

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,

**113 Signatory Organizations**

Academie de Médecine  
ACT Health Promotion  
Action on Smoking and Health  
Action on Smoking and Health Foundation Thailand  
ADC-CHAD (Association pour la Défense des Droits des Consommateurs)  
Addiction Switzerland  
ADIC Sri Lanka (Alcohol and Drug Information Center)

**Country where Based**

France  
Brazil  
USA  
Thailand  
Chad  
Switzerland  
Sri Lanka

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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>.

Aer Pur Romania	Romania
African Tobacco Control Alliance (ATCA)	Togo
Airspace Action on Smoking and Health	Canada
Alliance contre le tabac (French Alliance against tobacco)	France
American Cancer Society	USA
American Heart Association	United States of America
Association "Health Mission" Belgrade	Serbia
Association for addiction prevention NARKO-NE	Bosnia and Herzegovina
Association Healthy Romania Generation 2035	Romania
Campaign for Tobacco-Free Kids	USA
Canadian Cancer Society	Canada
CANCER AID SOCIETY	India
Cancer Society of Finland	Finland
Cancer society of New Zealand	New Zealand
Center for Policy Analysis on Trade and Health (CPATH)	USA
Cigarette Butts Pollution Project	USA
CIPRET Fribourg	Switzerland
CIPRET Jura	Switzerland
CIPRET-Genève	Switzerland
CLAS Coalición Latinoamérica Saludable / Healthy Latin America Coalition	USA
CNCT	France
Comité Nacional para la Prevención del Tabaquismo	Spain
Comité/Club Universitaire Unesco pour la Lutte contre la Drogue et les autres pandémies(CLUCOD)	Côte d'Ivoire
Consortium pour la recherche économique et sociale (CRES)	Senegal
Corporate Accountability	USA
Dhaka Ahsania Mission	Bangladesh
DNF-Pour un Monde Zéro tabac	France
Durham University	United Kingdom
Dutch Cancer Society	Netherlands
Egypt Health Foundation	Egypt
EHYT Finnish Association for Substance Abuse Prevention	Finland
European Academy of Paediatrics/Paediatrics Section of European Union of Medical Specialties (EAP/UEMS)	Belgium
European Heart Network (EHN)	Belgium
European Network for Smoking and Tobacco Prevention (ENSP)	Belgium
European Respiratory Society (ERS)	Switzerland
FCTC Implementation and Monitoring Center in Georgia	Georgia
Framework Convention Alliance (FCA)	Canada
Fundación Interamericana del Corazón Argentina	Argentina
FUNDEPS	Argentina
Global Bridges Healthcare Alliance	USA
Global Economic Law Network	Australia
GPV (Groupement des Pédiatres Vaudois)	Switzerland

Healis sekhsaria Institute of Public Health	India
Heart Foundation of Jamaica	Jamaica
Human Rights and Tobacco Control Network (HRTCN)	USA
Indian Cancer Society, Delhi	India
InterAmerican Heart Foundation / Fundación InterAmericana del Corazón	USA
International Alliance of Women	
International Centre for Tobacco Cessation	
International Institute for Legislative Affairs	Kenya
International Society for Social Pediatrics and Child Health	Switzerland
IUMSP – Institut universitaire de médecine sociale et préventive	Switzerland
JAMAICA COALITION FOR TOBACCO CONTROL	Jamaica
Japan Society for Tobacco Control	Japan
Jeewaka Foundation	Sri Lanka
Kosovo Advocacy and Development Centre (KADC)	Kosovo
Krebsliga Schweiz	Schweiz
Ligue pulmonaire genevoise	Switzerland
Ligue vaudoise contre le cancer	Switzerland
Lina and Green Hands Society	Jordan
LNCC	France
LUNGE ZÜRICH	Switzerland
Lungenliga Aargau	Switzerland
Lungenliga beider Basel	Switzerland
Lungenliga St.Gallen – Appenzell	Switzerland
Madok Drabya -O- Nesha Birodhi Council (MANOBIK)	Bangladesh
MANT	India
Mathiwos Wondu-YeEthiopia Cancer Society	Ethiopia
NCD Alliance	Switzerland
Norwegian Cancer Society	Norway
NY SAHY	Madagascar
OxySuisse	Switzerland
`pratyasha' anti-drug's club	Bangladesh
PROI	Bosnia and Herzegovina
Promotion santé Valais	Switzerland
Promotion Santé Vaud	Switzerland
Public Health Law Center	USA
Resource Centre for Primary Health Care (RECPHEC)	Nepal
Samoa Cancer Society	Samoa
Schweizerische Gesellschaft der Fachärzte und Fachärztinnen für Prävention und Gesundheitswesen (SGPG)	Schweiz
Slovenska zveza za javno zdravje, okolje in tobacno kontrolo	Slovenia
Smoke Free Partnership (SFP)	Belgium
SOS TABAGISME NIGER	Niger
Southeast Asia Tobacco Control Alliance	Thailand
Swarna Hansa Foundation	Sri Lanka

Swiss Association for Tobacco Prevention	Switzerland
Swiss Society of Pediatrics	Switzerland
Swiss Society of Cardiology, Bern	Switzerland
Tanzania Tobacco Control Forum	Tanzania
The International Union Against Tuberculosis and Lung Disease	France
The Nurses Network against Tobacco and Substance Abuse	Thailand
The Organisation for Respiratory Health in Finland	Finland
Tobacco - Free Association of Zambia	Zambia
Tobacco Free Portfolios	Australia
Tobacco-Free Finland	Finland
TobaccoFree Research Institute Ireland	Ireland
UBINIG (Policy Research for Development Alternative)	Bangladesh
Unfairtobacco / BLUE 21	Germany
Union for International Cancer Control	Switzerland
UniTS - Università del Terzo Settore	Italy
Vital Strategies	USA
World Federation on Public Health Associations (WFPHA)	Switzerland
World Heart Federation	Switzerland
XQNS!	Spain
Zambia Heart and Stroke Foundation	Zambia
ZüFAM, Zürcher Fachstelle zur Prävention des Alkohol- und Medikamenten-Missbrauchs	Schweiz

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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