

UPR 28: SWITZERLAND November 2017

FACTSHEET

NATIONAL HUMAN RIGHTS INSTITUTION

BACKGROUND

Despite several recommendations by UN treaty bodies, and even though Switzerland has accepted several UPR recommendations during its second UPR cycle, it still does not have a National Human Rights Institution (NHRI) fully compatible with the Paris Principles.

A pilot project, the Swiss Center of Expertise in Human Rights (SCHR), has been set up in 2011. Bound to a universities' network, it does not have a legal basis and is not fully independent as both the government and a board of trustees have a right to decide on its agenda.

The SCHR has been evaluated after five years and it has been concluded that the Federal Council (government) should submit a definitive project to the Parliament.

A draft law has been submitted to consultation in summer 2017. The results of this consultation are still unknown but NGOs have been very critical towards this project as it opens a lot of doors for interpretation and does not guarantee that the future NHRI will be compatible with the Paris Principles.

THE PROBLEM

The draft law proposes a NHRI enshrined in an academic network. Its field of competence will be restricted and exclude foreign policy. More importantly, the proposed financing is insufficient and at this stage there are no guarantees that the Institution will have its own legal personality and will be allowed to act under its own name.

The main difference with the current Center of Expertise is that the new institution will have a legal basis and will be independent from the government. A good step forward, but not sufficient to guarantee an A status to the institution, with financing that is barely sufficient, and its independence from the universities it will be bound to not guaranteed.

UPR CONCERN

Since Switzerland has accepted several recommendations during the UPR 14 in 2012, recommending the creation of an NHRI compatible with the Paris Principles, it should have implemented them by now.

A process has been launched, but it does not guarantee Switzerland will be in a position to fully comply with its commitments. It should therefore be recalled to its obligations.

PROPOSED RECOMMENDATION

The Federal Council is invited to submit a bill of law to parliament introducing an NHRI fully in line with the Paris Principles, particularly with regard to the Institution's independence, including financial.