



# Economic and Social Council

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## Committee on Economic, Social and Cultural Rights

### Information received from Switzerland on follow-up to the concluding observations on its fourth periodic report\*

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\* The present document is being issued without formal editing.



## **I. Reply to paragraph 9 of the concluding observations (E/C.12/CHE/CO/4) – national human rights institution (since October 2019)**

1. On 13 December 2019, the Federal Council approved a bill on the establishment of a national human rights institution. At the same time, it extended the mandate of the pilot project (Swiss Centre of Expertise in Human Rights) to the end of 2022. The bill has now been submitted to and is under consideration by the Swiss Parliament. The objective is for the new institution to become operational in 2022–2023.

2. The Federal Council is thus prepared to replace the Swiss Centre of Expertise in Human Rights with a permanent national human rights institution, legally established in the form of a corporation under public law. This model takes due account of the results of the 2017 public consultation and the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). It is planned that the provisions on the national human rights institution will be incorporated into the Federal Act on Measures pertaining to Civil Peace Support and the Promotion of Human Rights. The Federal Council's proposal is for an independent institution, with pluralistic representation of the different elements of society concerned guaranteed, that will receive financial support from the Confederation. The objective is that the cantons should cover the infrastructure costs.

3. A broad mandate is planned for the national human rights institution to promote and protect human rights. Based on the experiences of the pilot project, the tasks of the institution are defined as follows: information and documentation; research; advice; promotion of dialogue and cooperation; education and awareness-raising on human rights; and exchanges at the international level. The bill does not, however, include any administrative function in the mandate of the national institution, nor will it act as an ombudsman or deal with individual cases.

## **II. Reply to paragraph 11 of the concluding observations – business and human rights (since October 2019)**

4. On 15 January 2020, the Federal Council adopted its revised action plans for the period 2020–2023, one of which was on corporate responsibility towards society and the environment and the other on business and human rights. The Confederation encourages responsible conduct by businesses, which makes an important contribution to sustainable development and helps to meet the challenges facing society. The action plans were reviewed and consulted on with external interest groups (business associations, civil society and the scientific community). They build on the relevant outcomes and are systematically aimed at supporting businesses through effective measures. These include measures to promote the implementation of due diligence on the basis of the United Nations Guiding Principles on Business and Human Rights and the human rights due diligence guidance (instruments, guidelines, etc.) of the Organisation for Economic Co-operation and Development (OECD) and to ensure collaboration with multi-stakeholder initiatives, which can be of particular benefit to small and medium-sized enterprises. It is also planned to increase the visibility of grievance mechanisms (such as the National Contact Point for the OECD Guidelines for Multinational Enterprises).

5. Following the rejection on 29 November 2020 of the popular initiative “For responsible companies – for the protection of people and the environment”, an indirect counter-proposal has been developed, providing for: (i) a reporting obligation on environmental issues, working conditions, human rights and anti-corruption measures for large public companies and financial institutions; and (ii) due diligence and reporting requirements in the areas of conflict minerals and child labour. These new obligations will apply to companies that import or process in Switzerland minerals or metals containing tin, tantalum, tungsten or gold from high-risk conflict zones. The same applies to companies offering goods or services where there is a well-founded suspicion that child labour is used. The indirect counter-proposal provides for various rules on delegation which will need to be

fleshed out in implementing provisions by the Federal Council. The provisions relate to scope and due diligence in the areas of conflict minerals and child labour.

### **III. Reply to paragraph 41 of the concluding observations – childcare (since October 2019)**

6. The primary responsibility for the provision of childcare outside the family lies with the cantons and municipalities.

7. At the cantonal level, the Conference of Cantonal Directors of Social Services published a new report in October 2020 – the third since 2015 – on the state of childcare outside the family in the cantons. The report focuses on quality standards and funding issues and, for the first time, provides an estimate of the number of childcare places outside the family at national level. Following the publication of the report, the Conference of Cantonal Directors of Social Services and the Swiss Conference of Cantonal Directors of Education launched a new project at the beginning of 2021 in the framework of an alliance to improve the compatibility of work with family life, with the aim of exploring ways of further developing and improving the regular provision of childcare outside of the family in the cantons. A report on the subject, to be published by the end of 2021, will serve as a basis for reflection and decisions by the two intercantonal conferences.

8. In practical terms, a trend can be seen in the cantons of investing effort in improving provision of or access to childcare outside of the family. By way of two examples: firstly, the canton of Ticino has introduced a system of financial incentives whereby additional funding is granted to facilities that meet certain quality objectives (in particular, the proportion of qualified staff); secondly, in the canton of Bern, a non-compulsory voucher system for childcare has been set up to subsidize families' access to childcare.

9. In line with the Federal Constitution, the Confederation plays only a subsidiary, supportive role in this area. Within the scope of its authority, the Confederation is committed to providing various forms of financial support and allocates significant financial contributions to the cantons. Since 2003, the Confederation has supported the creation of new childcare places outside the family. Since the federal law on childcare came into force, it has provided more than 400 million francs (SwF) for the creation of new places (as at 31 January 2021). Two new types of assistance were also introduced on 1 July 2018. The Confederation has now begun providing financial support for cantons and municipalities that increase their subsidies for childcare outside the family to reduce the costs borne by parents. It also provides financial assistance to projects aimed at better adapting the provision of childcare outside the family to parents' needs. This new assistance is for a limited period of five years and was initially allocated a guarantee credit of SwF 96.8 million. So far, 11 cantons have submitted applications, corresponding to a total amount of around SwF 125 million. In view of the success of this new financial assistance, the Government has asked Parliament to approve an additional credit of SwF 80 million, which Parliament granted on 8 June 2021.

10. Paternity leave came into force in Switzerland on 1 January 2021. Fathers can now take two weeks' paid leave, either in a single block or in separate days, within six months of the birth of their child. At present, there is no majority in Parliament for a bill with more generous provisions. However, several cantonal governments, collective labour agreements, standard employment contracts and individual employment contracts provide for longer paternity leave. Similarly, the Federal Administration provides 20 days of paternity leave. During the parliamentary debates that took place before paternity leave was introduced, the relevant committees carried out detailed studies of different legislative models for paternity leave and parental leave. Parliament voted against parental leave, rejecting all the proposals to introduce it instead of paternity leave. There are therefore no plans to introduce parental leave at present.

11. In addition, the legislative programme for 2019–2023 provides for the development, in close cooperation with the cantons, of a national strategy and the adoption of a message on measures aimed at promoting a better balance between working and family life. In this context, the Federal Council will identify possible lines of action and assess which measures

are best suited to further promoting a balance between family and working life. The Equality Strategy 2030, adopted by the Federal Council on 28 April 2021, aims to create framework conditions that will promote a balance between work and family life, as well as a balanced distribution of paid and unpaid work.

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