



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND
www.ohchr.org • TEL: +41 22 917 9000 • FAX: +41 22 917 9008 • E-MAIL: ohchr-registry@un.org

REFERENCE: 2022-18/CESCR/FU

14 April 2022

Excellency,

In our capacity as Chair and co-Rapporteurs for follow up to concluding observations of the Committee on Economic, Social and Cultural Rights, we have the honour to refer to the examination of the fourth periodic report of Switzerland at the Committee's sixty-sixth session, held in 2019. In the concluding observations (E/C.12/CHE/CO/4), the Committee requested Switzerland to provide, within 24 months, written information on the steps undertaken to implement the recommendations contained in paragraphs 9, 11 and 41 of the concluding observations.

The Committee welcomes the follow-up report (E/C.12/CHE/FCO/4) received in August 2021 under its follow-up procedure. The Committee examined the report at its seventy-first session, held from 14 February to 4 March 2022, and wishes to communicate the following assessment:

Paragraph 9: National human rights institution – Assessment: Partial progress. The Committee welcomes the decision of the Swiss Parliament on the setting up and funding of a national human rights institution, which constitutes a positive step towards the implementation of the recommendation. The Committee also notes the information provided by the State party that the model of the national human rights institution envisaged has taken due consideration of the outcomes of the public consultation held in 2017 as well as the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

The Committee, however, notes with regret that, according to legislation passed by parliament, the mandate of the institution does not include monitoring powers that empower it to carry out independent investigations into allegations of violations of Covenant rights in all cantons. In addition, the Committee notes the reservations of civil society as to the mode of financing and the adequacy of financial resources envisaged for the institution. The Committee accordingly assess that there has been partial progress and requests the State party to provide, in its next periodic report, information on the measures further taken by the State party to implement the recommendation.

His Excellency
Mr. Jürg Lauber
Permanent Mission of Switzerland to the
United Nations Office and other international organizations in Geneva
Email: geneve.oi@eda.admin.ch

Paragraph 11: Business and human rights – Assessment: No progress. The Committee notes the measures taken by the State party to promote and encourage responsible corporate governance, including the adoption of a revised action plan on business and human rights for 2020-2023, a revised action plan on corporate social and environmental responsibility, and the development of an indirect counterproposal. The State party has indicated that it has taken measures to promote the implementation of due diligence on the basis of the United Nations Guiding Principles on Business and Human Rights and other similar guidance of the Organization for Economic Co-operation and Development (OECD) without a detailed account of the implementation. It has also mentioned about its plan to increase the visibility of grievance mechanisms such as the National Contact Point for the OECD Guidelines for Multinational Enterprises.

However, while the Committee's recommendation is focused on the effective legal mechanisms for ensuring the exercise of human rights due diligence by businesses, the action plans do not provide for binding obligations on companies to exercise human rights due diligence. In addition, the due diligence and reporting requirements provided in the indirect counterproposal is limited in scope only to the areas of "conflict minerals" and child labor. The Committee notes with regret that the State party has failed to provide information on any significant measures taken to enact legally binding obligations, which would prevent abuses of Covenant rights and ensure access to grievance mechanisms when Swiss corporations are involved in human rights violations in the context of their business. The Committee also regrets that the State party has failed to provide information on the measures taken to ensure access to grievance mechanisms when corporations domiciled in Switzerland are involved in human rights violations abroad.

Accordingly, the Committee assesses that there has been no progress in the implementation of this recommendation and requests the State party to provide in its next periodic report information on the measures taken to implement the recommendation.

Paragraph 41: Childcare - Assessment: Partial progress.

The Committee notes that the primary responsibility for the provision of childcare outside the family lies with the cantons and municipalities. It also notes the measures taken to improve the balance between work and family life, including the introduction of paternity leave in January 2021, a legislative programme for 2019–2023 provides for the development, in close cooperation with the cantons, of a national strategy and the Equality Strategy 2030, adopted by the Federal Council on 28 April 2021.

While welcoming the introduction of paternity leave of two weeks in January 2021, the Committee regrets that the duration of the paternity (two weeks) is short. It also notes that longer paternity leaves are provided in several cantonal governments and through collective labour agreements, standard employment contracts and individual employment contracts. The Committee also notes with regret that the State party has taken no significant step for the introduction of a childcare allowance and for the introduction of shared parental leave.

The Committee also notes with appreciation the information provided by the State party that over 400 million francs have been provided as at 31 January 2021 for the creation of new places for childcare, including through financial support for cantons and municipalities as well as through project-based financial support and that significant

efforts have been made by the State party to provide additional funding by the Confederation.

Accordingly, it assesses that there has been partial progress in the implementation of this recommendation and requests the State party to provide in its next periodic report information on the measures further taken to implement the recommendation and the progress made thereby.

The Committee looks forward to continuing its constructive dialogue with the State party, with a view to providing it with guidance in its efforts to ensure the effective implementation of the Covenant.

Please accept, Excellency, the assurances of our highest consideration.



Asraf Caunhye

Co-Rapporteurs for follow-up

Committee on Economic, Social and Cultural
Rights



Mikel Mancisidor



Mohamed Ezzeldin Abdel-Moneim

Chair

Committee on Economic, Social and
Cultural Rights