

Human Rights and Tobacco Prevention

To better understand what we are talking about

Law	Definition and treaties	Non-compliance by the tobacco industry	Non-compliance by the Swiss State
The right to health and the right to life 	The right to health means that everyone has the right to the highest attainable standard of physical and mental health. The right to life means that the State cannot intentionally take the lives of its citizens and must take positive measures to ensure that their lives are not in danger. <i>Article 25 of the 1948 Universal Declaration of Human Rights (UDHR). Ratified by Switzerland in 1992.¹</i> <i>Article 12 of the UN International Covenant on Economic, Social and Cultural Rights (ICESCR). Ratified by Switzerland in 1992².</i> <i>Article 2 of the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR).³ Ratified by Switzerland in 1974.</i>	Tobacco consumption is one of the main causes of serious diseases such as cancer, respiratory diseases, and cardiovascular diseases. Furthermore, exposure to passive smoking also affects the health of non-smokers. The industry's stated aim is to increase its sales and profits, which in turn means increasing consumption of its products, which are known to be harmful to health. By continuing to produce, distribute, and promote tobacco products, the tobacco industry is globally jeopardising the right to health.	The State is neglecting its duty to protect public health by failing to implement proven measures to reduce tobacco consumption, in particular: ➤ Substantial tax increases ➤ A comprehensive ban on all forms of advertising, promotion, and sponsorship of tobacco products, including sponsorship and corporate social responsibility measures ➤ Adoption of plain packaging ➤ Comprehensive protection against passive smoking, including in the workplace ➤ Strict regulation of tobacco products and nicotine, including a ban on flavours, except for products that can demonstrate a proven benefit in terms of risk reduction, in which case specific regulation of flavours would apply ➤ Strict exclusion of the tobacco and nicotine industry from public policy-making ➤ Ban on tobacco and nicotine industry funding of political parties

¹ <https://www.ohchr.org/en/universal-declaration-of-human-rights>

² <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights>

³ https://www.echr.coe.int/documents/d/echr/convention_eng

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The right to a healthy environment 	This right implies that everyone has the right to live in an environment that does not threaten their health, well-being, or survival. <i>Guaranteed by a resolution of the UN General Assembly in 2022⁴.</i>	The production, transport, consumption, and disposal of tobacco products cause significant air, water, and soil pollution. Cigarette waste, particularly filters, is a major contributor to plastic pollution. Electronic cigarettes, particularly those that are disposable after a single use, and tobacco heating devices, are made from components whose manufacture and waste are harmful to the environment. Deforestation for tobacco growing and leaf curing destroys natural habitats. Furthermore, chemical inputs for tobacco growing also damage biodiversity and ecosystems.	Given the environmental damage caused by tobacco products, the absence of an effective smoking prevention policy in Switzerland compromises the protection of its citizens' right to a healthy environment. It neither restricts the production nor the consumption of these products and does not apply the «polluter pays» principle, which would force the tobacco industry to pay for the damage it causes to the environment.

⁴ <https://documents.un.org/doc/undoc/gen/n22/442/77/pdf/n2244277.pdf>

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Children's right to health

Children have the right to special protection, harmonious development, and the fulfilment of their physical and mental potential. This includes the right to enjoy the highest attainable standard of health and to be protected from threats to their health and well-being.

Guaranteed by Articles 6 and 24 of the 1989 Convention on the Rights of the Child (CRC). Ratified by Switzerland in 1997⁵

Law

Definition and treaties

Non-compliance by the tobacco industry

The tobacco industry targets young people through advertising and products designed to appeal to them. Smoking at a young age compromises healthy physical and psychological development.

Many children are employed in tobacco growing, both in Switzerland and in low-income countries. In the latter, this work causes serious health problems and considerably increases the risk of children dropping out of school.

By massively promoting its products and putting the brakes on smoking prevention policies, the tobacco industry also directly contributes to smoking amongst pregnant women and parents. Smoking during pregnancy, as well as perinatal exposure to tobacco smoke, seriously endangers children's health.

Non-compliance by the Swiss State

By failing to take effective measures to prevent smoking and passive smoking, the State is putting children's health at risk. The absence of strict regulations on advertising, marketing aimed at young people, and the lack of awareness of the dangers of smoking, constitute a violation of children's right to a healthy and protected childhood.

In addition, by not doing enough to combat the high prevalence of smoking, the State is allowing a high rate of tobacco and nicotine consumption, including during the perinatal period, amongst mothers and their partners. This inaction exposes children to serious risks to their health and development, which constitutes a failure on the part of the State to protect children's fundamental rights.

⁵ <https://www.eda.admin.ch/eda/en/dfa/foreign-policy/international-law/un-human-rights-treaties/convention-on-the-rights-of-the-child.html>