

Subject 5 – Legal Liability Statement – 25/10/2017

Thank you Mr. Chairman.

I'm talking in collaboration with CETIM.

My name is Paula Johns and I'm the director of ACT Health Promotion, a Brazilian NGO that runs a coalition of 150 organizations dedicated to the promotion of policies to create healthier and more sustainable environments for all. ACT supports the implementation of the Framework Convention on Tobacco Control in Brazil and globally.

We are also committed to the adoption of measures to tackle Non Communicable Diseases (NCDs) and its other risk factors, such as harmful use of alcohol, unhealthy diets and lack of physical activity as well as with the strengthening of Universal Health Care Systems. NCDs kill 40 million people each year, equivalent to 70% of all deaths globally. Over 80% of these deaths occur in low- and middle income countries. NCDs are a social justice issue, driving and driven by poverty and inequity; they are a human rights issue. Cost-effective interventions exist to prevent millions of premature death and disability.

However, States face huge challenges to implement life-saving policies due to the strong opposition from transnational corporations. In the Tobacco Control field we see many examples of it, such as in the cases against the government of Uruguay and Australia. This has a chilling effect for smaller countries committed to protect their citizens health and is part of the tobacco industry tactics. Similar tactics are used by Alcohol and Ultraprocessed Food industries to prevent the adoption of effective regulations.

Section 5 of the Elements document on LEGAL LIABILITY is SOUND and strongly supported by us.

It can include recovering health costs for governments caused by the Commercial Determinants of health, very well documented in the case of tobacco, alcohol and ultraprocessed foods.

We hope that the tobacco control Treaty can be a useful inspiration on the fundamental need to put limits and demand liability to unhealthy and excessive Corporate Power.