending exploitation, securing the future

The Global Agenda 2030 for Sustainable Development calls again for the abolition of exploitative child labour in SDG 8.7: “take immediate and effective measures to eradicate forced labour, [...] and secure the prohibition and elimination of the worst forms of child labour, [...] and by 2025 end child labour in all its forms”.<sup>18</sup> However, the stagnating figures on the eradication of exploitative child labour portray a development in the opposite direction. Due to natural disasters, crop failures and smouldering conflicts resulting in many (internal) refugees, the region of sub-Saharan Africa in particular is experiencing an increase in the number of working children, especially in the field of agriculture with around 105 million working minors.<sup>19</sup>

The question of scalable and effective measures was not addressed by the Agenda 2030. Although the ILO conventions provide important frames of reference for categorising child labour, child labour is a result of different poverty and emergency situations, cultural practices and social norms. In the case of exploitative child labour, these components must be analysed in sufficient depth, with the help of the children concerned, in order to find realistic ways out of exploitation and towards a future worth living.

*“By helping our parents through working in the maize and tobacco fields, our parents will be able to pay for our school fees and we can realise our dreams.”*

*Group of 12 to 15-year-old children from Zambia<sup>20</sup>*

Many children work because it is the only way they can finance their own schooling or that of their siblings. Many also see in their work the chance to start their professional career and to use what they have learned to fulfil their desire for a better life, as a consultation

study with 1822 participating child workers showed.<sup>21</sup> The UN Convention on the Rights of the Child (CRC) urged “States to support out-of-school adolescents in a manner appropriate to their age to facilitate the transition to decent work, including by ensuring consistency between education and labour laws, and to adopt policies to promote their future employment”.<sup>22</sup>

## Recommendations for action

Strategies, measures and action plans must be appropriate for the complexity of the issue, and take into account interdependencies and interrelations. Many activities aimed at eliminating hazardous child labour are currently being carried out without consulting those affected and without taking into account the various challenges and dangers that these children and their families face. The development, well-being and protection of working girls and boys and their families must be at the forefront of political and practical action. A ‘one size fits all’ approach cannot properly take into account socio-cultural, economic and socio-political contexts. The protection of working children and adolescents from hazardous, harmful and exploitative work urgently needs to be reflected in the multisectoral area of tension between social security, education and decent work.<sup>23</sup>

### Improving education opportunities

A free and non-discriminatory access to high-quality and relevant formal and non-formal basic education and vocational training, as well as appropriate education opportunities for working children and adolescents must be ensured (UN CRC Art. 28).

### Generating income for adolescents and adults

Parents must be able to work under fair conditions and receive decent wages, instead of being dependent on their children’s income for the survival of the family. Similarly, adolescents need professional and economic prospects and access to decent work, for exam-



*A boy supports his father in preparing the cured tobacco leaf for the sale in bales.*

ple through further training in alternative agricultural concepts beyond the tobacco sector (FCTC Art. 17).

### **Organising social security**

Particularly poor families must receive state support in the form of cash transfer programmes and the establishment of social security systems. Above all, small-holder families and their children must be supported in the event of illness caused by accidents at work, occupational diseases, death or crop failures.

### **Holding state and corporations to account**

The state has a duty to implement human rights within its sphere of influence and to hold other socially relevant players such as companies to account for this. Civil society, e.g. in tobacco growing countries, must be strengthened by providing information and supporting (self-)organisation in order to be able to assert its rights.

### **Involving children**

Children must have a say when it comes to their concerns (UN CRC Art. 12). This also applies to working

children and adolescents. Their right to participate in decisions that affect them locally, nationally or globally must be guaranteed in order to find sustainable solutions to their challenges, because excluding them from the debate encourages their exploitation and abuse.

### **Opening up channels for complaint**

Children must be able to complain when their rights are violated. Complaints bodies, points of contact and ombudsman offices should be established at the national level. At the international level, an individual complaints procedure has been in place since 2011 under the third Optional Protocol to the UN Convention on the Rights of the Child.<sup>24</sup>

## Endnoten

- 1 Goma F, Drope J, Zulu R et al. 2017: The Economics of Tobacco Farming in Zambia (Revised version). Lusaka: University of Zambia School of Medicine and Atlanta: American Cancer Society Online: [www.cancer.org/content/dam/cancer-org/research/economic-and-healthy-policy/economics-tobacco-farming-zambia-2017.pdf](http://www.cancer.org/content/dam/cancer-org/research/economic-and-healthy-policy/economics-tobacco-farming-zambia-2017.pdf).
- Makoka D, Appau A, Lencucha R et al. 2016: Farm-Level Economics of Tobacco Production in Malawi. Lilongwe: Centre for Agricultural Research and Development and Atlanta: American Cancer Society. Online: [www.cancer.org/content/dam/cancer-org/research/economic-and-healthy-policy/farm-level-economics-of-tobacco-production-in-malawi-full-report.pdf](http://www.cancer.org/content/dam/cancer-org/research/economic-and-healthy-policy/farm-level-economics-of-tobacco-production-in-malawi-full-report.pdf).
- Magati P, Li Q, Drope J et al. 2016: The Economics of Tobacco Farming in Kenya. Nairobi: International Institute for Legislative Affairs and Atlanta: American Cancer Society. Online: [www.cancer.org/content/dam/cancer-org/research/economic-and-healthy-policy/economics-of-tobacco-farming-in-kenya-full-report.pdf](http://www.cancer.org/content/dam/cancer-org/research/economic-and-healthy-policy/economics-of-tobacco-farming-in-kenya-full-report.pdf).
- 2 Lecours N 2014: The harsh realities of tobacco farming: A review of socioeconomic, health and environmental impacts. In: Leppan W, Lecours N, Buckles D (Ed.). Tobacco control and tobacco farming: separating myth from reality. London, New York, Ottawa: Anthem Press, International Development Research Centre. p. 99–137.
- 3 International Labour Organization (ILO) 2017: Global Estimates of Child Labour – Results and Trends 2012–2016. Online: [ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms\\_575499.pdf](http://ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_575499.pdf).
- 4 Countries in which there is evidence of children working in tobacco cultivation: Argentina, Brazil, Cambodia, Indonesia, Kenya, Kyrgyzstan, Lebanon, Malawi, Mexico, Mozambique, Nicaragua, Philippines, Tanzania, Uganda, USA, Vietnam, Zambia and Zimbabwe.  
Boseley S 2018: Child labour rampant in tobacco industry. The Guardian, 25 July 2018. Online: [theguardian.com/world/2018/jun/25/revealed-child-labor-rampant-in-tobacco-industry](http://theguardian.com/world/2018/jun/25/revealed-child-labor-rampant-in-tobacco-industry), accessed 05.09.2019.
- Unfairtobacco, Deutsche Krebshilfe, Deutsche Gesellschaft für Pneumologie et al. 2019: Children have a right to a tobacco-free world. Berlin: Unfairtobacco/BLUE 21. Online: [unfairtobacco.org/en/factsheet-childrens-rights](http://unfairtobacco.org/en/factsheet-childrens-rights), accessed 05.09.2019.
- 5 ILO 1973: Convention 138 – Minimum Age Convention. Online: [ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C138](http://ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C138), accessed 05.09.2019.
- 6 ILO 1999: Convention 182 – Worst Forms of Child Labour Convention. Online: [ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C182](http://ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C182), accessed 05.09.2019.
- 7 ILO 2016: End Child Labour in Supply Chains. It's Everyone's Business! Online: [ilo.org/africa/countries-covered/zambia/WCMS\\_492725/lang--en/index.htm](http://ilo.org/africa/countries-covered/zambia/WCMS_492725/lang--en/index.htm), accessed 05.09.2019.
- 8 Goma F, Drope J, Zulu R et al. 2017.
- 9 Understanding Children's Work 2009: Understanding children's work in Zambia – Report on child labour. Online: [ucw-project.org/child-labour-bibliography-details.aspx?id=11992&Pag=1&Country=232](http://ucw-project.org/child-labour-bibliography-details.aspx?id=11992&Pag=1&Country=232), accessed 05.09.2019.
- 10 Boseley S 2018.
- 11 Human Rights Watch 2014: Tobaccos Hidden Children: Hazardous Child Labor in United States Tobacco Farming. Online: [hrw.org/report/2014/05/13/tobaccos-hidden-children/hazardous-child-labor-united-states-tobacco-farming](http://hrw.org/report/2014/05/13/tobaccos-hidden-children/hazardous-child-labor-united-states-tobacco-farming), accessed 05.09.2019.
- Human Rights Watch 2018: A Bitter Harvest. Child Labor and Human Rights Abuses on Tobacco Farms in Zimbabwe. Online: [hrw.org/report/2018/04/05/bitter-harvest/child-labor-and-human-rights-abuses-tobacco-farms-zimbabwe](http://hrw.org/report/2018/04/05/bitter-harvest/child-labor-and-human-rights-abuses-tobacco-farms-zimbabwe), accessed 05.09.2019.
- 12 McKnight RH, Spiller HA 2005: Green tobacco sickness in children and adolescents. Public health reports. Online: [ncbi.nlm.nih.gov/pmc/articles/PMC1497768/](http://ncbi.nlm.nih.gov/pmc/articles/PMC1497768/), accessed 05.09.2019.
- 13 Kindernothilfe 2016: "I know that this work is dangerous" – interview on child labour on the tobacco plantations. Online: [youtube.com/watch?v=gvoLyfkHyaE](https://youtube.com/watch?v=gvoLyfkHyaE), accessed 05.09.2019.
- 14 DZV 2019: Kennzahlen der Zigarettenindustrie. Online: [zigarettenverband.de/themen/zahlen-und-fakten/kennzahlen](http://zigarettenverband.de/themen/zahlen-und-fakten/kennzahlen), accessed 27.08.2019.
- 15 UN data 2019: Trade of goods, US\$, HS1992, 24 Tobacco and manufactured tobacco substitutes. Online: [data.un.org/Data.aspx?q=Tobacco+and+manufactured+tobacco+substitutes&d=ComTrade&f=\\_J1Code%3a25](http://data.un.org/Data.aspx?q=Tobacco+and+manufactured+tobacco+substitutes&d=ComTrade&f=_J1Code%3a25), accessed 27.08.2019.
- Observatory of Economic Complexity 2019: Where does Germany import Raw Tobacco from? (2017). Online: [oec.world/en/visualize/tree\\_map/hs92/import/deu/show/2401/2017/](http://oec.world/en/visualize/tree_map/hs92/import/deu/show/2401/2017/), accessed 27.08.2019.
- 16 Goma F, Drope J, Zulu R et al. 2017.
- 17 Kindernothilfe 2016.
- 18 UN General Assembly 2015: Transforming our World: the Agenda 2030 for Sustainable Development. A/RES/70/1. Online: <https://sustainabledevelopment.un.org/post2015/transformingourworld>, accessed 30.09.2019.
- 19 ILO 2017.
- 20 Kindernothilfe, terre des hommes 2018: It's Time to Talk! – Children's Views on Children's Work. Online: [time-to-talk.info/wp-content/uploads/2018/05/T2T\\_Report\\_EN.pdf](http://time-to-talk.info/wp-content/uploads/2018/05/T2T_Report_EN.pdf).
- 21 Ibid.
- 22 UN Committee on the Rights of the Child (CRC) 2016: General Comment No. 20 on the implementation of the rights of child during adolescence. CRC/C/GC/20. Online: [digitallibrary.un.org/record/855544](http://digitallibrary.un.org/record/855544), accessed 05.09.2019.
- 23 ILO 2017.
- 24 UN General Assembly 2012: Optional Protocol to the Convention on the Rights of the Child on a communication procedure. Online: [documents-dds-ny.un.org/doc/UNDOC/GEN/N11/467/10/PDF/N1146710.pdf?OpenElement](http://documents-dds-ny.un.org/doc/UNDOC/GEN/N11/467/10/PDF/N1146710.pdf?OpenElement), accessed 30.09.2019.



# Effective measures for a tobacco-free world

**Sonja von Eichborn**

*Unfairtobacco*

The scientific evidence of the serious health effects on children and adolescents clearly shows that second-hand smoke poses a threat to the general well-being of children and, in particular, to their rights to health, life and their development. These rights are contrasted with the rights of adult caregivers, such as the right to family and private life in private households. Within society, the threat posed by tobacco is unequally distributed. Children and adolescents from socially disadvantaged families are more affected by exposure to secondhand smoke and have a higher risk of becoming smokers themselves. Tobacco companies contribute significantly to this through their advertising among other things. They specifically target their messages at children and adolescents as future customers, using loopholes in the law, for instance by commissioning influencers to advertise on social media.

Social inequalities in relation to tobacco are also visible between states: in low- and middle-income countries, children and adolescents are affected by both tobacco use and tobacco cultivation. In addition to tobacco-related environmental damage, the widespread use of child labour in tobacco cultivation violates numerous rights of children and adolescents. This work is classified by the International Labour Organisation (ILO) as one of the worst forms of child labour. Exploitative child labour is caused by the living conditions and economic dependence of farmers on transnational tobacco (leaf) companies. These companies do not take sufficient responsibility for the violation of children's rights in their supply chains.

The aspects highlighted here illustrate that tobacco control contributes to the implementation of the SDGs and the enforcement of children's rights. The preambles of the WHO Framework Convention on Tobacco Control (FCTC) and Agenda 2030 for Sustainable Development confirm this. The UN Committee on the Rights of the Child also explicitly calls for the implementation of the FCTC in its 2013 General

Comment No. 15 on the right of the child to the highest attainable standard of health.<sup>1</sup> These facts and the entirety of children's rights lead to the conclusion: children have a right to a tobacco-free world.

## Responsible stakeholders

The supreme guardians of children's rights are the Parties to the UN Convention on the Rights of the Child. They have committed themselves to respect, protect and fulfil children's rights. They also have further obligations under the FCTC and the 2030 Agenda for Sustainable Development.

Private-sector stakeholders are responsible for ensuring that neither their business practices nor their services or products violate human or children's rights. The UN's Guiding Principles on Business and Human Rights (UNGPs) are one of the most important international standards in this respect. However, implementation has so far mostly been voluntary. Thus, at the management levels of large corporations, compliance with human and children's rights is often traded off against the generation of profits. After conducting a human rights assessment on a transnational cigarette corporation, the Danish Institute for Human Rights concluded: "Tobacco is deeply harmful to human health, and there can be no doubt that the production and marketing of tobacco is irreconcilable with the human right to health. For the tobacco industry, the UNGPs therefore require the cessation of the production and marketing of tobacco".<sup>2</sup>

The actions of companies and states are monitored and assessed by civil society organisations. Among other things, they draw attention to the dangers posed by tobacco and the violation of children's rights. They also call for the enforcement of children's rights in areas such as health, poverty reduction, empowerment of children or the environment and living conditions.

Individuals, especially those with custody rights, parents or educators, have a direct relationship with

children and adolescents and must not violate their rights through their concrete actions, e.g. smoking.

## Reducing tobacco use effectively

In order to reduce the consumption of tobacco products effectively, States Parties to the FCTC must fully transpose the measures stipulated therein into domestic law and implement them (SDG 3.a). Even states that have not ratified the FCTC have joined the UN Convention on the Rights of the Child, thus recognising the child's right to health. They are therefore also obliged to implement tobacco control measures in the sense of the FCTC.<sup>3</sup>

*“If I were a decision-maker,  
I would have taken the tobacco,  
crushed it, put it in a bin  
and never taken it out again.”*

*Girl from Germany, 5<sup>th</sup> grade,  
in a school workshop<sup>4</sup>*

In order to protect and fulfil children's rights, the following areas should be given priority: ban on sales of tobacco products to and by minors (FCTC Art. 16), regular increases in tobacco taxes (FCTC Art. 6), the greatest possible protection from secondhand smoke (FCTC Art. 8), the education of parents(-to-be) and children adapted to their social situation (FCTC Art. 12), the comprehensive ban on tobacco advertising, promotion and sponsorship (FCTC Art.13), the introduction of plain packaging for tobacco products (FCTC Art. 11) as well as appropriate, free-of-charge cessation services (FCTC Art. 14).

In this context, government agencies must continuously modernise their tobacco control policies, adapt their services in awareness raising respectively smoking cessation to social realities and make sure

that new tobacco products are in line with statutory regulations.<sup>5</sup>

Although many governments have already implemented FCTC measures, there are many still lagging far behind in tobacco control. For example, in Germany, the adoption of a ban on tobacco advertising has been delayed for years, the insufficient increases in tobacco taxes do not have steering effects, and the protection of non-smokers is rather incomplete.

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## Recommendations to governments

**In order for a tobacco-free world to become possible, governments must finally implement the FCTC in its entirety. The following measures are particularly important:**

- Implementation of a comprehensive tobacco advertising, promotion and sponsorship ban (FCTC Art. 13)
  - Regular tobacco tax increases adapted to national purchasing power (FCTC Art. 6)
  - Comprehensive protection from secondhand smoke in public places (FCTC Art. 8)
  - Prohibition of smoking in vehicles carrying minors
  - Strict regulation of novel nicotine and tobacco products
  - Introduction of pictorial warnings and plain packaging for tobacco products (FCTC Art. 11)
  - Ban on the sale of tobacco products to and by minors (FCTC Art. 16)
- 

The UN Convention on the Rights of the Child goes even further than the FCTC in its understanding of the concept of protection. In the case of secondhand smoke in the parental home, for example, the well-being of the child and children's rights to health, life and development are set against the rights of custodians to privacy and family. It is up to national courts to decide which rights are considered more important and must be given priority.<sup>6</sup> For example, such consideration in relation to exposure to secondhand smoke in the parental home should be a necessary element in custody proceedings.

Doctors, midwives and paediatricians should be trained to educate pregnant women, parents-to-be and young parents about the effects of secondhand smoke

on their (unborn) children. This way tobacco prevention and cessation can be integrated into existing preventive care for pregnancy, birth and infancy.<sup>7</sup>

Adults who smoke, especially parents, should act responsibly and not smoke in the presence of children and adolescents.

In the area of social media, companies urgently need to enforce the existing advertising bans for tobacco products on their platforms and effectively extend these bans to influencers.<sup>8</sup>

Any collaboration with tobacco and cigarette companies is self-defeating and out of the question, because they strive for profits from addictive, lethal products. Governments are bound by the strict rules of the FCTC and should only interact with the tobacco industry to the extent that is absolutely necessary in order to ensure effective regulation (FCTC Art. 5.3).

Civil society organisations play an important role in monitoring the implementation of the FCTC. The mandatory state reports to the FCTC Secretariat at the WHO are not subject to any independent review. Shadow reports from civil society are therefore immensely important in order to provide another perspective to the country's view.<sup>9</sup>

## Combating child labour effectively

The governments of tobacco growing countries must take a variety of measures to combat exploitative child labour (SDG 8.7) in tobacco fields because the problem is complex and the implementation of the FCTC is only just the beginning.<sup>10</sup>

In order to guarantee occupational safety, health and environmental protection in tobacco cultivation (FCTC Art. 18), state inspections on tobacco farms must be introduced focussing on the health consequences of tobacco cultivation for children. In addition, it is essential for state authorities to offer training courses on the dangers of chemicals and nicotine to tobacco farmers.

In order to reduce the economic dependency of smallholder farmers on transnational tobacco leaf or



*Cigarette advertisement at the entrance of a tutoring institute for students in Berlin's Neukölln district.*

cigarette companies and to strengthen their negotiating position, governments must ensure that contracts are transparent. Furthermore, it is necessary to conduct a state-controlled quality inspection of tobacco leaf, independent of the tobacco industry, to prevent price manipulation by the purchasing companies.<sup>11</sup>

On the road to a tobacco-free world for children in tobacco growing countries, governments must support tobacco farmers via government programmes to develop alternative livelihoods (FCTC Art. 17). There are experiences in countries such as Brazil, Kenya, Malaysia, Malawi, among others.<sup>12</sup>

Countries on whose territory companies profit from child labour in tobacco cultivation are also obliged to intervene with their regulations and to enforce protection against exploitation (UN CRC Art. 32). Attempts to persuade companies to voluntarily observe human and children's rights throughout the supply chain have failed in recent decades. Instead of taking effective measures against exploitative child labour, greenwashing can be observed in numerous corporate social responsibility programmes on the part of corporations.<sup>13</sup> Therefore, a legal framework against profits without conscience is needed, both at national and international level. For five years, the members of the United Nations have been negotiating a UN treaty on business and human rights. This Binding Treaty is designed to prevent human rights violations by companies and to enable those affected to have access to legal protection. The negotiations are making only slow progress and are being blocked, first and foremost, by the industrialised countries.<sup>14</sup>

Companies in the tobacco sector must make contracts with smallholder family farms transparent, provide instruction on the chemicals used, provide appropriate protective clothing and, above all, pay fair prices for the tobacco leaf. Companies must ensure that their tobacco was not produced using child labour or other human rights violations. If they do not do this to a sufficient extent, state regulation is urgently needed.

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## Recommendations to governments

If governments in high-income countries are serious about their commitment to combating exploitative child labour, they must advocate for mandatory human rights due diligence of (transnational) companies at national and international level. The following steps are particularly important:

- Introduction of domestic supply chain laws
- Constructive involvement in the UN Binding Treaty on transnational corporations and human rights

Within the framework of development cooperation, governments in high-income countries such as Germany should advocate concrete measures for improving the living conditions of children in tobacco growing countries. Important measures are:

- Increased support for alternative livelihoods to tobacco cultivation (FCTC Art. 17)
  - Financial support for South-South cooperation on alternative livelihoods (FCTC Art. 26)
  - Financial support for ILO programmes to combat child labour
  - Social security programmes for smallholder farmers
  - Promoting context-specific vocational training for adolescents
  - Strengthening civil society to assert their rights
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In the fight against exploitative child labour in the tobacco sector, the International Labour Organization (ILO) has been restricted in its work for years by



**TO ENSURE THAT THE TOBACCO  
INDUSTRY NO LONGER PUFFS AWAY  
CHILDREN'S RIGHTS, WE NEED  
A LEGAL FRAMEWORK.**



the influence of tobacco and cigarette companies. In October 2019, the ILO decided to no longer rely on funding from the tobacco industry for its projects against child labour, joining other UN organisations such as UNESCO.<sup>15</sup>

In addition to their watchdog function, civil society stakeholders must promote the networking and self-organisation of child workers to enable them to make their voices heard. They should not speak on behalf of children and adolescents, but support child workers in asserting their rights themselves.

## **Strengthening children's rights effectively**

In all measures taken to reduce tobacco consumption and to combat exploitative child labour in the tobacco sector, it is important to keep a holistic view on children's rights. The best interests of the child must be paramount (UN CRC Art. 3) and care must be taken to ensure that children's and adolescents' concerns are heard and that they are involved in decision-making processes that affect them (UN CRC 12).

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## **Recommendations to governments**

In order to further strengthen children's rights, not only with regard to tobacco control, governments must advocate better opportunities for the participation of children and adolescents. The following steps can serve this purpose:

- Incorporation of children's rights in the country's constitution
- Anchoring sustainable participation processes and structures in different areas and levels of policymaking regarding children and adolescents
- Greater promotion of political education on children's rights for children and adolescents
- Opening up suitable complaint channels for children and adolescents

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Children and adolescents must also be able to complain if their rights are violated. At the international level, an individual complaints procedure for the UN

Convention on the Rights of the Child has existed since 2011.<sup>16</sup> Such an individual complaint has just been submitted by 16 children and adolescents against Argentina, Brazil, France, Turkey and Germany – five States Parties to the UN Convention on the Rights of the Child – in order to establish that the climate crisis violates children's rights and that the climate policy of these countries needs to be reshaped.<sup>17</sup>

One of the roles of civil society in strengthening children's rights is to supplement the mandatory state reports with its own reports. These shadow reports to the UN Convention on the Rights of the Child provide an opportunity to call for protection from secondhand smoke and an effective reduction in tobacco use.<sup>18</sup>

And finally, civil society organisations, such as youth welfare institutions or youth associations, must continue to strengthen and develop the skills of children and adolescents to speak up for themselves and to voice their demands in a forceful manner.

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## Endnoten

- 1 UN Committee on the Rights of the Child (CRC) 2013: General comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health (Art. 24), 17 April 2013. CRC/C/GC/15. Online: [refworld.org/docid/51ef9e134.html](http://refworld.org/docid/51ef9e134.html), accessed 30.09.2019.
- 2 Danish Institute for Human Rights 2017: Human rights assessment in Philip Morris International (updated). Online: [humanrights.dk/news/human-rights-assessment-philip-morris-international](http://humanrights.dk/news/human-rights-assessment-philip-morris-international), accessed 26.10.2019.
- 3 World Health Organization Regional Office for Europe (WHO EURO) 2019: European Tobacco Use. Trends Report 2019. Copenhagen: WHO EURO. p. 52. Online: [euro.who.int/\\_\\_data/assets/pdf\\_file/0009/402777/Tobacco-Trends-Report-ENG-WEB.pdf](http://euro.who.int/__data/assets/pdf_file/0009/402777/Tobacco-Trends-Report-ENG-WEB.pdf).
- 4 Unfairtobacco 2019: Video clips from a project class on the subject of children's rights and tobacco. Not published.
- 5 See Chapter *Social inequalities in smoking among children and adolescents*.
- 6 See Chapter *Exposure to secondhand smoke in households: children's rights versus privacy rights of caretakers*.
- 7 See Chapter *Impact of smoking and secondhand smoke for children and adolescents*.
- 8 See Chapter *The Use of Influencer Marketing and Social Media by Tobacco Companies*.
- 9 Framework Convention Alliance 2013: Lack of political will, awareness revealed in African shadow reports. Online: [fctc.org/afro-shadow-reports-reveal-industry-interference/](http://fctc.org/afro-shadow-reports-reveal-industry-interference/), accessed 23.10.2019.  
Framework Convention Alliance 2014: 2013 AFRO shadow reports reveal tobacco industry interference. Online: [fctc.org/afro-shadow-reports-reveal-industry-interference/](http://fctc.org/afro-shadow-reports-reveal-industry-interference/), accessed 23.10.2019.  
Tobacco Control Scale 2016: The Tobacco Control Scale 2016 in Europe. Online: [tobaccocontrolscale.org/2016-edition/](http://tobaccocontrolscale.org/2016-edition/), accessed 23.10.2019.
- 10 See Chapter *Children in tobacco growing – the most vulnerable in the supply chain*.
- 11 Unfairtobacco, Deutsche Krebshilfe, Deutsche Gesellschaft für Pneumologie et al. 2019: Children have a right to a tobacco-free world. Berlin: Unfairtobacco/BLUE 21. Online: [unfairtobacco.org/en/factsheet-childrens-rights](http://unfairtobacco.org/en/factsheet-childrens-rights), accessed 30.09.2019.
- 12 Unfairtobacco 2019: Tobacco Map. Cassava as staple food. Online: [unfairtobacco.org/en/tobacco-map/#alternatives](http://unfairtobacco.org/en/tobacco-map/#alternatives), accessed 23.10.2019.  
Kenya Tobacco Control Research Group 2012: Bamboo as Alternative Crop and Livelihood to Smallholder Tobacco Farming Research Project (IDRC Supported). Online: [tobaccoto-bamboo.org](http://tobaccoto-bamboo.org), accessed 23.10.2019.  
Yen Lian Tan, Cheek Yoon Yong, E. Ulysses Dorotheo et al. 2017: Alternatives to tobacco – a closer look. Kenaf in Malaysia. Berlin: Unfairtobacco/BLUE 21, Forum Umwelt und Entwicklung. Online: [unfairtobacco.org/wp-content/uploads/2018/09/Kenaf-in-Malaysia\\_en\\_a4.pdf](http://unfairtobacco.org/wp-content/uploads/2018/09/Kenaf-in-Malaysia_en_a4.pdf).
- Donald Makoka 2017: Alternatives to tobacco – a closer look. Legumes and sunflower in Malawi. Berlin: Unfairtobacco/BLUE 21. Online: [unfairtobacco.org/wp-content/uploads/2018/09/Legumes-and-Sunflower-in-Malawi\\_a4.pdf](http://unfairtobacco.org/wp-content/uploads/2018/09/Legumes-and-Sunflower-in-Malawi_a4.pdf).
- 13 Graen L 2018: Case 2, Tobacco industry: Truly transformed or using SDGs as a smokescreen for old strategies? In: Brot für die Welt, German NGO Forum on Environment and Development, Unfairtobacco et al. (Ed.) 2018: Analysis 78. Hijacking the SDGs? The Private Sector and the Sustainable Development Goals. p. 22-32. Online: [unfairtobacco.org/wp-content/uploads/2018/07/Analyse78-hijacking-the-sdgs.pdf](http://unfairtobacco.org/wp-content/uploads/2018/07/Analyse78-hijacking-the-sdgs.pdf).
- 14 Treaty Alliance Deutschland 2019: Für eine menschenrechtliche Regulierung der globalen Wirtschaft. Berlin: CorA-Netzwerk für Unternehmensverantwortung. Online: [cora-netz.de/wp-content/uploads/2019/09/2019-09\\_Treaty-Alliance-DtL-Stellungnahme-Revised-Draft.pdf](http://cora-netz.de/wp-content/uploads/2019/09/2019-09_Treaty-Alliance-DtL-Stellungnahme-Revised-Draft.pdf).
- 15 Framework Convention Alliance 2019: The ILO Ends Contracts with Tobacco Companies. Online: [fctc.org/the-ilo-ends-contracts-with-tobacco-companies/](http://fctc.org/the-ilo-ends-contracts-with-tobacco-companies/), accessed 31.10.2019.
- 16 UN General Assembly 2012: Optional Protocol to the Convention on the Rights of the Child on a communication procedure. Online: [documents-dds-ny.un.org/doc/UNDOC/GEN/N11/467/10/PDF/N1146710.pdf?OpenElement](http://documents-dds-ny.un.org/doc/UNDOC/GEN/N11/467/10/PDF/N1146710.pdf?OpenElement), accessed 30.09.2019
- 17 UNICEF 2019: 16 children, including Greta Thunberg, file landmark complaint to the United Nations Committee on the Rights of the Child. 23 September 2019. Online: [unicef.org/press-releases/16-children-including-greta-thunberg-file-landmark-complaint-united-nations](http://unicef.org/press-releases/16-children-including-greta-thunberg-file-landmark-complaint-united-nations), accessed 15.01.2020.  
UN News 2019: Countries violate rights over climate change, argue youth activists in landmark UN complaint. 24 September 2019. Online: [news.un.org/en/story/2019/09/1047292](http://news.un.org/en/story/2019/09/1047292), accessed 15.01.2020.
- 18 Federal Ministry for Family Affairs, Senior Citizens, Women and Youth 2019: Fifth and Sixth State Party Reports of the Federal Republic of Germany on the United Nations Convention on the Rights of the Child. Berlin: BMFSFJ. Online: [tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fDEU%2f5-6&Lang=en](http://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fDEU%2f5-6&Lang=en), accessed 14.01.2020.



