

SWISS GUIDANCE ON BUSINESS AND HUMAN RIGHTS FOR THE SWISS NETWORK OF REPRESENTATIONS

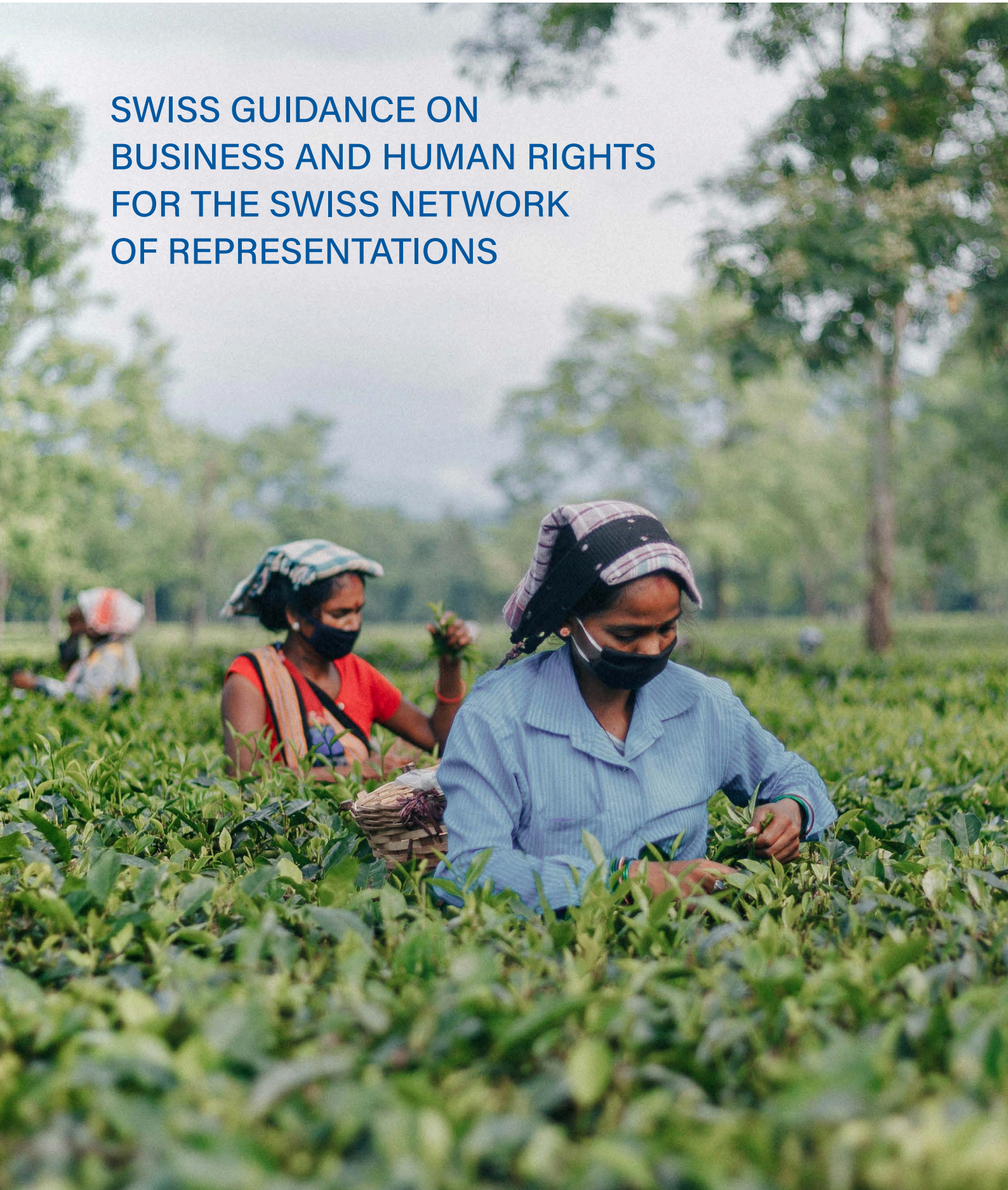


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1 OBJECTIVE

The objective of this guidance is to provide the Swiss network of representations abroad with practical advice on how they can engage constructively with companies based in and/or operating out of Switzerland. This is to ensure Swiss companies meet the Confederation's expectation that they perform their business activities in and outside of the country in accordance with internationally recognised principles, guidelines, and standards on business and human rights.

In principle, the subject of business and human rights covers a wide range of risks that companies must manage to ensure their business activities do not negatively affect the enjoyment of human rights by others. For example, among these risks are overlapping rights on the use of land, including those of indigenous people, and the right to freedom of speech. Human rights risks can also arise from working conditions, social and environmental impacts, impacts on customers and consumers, and issues pertaining to supply chain management and supporting good governance.¹

Illustrated in Figure 1, Switzerland's international obligations and multilateral commitments cascade from the strategic level of the [Foreign Policy Strategy](#) and the [Foreign Economic Policy Strategy](#) to the operational level, where these obligations and commitments are reflected in several national action plans, guidelines, and in legislation. Recently introduced national legislation focuses on the obligation to report on [non-financial matters](#) and to exercise [due diligence regarding conflict minerals and child labour](#) and in the [contracting of private security services providers](#).

The Swiss Confederation has been playing an important role in the development of framework conditions and standards on business and human rights-related risks, and it can support companies in managing these risks. The National Action Plan on Business and Human Rights implemented by the Federal Department of Economic Affairs, Education and Research (EAER) and the Federal Department of Foreign Affairs (FDFA) supports companies with effective measures for the human rights due diligence. The Swiss network of representations can pro-actively collect and share information on business and human rights risks and directly promote good practices with host governments, companies and relevant third parties, and it can support multistakeholder dialogue and learning.



1 In the Swiss national policy context, human rights are addressed in the NAP on the UNGPs on Business and Human Rights. Responsible business conduct is addressed in the CSR Action Plan and defined to include human rights, environment, working conditions, consumer interests, corruption prevention, taxation and competition.

Figure 1

SWISS LAW & POLICY



2 INTRODUCTION TO BUSINESS AND HUMAN RIGHTS

2.1 OVERVIEW

In 2011, the United Nations Human Rights Council unanimously endorsed the [United Nations Guiding Principles on Business and Human Rights \(UNGPs\)](#) as a comprehensive international policy framework that addresses the role of States and that of businesses in relation to human rights and corporate activities impacting human rights.

They are built on the ‘**Protect, Respect, and Remedy**’ framework developed between 2005 and 2008 which clarifies that under existing international law (1) States and their governments have the duty to **Protect** human rights, (2) businesses are responsible to **Respect** human rights, and (3) both have respective roles to play in providing access to **Remedy** to people whose rights have or might have been infringed by business activities.

Figure 2 THE THREE PILLARS OF THE UNGPS

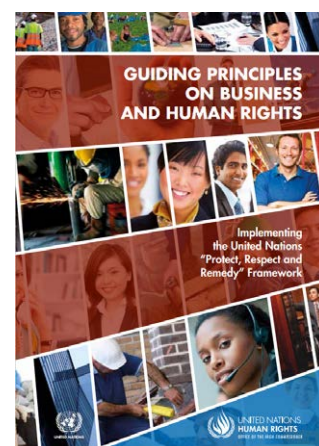
UN GUIDING PRINCIPLES ON BUSINESS AND HUMAN RIGHTS		
THE STATE DUTY TO PROTECT	CORPORATE RESPONSIBILITY	ACCESS TO REMEDY
How can the State exercise its duty of protecting human rights from influences of third parties (including companies)?	How can companies exercise their responsibility to respect human rights?	In case of negative impacts on human rights, the access to remedy is crucial for the persons concerned.

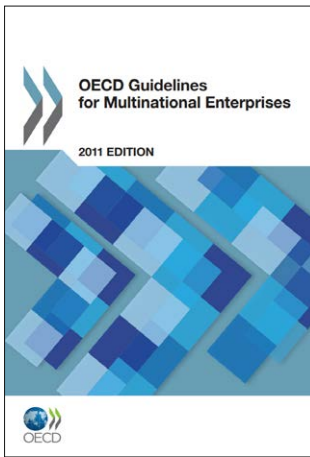
Source: based on the Swiss NAP on the UNGPs.

These three pillars form the basis of the 31 Guiding Principles. The first 10 principles address the state duty to protect human rights, including that every state should put measures in place to ensure such protection. The next 14 principles address the corporate responsibility to respect human rights, and the remaining 7 principles address the responsibility of both sets of actors to provide access to remedy.

The central premise of the UNGPs is that the responsibility of businesses to respect human rights and do no harm is independent of whether host states fulfil their role to protect human rights. Thus, beyond complying with national laws and regulations, the role of businesses includes adhering to binding international law as well as non-binding international principles, guidelines, and standards, referred to as international ‘soft’ law.

Since their unanimous endorsement, already existing international principles, guidelines, and standards on responsible business conduct have been updated with reference to the UNGPs. For example, such updates have been made to the [OECD Guidelines for Multinational Enterprises](#) (version 7 of 2011) and the Environmental, Social & Governance (ESG) standards applied by international financial institutions and the finance and investment sector.





TEXT BOX 1: OECD GUIDELINES AND DUE DILIGENCE GUIDANCE

The OECD Guidelines for Multinational Enterprises comprise recommendations on responsible business conduct by governments. It is addressed to multinational enterprises operating in or from the 50 member and other signatory states. They include a chapter on human rights which is aligned with the UN Guiding Principles for Business and Human Rights. While not legally binding, the member states of the OECD have committed to promoting the Guidelines. Adhering governments commit to establish National Contact Points (NCPs) to promote the Guidelines, support their implementation, and provide a mediation and conciliation platform for resolving issues and conflicts. Individuals and interest groups can approach the NCP if they wish to raise a






concern about corporate behaviour that might be inconsistent with the Guidelines. In Switzerland, the Secretariat of the NCP is located at the State Secretariat of Economic Affairs (SECO). Several guidance notes covering specific aspects and sectors in detail also complement these Guidelines and help companies to conduct due diligence along their value chains. These include the [OECD Due Diligence Guidance for Responsible Business Conduct](#) and guidance for specific sectors such as the [OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict Affected and High-Risk Areas](#), as well as several others for specific sectors (see References in the Annex).

As a policy framework, the UNGPs are purposefully broad. They are anchored in the internationally recognized human rights spelt out in the [International Bill of Human Rights](#) and the principles on fundamental rights set out in the International Labour Organization's [Declaration on Fundamental Principles and Rights at Work](#). Depending on the nature of the business, a company can affect the human rights of its workers, its customers, or the communities around its operations. Figure 2 illustrates examples of the different kinds of human rights risks that Swiss companies have been associated with. This overview is based on an analysis that considered the cases lodged with the Swiss [National Contact Point](#) (NCP) and alleged and/or reported cases of human rights violations mentioning Swiss companies as captured by the [Business and Human Rights Resources Center](#).



Figure 3

EXAMPLES OF HUMAN RIGHTS RISKS FACED BY SWISS COMPANIES OPERATING ABROAD

HUMAN RIGHTS ISSUE	SECTOR	LABOUR-INTENSIVE INDUSTRIES			
		EXTRACTIVE NATURAL RESOURCES	AGRICULTURE / AGRIBUSINESS & FERTILIZERS	TEXTILE	CONSTRUCTION
LABOUR RIGHTS & CONDITIONS 		Child labour in Artisanal & Small-Scale Mining Working conditions	Working conditions, (e.g., personal protection equipment-PPE)	Force labour, child labour Disrespect for Union rights, repression & reprisals Working conditions, exploitation and ill-treatment (e.g., unsustainable performance targets)	Forced labour Discrimination and ill-treatment Union rights – repression & reprisals Exploitation (e.g. underpayments)
HEALTH & SAFETY (H&S) 		Pollution-related diseases Work-related accidents & deaths	Pollution-related diseases	Health hazards (e.g., harmful chemicals, exposure to high temperatures) Work-related accidents & deaths (e.g. building safety)	Pollution-related diseases Work-related accidents & deaths
LAND 		Land rights, land use rights, incl. informal rights & rights of Indigenous Peoples & their Free Prior & Informed Consent (FPIC) Resettlements, expropriation, displacement Access to land, water, lakes, sea, cultural heritage	Land rights, land use rights, including informal & rights of Indigenous Peoples' rights, Free Prior & Informed Consent (FPIC) Expropriation & displacement Resettlements, expropriation, displacement		Land rights, land use rights, land access Resettlements, expropriation, displacement
ENVIRONMENT 		Toxic emissions & waste water Deforestation	Toxic emissions Soil & water pollution	Toxic emissions & waste water	Toxic emissions & waste water
SECURITY 		Use of force, criminalisation, and intimidation by public security forces (e.g. in relation to land rights, access rights, pollution)			

2.2 THE STATE DUTY TO PROTECT HUMAN RIGHTS

Under international law, States have the duty to protect the human rights of all people within their territories and jurisdiction, including in relation to potential human rights violations committed by third parties, such as businesses. Elaborating on this duty, the UNGPs recommend that States set out clearly the expectation that all business enterprises domiciled in their territory and/or jurisdiction respect human rights throughout their operations, including when they are active abroad.

The UNGPs clarify the range of regulatory and policy functions that States ought to perform in fulfilling this duty, including enforcing existing laws requiring business enterprises to respect human rights and providing effective guidance on how to respect human rights. The principles also suggest that States can pursue a 'smart mix of measures' to fulfil their duty, combining both voluntary and mandatory measures as well as national and international measures.

Furthermore, the UNGPs also underline that States hold a specific responsibility for ensuring that internationally active business enterprises domiciled in their jurisdiction respect human rights in those countries and contexts that are affected by conflicts, or where the respective host state may not be able or willing to protect human rights. Heightened attention and special efforts are warranted in those contexts that are deemed fragile and that are affected by current conflicts or have been affected by conflicts in the past.

'Because the risk of gross human rights abuses is heightened in conflict-affected areas, States should help ensure that business enterprises operating in those contexts are not involved with such abuses, including by:

- a. Engaging at the earliest stage possible with business enterprises to help them identify, prevent, and mitigate human rights-related risks of their activities and business relationships.
- b. Providing adequate assistance to business enterprises to access and address their heightened risks of abuses, paying special attention to both gender-based and sexual violence.
- c. Denying access to public support and services for a business enterprise that is involved in gross human rights abuses and refuses to cooperate in addressing the situation.
- d. Ensuring that their current policies, legislation, regulations, and enforcement measures are effective in addressing the risk of business involvement in human rights abuses.'

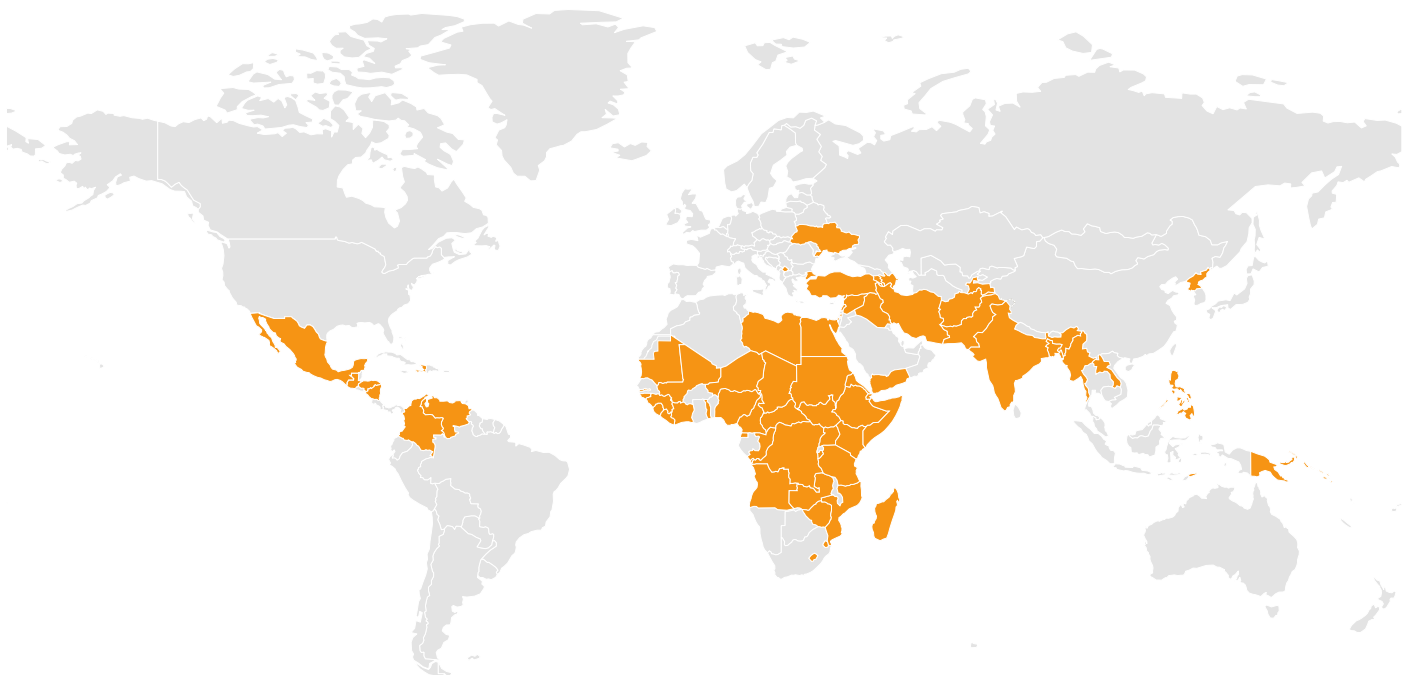
(UNGP Principle 7)



Several organisations provide regularly updated lists aimed at identifying fragile and conflict-affected contexts. Amongst others, they include the OECD's [States of Fragility](#) (2020), the World Bank Group's Classification of [Fragile and Conflict-Affected Situations](#) (2022), and the list of [Conflict-Affected and High-Risk Areas](#) (CAHRA 2021), published in connection with the EU's [Conflict Minerals Regulation](#) (EU 2017/821). The map below shows all the contexts and areas included on these three lists at the end of 2021.

While Figure 4 maps out a large part of the world where heightened attention to human rights risks is warranted, it is important to recognise that businesses can also face human rights risks in all the other countries and especially in certain sectors. For example, labour standards and working conditions pose an especially pertinent risk in the construction industry and in the supply chains of the textile industry, the agroindustry, and the trade in minerals and other commodities. Similarly, the environmental impacts of resource-based industries can negatively affect public health and subsistence livelihoods.

Figure 4 **FRAGILE AND CONFLICT-AFFECTED CONTEXTS, AS PER OECD, WB GROUP, AND EU/CAHRA LISTS (2021)**



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2.3 THE CORPORATE RESPONSIBILITY TO RESPECT HUMAN RIGHTS

The corporate responsibility to respect human rights comprises two parts: first, to avoid doing harm to people and infringing on their human rights. And second, if business activities cause or contribute to negative impacts, that these should be remediated.

In practice this means that, beyond complying with national laws of the countries where they operate, businesses are responsible for understanding the contexts within which their operations and their supply chains are set. They need to understand how these contexts might expose people to negative impacts arising from or being associated with their operations. Such impacts can include:

- Impacts that are directly or indirectly caused or contributed to through a business' own activities, and
- Impacts, which a business may be directly linked to through its business relationships, including its supply chain, the provision of finance, or its relationship with public security forces and private security providers.

Importantly, the corporate responsibility to respect human rights is independent of the abilities and/or the willingness of States to protect these rights. This means that businesses are expected to ensure that they are not profiting from, and that their operations are not linked to human rights violations carried out by States and their authorities, including state security forces.

Furthermore, businesses are responsible to ensure their activities align with international law, particularly in contexts where there are gaps between national and international law. Among the issues where such gaps are most prevalent and, thus, businesses are especially exposed to human rights risks are the rights of indigenous peoples, informal land and land user rights, environmental concerns, labour rights and conditions, and the criminalization and targeting of human rights defenders.

To deliver on the responsibility to respect human rights, companies should exercise due diligence on their supply chains and identify risks to prevent negative impacts. This implies that they should carry out and implement the following steps:

- 1 A **policy commitment** that sets out how the company meets its responsibility to respect human rights. This commitment should be publicly available and reflected in the company's operational policies, procedures, and risk management systems.
- 2 An ongoing **Human Rights Due Diligence (HRDD) process** that enables the business to identify, prevent, and mitigate its potential human rights impacts and risks in the specific contexts where it works. Importantly, the company's operational policies, procedures and risk management system need to support this process. Figure 4 sets out this process and Text Box 3 explains it in more detail.
- 3 A **complaints and grievance mechanism**, which allows people affected by the company's business activities (such as workers or community stakeholders) to log complaints or raise concerns, and for these to be processed and addressed in good faith. Such a mechanism should be accessible for both internal and external stakeholders (e.g., workers and local communities), and it should be designed to enable the business to remediate any adverse human rights impacts that it may have caused or contributed to.

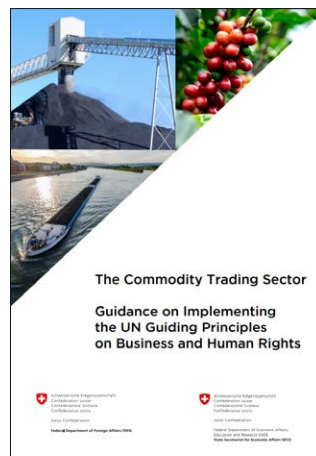
The UNGPs are clear that, irrespective of their size, all companies are expected to respect human rights. However, the approach that a company takes on HRDD and what type and scale of internal risk management system it develops and implements should be commensurate to its size and the risks its business operations face.



TEXT BOX 2: INTERPRETIVE GUIDE ON THE CORPORATE RESPONSIBILITY TO RESPECT HUMAN RIGHTS

This [Interpretive Guide](#) provides specific guidance for companies on those foundational and operational Principles that speak directed to the corporate responsibility to respect human rights. It is set out in the form of Questions & Answers and provides illustrative examples and check lists for companies to consider.

Several international organisations have published guidance notes and tools on the HRDD process and on how to conduct Human Rights Impact Assessments (HRIAs). For example, the [OECD Due Diligence Guidance for Responsible Business Conduct](#) provides practical guidance on how to implement the UNGPs due diligence recommendations. Additional examples are included in the References. Text Box 3 highlights two examples where the Swiss Confederation has supported and developed guidance notes and tools for companies.



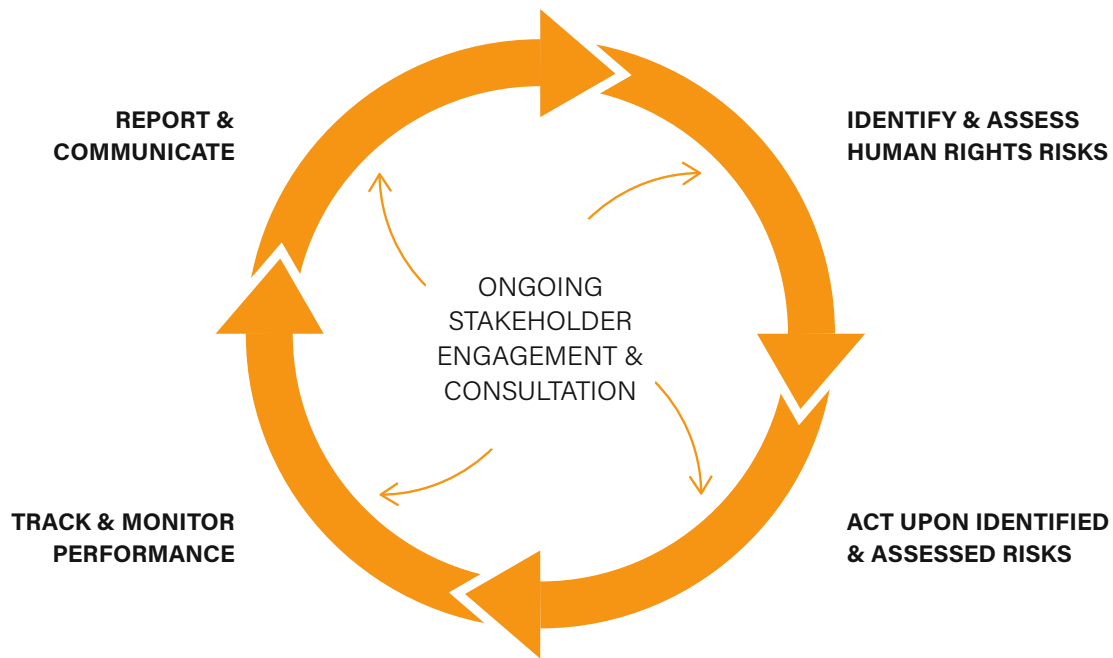
TEXT BOX 3: SWISS GUIDANCE NOTES AND TOOLS

Among several guidance notes and tools supported and developed by the Swiss Confederation as part of national multi-stakeholder initiatives are the [Guidance on Implementing the UNGPs in the Commodity Trading Sector](#) from 2018 and a [HRDD tool targeted at the Swiss Small and Medium-Size Enterprises](#) and developed in collaboration with the [Global Compact Network Switzerland and Lichtenstein](#) in 2019.

The rule of thumb for the HRDD process and conducting HRIAs is that prevention is always better than cure: risks to people and the associated business sustainability risks are best addressed upfront. Thus, in contexts where human rights risks are very high, it is especially important for businesses to invest in gaining a good understanding of those contexts and to plan investment projects and trading relationships with a view to meeting the expectations set out in the UNGPs. Alongside encouraging investment and trade, the network of Swiss representations can support companies to recognise and address the business-salient human rights risks those companies could be facing in relation to their operations and their supply chains.

Figure 4

HUMAN RIGHTS DUE DILIGENCE: GOOD PRACTICE



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TEXT BOX 4: THE HRDD PROCESS IN PRACTICE

The UNGPs recognise that several factors will influence the scope and scale of the HRDD process that a business operation should carry out, and the risk management system it requires to deliver on this process. These factors include the type of operation and its size, the context in which it is carrying out its activities, the supply chain on which the operation depends, and the severity of the risk that direct or indirect human rights impacts might be occurring in relation to the business operations.

In operating contexts where business activities have been ongoing for some time, it is important to recognise legacy issues (e.g., linked to previous owners, political eras, etc.). Equally, where new operations are envisaged or planned, it is important to recognise how legacy issues could impact existing rights holders and if such issues have affected others investing in the same geographic areas.

Therefore, a company and its business subsidiaries will need to carefully consider and tailor their HRDD process in accordance and commensurate with the likely human rights risks that its operations may be facing, including human rights risks associated with the products and

services that businesses are sourcing or that they may sell to third parties.

Rather than a one-off assessment exercise, HRDD is an ongoing and iterative process: the most critical phase lies upfront and comprises understanding the context within which the business is investing and operating and how operations should be conducted responsibly. To this effect the HRDD process includes the following:

- Identify and assess human rights risks:** The process of identifying and assessing human rights risks usually starts with conducting a first baseline HRIA. Initially, this may be carried out as desktop research aimed at gaining a broad understanding of the human rights issues in a particular context. Building on this, the HRDD process can later involve targeted fieldwork research, carried out by internal expert staff or drawing on external specialist expertise. HRIAs should be regularly updated, as necessary and depending on evolving changes to the key context parameters or the scope and scale of the business activities.

- Integrate and act upon the findings of the assessment:** This will typically involve developing a management plan to address any potential or actual human rights risks identified in the assessment. An important part of acting upon the findings is to ensure that the risk management system of the business is commensurate to the potential and actual impacts faced. To ensure internal alignment, developing and implementing a risk and/or impact management plan should be integrated into already existing management and decision-making processes. The extent to which such integration needs to be formalised depends on the size of the business, the nature of its activities and the risks it is facing.
- Systematically track and monitor** the effectiveness of human rights risks and impact management measures: This means ensuring that the risk and/or impact management plans are implemented and that all planned measures are taken to avoid, mitigate, and remediate negative impacts are effective.
- Report and communicate information on human rights risks** and the impact management progress made, both internally and externally: For example, reporting and communication could be integrated into annual sustainability reports (e.g., reporting on non-financial information as required by the [Swiss Code of Obligations](#)) and/or on the company's website.
- Ongoing stakeholder engagement and consultation:** Engaging with potentially affected people, such as workers and neighbouring communities, occupies a central place in HDD. Engaging and consulting can provide a business with critical information necessary to help identify and address human rights risks and impacts, as well as helping the business to track the effectiveness of the risk and impact management measures it implements. In some contexts, engagements and consultations are also a mandatory requirement stipulated under international law, for example in relation to indigenous peoples in countries that have ratified [ILO Convention 169](#).



3 HOW CAN SWISS REPRESENTATIONS SUPPORT BUSINESS AND HUMAN RIGHTS?

3.1 THE ROLE OF SWISS AUTHORITIES

The role of Swiss authorities in promoting good practices in business and human rights stems from the Confederation's expectation that Swiss companies respect human rights throughout their operations and wherever they work. Of particular concern are activities in those countries where domestic laws and regulations are insufficient to protect people against irresponsible business practices, or where host States and their authorities do not offer sufficient protection against or are themselves involved in human rights violations. In addition, in some sectors and industries the risks of human rights violations occurring are greater than in others. An important objective of the Swiss National Action Plan on Business and Human Rights is to develop expertise at Swiss embassies in order to support businesses. Swiss representations abroad are well placed to raise awareness of human rights issues among businesses and provide country-specific advice. The federal government wants to involve Switzerland's representations abroad more closely in its efforts to raise awareness of and provide support for the implementation of human rights by business enterprises.

'Under the UNGPs, the corporate responsibility to respect human rights applies to all business enterprises, regardless of their size, sector, operating environment, ownership, and structure. Business enterprises that are particularly exposed to human rights risks should develop internal policies and procedures for exercising human rights due diligence in their sphere or activity. Their precise form will depend on the factors such as the size of the company, the nature of its business, the sector in which it operates, and the geographical scope of its operations. The Federal Council expects business enterprises based and/or operating in Switzerland to fulfil their human rights responsibilities wherever they operate and to carry out human rights due diligence. Swiss companies must therefore ensure that their business operations have no adverse human rights impacts.'

(Swiss National Action Plan 2020-2023 on the UN Guiding Principles on Business and Human Rights).





Swiss companies are understood to include those that are head quartered in Switzerland and/or have branches or subsidiaries in the country, as well as companies head quartered elsewhere but operate under Swiss control. The legal definitions are set out in the [Federal Law on Swiss Persons and Institutions abroad \(ASG\)](#) and the [Swiss Commercial Register Ordinance](#). There are several additional reasons for the Swiss network of representations to support Swiss-domiciled companies in their efforts to meet the Confederation's expectations, including:

- Other member countries of the OECD and the EU have put in place or are in the process of putting in place legal and regulatory requirements on HRDD, which Swiss-domiciled companies trading with these countries will also have to prepare for and meet.
- Most international financial institutions expect companies to meet environmental, social and governance (ESG) requirements and standards as a condition for gaining and retaining access to finance.
- Non-financial risks can affect businesses' financial performance.
- Being associated with human rights abuses is increasingly likely to impact reputation and sales.
- Younger talent concerned about sustainability are less willing to work for companies that ignore environmental and social risks, while more experienced staff may be more difficult to retain.

3.2 AVENUES FOR SUPPORTING BUSINESS AND HUMAN RIGHTS

There are several avenues for Swiss representations to support Swiss companies in meeting their responsibility to respect human rights. These avenues can be categorised into three broad strands of support:

1. PROMOTING RESPONSIBLE BUSINESS PRACTICES WITH HOST GOVERNMENTS, HOST COUNTRY THIRD PARTIES, AND COMPANIES

- a. When promoting Swiss trade and investment abroad, take human rights risks into consideration, e.g., highlight known risks and point to good practices on how to address these risks through robust HRDD and impact management processes.
- b. When companies approach representations on a particular business-related issue, remind them of their responsibilities and assess whether the issue raised could be related to irresponsible business conduct regarding human rights.
- c. Promote dialogue and information sharing on business and human rights among Swiss companies in the country context (e.g., Swiss business round tables, informal business lunches on specific topics, including the relationship with public security forces and private security service providers).
- d. Identify opportunities to promote international expectations on business and human rights with host government authorities. Joint Economic Commissions or Economic missions with mixed delegations are a good opportunity, besides the traditional bilateral consultations.
- e. Support or develop regular relationships with third-party organisations working on business and human rights that can serve as a focal point for Swiss and other companies from OECD countries (e.g., see practice example on the Myanmar Center for Responsible Business).
- f. Liaise and work with relevant international and multilateral organisations (e.g., UN African Regional Forum on Business and Human Rights, UNDP or OHCHR offices, local network of the UN Global Compact).
- g. Engage with host governments on the development and implementation of National Action Plans on Business and Human Rights. Where possible, this could evolve into cooperation supported by workshops, round tables, fora etc. An example is the [ASEAN-Swiss Peer-Learning Event](#) hosted jointly in 2021 as a forum on Sustainable Development Goal 12 (Responsible Consumption and Production) and Business and Human Rights with the Thailand-based ASEAN Center for Sustainable Development Studies and Dialogue (ACSDSD).

INDICATIVE PRACTICE EXAMPLE: MYANMAR CENTER FOR RESPONSIBLE BUSINESS



Myanmar Centre for
Responsible Business

The Swiss government has been funding the [Myanmar Center for Responsible Business](#), together with the governments of the UK, Norway, the Netherlands, and Ireland, as well as the [Institute of Human Rights and Business](#) and the [Danish Institute for Human Rights](#). The center was established in 2013 to encourage responsible business throughout Myanmar, by facilitating dialogue and processes aimed at building national and local capacity and partnerships on business and human rights related issues. It has

provided a trusted and impartial platform to generate knowledge, build capacity, undertake advocacy, and promote dialogue between different stakeholders including businesses, civil society, governments, and experts. It has also conducted field research on the sector-wide impacts (e.g., oil and gas, tourism, information communications technology, mining, oil palm), as well as researched the policy and legal framework and the practice of conducting HRDD in the country.

2. SUPPORTING MULTI-STAKEHOLDER DIALOGUE AND LEARNING

- a. Promote spaces for dialogue between different stakeholder groups on human rights issues, for example in relation to specific sectors/industries. Ensure that a diversity of stakeholders is represented at the table fairly, and that different voices and views are heard. The role of the embassy would be to provide a safe space and facilitate the dialogue, but not to mediate between sides.
- b. Support learning around specific business and human rights topics, for example by organising events and expert training sessions on how to develop and implement ongoing HRDD processes, what an effective grievance mechanism looks like, and managing specific human rights impacts and risks (e.g., informal land use rights, rights of indigenous peoples, impacts on vulnerable people and communities).
- c. Help set up or support national or regional working groups in relation to business and human rights initiatives that Switzerland is involved in (e.g., National Voluntary Principles Working Groups).

INDICATIVE PRACTICE EXAMPLE: SECURITY & HUMAN RIGHTS

The Swiss government supports two key international multi-stakeholder initiatives on Security and Human Rights. One is the [Voluntary Principles for Security and Human Rights \(VPs\)](#). This is a sector-focused multi-stakeholder initiative that was launched in 2000 and involves governments, businesses, and NGOs. It focuses on security issues and aims to prevent human rights violations by private or public security forces providing security to the operations of companies in the extractive and energy sectors, as well as other industries, for example those involving harvesting activities.

National and regional VP working groups have recently been set up in several countries and serve as a forum for members to share information, discuss context-specific issues, and share good practices for providing security while respecting human rights in the specific contexts. For example, the Peru Working

Group has provided training and influenced the development of Peru's National Action Plan on Business and Human Rights.

The Swiss government joined the VPs in 2011, with the twofold objective to promote respect for human rights in relation to security among Swiss-based extractive industry companies and to strengthen synergies between the VPs and the [International Code of Conduct](#) on private security providers (ICoC).

The ICoC is the second multi-stakeholder security & human rights initiative, which the Swiss government supports. The Swiss government initiated the ICoC in 2010 in collaboration with the Geneva Center for the Democratic Control of the Armed Forces (DCAF), and since 2013, the promotion and implementation of the ICoC is supported by an association ([ICoCA](#)) as an independent oversight mechanism.



International
Code of Conduct
Association

3. PRO-ACTIVELY COLLECTING AND SHARING INFORMATION

To assess, prevent and mitigate potential and actual human rights impacts, companies need to be informed about the contexts in which they operate. This is especially important when they are considering whether to invest in countries or contexts where they have not worked before, or if the socio-political situation is changing in a context where they are already present.

Swiss representations can play an active role in providing Swiss companies with relevant information by (i) collecting and sharing such information themselves, or (ii) indicating where relevant information can be found. For example, Swiss representations can:

I. Collect information to provide Swiss companies with up-to-date information on context-specific human rights risks, including:

- Undertake desk-based reviews of relevant information and data sourced from international organisations working on business-salient human rights issues and flag where and why risks could be most severe. Such reviews could focus on specific contexts and/or on specific high-risk sectors (e.g., labour-intensive low-wage industries such as construction or textiles), or sectors that require access to land and other natural resources (e.g., agribusiness, production, and trade of minerals) (see Figure 2).
- Where country reviews are undertaken for peacebuilding, humanitarian and/or developmental purposes, these could be cross-referenced in the country economic reports that the Swiss authorities compile as part of investment and trade promotion activities.
- When hosting business events aimed at promoting international investment opportunities, Swiss authorities can flag relevant human rights risks that pertain to specific country contexts and industries. For example, when promoting Swiss investments in large-scale infrastructure and energy projects (e.g., road or rail construction, hydro power and other forms of renewable energy generation, exploitation of minerals and metals etc.), representations can raise awareness on human rights risks that are already known, for example in relation to labour related, land rights related and social and environmental impacts. Several reputable international organisations make such information available based on systematically tracking business and human rights risks (see References).
- Depending on the severity of business-salient human rights risks and specific interests, some representations may also want to consider conducting analyses in collaboration with third parties present on the ground (e.g., local think tanks, UN agencies) to provide more granular information on the local context. Alternatively, they can point companies to third parties that can provide relevant information and insights to strengthen corporate HRDD processes.
- Where appropriate, provide support to local research institutes and think tanks that have the capability of undertaking sound analyses on context-specific human rights risks and underlying drivers in relation to the private sector. For example, this could include commissioning research to identify gaps between international business and human rights principles and guidelines and national laws and their implementation.
- Explore and identify opportunities where the social investment and similar 'do-good' aspects of responsible business conduct can support national development objectives, including the Sustainable Development Goals. For example, this applies where the Swiss Agency for Development and Cooperation (SDC) or SECO Economic Cooperation and Development invest in public-private development partnerships, provided that the corporate partner is committed to and carries out HRDD processes.

II. Share and disseminate readily available information and guidance notes and tools. These may include:

- UN Fact Finding Mission and other reliable reports on the Human Rights situations in particular contexts.
- ILO Conventions, Resolutions and Declarations that relate to business-salient human rights risks, including labour conditions, workers' rights, prevention of child labour, rights of Indigenous and Tribal Peoples, and pointing companies to the [ILO Helpdesk for Business](#).
- OECD Guidelines and Guidance Note on Due Diligence, including on specific sectors (see References) and information on the NCPs and cases that these have dealt with.
- [Swiss National Action Plan \(NAP\)](#) on the UNGPs and NAPs that some other host countries have developed and are committed to implement.
- Guidance notes and tools developed by the Swiss federal authorities, such as the examples reflected in Text Box 2.
- Guidance notes and tools on HRDD and HRIAs and in relation to the UNGPs and the OECD Guidelines provided by third parties, including for example the [Geneva Center for Business and Human Rights](#).
- Relevant Business and Human Rights country and case reports compiled by third parties, for example the [Business and Human Rights Resources Center](#) and the [Danish Institute for Business and Human Rights](#).
- Relevant case reports regarding specific sectors in specific country contexts available on the website of the compliance and ombudsman offices of international finance institutions, for example the cases lodged with the [IFC Compliance Advisor Ombudsman \(CAO\)](#) or the [World Bank Inspection Panel](#).
- Platforms, round tables, and multi-stakeholder initiatives focusing on sector specific human rights risks, for example the [Round table on Human Rights in Tourism](#) or the [Round table on Sustainable Palm Oil](#).

INDICATIVE PRACTICE EXAMPLE: EMBASSY SUPPORT FOR DEVELOPING HOST-COUNTRY SPECIFIC GUIDANCE



In Colombia, the Swiss embassy supported a project run by a local foundation to develop guidelines for companies to act in a manner that is responsible and respectful of human rights (the so-called [Guías Colombia](#)). This practical guide provides companies with ways to interact with local

communities and their representatives who defend their rights. The guidelines are being implemented by a committed group of Swiss companies based in Colombia (the so-called *compromiso ético*, signed at the embassy).

ANNEX I: KEY DOCUMENTS AND LINKS

INTERNATIONAL DOCUMENTS

UN Guiding Principles on Business and Human Rights: Implementing the United Nations 'Protect, Respect and Remedy' Framework

- https://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf

OECD Guidelines for Multinational Enterprises

- <http://dx.doi.org/10.1787/9789264115415-en>

Voluntary Principles on Security and Human Rights

- <https://www.voluntaryprinciples.org/>

International Code of Conduct for Private Security Service Providers

- <https://icoca.ch/the-code/>

INTERNATIONAL GUIDANCE NOTES AND TOOLS | UNGPS

The Corporate Responsibility to Respect Human Rights: An Interpretive Guide

- <https://www.ohchr.org/EN/Issues/Business/Pages/Resources.aspx>

UN Guiding Principles Reporting Framework

- <https://www.ungpreporting.org/>

ADDITIONAL OECD GUIDANCE NOTES

OECD Due Diligence Guidance for Responsible Business Conduct

- <https://mneguidelines.oecd.org/due-diligence-guidance-for-responsible-business-conduct.htm>

Building more resilient and sustainable global value chains through responsible business conduct

- <https://mneguidelines.oecd.org/rbc-and-trade.htm>

Agricultural Supply Chains

OECD-FAO Guidance for Responsible Agricultural Supply Chains

- <https://mneguidelines.oecd.org/rbc-agriculture-supply-chains.htm>

Extractive Sector

OECD Due Diligence Guidance for Meaningful Stakeholder Engagement in the Extractive Sector

- <https://mneguidelines.oecd.org/stakeholder-engagement-extractive-industries.htm>

Financial Sector

Due Diligence for Responsible Corporate Lending and Securities Underwriting: Key considerations for banks implementing the OECD Guidelines for Multinational Enterprises

- <https://mneguidelines.oecd.org/rbc-financial-sector.htm>

Responsible business conduct for institutional investors: Key considerations for due diligence under the OECD Guidelines for Multinational Enterprises

- <https://mneguidelines.oecd.org/rbc-financial-sector.htm>

Garment and Footwear Sector

OECD Due Diligence Guidance for Responsible Supply Chains in the Garment and Footwear Sector

- <https://mneguidelines.oecd.org/responsible-supply-chains-textile-garment-sector.htm>

Mineral Supply Chains

OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas: Third Edition

- <https://mneguidelines.oecd.org/mining.htm>

Practical actions for companies to identify and address the worst forms of child labour in mineral supply chains

- <https://mneguidelines.oecd.org/child-labour-risks-in-the-minerals-supply-chain.htm>

Other

Voluntary Principles on Security and Human Rights. Implementation Guidance Tools

- <https://www.voluntaryprinciples.org/resource/voluntary-principles-on-security-and-human-rights-implementation-guidance-tool/>

Human Rights Impact Assessment in Tourism

- <https://www.humanrights-in-tourism.net/human-rights-impact-assessment>

SWISS NATIONAL POLICY, LAWS AND REGULATIONS

Foreign Policy Strategy 2020–23

- <https://www.eda.admin.ch/eda/en/fdfa/fdfa/publikationen/alle-publikationen.html/content/publikationen/en/eda/schweizer-aussenpolitik/Aussenpolitische-Strategie-2020-2023.html>

Foreign Economic Policy Strategy

- https://www.seco.admin.ch/seco/en/home/Aussenwirtschaftspolitik_Wirtschaftliche_Zusammenarbeit/aussenwirtschaftspolitik/aws.html

International Cooperation Strategy 2021–24

- <https://www.eda.admin.ch/eda/en/fdfa/fdfa/publikationen.html/content/publikationen/en/deza/diverse-publikationen/broschuere-iza-2021-24>

Guidelines on Human Rights 2021–24

- https://www.eda.admin.ch/eda/en/fdfa/fdfa/publikationen.html/content/publikationen/en/eda/menschenrechte-humanitaeres-migration/Leitlinien_Menschenrechte_2021_2024

UN Guiding Principles on Business and Human Rights: Swiss National Action Plan 2020–2023

- https://www.nap-bhr.admin.ch/napbhr/en/home/nap/nationaler_aktionsplan1.html

CSR Action Plan 2020–2023 of the Federal Council and Implementation Status 2017–2019

- https://www.seco.admin.ch/seco/de/home/Aussenwirtschaftspolitik_Wirtschaftliche_Zusammenarbeit/Wirtschaftsbeziehungen/Gesellschaftliche_Verantwortung_der_Unternehmen.html

2013 Federal Act on War Material (WMA)

- https://www.fedlex.admin.ch/eli/cc/1998/794_794_794/en

2015 Federal Act on Private Security Services Provided Abroad (PSSA)

- <https://www.eda.admin.ch/eda/en/fdfa/foreign-policy/security-policy/bundesgesetz-ueber-die-im-ausland-erbrachten-privaten-sicherheit.html>

Code of Obligations on Transparency in Non-Financial Matters

- https://www.fedlex.admin.ch/eli/cc/27/317_321_377/en

2021 Ordinance on Due Diligence and Transparency Regarding Minerals and Metals from Conflict Areas and Child Labour (VSoTr)

- <https://www.bj.admin.ch/bj/de/home/wirtschaft/gesetzgebung/verantwortungsvolle-unternehmen.html>

Swiss Commercial Register Ordinance

- <https://www.fedlex.admin.ch/eli/cc/2007/686/de>

SWISS GUIDANCE NOTES AND TOOLS

The Commodity Trading Sector: Guidance on Implementing the UN Guiding Principles on Business and Human Rights

- https://www.seco.admin.ch/seco/de/home/Publikationen_Dienstleistungen/Publikationen_und_Formulare/Aussenwirtschafts/broschueren/Guidance_on_Implementing_the_UN_Guiding_Principles_on_Business_and_Human_Rights.html

Making success sustainable through Responsible Business Conduct – Human Rights Due Diligence of Swiss SMEs

- https://www.seco.admin.ch/seco/en/home/Publikationen_Dienstleistungen/Publikationen_und_Formulare/Aussenwirtschafts/broschueren/Menschenrechtliche_Sorgfalt_Schweizer_KMUs.html

RELEVANT ORGANISATIONS

Business and Human Rights Resource Center

- <https://www.business-humanrights.org/en/>

IFC/ MIGA Compliance Advisor/ Ombudsman (CAO)

- <https://www.cao-ombudsman.org/>

Danish Institute for Human Rights (DIHR)

- <https://www.humanrights.dk/>

Geneva Center for Business and Human Rights

- <https://gcbhr.org/>

Global Compact Network Switzerland & Lichtenstein

- <https://www.globalcompact.ch/>

ILO Helpdesk for Business on International Labour Standards:

- <https://www.ilo.org/empent/areas/business-helpdesk/lang--en/index.htm>

Institute for Human Rights and Business (IHRB)

- <https://www.ihrb.org/>

National Contact Point of Switzerland

- https://www.seco.admin.ch/seco/en/home/Aussenwirtschaftspolitik_Wirtschaftliche_Zusammenarbeit/Wirtschaftsbeziehungen/NKP.html

Roundtable Human Rights in Tourism

- <https://www.humanrights-in-tourism.net/>

Shift

- <https://shiftproject.org/>

LIST OF ABBREVIATIONS AND ACRONYMS

B&HR	Business and Human Rights	PSSA	Federal Act on Private Security Services Provided Abroad
CAHRA	Conflict-Affected and High-Risk Areas	SDC	Swiss Agency for Development and Cooperation
CAO	Compliance Advisor/ Ombudsman	SECO	Swiss State Secretariat for Economic Affairs
CSO	Civil Society Organisations	SI	Social Investment
CSR	Corporate Social Responsibility	SME	Small and Medium-Size Enterprise
DIHR	Danish Institute for Human Rights	UN	United Nations
ECHR	European Convention on Human Rights	UNGPs	United Nations Guiding Principles on Business & Human Rights
ESG	Environmental, Social, Governance	VPs	Voluntary Principles for Security and Human Rights
EU	European Union	VSoTr	Ordinance on Due Diligence and Transparency Regarding Minerals and Metals from Conflict
FDFA	Swiss Federal Department of Foreign Affairs	WMA	War Material Act
HRIA	Human Rights Impact Assessment		
HRDD	Human Rights Due Diligence		
HRegV	Commercial Register Ordinance (Handelsregisterverordnung)		
ICoC	International Code of Conduct for Private Security Service Providers		
ICoCA	International Code of Conduct Association		
ICT	Information and Communications Technology		
IFC	International Finance Cooperation		
ILO	International Labor Organisation		
IHRB	Institute for Human Rights and Business		
MCRB	Myanmar Center for Responsible Business		
MIGA	Multilateral Investment Guarantee Agency		
NAP	National Action Plan		
NCP	National Contact Point		
OECD	Organisation for Economic Co-operation and Development		
PRR	Protect, Respect, Remedy Framework		

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