

Switzerland and tobacco: 20 years of culpable inaction

On 25 June 2003, Switzerland signed the WHO Framework Convention on Tobacco Control (FCTC), affirming its intention to implement this treaty to protect future generations from the devastating effects of tobacco. However, twenty years later, Switzerland has still not ratified the treaty, and the main measures prescribed by the FCTC have not been put in place.

When the FCTC was signed, the Federal Council emphasised in its press release “its political will to implement the WHO initiative in Switzerland too” and its intention to submit a message along these lines for consultation “during the 2003-2007 legislative period”. It acknowledged that the various measures in the treaty are “based on scientific knowledge” and “aim to regulate the supply of and demand for tobacco products so that the world's population can enjoy better health”.

Largely insufficient smoking prevention measures

Today, 20 years to the day after it was signed, Switzerland remains one of the last countries in the world not to have ratified this international treaty (see Figure 1). None of the main measures set out in the treaty have been implemented. Admittedly, our country adopted a Federal Law on Protection against Passive Smoking in 2008, but, bowing to pressure from the tobacco industry, Parliament added exceptions to the law that make it incompatible with the requirements of the WHO Convention. Regarding cigarette taxation, another key measure advocated by the treaty, the Federal Council's power to increase taxation has been exhausted since 2013. The price increases on cigarettes after 2013 were introduced by the tobacco industry to increase their profits without affecting sales. Finally, despite a new Tobacco Products Act (LPTab) that will come into force in autumn 2024, Switzerland is still a long way from meeting the treaty's advertising ban requirements, and there is every reason to believe that it will not meet them either when the current law is revised to take account of the acceptance of the “Tobacco Free Kids” popular initiative.

Tobacco industry profits before public health

There is a simple explanation for these 20 years of inaction by the Swiss authorities: the interference of the multinational tobacco companies operating in our country. An international report published in 2023, spotlights “the industry's entrenched influence on Switzerland's health policies, creating a vicious cycle where corporate gain overshadows public health”¹. Political decisions give precedence to defending the economic interests of the tobacco industry over protecting the health of the population.^{2,3}

¹<https://globaltobaccoindex.org/fr/download/1723>

² Diethelm P. How the tobacco industry undermines public health policy in Switzerland. *Sted.* 2019; 28:26–31, <https://www.oxy suisse.ch/files/public/docs/oxypub/20190531-sted-diethelm-how-the-tobacco-industry-undermines-public-health-policy-in-switzerland.pdf>

³ <https://www.uicc.org/blog/tobacco-control-switzerland-two-decades-behind>

The message on the “Tobacco-Free Kids” initiative sent to the Federal Chambers by the Federal Council in August 2020⁴ sheds a harsh light on the gap between Switzerland's tobacco control policy and the provisions of the WHO treaty. Article 5.3 of the FCTC obliges Parties to the treaty to ensure that their tobacco prevention policies are not influenced by the tobacco industry. Article 13 of the treaty also calls for a complete ban on all forms of tobacco advertising. In its message, the Federal Council explains that it is opposed to the advertising restrictions proposed by the initiators, citing its desire to maintain “a certain balance between the interests of public health and those of the economy” and recalls “its desire to restrict advertising to an extent acceptable to the tobacco industry”. This is the exact opposite of the FCTC, both in spirit and in letter.

Switzerland: the ashtray of Europe?

Highlighting the failure of prevention efforts in our country, an editorial in *Tobacco Control*, of the *British Medical Journal*, asked “Is Switzerland the ashtray of Europe?” (see Figure 2).⁵ Sadly, the answer to this question is “yes!”. Tobacco companies have succeeded in delaying the introduction of necessary and effective prevention measures in Switzerland. For twenty years, they have been free to lure thousands of new customers into addiction, mainly minors (estimated at over 20,000 a year). A large proportion of them will remain addicted for life and, in the end, one in two will die prematurely as a result of smoking, losing an average of 20 years of his or her life.

A serious breach of Switzerland's obligations

OxySuisse sees this situation as a serious violation of Switzerland's obligations to protect fundamental human rights. With the help of lawyers, the association is examining all possible actions to defend the basic rights of the people in our country, which have been sacrificed for too long on the altar of the tobacco multinationals' profits.



Figure 1 : Ratification map of the WHO Framework Convention on Tobacco Control in Eurasia. In green: countries that have ratified; in yellow: countries that have signed the convention but have not yet ratified it.

⁴ <https://www.fedlex.admin.ch/eli/fga/2020/1895/fr>

⁵ <https://tobaccocontrol.bmj.com/content/28/5/479>

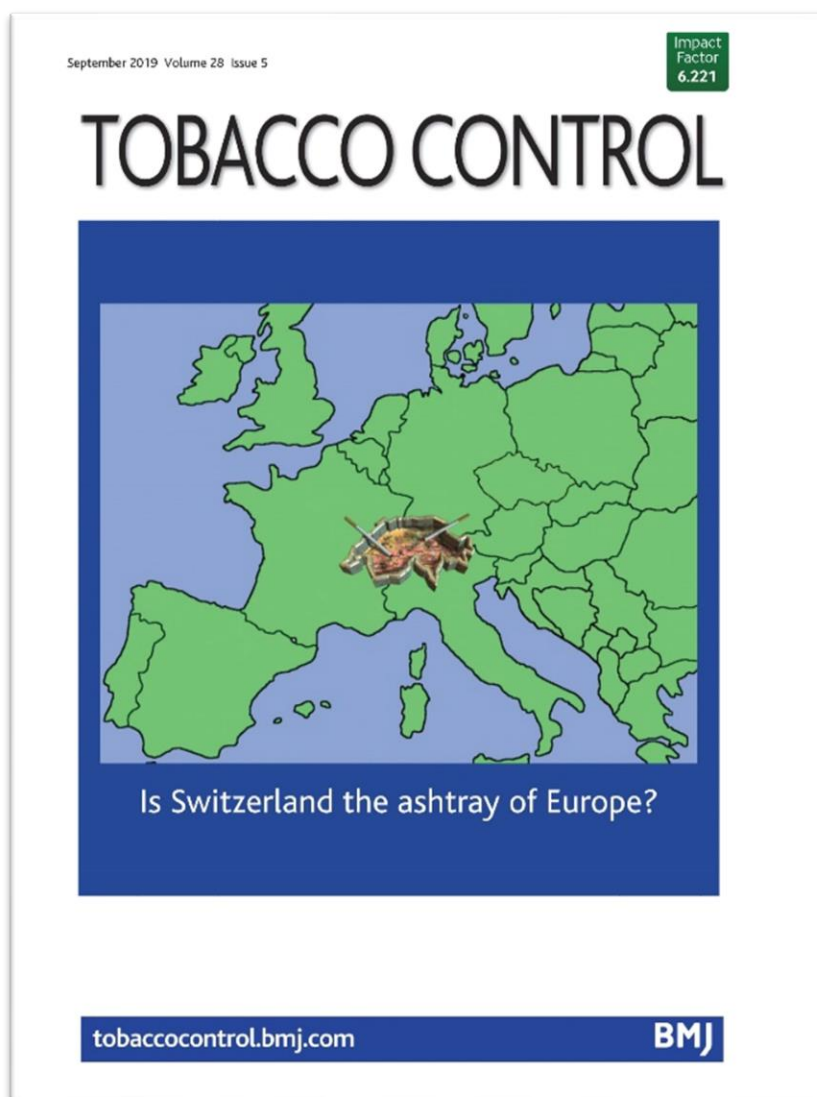


Figure 2 : Cover of Tobacco Control journal, Vol. 28, No. 5, September 2019.
<https://tobaccocontrol.bmj.com/content/28/5>. Image © OxySuisse (may be freely used).

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OxySuisse is an association founded in Geneva in 2000. Its statutory aim is to prevent tobacco use by drawing on the provisions and guidelines of the WHO Framework Convention on Tobacco Control (FCTC) and to campaign for Switzerland to ratify this international public health treaty. Together with civil society, OxySuisse played an active role in the negotiations that led to the adoption of the FCTC by the World Health Assembly in 2003, and in the Conferences of the Parties (COPs) that produced the guidelines for its implementation. In 2003, together with ASH USA, OxySuisse founded the Framework Convention Alliance (FCA), which acted as the voice of over 300 NGOs from around the world during the FCTC negotiations.