**Swiss government**

**Question two:**

Under certain circumstances, it is possible under Swiss law for individuals who believe that their rights have been violated by Swiss companies to bring an action or to appeal before Swiss courts. The competence of these courts to hear such cases, as well as the applicable law, must be assessed individually with reference to the applicable legal basis.

Judicial competence must be reviewed first in international cases. Here, treaty law must be considered in addition to national law. The rules of jurisdiction will determine whether or not an action can actually be brought before a Swiss court. The question of what law should apply to the action arises only in the second phase. This law will determine whether or not a business enterprise bears any liability and, if so, according to what rules. Both questions must be examined independently.

For tort cases brought under private law in Switzerland against Swiss-based companies, the place of jurisdiction must always be stated as Switzerland (Art. 2 International Private Law Act (IPLA)101 and Art. 2 of the Lugano Convention102). Action may even be brought in Switzerland against business enterprises based abroad, if the damage or loss (from a violation of human rights, for example) is realised or has had a direct impact in Switzerland, or was caused from a branch in Switzerland (Art. 129 IPLA, Art. 5 nos. 3 and 5 of the Lugano Convention). Art. 3 IPLA also provides for emergency Swiss jurisdiction if proceedings abroad are impossible or unreasonable. The condition here is that the case being brought has a sufficient association with Switzerland.

The success of any action, and especially the question whether or not a tort can be ascribed to a particular party, depends on the applicable law. In Swiss courts, this is determined for torts by Article 132 et seqq. IPLA. However, by virtue of the provisions on public policy (ordre public, Art. 17 and 18 IPLA), fundamental tenets of Swiss law – specifically human rights – apply irrespective of the law applicable to a given case.

We rate the effectiveness of the  available remedies within Swiss jurisdiction at 2-3. While the possibility to appeal before Swiss Courts exists, the lack of cases show that the circumstances in which this is possible, are very limited and that practical barriers to bring a case to court are very high.

**Question four:**

Switzerland on 9 December 2017 adopted its National Action Plan on Business and Human Rights (NAP). The NAP includes policy instruments for implementation of the third pillar of the UNGPs. Please check the [Swiss NAP](https://www.eda.admin.ch/dam/eda/en/documents/aussenpolitik/menschenrechte-menschliche-sicherheit/bericht-schweizer-strategie-uno-leitprinzipien-wirtschaft-und-menschenrechte_EN.pdf) for these policy instruments (pages 36 – 41).

**Question six:**

Newly developed Swiss law goes through a consultation phase in which stakeholders are consulted (Cantons, political parties, associations of communes and cities and mountainous areas, business associations and other interested groups).

**Question seven:**

The experiences and expectations of groups particularly vulnerable to human rights abuses are not generally taken into account within the process of providing of access to effective remedy for business-related human rights abuses.

**Question eight:**

Civil society organisations and human rights defenders are not generally assigned specific roles in facilitating access to effective remedy in cases of business-related human rights abuses.