



## Annex

### Implementation of the NAP 2016–18: summary report of the Federal Administration



Done







Started / in progress



Not done

PI no.	Title	Objective	Measures / actions	Lead	Status
1	Human rights due diligence	Promotion of human rights due diligence	<ul style="list-style-type: none"> <li>- Companies attended awareness-raising and training workshops devoted to human rights due diligence.</li> <li>- This subject is at the core of discussions on the Responsible Business Initiative, which specifically calls for human rights due diligence to be enshrined in law. The establishment of a legal basis has been raised in the context of this initiative.</li> </ul>	FDJP, FDFA, EAER	
2	Regulation of private security service providers	Respect for human rights in the business context of private security service providers	<ul style="list-style-type: none"> <li>- Implementation of the Federal Act on Private Security Services Provided Abroad (PSSA).</li> <li>- Training standards in regard to international humanitarian law and human rights were developed for the staff of private security service providers.</li> </ul>	FDFA	
3	Regulation of war material	Respect for human rights in the export of war material	<ul style="list-style-type: none"> <li>- Implementation of the War Material Act (WMA): examination of applications for war material export licences from the perspective of respect for human rights in the country of destination.</li> </ul>	EAER	

		Switzerland's commitment to the Arms Trade Treaty (ATT)	- Switzerland chaired the working group set up to ensure effective implementation of the ATT and submitted the working group's conclusions to the Conference of States Parties in Geneva in 2017 and Tokyo in 2018. It made its expertise in export control available to other countries at associated events. Switzerland also provided financial and technical assistance for various projects to promote ATT implementation in a number of countries.		
4	Regulation of technologies for internet and mobile communication surveillance	Consideration given to the potential dual use of technologies intended for internet and mobile communication surveillance as an element in state repression.	Implementation of Article 6 of the ordinance on the export and brokerage of technologies for internet and mobile communication surveillance (SR 946.202.3) and Article 6 of the Goods Control Ordinance (SR 946.202.1).	EAER	✓
5	Regulation of the manufacture and import of renewable resources (biofuels)	Biofuels meet minimum environmental and social requirements.	Implementation of Art. 12b para. 3 of the Mineral Oil Tax Act	FDF, DETEC, EAER	✓
6	Clarify and communicate what the Federal Council expects of business enterprises	Promotion of human rights protection in business  Improved communication of the Federal Council's expectations of businesses	- Guidance issued to the business community on how to respect human rights  - Awareness-raising measures (e.g. website, workshops, publications): cf. PI 7 and PI 9	FDFA, EAER	✓
7	Federal government contact point for stakeholder groups	Provide a clearer overview of the various government activities in the business and human rights sphere and compile all the relevant information in one place	Creation of a joint SECO/FDFA web portal offering information on the Confederation's commitment to corporate responsibility and human rights and, in particular, practical guidance for businesses	FDFA, EAER	✓

8	Guidelines for business enterprises on implementing the UNGPs	The Confederation supports the development of various guidelines on business and human rights	<ul style="list-style-type: none"> <li>- Support for the Committee on World Food Security, the FAO and OECD.</li> <li>- Promotion of the implementation of the OECD-FAO Guidance for Responsible Agricultural Supply Chains.</li> <li>- Drafting of guidance on due diligence in the financial sector.</li> <li>- Promotion of the OECD Due Diligence Guidance for Responsible Business Conduct.</li> <li>- Promotion of the implementation of the Principles for Responsible Investment in Agriculture and Food Systems, published by the Committee on World Food Security (CFS) and funded by the FAO, IFAD and WFP.</li> <li>- Support for the development of the ASEAN Guidelines for Responsible Investment in Food, Agriculture and Forestry</li> <li>- Sectoral guidance for UNGP implementation in the commodity trading sector.</li> </ul>	FDFA, EAER	
9	Good practice award	Promotion of good practices	The concept for establishing an award was developed in 2018 and may be implemented in 2019.	FDFA, EAER	
10	Initiative on respect for labour and human rights in value chains	Promotion of the implementation of the fundamental conventions of the ILO	<ul style="list-style-type: none"> <li>- Implementation of Phase III (2017–21) of the SCORE and Better Work programmes</li> <li>- Publication of the Federal Council report of 25 January 2017 on Switzerland's commitment to combat child labour.</li> </ul>	EAER	
11	Multi-stakeholder initiatives in the business and human rights field	- Implementation of the International Code of Conduct for Private Security Service Providers (ICoC)	- Implementation of the multi-stakeholder initiative ICoCA (ICoC Association). Switzerland participates in the work of the ICoCA board of directors and provides financial support to the secretariat.	FDFA	

		- Implementation of the Voluntary Principles on Security and Human Rights	- Switzerland contributed to the implementation of the Voluntary Principles on Security and Human Rights (e.g. by organising workshops).		
12	Sustainability reporting standards	Promotion and harmonisation of corporate sustainability reporting	<ul style="list-style-type: none"> <li>- Switzerland is a member of the Group of Friends of Paragraph 47 (GoF47).</li> <li>- Participation in the study 'Corporate Sustainability Reporting in the Financial Sector'.</li> <li>- Participation in the study 'Empowering small businesses: recommendations for policy makers to enable sustainability corporate reporting for SMEs'.</li> </ul>	DETEC, EAER	✓
13	Corporate sustainability reporting	Draft bill on sustainability reporting issued for consultation	The Federal Council will prepare a draft for consultation when it has a better understanding of the implementation of Directive 2014/95/EU on corporate social responsibility in EU member states. On 8 December 2016 the Federal Office of Justice (FOJ) commissioned the Swiss Institute of Comparative Law (SICL) to produce an expert report on the implementation of the CSR directive: <a href="#">SICL legal opinion on implementation of Directive 2014/95/EU</a> (in German). The Responsible Business Initiative and/or the ongoing parliamentary work concerning a possible indirect counter-proposal could have an impact on this issue. The outcome of the parliamentary proceedings will be observed before pursuing this policy instrument.	FDJP	●
14	Child protection in tourism	Combating the sexual exploitation of children in connection with tourism	<ul style="list-style-type: none"> <li>- <i>Don't look away!</i> campaign</li> <li>- Assessment of SECO's role as an institutional partner of the Swiss Foundation for the Protection of Children in this campaign.</li> </ul>	EAER	●

			<ul style="list-style-type: none"> <li>- Fedpol has a special unit working against paedophilia and child pornography in collaboration with various partners. An online form exists for reporting suspected cases of sex tourism.</li> </ul>		
15	Obligation to disclose payments to governments	Listed companies and business enterprises operating in the extractive sector are required to disclose payments made to governments.	<ul style="list-style-type: none"> <li>- The revision of the law on companies limited by shares has been approved.</li> <li>- Support for the development of international transparency standards (e.g. EITI)</li> </ul>	EAER	✓
16	Reduction in human rights risks attached to gold extraction and trading	Promotion of responsible gold mining	<ul style="list-style-type: none"> <li>- An independent report on gold trading and human rights abuses was drafted in response to postulate 13.3877 (Recordon).</li> </ul>	FDFA	✓
17	Human rights due diligence by federal businesses and federal government-associated businesses	Promotion of a sustainable corporate strategy within the Confederation	<ul style="list-style-type: none"> <li>- Analysis of the Confederation's performance in its role as an employer, purchaser, owner and investor.</li> <li>- Publication of the report 'Corporate Social Responsibility (CSR): the Confederation as a purchaser' (in German) analysing the Confederation's performance in its role as a purchaser.</li> </ul>	DETEC	✓
18	Requirement that business enterprises covered by Swiss Export Risk Insurance (SERV) conduct human rights due diligence	Improved protection against human rights abuses by business enterprises	<ul style="list-style-type: none"> <li>- Consideration of insurance proposals in the light of international human rights due diligence standards</li> <li>- Switzerland's participation in the forthcoming revision of the OECD's Common Approaches under the auspices of the OECD's Export Credits Group.</li> <li>- SERV launched a hotline for whistleblowers.</li> </ul>	EAER	✓

19	Human rights due diligence by the authorities in public-private development partnerships	Active risk management, human rights awareness-raising, elimination of human rights violations in the private sector	- Continuous development of human rights due diligence as part of the due diligence process.	FDFA	✓
20	Human rights due diligence for private security service providers	The Confederation encourages private security service providers to join the ICoCA.	- Implementation of Art. 31 para. 1b of the Federal Act on Private Security Services provided Abroad - Affiliation of private security service providers with the ICoCA	FDFA	✓
21	Human rights criteria in public procurement at federal level	Sustainable practices in public procurement	Implementation of Art. 8 of the Federal Act on Public Procurement	FDF, DETEC, EAER	✓
22	Guidelines on human rights due diligence in conflict-affected and high-risk areas	Awareness-raising among companies operating in the extraction and trading of commodities	- Support for <i>International Alert</i> and the <i>Red Flags</i> initiative - Support for implementation of the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas - Drafting of practical recommendations for human rights due diligence in commodity trading companies (see PI 8).	EAER	✓
23	Advisory and support services provided by Swiss representations abroad	Awareness-raising of human rights issues among Swiss companies	- Drafting of guidance for embassies. - Training and awareness-raising for embassy staff: as part of the training of diplomats, a module is devoted to responsible business conduct.	FDFA, EAER	●

			- Exchange of experiences between representations and with the federal offices in Bern.		
24	Restriction of public services in the event of gross human rights abuses	Awareness-raising of human rights issues at Switzerland Global Enterprise	<ul style="list-style-type: none"> <li>- If Switzerland Global Enterprise determines that its clients are in breach of the relevant laws or regulations or are committing human rights abuses, it will refuse or withdraw from mandates.</li> <li>- The issue of human rights is addressed in the control discussions between SECO and Switzerland Global Enterprise.</li> </ul>	EAER	✓
25	Regulations on transparency and due diligence concerning minerals from conflict-affected areas	Transparency regulations concerning minerals from conflict-affected areas	Several different measures have been considered. However, no up-to-date information is available on the general development of international regulations concerning commodities from conflict-affected areas.	FDJP	—
26	Economic sanctions	Implementation of sanctions imposed by the UN, OSCE and Switzerland's major trading partners	Implementation of the Federal Act on the Implementation of International Sanctions (Embargo Act), the Ordinance on the International Trade in Rough Diamonds, and the Kimberley Process provisions on the trade in diamonds from conflict-affected areas.	EAER	✓
27	Implementation, review and update of the NAP on business and human rights	Evaluation and revision of the NAP	<ul style="list-style-type: none"> <li>- The report 'UN Guiding Principles on Business and Human Rights: current state of implementation by the Confederation and Swiss business enterprises' (gap analysis) was drafted.</li> <li>- FDFA/EAER report on the implementation of the UNGPs on business and human rights.</li> <li>- Consultation with the multi-stakeholder group monitoring the implementation of the NAP</li> </ul>	FDFA, EAER	✓

28	Coherence between the various policies, strategies and action plans	Policy coherence for sustainable development	<ul style="list-style-type: none"> <li>- Implementation of the UNGPs as a key reference framework for state activities in relation to business and human rights.</li> <li>- Implementation of the Sustainable Development Strategy.</li> <li>- Consultation with the various departments and offices of relevance, particularly in the context of the reporting procedures of the three action plans relating to corporate activities.</li> </ul>	FDFA, DETEC, EAER	✓
29	Legislative review to ensure conformity with the UNGPs	The national legal framework promotes respect for human rights	<ul style="list-style-type: none"> <li>- Institutionalised office consultation procedure.</li> <li>- The Confederation instructed the Swiss Centre of Expertise in Human Rights (SCHR) to review the consistency of the legislation with the UNGPs.</li> </ul>	FDJP	✓
30	Interdepartmental cooperation	Coordination of the work of the various federal offices on matters concerning business and human rights	<ul style="list-style-type: none"> <li>- Interdepartmental group on international human rights policy.</li> <li>- Implementation of the strategy for Switzerland's human rights policy.</li> <li>- Drafting of the Federal Council's periodic report on Switzerland's foreign policy on human rights</li> <li>- 2018 Foreign Policy Report.</li> </ul> <p>The interdepartmental 'Commodities' platform continued its coordination work and its studies on assessing the commodities sector.</p>	Federal Administration	✓
31	Awareness-raising and training programmes within the federal government	Human rights training organised for future diplomats and a module on business and human rights.	<ul style="list-style-type: none"> <li>- The human rights courses for Federal Administration staff include a training module on business and human rights.</li> </ul>	FDFA, EAER	✓



			- The subject of responsible business conduct is addressed in the training of diplomats.		
32	National human rights institution	Establishment of a national human rights institution. The FDJP and the FDFA were commissioned to provide the Federal Council with a draft for consultation by the end of June 2017.	A consultation procedure ran until the end of October 2017. A solution meeting Switzerland's specific needs is to be developed as soon as possible.	FDFA, FDJP	✓
33	Consistency between free trade agreements and protection of human rights	Clauses requiring consistency with standards for human rights, labour and the environment	- Integration and monitoring of consistency and compliance with sustainability provisions in free trade agreements.  - Monitoring of international developments in relation to human rights due diligence (impact assessments).	EAER	✓
34	Consistency between investment protection agreements and the protection of human rights	Inclusion of consistency clauses in investment protection agreements (IPAs)	Each time an existing IPA is revised or a new IPA is negotiated, Switzerland submits the new provisions drawn up in 2016 to its partner country to ensure that sustainable development aspects are taken into consideration in such agreements. Switzerland continues to track developments in investment protection and explores whether or not further amendments to its practices in relation to IPAs are required.	EAER	✓
35	Promotion of the UNGPs in political consultations, human rights dialogue and specific projects	The issue of business and human rights is addressed in the context of political consultations and human rights dialogue.  Specific bilateral projects to further the UNGPs.	During the period under review, this issue was included in the political consultations and human rights dialogue with various countries, such as Nigeria, Mexico, South Africa, Colombia, the United Arab Emirates, Kuwait, Russia and China.  Switzerland supported the development of NAPs in Mexico and Nigeria and contributed to regional advocacy workshops in Latin America and Africa.	FDFA	✓

36	UN Working Group on Business and Human Rights and the Office of the UN High Commissioner for Human Rights	Support for the UN Working Group and the annual UN Forum on Business and Human Rights	Switzerland made an additional contribution to promote NAPs around the world.	FDFA	✓
37	Negotiation of a legally binding international convention on human rights and transnational business enterprises	Switzerland continues to observe the negotiation process	Switzerland followed the 3rd and 4th sessions of the intergovernmental working group but did not comment on the substance. It focuses on the implementation of the UNGPs and does not believe that a binding convention could significantly improve the human rights situation. It outlined its position in a general statement.	FDFA, FDJP, EAER	✓
38	Examination of business and human rights issues as part of the UN Human Rights Council Universal Periodic Review (UPR)	Switzerland's reporting in the third round of the UPR in 2017	Switzerland presented an account of its activities in the business and human rights sphere in its reporting for the third round of the UPR in 2017.	FDFA	✓
39	Examination of business and human rights in other review procedures for international law	Accountability	Inclusion of business and human rights as a topic in Switzerland's reports on the implementation of international conventions (CEDAW, International Covenant on Economic, Social and Cultural Rights)	Federal Administration	✓
40	Coordination between multilateral organisations	Consistency between the multilateral organisations	<ul style="list-style-type: none"> <li>- Integration of the UNGPs in the processes and guidelines of various multilateral organisations</li> <li>- Engagement within the ILO, WTO, UNIDO, etc.</li> </ul>	FDFA, EAER	✓
41	The standards and control mechanisms of the ILO	Strengthening of the ILO; credible application and promotion of ILO norms and standards in Switzerland; support for decent work around the world	<ul style="list-style-type: none"> <li>- Switzerland's engagement in the drafting and adoption of international labour standards</li> </ul>	EAER	✓

			<ul style="list-style-type: none"> <li>- Ratification of ILO Convention C129</li> <li>- Switzerland's engagement within the ILO and for its centenary events</li> <li>- Awareness-raising among the social partners and the public</li> </ul>		
42	Activities of the UN Special Rapporteur on trafficking in persons	Support for the open political dialogue conducted by the UN Special Rapporteur on trafficking in persons.	Support for the UN Special Rapporteur was renewed in September 2017. Switzerland also supported a series of workshops on the same topic, organised by the OSCE's rapporteur on the prevention of trafficking in persons.	FDFA	✓
43	Council of Europe action to implement the UNGPs	Support for the Committee of Ministers' work for member states.	In implementing its NAP, Switzerland is also implementing the corresponding recommendations made by the Council of Europe.	FDFA, FDJP, EAER	✓
44	Action on business and human rights within the World Tourism Organization (UNWTO)	Implementation of the UNGPs in the tourism sector	<ul style="list-style-type: none"> <li>- Support for the International Year of Sustainable Tourism for Development in 2017</li> <li>- Cooperation with the UNWTO</li> <li>- Establishment of an international platform for the promotion of sustainable tourism</li> </ul>	EAER	✓
45	Evaluation of access to Swiss courts and of the removal of practical and procedural obstacles	Improved access to Swiss courts	<ul style="list-style-type: none"> <li>- Federal Council report on access to remedy and analysis of the judicial and non-judicial measures put in place by other states</li> <li>- Draft amendment of the Civil Procedure Code (CPC)</li> </ul>	FDFA FDJP	✓
46	Accountability and Remedy Project by the Office of the UN High Commissioner for Human Rights	Access to remedy	<ul style="list-style-type: none"> <li>- Switzerland's engagement within international bodies to ensure that court jurisdiction is coordinated</li> <li>- Support for the work done by the Office of the UN High Commissioner for Human Rights</li> <li>- Analysis of and contribution to the drafting of OHCHR recommendations</li> </ul>	FDFA	✓

47	Rule of law in host states	Establishment and strengthening of the rule of law	<ul style="list-style-type: none"> <li>- Support for partner states displaying governance gaps</li> <li>- Political dialogue and human rights dialogue</li> <li>- Implementation of public-private partnership projects</li> </ul>	FDFA	
48	National Contact Point (NCP) for the OECD Guidelines for Multinational Enterprises	Establishment of a non-judicial grievance mechanism	<ul style="list-style-type: none"> <li>- Evaluation of the Swiss NCP by the OECD (2017)</li> <li>- Handling of the submissions concerning Credit Suisse, LafargeHolcim, FIFA, the WWF and the Roundtable on Sustainable Palm Oil</li> </ul>	EAER	✓
49	Dispute resolution support from representations abroad	Increased and more systematic support from Swiss representations in resolving disputes	<ul style="list-style-type: none"> <li>- Embassy support includes the creation of a guide and various awareness-raising activities.</li> </ul>	FDFA	✓
50	Grievance mechanism under the International Code of Conduct (ICoC) and other multi-stakeholder initiatives	Support for implementation of the ICoC	<ul style="list-style-type: none"> <li>- Switzerland finances the ICoCA secretariat and leads the work of the Board of Directors.</li> <li>- This support was presented at a panel discussion held in 2017 at the annual UN Forum on Business and Human Rights.</li> <li>- Creation of the Centre for Sport and Human Rights, which will undertake a mapping of the various grievance mechanisms in relation to sport.</li> </ul>	FDFA	✓