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ORAL STATEMENT

Item 6:

Consideration of UPR reports: Switzerland

UN Human Rights Council
53rd session
19 June -14 July 2023

Mr President,

I speak on behalf of Amnesty International in our capacity as coordinator of the UPR Submission of the Swiss NGO Platform on Human Rights.

Our NGO coalition welcomes the engagement of Switzerland with the UPR in an overall constructive spirit of using the UPR to improve the human rights situation in the country.

However, we regret that on several key human rights challenges, federal and cantonal authorities failed to engage in a self-critical conversation with civil society and the public. For instance, Switzerland only noted the bulk of recommendations dealing with the ratification of additional human rights instruments, rather than taking the opportunity to inform the Human Rights Council and the public about current thinking within the cantonal and federal administrations on said instruments.

Some responses on the institutional set up for human rights protection are misleading.

1. Contrary to claims, the mechanism for the coordination of reporting, follow-up, and implementation of international human rights obligations at the level of the confederation, the cantons, and municipalities lacks a sufficiently resourced strategy.
2. We note the acceptance of recommendations on the independence of the new Swiss NHRI. However, most observers consider it impossible to reach A-Status given funding constraints and the continued absence of a mandate to receive individual complaints.
3. Contrary to what the acceptance of recommendations may suggest, there has been no progress in ensuring that popular initiatives are fully compatible with international human rights law before being admitted to a vote.

Mr President

We wish to highlight the following concerns:

1. Switzerland has supported many of the recommendations with regards to migrants and refugees. However, this has not been matched with action to ensure their rights. Switzerland should comprehensively follow-up on cases of racism and ill-treatment by guards in asylum reception centres, review its policies with regards to humanitarian visas and family reunification, and use its status as an observer to push for a European migration pact which ensures a humane and sustainable approach to migration in Europe.¹
2. By simply noting the recommendations around racial profiling and independent police oversight, Switzerland misses the opportunity to take effective action.
3. Despite significant concerns expressed at the time of adoption of the law by UN, regional and national human rights experts, Switzerland still inaccurately claims that its anti-terrorism legislation fully complies with international human rights law.
4. While noting the different roles of parliament and government, we regret that the position of the government still does not explicitly support the introduction of a specific torture definition in the criminal code, despite the consistent recommendations of international human rights mechanisms and civil society.
5. We welcome Switzerland's commitment to intensify efforts to reduce greenhouse gas emissions but regret its unwillingness to specifically consider the human rights impact of climate change in its reporting.
6. Finally, regarding corporate accountability, we welcome the openness to provide detailed answers to recommendations but would have hoped to see a firm commitment to enact comprehensive due diligence legislation in line with the future EU directive, as the government claimed it would during the vote on the responsible business initiative.

Finally, we encourage Switzerland to implement supported recommendations as soon as possible and urge the government to submit a mid-term report on progress towards implementation of supported recommendations and to use an Item 6 General Debate to bring this to the attention of UN Member States.

Thank you.

¹ <https://www.amnesty.org/en/latest/press-release/2023/06/eu-leaders-migration-pact-reduces-protections-for-asylum-seekers/>