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Evaluating of Iranian Legal System in the Field of Tobacco Products with Emphasizing Right to Health

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Abstract

Right to health is one of the fundamental human rights in international human right system. This right possessed a stable position in various treaties and international conventions. Based on this right, everyone has the right to reach the highest standard of physical and mental health which includes all medical services, public sanitation, enough food, suitable accommodation, healthy atmosphere of work and healthy environment. Governments are obliged to promote the right to health whether in citizens or non-citizens. Effective restriction on tobacco products requires national, local and international cooperation. In international level, the universal convention of World Health Organization has the regulations related to control of tobacco products business. Accordingly, Iran has joined to the convention thus its articles are binding inside the country. In addition to this regulation, producing and distributing tobacco products in Iran have followed by some principals and rules including: I) Producing of every type of tobacco product gained monopoly by government, II) The necessity of inserting logo and health warning messages on pocket, III) All of tobacco products must be packed in pockets with serial number and the particular label of Iran tobacco products, IV) Limitation of selling tobacco products to under aged people (under 18).

Keywords: Tobacco products, Tobacco restriction, Health, Right to health, Human rights.

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1. Introduction

Right to health is one of fundamental human rights in international human right system. This right possessed a stable position in various treaties and international conventions and can be included in total principal of accepting legal systems. Primarily and the most universal nevertheless implied, manifestation of right to health in international treaties were showed in united national charter. Although, there is no mentioning in the charter regarding to right to health, its 55 article obliges the organization to promote "higher standard of life" (paragraph a) and find "solutions of international issues regarding to health" (paragraph b). Second reflection of right to health in international treaties which constituted the turning point of next documents presented in constitution of world health organization in 1946. From 1998 the program of tobacco products restriction was placed in priority of world health organization programs and teamwork was created for editing framework of tobacco restriction treaty which led to approved international tobacco products convention in 2003. Besides, Iran became one of the most activist members of this convention since then. Whatever magnified the necessity of this study is the inevitable conflict of right to health and tobacco products. It means what measures have been considered for struggling with tobacco products threat. Present study involved total investigating of the subject. Legal measures in promoting of people right to health and also proceedings of proctor organization in protecting and prosecuting of health manifestation violators were assayed, in the other hand, the emerged challenge on health due to the tobacco products regulation was investigated either, finally, and some strategies were presented to tackle these challenges.

1.1 Right to health conception

To recognize the concept and content of right to health, it is necessary to look at the related international documents more closely. International recognition of right to health doesn't mean the clarity of its content and concept.

Common understanding of right to health not only doesn't find in international legal document but suffers from internal failure. Health in word is restricted to common and optimized functioning of an organism without illness or abnormalities. However, in a more expansion meaning, health is physic, mental and social entire prosperity and is not considering to lack of illness or disability merely. This expansion definition has ideal dimension and probably never could be achievable. After all, health is an issue with relative and extra dimension, in the other word, depending on people, society and the type of activity of each person it could be entirely different. Although people might be healthy in their own living and work environment, once they introduce to other work or living environment might be damaged. Besides, health can't be defined as a lack of illness. The illness may have temporary or unstably dimensions and/or be a natural in some conditions or related to some

people per se. for example it can't be said that a person who suffer from seasickness lost his/her health. Obviously, health is a state which cannot be guaranteed anyway. Sometime losing health is intentionally by using tobacco products, alcohol etc. and sometimes is as a result of other people activities. Accordingly, when we talk about right to health, it can't be defined as right to not being sick or not getting disability. However, the context "right to health" has more development application, interpretation such as right for taking care of health and right for medical care are utilized either. In our opinion although the interoperation of right to health has some failures, the common interpretation of it, is not a right to not being sick and getting disability or getting older. While it has more expansion concept of medical care, health care and even protection of health and because of that has more common application especially in international level.

1.2 Basic of right to health in human right charter

1.2.1 Human generosity

The principal of human generosity is the most important of the basic principal and founder of human right international system which based on that recognized human right in human right international system is explainable (Komter, 2010). The necessity of respect to human generosity has been emphasized in human right friendly documents and international judicial proceedings. Here we present them in brief.

1.2.2 United nation charter:

Governments which are the member of united nation charter announced their faith to human right, human generosity and personal values in the introduction and, in paragraph 3 of article 1 have selected the encouraging respect to human right and fundamental freedom to everyone without any discrimination.

1.2.3 Universal Declaration on Human Rights (UDHR)

In the introduction of UDHR human generosity recognition was mentioned as root of freedom, justice and peaceful in world. In addition, in article 1 of an announcement was mentioned "all of people come to world freely and they are equal in generosity and justice". Thereby, the notification severely emphasized human generosity and with adding inherent adverb, introduced it as a thing that belongs to all of human. Furthermore, human generosity was introduced as root of justice, freedom and peaceful around the world (Schaffer 2004).

International covenant on civil and political rights (ICCPR) and international covenant on economic, social and cultural rights (ICESCR) which undoubtedly are two important

documents in human right, in fact, were edited based on UDHR and promoted its standard due to obtaining binding feature have more importance.

Moreover, in article 10 of ICCPR was mentioned "should behave base on humanity, respect and human generosity with all people who deprived from freedom". Additionally, in article 17 of ICCPR was emphasized on banding arbitrary intervention of human privacy and invading their dignity.

1.2.4 Convention on the elimination of all forms of discrimination against woman

In the introduction of convention on the elimination of all forms of discrimination against woman and also in notification of international World-Pecan conference, were emphasized on dignity of equal human right and the necessity of human respect.

1.2.5 International convention on the elimination of all forms of racial discrimination

Undoubtedly racial discrimination is an anti-humanity behavior and an obvious violation of human generosity and its binding was emphasized in several documents like present document. In the beginning of introduction of this document, was emphasized on human dignity and inherent generosity as one of the roots that united international charted is based on that.

1.2.6 Convention against torture and other cruel, inhuman or degrading treatment or punishment

This convention is one of the most important international documents in binding torture and inhuman treatment also, in its introduction officially recognized human inherent generosity personality as root of human right.

1.2.7 Vienna Declaration of human rights and program

This international document of human right in addition of emphasizing human inherent dignity in introduction and recognizing all human right from human generosity, in article 20 emphasizing inherent generosity of indigenou peoples and in article 55 representing torture as a one of the worst violations to human generosity which diminish human generosity and dignity.

1.2.8 Universal declaration on the human genome and human rights

This international documents approved in 11 November 1997 in Unesco public conference represented human genome as a fundamental unity of human families and the root of inherent generosity and diversities. Moreover, in article 1 was emphasized on this matter that without considering to genetic characteristics all human should be respected equally.

1.3 The value of the life

The life right is the first and most important right and it is the beginning part of human rights books in all of the human right systems. In the other words, existence of the other predicated rights in international documents of human rights depend on the life right; because without life the other rights do not have value and function. The right is called “the better right” by human right committee for supervising on better performance of international covenant on civil and political Rights (materials, 2013). Respect and human dignity, is natural and innate but it exposures to threatened and criminal pressures and external imbalances in the social space, always it is vulnerable. To destroy this unpleasantness which hurts human conscience getting properly supported and organized, in the face of crimes against the peace and security is an inevitable necessity (Robertson, 2013).

United Nations charter (26 June 1945), declared the believe of United Nations to the basic rights of human and to dignity and value of human personality (introduction) in line 3 of article 1, it progressed one of the purposes of United Nations and it encouraged to respect to human rights and basic freedom for everybody (Reder, 2016).

The universal declaration of human rights (10 December 1948) in line 1 of the introduction confesses: “Identifying the dignity of all members of human family and the same and inalienable rights and of them consist the freedom and peace in human”. The mentioned declaration emphasizes on equal dignity of all of people (article 1) and the right of life, and personal security of person (article 3) and also this matter that “everybody has the right that the law recognizes him/her as a human being” (article 6).

International covenant on civil and political Rights like the human rights declaration emphasizes on “the innate dignity of human being” (introduction) it compelled the bound states to respecting to human rights and ensuring the innate right of life (article 1), prohibiting preventing torture (article 7), the slavery and laboring (article 8), prohibiting of arbitrary detention and confinement (line 1 article 9) (Freeman, 2011).

International covenant is economic, socially, culturally rights which contain universal declaration of human rights, and by emphasizing on the correctness of the principles in the line 2 article 5 of the covenant it is prescribed that: no limitations or deviations of each basic human rights which are acknowledged in the countries which accept the covenant by the

regulations, conventions, procedures, or custom and habits is acceptable by excusing that this covenant unacknowledged these rights or unacknowledged them slightly (Sieghart, 1983).

1.4 The Resources of Right to Health

What are the elements which consist the right to health and how can recognize these elements? We saw that use the word “health” for determining the limitation of the “right to health” was not so practical (Toebe, 2001). For doing this task which has legal characteristic, we should apply to analyzing the international legal documents, but since what came to these documents barely pass the generalization limit, and then we cannot return to elementary works, supervision procedure of these documents, activities of international organizations which have some tasks and, especially universal health organization and the lawyer’s opinions.

1.5 The internal resources

1.5.1 Constitution

The principle 23 of the constitution acknowledges the right to health and remedies services and medical care for the public and it prescribes that: “having social security for retirement, unemployment and senility, disability, guardian less, the events, request for health, remedy and medical services in the form of insurance is a public right. According to this principle, the government should provide the above services for people in two ways: public incomes and the yield incomes from people cooperation. In addition to principle 23, there are other related principles to health (Kinney, 2001). Based on the line 12 of the third principle of the constitution, “foundation of correct and fair economy according to Islamic standards for brining convenience and eliminating of poverty and any kinds of deprivation in nutrition, dwelling, employment, health and insurance are some duties of the government. According to this principle, the government should supply all aspects of people rights (men and women) and equality of people for the law, and it should eliminate the discrimination and emphasizes on fair facilities for man and woman in all material and spiritual fields. Principle 23, expresses an equal legal protection for all people (men and women), possession of political, economic, social and cultural rights for everybody by paying attention to the Islamic standards. The principle 21 is related to the women rights, and the government should guarantee their rights in all aspects according to the Islamic standards. The line 1 in principle 33, accounts providing of the basic needs: dwelling, food, clothing, health, medical, education and training and required facilities for making a new family for everybody as one of the standards which the Islamic Republic of Iran should pay attention on it.

1.6 The international public resources

1.6.1 The principle 25 of universal declaration of human rights

In the principle 25 of universal declaration of human rights does not name especially the right to health. But there are some matters in this principle which are worthy to be noticed.

1) Everybody has right to possesses enough food, clothing, dwelling, medical care and essential social services for himself and his family, and he also has right to supply unemployment, disease, widowhood, disability, senility or in the other cases of lack of livelihood.

2) Mothers and children have especial right to help and care. All of children (weather children of marriage or the other children) need to equal social protection. This article contains “right to honor life” which includes circumstances which are enough for healthy of the person but it does not apply directly to right to health. In this line two rights are mentioned which are related to each other: the right of possession of a standard life that in which the essential needs of person and his/her family are provided. The health itself is not the subject; health is a criterion of right that is the least standard of life. It is correct that it includes a collection of social and economic circumstances which allow the person to handling his life and life of his family. The meaning of right to having the enough standards of life is not that providing everything that he wants. The duty of government here is preserving of such right by establishing of such system, and it is not a charity fund. Commitment of the government at first is undertake to protection and respect, not to performing. Therefore, “the function of right to enough standard of life, in usual status is the person himself, with the meaning that the economic activities for supplying the livelihood begins with his effort (Beddard, 2016). Some people stated that right to enough standards of life with an economic system in which everybody is able to supply and progress the health can be fulfilled, but this right does not require an especial economic system (Jamar, 1994).

We think that an economic system which applies to providing all of livelihood needs directly is not agreed with principle of human dignity. This right at first requires the situations in which the person can provide these needs by his own resources independently. These needs such as: employing to a job that has enough income for him and his family. So the right of possessing enough standards of life is very comprehensive (Alston P. & Quinn G, 1987). The fulfilling of this right is related to economic progression, agriculture reforming, suitable principles of feeding and international commercial. The second right which is stipulated in line 1 article 25 of universal declaration is right to social security when there is lack of health, unemployment, disability, and the other cases that are outside the will of the person.

Article 12- International Covenant on Economic, Social and Cultural Rights

It is the most comprehensive express in the field of right to healthy in international human rights system. This article states: 1) the membered governments of the covenant should recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. 2) Actions which should be performed by the membered governments to achieve this right include the following necessary items: Reducing infant mortality and improving child health, improving environmental and workplace health, preventing, controlling and treating epidemic and local diseases, providing conditions to guarantee equal and timely access to medical services for all people. Clause 1 of the present article expresses the right and clause 2 states the necessary actions to achieve this right. Some tips should be noticed here about article 12. First, it is stating an attainable definition of the right to health. Precisely, article 12 has pragmatic approach to right of the health. In this approach, instead of interpreting “right to health” or “full welfare of physical, mental and social condition”, the “enjoyment of the highest attainable standard of physical and mental health” is used. Right to health is not the right to physical and mental perfection and doesn’t contain cultural aspect of the health. Second, right to health is the highest attainable right not the lowest right. So, right to health cannot be construed as the least level required for health (Ahmad, 2016).

Third, it is the unusual interpretation of clause 2 provisions that specifies the practices required to completely achieve the right to health. Some define “complete achievement” that achieving right to health is gradual and relative. Clause 2 contains actions that doesn’t have limitative aspect and it is mentioned here as an example but these examples themselves involve diverse fields and very different practices.

1.7 National special resources

1.7.1 The approach of economic, social and cultural right committee

The economic, social and cultural right committee announced the general opinion of no. 14 about right at the highest level in May 11, 2000. The purpose of the committee’s general opinion is to present aid and support for covenant countries and help to perform and report it. Committee’s general opinion includes some introductory and five-part points. Committee’s idea five-part points can be summarized as follow: 1) Right for health, is the fundamental mankind right and is essential and unavoidable for performing other human rights; 2) Right for health has a specific position in international multi-document 3) Right for health has a close relationship with other human rights and it depends on its occurrence. These health-related rights are including the following cases: right for food, house, job, education, human generosity, life, lack of discrimination, equality, prohibition and torment; 4) Right for health is not only limited on right for protection of health and history of compilation and the clear expressions of article 12 of covenant shows that this right possesses a great deal of social-economic factors that enable the situation for people to have healthy life. Right for health has

the basic indices such as food, nutrition, house, accessing to healthy and potable water, cleanness and hygiene, safe situation of job and healthy environment; 5) The condition of having right for health for people is not the desired condition specifically that millions of poor people in worldwide consider having this right nothing more than a dream. This situation is the result of different structural and nonstructural barriers which is out of government's control. The five parts of the general opinion's main body include: 1) The norm content of article 12 of covenant; 2) Commitments of member countries; 3) Contravention of article 12's commitments; 4) Applying right for health at the level of nation; and commitments of other countries except member governments. Here we only mention the first part of committee's idea. Analysis of committee from norm content of right for health is extremely significant and penetrates the bases of this right. Despite, we would doubt that in what extent committee's ideas can be the result of law and lawsuit commitments. It seems that committee is wandering between realism and idealism. In committee's viewpoint, right for health has two elements of freedoms and merits. In other words, right for health contains two negative and positive general bases. Freedoms that are the part of this nature, makes a platform of authority to act out of the case of body and soul. But actually the expression "highest standard" obsessed the committee. Undoubtedly, as we see more, the meaning of highest standard of health cannot be the complete and absolute health which is an ideal and unachievable matter. For this reason, committee also says "the highest level of health is required biology and social-economic pre conditions and resources which any country owned." Committee believes that "there are dimensions that we cannot consider only in the door of nations' relationships; especially government cannot guarantee the complete health (Chapman, 1996)

With this analysis committee reach a key expression: "right for health". And we should consider it in using facilities, goods, services, and different necessary conditions for achievement of highest achievable level of health." But up to this, committee has not yet passed the level of generalities. Committee passed the generalization using four essential elements for right for health in which exist in all levels and patterns. These four elements include: possessing, accessing, and being acceptable and quality. But these elements refer to facilities, goods, and services related to public health and protection of health and any person deserve have it. Possessing means that the abovementioned facilities, goods and services must be prepared in member country with sufficient amount and quantity. Accessing means that facilities, goods and services related to health must be accessible for everyone, especially most vulnerable and far away parts of the population regardless of discrimination of racial and other cases. Acceptable then, means that the entire health facilities, goods and services must be given regarding medical consideration and considering the culture of individuals, minorities, nations and societies and regarding to sexual requirement and life cycle and of course with respect to confidence. And finally, the quality of these facilities is also important. The difference of the facilities must scientifically and medically have a good quality.

1.7.2 The Approach of Reports of Especial Reporter of Commission on Human Rights (United Nations)

The Commission on Human Rights, being replaced with Human Rights Council, had focused its activity over Civil and Political rights as the most important column of the United Nations in improving Human Rights system, taking almost no action regarding their economic, social, and cultural rights. On the account of the right to health, also, it seems that the commission had abandoned this task to the World Health Organization, but in 2002, this tradition was broken, and the commission of Human Rights, in addition to posing resolutions regarding access to medication and Human Rights for people having disability, through resolution 3110/2002, took the action of assigning a especial reporter for three years for the rights of all to benefit from the highest accessible standard of mental and physical health. In the resolution of the commission, the following tasks had been assigned for the especial reporter: A) Gathering, requesting, receiving and transferring information related to the right to benefit from health from all the qualified authorities; B) Negotiating and discussing with all the qualified players regarding the operational fields; C) Reporting the statue of the right to benefit from health all over the world, including laws, methodologies, good approaches, and the related obstacles; D) Presenting recommendations regarding the necessary steps efficient in supporting the right to benefit from health. The special reporter has presented numerous reports until recently. His initial report is important, from the point of view of the current discussion, which is to analyze the content of the right of benefit from health. This report has been presented in February the 13th, 2003. This discussion, of course, does not add to what was generally presented economic, social, and cultural committees analyzing the content of the right of benefit from health. In fact, the especial reporter points to the fact that although there is developing legal national and international approach regarding the right of benefit from health, the legal content of this right has not been well established. This is not surprising regarding the historical neglect on the right to benefit from health and also other economic, social, and cultural rights. The report of the especial reporter, more than focusing on the content and approach of the right to benefit from health, looks to perform the difficult task of operating this right. From the viewpoint of the especial reporter: we must transfer from national and international norms to practical programs, plans, and approaches. The report of the especial reporter has devoted to two subjects from among a vast and various spectrum of subjects incorporated by the right to benefit from health: the right to benefit from health and poverty, and the right to benefit from health and discrimination and stigmatization. The first subject has more connection with the present survey. There is a mutual connection between poverty and the right to benefit from health. Health deficiency is the cause and result of poverty. The rights to benefit from health and other Human Rights have an important and fundamental role in reducing poverty and the like manners. Hence, it seems that combating poverty is the main strategy in providing the right to benefit from health. Therefore, the

objectives of the millennium development stated in the United Nations millennium declaration, has four health- related objectives from among the eight objectives: 1- Reducing death. 2- Improving mothers' health. 3- Combating HIV/AIDS. 4- Guaranteeing a permanent environment.

-Tobacco and its manifestations

The intended meaning of tobacco is the kinds of tobacco used for smoking. Tobacco means something used for smoking in the form of cigarette and the like. Tobacco is a Turkish word, meaning smoke. In Arabic, the word tobacco is translated as Do khan or Dokhania, and in English it is called Tobacco and in Iran Tanbaco and is called Tabac in French and Germany. Tobacco is the dried leaf of Tobacco plant, that could be used either in the form of smoking and probably chewing in different forms of cigar, Cigar, Hookah, tobacco pipe, and the like. This plant does not have medical practices, and in the classification of Pharmacology leads to motivation or weakness of central neurotic system.

-Pipe

Pipe has been of the Turkish word Chvpvq. Pipe is also a kind of smoking Hookah, having a clay woody handle. It is usual to pour pipe, which is a kind of soft type of hookah in the head of Chvpvq, and then to smoke it.

-Tobacco pipe and different kinds of tobacco

Pipe is in fact the same as foreign Chvpvq, having a short and light handle, used for smoking tobacco. Tobacco pipe has vertical cuttings, and is fragranced with special odors. There are two general kinds of tobacco for pipe: 1- fragranced tobacco. 2- Non- fragranced tobacco.

-Cigar rete and cigar

It is a Spanish word being derived from Cigar, meaning folding in paper. In English, the ordinary cigar, that is, the dried and cut tobacco plant being folded in paper is called Cigarette. And the cigar, that is, leaf of tobacco plant used directly without being folded in paper, is called cigar.

-Snuff

It is the usage through the nose, which is less common and also different kinds of chewing tobacco in different forms are used.

_International documents (World Health Organization's public convention of Smoking Control)

The Bill of joining Islamic Republic of Iran to the World Health Organization framework Convention on tobacco control presented to Islamic Consultative assembly in January the 11th, 2004, No. 31944/61241 and in public session of Sunday, June the 25th, 2005 of Islamic Consultative Assembly was passed, and due to the objection of Guardian Council on

paragraph 2 Note 27 and on the basis of paragraph 112 of the constitution of the Islamic Republic of Iran was sent to Expediency Discernment Council of the system, and the opinion of the Islamic Consultative Assembly was the same as the opinion of the Expediency Discernment Council of the system. On the basis of that, Iran was formally joined to the public convention of World Health Organization regarding tobacco control.

The text of Convention of tobacco control or CTC published in May 21st 2003 in Geneva consists of an introduction and 11 parts and 2 indexes. The Convention on tobacco control, unlike Conventions which had been set regarding conflicting tobacco, has considered reducing request as well as reducing presenting, and has presented practical and rather simple methodologies for Governments and even non- governmental organizations. In the department of reducing request of this convention, two kinds of tools were proposed. One is the financial and the other non- financial. The financial tool contains increasing the cost and tax of tobacco.

-The non- financial instrument of convention of tobacco control

The convention of tobacco control has considered non- financial tools for controlling the production of tobacco. They include:

- 1) Refrain from exposure to tobacco smoke: CTC forces the Countries passing this law to pass laws refraining active and efficient use of tobacco in public places, roofed work places, public transportation, and the like.
- 2) Law of contents of tobacco: CTC, forces the Countries passing this law to set a manual and framework for assessing and measuring the contents of tobacco products.
- 3) Laws of revelation of tobacco products: based on this convention, in countries under contraction, laws pass that tobacco factories present their products 'secrets to authorities.
- 4) Labeling tobacco products: based on this convention, every signatory country must within 3 years after enforceability of performing this convention in that country, pass laws regarding texts on the cigarette pockets and warning labels and packing them. Warning labels on pack of cigarettes must be confirmed by relevant authorities, should be substituted every so often, must be big, neat, and visible, and must not be less than 30% of the main space of the pack of cigarette.
- 5) Education, information transformation, and public awareness: every passing country of CTC must provide conditions to increase public awareness regarding financial and bodily dangers and side effects of tobacco and results of controlling it.
- 6) Commercial advertisements: CTC forces signatory countries to refrain from advertising and commercial ads.

-The financial instrument of convention on tobacco control

The methods for reducing presentation of tobacco in this convention are as follows:

- 1) Struggling against smuggling
- 2) Prohibition of selling tobacco to juveniles.
- 3) Financial support from alternative activities of tobacco production

-Prevention of tobacco in different nations

The most uproarious law of refraining tobacco might be for Italy passed in January 10th 2005. This law is hard, in such a way that could reduce 10% of Heart attacks in this country. Right now, 15 countries including the Islamic Republic of Iran have a law for preventing tobacco. Butane is the first country preventing cigarette in the world, in a way that selling cigarette in this country is forbidden, and the strangest law passed against tobacco has been in Cuba, the biggest manufacturer of the world's cigarette.

The reason for much challenge of law of preventing cigarette in Italy might be its stiff performance guarantee. It is such that if the law of preventing smoking in public places is violated, the responsible person of that place is fined with up to 2000 Euros and also if the smoking person violates laws intentionally and knowingly, is fined with up to 275 Euros, and in case smoking is in the presence of a pregnant woman or babies, this fine is doubled.

-General obligations of convention members

In this convention the total fulfillments are as follows:

- 1) The members must, on the basis of this convention being a member of, plan validated and current programs for tobacco control and revise them every so often.
- 2) For achieving this goal, every member should on the basis of its capabilities:
 - 1-2) establish proper national mechanism or central core for related programs to tobacco control, or in case of existence of such mechanisms, improve them and provide them with financial aids.
 - 2-2) Pass proper official and bureaucratic regulations and perform them or take every other necessary actions, and cooperate with other members regarding developing programs related to vanish tobacco and nicotine addiction and people being exposed to smoke resulted from tobacco in suitable manners.
- 3) Members, according to their national regulations regarding edition and running a part of public health programs related to tobacco, must behave in a way that these programs not become fruitless by activities done by beneficiaries of industries.
- 4) Members should cooperate with each other in preparing suggested methods for performing the convention and its protocols.
- 5) Members should cooperate with international and regional intergovernmental organizations in a proper manner to fulfill the goals of this convention and its protocols.

6) Members should cooperate through mutual and multilateral mechanisms and within the available financial resources and tools for efficient performance of this convention.

-The affected cases from claiming tobacco

The first paragraph- the relevant actions to pricing and taxing in order to reduce demand for tobacco

1) Members agree that the taken actions for pricing and taxing are practical, efficient and important tools for reducing tobacco usage by different parts of society, adults in particular.

2) Without limitation in the right of the members for determining the manner of taxing, each of the members should take programs for tobacco control seriously in order to public health, and pass and perform actions as mentioned in the following:

1-2) implementing policies in order to tax and in case of necessity, pricing different kinds of tobacco to take a kind of public health policy, reducing tobacco usage are being its objective.

2.2) Prevention or limitation of selling tobacco to foreign travelers (if necessary) that could import different kinds of tobacco without paying the tax.

3_ Members must announce in periodical reports on the basis of Note 21 of this convention the rate of taking tax of different kinds of tobacco and the rate of trend towards using tobacco in their countries.

2. Conclusion and Suggestions

The total convention of the World Health Organization in tobacco control possesses related regulations for buying and selling tobacco, and regarding that Iran has joined the mentioned convention, its context is necessary to perform inside the country. Society has direct benefit from providing public health, and the government should support victims' rights against harmful profit. Prevention from the growth of tobacco usage is possible through applying multiple policies. Regarding the fact that start smoking and getting used to it is through many factors, fighting that would require applying different methods. This way, a vast spectrum of formal, informal, legal, social, and healthy programs will be practical in preparing national policies for fighting the consume and reducing demands. Of the most important actions of national institutions is to legislate valid policies for fighting against selling, presenting, smuggling and consuming tobacco. After legislating and passing the public convention of World Health Organization regarding tobacco control, the legislative power by passing the law of joining the government to this convention, permits the country to join the mentioned international documentation. In the next step, it would pass the public law of national control and fight against tobacco in September 2006. In this law, regarding the requirements resulting

from joining the public convention, fundamental strategies with enforcement guarantee of legal performance, was established for controlling and all- sided halter of tobacco.

In the suggestions part, it is attempted to present legal methodologies in order to improve national laws in the field of producing and presenting tobacco. Iran has become a member of convention of tobacco control. It is proper that it takes step in improving the procedure of producing tobacco products benefiting from the experience of the advanced countries. In order to fulfill this purpose, it is required that codified programs be prepared for educating farmers about the method of producing tobacco and also transforming the economical and healthy technology of producing tobacco products, especially cigarettes, so that besides producing tobacco from desirable tobacco, international patterns of measuring and evaluating different kinds of tobacco be really observed. Also, improving people's awareness of dangers of consuming tobacco through different methods, and utilizing all media tools such as radio and television, newspapers, magazines and even via cyber space.

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