

Mr. Alain Berset  
President of the Swiss Confederation  
Federal Palace  
3003 Bern, Switzerland

Geneva, October 3<sup>rd</sup>, 2018

Mr. President,

We representatives of non-governmental organizations from all over the world, at the occasion of the 8<sup>th</sup> Conference of the Parties (COP8) of the World Health Organization's Framework Convention on Tobacco Control (FCTC) in Geneva, wish to express our deep concern and disapproval with what is happening in Switzerland regarding tobacco control. While Switzerland is hosting the FCTC, it remains one of the very few countries in the world which have not ratified it, more than 14 years after it signed it on June 25, 2004. As an international treaty, the FCTC expresses the solidarity of the nations of the world in their fight against tobacco, an international problem with serious implications in public health, human rights and economic development.

For a country which prides itself on its humanitarian engagement, hosts the headquarters of many prestigious international humanitarian and human rights organizations, and hosts the World Health Organization and the Secretariat of the FCTC, Switzerland's lack of solidarity with the international community in its tobacco control efforts is surprising and disappointing.

We gather that not only has Switzerland not ratified the FCTC, but Switzerland also excludes such possibility in the decades to come. Reading the Explanatory message that accompanies the new draft tobacco product law (LPTab), we learn with stupefaction that the goal of the proposed law is to maintain smoking rates in Switzerland at the current level at least until 2060,<sup>1</sup> a goal which translates into deliberately preserving at current levels the associated mortality of 9,500 tobacco-related deaths per year and morbidity of over 300,000 persons seriously ill because of tobacco.<sup>2</sup> The Swiss government is not fulfilling its constitutional mission to protect the health of its population.

By consciously refusing to protect its people from the devastating health, social, environmental and economic consequences of tobacco consumption, while measures are available and known to effectively implement such protection, such as those provided by the FCTC, Switzerland is violating the basic human rights of its children, women and men. The Swiss government is letting narrow economic interest groups under the influence of the tobacco industry dictate its tobacco control policy, and more largely its prevention policy in the fight against non-communicable diseases.<sup>3</sup>

The new draft tobacco product law is clearly aimed at protecting the interests of the tobacco industry, to the detriment of the fundamental human rights of the people of Switzerland. This law contradicts the Resolution on the right of everyone to the enjoyment of the highest attainable standard of physical and

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<sup>1</sup> The Explanatory report objective is "(d'ici à 2060) [...] une baisse de la prévalence (taux de fumeurs dans la population) de 0,5 point de pourcentage (de 25,0% à 24,5 %)". As this objective is within the error margin (24.2%-25.8%) of the currently estimated prevalence, this is equivalent to preserving smoking prevalence at its current level. The cited document is: Loi fédérale sur les produits du tabac et les cigarettes électroniques (Loi sur les produits du tabac, LPTab) Rapport explicatif relatif à l'avant-projet. Département fédéral de l'intérieur DFI. Décembre 2017.

<sup>2</sup> According to official statistics, which are known to substantially underestimate the real situation. See J Jakob, J Cornuz et P Diethelm. Prevalence of tobacco smoking in Switzerland: do reported numbers underestimate reality? Swiss Med Wkly. 2017;147:w14437.

<sup>3</sup> Eg. "Attention, ce parlement peut nuire à votre santé". Temps Présent, RTS, September 6, 2018.

mental health in the implementation of the 2030 Agenda for Sustainable Development adopted by the UN Human Rights Council in 2017 which urges States to work towards the full implementation of all Sustainable Development Goals and targets including strengthening the implementation of the World Health Organization Framework Convention on Tobacco Control.<sup>4</sup>

Mr. President, in your own intervention before the Swiss National Council on December 8<sup>th</sup>, 2016, you said that the Swiss federal government was trying to establish a “subtle balance between the need to protect health and the economic interests of the tobacco industry.” This is simply impossible.

On September 16, 2011, Switzerland adopted, together with the international community gathered in New York for the United Nations General Assembly, the “Political Declaration of the High-level Meeting of the General Assembly on the Prevention and Control of Non-communicable Diseases,” which recognized **“the fundamental conflict of interest between the tobacco industry and public health.”**<sup>5</sup> The recent history of the draft tobacco product law illustrates clearly the impossibility of finding a compromise between health objectives and the interests of the tobacco industry.

The way Switzerland currently sides with this industry is self-defeating in all respects. Even from a purely economic point of view, the tobacco industry has a nefarious net effect. Ultimately and inescapably, Switzerland has everything to lose by continuing to complacently give this industry political and other privileges while sacrificing the health and human rights of its own people. This issue is already tarnishing, in many circles, the reputation of your country as a champion of humanitarian and human right causes.

Mr. President, we wish to respectfully request that you and your country, Switzerland, change course and give precedence where the Swiss Constitution and adherence to fundamental human rights principles mandate you to place it, namely by giving priority to the health of the Swiss people over the narrow commercial interests of the tobacco industry. Switzerland must ratify the Framework Convention on Tobacco Control (FCTC) and the Illicit Trade Protocol without delay. Switzerland must enact tobacco control legislation compliant with FCTC obligations and model its relationship with tobacco companies based on the guidelines of FCTC Article 5.3.

This is a matter of saving hundreds of thousands of lives and preserving the health of millions of people in Switzerland alone. Mr. President, this is a truly urgent issue.

Sincerely,

(List of representatives of signatory organizations)

Copy:

Dominique de Buman, President of the National Council

Karin Keller-Sutter, President of the Council of States

Thomas de Courten, President of the Social Security and Health Committee of the National Council

Joachim Eder, President of the Social Security and Health Committee of the Council of States

Mr. Antonio Hodgers, President, Council of State of Geneva

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<sup>4</sup> [http://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/RES/35/23](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/35/23)

<sup>5</sup> Political Declaration of the High-level Meeting of the General Assembly on the Prevention and Control of Non-communicable Diseases, item 38. (document A/66/L.1). Available at <https://undocs.org/en/A/66/L.1>.