

16<sup>th</sup> of November 2016, UN Forum on Business and Human Rights

Thank you Madam moderator and to the panellists for an insightful discussion. I'm speaking on behalf of the Swiss Responsible Business Initiative that was launched in 2015 by a broad coalition comprising of 80 Swiss civil society organizations. Our constitutional proposal triggers a binding referendum, which will take place in the years to come. Under the Responsible Business Initiative, companies will be legally obliged to incorporate respect for human rights and the environment in all their business activities abroad, through mandatory due diligence. This is an important step to prevent abuses as well as an important step to implement the UNGPs.

To enforce this, the initiative would make Swiss based firms liable for human rights abuses and environmental violations caused abroad by companies under their control. This provision will enable victims of human rights violations and environmental damage to seek redress in Switzerland under tort law if the company did not carry out appropriate due diligence. Companies could be exempted from liability if they can prove having applied all due care. The initiative was handed over to the Federal authorities on the 10th of October with over 120'000 signatures and was officially validated. The next step of the process is for government to take position.

Many of you heard our Swiss President and Minister of Economic Affairs M. Schneider Amman's speech yesterday and his somewhat disturbing statement that free trade agreements must serve as a prerequisite for the respect for human rights by companies. He went on to say that the long overdue NAP will not contain any regulatory measures. Besides from clashing with the message addressed by Professor John Ruggie the day before, these considerations contrast substantially with the smart mix approach favoured by the UNGPs and seem to brush aside the wide scale of abuses committed by Swiss companies abroad.

They came as no surprise though as, to say the least, the Swiss government has never been a driver on business and human rights even though the Parliament itself discussed the issue. The growing concern about corporate accountability amongst the Swiss population should encourage the Swiss government to support our initiative to ensure effective protection of human rights and to serve as an example for other home States of multinational corporations.

Speaker: Beatrix Niser, campaign coordinator for the Swiss Responsible Business Initiative