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15 April 2020

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Schweizerische Eidgenossenschaft
Confédération suisse
Confederazione Svizzera
Confederaziun svizra

Permanent Mission of Switzerland to the Organization for Security and Co-operation in Europe (OSCE), the United Nations and to the International Organizations in Vienna

Note 23/2020-OSCE

The Permanent Mission of Switzerland to the Organization for Security and Co-operation (OSCE), the United Nations and to the International Organizations in Vienna presents its compliments to all Delegations to the OSCE Forum for Security Co-operation in Vienna and to the Secretariat of the Conflict Prevention Centre. With reference to the Decision No. 2/09 Technical Update of the Questionnaire on the Code of Conduct FSC.DEC/2/09, dated 1 April 2009, the Delegation has the honour to convey relevant and updated information to

Switzerland's OSCE questionnaire on the *Code of Conduct on Politico-Military Aspects of Security*, valid as of 15 April 2020.

The Permanent Mission of Switzerland to the Organization for Security and Co-operation (OSCE), the United Nations and to the International Organizations in Vienna avails itself of this opportunity to renew to all other Delegations to the OSCE Forum for Security Co-operation in Vienna and to the Secretariat of the Conflict Prevention Centre the assurances of its highest consideration.

Vienna, 14 April 2020



To all Delegations to the OSCE Forum for Security Co-operation
To the Secretariat of the Conflict Prevention Centre

V i e n n a



Schweizerische Eidgenossenschaft
Confédération suisse
Confederazione Svizzera
Confederaziun svizra

Federal Department of Defence, Civil Protection and Sport
DDPS

Swiss Armed Forces
Armed Forces Staff AFS



Information Exchange on the Code of Conduct on Politico-Military Aspects of Security

FSC.DEC 2/09
1 April 2009

(Substantial updates of information relating to the Annual Exchange 2019
are in bold and italics)

Switzerland

15 April 2020

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QUESTIONNAIRE ON THE CODE OF CONDUCT ON POLITICO-MILITARY ASPECTS OF SECURITY

Section I: Inter-State elements

1. Account of measures to prevent and combat terrorism

1.1 To which agreements and arrangements (universal, regional, sub regional and bilateral) related to preventing and combating terrorism is your State a party?

United Nations

1. *Convention on Offences and Certain Other Acts Committed on Board Aircraft* signed in Tokyo on 14 September 1963. This convention was signed by Switzerland on 31 October 1969, was ratified on 21 December 1970 and entered into force for Switzerland on 21 March 1971 (SR 0.748.710.1¹).
2. *Convention for the Suppression of Unlawful Seizure of Aircraft* signed in The Hague on 16 December 1970. This convention was signed by Switzerland on 16 December 1970, was ratified on 14 September 1971 and entered into force for Switzerland on 14 October 1971 (SR 0.748.710.2).
3. *Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation* signed in Montreal on 23 September 1971. This convention was signed by Switzerland on 23 September 1971, was ratified on 17 January 1978 and entered into force for Switzerland on 16 February 1978 (SR 0.748.710.3).
4. *Convention on the Prevention, Prosecution, and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents*, adopted by the General Assembly of the United Nations in New York on 14 December 1973. This convention was signed by Switzerland on 5 March 1985 and entered into force for Switzerland on 4 April 1985 (SR 0.351.5).
5. *International Convention against the Taking of Hostages*, adopted by the General Assembly of the United Nations in New York on 17 December 1979. This international convention was signed by Switzerland on 18 July 1980, was ratified on 5 March 1985 and entered into force for Switzerland on 4 April 1985 (SR 0.351.4).
6. *Convention on the Physical Protection of Nuclear Material*, signed in Vienna on 3 March 1980. This convention was signed by Switzerland on 3 March 1980, was ratified on 9 January 1987 and entered into force for Switzerland on 8 February 1987 (SR 0.732.031).
7. *Amendments to the Convention on the Physical Protection of Nuclear Material*, signed in Vienna on 8 July 2005. The amendments were ratified by Switzerland on 15 October 2008.
8. *Protocol on the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation*, signed in Montreal on 24 February 1988. This protocol was signed by Switzerland on 24 February 1988, was ratified on 9 October 1990 and entered into force for Switzerland on 8 November 1990 (SR 0.748.710.31).

¹ SR = Classified Compilation of Federal Legislation, <https://www.admin.ch/gov/de/start/bundesrecht/systematische-sammlung.html>.

9. *Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation*, held in Rome on 10 March 1988. This convention was signed by Switzerland on 10 March 1988, was ratified on 12 March 1993 and entered into force for Switzerland on 10 June 1993 (SR 0.747.71).
10. *Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf*, written in Rome on 10 March 1988. This protocol was signed by Switzerland on 10 March 1988, was ratified on 12 March 1993 and entered into force for Switzerland on 10 June 1993 (SR 0.747.711).
11. *Convention on the Marking of Plastic Explosives for the Purpose of Detection*, signed in Montreal on 1 March 1991. This convention was signed by Switzerland on 1 March 1991, was ratified on 3 April 1995 and entered into force for Switzerland on 21 June 1998 (SR 0.748.710.4).
12. *International Convention for the Suppression of Terrorist Bombings*, adopted by the General Assembly of the United Nations in New York on 15 December 1997. This international convention was signed by Switzerland on 12 January 1998, was ratified on 23 September 2003 and entered into force for Switzerland on 23 October 2003 (SR 0.353.21).
13. *International Convention for the Suppression of the Financing of Terrorism*, adopted by the General Assembly of the United Nations in New York on 9 December 1999. This convention was signed by Switzerland on 13 June 2001, was ratified on 23 September 2003 and entered into force for Switzerland on 23 October 2003 (SR 0.353.22).
14. *Protocol to the Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf*, done on 14 October 2005 in London, ratified on 15 October 2008 (SR 0.747.711.1)
15. International Convention for the Suppression of Nuclear Terrorism, adopted by the General Assembly on 13 April 2005, the signature of which was pledged by the OSCE in the Ministerial Statement on the International Convention for the Suppression of Nuclear Terrorism of 20 June 2005 (MC.DOC/1/05). This convention entered into force for Switzerland on 14 November 2008 (SR 0.353.23).
16. *Protocol to the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation*. This Protocol was ratified on 15 October 2008 and entered into force on 28 July 2010 (SR 0.747.712).
17. *UN Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition (Firearms Protocol), supplementing the United Nations Convention against Transnational Organized Crime (UNTOC)*, adopted by the General Assembly in 2001. It entered into force for Switzerland on 27 December 2012 (SR 0.311.544).
18. *The Arms Trade Treaty*, adopted by the General Assembly of the United Nations in New York on 2 April 2013. This convention was signed by Switzerland on 3 June 2013, was ratified on 30 January 2015 and entered into force for Switzerland on 30 April 2015 (SR 0.518.61).

Council of Europe

1. *European Convention on Extradition*, opened for signature in Paris on 13 December 1957. This convention was signed by Switzerland on 29 November 1965, was ratified on 20 December 1966 and entered into force for Switzerland on 20 March 1967 (SR 0.353.1).
2. *Additional Protocol to the European Convention on Extradition*, opened for signature in Strasbourg on 15 October 1975. This protocol was signed by Switzerland on 17 November 1981, was ratified on 11 March 1985 and entered into force for Switzerland on 9 June 1985 (SR 0.353.11).
3. *Second Additional Protocol to the European Convention on Extradition*, opened for signature in

- Strasbourg on 17 March 1978. This protocol was signed by Switzerland on 17 November 1981, ratified on 11 March 1985 and entered into force for Switzerland on 9 June 1985 (SR 0.353.12).
4. *Third Additional Protocol to the European Convention on Extradition*, opened for signature in Strasbourg on 10 November 2010. This protocol was signed by Switzerland on 23 October 2014, ratified on 15 July 2016 and entered into force for Switzerland on 1 November 2016 (SR 0.353.13).
 5. *Fourth Additional Protocol to the European Convention on Extradition*, opened for signature in Vienna on 20 September 2012. This protocol was signed by Switzerland on 23 October 2014, ratified on 15 July 2016 and entered into force for Switzerland on 1 November 2016 (SR 0.353.14).
 6. *European Convention on Mutual Assistance in Criminal Matters*, opened for signature in Strasbourg on 20 April 1959. This convention was signed by Switzerland on 29 November 1965, was ratified on 20 December 1966 and entered into force for Switzerland on 20 March 1967 (SR 0.351.1).
 7. *Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters*, opened for signature in Strasbourg on 17 March 1978. This protocol was signed by Switzerland on 17 November 1981 but was not ratified because of Parliament's reservations concerning judicial assistance in fiscal matters. For further information see the related Federal Council report (BBI 1983 IV 121).
 8. *Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters*, opened for signature in Strasbourg on 8 November 2001. This protocol was signed by Switzerland on 15 February 2002, was ratified on 4 October 2004 and entered into force for Switzerland on 1 February 2005 (SR 0.351.12).
 9. *European Convention on the Suppression of Terrorism*, opened for signature in Strasbourg on 27 January 1977. This convention was signed by Switzerland on 27 January 1977, was ratified on 19 May 1983 and entered into force for Switzerland on 20 August 1983 (SR 0.353.3).
 10. *Protocol Amending the European Convention on the Suppression of Terrorism*, opened for signature in Strasbourg on 15 May 2003. This protocol was signed by Switzerland on 15 May 2003 and was ratified by Switzerland on 7 September 2006 (*not yet entered into force*).
 11. *Convention on the Transfer of Sentenced Persons*, opened for signature in Strasbourg on 21 March 1983. This convention was signed by Switzerland on 21 March 1983, was ratified on 15 January 1988 and entered into force for Switzerland on 1 May 1988 (SR 0.343).
 12. *Additional Protocol to the Convention on the Transfer of Sentenced Persons*, opened for signature in Strasbourg on 18 December 1997. This protocol was signed by Switzerland on 9 July 2001, was ratified on 18 June 2004 and entered into force for Switzerland on 1 October 2004 (SR 0.343.1).
 13. *Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime*, opened for signature in Strasbourg on 8 November 1990. This convention was signed by Switzerland on 28 August 1991, was ratified on 11 May 1993 and entered into force for Switzerland on 1 September 1993 (SR 0.311.53).
 14. *Criminal law Convention on Corruption*, entered into force on 1 July 2002. Switzerland signed the Convention on 26 February 2001 and ratified the instrument on 31 March 2006. It entered into force on 1 July 2006 (SR 0.311.55).
 15. *Additional Protocol to the Criminal Law Convention on Corruption*, entered into force on 1 February 2005. The protocol was signed by Switzerland on 3 June 2004 and was ratified on 31 March 2006. It entered into force for Switzerland on 1 July 2006 (SR 0.311.551).
 16. *Convention on Cybercrime*, opened for signature in Budapest on 23 November 2001. This convention was signed by Switzerland on 23 November 2001. The Convention entered into force for Switzerland

on 1 January 2012 (SR 0.311.43).

17. *Additional Protocol to the Convention on Cybercrime, Concerning the Criminalisation of Acts of a Racist and Xenophobic Nature Committed through Computer Systems*, opened for signature in Strasbourg on 28 January 2003. This protocol was signed by Switzerland on 9 October 2003 but has not been ratified to date.
18. *Convention on Action against Trafficking in Human Beings*, in force since 1 February 2008. This convention was signed by Switzerland on 8 September 2008 and ratified on 17 December 2012. It entered into force for Switzerland on 1 April 2013 (SR 0.311.543).
19. *European Convention on the Compensation of Victims of Violent Crimes*. It was ratified on 7 September 1992 and entered into force on the 1 January 1993 (SR 0.312.5).

Moreover, Switzerland has signed the following conventions

- The Convention on the Prevention of Terrorism of 16 May 2005 and its additional Protocol of 22 October 2015. The convention was signed by Switzerland on 11 September 2012 and its additional Protocol on 22 October 2015.
- A further multilateral agreement is the Convention on Cluster Munitions (CCM), adopted in Dublin on 30 May 2008. This international convention was signed by Switzerland on 3 December 2008, was ratified on 17 July 2012 and entered into force for Switzerland on 1 January 2013 (SR 0.515.093).

Bilateral agreements

Switzerland concluded bilateral agreements on police cooperation with all its immediate adjacent states as well as with Albania, North-Macedonia, Bosnia and Herzegovina, Hungary, Kosovo, Romania, the Czech Republic, Slovenia, Latvia, Serbia and Montenegro. On 26 January 2018, Switzerland signed a bilateral agreement on police cooperation with Bulgaria. Furthermore, Switzerland has concluded memoranda of understanding with the following states: On 12 September 1994, Switzerland signed a MoU with the Russian Federation regarding, among other matters, combating crimes against life and limb, illegal weapons and explosives trade and falsified travel documents. On 27 March 2009, Switzerland signed a MoU with Bulgaria, and on 13 July 2012 one with Turkey establishing a joint operational police working group for combating transnational crime, especially terrorism. On 12 December 2012, Switzerland and the USA signed the MoU for the Exchange of Information on Individuals Connected to Activities Related to Terrorism (Homeland Security Presidential Directive [HSPD-6]) and the Agreement on Enhancing Cooperation in Preventing and Combating Serious Crime (PCSC). The PCSC Agreement has not yet come into force. ***During Brexit negotiations on 10 July, 2019, Switzerland signed a MoU with the United Kingdom focussing on fighting terrorism, combating money laundering, cybercrime and other criminal areas.*** These agreements and memoranda contain a number of provisions regarding the cooperation between law enforcement authorities in the fight against criminal activities including terrorism (e.g. coordination of operations, exchange of information, joint working groups, etc.). In order to improve cooperation between Swiss and US law enforcement authorities in investigating terrorist attacks, the Federal Council concluded in 2006 an agreement on the employment of joint investigation teams in the fight against terrorism and its financing.

Multilateral initiatives (global)

Switzerland considers that international security cannot be ensured sustainably, unless states strengthen their cooperation with a view to eradicating poverty, preventing and resolving conflicts and effectively promoting human rights and the rule of law. Dialogue and mutual understanding between cultures and religions will inevitably help to prevent conflicts and terrorist acts.

In the context of the United Nations, Switzerland systematically implements the decisions of the UN Security Council Committee pursuant to resolutions 1267 (1999), 1989 (2011) and 2253 (2015) concerning

Islamic State (IS), Al-Qaida, and associated individuals, groups, undertakings and entities (“the Sanctions Committee”) and supplies financial intermediaries with the lists of names of individuals or organisations provided by other countries. Switzerland is convinced that targeted sanctions are an important tool in maintaining peace and security. Targeted sanctions must be consistent with fundamental due process rights should there be any guarantee that they will be fully implemented by the Member States of the United Nations.

Switzerland also implemented UN Security Council resolution 2341 (2017) on threats to international peace and security caused by terrorist acts. This resolution covers various measures to improve the resilience of critical infrastructure.

The Counter-Terrorism Committee Executive Directorate (CTED), acting on behalf of the Counter-Terrorism Committee (CTC) of the UN Security Council, conducted a focused visit to Switzerland from 27 February to 1 March 2018 in order to monitor, promote and facilitate its implementation of Security Council resolutions 1373 (2001), 1624 (2005) and 2178 (2014). In its visit report, the Committee identified some good practices and areas in which Switzerland may be in a position to provide technical assistance to other member states and expressed some recommendations. ***Switzerland has been the first State accepting the sharing of its evaluation with the Counter-Terrorism (CT)-partners of the UN, as well as with some other interested States, in line with Security Council resolution 2395 (2017). In December 2019, Switzerland briefed the CTC on its implementation of the recommendations expressed by the Committee.***

Switzerland actively contributed to the elaboration and negotiation of the Arms Trade Treaty (ATT) which the General Assembly of the United Nations adopted on 2 April, 2013. The ATT deals with the issue of terrorism as one of the elements which must be evaluated as part of the risk assessment of the exporting State before deciding whether or not to authorise an export of conventional arms or of items covered by the treaty. It came into force for Switzerland on 30 April, 2015.

Switzerland's national and international action is also guided by the United Nations Global Counter-Terrorism Strategy (adopted by the UN General Assembly in 2006). It is essential for Switzerland that counterterrorism efforts and policies are carried out within the framework of international law and particularly of international human rights law, maintaining a balanced approach between prevention and repression. Moreover, in the context of armed conflict, all parties and individuals must apply international humanitarian law without any exception.

Switzerland further welcomes the Plan of Action on the Prevention of Violent Extremism of the UN Secretary General, especially the emphasis on the 1st and 4th pillars of the UN Global CT Strategy: this will allow a full and balanced implementation of the Strategy, underlining the necessity to ensure respect for human rights and the rule of law in measures to prevent violent extremism. Switzerland supports the creation of a Civil Society Organisations Unit by the Office of Counter-Terrorism (UNOCT).

Switzerland is a founding member of the Global Counter-terrorism Forum (GCTF). The Forum has demonstrated some very valuable action-oriented capabilities and has become a global player in the fight against terrorism. Many political instruments have been adopted within the framework of the GCTF: (see the [website](#) of the GCTF). Switzerland is therefore actively supporting the activities and the development of the GCTF. Since 2014, Switzerland has hosted the Global Fund for Community Engagement and Resilience (GCERF) in Geneva, born from a GCTF initiative, and is financially supporting its activities. Switzerland supports the activities of the International Institute for Justice and the Rule of Law. In November 2018, Switzerland decided to renew the funding accorded to GCERF for a further period of 4 years.

As co-chair of the GCTF Criminal Justice and Rule-of-Law Working Group (GCTF CJ-ROL WG), together with Nigeria, Switzerland contributed to the adoption of the following two GCTF framework documents since 2018:

- *Abuja Recommendations on the Collection, Use and Sharing of Evidence for Purposes of Criminal Prosecution of Terrorist Suspects (2018)*²;
- *Glion Recommendations on the Use of Rule of Law-Based Administrative Measures in a Counterterrorism Context (2019)*³.

Good Practices documents: for Juvenile Concerning the Neuchâtel Memorandum on Good Practices for Juvenile Justice in a Counterterrorism Context⁴, a previous Swiss initiative, Switzerland is now supporting its implementation within different projects.

Multilateral initiatives (regional)

In the context of the OSCE, Switzerland is encouraging and strengthening international and inter-institutional cooperation and coordination, supporting global and regional initiatives and events related to prosecution (bringing terrorists to justice) and the investigation (special investigation techniques) of the financing of terrorism. In December 2014 in Basel, Switzerland hosted the meeting of the OSCE Ministerial Council, at which two Ministerial Declarations concerning counterterrorism were adopted: one on kidnapping for ransom, the other on foreign fighters.

Switzerland is actively participating in the Committee on Counter-Terrorism (CDCT) of the Council of Europe, and participates in many Working or Expert Groups of the Committee (*for example on the links between terrorism and transnational organised crime or the collection of evidence in conflict zones*).

Furthermore, Switzerland is actively engaged in the assistant mechanism of the OSCE Document on Small Arms and Light Weapons (SALW) and *the OSCE Document on Stockpiles of Conventional Ammunition (SCA), in particular by providing expert advice as well as financial and material contribution in capacity building programmes and to disarmament projects to OSCE participating States*, which also contributes to the efforts to prevent the proliferation of SALW / ammunition to organisations with terrorist intent.

1.2 What national legislation has been adopted in your State to implement the above-mentioned agreements and arrangements?

At a national level, preventive and repressive measures are taken in order to prevent acts of terrorism in Switzerland. In addition, these measures aim to ensure that Swiss territory is not used to endanger domestic and international security, whether directly nor indirectly.

In the wake of the terrorist attacks of 11 September, 2001, Switzerland promptly provided the required information in response to cooperation requests from several countries. Parliament has outlawed all activities of the Al-Qaida group on its territory. Switzerland has systematically implemented the decisions of the Security Council Counter-Terrorism Committee, established following the Resolution 1267 (1999), and the subsequent relevant resolutions of the UN-Security Council aimed at the freezing of the assets of individuals and entities linked to terrorism. The activities of the two groups Al-Qaida and IS are considered a persistent threat to the domestic and external security of Switzerland. That is why Parliament adopted the urgent federal law banning the groups Al-Qaida and IS as well as other related organisations (Federal Act on the Proscription of the Groups Al-Qaida, IS and its Associated Organisations, SR 122). The ban concerns not only all the activities of these organisations in Switzerland and abroad, but also all actions intended to provide them with financial, material or personnel-related support, such as dissemination of propaganda, fund-raising or recruitment of new members.

² https://www.thegctf.org/Portals/1/Documents/Framework%20Documents/2018/GCTF-Abuja-Recommendations_ENG.pdf?ver=2018-09-21-122246-523×tamp=1580219129062 .

³ <https://www.thegctf.org/Portals/1/Documents/Framework%20Documents/2019/Glion%20Recommendations%20final.pdf?ver=2020-01-13-134735-497×tamp=1578921143128>.

⁴ <https://www.thegctf.org/Portals/1/Documents/Framework%20Documents/2016%20and%20before/Neuchâtel%20Memorandum%20on%20Juvenile%20Justice%20ENG.pdf?ver=2020-01-13-153528-460>.

In view of the ratification and implementation of the International Convention for the Suppression of the Financing of Terrorism (in effect since 23 October, 2003), a new Art. 260⁵ of the Swiss Criminal Code (SCC SR 311.0) came into force on 1 October, 2003. This provision provides for a penalty of up to 5 years of imprisonment for anyone who collects funds or makes them available with the intention of financing a violent criminal act aimed at intimidating a group of people or at forcing a State or international organisation to carry out or refrain from carrying out any act. Art. 260⁵ supplements, among others, Art. 260³ (on criminal organisations) by making the financing of isolated individuals or loosely structured groups a fully-fledged offence, punishable even if no terrorist act has yet been committed or attempted. In addition, new provisions on the criminal responsibility of legal entities (article 102) were introduced, also covering the crime of financing terrorism.

The Swiss Criminal Procedure Code (SR 311.0) provides various measures of procedural protection to safeguard potentially endangered witnesses. These include the options of anonymous witness testimony and the exclusion of the public from court proceedings. Within the framework of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings, which defines judicial standards applicable to criminal law, victim's assistance and rights of foreigners, as well as procedural and extra-procedural protection of witnesses, the Federal Council 2013 adopted the Federal Act on Extra-procedural Witness Protection. The Witness Protection Act provides for the implementation of witness protection programmes for the benefit of witnesses in criminal proceedings who may face threats. For this purpose, a special national witness protection unit was formed within Federal Office of Police (fedpol) in the Federal Department of Justice (FOJ). This unit is responsible for implementing the witness protection programme and offering advice and support to police authorities in cases where a witness protection programme cannot be implemented, but where special protective measures must nonetheless be undertaken by the police.

On 1 September, 2009, Parliament approved the modification of the Federal Act on Measures to Safeguard Internal Security (MSA, SR 120) as well as the adaptations of the Ordinance on the Extension of the Duty of Authorities, Public Offices and Organisations to provide information and to report in order to guarantee Internal and External Security (SR 120.1). The modifications apply to the measures against violence during sports events. These measures have been implemented by the cantons on 1 January, 2010, by their participation in the concordat against violence during sports events. This concordat supersedes the provisions of the MSA concerning measures limited in time (exclusion orders, obligation to present oneself to the police and police custody).

In 2011, Parliament passed an amendment to the Federal Act on Measures to Safeguard Internal Security (MSA). Inter alia, the existing Ordinance on the Extension of the Duty of Authorities, Public Offices and Organisations to provide information and to report in order to guarantee Internal and External Security was raised at legislative level and transferred into ordinary law. The expanded obligation to inform and the right to communicate also applies to terrorism. This amendment came into force on 16 July, 2012.

On 12 December 2014, Parliament passed the federal act for implementing the recommendations of the Financial Action Task Force (FATF), which was revised in 2012. The law further strengthens the existing framework in the fight against money laundering, the financing of terrorism and the financing of proliferation in Switzerland. The technical compliance with the FATF-Recommendations and the effectiveness of the Swiss system was acknowledged in the FATF Mutual Evaluation Report of Switzerland of 7 December, 2016.

Furthermore, the Federal Act on Information Exchange between the Federal prosecution authorities and those of other Schengen States (Schengen Information Exchange Act, SR 362.2) aims to transpose into national law the European Union Council Framework Decision 2006/960/JHA of 18 December, 2006, simplifying the exchange of information and intelligence between law enforcement authorities of the member states of the European Union. It came into force on 1 January, 2010. This act is designed to simplify and accelerate the information exchange in order to prevent and prosecute violations of law. The information at the disposal of the competent federal and cantonal law enforcement authorities can be transmitted following a request from a Schengen State. The act also envisages an improvement of the automated information exchange by obliging the competent law enforcement authorities of the Schengen States to spontaneously provide all information likely to prevent and enable the prosecution of serious

violations of law, such as trafficking of human beings, child pornography, terrorism and corruption. The existing Schengen Information System (SIS) has been upgraded to an improved technical version, the SIS II, on 9 April, 2013. The Ordinance on the N-SIS of 8 March, 2013, regulates the operation of the system.

The revised Federal Act on Weapons, Weapons Accessories and Munitions (Weapons Act, WA, SR 514.54) which came into force on 12 December, 2008, facilitates the fight against the improper use of weapons and guarantees that more controls will be carried out in this area. Since its entry into force, cantons are obliged to register all transactions.

On 28 July, 2010, amendments to the Federal Act on Weapons, Weapons Accessories and Munitions (SR 514.54) came into force. Amendments were, inter alia, necessary for the incorporation of the amending Directive 2008/51/EC (which amends Directive 91/477/EEC of 18 June, 1991) on control, acquisition and possession of weapons as part of the development of the Schengen acquis. The 2010 amendments introduce the compulsory marking of each elementary package of complete ammunition, an extension of the period for retaining records, the setting up of computerised weapon registers, as well as provisions regulating the seizure of unlawfully marked weapons. The United Nation's Firearms Protocol and the International Tracing Instrument have been integrated into the Federal Weapons Act. The provisions require that firearms designated to be imported to Switzerland must be provided with an importation mark. This mark enables the identification of the arms dealer who imported a specific firearm and the year a firearm was imported or marked. Firearms, their parts and components imported to Switzerland without proper marking will be confiscated by the respective authorities. To be able to efficiently trace firearms, the Central Arms Office has begun operating a database on firearm marks.

In the 2015, Parliament passed the Federal Act on Improving the Exchange of Information between Authorities in relation to Weapons (Weapons Information Act). The act grants public prosecutors and courts the power to inform Swiss Armed Forces about persons who could pose a danger to themselves or others if permitted to carry a firearm. In addition, authorised offices will now be able to consult all cantonal weapons registers and the ARMADA database operated by the fedpol by means of a single search. A further aspect of the new law concerns the active notification of civil and military authorities on new entries in the ARMADA database, which contains information on the refusal or withdrawal of weapons licences and the confiscation of firearms. The act came into force on 1 July, 2016. Under the Federal Ordinance on Explosives, marking for identification was already compulsory in Switzerland before the Montreal Convention on the Marking of Plastic Explosives for the Purpose of Detection had been signed.

In March 2017, the European Union amended its Weapons Directive, focusing on the issue of semi-automatic weapons, which were used during the Paris terrorist attacks in November 2015. These weapons are particularly dangerous because they can fire several shots without reloading. Access to such weapons should therefore be limited and the exchange of information between the Schengen countries should be improved. In September 2017, the Federal Council has sent a pragmatic legislative proposal for consultation which takes the Swiss gun ownership and marksmanship traditions into account, such as the right of conscripts to keep their military weapon at home. Gun clubs, collectors and museums will still be allowed to acquire certain semi-automatic weapons under specific conditions. The government report on the new law was submitted to Parliament on March 2018 and the debates took place during three parliamentary sessions in 2018. ***On 19 May, 2019, the Swiss people voted for the amendment of the Weapons Act. The revised Act entered into force on 15 August, 2019.***

In September 2016, Swiss citizens endorsed a new Intelligence Service Act in a popular vote. The new act came into force on 1 September, 2017. In line with the evolution of the threat situation, the new legal framework transforms additional power to the FIS within the Federal Department of Defence, Civil Protection and Sport (DDPS). In particular, the FIS (Federal Intelligence Service) is now able to use some of the measures that can be used by law enforcement agencies (wiretapping, ***computer network operations*** etc.), which will be most effective, among others, against terrorist threats. These measures are subject to political as well as judicial approval.

The Federal Ordinance of the Federal Staff for Civil Protection came into force 1 April, 2018. It replaces the Federal Ordinance of the Crisis Management Board on chemical, biological, radiological, nuclear (CBRN) and natural hazards from 2011. ***This Federal Crisis Management Board on Civil Protection is***

the organisation of the Confederation for the prevention and management of events of national importance relevant to population protection (disasters and emergencies). It also includes the coordination and cooperation between the confederation and the cantons and third parties in the prevention and management of events.

Under the Federal Act on Foreign Nationals and Integration (FNIA, SR 142.20), a foreign national can be banned from entering Switzerland in order to safeguard the country's internal or external security. Switzerland may also order the expulsion of a foreign national in order to safeguard the internal or the external security of Switzerland. This applies especially where Switzerland's security is at risk from terrorism, violent extremism or organised crime.

It should furthermore be noted that proposals have been submitted in relation to the planned implementation of the Council of Europe's Convention on the Prevention of Terrorism and its additional protocol, as well as the further reinforcement of the counterterrorism and organised crime legislations. *As of spring 2020, the respective legislative amendments are still subject to parliamentary deliberations.*

In 2019, the Federal Council submitted a new federal act on police measures to fight terrorism to Parliament. Its purpose is to strengthen the existing measures in place by allowing police to take action outside formal criminal proceedings and prior to the opening of such proceedings or even after the execution of custodial sentences. The new proposed measures (i.e., obligation to report, ban on travelling abroad, contact ban) would aim to take persons out of the criminal environment they are connected with. *As of Spring 2020, the law is still subject to parliamentary deliberations. In the light of the measures taken by the Federal Council to fight COVID-19, the final week of the regular Spring Session of Parliament in March 2020 has been suspended. Parliament is expected to reconvene for an extraordinary meeting in early May 2020.*

Finally, discussions on measures to limit the dissemination of terrorist propaganda even further on the internet are under way and the fedpol will be able, in the future, to decide to withdraw a Swiss domain name if violent propaganda material has been distributed via that domain name.

1.3 What are the roles and missions of military, paramilitary and security forces and the police in preventing and combating terrorism in your State?

Fighting terrorism in Switzerland is a task shared between the federal government, the cantons and the communes. It cuts across the various departments of the Federal Administration and is done in cooperation with foreign partners.

The Swiss Armed Forces may assist the civilian authorities in a subsidiary way if civilian personnel, material resources and capabilities are insufficient (Art. 67² in Law of Armed Forces (AOA, SR 510.10). Such support is granted by the Federal Council only in response to a request from the civilian authorities. The Swiss Armed Forces' missions to support civilian authorities are always under civilian leadership. If more than 2'000 Swiss Armed Forces personnel are engaged or if the support lasts for more than three weeks, parliamentary approval is required. The engagement of the Swiss Armed Forces can help to increase the political authorities' freedom of action by controlling important areas, locations and installations of vital importance, protecting the population against the substantial use of force and providing assistance in the event of disasters or other emergencies. Additionally, the Swiss Armed Forces may provide support for large scale events that require enhanced security measures (e.g. World Economic Forum in Davos, OSCE Ministerial Council in Basel) and reinforce the Swiss Border Guard or the protection of foreign embassies on Swiss territory. Finally, the Swiss Air Force maintains the nation's air sovereignty through airspace surveillance and air policing. Within this framework, the Swiss Armed Forces are part of the 'National Security Cooperation'. In extreme circumstances, such as an evident and imminent terrorism threat, the Swiss Armed Forces can, pending parliamentary approval, be called to active service. In cases of emergency, the Federal Council may decide on such a deployment, but Parliament has to be convened immediately if more than 4,000 Swiss Armed Forces personnel are called up or if the deployment lasts for more than three weeks (article 77 Law of Armed Forces).

Switzerland concluded bilateral treaties on cross border cooperation against non-military airborne threats (e.g. renegade aircraft) with France in 2004 (SR 0.513.234.91), with Italy in 2006 (SR 0.513.245.41), with Germany in 2007 (SR 0.513.213.61) and with Austria in 2019 (SR 0.513.216.31). These treaties provide a legal basis for enhanced cooperation in fields such as Recognised Air Picture data exchange, the identification and observation of unknown aircraft and, with permission and under the control of the receiving State, cross border operations. With the exception of Germany, the use of warning flares is permitted. However, the firing of ammunition at an aircraft remains exclusively within the competence of the State in control of the airspace. Similarly, Switzerland has signed several memoranda of understanding with partner countries on the deployment of in-flight security officers (sky marshals) on civilian flights.

After the terrorist attacks of 11 September, 2001, several parliamentary initiatives requested a stronger role for the national security agencies, as well as an increase of their resources and instruments. Consequently, the Federal Council tasked the FOJ in November 2001 with submitting proposals to improve the resources to fight terrorism. In June 2002, the Federal Council approved the report ‘Situation and Threat Analysis of Switzerland after the Terrorist Attacks of 11 September, 2001’ and divided the topic into two sub-topics, the second including ‘terrorism/extremism’. In October 2004, the Federal Council acknowledged the first considerations and commissioned the FOJ to prepare a draft act for consultation. The adoption of the respective legal and criminal provisions is considered one of the main priorities.

In 2001, the special unit Task Force Terror USA was set up by the Office of the Attorney General of the Swiss Confederation (OAG) and fedpol to coordinate criminal investigations and to ensure cooperation with foreign authorities. By 1 January, 2004, the Task Force Terror USA was replaced by a permanent investigative division within the fedpol. Here are specialised information and expertise accumulated and related investigations are coordinated. While the investigative division deals with prosecution, the FIS executes preventive duties and intelligence gathering in the field of counter-terrorism.

The Money Laundering Reporting Office Switzerland (MROS) is the national authority for receiving, analysing and disseminating Suspicious Transaction Reports (STR) and other information regarding potential money laundering or financing of terrorism. It also exchanges relevant information with similar entities on the international level.

In January 2017, an operational coordination body for counterterrorism was created at federal level for the purpose of implementing Switzerland’s Counterterrorism Strategy and for enhanced cooperation and coordination within Switzerland. This body, which comprises all relevant services of the federal administration under the chairmanship of fedpol and in which the cantons also take part, is called “Operational Coordination TETRA” (for TERRORIST TRACKING) and perpetuates the work of the previous Task Force TETRA, which was set up in 2014. The Operational Coordination TETRA coordinates all counterterrorism activities of services such as the FIS, the OAG, the Federal Department of Foreign Affairs (FDFA; Swiss Counterterrorism Coordination) and the Federal Customs Administration in the case of the Swiss Border Guard *and State Secretariat for Migration (SEM)*.

1.4 Provide any additional relevant information on national efforts to prevent and combat terrorism, e.g., those pertaining *inter alia* to:

The Swiss CT Strategy

Switzerland is committed to fighting terrorism and its causes by pursuing the following strategic objectives: it prevents terrorism on its territory, it prevents the export of all forms of terrorism and all support for terrorism from its territory; it supports the international community in its efforts to prevent terrorism; it rejects terrorist blackmail; it is prepared to cope with acts of terrorism, and it is recognised internationally as a reliable and prudent player that is committed to international law.

In conformity with the four pillars of the UN CT Global Strategy, Switzerland has developed its international cooperation and a wide range of effective instruments to combat terrorism and the financing of terrorism.

Switzerland's National Counter-Terrorism Strategy, adopted in 2015 (*update planned in 2020*), is built on four pillars: “prevent”; “prosecute”; “protect”; and “prepare”. The main objective of this strategy is lined out as follows: No terrorist acts are perpetrated in Switzerland. Its territory is neither misused for terrorist financing, nor for the provision of logistical support or the planning of terrorist activities within Switzerland or abroad.

- Addressing the conditions conducive to the spread of terrorism (Pillar I), Switzerland is strongly engaged in development programmes worldwide, as well as in peacekeeping and peacebuilding processes, notably ensuring mediation in various conflict zones. It supports initiatives at the level of international or regional organisations, including the Global Counterterrorism Forum (GCTF) and the OSCE. On 4 December 2017, Switzerland adopted the National Action Plan to Prevent and Counter Radicalisation and Violent Extremism, which falls within the first pillar of the strategy.
- Concerning the prevention and fight against terrorism (Pillar II), Switzerland is, as a member of the FATF, implementing the Recommendations of the FATF on the fight against money laundering, the financing of terrorism and proliferation. As a member, it is periodically subject to an evaluation by peer FATF member states of its anti-money laundering and terrorism financing system. Switzerland underwent its fourth mutual evaluation by FATF in 2016. The mutual evaluation report of Switzerland has been published and is accessible through the following [link](#): or on the FATF-Website. Switzerland has effective legislation to permit rapid cooperation in the sphere of mutual legal assistance in criminal matters, in particular for the purpose of blocking funds. It has also introduced a federal act on the division of forfeited assets (LVPC),⁵ which lays down the procedure for dividing those assets between Switzerland and foreign States.
- Switzerland contributes to strengthening the UN system for building the capacities of states to prevent and combat terrorism (Pillar III). Notably, it supports the global and regional work and initiatives of the UNODC, the GCTF and the OSCE. Switzerland supported the development of capacity-building and best practices within OSCE by contributing to the drafting, translation and launch of a guidebook entitled “Preventing Terrorism and Countering Violent Extremism and Radicalisation that lead to terrorism”.
- Finally, respect for human rights and the rule of law (Pillar IV) is the fundamental basis for Switzerland’s fight against terrorism: it is essential that counterterrorism efforts and policies are carried out within the framework of international law and particularly of human rights, refugee law and international humanitarian law, maintaining a balance between prevention and repression. Switzerland promotes exchanges on issues relevant to accountability, transparency and legality in the fight against terrorism, and also supports training on human rights and counter-terrorism for police officers from South Eastern Europe and the South Caucasus. This programme has been developed with the participation of ODIHR.

Within the four areas of Prevention, Repression, Protection and Crisis Preparedness, the strategy defines the following six strategic goals for achieving the main objective.

- Switzerland prevents terrorism on its territory
- Switzerland prevents the export and support of terrorism from its territory
- Switzerland supports foreign partners in preventing terrorism
- Switzerland refuses to be blackmailed by terrorists
- Switzerland is prepared to cope with terrorist attacks
- Switzerland is a reliable, prudent partner at an international level, and committed to international law

Along strategic lines of action (consisting each of several specific measures), the strategy describes how to achieve these strategic goals, and finally the main objective.

⁵ LVPC, RS 312.4; the text of this Federal law is available, in three languages, at the following address: http://www.admin.ch/ch/fr/rs/312_4/index.html

The Swiss CT Coordination and the Swiss Ambassador-at-large for International Counter-Terrorism

The Operational Coordination TETRA coordinates intelligence, law enforcement, specific cases and preventive measures and processes concerning terrorist activities against and within Switzerland. TETRA, as a working method, has significantly contributed to an enhanced and more effective communication between the relevant actors.

Key cantonal, communal and federal actors released the National Action Plan to Prevent and Counter Radicalisation and Violent Extremism⁶ in December 2017. The Action Plan recommends 26 measures in the following areas: knowledge and expertise, cooperation and coordination, prevention of violent extremist ideologies and extremist groups, disengagement and reintegration, and international cooperation. The measures aim to detect at an early stage, prevent and disengage during and before criminal proceedings, as well as during and after prison terms. The Action Plan targets first and foremost local actors, who are asked to implement the measures in the following five years.

Switzerland's international efforts in the fight against terrorism are carried out by the Swiss Ambassador-at-large for International Counter-Terrorism and the Counter-Terrorism Coordination Unit within the Directorate for International Law of the FDFA. The CT Coordination is responsible for developing and coordinating Swiss foreign policy in this matter and manages the commitment of the Swiss Government to improving cooperation with foreign states and international organisations in the fight against terrorism. It is to be underlined that this coordination function is exercised without prejudice to the material competence of the other federal services, which retain responsibility for these issues within their respective operational domains.

Money Laundering and Financing of terrorism

Within the framework of the implementation of the revised FATF recommendations, on 29 November, 2013, the Federal Council created a permanent inter-agency working group with the aim of coordinating all national efforts pertaining to money-laundering and the financing of terrorism in Switzerland, thereby conducting, on a regular basis, a national risk assessment. The working group is composed of representatives from the relevant agencies attached inter alia to the FOJ, the Federal Department of Finance (FDF) and the FDFA, at directorate or office level.

As a member of FATF Switzerland is implementing the relevant recommendations on terrorism financing and has respectively adapted its laws substantially and effectively in 2016.

Border Control

The Schengen Borders Code (SBC) is directly applicable in Switzerland, therefore no corresponding provisions pertaining to foreign nationals are needed in Swiss law. However, customs legislation distinguishes between internal borders, border zones and other national territory. The border zone is a strip of land behind the Swiss border. It is determined jointly by the Swiss federal administration and the border canton in question (Art. 3 (5)(c) CustA). In this zone, mobile, non-systematic ID checks in cases of suspicion are carried out both by the Federal Customs Administration (FCA) and by cantonal police forces.

The cantons are free to determine how they conduct identity checks within their own area of sovereignty. Most cantons do not make specific provisions for checks on foreign nationals. They tend to include checks relating to foreign nationals legislation in their police checks on individuals and vehicles. The cantons may delegate border checks at Switzerland's external borders by contract of the FCA (Art. 97 Federal Customs Act).

⁶ <https://www.ejpd.admin.ch/dam/data/ejpd/aktuell/news/2017/2017-12-04/171204-nap-e.pdf>

As an Associated State to the Schengen Co-operation, Switzerland has external as well as internal borders defined by the Schengen acquis:

- At the external Schengen borders (international airports), all passengers are checked. For persons enjoying the Community right of free movement (basically passengers holding a passport from the Schengen area and their family members), checks make sure that the person and the travel document shown are the same. At the same time **relevant police data bases are checked as well**. Third country nationals are subjected to immigration checks in accordance with the Schengen regime. Customs inspections are carried out by the FCA. .
- At the internal Schengen borders (mainly land borders, but also airports as far as Schengen flights are concerned), identity checks are in principle not required. Such checks may only be performed on an initial suspicion or if deemed necessary due to a general risk assessment or for self-protection due to a risk assessment.
- ***As Switzerland is not a member of the European Customs Union (EUCU), customs inspections are carried out at all borders (internal as well as external) on persons and goods entering and exiting Switzerland.*** Principal points of entry into Switzerland are manned 24/7. Other border crossing points operate during opening hours or are subject to random controls by mobile units. The FCA is authorised to conduct mobile security controls in a clearly defined area along the Swiss borders. Checks take place on public roads, on trains and at the green border. Helicopters and Swiss Armed Forces drones are used in certain cases.

Since May 2009, the Ordinance on the Control of Trans-Border Cash Movements (SR 631.052) has applied in relation to customs inspections. It allows the temporary confiscation of cash that might be related to terrorism. In this regard, the FCA cooperates with the MROS and the relevant police forces.

Travel document security

Switzerland attributes great importance to its measures against the counterfeiting of its travel documents. It was one of the first countries connected to the INTERPOL-database on lost and stolen travel documents (SLTD).

Furthermore, on 17 May, 2009, Swiss citizens accepted by referendum the Federal Decree on the implementation of the EC-Regulation 2252/2004, amended by EC-Regulation 444/2009 of 28 May 2009 on standards for security features and biometrics in passports and travel documents issued by member states which are part of the Schengen acquis. As of 1 March, 2010, Switzerland issues exclusively 2nd generation e-passports with an electronically stored facial image and two fingerprints. In order to participate in the global effort to enhance travel document security, Switzerland has become member of the International Civil Aviation Organisation Public Key Directory Board (ICAO-PKD) and established an active connection to the ICAO-PKD for the up- and download of certificates in January 2011. These certificates are made available online to border guards and law enforcement authorities in Switzerland. The chair of the board was held by Switzerland from May 2012 until October 2017. The board endeavours to promote the use of this important security infrastructure. In order to contribute to this effort, Switzerland remains on the Executive Body of the ICAO-PKD. To contribute to the future development of secure travel documents, Switzerland also participates in the relevant ICAO working groups, such as the Technical Advisory Group (TAG), the New Technologies Working Group (NTWG) and the Implementation and Capacity Working Group (ICBWG).

Besides issuing state-of-the-art travel documents, Switzerland has actively participated since 2010 in the EU-FADO-Database (False and Authentic Documents) and makes this information available to border-guard and police authorities.

Container and supply chain security

Switzerland applies security standards corresponding to those of the EU. To this end, Switzerland and the

EU concluded a treaty which recognises their standards. This treaty came into force on 1 January, 2011. The objective was to abstain from security measures in bilateral trade between Switzerland and the EU. A similar agreement with Norway came into force on 1 July, 2017.

The acknowledged equal security standards between Switzerland/Norway and the EU allow for trilateral trade between Switzerland/Norway and the EU without advance-declaration. Instead, the direct trade of goods between Switzerland and non-EU States (except Norway) will be handled by the security regulations. Moreover, Switzerland created a status of Authorized Economic Operator equal to that in the EU and therefore recognised by the EU and by Norway.

Security of radioactive sources

The Swiss legislation on radiological protection fixes a procedure of licences and inspection for the use of ionizing radiation (radioactive sources and radiological installations). The licensing authority is the Federal Office of Public Health (FOPH). According to the Code of Conduct on the safety and security of radioactive sources published by the International Atomic Energy Agency (IAEA), the FOPH manages an inventory of high activity sealed radioactive sources (HASS), which lists the most dangerous sources present in various Swiss companies. The FOPH regularly collects information on their state and location and enforces specific security measures to prevent sabotage or the theft of such sources. Currently, a new directive regarding physical security against theft and sabotage of HASS is being implemented by the FOPH. This directive sets a minimum standard for the number and type of barriers, detection of non-authorized access, personnel trustworthiness checks and emergency response. All HASS licensees have to provide a security plan by the end of **2020**. Disused radioactive sources are managed by the state. The transport, import and export of these sources are carried out according to international legislation and the specific guidance of the Code of Conduct. Furthermore, border controls to prevent the illicit entry of radioactive material into Swiss territory *by road, air, train or parcel* take place regularly. Companies with enhanced probability of finding orphan sources (e.g. scrap metal dealers or waste incineration plants) have to be equipped with detection devices. ***A new FOPH directive defines the requirements of the measurements and the processes to be applied in the case of source discovery.*** Discovered orphan sources are then immediately collected and placed under safe and secure management by trained personal. All provisions related to radiological security have been integrated into the Radiological Protection Ordinance of 26 April, 2017, in force since 1 January 2018, as well as further technical ordinances.

Use of the internet and other information networks for terrorist purposes

In 2019, the Federal Council set up the National Cyber Security Centre (NCSC) as one actionable deliverable of the second national strategy (2018 – 2022) for the protection of Switzerland against cyber risks. The NCSC acts as a point of contact for operators of critical infrastructures and the general public. It addresses questions on cyber risks and operates the national Computer Emergency Response Team (GovCERT). Furthermore, the NCSC, along with the Reporting and Analysis Centre for Information Assurance (MELANI) and the Cyber division of the Federal Intelligence Service (Cyber FIS), is responsible for managing cyber incidents and operations which reach the level of national security concern. Should the internet and other information networks be used for terrorist purposes, the NCSC, MELANI and the FIS would be in charge of dealing with this malicious cyber activity.

Switzerland considers that the rights held by people offline must also be protected online, and therefore protects the right of privacy in digital communication. Access to strong technology, such as encryption, is essential for securing digital transactions, ensuring public safety, and protecting national security interests. However, the use of encrypted end-to-end communication platforms is increasingly used by terrorists as they benefit from a high level of anonymity and confidentiality. Encryption can challenge the legitimate and proportionate investigative and intelligence-gathering activities. State agencies worldwide are debating what an “exceptional access to data” ought to be: from the key escrow model to the ability to order a company like Apple or Facebook to tamper with security features in their products, while simultaneously prohibiting those companies from telling the public about it. In 2020, encryption has certainly become a commodity. At the same time, encryption imply a challenge for public agencies

with legal mandates to guarantee the national security of their country and population.

Hostage Taking; Blackmail

Fedpol's Special Task Force for hostage taking and blackmail (SOGÉ) deals with crisis situations resulting from criminal acts subject to federal jurisdiction and therefore compels the federal authorities or foreign authorities to act. SOGÉ follows and assesses the situation, prepares political decisions and requests to the Federal Council, and presents the Federal Council with proposals for solving the crisis. Additionally, fedpol along with the Crisis Management Centre of the FDFA and the FIS, acts as first response in case of kidnappings of Swiss citizens abroad. In addition of having a specialised crisis management unit, a special quick response pool of specialists offers a 24/7 deployment possibility in the event of such kidnappings or other crises.

Explosives

Under the Montreal Convention from 1991, plastic explosives need to be marked in Switzerland for the purpose of detection. Furthermore, Switzerland also marks civil explosives. Only explosives which contain these microscopic particles can be legally placed on the market. The particles are designed to survive the explosion and can be collected for forensic analysis. The taggants are fluorescent and consist of multiple coloured layers, representing a unique identification code (production place, time span and lot). Finally, all explosives are marked with bar codes for identification and traceability throughout Europe. Fedpol is responsible for the certification of explosives and pyrotechnical devices placed on the market in Switzerland. It ensures that the legislation (for example regarding marking) in this area is enforced, issues import and manufacturing licences and checks that the compliance requirements are fulfilled. Fedpol also operates a database on all incidents occurring in Switzerland involving explosives and pyrotechnical devices, and provides other agencies and private individuals with advice.

Furthermore, fedpol operates the Swiss national Bomb Data Center, is actively involved in the international Bomb Data Center Working Group (IBDCWG) and Network and participates in the relevant Interpol and Europol bodies.

Explosives precursors

Based on a report written by fedpol, the Federal Council proposed a law to Parliament on 20 November 2019 that restricts access to explosives precursors for private users and regulates access of bona fide users of the regulated substances (regulations analogous to the EU Regulation 2019/1148) and that clarifies the process for reporting suspicious transactions. The parliamentary debate started in early 2020. The new act will not come into force before 2022. Immediate interim measures have been taken until the new law comes into force. Vendors of products containing explosives precursors can report suspicious incidents on a voluntary basis to the newly established National Contact Point at fedpol. Fedpol has informed the economic operators that they can report suspicious transactions and other events involving explosives precursors.

Safe havens and shelter to terrorists and terrorist organisations

Fedpol, the SEM and the FIS cooperate closely in order to prevent individuals involved in terrorist activities and/or supporting a terrorist organisation from entering Switzerland. Both fedpol and SEM can consult their internal security partners to use a number of administrative measures (e.g. entry bans, expulsions, etc.) to prevent (potential) terrorists from entering or residing in Switzerland. Whilst the FIS does not issue entry bans, it can propose that fedpol do so, based on prior assessment. The above mentioned offices are also attentive to the activities of individuals in Switzerland who may attempt to facilitate the entry of foreign nationals associated with terrorism. In the past, the Swiss authorities have investigated and prosecuted a network involved in such activities.

Switzerland remains at risk of being used as a financial and logistical base to support jihadist groups in planning and carrying out terrorist attacks. As of February 2020, the OAG, together with fedpol conducted around 35-40 proceedings against individuals suspected of being a member and supporting criminal organisations with a terrorist background. Investigations have especially been conducted against Swiss residents suspected of supporting criminal/terrorist organisations by recruiting foreign terrorist fighters (FTFs) and facilitating their journeys, or of being FTFs themselves and of planning attacks within Switzerland. Since 2016, the OAG has secured six convictions at trial on terrorism-related charges, all of them regarding either the groups Al-Qaida or IS. With IS being repelled in Syria and Iraq investigations have increasingly focused on potential returnees.

1.5. Measures to Combat the Corona Virus (COVID-19)

The Federal Council's highest current priority is to protect the public, to contain the spread of COVID-19 and to prevent and counter related health threats. The World Health Organization has confirmed on March 11, 2020, that COVID-19 qualifies as a global pandemic.

On February 28, 2020, the Federal Council has categorised the situation in Switzerland as "particular" under the terms of article 6 para 2 of the Epidemics Act of 2012. It has enacted an Ordinance on Measures to Combat the Corona Virus (COVID-19 – Ordinance 1) which temporarily bans public and private events in Switzerland at which more than 1000 people would gather.

On March 13, 2020, the previous ordinance was replaced by a new ordinance (COVID-19-Ordinance 2), in which the Federal Council has banned all public events at which more than 100 persons would gather. It limited the number of persons in restaurants, bars and discos to a maximum of 50 persons. All schools were temporarily closed; various alternatives such as virtual teaching have been put in place by municipal and cantonal schools.

On March 16, 2020, the Federal Council has categorised the situation in Switzerland as "extraordinary" under the terms of article 7 of the Epidemics Act. This act enables the Federal Council to issue ordinances and rulings in order to counter existing or imminent threats of serious disruption to public order or internal or external security. Such ordinances must be limited in duration. The Federal Council can order appropriate measures applicable to the whole territory of Switzerland. Until April 19th, 2020 the new ordinance bans all public and private events. All shops, restaurants, bars and entertainment and leisure facilities have been closed. Food stores and healthcare institutions are not affected by the new ruling.

The Federal Council has also authorised the mobilisation of up to 8'000 members of the Swiss Armed Forces in support of the civilian authorities of the Cantons and the Federation, as foreseen in Article 58, Paragraph 2 of the Swiss Federal Constitution. The deployment of the Armed Forces personnel takes place in a strictly subsidiary role and under civilian command in support of hospitals with personnel and logistics as well as in support of the cantonal police forces and the border guard. Since this mission involves more than 2'000 members of the Swiss Armed Forces and will last more than three weeks, it is subject to parliamentary approval in the next session of the Federal Assembly, as regulated in the Law of Armed Forces Article 70, Paragraph 2. Upon request of the security policy commission, the approval of the deployment of the Swiss Armed Forces has been put on the agenda of the next Parliament Session in May 2020.

On March 20, 2020, the Federal Council has amended the COVID-19-Ordinance 2 (valid until April 19, 2020). In addition to the previous measures it has prohibited gatherings of five or more people in public spaces. These measures are designed to curb the spread of the new coronavirus, protect people at especially high risk, and assure the provision of care and therapeutic products to the public.

On April 08, 2020, the Federal Council has extended the COVID-19-Ordinance 2 which is now valid until April 26, 2020. The measures taken are under constant review and may be adapted to the evolving situation.

So far all measures taken by the Federal Council are based on the Swiss Constitution and the Epidemics Act. Furthermore, they have been ordered for a limited period of time. They are thus in conformity with Switzerland's human rights obligations under international law, in particular the International Covenant on Civil and Political Rights and the European Convention of Human Rights.

Both international conventions foresee restrictions of the rights enshrined therein which are necessary to protect public health. Both international conventions also foresee that in time of public emergency which threatens the life of the nation States may take measures derogating from their obligations under certain conditions. However, in light of the measures taken so far, a derogation has not yet been deemed necessary.

All measures taken by Switzerland are also in line with paragraphs 24 and 25 of the OSCE Copenhagen Document (1990) and paragraph 28 of the OSCE Moscow Document (1991).

2. Stationing of Armed Forces on foreign territory

2.1 Provide information on the stationing of your State's Armed Forces on the territory of other participating states in accordance with freely negotiated agreements as well as in accordance with international law.

The temporary stationing of Swiss military personnel on the territory of other OSCE participating states in the context of peace operations (PO) is governed by the agreements between the respective OSCE participating State and the responsible international organisations (e.g. the OSCE and/or the United Nations).

In relation to PO, the Federal Council determines if deployed personnel are to be armed. Since members of the Swiss Armed Forces are not allowed to participate in combat and coercive operations in peace enforcement operations, they are only armed for self-defence and for the accomplishment of the mandate. If an armed mission abroad involves more than 100 members of the Swiss Armed Forces or lasts more than 3 weeks, approval by Parliament is mandatory.

The temporary deployment of Swiss military personnel on the territory of other OSCE participating states in the context of training cooperation (e.g. joint courses or exercises) is governed by bi- or multilateral agreements with the respective states or by the 'Agreement among the States Parties to the North Atlantic Treaty Organisation and the other states participating in the Partnership for Peace regarding the Status of their Forces' dated 19 June, 1995, (PfP-SOFA) along with its amended protocol, ratified by the Federal Council on 26 March, 2003.

The Swiss Armed Forces have been engaged in Kosovo in the international Kosovo Force (KFOR) peace operation mission, with a company-size unit (SWISSCOY), since October 1999. ***On 8 June, 2017, Parliament approved the extension of the deployment of SWISSCOY until the end of 2020. SWISSCOY currently comprises military personnel with an authorised strength of 165.*** The contingent consists of elements of logistical support and transport, engineer support in the field of explosive ordnance disposal as well as liaison and monitoring capacities. The Swiss Armed Forces man four liaison and monitoring teams (Mitrovica, Zubin Potok, Malishevo and Prizren), ***staff officers in both regional commands and also contribute to the mission airlift capability with two Super Puma helicopters. Since October 2019, Switzerland mans the posting of the Deputy Commander KFOR. In November 2019, the Federal Council decided to extend the deployment of SWISSCOY until the end of 2023, and to increase the authorised troop strength to 195 in April 2021. This decision shall be approved by Parliament in June 2020.***

Currently, 20 members of the Swiss Armed Forces are deployed in the European Union Force (EUFOR ALTHEA) in Bosnia and Herzegovina (BiH). Some operate as staff officers in the EUFOR HQ in Sarajevo, while the majority are deployed in two liaison and observation teams (LOT, Mostar and Trebinje).

As an additional contribution to EUFOR ALTHEA, Switzerland provides elements of a multinational

Mobile Training Team (MTT) for capacity building in ammunition and weapons storage site management. The MTT is Swiss-led and consists of ammunition and weapons experts from Austria, Sweden and Switzerland. The MTT project is fully integrated into the international community's effort to assist the Swiss Armed Forces of Bosnia and Herzegovina in disposing of its surplus weapons and ammunition and introducing a sustainable life-cycle management system (incl. national procedures and structures). The efforts of the MTT focus on stockpile management, but also include physical security aspects, particularly with regard to the use of lethal and non-lethal means during guard duties in accordance with international humanitarian law and the OSCE Code of Conduct. Since the beginning of 2013, Switzerland has also seconded the Special Ammunition and Weapons Advisor (SAWAD) to COM EUFOR. He is in charge of advising both COM EUFOR and the BiH Minister of Defence on issues related to weapons and ammunition.

Additionally the Swiss Armed Forces have engaged **49** individuals (Military Experts on Mission [UNMEM], Military Staff Officers [MSO], mine awareness - and training experts) in **9** peace operations or headquarters (UN, OSCE) abroad (as of **3 March, 2020**).

With regard to civilian police support, Switzerland has been present in Kosovo and Bosnia and Herzegovina for several years: in Kosovo at first under the umbrella of United Nations Mission in Kosovo (UNMIK) and afterwards within the missions of the European Union Rule of Law Mission in Kosovo (EULEX). In Bosnia and Herzegovina, Switzerland currently provides the European Union Police Mission (EUPM) with one border guard officer and one criminal justice advisor.

3. Implementation of other international commitments related to the Code of Conduct

3.1 Provide information on how your State ensures that commitments in the field of arms control, disarmament and confidence- and security-building as an element of indivisible security are implemented in good faith.

Switzerland's engagement in the field of arms control, disarmament and non-proliferation is aimed at strengthening international security and at contributing to a rules-based international order. It further endeavours to promote efficient and effective international organisation and a functioning multilateralism through transparency and confidence. In accordance with its humanitarian tradition, Switzerland also advocates multilateral arrangements which contribute to the respect of international humanitarian law and human rights, the mitigation of harm caused by armed conflicts, the protection of civilians and human security. The 2017 report by the Federal Council provides a comprehensive view of Switzerland's arms control, disarmament and non-proliferation policy and can be found under the following [link](#).

Switzerland is an advocate of disarmament and arms control treaties that are non-discriminatory and as verifiable as possible. Precedence is given to instruments which are binding under international law over agreements that are purely of a political nature, although it also considers the latter to be binding and is resolute in its implementation. On this basis, Switzerland ensures implementation through various instruments at national, regional and international levels, including:

- Regular reporting to Parliament (at least once in each legislative period) and comprehensive answers to parliamentary questions;
- Regular inter-ministerial coordination on various levels, including long-term planning of projects and budget funds (where necessary);
- Definition of national strategies and action plans (related to particular arms control, disarmament and non-proliferation domains), including strategic objectives and tasks/milestones to be achieved within a certain period;
- Regular consultation and provision of information among government stakeholders, services and Swiss Armed Forces formations and units relevant for operational implementation (i.e. in the domain of Confidence and Security Building Measures, ammunition destruction, explosive ordnance disposal, export control, border control, CBRN expertise, etc.);
- Regular national reporting on the implementation of the commitments under the regimes along predefined procedures (for UN Member States, OSCE participating States, et al.);

- Active implementation of confidence and security-building measures (CSBM) “to the letter and spirit” of the relevant agreements (i.e. Vienna Document 11), including voluntary measures;
- Active promotion of multilateral measures that strengthen implementation and (where agreed) its verification.

Switzerland is a member of the Europol firearms committee and participates in the Europol Focal-Point “Firearms”. Because of many secured weapons in Europe with a link to Switzerland and the likelihood of illegal deliveries of weapons to Switzerland, Switzerland is examining a participation in the EMPACT-Priority “Firearms” of Europol and to the iArms system of INTERPOL. Further, Switzerland is using the Evofinder-system to compare firearm traces internationally.

3.2 Provide information on how your State pursues arms control, disarmament and confidence- and security-building measures with a view to enhancing security and stability in the OSCE area.

Switzerland supports the re-launching of discussions on the future of conventional arms control in Europe, which it considers to be a vital element of cooperative security. It also supports and is actively engaged in the Structured Dialogue on the current and future challenges and risks to security in Europe within the framework of the OSCE.

Within the OSCE framework, Switzerland contributed to the preparation of the OSCE Document on Small Arms and Light Weapons (SALW) as well as the OSCE Document on Stockpiles of Conventional Ammunition (SCA). *Since 2014, Switzerland has supported the OSCE projects in Bosnia and Herzegovina, Moldova, Montenegro, Serbia, Georgia, North Macedonia and Tunisia with around CHF 1.4 Million.* In addition to financial contributions, Switzerland also endeavours to provide technical expertise for selected projects (e.g. training on transportation of dangerous goods incl. ammunition in *Bosnia and Herzegovina and Moldova*) or training on ammunition surveillance in *Bosnia and Herzegovina*) as well as for assessment visits and round tables.

Section II: Intra-State elements

1. National planning and decision-making process

1.1 What is the national planning and decision-making process in determining/approving military posture and defence expenditures in your State?

The lead for foreign and security policy, and hence for military posture and defence expenditures, lies with the government, i.e. the Federal Council. Within the parameters set by the Federal Constitution, the Federal Council develops and presents its policy periodically in a report on Swiss security policy. This white paper is drafted within the administration, but a wider public may be involved through a precursory study group, hearings or a consultation on an advanced draft. The report covers the whole spectrum of Swiss security policy: risks and challenges, threats and dangers, the international environment, interests and objectives, basic strategy and the instruments of security policy as well as organisational and resource matters. It determines a general outline for the military posture.

These reports define the guidelines for Swiss security policy for the next five to ten years. The last such report was published in August 2016. As usual, the draft of the report was submitted to the cantons, political parties, associations and interest groups for consultation prior to its approval by the Federal Council. The report was presented to Parliament for debate in the course of 2017 (not for formal approval as it is merely a policy document of the government). Its focus is on analysing Switzerland's security policy environment.

In this context (and before 2016), the Federal Council proposed an adaption of the defence capability to the geostrategic threat level as well as the financial and demographic situation, allowing for a reduction in structure and strength. It concluded that Switzerland had to retain only a core military capacity and the expertise required to be able to repel military aggression. Since a purely conventional military threat against Switzerland in the distant future cannot be ruled out completely, Switzerland will retain its core military capacity and military expertise to be capable of repelling such aggression. Subsequently, the Federal Council proposed to Parliament the concept of the future Swiss Armed Forces within the planning parameters of 100,000 Swiss Armed Forces personnel and an annual defence budget of 5 billion Swiss Francs. The ensuing amendments to the Federal Act on the Armed Forces were approved by Parliament in early 2016. The legal amendments and along with them the adapted concept for the Swiss Armed Forces came into force on 1 January 2018.

Parliament takes the final decision on defence expenditures which is part of the federal budget. The budget proposal submitted by the Federal Council is first discussed in the respective parliamentary committees of both chambers before being presented to the plenary session. Parliament then decides also on requests for appropriations on procurement programmes for the Swiss Armed Forces (including weapons and ammunition) and military infrastructure programmes.

Work on a new security policy report is currently underway. The new report should be adopted by the Federal Council by the end of 2021. The discussion in Parliament is scheduled for 2022.

1.2 How does your State ensure that its military capabilities take account of the legitimate security concerns of other States as well as the need to contribute to international security and stability?

Given its peaceful relationships with other countries, its neutrality and centuries-long tradition of military non-aggression, its relatively small demographic and geographic size, and the openness of its political and resource allocation process, including the process of formulating security and defence policies, Switzerland reinforces its engagement to international peace and security. Switzerland also participates in international peace operations based on a UN or OSCE mandate.

2. Existing structures and processes

2.1 What are the constitutionally established procedures for ensuring democratic political control of military, paramilitary and internal security forces, intelligence services and the police and private military and security companies?

As a general setting, there are a number of parliamentary respectively external as well as internal controlling mechanisms that supervise the forces', services' and federal offices' accomplishment of tasks. The parliamentary supervision committees guarantee an external control of the offices. Secondly, the federal departments are legally obliged to supervise their own endeavours internally.

Armed Forces

Democratic control of the Swiss Armed Forces is ensured by the primacy of rule of law, parliamentary control, and transparency in defence matters. Important decisions related to the Swiss Armed Forces, such as engagements of the Swiss Armed Forces and all major acquisition and budgetary projects, are subject to parliamentary approval.

The Swiss Armed Forces are firmly controlled by democratic oversight:

- The Swiss Armed Forces structure is approved by Parliament down to battalion level;
- There is full transparency regarding Swiss Armed Forces engagements and activities: indeed, all major Swiss Armed Forces engagements are subject to parliamentary approval (see chapter 2.1 below);
- Major armament, ammunition procurement or infrastructure projects are subject to parliamentary approval;
- All senior staff officers are appointed by the government;
- Military justice is independent and only administratively subordinated to the Head of DDPS. The judges of the Military Supreme Court are appointed by Parliament;

In addition, the Federal Act on Freedom of Information in the Administration (SR 152.3) also applies to the Swiss Armed Forces. It stipulates that any person has the right to inspect in situ or to request a copy of official documents. Every document requested is assessed individually and has to be made available, unless Art. 7 applies. This provision stipulates that the right of access is limited, deferred or refused if such access to an official document affects inter alia the execution of specific measures taken by an authority in conformity with its objectives, or is likely to compromise the domestic and international security of Switzerland.

Paramilitary forces

Switzerland has no paramilitary forces.

Internal security forces

Switzerland has no internal security forces.

Intelligence services

Switzerland's two intelligence services belong both to the DDPS:

- The FIS operates on the basis of the Intelligence Service Act (SR 121), the Ordinance on the Federal Intelligence Service (FISO, SR 121.1) and the Ordinance on the FIS Information and Storage Systems (ISSO-FIS, SR 121.2). This law as well as the regulating ordinances came into force in September 2017.

- The FIS is also the home agency for the central offices for dual-use goods, war material and nuclear and radioactive materials. These offices are tasked, based on their specific legislation, to collect information to prevent the illicit use of the goods in their defined area of responsibility.
- On the basis of articles 99 and 100 of the Federal Act on the Armed Forces (AOA) (SR 510.10) the Military Intelligence Service and the Service for Preventive Protection of the Armed Forces (MIS&SPPAF) provide joint intelligence on military-strategic and senior command level in order to respond to the specific needs of the Ministry of Defence (DDPS), the Chief of the Swiss Armed Forces and its Staff. It is attributed to the Operations Command and is subordinated to the head of the MIS&SPPAF (fulfilling therefore and thereby also the J2 Tasks). MIS analysis and production is predominantly focused on situation awareness and threat analysis regarding all theatres and missions where members of the Swiss Armed Forces are deployed. MIS also follows up the development of Swiss Armed Forces worldwide and develops scenarios for the possible medium-term development of situations. As part of the organisation, the SPPAF deals with counter intelligence issues within the Swiss Armed Forces.
- The FIS and MIS&SPPAF activities are subject to continuous checks and are supervised by an independent supervisory authority, the Federal Council and the Federal Administration.
- The independent supervisory authority operates on the basis of the Intelligence Service Act (SR 121) and the Ordinance on the Supervision of Intelligence Activities (OSIA, SR 121.3) **and is not bound by directions and guidance of the DDPS. The main aspects of the supervision are the legal compliance, appropriateness and effectiveness of the Services' activities.**
- **With the new law for the FIS, the internal supervision unit was replaced by an independent supervision (OA-IA) which is not bound to directions and guidance of the DDPS. This independent supervisory authority, whose head is appointed by the Federal Council for a renewable period of six years, is responsible for monitoring the activities of the FIS, the cantonal authorities responsible for enforcement and third parties assigned mandates by the FIS. It coordinates its activities with the supervisory activities of Parliament and with the other federal and cantonal supervisory bodies. It shall audit these activities to confirm their legality, expediency and effectiveness. The unit reports directly to the Head of the DDPS and publishes an annual report.**
- Parliamentary oversight of the intelligence services is exercised by a sub-committee of the Control Committee of Parliament. Parliamentary oversight of the activities of the FIS and the cantonal executive authorities is the responsibility of the CDel and the Finance Delegation in accordance with Parliament Act of 13 December, 2021. The sub-committee publishes an annual report on its findings but is not authorised to alter governmental decisions.

Police

Switzerland's federal structure is also reflected in the organisation of policing responsibilities. According to Art. 57 of the Federal Constitution (SR 101), both the Confederation and the cantons are, within the limits of their respective competencies and by coordinating their efforts in the field of internal security, responsible for the security of the country and for the protection of the population.

According to Art. 3 of the Federal Constitution (SR 101), the cantons are sovereign unless their sovereignty is limited by the Federal Constitution. **The Federal Constitution does not assign the exclusive policing security powers to the federal authorities. The policing powers are exercised by the cantons which are considered sovereign states within the Swiss Confederation. Law enforcement in Switzerland is therefore the responsibility of all 26 cantons and the cantonal police forces. Additionally, some major cities have their own communal police forces. The 26 cantonal police forces and numerous communal police forces are not subordinated to the federal authorities. Their commanding officers report to the head of the respective cantonal or city department of police who is a member of the cantonal government or the municipality.**

However, specific tasks have been transferred to federal level. Fedpol is responsible for safeguarding national security. This responsibility encompasses prosecution, particularly in connection with organised crime, the analysis and coordination of investigation procedures within the state borders as well as in international cases, investigations in cases of serious crimes involving organised crime including drug trafficking, money laundering, corruption, counterfeiting and economic crimes, investigation of suspected acts of terrorism, financing of terrorism, crimes connected with explosives, illegal intelligence activities, offences against the Federal Act on War Material (War Material Act, WMA SR 514.51), the Federal Act on Nuclear Energy, the Federal Act on the Control of Civil and Military Goods (SR 946.202), and the Federal Aviation Act (SR 748.0) and the analysis and coordination of inter-cantonal criminal investigations, the cooperation and information exchange with INTERPOL, Europol, PCCC and the Schengen framework and analysis in the areas of its competencies. Fedpol can also issue entry bans, decide on expulsions in order to preserve the internal or external security of Switzerland, issue limitations to outward departure from Swiss territory *to prevent violence during foreign sports events* and order the confiscation of materials containing propaganda inciting violence.

Fedpol, especially through the Federal Security Service, works with the cantonal authorities to ensure the security of federal officials and facilities, as well as people and buildings granted protection under international law. A variety of measures are implemented to protect heads of state and government, ministers, royalty, federal councillors, federal judges, federal officials at special risk and federal parliamentarians.

Police forces can be supported by the Swiss Border Guard as well as the railway police (part of the Swiss Federal Railways). In general, fedpol cooperates closely with cantonal police services in matters involving the cantons.

On 1 January 2011, the Federal Criminal Procedure Code (CPC, SR 312) came into force. Criminal procedure in Switzerland as well as the competences of the police force at federal and cantonal level are now regulated by federal law. Until the end of 2010, each canton had its own criminal procedure rules.

Private military and security companies

For the detailed information exchange on private military and security companies (PMSC) according to the Working Paper to Improve the Reporting on the OSCE Code of Conduct on Politico-Military Aspects of Security (FSC.DEL/29/15), please refer to Annex II: Voluntary information on Private Military and Security Companies (PMSC).

2.2 How is the fulfilment of these procedures ensured, and which constitutionally established authorities/institutions are responsible for carrying out these procedures?

Democratic control of the Swiss Armed Forces and the police forces is ensured by their subordination in all respects to the democratically elected political authorities at both cantonal and/or federal level. Thus, the Swiss Armed Forces and the police forces are effectively controlled by the following democratically elected constitutional bodies:

- the Federal Council (Government, accountable to the Federal Assembly);
- the Federal Assembly (Parliament);
- the respective cantonal government;
- the respective cantonal parliament.

In addition, Swiss voters, who elect the members of Parliament, can also use the following constitutionally based direct democratic instruments:

- the popular initiative to amend the Federal Constitution;
- the optional referendum to oppose an amendment to an existing law, or the adoption of a new law.

- *the mandatory referendum on accession to collective security or supranational organisations.*

Accordingly, Swiss citizens can also use these instruments to intervene on security and defence policy matters.

The Government

The Federal Council is the Swiss government. Its seven members and the Federal Chancellor are elected by Parliament. Their term of office is four years and they may be re-elected. The Federal Council deals with the ongoing task of governing the country and implements the laws and other decisions adopted by Parliament. Each of the seven members of the Federal Council is head of one of the seven federal departments, which together with Federal Chancellery make up the Federal Administration, to which the Swiss Armed Forces belong. The Federal Council sets strategies and goals and then draws up the relevant draft legislation. The views of broad sections of the population and industry are gathered in a consultation process. The Federal Council then submits the proposal to Parliament, which debates and reaches decisions on it. The Federal Council also manages the Confederation's finances through the budget and the state accounts. The final decisions on these matters also rest with Parliament.

A concentration of power is avoided in the government; the members of the Federal Council are currently drawn from four political parties. Accordingly, the Federal Council takes decisions as a collegial body: the members seek consensus to win majority support for their policies. They are also expected to defend the position of the Federal Council, even if it is contrary to their personal view or that of their political party (principle of collegiality). In contrast to systems in other countries, there is no clear distinction between government and opposition.

In this context, the Federal Council sets the orientations and goals on all defence matters. Swiss Armed Forces guidelines, proposals for amendments to the Act on the Armed Forces, procurement and infrastructure requests are submitted to Parliament for approval (security policy reports are submitted to Parliament for acknowledgment). Deployments of the Swiss Armed Forces both within Switzerland and abroad are decided by the Federal Council. Major deployments are however subject to parliamentary approval: pursuant to Art. 70² of the Federal Act on the Armed Forces and the Military Administration (Armed Forces Act, SR 510.10), approval by Parliament is required if more than 2000 Swiss Armed Forces personnel are called up on national territory or if the mission is expected to last more than three weeks; pursuant to Art. 66b⁴ of the Armed Forces Act, this threshold is fixed at three weeks and 100 Armed Forces personnel for peace operation deployments outside the national territory.

Along with the DDPS, the FDFA and the FOJ are regularly and closely involved in the definition of security policy and the military and civil protection positions. The Security Committee of the Federal Council is composed of the heads of DDPS, FOJ and FDFA. It assesses the security-related situation for Switzerland and coordinates security-related matters of business across the Federal Departments.

Parliament

The Federal Assembly comprises the National Council and the Council of States. The two Councils have equal powers; together they form the Federal Assembly. Parliament enacts legislation and monitors the activities of the Federal Council and the Federal Supreme Court. The main role of the Federal Assembly is to enact legislation. However, it is also responsible for releasing funding (budget), approving the state accounts, overseeing the Federal Council and the federal courts and the Federal Chancellor, concluding international agreements for which the Federal Council is not responsible and fostering relations with foreign parliaments.

Furthermore, the Federal Assembly Members can initiate a parliamentary initiative to propose that Parliament itself enacts a law – either by formulating the idea or even drafting the law itself. Using a "motion", council members can prompt the Federal Council into drafting legislation. A "postulate" is used to ask the Federal Council to examine whether a new law or decree should be drafted or measures taken,

while an interpellation is a request to the Federal Council for information on Federal Government matters, including defence and security policy.

There are nine special committees, whose main task is to make a preliminary examination of legislative proposals. They are each responsible for a specific topic, such as transport, legal affairs, foreign affairs, and security policy. In addition, the finance committees and the control committees oversee the federal finances and activities of the Federal Council and the Federal Administration. Specifically, the committees provide an opportunity for matters to be discussed in greater detail, to clarify specific issues, hear experts from the administration or from interest groups concerned, and address questions to federal councillors. They also serve as a testing ground to see whether a majority can be found for certain positions or ideas across party lines.

The Security Policy Committees are *inter alia* responsible for the Swiss Armed Forces, internal and external security issues, military and civilian peace operations in the security policy field, as well as armament policy. Accordingly, they regularly receive information from the Federal Council on major security and defence policy topics. Also, the Security Policy Committees prepare plenary discussions on related Federal Council proposals to Parliament by recommending their approval or rejection to their respective chamber.

Cantonal Parliaments and Governments

Because police authority is exercised by the cantons, democratic control over the police forces is exercised by the Cantonal Parliaments (legislature) and governments (executive). The specific procedures and responsible authorities / institutions for ensuring democratic political control over the police are established by cantonal law.

The electorate's political rights

All Swiss citizens who are 18 or over have the right to vote at national, cantonal and communal level. In addition to national parliamentary elections, which are held every four years, the electorate can express its views up to four times a year in popular votes on specific political issues, including security and defence policy matters. In most cases, there are several proposals to be voted on at each ballot. This makes the electorate Switzerland's supreme political body.

A vote must be held on any amendment to the Federal Constitution (mandatory referendum). Amendments to the Federal Constitution require the consent of a majority of the People and of the cantons (double majority). On the other hand, a vote is only held on a revised or new law if a referendum is demanded (optional referendum). The new law is accepted if a majority of the electorate vote in favour of it (simple majority).

Accordingly, the Swiss citizens can have a final say on parts of the measures related to establishing, manning, funding and equipping the Swiss Armed Forces. However, the annual defence budget or the procurement programs are not per se subject to an optional referendum. By means of a popular initiative, Swiss citizens may even decide on fundamental questions, through constitutional amendment, i.e. whether Switzerland should have any Swiss Armed Forces at all.

Minister of Defence

The Head of the DDPS is an elected Federal Councillor. She is politically responsible for the department's activities and thus also for overall defence planning.

The DDPS is charged with the execution of all decisions related to matters of defence and civil protection adopted by the Federal Council. It is also responsible for preparing reports on security policy, defence guidelines, and the Federal Acts and ordinances concerning the Swiss Armed Forces and Civil Protection.

Head of the Federal Department of Justice and Police

Like the minister of defence, the minister of justice and police is an elected Federal Councillor. The department portfolio includes the Federal Office of Justice (FOJ), fedpol, the SEM and the National Commission for the Prevention of Torture (NCPT). In her function, the minister of justice and police is responsible for the political and strategic orientation of those offices as well as for the development of their cooperation with foreign countries and international institutions.

2.3 What are the roles and missions of military, paramilitary and security forces, and how does your State control that such forces act solely within the constitutional framework?

Military forces

Under Art. 58 of the Federal Constitution and Art. 1 of the Federal Act on the Armed Forces and the Military Administration (AOA SR 510.10), the Swiss Armed Forces are tasked with defending the country and its people, supporting civilian authorities, safeguarding air sovereignty and contributing to international peace and stability.

The Swiss Armed Forces are based on the principle of universal conscription. The bulk of the Swiss Armed Forces units are temporarily activated on an annual basis for routine training activities and exercises after which they are again de-activated. The exceptions are the Military Police as well as military professionals or specific administrative positions and command functions, for specialised technical functions or for instruction.

With the exception of limited-scale disaster relief activities in support of and under operational control of the civilian authorities, all operational activities, including the call-up of troops outside the regular training schedule must be mandated by the Federal Council. Parliamentary approval is mandatory for major deployments (see chapter 2.2 above).

In peacetime, the Swiss Armed Forces are subordinate to the minister of defence. All general officers are appointed by the Federal Council. A military commander-in-chief shall be elected by Parliament if a major call-up of troops is required to defend Switzerland or to counter major disturbances of public order. The Federal Council remains the supreme executive and directing body and decides on the competences granted to the military commander-in-chief.

Members of Parliament can draw attention to Swiss Armed Forces acts that in their view may be contrary to the Federal Constitution. Parliamentary approval is necessary for all government decisions concerning the role and stance of the Swiss Armed Forces, the defence budget as well as procurement programmes and new military infrastructure.

Emphasising the individual accountability of all members of the Swiss Armed Forces, Art. 32³ of the Federal Act on the Armed Forces and the Military Administration (Act on the Armed Forces, AOA, SR 510.10) stipulates that members of the Swiss Armed Forces must refuse to execute orders that are contrary to domestic or international law.

Paramilitary forces

Switzerland has no paramilitary forces.

Security forces

Switzerland has no internal security forces.

3. Procedures related to different forces personnel

3.1 What kind of procedures for recruitment and call-up of personnel for service in your military, paramilitary and internal security forces does your State have?

Military forces

Liability for compulsory military service is an integral part of universal conscription. It begins with recruitment. All male Swiss citizens are obliged to serve in the Swiss Armed Forces. The compulsory service encompasses all types of services (training service, assistance service and active service as well as some parts of the voluntary peace-keeping services) as well as off-duty obligations. Women may voluntarily apply for military service.

Recruitment procedures are defined in the Federal Council Ordinance on Military Service Liability (SR 512.21) of 22 November, 2017. The minimum age to be recruited is 18 years. Recruitment is the responsibility of the Chief of the Swiss Armed Forces. The Swiss Armed Forces Personnel division, inside the Training and Education Command (TEC), is responsible for recruitment and determines the number of recruits required for the various functions and branches. The Medical Services division is subordinated to the Swiss Armed Forces Staff and is responsible for medical doctrine and the medical guidelines for recruitment.

Since 2003, conscription begins with the registration of conscripts at the age of eighteen. Prior to recruitment, all conscripts are called-up for an information day and interested women are also invited. Recruitment also includes a written orientation to all future conscripts and women at the age of sixteen. The actual recruitment, starting at the age of nineteen, is organised at a federal level at 6 permanent recruitment centres under the supervision of the Recruitment Command. Recruitment takes place between 12 months at the earliest and 3 months at the latest before the intended start of basic training and lasts up to 3 days. These recruitment days count towards the number of days that an able conscript must complete. The main purpose of this recruitment is to register the physical, psychological, intellectual and professional potential in a performance profile. For the assignment to the Swiss Armed Forces, the performance profile is compared with the requirement profile. At this stage, it is determined whether the conscript may serve as a single-term conscript or not (as opposed to a conscript that completes recruit school and subsequently attends annual refresher courses). Moreover, the potential for, and the interest in a cadre function as an officer or a non-commissioned officer (NCO) is also evaluated. On the same occasion, it is determined whether conscripts who are not fit for military service can serve within the framework of civil protection, which does not count as liability to military service. As part of the next development step of the Swiss Armed Forces in 2018, these procedures will be analysed, overhauled and adapted to current requirements and needs.

The Recruitment Command:

- manages recruitment at Swiss Armed Forces level at 6 permanent recruitment centres;
- evaluates the requirement profile for the roughly 270 functions in the Swiss Armed Forces;
- supervises the conduct of the roughly 5,000 aptitude tests and about 500 technical examinations;
- conducts the evaluation of the potential candidates for a cadre function for the following levels:
 - cadre level I: for NCOs
 - cadre level II: for senior NCOs or subaltern officers
 - cadre level III: for unit commanders (captains)
 - cadre level IV: for battalion commanders (LTC) and GS officers
 - cadre level Z: for contracted military personnel (conscript officers and NCOs contracted for a limited time period);
- co-operates with 26 cantonal military authorities;
- deals with requests for military service without weapons for conscientious objectors.

For the organisation of recruitment, the Recruitment Command has the following offices:

- Six permanent recruitment centres.
- The military authorities of the cantons and the regional command in charge are responsible for registering, enrolling and informing the conscripts prior to recruitment. They are also responsible for the organisation of the information day prior to recruitment and for the call-up for recruitment.
- The Medical Services division in the Swiss Armed Forces Staff is responsible for military medical examinations. It nominates the chief physician in charge, his deputy and the medical personnel supporting the Recruitment Command and the recruitment centres.
- The Federal Office of Sport (FOSPO) conducts physical performance tests within the framework of the recruitment days.

Male recruits who are fit for military service are usually called up at the age of 20 for basic military training (recruit school) according to the directives of the Swiss Armed Forces Personnel in the Training and Education Command. Call-up is given via a personal marching order, which contains information on the date, time and location. According to the Federal Council Ordinance on Military Service Liability (SR 512.21) recruit school lasts 18 weeks for the conscripts over all branches and 23 weeks for land forces grenadiers and parachute reconnaissance. Recruit schools have 2 starting dates: January and June. All conscripts may request additional leave days for professional purposes (e.g. job interviews, university applications, etc.). In exceptional cases, students can complete the recruit school in 2 parts.

According to the Federal Council Ordinance on Military Service Liability, some of the conscript soldiers (maximum 15% of all conscripts per year) have the opportunity to fulfil their entire compulsory service of 300 days (for sergeants 507 days, for senior NCOs *as well as* for subaltern officers 668 days) in one single term (single-term conscripts). In principle, the number of service days for conscripts in refresher courses and for single-term conscripts is equal. The additional days to be accomplished by single-term conscripts compensate for their advantages of supplementary leave days. After the completion of the compulsory service days, single-term conscripts normally remain in units of the Swiss Armed Forces for another 4 years. After these 4 years they are discharged from Swiss Armed Forces but still remain for another 3 years in compulsory military service before being permanently discharged.

The Swiss Armed Forces Personnel section is authorised to grant postponement of recruit school on request, for family, professional or educational reasons.

At the end of the recruit school, the newly trained soldiers are assigned to units of the Swiss Armed Forces. They are then called up by personal marching order for refresher courses until they have completed their total number of compulsory service days.

Since 1 January, 2018, an alarm can be sent to several specifically selected units by electronic means. This allows a quick call up in the case of a major event or catastrophe.

As a rule, the marching order has to be sent to the person liable for military service at least 6 weeks before service starts. In addition, the refresher courses' agenda for the forthcoming year is always published by means of a poster on the public information board in every town and village in Switzerland in autumn every year. For persons liable for military service, this public poster is in itself equivalent to a marching order and obliges them (and their employers) to adjust their civilian activities. Since 2006, each person liable for military service receives an announcement 20 weeks before service. Anyone who fails to respond to a public call-up or marching order without being excused is reported to the military justice authorities for prosecution.

Dismissal from civilian employment is null and void during a period of military service. If the term of service exceeds 11 days, dismissal within 4 weeks before and after service is also null and void. In addition, service personnel have a legal claim to a compensatory payment for loss of income.

Paramilitary forces

Switzerland has no paramilitary forces.

Security forces

Switzerland has no internal security forces.

3.2 What kind of exemptions or alternatives to military service does your State have?

Exemptions

The following groups are exempt from military service for the duration of their tenure or employment (*in 2019 a total of 5'177 people*):

- members of Parliament and of the Federal Council;
- the clergy, unless they serve voluntarily as chaplains in the Swiss Armed Forces;
- essential personnel in the health services;
- professional personnel in the rescue services, fire brigades and police;
- border guards;
- postal staff and staff of transport companies with a federal concession;
- persons employed in those parts of the administration that are in extraordinary situations making them responsible for general defence.

Exemptions are only possible after basic military training has been completed.

Alternatives to compulsory military service

Service duties are fulfilled by completing compulsory military service, civil defence or alternative civilian service. Male conscripts who do neither military nor civilian service have to carry out civil protection duties and are required to pay a contribution (compensatory military contribution) as compensation for the military service which they have not performed.

Since 1996, conscientious objector conscripts who feel unable to serve in the Swiss Armed Forces may be assigned to alternative civilian service. This service is performed outside the Swiss Armed Forces in civilian institutions. The conscientious objectors serve civilian purposes and are assigned to duties of public interest. They are mainly employed in the following fields: health and social services, nature conservation and environmental protection, forestry and agriculture, development cooperation and humanitarian aid. The Federal Department of Economic Affairs, Education and Research (EAER) is responsible for civilian service issues; its Federal Office for Civilian Service decides whether a candidate is to be accepted or not.

Civilian service duty lasts 50% longer than regular military service.

In **2019, 8'342** applications for assignment to civilian service were submitted (2018: 8'248, 2017: 8'651, 2016: 8'032, 2015: 7'519). In **2019, 6'088** applications were approved and **2'123** rejected (in 2018: 6'205, 2'060 rejected; in 2017: 6'785, 1,954 rejected; in 2016: 6'169; 1'580 rejected; in 2015: 5'836, rejected 1'609). In **2019, 19'315** persons liable to military service performed civilian service (2018: 19'989; 2017: 20'144; 2016: 19'939; 2015: 18'223). As of the end of **2019**, a total of **52'983** people were liable to perform civilian service (2018: 50'878; 2017: 47'978; 2016: 44'069; 2015: 40'807). **0.1%** of these were women (52).

Since 1 April 2009, there are new regulations in the admission procedure for civilian service: those wishing to perform civilian service are no longer required to submit detailed evidence of their conscientious objection to military service. Readiness to undertake civilian service, which lasts one and a half times as long as military service is regarded as sufficient proof for conscientious objection. Due to the new rules, the number of candidates for civilian service has risen considerably. On 1 February, 2011, new regulations were introduced at ordinance level. A delay of reflection and confirmation of the application before the admission was established. In July 2016, new regulations about the procedure for admission were introduced at act and ordinance level. Candidates for civilian service can submit their application online on

the website of the Federal Office for Civilian Service and have to visit an introductory course before admission.

Legal status, rights of appeal, remuneration, grounds for exemption and penalties for breaches of duty largely correspond to those that apply to persons performing military service. Only the civilian criminal courts have jurisdiction, and not the military courts. There is a right of appeal to the Federal Administrative Court against all decisions made by the Federal Office for Civilian Service. Persons performing civilian service may contact the Federal Office for Civilian Service at any time if they have a grievance against the employing enterprises. The Federal Office for Civilian Service conducts inspections of the employing enterprises to ensure that the civilian service projects are being carried out properly.

Laws or other relevant documents regulating exemptions or alternatives to compulsory military service:

- The Federal Act on the Armed Forces and the Military Administration (Act on the Armed Forces, AOA, SR 510.10), particularly articles 2, 17, 18, 26 and 145;
- The Federal Act on Alternative Civilian Service (SR 824.0).

3.3 What are the legal and administrative procedures to protect the rights of all forces personnel as well as conscripts?

Principles on the legal status of military personnel

Art. 58 of the Federal Constitution stipulates: “Switzerland has Armed Forces. They are primarily organised according to the principle of a militia⁷.” Military personnel continue to be entitled to their constitutional and legal rights during military service. This applies, in particular, to the protection of privacy, freedom of religion and conscience, the right to freely express one’s opinion as well as to exercise one’s political rights. However, basic rights and freedoms are restricted as far as it is necessary to guarantee an undisturbed course of military service. Members of the Swiss Armed Forces may express their opinion freely. This also includes opinions about the Swiss Armed Forces and military service. But the free expression must not prevent tasks from being carried out, nor interfere with the rules of obedience, discipline, team spirit and service operation. On the other hand, it is forbidden for members of the Swiss Armed Forces to organise or participate in political meetings, declarations, propaganda, or collect signatures for political purposes. The Swiss Armed Forces Act and the Service Regulation of the Swiss Armed Forces provide the legal basis for these restrictions.

List of rights of military personnel⁸

Protection of privacy	Right to respect for one’s personality and to the greatest possible preservation of one’s personal sphere
Right to information	Right to regular information on security and military policy issues
Counselling and care	Military personnel requiring help are given pastoral, medical, psychological and social advice and support
Right to military pay, board and lodging as well as special privileges	Special privileges are: - no postal charges during service - free public transportation during service
Military insurance	Right of compensation from military insurance in the event of accident or illness in the context of military service
Compensation for loss of income	Right of compensation for loss of income due to military

⁷ Applicable definition of militia according to the Swiss Federal Constitution: Swiss citizens serving in the Armed Forces based on the principle of universal conscription, temporarily activated for training services but serving full time only in wartime (active service) or emergency situations (assistance service). Not to be confused with paramilitary groups or irregular, non-constitutional fighters!

⁸ Service Regulation of the Armed Forces, articles 93-101.

	services
Suspension of debt enforcement proceedings during service	Article 57 of the Federal Act on Debt Enforcement and Bankruptcy of 11 April 1889 (SR 281.1)
Protection against abusive dismissal from employment	Article 336 para. 1 let. e of the Federal Act completing the Swiss Civil Code of 30 March 1911 (Book 5: Code of Obligations; SR 210)
Protection against untimely dismissal from employment	Article 336c para. 1 lit. a of the Federal Act on the Amendment of the Swiss Civil Code of 30 March 1911 (Book 5: Code of Obligations; SR 210) (cf. above section 3.1)
Right of complaint / legal assistance	Right of proceedings within an order of law to protect the individual against unlawful administration or against abuse of power by the administration or a military superior, and a compulsory defence counsel in the case of a trial before a military court

List of decrees relating to legal assistance of military personnel

Issue	Regulation of process / List of decrees
<u>Service complaint procedure</u> Service complaint of Swiss Armed Forces personnel is permitted: - against orders of military superiors - against certain directives of military authorities (e. g. decisions on conscription and promotion) - in all cases where Swiss Armed Forces personnel consider themselves unjustly treated	Articles 36-40 of the Federal Act on the Swiss Armed Forces and the Military Administration (Armed Forces Act, ArMA SR 510.10) of 3 February 1995 Sections 102-109 of the Armed Forces Service Regulation (SR 510.107.0)
<u>Legal administrative proceedings</u> Legal assistance for certain non-monetary issues such as: - Decisions on expulsion from the Swiss Armed Forces - Decisions on exemption from service	Article 40 Armed Forces Act, Federal Act on Administrative Proceedings (SR 172.021) of 20 December 1968 and Federal Act on the Federal Administrative Court (SR 173.32) of 17 June 2005
Personal talk or confidential hearing with the commanding officer	Section 103 Armed Forces Service Regulations (SR 510.107.0)
Complaint against assessment of military fitness	Article 39 Armed Forces Act
Reconsideration of decisions regarding - service postponements - advance services - voluntary services - dispensation from active service	Article 38 Armed Forces Act
Means to contest a disciplinary penalty (disciplinary appeal)	Military Criminal Code of 13 June 1927 (MCC SR 321.0), articles 180 ff.
Means and proceedings for dealing with penal cases	Military Criminal Code of 13 June 1927 (MCC SR 321.0), Federal Act on Military Criminal Procedure (MCPA SR 322.1) of 23 March 1979 and Federal Council Ordinance on Military Criminal Judicature (MCJO) (SR 322.2)

The Military Criminal Code in its second book provides a list of sanctions, which includes detention from 1 to 10 days and disciplinary fines of up to CHF 500 during military service and up to CHF 1,000 between military service periods.

4. Implementation of other political norms, principles, decisions and international humanitarian law

4.1 How does your State ensure that International Humanitarian Law and Law of War are made widely available, e.g., through military training programmes and regulations?

International Humanitarian Law (IHL) / the Law Of Armed Conflict (LOAC) is fully integrated in the Swiss Armed Forces Service Regulation (SR 510.107.0) and reflected in the Swiss Criminal Code (SR 311.0), in the Military Criminal Code (MCC SR 321.0) as well as in the Rome Statute of the International Criminal Court (SR 0.312.1), which penalise war crimes, crimes against humanity and genocide. A major effort has been made to introduce the most important concepts into general military manuals on conduct and tactics. An instruction leaflet for all members of the Swiss Armed Forces has been issued in 5 languages (German, French, Italian, Romansh and English) and is distributed by unit commanders. Specialised manuals providing an overview of the legal framework for all missions of the Swiss Armed Forces, including an introduction to human rights and IHL have been published in German and French and have been distributed to all active officers and senior non-commissioned officers since 2005/2006. Swiss Armed Forces personnel are educated in the LOAC during basic training (recruit school) and in all military cadre schools.

- Basic training includes: basic knowledge of the Geneva and Hague Conventions including Additional Protocols I - III (laws and customs of war and corresponding behaviour). All soldiers are instructed by using the e-learning tool online on the Learning Management System (LMS) of the Swiss Armed Forces LOAC I containing an introductory theory and a test. The theoretical knowledge is put into practice during combat training exercises.
- NCO schools: Repetition and consolidation of knowledge gained during basic training, responsibilities of a group/squad leader.
- Prospective company commanders are trained in the LOAC and in the rules concerning the protection of cultural property (incl. interactive training with an e-learning tool on commanders' responsibilities).
- LOAC is part of the curriculum of the Swiss Armed Forces Training Centre (all courses for commanders and Staff Officers), the Swiss Military Academy and of schools and courses for legal advisors.
- Legal advisors attend the Military Course on International Humanitarian Law at the San Remo Institute.
- Peace operations: Members of the Swiss Armed Forces participating in peace operations receive instructions on the law relevant to their mission and on specific rules of engagement.

Information on LOAC will continue to be given to a wider public through interactive CD-ROMs and an internet website. The LOAC-website of the Staff Chief of the Swiss Armed Forces is available in French and German under the following [link](#). The website on IHL of the FDFA is available under the following [link](#).

An e-learning tool on IHL, legal aspects of PO and human rights is available online on the Partnership for Peace Consortium, Advanced Learning Management Services (PfPC LMS, see the following [link](#), 'FDFA-DDPS IHL Course'). Switzerland offers a variety of courses on the LOAC to NATO and EAPC/PfP Partner nations (Course for military medical, medico-legal personnel and chaplains held by the Medical Services of the Swiss Armed Forces Staff, course CENTROC alternating with an IHL content for middle-rank officers in Geneva, workshop on the OSCE Code of Conduct). In all those courses, the LOAC is an important subject. Switzerland also works with the Sanremo Institute of International Humanitarian Law (IIHL) by providing financial assistance and teaching staff. From time to time, Switzerland also offers support as Host Nation for other IHL activities with third parties (such as, for example, the Senior Workshop on International Rules Governing Military Operations, which is run by the ICRC). Switzerland also supported several courses on IHL at the GCSP's Security and Law Programme, for instance the Symposium for Senior NATO/PfP Legal Advisors (SSL) or the courses on "Air and Missile Warfare: Navigating the Legal Dimension (Advanced AMPLE)", "Legal Dimensions of Contemporary and Future Use of Force" and "Weapons Law and the Legal Review of Weapons".

At the beginning of 2014, Switzerland published an updated version of its “ABC of International Humanitarian Law”. This publication is essentially a glossary of terms explaining the key concepts of international humanitarian law. It is available both on-line and in brochure form and can therefore be consulted by anyone with an interest in international humanitarian law. An update of the “ABC of International Humanitarian Law” was published in 2018 and is available in several languages online.

The Interdepartmental Committee for International Humanitarian Law (ICIHL) is tasked with the exchange of experiences and information on IHL within the Administration and its implementation in Switzerland. It ensures optimum coordination among the federal authorities and maintains relations with the scientific community, civil society, and other *organisations* concerned with IHL, such as the ICRC and the Swiss Red Cross. The Committee also supports the ICRC with its annual update of its study on customary international humanitarian law. The Committee also compiles new declarations, legal texts, and judgments that have been issued in Switzerland.

4.2 What has been done to ensure that Armed Forces personnel are aware of being individually accountable under national and international law for their actions?

All members of the Swiss Armed Forces receive rank specific instructions on the LOAC throughout their military training. They are fully aware of their obligations, duties, and their individual accountability. During instruction, special attention is placed on command responsibility and its current development.

Mission oriented ROE (Rules of Engagement) are reviewed during the instruction sequence preceding a mission. Pocket cards reminding each member of deployed units of the characteristics of a mission and its specific ROE are handed out.

During active service, all Swiss Armed Forces personnel make a commitment by oath or vow to observe the LOAC.

4.3 How does your State ensure that the Armed Forces are not used to limit the peaceful and lawful exercise of human and civil rights by persons as individuals or as representatives of groups nor to deprive them of national, religious, cultural, linguistic or ethnic identity?

All Swiss Armed Forces deployments are subject to the provisions of the Armed Forces Act and, with the exception of very minor deployments, require parliamentary approval. Additionally, the open and free media, as well as the fact that the Swiss Armed Forces are organised to the principle of universal conscription, contribute to openness about deployments, which is a further element that prevents Swiss Armed Forces deployments that might limit the exercise of human and political rights. Human rights are also taught to Swiss Armed Forces personnel during basic training and in the context of specialised courses. In the case of Swiss Armed Forces deployment as support to the civilian authorities, the latter monitor the subsidiary deployment’s legality and legitimacy. Swiss Armed Forces personnel are – even in such cases – employed primarily on guarding and protection duties, freeing up police forces for duties where the risk of confrontation is higher.

4.4 What has been done to allow individual service members to exercise their civil rights and how does your State ensure that the country’s Armed Forces are politically neutral?

Generally, members of the Swiss Armed Forces have the same rights and obligations as citizens (see also 3.3)

These rights are guaranteed in the Armed Forces Act, Art. 28, and in the Armed Forces Service Regulation (SR 510.107.0, Art. 93-99). Conscripts who declare that military service is not compatible with their conscience can do alternative civilian service (see also 3.2).

Under the Federal Constitution and the Armed Forces Act, the Swiss Armed Forces are subordinate to the

civilian authorities. Their highest executive body is the Federal Council, which is governed by decisions that are taken by Parliament in accordance with the Federal Constitution and the law.

4.5 How does your State ensure that its defence policy and doctrine are consistent with international law?

As established in the Federal Constitution, federal authorities have to respect international law. This also applies to the Swiss Armed Forces. Their defence policy and doctrine are regularly evaluated with regard to its consistency with international law. Furthermore, by stipulating in the Federal Constitution that “the Armed Forces serve to prevent war and to maintain peace”, Switzerland reflects international law principles such as the prohibition of threat or use of force in international relations (UN Charter, art. 2 al. 4) or the settlement of international disputes by peaceful means (UN Charter, art. 2 al. 3).

On the implementation of international humanitarian law, see above Chapters 4.1 and 4.2. Further, an open public debate, the requirement for parliamentary approval for the Swiss Armed Forces budget and major acquisitions as well as operations, and the requirement of a UN or an OSCE mandate for peace operations help ensure that defence policy and doctrine are in accordance with international law. This is reinforced by Switzerland’s neutrality and practice of restraint regarding military participation in operations outside Switzerland.

Section III: Public access and contact information

1. Public access

1.1 How is the public informed about the provisions of the Code of Conduct?

Switzerland published the “Commemorative Study: 20 Years of OSCE Code of Conduct on Politico-Military Aspects of Security”: This publication pays tribute to the unique and remarkable history, development, achievements and outreach of OSCE’s key document for the democratic control of the armed forces and the security sector. It is available on the [OSCE-website](#) for free.

The Code of Conduct is an integral part of the Military Academy curricula at the Swiss Federal Institute of Technology (ETH) Zurich. Equally, the ETH runs its own OSCE internet site where the Code of Conduct is one of the central themes. In addition, the internet website of Parliament, an official information site specially designed to provide information to the Swiss population, also refers to the Code of Conduct.

1.2 What additional information related to the Code of Conduct, such as replies to the questionnaire on the Code of Conduct, is made publicly available in your State?

The Code of Conduct and its provisions are selectively taught in Swiss Armed Forces officers’ schools. Due to the Swiss conscript system, where almost all soldiers are at the same time civilian citizens, this ensures a very wide dissemination of the provisions of the Code of Conduct among the Swiss population.

Furthermore, organisations and think tanks that are Swiss-based and partly funded by the Swiss government, such as the Geneva Centre for Democratic Control of Armed Forces (DCAF) or the Centre for Security Studies (CSS) of ETH, and the International Security Network (ISN), regularly publish research on the Code of Conduct.

Finally, the Code of Conduct is mentioned on the internet site of the Swiss Verification Unit, which deals with the obligations derived from numerous international regimes and treaties in the area of arms control and disarmament.

1.3 How does your State ensure public access to information related to your State’s Armed Forces?

Public access to information on the Swiss Armed Forces is guaranteed, first of all, by the fact that all politically or legally relevant documents and decisions are published on the internet and thus accessible to the general public under the following [link](#). Because the Swiss Armed Forces are organised as a conscript Army, a large percentage of male citizens (and some women) are regularly present in the Swiss Armed Forces. This further ensures regular dissemination. Beyond that, the Federal Council and the DDPS regularly inform the public on all issues relevant to security policy and the military role and stance. Additionally, the Federal Act on Freedom of Information in the Administration (Freedom of Information Act, FoIA, SR 155.3) contributes towards transparency and thus towards the democratic control of the Swiss Armed Forces. This law allows anyone to request access to the administration’s documents. This request can only be refused for specific reasons such as:

- The documents relate to a political or administrative decision that has not yet been taken;
- The request concerns documents that are still being discussed or considered.

In addition, access to documents can be refused, in case it would endanger internal or external security, foreign policy interests or Switzerland’s international relations, the concrete application of an administrative decision, the economic or monetary policy of the country or the free formation of the administration’s opinion or will.

2. Contact information

2.1 Provide information on the national point of contact for the implementation of the Code of Conduct.

Federal Department of Defence,
Civil Protection and Sport DDPS
Swiss Armed Forces
Armed Forces Staff
International Relations Defence
Swiss Verification Unit

Mail: Papiermühlestrasse 20, CH-3003 Berne

+41 58 480 10 71 (phone)

+41 58 465 30 40 (fax)

verifikation.astab@vtg.admin.ch

<http://www.vtg.admin.ch/fr/actualite/themes/internationale-beziehungen.html>

2.2 Any other information:

Switzerland is committed to raising awareness of the “OSCE Code of Conduct on Politico-Military Aspects of Security” and ensuring that it is better implemented. In 2018, the following events and projects were realised:

- *Switzerland contributed to the “Regional Seminar on the OSCE Code of Conduct for participating states and Partners for Co-operation” in Larnaca, Cyprus in 2019. The principal objective of the seminar in Cyprus was to exchange experiences on implementation of the Code of Conduct between OSCE participating states in the Mediterranean region and the Mediterranean Partners for Co-operation. Furthermore, the regional sessions allowed national presentations and discussions on specific Mediterranean challenges and possible solutions. The seminar in May 2019 was co-sponsored by Switzerland, Germany and the Czech Republic and was attended by 60 participants from 24 countries of the region and beyond. The regional seminar on the Code of Conduct in Tirana, Albania, scheduled for April 2020 had to be postponed due to the COVID-19 situation.*
- *Switzerland also contributed to the Symposium “From Budapest-To-Budapest (1994-2019)”, to commemorate the 25th anniversary of the Code of Conduct held in Budapest, Hungary, in October 2019 with financial contributions and a high-level panellist.*
- Ongoing preparation of the “Compilation of Practical Examples on Democratic Control of Armed and Security Forces” (CPE DCAF): In order to further improve the promulgation of the norms and principles of the OSCE Code of Conduct, Switzerland and several co-sponsors plan to provide a compilation of practical implementation examples of the provisions of the Code as another useful toolkit to support awareness raising, better implementation and outreach activities. The document is intended to be contemporary, practical and easy to implement. Furthermore, the document aims to identify and highlight practical and feasible examples of how to fulfil the norms and provisions enshrined in the Code, stemming primarily from more than 20 years of experience implementing the Code among the 57 OSCE participating States.

Previously, Switzerland, working mainly with Austria and Germany, co-organised and co-sponsored seminars in Kazakhstan, BiH, Belarus, Ukraine, Latvia, Malta, Mongolia, Tunisia, Serbia, Montenegro,, the USA, **Romania and Germany**.

Every year, Switzerland invites like-minded OSCE participating states to the “Conceptual and Planning Workshop on the Activities related to the OSCE Code of Conduct” in Bern, during which the schedule of activities for the current and the following year are planned.

With the translation of the OSCE Code of Conduct into Arabic, Germany and Switzerland hope to increase awareness of democratic control of the armed forces and IHL among the member states of the Arab League and in Northern Africa.

In addition, Switzerland *seconds* a support officer to the OSCE Conflict Prevention Centre in order to facilitate the work of the Forum for Security Co-operation regarding the implementation of and general activities related to the OSCE Code of Conduct. This secondment has been extended until further notice.

Lastly, Switzerland continues to support the “Geneva Centre for the Democratic Control of Armed Forces (DCAF)”, which also promotes the implementation of the OSCE Code of Conduct.

Switzerland remains strongly committed to supporting multilateral or bilateral activities or assistance on the OSCE Code of Conduct with the aim of further raising awareness by fostering the universalisation of this cross-dimensional, norm-setting document, improving its implementation within the OSCE and actively promoting its outreach beyond the OSCE area.

Annex I: Voluntary information regarding implementation of the UNSCR 1325 (FSC.DEC/5/11 (Annex))

I: Prevention

1. Measures to increase armed forces personnel's understanding of the special needs and contributions of women in conflict.

Inclusion of specific matters related to the protection of women's and girls' rights in the basic education of armed forces.

Diversity management is a management tool used by the Federal Office of Personnel to integrate the needs of the different stakeholders (gender, sexual orientation, language balance and age groups, as well as the protection of women's and girls' rights). According to an order from the Chief of the Swiss Armed Forces concerning the handling of diversity management, all members of the Swiss Armed Forces (professional personnel and conscripts are to be trained in these matters.

Availability of specialised in-service training for Armed Forces personnel on the protection of women's and girls' rights.

Training courses on matters of equal opportunity, gender, issues relating to discrimination on grounds of sexual orientation, and harassment, as well as bullying are compulsory for all Swiss Armed Forces cadres.

Inclusion of specific matters related to the protection of women's and girls' rights in pre-deployment training for international peacekeeping missions.

Within the Swiss Armed Forces, the Swiss Armed Forces International Command (SWISSINT) is responsible for the planning and management, recruitment, support and control, and training of all military contingents and individuals engaged in peace-support operations abroad. Generally, all pre-deployment courses cover training on gender related issues. In gender specific training, the SWISSINT Training Centre (TC) has two different approaches to pre-deployment training: one for a domestic audience (KFOR and EUFOR) and another for an international audience (Military Experts on Mission [UNMEM].) and Military Staff Officers [MSO]). In training, the main focus lies on UN Res 1325 as well as on sexual exploitation and abuse issues (SEA) that a national contingent may have to deal with. Training is consistent with the UNDPO guidelines as the international Swiss Military Experts on Mission Course is a UN certified course.

Availability of plans to address and gather information from local women in areas at risk of conflict.

Gathering of information from the local female population is covered by the individual information collection programme of the respective missions, in which Swiss Armed Forces military personnel (often female) are deployed (e.g. KFOR, EUFOR-ALTHEA, UNTSO, UNMISS, MONUSCO).

Inclusion of systematic gender analysis of areas at risk of conflict, including gender-disaggregated socio-economic indicators and power over resources and decision making.

The main focus of any PO mission is the assessment of the local security situation. Therefore, information gathered is generally reported to the respective HQ. This includes, if available, the analysis of gender related issues. The subsequent reports are not disclosed to the national HQs of the troop contributing countries, but to UN DPO, NATO HQ (SHAPE) or the EUSG.

2. Measures to address the violation of the rights of women and girls, in line with international standards.

Number and percentage of military manuals, guidelines, national security policy frameworks, codes of conduct and standard operating procedures/protocols of national security forces that include measures to protect women's and girls' human rights.

In 2010, the Federal Council released a report⁹ on military ethics in the Swiss Armed Forces, thereby fulfilling a parliamentary postulate of 2005 which aimed to raise awareness of the obligations of military personnel regarding the inviolability of human rights and fundamental rights, and therefore of women's and girl's rights as stipulated in the Federal Constitution. Chapter 3.4 and 4.5.4 of the 2010 report addresses equal opportunities for women and gender diversity. The report concluded that ethical and legal foundations are already laid down in the existing laws and ordinances and confirms that all Swiss Armed Forces personnel are consistently given training on these matters. However, the Federal Council acknowledged, that an improvement involving a more systematic and holistic approach regarding implementation should be considered. Essentially, no serious loopholes which would require immediate action were identified regarding respect for and awareness of ethical and legal principles within the Swiss Armed Forces. Nevertheless, the Swiss Armed Forces, being a mirror of the civil society, will not remain unaffected by the problems and challenges of the modern and multifaceted globalised world. Therefore, youth violence and extremism are observed and monitored closely in order to avoid relevant abuses during military service.

Number and percentage of directives for peacekeepers issued by head of military units and standard operating procedures that include measures to protect women's and girls' human rights.

Besides pre-deployment training, the guidelines and SOPs of the specific mission contain regulations and measures concerning respect for human rights and the protections of women's and girls' rights.

II: Participation

1. Measures to increase the number of women in general and involved in decision-making positions in the armed forces and the ministry of defence. UN Charter

Number and percentage of women to apply to be part of the military forces.

Roughly 1.3 % of the military professionals and **0.87 %** of the conscripts are women. These figures are due to the fact that under the Federal Constitution, military service is not compulsory for female Swiss citizens. However, as members of the Swiss Armed Forces, their civilian skills can be used and enhanced. Once they have successfully passed through the recruitment process, female members of the Swiss Armed Forces commit themselves to fulfilling their service duties as laid down by current legislation. They can attain the same ranks and fulfil the same functions in the Swiss Armed Forces as their male counterparts.

Young women can apply to be called up as recruits from the age of 18. They must have attended recruit school by the time they are 25. Thereafter, female Swiss Armed Forces personnel carry out the same duties as their male colleagues. Men and women receive identical training. Moreover, women are equipped with the same personal weapons as the men in the same functions. They are also fully trained on all the weapons held by the unit.

⁹ (German: <http://www.news.admin.ch/NSBSubscriber/message/attachments/20300.pdf>,
French: <http://www.news.admin.ch/NSBSubscriber/message/attachments/20301.pdf>)

Number and percentage of women in the military forces disaggregated by rank.

Rank structure	Rank category	Effective strength Women			
		J	N	R	Total
Officers	Senior staff officers		1		1
	Staff officers	8	43	4	55
	Captains		82	1	83
	Subaltern officers		208	3	211
	Officers total	8	334	8	350
NCOs	Senior NCOs		104		104
	Junior NCOs		310	6	316
	NCOs total		414	6	420
Junior ranks	Privates total		451	32	483
Overall		8	1'199	46	1'253

J General staff officer
N Officer
R Member of the red cross service

Establishment of policies to attract female candidates (Targeted campaigns, review of accession tests, etc.).

At the age of sixteen, male future conscripts and women receive a written explanation of the Swiss Armed Forces. Conscriptation begins with the registration for recruitment of conscripts at the age of eighteen. Prior to recruitment, all male conscripts are called-up and interested women are invited to an information day.

All functions are open to women in the Swiss Armed Forces once the recruiting process is passed the physical performance standards required for their chosen function are met.

Establishment, promotion, maintenance and use of specialised rosters of female profiles in the military fields.

Roughly half of the women serving in the Swiss Armed Forces opt for a progressive training. This means that it is no longer a rarity for female cadre personnel to command sections, platoons, sub-units or even battalions.

Number and percentage of discrimination and sexual harassment complaints that are referred, investigated and acted upon.

The Military Justice opened in **2019** investigations in **two** cases with sexual harassment.

Development of regular analysis of retention and promotion practices for men and women in the forces.

For the period 2008 – 2011 the following focal points concerning equal opportunities were specified:

- promotion of female cadres,
- continuation of awareness raising measures, and the
- implementation of binding action plans.

2. Increase the number of women in peacekeeping forces.

Number and percentage of women in peacekeeping forces disaggregated by rank.

As of 3 March 2020, out of a total of 237 peacekeeping forces personnel, 31 (13.08%) are female: 6 women officers, 6 women NCOs, 17 enlisted women and 2 female civilian (HQ OSCE, Secretariat, FSC Support Officer and HQ KFOR).

Number and percentage of international missions where gender advisors were appointed.

In contingents, the contingent commander, the senior national representative and the legal advisor are in charge of gender issues. In the case of individual deployments, the senior national representative is responsible. Out of 11 missions as of 3 March, 2020, 10 (90,9%) missions have a senior national representative responsible for gender issues. The only remaining engagement consists only of 1 personnel and has no specific appointment in this matter.

Number and percentage of participating State's international missions that address specific issues affecting women and girls in their terms of reference and the mission reports.

The reports of operations are not a national responsibility; they are delivered to the respective mandator. In all missions, internal reports are only established on a case-by-case basis.

III: Protection

1. Increased access to justice for women whose rights are violated.

Number and percentage of reported cases of exploitation and abuse allegedly perpetrated by uniformed peacekeepers that are referred, investigated and acted upon.

In 2019, no case involving charges with a sexual background, including harassment, to the disadvantage of a Swiss woman serving as uniformed peacekeeper was reported to the Military Justice.

IV: Other information

Information on the development, implementation and evaluation of a National Action Plan to implement UNSCR 1325.

UN Security Council Resolution 1325 (UNSCR 1325) on Women, Peace and Security was unanimously adopted on 31 October 2000. It is the first UN Security Council Resolution to expressly mention the particular effect which armed conflicts have on women and girls, and it underlines the importance of women's participation in peace processes. Switzerland's commitments at a bilateral and multilateral level in the context of UNSCR 1325 already include gender-sensitive project work specifically aimed at implementing UNSCR 1325. Switzerland is also committed to the deployment of gender experts as well as to internal measures in the areas of recruitment, training and internal policy with regard to gender equality. At a multilateral level and, among others, as a member of the "Group of Friends of 1325" and the Women Peace and Security Focal Point Network, Switzerland is actively involved in the promotion and implementation of the Women, Peace and Security agenda. Since 2012 Switzerland has worked with the Global Network of Women Peacebuilders (GNWP) to raise awareness of the parallels and the complementarity between the Committee on the Elimination of Discrimination against Women (CEDAW) and the Security Council Resolutions on Women Peace and Security. The objective of the project is to strengthen the synergies between the Security Council and CEDAW for better implementation and accountability of the UNSCR 1325.

Switzerland is committed to the creation of framework conditions in the United Nations, as well as in other international and regional organisations such as the OSCE, that will enable women to participate in peace building efforts on an equal footing with men. This commitment to equal rights is based on quantitative criteria (proportion of women to men), as well as with regard to opportunities and the contribution to decision-making, position in the hierarchy, financial and other resources, security measures, capacity building, etc.

In order to strengthen and coordinate Switzerland's efforts, a National Action Plan for the implementation of UNSCR 1325 (NAP 1325, see the following [link](#)) has been established (2007, revised versions in 2010, 2013 and 2018). The aim of the Swiss NAP 1325 is to ensure that gender aspects are taken into consideration in all areas of peace and security policy and in all concrete peacekeeping and peacebuilding measures. Switzerland's NAP 1325 is adapted on a regular basis and its content is subject to constant review. The latest implementation report was published in 2017 and can be found under the following [link](#).

Switzerland supports and promotes, directly and indirectly, programmes and projects designed specifically to ensure the effective participation of women in peace processes. Furthermore, efforts are to be made to systematically include gender aspects in all peace building programmes and projects, through the proper training of those in charge of programmes, the deployment of experts, etc.

Switzerland promotes the participation of women in peace processes by means of its policy with regard to recruitment and secondment as well as in its support for qualified candidates. This is to ensure that the experts seconded to civilian peace building operations as well as the participants in military peace operations will receive a high level of training in sensitisation on gender issues in preparation for their deployment on missions.

Annex II: Voluntary information on Private Military and Security Companies (PMSC) (FSC.DEL/2/15)

I. International Engagement

1. What are your States' international engagements aimed at promoting standards of good governance and good practices for PMSCs?

Information on engagement with voluntary initiatives aimed at promoting more effective regulation of PMSCs, such as the Montreux Document and the International Code of Conduct for Private Security Providers (ICoC).

Information on your State's position on joining the Montreux Document and the ICoC Association (ICoCA).

Switzerland and the International Committee of the Red Cross (ICRC) produced the Montreux Document of 17 September, 2008, on pertinent international legal obligations and good practices for states related to operations of private military and security companies during armed conflict. The Montreux Document is now endorsed by **56** states and three international organisations (the OSCE endorsed the Montreux Document on 22 November, 2013). The Montreux Document Forum was launched during a constitutional meeting which took place on 16 December, 2014, in Geneva. Five plenary meetings of the Montreux Document Forum have been held so far in Geneva, as well as one regional meeting of the Montreux Document Forum in Costa Rica. The sixth plenary meeting took place in September 2019 in Geneva. By providing a venue for informal consultation among Montreux Document participants, the Montreux Document Forum seeks to support national implementation of the Montreux Document and the development of implementation tools, as well as to bring more states to actively support it. The Forum further aims to strengthen dialogue on lessons learned, good practices and challenges related to the regulation of PMSCs.

On a parallel basis, Switzerland encouraged a follow-up by the PMSC industry to the Montreux Document. The International Code of Conduct for Private Security Service Providers of 9 November, 2010, was launched by Switzerland and the private security sector, with the participation of civil society and other governments, with the aim of setting human-rights compliant industry standards and good practices. The International Code of Conduct Association (ICoCA), constituted as a Swiss association in Geneva and operating under Swiss law, is responsible for the independent governance and oversight of the ICoC's implementation. Its overarching purpose is to promote the responsible provision of security services as well as respect for human rights, national and international law in accordance with the principles set out in the Code. Currently, **97** private security companies, **7** governments and **35** NGOs are members of the ICoCA. In 2016, the core procedures of the ICoCA's oversight mechanism – certification, monitoring and complaints process – were finalised and approved by its members. The Geneva-based ICoCA secretariat has started operationalising these procedures as of the 1st of January, 2017.

Information on participation in the consultations of the United Nations Open-ended intergovernmental working group to consider the possibility of elaborating an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies and information on your State's position on this international regulatory framework.

Switzerland has actively participated in each session of the open-ended intergovernmental working group. Switzerland will continue to participate in the discussion to be held under the new mandate of the working group. A binding instrument would create new obligations for states and would go further than the Montreux Document which, above all, rephrases the States' existing international obligations related to PMSCs. Switzerland considers that the Montreux Document and a possible convention, although different, are complementary initiatives which share a common objective: promoting compliance with international

law. During the Montreux +5 Conference which took place in 2013, it was emphasised that the multinational nature of private military and security companies constitutes a major challenge for national legislation. In this sense, additional discussions on the way to deal with certain issues such as jurisdiction and mutual legal assistance, including by way of an international binding treaty, are welcome.

Information on engagement with other voluntary initiatives such as the Voluntary Principles on Security and Human Rights (VPs), the United Nations Global Compact, the United Nations Guiding Principles on Business and Human Rights.

Switzerland was admitted as a participating government to the Voluntary Principles on Security and Human Rights (VPs) initiative in September 2011. From March 2013 until March 2014, Switzerland chaired the steering committee and hosted the plenary meeting on 26-27 March 2014 in Montreux. The Swiss presidency was appreciated by all stakeholders and facilitated several positive developments: A three-year strategy was agreed upon with the aim of strengthening the implementation of the VPs, the transparency and accountability, as well as of aligning the VPs with the UN Guiding Principles on Business and Human Rights. ***During its role as chair for the second time (2019–2020), Switzerland focused on implementing the Voluntary Principles initiative in the field and expanding it to new members.***

Switzerland succeeded in opening the initiative to a new sector with the addition of an agribusiness company. Furthermore, several producer countries have decided to join the initiative. This is a positive development, as the commitment from these countries is key to strengthening the impact on the ground and involving national institutions. Focusing its strategy on producer countries which would benefit the most from implementing the Voluntary Principles, Switzerland has invested in projects such as police training and promoting a dialogue between civil society, companies and national authorities. Switzerland has also strengthened its task force to enhance the impact of the Voluntary Principles in French-speaking Africa.

The Swiss Government supports the United Nations Global Compact (UNGC) financially through the Global Compact Trust Fund and by funding specific activities on topics such as gender equality, the fight against corruption or the conduct of companies in conflict regions. In addition, the Swiss United Nations Global Compact Network, which has concluded a cooperation contract with the Swiss Government, plays an important role in the promotion of topics related to corporate social responsibility.

On 15 January, 2020, the Federal Council approved the revised National Action Plan 2020-2023 on corporate social responsibility, and on Business and Human Rights with the involvement of external stakeholders (business associations, civil society, academia). The Federal Government promotes the implementation of a responsible business conduct. This includes in particular the creation of support measures for the implementation of human rights, due diligence (tools, guidelines, etc.) and cooperation with multi-stakeholder initiatives. These activities are an important contribution to sustainable development and to solving societal challenges.

II. Policy, Legislation, Regulation

2. Information on the policy, legislation, and regulations relevant to PMSCs that operate domestically and internationally, and how PMSCs are registered, licensed and monitored.

Specific laws, regulations, policies and other provisions relevant for PMSCs (as set out in the good practices of the Montreux Document).

Legislation pertaining to the export and import of PMSC services.

Due to several parliamentary interventions and based on a 2010 report on private military and security companies (PMSCs), the Federal Council concluded that regulatory action with regard to PMSCs which provide services abroad needed to be taken. On 27 September, 2013, Parliament passed the Federal Act on Private Security Services provided Abroad (PSSA, SR 935.41) which came into force on 1 September, 2015.

The aim of the PSSA is to contribute to the safeguarding of the internal and external security of Switzerland, the realisation of Switzerland's foreign policy objectives, the preservation of Swiss neutrality and respect for international law, in particular, human rights and international humanitarian law. The Act applies to natural and legal persons that provide private security services abroad or services in connection with private security services provided abroad. Further, it applies to those who establish, base, operate, or manage a private security company in Switzerland and to those who exercise control from Switzerland over such a company. It does not, however, apply to companies providing security services within Switzerland, which are regulated by cantonal authorities.

Private security services as defined by the PSSA means the protection of persons and the guarding or surveillance of goods and properties in complex environments, security services at events, the checking, detention or searching of persons, searching of premises or containers, and seizure of objects, the guarding, caring for, and transport of prisoners, operating prison facilities, and assisting in operating camps for prisoners of war or civilian detainees, the advising, training and operational or logistical support for armed or security forces, the operation and maintenance of weapons systems, and intelligence activities.

The competent authority (see below) reviews the information provided by the company on a case by case basis and initiates a review procedure whenever there are indications suggesting that the envisaged activity could be in conflict with the purposes of the Act. All companies that fall within the Act's scope of application have a duty to declare their intended activities and are obliged to become signatories to the International Code of Conduct for Private Security Service Providers (ICoC). The Ordinance on Private Security Services provided Abroad (OPSA, SR 935.411) specifies that companies are deemed to have acceded to the ICoC if they are members of the International Code of Conduct Association.

The PSSA further prohibits under all circumstances any activities carried out for the purpose of direct participation in hostilities abroad and the provision of services where it may be assumed that they will be used by the recipient in order to commit serious human rights violations.

In addition, the PSSA regulates the contracting of security companies for the protection of persons and the guarding of goods and properties in complex environments abroad by the federal authorities and defines the minimum requirements with respect to the companies concerned. In particular, the provisions determine the requirements with regard to the training, equipment and internal control mechanisms of the contracted private security companies. The PSSA requires the contracted companies to become a signatory to the ICoC. To complement the PSSA, the Ordinance on the Use of Private Security Companies by the Federal Government (OUPSC, SR 124) came into force on 24 June, 2015. The ordinance regulates the contracting of security companies within Switzerland and in non-complex environments and defines similar requirements with regard to the contracted companies.

Information on institutions/organisations monitoring compliance.

The competent authority in charge of the implementation of the PSSA is the Export Controls and Private Security Services Section of the FDFA's Directorate of Political Affairs. The competent authority is responsible for the implementation of the PSSA and the administrative procedures it introduces. In addition, the competent authority takes part in the national and international dialogue on norms and standards applicable to private security companies and publishes an annual report which is publicly available on its [website](#).

PMSCs operating within Switzerland are monitored by cantonal authorities according to cantonal laws. In the French-speaking part of Switzerland, the *Commission concordataire concernant les entreprises de sécurité* (Inter-cantonal commission on security companies) is responsible for monitoring private security

companies.

III. Number of PMSCs

3. How many PMSCs are registered in your State and what services do they provide, both domestically and internationally?

List number of PMSCs headquartered or based in your State.

List number of foreign-based PMSCs providing services in your State.

Between 1 September, 2015, and 31 December, **2019**, **62** Swiss-based companies submitted **1'718** declarations of activities abroad in accordance with Art. 10 PSSA. Due to the fact that PMSCs operating within Switzerland are regulated by cantonal authorities, there are no official numbers regarding their activities. It is estimated that around **900** private security companies provide services on Swiss territory.

Provide information on the types of services they provide, e.g. transport, logistics, surveillance, protection of persons, goods and property, maintenance of weapons systems, operation of detention centres, etc.

Provide information on geographical concentration of PMSCs activity when services are being delivered abroad.

Most of the declared activities concern the protection of persons and the guarding or surveillance of goods and properties in complex environments. Private intelligence activities represent another important segment. A third significant group concerns activities related to the export and use of war material and dual-use goods and to expertise in the military sector in general. This third group involves services in the areas of logistical support for armed or security forces, operation and maintenance of weapons systems and advising or training members of armed or security forces. From a geographical perspective, the activities that are subject to the law are mainly focused in the region of North Africa and the Middle East, where about half of the activities were carried out since the PSSA came into force. ***Other regions for activities that are subject to the law are Europe and Central Asia.***

Provide information on what services your State outsources to PMSCs

On the federal level, under Art. 30 PSSA and Art. 1 OUPSC, the Swiss Government is only authorised to contract with companies that provide private security services for the performance of protection tasks. ***Art. 30 PSSA explicitly lists the following protection tasks:*** the protection of persons as well as the guarding or surveillance of goods and properties.

On the cantonal level, Staff employed by private security companies is working in many cantons and facilities (prisons and other penal institutions, and centers for the execution of court measures). However, the tasks entrusted to these staff vary with companies exclusively providing security services outside the institutions or execute tasks requiring direct contact with the inmates which could include the use of direct force. In almost all concerned cantons, cantonal legislation applying the use of private security personnel is already in place or has already been elaborated for upcoming legislative amendments.
