

CEDAW Committee's Concluding Observations to Argentina's Periodic Report Highlight Recommendations Presented by the O'Neill Institute and Partners

Fall 2010 - In July 2010, the O'Neill Institute for National and Global Health Law, the Campaign for Tobacco-Free Kids (CTFK), ALIAR, and other Argentinean civil society organizations^[i] prepared a shadow report before the United Nations Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW Committee) in response to the sixth periodic report submitted by the Argentinean government. The report, "Challenges in the Prevention and Reduction of Women's Tobacco Use in Argentina,"^[ii] outlined recommendations on how Argentina can improve its tobacco control policies:

http://www.law.georgetown.edu/oneillinstitute/documents/2010-07_Argentina_Shadow_Report.pdf.

After its official review, the CEDAW Committee released its concluding observations, which included the shadow report's recommendations on public smoking bans and restrictions on tobacco advertising. This recommendation by the CEDAW Committee highlights the negative health impacts of tobacco use in women and links tobacco control, gender, and human rights. This is a meaningful step forward in Argentina's tobacco control movement, and overall in connecting tobacco control with human rights. The CEDAW Committee notes:

39. The Committee is concerned about the widespread use of tobacco among women in Argentina and the serious health impact of tobacco on women. The Committee is particularly concerned that women are often targets in tobacco advertising campaigns, which encourage and increase the usage of tobacco among women, resulting in tobacco related diseases and deaths.

40. The Committee urges the State party to ratify and implement the World Health Organization Framework Convention on Tobacco Control and put in place legislation aimed at banning smoking in public spaces and restricting tobacco advertising.^[iii]

This marks one of the first times the CEDAW Committee has made a specific recommendation on implementing concrete tobacco control measures. Additionally, the CEDAW Committee's recommendation that Argentina ratify and implement the Framework Convention on Tobacco Control (FCTC) is also relevant in the efforts to connect tobacco control with human rights. For more information, the full CEDAW report can be found at:

<http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-ARG-CO-6.pdf>.

The O'Neill Institute for National and Global Health Law

The O'Neill Institute for National and Global Health Law at Georgetown University was established in 2007 through the generous philanthropy of Linda and Timothy O'Neill to respond to the need for innovative solutions to the most pressing national and international health concerns. Housed at the Georgetown University Law Center in Washington D.C., the O'Neill Institute reflects the importance of public and private law in health policy analysis. The O'Neill Institute is a joint project of the Law Center and School of Nursing and Health Studies, and draws upon the University's considerable intellectual resources, including the School of Medicine, the Public Policy Institute, and the Kennedy Institute of Ethics. The O'Neill Institute is organized around three core programs: Global Health Law, National Health Law, and the Center for Disease Prevention and Outcomes. Each program combines elements of reflective problem-solving, scholarship, and teaching to draw on the O'Neill Institute's intellectual strengths. For more information, please visit www.oneillinstitute.org.

^[i] Fundacion InterAmericana del Corazon Argentina (FIC-Argentina); Fundacion Cardiologica Argentina, Center for the Study of State and Society; Foundation for Women's Study and Research (FEIM); Argentine Cardiology Society (SAC); The Foundation for the Development of Sustainable Policy (FUNDEPS).

^[ii] "Challenges in the Prevention and Reduction of Women's Tobacco Use in Argentina" *Shadow Report to the Sixth Periodic Report by the Government of Argentina: Concluding Observations*. UN CEDAW <http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/ONeillInstitute.pdf>.

^[iii] This finding echoes a similar observation by the UN Committee on Economic, Social and Cultural Rights (CESCR) in its report on Brazil, which observed: "30. The Committee notes with concern that it is still permissible to promote the use of tobacco through advertising in the State party and that, while the use of tobacco-derived products is banned in publicly accessible areas, smoking is permitted in areas specially designed for the purpose. The Committee notes, however, that the State party has taken important steps to reduce the threat tobacco poses for life, health, the environment and the general population by ratifying the WHO Framework Convention on Tobacco Control and developing public policies to reduce tobacco use. (art. 12, para. 1). **The Committee recommends that the State party take measures to ban the promotion of tobacco products and enact legislation to ensure that all enclosed public environments are completely free of tobacco.** CESCR's finding was also based on a shadow report submitted by the O'Neill Institute, CTFK, and other Brazilian civil society organizations. "Preventing and Reducing Tobacco use in Brazil: Pending Tasks." *Shadow Report to the Periodic Report by the Government of Brazil* <http://www.law.georgetown.edu/oneillinstitute/documents/ONeill-Shadow-Report-Brazil.pdf>.