

**Comments from Action on Smoking and Health to the United Nations' Open-ended Intergovernmental Working Group on Transnational Corporations and Other Business Enterprises with Respect to Human Rights on the Elements for the Draft Legally Binding Instrument on Transnational Corporations and Other Business Enterprises with Respect to Human Rights**

Founded in 1967, [Action on Smoking and Health](#) (ASH) is the United States' oldest organization devoted to fight the harms caused by tobacco and dedicated to a world with ZERO tobacco deaths. Because tobacco is the leading cause of preventable death worldwide, ASH supports bold solutions proportionate to the magnitude of the problem. ASH works tirelessly to ensure that tobacco is treated as a human rights issue, as well as a public health issue.

Action on Smoking and Health has Special Consultative Status with the United Nations Economic and Social Council (ECOSOC). In addition, ASH served as the Secretariat of [the Framework Convention Alliance, a coalition made up of more than 500 organizations in over 100 countries](#) for the first decade after entry into force of the FCTC. All of the organizations work together to enforce and effectuate the WHO Framework Convention on Tobacco Control (FCTC). ASH's Executive Director, Laurent Huber, still serves the FCA in his role as Ambassador.

ASH applauds the efforts of the Human Rights Council to protect people from the human rights abuses of transnational corporations through a legally binding instrument. We appreciate the opportunity to provide input in the process.

Action on Smoking and Health, call upon the OEIWG and the member States of the United Nations Human Rights Council to include the recommendations in this document in the Treaty.

We recommend that the Treaty include specific references to the Framework Convention on Tobacco Control (WHO FCTC). The international legal precedents contained in the FCTC, the first public health and corporate accountability treaty, provide powerful tools that allow democratic institutions to reclaim public policymaking from transnational corporations. Throughout the OEIGWG sessions, references to the FCTC have been made, but the draft elements do not include specific references to the FCTC. The finalized treaty should include references to the WHO FCTC, in the preamble and throughout the text, to illustrate the shared public health and human right goals of the two treaties.

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