



European Network of
National Human Rights Institutions

Implementing the Council of Europe Recommendation on National Human Rights Institutions: The State of Play

The situation in Switzerland



Switzerland Country Report

Overview

Name of NHRI and mandate:

- Switzerland does not have a National Human Rights Institution. The baseline includes information on the Swiss Institute for Human Rights, which had its founding meeting on 23 May 2023, will become fully operational later in 2023, and is envisaged to be the National Human Rights Institution in Switzerland.

Sources

- ENNHRI: [ENNHRI advises on the need to ensure adequate resources for a future Swiss NHRI](#) (August 2022); [ENNHRI, State of the Rule of Law in Europe in 2022, Switzerland Country Report](#)
- CoE independent bodies: [CoE Commissioner for Human Rights visit to Switzerland in 2017](#) (report in French)

Key recommendations which require improvements:

- **CM Recommendations 1 and 6:** The Swiss authorities have taken positive steps towards the establishment of an NHRI in Switzerland. The Swiss Human Rights Institution (SHRI) had its founding meeting on 23 May 2023, and a Board has been appointed. Following the set-up of an office, long-term strategy and staffing of the Institution, its operations will begin fully. At the same time, national civil society as well as regional and international human rights actors have called for national authorities to provide the Swiss Institute with sufficient funding to ensure that it can fulfil its mandate and safeguard its independence and compliance with the UN Paris Principles.

Specific findings per Principle

The tables below include data on the assessment of the implementation of Principles (i.e. the individual parts) within the Recommendation from two sources: ENNHRI and the Council of Europe independent bodies. Overall, the findings are considered in two overall groups: the establishment of NHRIs and the strengthening of NHRIs.

I. Establishment of NHRIs

| | |
|---|--|
| Principle 1 | <p>Member States should ensure that NHRIs are in place and that they are established, accredited and function in full compliance with the Paris Principles</p> |
| Assessment of implementation by ENNHRI | <p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 1</i></p> <p>At present, Switzerland does not have an accredited National Human Rights Institution in operation.</p> <p>In September 2021, the National Council approved the bill on the establishment of an NHRI in Switzerland, which entered into force in January 2023. The founding assembly for the new institution under public law took place on 23 May 2023. The founding assembly adopted the statutes and elected the Board of the new institution. However, the institution is expected to become operational only in Autumn/Winter 2023.</p> |
| Assessment of implementation by CoE independent bodies | <p><i>CoE Commissioner for Human Rights: visit to Switzerland in 2017 (report in French), pp. 8-10:</i></p> <p>At the occasion of its visit in 2017, the CoE Commissioner provided a number of recommendations on the establishment of an NHRI in compliance with the Paris Principles in Switzerland.</p> |

| | |
|--|--|
| <p>Principle 2</p> | <p>Member States should provide a firm legal basis for NHRIs, preferably at the constitutional level, and/or in a law which defines the mandates and functions of such institutions, guarantees their independence and provides them with the means necessary to accomplish their functions effectively, both at national and international levels, bearing in mind existing standards and recommendations on NHRIs, in particular the Paris Principles and their interpretation developed by GANHRI's Sub-Committee on Accreditation.</p> |
| <p>Assessment of implementation by ENNHRI</p> | <p>In September 2021, the National Council approved the bill on the establishment of an NHRI in Switzerland. This bill entered into force in January 2023.</p> |

II. Strengthening of NHRIs

| | |
|---|--|
| <p>Principle 6</p> | <p>Member States should provide NHRIs with adequate, sufficient and sustainable resources to allow them to carry out their mandate, including to engage with all relevant stakeholders in a fully independent manner and freely determine their priorities and activities.</p> |
| <p>Assessment of implementation ENNHRI</p> | <p><i>Article: ENNHRI advises on the need to ensure adequate resources for a future Swiss NHRI (August 2022):</i></p> <p>‘ENNHRI calls on Swiss national authorities to commit adequate funding to allow the new institution to effectively and independently fulfill its mandate. Furthermore, it encourages members of parliament to consult the findings of civil society organisations and other experts in determining an adequate budget for the institution.’</p> <p>According to information received by ENNHRI, the current budget allocated to the new institution would allow for a maximum of seven full-time staff positions in the first four years, which civil society organisations believe to be insufficient to the discharge of its mandate.</p> |