

# Human Rights denied

The responsibility of tobacco companies and the Swiss government in the tobacco epidemic

## Executive Summary

Tobacco prevention is part of a wider effort to defend human rights, in particular the rights to health and a healthy environment, as well as the rights of children. Although the link between the tobacco industry and human rights violations is still not widely recognised, it is gaining in importance in the public debate. The human rights approach can strengthen the fight against the tobacco epidemic spread and maintained by the tobacco industry, particularly in Switzerland.<sup>1</sup> This approach makes it possible to go beyond the mere health dimension of tobacco control.<sup>2</sup>

Whilst tobacco multinationals seek to use the notion of human rights to legitimise their activities,<sup>3,4</sup> international bodies clearly state that the production and sale of tobacco are inherently incompatible with fundamental human rights.<sup>5,6</sup> In Switzerland and internationally, the tobacco industry is doing its utmost to undermine prevention policies,<sup>7</sup> targeting, in particular, children and young people in its marketing strategies.<sup>8,9</sup> The manufacturing and sale of tobacco products is also environmentally damaging throughout the entire industry's supply chain.<sup>10</sup>

The rights to life and health, as well as other fundamental rights are firmly enshrined in international treaties, including the Universal Declaration of Human Rights (UDHR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the European Convention on Human Rights (ECHR) and the Convention on the Rights of the Child (CRC), all of which have been ratified by Switzerland.<sup>11</sup> Switzerland has thus committed itself to protecting and promoting these rights. But it does not when it comes to tobacco. Switzerland's failure to implement tobacco prevention policies whose effectiveness is scientifically recognized and is advocated by all public health authorities, or in other words, Switzerland's failure to protect the health of its population against the devastating effects of tobacco, constitutes a clear violation of these international obligations.<sup>12</sup> Moreover, by providing a favorable business environment for tobacco multinationals, the Swiss Confederation is complicit in the human rights violations perpetrated by these companies, both in Switzerland and worldwide, particularly in low-income countries, which are already affected by poverty and limited access to basic healthcare services.<sup>13, 14</sup>

It is essential that Switzerland assumes its responsibility by adopting tobacco prevention policies in line with the recommendations of the WHO Framework Convention on Tobacco Control, which Switzerland has signed but not yet ratified. These measures are essential to protect the right to health, the right to a healthy environment and the rights of children.

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<sup>1</sup> Tobacco Global Index. <https://globaltobaccoindex.org/>

<sup>2</sup> Comité National Contre le Tabagisme. Lutter contre l'épidémie tabagique pour renforcer les droits humains. Available at: <https://cnct.fr/plaidoyers/lutter-contre-lepidemie-tabagique-pour-renforcer-les-droits-humains/>. Accessed on September 5, 2024.

<sup>3</sup> Philip Morris International. (2024). Respect human rights. Available at: <https://www.pmi.com/sustainability/fundamentals/respect-human-rights>. Accessed on September 5, 2024.

<sup>4</sup> British American Tobacco. Human rights and modern slavery. Available at: <https://www.bat.com/sustainability-and-esg/social-impact/human-rights-and-modern-slavery>. Accessed on September 5, 2024.

<sup>5</sup> United Nations Global Compact. Frequently Asked Questions. Available at: <https://unglobalcompact.org/about/faq>. Accessed on September 5, 2024.

<sup>6</sup> Buess, M., Schilter, D., Schneider, T., Maurer, M., Borer, H., Thurnheer, R., Köhler, E., Junker, L., Jahn, K., Grob, M., Rüdiger, J., Geiser, T., Helfenstein, E., Solèr, M., Fiechter, R., Sigrist, T., Brun, P., Barandun, J., Koltai, E., López-Campos, J. L., ... Stolz, D. (2017). Treatment of COPD Exacerbation in Switzerland: Results and Recommendations of the European COPD Audit. *Respiration; international review of thoracic diseases*, 94(4), 355-365. Available at: <https://doi.org/10.1159/000477911>.

<sup>7</sup> Turuban P. (2022). Why Switzerland has one of the world's strongest tobacco lobbies. Swissinfo.ch. Available at: <https://www.swissinfo.ch/eng/politics/why-switzerland-has-one-of-the-world-s-strongest-tobacco-lobbies/47333036>. Accessed on September 5, 2024.

<sup>8</sup> National Cancer Institute. (2008). The Role of the Media in Promoting and Reducing Tobacco Use. Tobacco Control Monograph No. 19. U.S. Department of Health and Human Services, National Institutes of Health, National Cancer Institute. Available at: [https://cancercontrol.cancer.gov/sites/default/files/2020-08/m19\\_complete.pdf](https://cancercontrol.cancer.gov/sites/default/files/2020-08/m19_complete.pdf). Accessed on September 5, 2024.

<sup>9</sup> Canevascini, M., Kuendig, H., Perrin, H., & Véron, C. (2014). Observatory of marketing strategies for tobacco products in French-speaking Switzerland, 2013-2014. Available at: <https://observatoire-marketing-tabac.ch/>. Accessed on September 5, 2024.

<sup>10</sup> World Health Organization. (2022). Tobacco: poisoning our planet. Available at: <https://www.who.int/publications/i/item/9789240051287>. Accessed on September 5, 2024.

<sup>11</sup> UN Treaty Body Database. Available at: [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Treaty.aspx?Lang=en](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?Lang=en). Accessed on September 5, 2024.

<sup>12</sup> United Nations. (2000). Substantive issues arising in the implementation of the International Covenant on Economic, Social and Cultural Rights. Available at: [https://digitallibrary.un.org/record/425041/files/E\\_C.12\\_2000\\_4-EN.pdf?ln=fr](https://digitallibrary.un.org/record/425041/files/E_C.12_2000_4-EN.pdf?ln=fr). Accessed on September 5, 2024.

<sup>13</sup> Maurisse M. (2019). Les cigarettes suisses font un tabac en Afrique. Public Eye. Available at: <https://stories.publiceye.ch/tabac/>. Accessed on September 5, 2024.

<sup>14</sup> Campaign for Tobacco-Free Kids (2016). Global Legal Center. Litigation Spotlight: Philip Morris v. Uruguay. Available at: <https://www.tobaccofreekids.org/what-we-do/global/legal/trade-and-investment/philip-morris-v-uruguay#:~:text=Costs%3A%20The%20government%20of%20Uruguay,arbitration%20costs%20were%20%241.5%20million>. Accessed on September 5, 2024.