Guidelines on Human Rights 2021–24
These guidelines serve to implement the Foreign Policy Strategy 2020–23 in the field of human rights. They are situated at the third level of the cascade of key foreign policy documents. The guidelines are primarily directed at the FDFA and Switzerland’s external network, but can also provide guidance for other departments and actors. A glossary of key terms is also included in the document.
The commitment for human rights is a constitutional and legal obligation, and therefore an integral part of Switzerland’s foreign policy. The Federal Council acknowledges this in its Foreign Policy Strategy 2020–23 (FPS 20–23). It has made human rights a key element of the thematic focus area of peace and security and has established its human rights goals and priorities for the current legislative period.

These Guidelines on Human Rights 2021–24 set out how the FDFA will implement the Federal Council’s specifications. They also explain the principles and instruments of human rights diplomacy. In line with the new cascade of key foreign policy documents, the FDFA has replaced the term ‘strategy’ with the term ‘guidelines’.

There has been no shift in importance accorded to the subject, though. On the contrary: we wish to make Switzerland even more coherent and effective in its promotion of human rights abroad. To ensure it is credible and effective, Switzerland’s human rights policy must be universal, principled and coherent. Greater use should be made of opportunities for new initiatives and innovative partnerships with other states, international organisations, the private sector, academia and non-governmental organisations.

In recent decades, significant progress has been made on the observance of human rights, with an increasing number of states ratifying the relevant human rights conventions. There have been positive developments in areas including access to education and healthcare or gender equality. In collaboration with the private sector, innovative tools are being developed to help companies protect human rights.

However, hopes that democracy, the rule of law, and human rights would prevail around the world remain unfulfilled. Reinforcing the normative framework at the international level does not necessarily mean human rights are better respected at the national level. In many places, for example, individual fundamental rights are either insufficiently implemented or systematically violated. This is why a commitment to human rights remains necessary.

A commitment to human rights is in Switzerland’s interests. Human rights are an important pillar in a rules-based international system that benefits Switzerland as a globally connected but independent country. Peace, prosperity and sustainable development are closely linked with the realisation of human rights. This central idea of the 2030 Agenda for Sustainable Development is also a focus of Switzerland’s human rights policy. Freedom of expression, the death penalty, torture, and minorities receive special attention.

Switzerland will continue to focus on constructive dialogue as well as engaging in exchanges and exercising its influence behind the scenes wherever this is possible and effective. When necessary, though, it will not shy away from taking a stand in public. It will act independently or together with partners depending on the situation. It is imperative that Switzerland remain focused on its core mission in all human rights activities: making as much concrete progress as possible for the people affected and for their fundamental rights.

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1 Foundations

The *Federal Constitution*, tasks the Federal Council with promoting human rights and democracy around the world (Art. 54 para. 2 of the Federal Constitution of the Swiss Confederation). In line with the *Federal Act on Measures pertaining to Civil Peace Support and the Promotion of Human Rights*, the Confederation should “contribute to the reinforcement of human rights by promoting the civil, political, and economic, social and cultural rights of individuals and groups of people”. Human rights are defined at several levels of Swiss law, as well as in international agreements such as the European Convention on Human Rights (ECHR) and the human rights conventions of the United Nations.

At the political level, the *FPS 20−23*, sets out how Switzerland works to protect human rights. Human rights are also an important topic in follow-up strategies, notably the *International Cooperation Strategy 2021–24 (IC Strategy 2021–24)*, which also establishes goals and instruments for promoting human rights, and the *Digital Foreign Policy Strategy 2021–24*.

These guidelines build on the *FDFA’s Human Rights Strategy 2016–19*, as well as on practice established over many years. They set out the framework for coherent foreign policy in the field of human rights alongside other steering documents such as Switzerland’s National Action Plan 2020–23 for implementing the UN Guiding Principles on Human Rights and the *Swiss Guidelines on the Protection of Human Rights Defenders*. Transversal importance is attached to gender equality and equal opportunities. Objectives in gender equality and equal opportunities feed into work on the promotion of human rights.

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1 Overview in Annex.

2 Report on Switzerland’s Human Rights Foreign Policy: Summary 2015–18 (in German).

3 FDFA Strategy on Gender Equality and Women’s Rights.
2 Context

2.1 Development

Human rights are those rights that are inherent to all human beings by virtue of their humanity and regardless of skin colour, nationality, political or religious beliefs, social status, gender, sexual orientation or age. They serve to protect a person’s fundamental characteristics and dignity.

Human rights were developed over a long period of time. They are neither a Western phenomenon nor a recent development, but are evident in almost all historical periods and regions of the world. The modern concept of human rights goes back to the Enlightenment and the idea of natural law: they are founded in human nature and the inherent dignity of human beings. According to the doctrine of natural law, fundamental human rights are universally applicable. Initially, the focus was on individual civil and political rights such as the right to freedom of expression – what are known as ‘first-generation’ human rights. The difficult living conditions faced by large sections of the population later gave rise to a second generation of human rights: economic, social and cultural rights (ESC rights).

In the 1970s there were calls to supplement the classical human rights with collective human rights (or group rights). The right to development and the right to peace are often mentioned in relation to the ‘third generation’ of human rights. In addition, a large number of other group rights have also been postulated. This third generation of rights is less clearly defined and has yet to be set down in a global agreement. There is controversy around various issues, including the extent to which a successive broadening of the concept of human rights, or a focus on individual groups and group rights, might detract from the protection of individual fundamental rights.

The catalogue of human and fundamental rights that emerged from the Enlightenment was included in the constitutions of various countries in the 18th century, before the foundation for modern international human rights protection was established by the Charter of the United Nations in 1945. Human rights were universally acknowledged for the first time when the UN General Assembly adopted its Universal Declaration of Human Rights in 1948. The horrors of the Second World War had led to the realisation that state sovereignty should be limited for the protection of individuals and the international community. The universal nature of the Declaration is underscored by the fact that states from all the world’s cultural traditions were involved in its drafting.

In 1966, the UN General Assembly adopted two human rights agreements that expanded on the Universal Declaration of Human Rights with more legal detail: the International Covenant on Economic, Social and Cultural Rights (UN Covenant I) and the International Covenant on Civil and Political Rights (UN Covenant II). The covenants were ratified by 171 and 173 states, respectively, making them almost universally binding (as at May 2021). They were joined by other human rights agreements in the years that followed. Regional systems have also been developed to supplement the global human rights protection offered by the UN. These include the European Convention on Human Rights (ECHR), the Charter of Fundamental Rights of the European Union, the American Convention on Human Rights, and the African Charter on Human and Peoples’ Rights. In recent decades, the human rights protections offered by international law have been increasingly expanded.

The UN Human Rights Council in Geneva was formed in 2006, replacing the Commission on Human Rights that was founded in 1946. The Council plays a central role in interpreting, developing and implementing human rights. For example, its adoption of the UN Guiding Principles on Business and Human Rights in 2011 established, for the first time at the international level, principles on the realisation of human rights for states and businesses. The composition, thematic priorities and working methods of the UN Human Rights Council are occasionally criticised, though this is, among other things, an expression of the varying objectives and interests of member states.
2.2 Trends

Particular progress has been made on economic, social and cultural rights in recent years. International standards for education and health are at their highest levels ever. There have also been successes with regard to political and civil rights. More and more states are abolishing the death penalty or imposing moratoriums on its use. Gender equality and the fight against discrimination and racism are receiving greater attention worldwide. The 2030 Agenda is setting global Sustainable Development Goals (SDGs) based on international human rights law, while the implementation of these SDGs promotes the realisation of human rights. Many states and businesses are also implementing the UN Guiding Principles on Business and Human Rights, and the number of states that are members of major international human rights agreements is increasing. New issues are being discussed with regard to the application of human rights in the digital space or to environmental matters.

Despite this considerable progress, hopes that democracy, the rule of law, and human rights would automatically prevail around the world have not been fulfilled. This raises the question of how we can bridge the gap between the expansion of human rights on the one hand, and in many cases a lack of respect for even basic standards of human rights on the other. In the context of current geopolitical tensions, human rights are often co-opted and used for political ends. Implementing human rights is primarily a question of political will – something that is often lacking. Individual states are exerting greater influence in multilateral organisations in order to make targeted interventions and weaken human rights protections that have taken years to develop. One right is played off against another so that social and economic rights, for example, are favoured over political rights and freedoms.

Often it is not the declarations of intent that are lacking, but the actual implementation of the commitments made. For example, states might limit rights and fundamental freedoms in the fight against terror or in the name of security and political stability. This has put pressure on the right to freedom of expression around the world. Torture and ill-treatment also remain widespread in many countries, despite clear bans on their use. Ethnic, religious, linguistic and other minorities are subject to discrimination and sometimes even persecution in every region of the world. Technological progress has worsened these trends: along with the many opportunities they bring, new technologies are also creating risks such as the systematic surveillance of individuals, invasions of privacy, and repression. The vulnerability of disadvantaged population groups has been thrown into even starker relief by the COVID-19 pandemic.
3 Principles

Switzerland works to support respect for human rights abroad based on the following four principles.

3.1 Universality

Switzerland promotes the universality, interdependence and indivisibility of human rights. The principle that all human rights apply universally and equally to all people, and that human rights are indivisible and of equal importance, is enshrined in the Universal Declaration of Human Rights, and was affirmed by the international community at the second UN World Conference on Human Rights in Vienna in 1993.

Switzerland adopts the following positions on the implementation of this principle:

→ Switzerland views all human rights violations with the same degree of concern, regardless of where they take place or who is responsible for them. In order to use the available means as effectively as possible, Switzerland pays particular attention to specific topics and countries.
→ Switzerland is committed to ensuring that civil and political rights as well as ESC rights are realised equally.
→ With regard to discussions on a third generation of human rights, Switzerland acknowledges certain collective components of human rights protection and is committed to protecting disadvantaged groups, but prioritises the protection of the individual.

3.2 Legal foundations

Switzerland is committed to a strong international legal framework for protecting human rights. International law is key to ensuring human rights are respected. Enshrining the principles of the Universal Declaration of Human Rights in a wide range of binding international treaties has made human rights protection more effective. In practice, though, there are many places where rights are not respected. This presents challenges to the rules-based international order. Constant social, technological and ecological change is raising questions about how human rights should be applied, as well as prompting calls for new rights.

Switzerland adopts the following positions on the implementation of this principle:

→ Switzerland is committed to the universal ratification of human rights agreements and focuses on the effective implementation of corresponding commitments.
→ Switzerland is committed to ensuring human rights are safeguarded in equal measure both online and offline.
→ Because war leads to human rights violations, Switzerland is committed to peace. It works to ensure that human rights and international humanitarian law are respected in armed conflicts – including by non-state actors.
→ New questions of application and claims of new rights are carefully examined by Switzerland in terms of their relationship to existing rights, namely fundamental rights, and their practical effectiveness in promoting human rights.
3.3 Cooperation

Switzerland empowers actors who support human rights. The realisation of human rights is primarily the responsibility of states, but governments are not alone in this: parliaments, human rights institutions, businesses, academia, NGOs and international organisations are also important actors. International monitoring mechanisms such as the UN Human Rights Council and the UN treaty bodies play a central role. Many current challenges, such as the observance of human rights in the digital space or in counterterrorism, call for close collaboration between a range of actors.

Switzerland adopts the following positions on the implementation of this principle:

→ Switzerland works to ensure the effectiveness of international and national human rights institutions, as well as international criminal courts.
→ Switzerland promotes intergovernmental and multilateral dialogue for the realisation of human rights and reinforces cooperation with like-minded states.
→ Switzerland is not part of a political block. This gives it a certain flexibility in its foreign policy which should also be used in human rights policy. Nevertheless, Switzerland often joins groups of various like-minded actors whose interests it broadly shares, and with whom it collaborates to achieve greater impact.
→ Switzerland recognises the role played by civil-society actors in realising human rights, and is committed to empowering them. It focuses in particular on protecting human rights defenders – people who work to support human rights.4
→ Switzerland promotes the observance of human rights by the private sector.

3.4 Coherence

Coherence is a fundamental concern of the FPS 20–23 and of human rights diplomacy. Constantly balancing the promotion of human rights with other interests is an integral part of foreign policy. In practice, promoting human rights is rarely incompatible with the safeguarding of other foreign policy interests. It is not so much a matter of ‘either/or’ as of ‘how?’ The focus is on finding solutions and deploying adequate instruments to unify the different objectives. To that end, human rights are systematically taken into account in all documents of the strategy cascade (FPS 20–23, geographical and individual thematic follow-up strategies), and are also considered in the coordination of foreign policy activities. The coherence of domestic and foreign policy in the field of human rights plays a key role in the ratification of international agreements for human rights protection and the implementation of human rights domestically.

Switzerland adopts the following positions on the implementation of this principle:

→ Switzerland is careful to consider human rights in accordance with its obligations under international law when planning and implementing its foreign policy.
→ Switzerland pays close attention to the coherence of its foreign policy positions at the bilateral and multilateral levels.
→ Switzerland is committed to ensuring the coherence of its domestic and foreign policy for the promotion of human rights.

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4 The term was internationally recognised in 1998 in the UN General Assembly’s Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (A/RES/53/144). See the Swiss Guidelines on Human Rights Defenders.
4 Themes

4.1 Priorities

Objective 1.3 of the FPS 20–23 establishes the following four human rights priorities:

**Freedom of expression**

Switzerland supports the right to freedom of expression. Freedom of expression is a cornerstone of free and democratic societies. It includes the right to form and express one’s own opinions, and to seek, receive and impart information and ideas of all kinds. Freedom of the press and the work of media professionals play a central role in the realisation of this right. Indicators suggest that freedom of expression is under increasing pressure around the world. Along with freedom of expression, freedom of assembly is also of considerable significance: it comprises the right to demonstrate peacefully in order to publicly express one’s opinion with others. Digitalisation has greatly expanded our opportunities for communication. In shaping digital governance (rules for the digital space), it is important to ensure that the right to freedom of expression is also safeguarded online. Switzerland also works to ensure that freedom of expression is not used as a cover for hate speech that incites violence and discrimination.

The focus is on the following priorities:

- Switzerland works to support the international recognition of freedom of expression in the digital space and helps strengthen the international legal framework in this area. To that end, it is involved in initiatives such as the Freedom Online Coalition.\(^5\)
- Switzerland also participates in international discussions on disinformation and the propagation of hate speech online, as well working to combat internet shutdowns.
- Switzerland is committed to protecting media workers. It supports freedom of the press as part of diplomatic initiatives.
- Switzerland supports the realisation of human rights through peaceful protests and plays a leading role in UN initiatives relating to this.
- Switzerland supports the protection and recognition of human rights defenders.

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\(^5\) Press Freedom Index 2020 from Reporters without Borders; World Trends in Freedom of Expression and Media Development (unesco.org); the Freedom House Internet Freedom Status 2020; the Council of Europe’s Platform to promote the protection of journalism and safety of journalists.

\(^6\) The Freedom Online Coalition is a partnership of 32 states (as at May 2021) that are committed to a free internet in accordance with human rights.
**Death penalty**

*Switzerland is committed to a world without the death penalty.* The legal position of both Switzerland and the Council of Europe is that the death penalty violates the prohibition against torture and ill-treatment, as well as the right to life. This position is not shared by all states. For that reason, Switzerland works to build international consensus around the idea that the death penalty is incompatible with human rights. It uses bilateral dialogue and multilateral initiatives to encourage states to establish a moratorium on the application of the death penalty or to abolish it. The broad-based approach adopted by Switzerland and its partners has proved effective: more and more countries have instituted moratoriums or abolished the death penalty in recent years, with only a minority of states still employing this punishment.

The focus is on the following priorities:

- Switzerland continues to play a leading role in UN initiatives to abolish the death penalty, establish a moratorium on its application or limit the scope of its application.
- Switzerland raises the issue of the death penalty in bilateral exchanges with states and suggests concrete steps to abolish it.
- Switzerland intervenes systematically with the state in question when the use of the death penalty violates the minimum guarantees under international law.\(^7\)
- Switzerland supports organisations and actors who work to abolish the death penalty.
- The FDFA action plan for the abolition of the death penalty is being updated.

Figure 2: Status of abolition of the death penalty in the world in 2020 (Source: Ensemble contre la peine de mort ECPM).

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\(^7\) This includes the use of the death penalty on people who were minors when the crime was committed, on pregnant women, and on people with mental disabilities.
Torture

Switzerland is committed to upholding the ban on torture and ill-treatment. International law prohibits torture at all times and under all circumstances. Despite this absolute ban, torture remains widespread in times of peace as well as in armed conflicts. The negative impact of torture on individuals and entire societies constitutes a threat to peace and security. Nonetheless, there have been some positive developments: more and more states are ratifying the UN Convention against Torture and its Optional Protocol. Both agreements contain clear provisions on protecting individuals from torture through prevention, punishment and redress for victims, as well as the monitoring of places of detention via independent bodies. The implementation of these agreements is leading to a verifiable decrease in the use of torture.8 Because most cases of torture occur in police custody, interrogation settings and places of detention, particular attention is paid to these areas. Within the framework of the UN and the Council of Europe, efforts are also under way to regulate the trade of goods used for torture.

The focus is on the following priorities:

→ Switzerland supports the prohibition of torture and ill-treatment (through prevention, punishment and redress) at the bilateral and multilateral levels. To this end, it seeks to strengthen civil-society actors and bodies of the UN, the Council of Europe and the OSCE that work to ensure compliance with the ban on torture.

→ Switzerland encourages the ratification of the UN Convention against Torture and its Optional Protocol and works to strengthen the relevant treaty bodies.

→ Switzerland supports measures for the prevention of torture. It focuses on the monitoring of places of detention, the implementation of the UN Standard Minimum Rules for the Treatment of Prisoners,9 and the work of the police.

Figure 3: Decrease in incidence of torture by around 30% in 16 countries surveyed, Carver-Handley Torture Score (CHATS) (Source: see footnote 8).

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Minorities

Switzerland is committed to protecting minorities and vulnerable groups. The Universal Declaration of Human Rights states that all human beings are “born free and equal in dignity and rights”. The prohibition of discrimination is a closely related idea that is enshrined in various international treaties. Linguistic, religious, ethnic, national and other minorities are under pressure in all regions of the world. Some are subject to systematic persecution. Ongoing conflicts and political instability contribute to discrimination against minorities, and are often among their causes. Switzerland, whose identity is based on pluralism and the coexistence of different linguistic and other communities, is committed to the protection of minorities and vulnerable groups at various levels.

The focus is on the following priorities:

→ Switzerland works to support linguistic minorities. To that end it draws on its broad experience in the field, encouraging other states to allow minorities to use their own language and promoting the idea that linguistic diversity is a socio-cultural asset.
→ Switzerland works to protect religious minorities and combat discrimination and persecution based on a person’s beliefs or world view.
→ Switzerland works to combat discrimination against ethnic minorities. It encourages measures that aim to promote pluralism and respect for differences.
→ Switzerland is committed to the protection of persons who often have a high need for protection or whose individual rights are particularly threatened, namely persons with disabilities, forcibly displaced persons, migrants, children or LGBTI persons.

Rock Sioux Tribe are on their way to a sacred site during the North Dakota pipeline protests (Photo: Front Line Defenders, September 2016).
4.2 Peace and security

Switzerland supports human rights for the benefit of peace and security

Serious human rights abuses can lead to violent conflicts. Systematic discrimination, torture, and restrictions on freedom of expression are a breeding ground for instability and violent extremism. In a similar vein, human rights violations and impunity can serve as indicators in the advance detection of conflicts. Conversely, the realisation of human rights can help prevent conflicts and terrorism. Human rights violations and violations of international humanitarian law are common in conflict situations, which in turn makes these conflicts harder to resolve. Dealing with past injustices facilitates social reconciliation and conflict resolution. Interlinking human rights more closely with the instruments used to promote peace and security should improve the effectiveness of efforts in these fields. To achieve this, Switzerland focuses on working with the UN and taking concrete steps to support peace.

UN:

The UN is key to preventing and resolving conflicts. Under the UN Charter, the UN Security Council has primary responsibility for maintaining world peace and international security. Switzerland is committed to greater cooperation and an efficient flow of information between the UN Security Council, the UN Human Rights Council and the Office of the UN High Commissioner for Human Rights. Through resolutions introduced jointly with its partner states in the UN Human Rights Council, Switzerland also ensures that the capacities of UN early warning systems are increased with regard to human rights, providing the international community with timely warnings about systematic human rights violations that may lead to conflicts. The implementation of UN Security Council Resolution 1325 on women, peace and security has transversal relevance in this area: it promotes the equal involvement of men and women in resolving conflicts and the protection against sexual and gender-based violence.

Peacebuilding:

Various instruments are used for peacebuilding at the national and international levels, including mediation processes, civilian and military peace operations, monitoring missions, mechanisms to prevent atrocities, electoral support, and assistance in dealing with the past. To increase the effectiveness of these activities, Switzerland works to ensure that human rights are more systematically integrated into such work. It takes steps to give international monitoring missions and peacekeeping operations a mandate to strengthen human rights. The monitoring of human rights issues in conflict situations can help prevent human rights abuses and atrocities. It also strengthens national and international criminal justice by facilitating the punishment of serious human rights abuses or violations of international humanitarian law.

The focus is on the following priorities:

- Switzerland works to ensure that human rights issues are given greater consideration in the UN’s Peace and Security pillar.
- Switzerland works within the UN to raise awareness of the role human rights play in preventing conflicts and violent extremism. To that end, it puts forward specific initiatives to the UN Human Rights Council.
- In the regional context, Switzerland uses the OSCE as a platform for ensuring human rights are a central part of conflict prevention.
- Switzerland provides funding and personnel to support international monitoring missions that observe human rights situations in conflict areas. It works to ensure that human rights are systematically integrated into mandates for peacekeeping operations and monitoring missions.
- Accountability is key here, which is why Switzerland calls on parties in a conflict to observe international humanitarian law and human rights and responds to serious violations. It supports independent investigations into serious human rights abuses and violations of international humanitarian law.

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11 International humanitarian law and human rights constitute a complementary legal framework. Human rights apply in both war and peace time and can only be limited under special circumstances.

12 FPS 20–23: Objective 1.1; Objective 1.2.

13 Together with Germany, Switzerland leads two groups of like-minded states in Geneva and New York to achieve this goal. The groups contribute to conflict prevention by taking concrete measures to ensure security policy debates focus more strongly on human rights.


15 FPS 20–23: Objective 1.2.
Meeting room of the UN Human Rights Council in Geneva (Photo: Fabrice Coffrini/AFP/Getty Images).
4.3 Business

Switzerland supports human rights in business

Both at home and abroad, Swiss companies create jobs and prosperity and improve living conditions, thereby contributing to the realisation of human rights. By practising responsible business conduct, companies improve their productivity and market position, as well as mitigating potential threats to their reputation. Conversely, irresponsible business conduct can have a negative impact on the human rights situation. In collaboration with external stakeholders (business associations, NGOs, academia), Switzerland has developed effective instruments for promoting human rights in business activities. It aims to continue practising this collaborative approach, focusing in particular on implementing the UN Guiding Principles on Business and Human Rights. In order to ensure that Swiss companies do not suffer a competitive disadvantage, Switzerland is working to promote respect for human rights in business at the international level.

UN Guiding Principles on Business and Human Rights:16 Switzerland’s National Action Plan 2020–23, for implementing the UN Guiding Principles on Human Rights illustrates how the country promotes the realisation of human rights in business activities. The Federal Council expects businesses based in or active in Switzerland to respect human rights in all their activities. As well as ensuring that legal requirements are observed in Switzerland, awareness-raising measures and instruments developed with external interest groups are used to improve the implementation of the UN’s Guiding Principles by companies abroad. Because Switzerland is one of the world’s major commodity trading centres, particular attention is paid to this sector. Switzerland continues to support initiatives that promote the observance of human rights and international humanitarian law in foreign security services (International Code of Conduct for Private Security Service Providers ICoCA, Montreux Document, Voluntary Principles on Security and Human Rights VP). It raises the topic of business and human rights in dialogues with other states to support them in developing their own action plans and instruments.

Digitalisation:17 Human rights apply as much in the digital world as they do in the physical world. Human rights requirements protect individuals against the misuse of their digital data, safeguard free communication in the digital space, and guarantee the freedom to form opinions without constraint. Artificial intelligence presents considerable opportunities for science, business and society, but also creates new risks. Switzerland supports dialogue between states, the private sector and stakeholders in society to develop standards in the digital sector that are consistent with human rights. In line with the Digital Foreign Policy Strategy 2021–24, Switzerland makes particular use of Geneva, a city that already plays an important role in digital governance, to promote human rights in the digital space.18 It supports the implementation of the UN Secretary-General’s Road map for digital cooperation19 and participates in the development of international standards – particularly within the framework of the Council of Europe and UNESCO.

Sport:20 As the seat of many sports associations, Switzerland works to ensure human rights are also observed in sport. In 2018, Switzerland was part of an initiative that established the Centre for Sport and Human Rights21 in Geneva. States, sports associations, sponsors and civil society actors are jointly developing approaches to ensure human rights are better respected in sport and at major events.

Property rights:22 Switzerland is committed to open markets and a stable and rules-based global economic system – and therefore also to the rule of law. This goes hand in hand with a commitment to the right to property, which Switzerland believes is an important foundation for a rules-based economic system. This commitment is consistent with the following stipulation in the Universal Declaration of Human Rights: “Everyone has the right to own property alone as well as in association with others. No one shall be arbitrarily deprived of his property”.23

16 FPS 20–23: Objective 2.4; Objective 3.1.
17 FPS 20–23: Objective 4.2.
18 Many institutions that are significant in the field are based in Switzerland, for example the International Telecommunication Union (ITU), the World Trade Organization (WTO), the Secretariat of the Internet Governance Forum (IGF), the United Nations Human Rights Council (UNHRC), the World Economic Forum (WEF) and the International Committee of the Red Cross (ICRC).
20 FPS 20–23: Objective 2.4; Objective 3.1.
21 Centre for Sport and Human Rights.
22 FPS 20–23: Objective 2.4.
23 Universal Declaration of Human Rights, Art. 17.
The focus is on the following priorities:

- Switzerland promotes the implementation of the UN Guiding Principles on Business and Human Rights at home and abroad, working in close collaboration with the private sector and other external interest groups. Particular attention is paid to the extractive sector and activities in fragile contexts.
- Switzerland supports initiatives to promote human rights and international humanitarian law within security services, for example the International Code of Conduct for Private Security Service Providers (ICoCA), the Montreux Document and the Voluntary Principles on Security and Human Rights (VP).
- Switzerland supports the implementation of the UN Guiding Principles on Business and Human Rights in the digital space and promotes initiatives to improve the compatibility of artificial intelligence with human rights.
- Switzerland is committed to ensuring that human rights are observed in the planning and implementation of major sporting events.
- Switzerland identifies measures for promoting the right to property and implements these.
Sustainability

Switzerland supports human rights for the benefit of sustainable development

Sustainability is one of the four thematic focus areas of the FPS 20–23. Switzerland’s human rights work helps to achieve objectives in this area (e.g. sustainable use of natural resources, effective implementation of the Paris Agreement on climate change, protection against health risks, protection of cultural heritage). The COVID-19 pandemic has highlighted the socio-economic vulnerability of many states and individual population groups.

Historical background: During the Cold War, Western states emphasised the importance of civil and political rights (e.g. the right to life and personal liberty), while Eastern Bloc states prioritised social, economic and cultural rights (ESC rights). As outlined in chapter 3, this conflict was officially overcome in 1993 at the Vienna World Conference on Human Rights. In the conference's outcome document the international community agreed that all human rights are equally important, as well as interdependent. For example, inadequate schooling restricts a person’s ability to participate in political life, while protecting minorities is important in guaranteeing the cultural rights of all persons. As a result, Switzerland accords great importance to ESC rights too. Through its own national experience, it has acquired special expertise in fields such as education, water and drugs.24

Current challenges: In recent decades, humanity has made considerable progress in terms of prosperity, health and quality of life. But this progress has in part come at the cost of the environment and created new inequalities. This in turn can lead to crises, conflicts and migratory movements. As a result, calls to respond to this situation with new human rights guarantees are growing louder, and it is in Switzerland’s interests to play a critical role in such discussions. The focus at the international level is currently on the following topics:

Development: Human rights violations are among the causes of poverty and lack of prospects. They prevent sustainable development and jeopardise the results of international cooperation (IC). As a result, effective and sustainable development cannot occur without the promotion of human rights. Reinforcing human rights is therefore an objective of the IC Strategy 2021–24.25 Switzerland pursues a human rights-based approach to implementing development programmes by basing programme work on the relevant human rights requirements. This allows IC to contribute to the realisation of human rights. The 2030 Agenda sets global SDGs that are founded on human rights norms, and therefore also contribute to the realisation of human rights. Thus, Switzerland works to ensure that human rights are adequately considered in the implementation of the 2030 Agenda.

The environment:26 Together with like-minded states, Switzerland has worked since 2011 to regularly put forward resolutions to the UN Human Rights Council that emphasise the interdependence of the environment and human rights. This work has made a substantial contribution to the international consensus that an intact environment is an important precondition for the realisation of human rights. Conversely, respecting human rights – for example through participation rights for affected populations – can contribute to sustainable environmental policy. On this basis, an increasing number of states and organisations are calling for the recognition of the right to a safe, clean, healthy and sustainable environment at the UN level and in the Council of Europe. Switzerland can help set the course in this area at the multilateral level.

24 For more information on water, see FPS 20–23: Objective 3.1. For more information on drugs, see FPS 20–23: Objective 3.3.  
26 In line with the FPS 20–23, Switzerland works “rationally and internationally with all relevant stakeholders to promote environmental protection and the sustainable use of natural resources, as well as sustainable economic and social development”. To achieve this, “a comprehensive, efficient and effective environmental regulatory system based on scientific data should guarantee effective environmental protection and shield people from the risks of environmental degradation”.
The focus is on the following priorities:

- Switzerland works within the framework of the UN and in dialogue with other states to implement ESC rights. The priorities are the rights to water, education and health, as well as a drugs policy that is consistent with human rights.
- Switzerland promotes a human rights-based approach to IC, including in the implementation of the 2030 Agenda.
- Switzerland is involved in efforts to recognise the right to a safe, clean, healthy and sustainable environment through the UN Human Rights Council, the UN General Assembly and the Council of Europe.

Fishing boats in flood waters (Photo: Coralie Wenger).
5 Implementation

Switzerland has access to a wide range of instruments for implementing its human rights policy and deploys these in a varied and flexible manner at the bilateral and multilateral levels.

5.1 Bilateral level

**Universality principle:** True to the universality principle, Switzerland generally discusses human rights issues with all states and at all levels. Priorities are set to make the most effective use of the limited means available, with individual states or thematic areas receiving special attention. As part of such efforts, Switzerland focuses on the objectives and priority countries outlined in these guidelines, in the FPS 2020–23, and in the IC Strategy 2021–24, while also responding flexibly to new developments.

**Human rights dialogues:** Switzerland conducts human rights dialogues and consultations with selected states. The benefits of these dialogues are reinforced by specific accompanying projects including, for example, technical cooperation to improve prison conditions. Switzerland regularly assesses the relevance and effectiveness of these human rights dialogues, with a key precondition for such talks being the feasibility of carrying out accompanying projects in collaboration with civil society stakeholders.

**External network:** Switzerland’s external network (embassies, cooperation offices and consulates) plays a key role in analysing the human rights situation in the host country and conducting dialogue on human rights issues with the host state and local society stakeholders. Other activities include demarches, statements of opinion at the local level, the monitoring of court cases, and measures to protect human rights defenders.

**Projects:** Switzerland implements specific projects in collaboration with national and international actors to promote human rights abroad. In the context of IC, the reinforcement of human rights is either fixed as an objective (IC Strategy 2021–24, Sub-objective 9) or included in project implementation under the SDC’s human rights-based approach.

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27 Switzerland is currently conducting human rights dialogues and consultations with the following countries: China, Brazil, Iran, Indonesia, Mexico, Nigeria, Russia, South Africa (as at May 2021).

5.2 Multilateral level

**UN:** Switzerland works for the realisation of human rights within the various relevant UN bodies, in particular within the UN Human Rights Council, the UN General Assembly, and bodies of the UN Economic and Social Council. In this context, it plays an active role in debates on human rights issues and in the negotiation of thematic or country-specific resolutions, as well as launching its own initiatives. Switzerland supports efforts to improve the working methods and sustainably increase the efficiency of relevant institutions, such as the UN Human Rights Council and the UN treaty bodies. It also works to enshrine human rights in all of the UN’s work and to increase cooperation with the relevant institutions. It strengthens the Office of the UN High Commissioner for Human Rights and other human rights organisations through financial support and the deployment of staff, which also makes a contribution to International Geneva.

**Regional organisations:** Switzerland also supports the realisation of human rights by working with regional organisations such as the Council of Europe, the OSCE and the International Organisation of La Francophonie, actively participating in human rights-related debates, launching initiatives, and supporting relevant bodies through personnel or funding.

**Interrelation of bilateral and multilateral levels:** Switzerland also ensures that bilateral activities (such as human rights dialogues and projects) and multilateral positions or initiatives – for example country recommendations as part of the Universal Periodic Review (UPR) of the UN Human Rights Council – are coherent and mutually supportive.

**Cooperation:** The involvement of stakeholders from society, academia, and the private sector is key to the effectiveness of multilateral endeavours. Switzerland therefore encourages cooperation between multilateral organisations and non-state actors, and exploits the potential of International Geneva as part of this process.
5.3 Coordination

Within the FDFA, the State Secretariat is responsible for Switzerland’s human rights diplomacy. The Directorate of International Law ensures Switzerland’s human rights obligations under international law are respected. Coordination takes place horizontally with other departments, the cantons, and Parliament within the framework of the established mechanisms and interdepartmental bodies. The Core Group on International Human Rights Protection (KIM), in which all relevant departments as well as the cantons and thematically interested extra-parliamentary commissions are represented, follows in particular the Swiss reports on the domestic implementation of international human rights obligations. Principles and objectives for promoting human rights are incorporated in thematic and country-specific strategies to improve coherence. For the practical implementation of individual aspects of the present guidelines, action plans and directives can be created that offer greater detail on activities and provide indicators for results orientation.

5.4 Communication

Information and public diplomacy: Switzerland’s image abroad is defined by its humanitarian tradition and its work in international law and human rights. There are benefits to publicising and showcasing this work in a suitable format – for example as part of events and cultural occasions in the external network. Communication on Swiss human rights diplomacy must strike the right balance to achieve results. Sometimes ‘quiet’ diplomacy is more effective, while other times a timely public statement is better. On some occasions, a combination of the two approaches works best. As always, communication on Switzerland’s human rights work is still conducted in close coordination with all relevant bodies. As part of this process, it is important to consider the expected impact of the communication, as well as its appropriate format (press release, social media, etc.) and channel (head office, external network, etc.), while also reflecting on the timing and public interest.

Reporting: Reporting on the implementation of these guidelines will take place within the framework of the Federal Council’s annual Foreign Policy Report (FPR) and in its Report on Switzerland’s Human Rights Foreign Policy, which is published every four years. Reporting and impact assessment of IC projects takes place via the mechanisms created for this purpose.
Overview of the most important human rights agreements ratified by Switzerland

In the UN system, the International Bill of Human Rights – which consists of the Universal Declaration of Human Rights and UN Covenants I and II – is supplemented by further international human rights agreements and their additional protocols. These include:

→ The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT, 10.12.1984)

The first regional system for protecting human rights was established by the Council of Europe in 1950. Key human rights agreements ratified by Switzerland within the framework of the Council of Europe include:

→ The European Convention on Human Rights (ECHR) and numerous additional protocols to the ECHR
→ The European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (26.11.1987)
→ The European Charter for Regional or Minority Languages (5.11.1992)
→ The Framework Convention for the Protection of National Minorities (1.2.1995)
→ The Convention on Action against Trafficking in Human Beings (16.5.2005)
→ The Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention, 25.10.2007)
→ The Convention on preventing and combating violence against women and domestic violence (Istanbul Convention, 11.5.2011)
Glossary

2030 Agenda: The 17 goals of the 2030 Agenda for Sustainable Development provide a global frame of reference for the three inextricably linked fields of society, the economy and the environment. Switzerland recognises the 2030 Agenda as an important guiding framework. Although it is not legally binding, it provides a mechanism for setting objectives and forming opinions in both domestic and foreign policy. It also serves as a frame of reference for digital foreign policy (see ‘Digital foreign policy’).

Artificial intelligence (AI): AI is a technology that combines data, algorithms and computing power.28

Civil and political rights: Civil and political rights are enshrined in the International Covenant on Civil and Political Rights of 1966, which entered into force in Switzerland on 18 September 1992. Historically speaking, civil and political rights were the first to be constitutionally recognised in Western states, which is why they are described as ‘first generation’ rights. They include, among others: the right to life and security; the right not to be subjected to torture; the right to freedom of thought, conscience and religion; and the right to freedom of expression and association.

Civil society: Civil society comprises those parts of society that are relatively separate from the government and private sector. It is made up of groups who have common interests, goals or values. These include NGOs, voluntary associations and foundations, citizens’ groups, religious organisations, political parties, professional associations, trade unions, social movements and interest groups.

Data protection: The protection of personal data from misuse. Often used with regard to the protection of privacy.

Digital governance: Refers to the establishment, design and consolidation of institutional and regulatory systems as well as mechanisms for international cooperation in the digital space (see ‘Digital space’).

Digital space: This term refers to the entire physical and virtual space that is opened up or permeated by digitalisation (see ‘Digitalisation’). The digital space refers not only to systems, but also to actors and processes.

Digitalisation: The process of digitalisation involves the integration of digital technologies in society, government and business. Digitalisation comprises a broad range of digital applications, such as new communication technologies, robotics, cloud computing, big data analysis, artificial intelligence and the internet of things.

Economic, social and cultural rights (ESC rights): ESC rights are enshrined in the International Covenant on Economic, Social and Cultural Rights of 1966, which entered into force in Switzerland on 18 September 1992. Economic, social and cultural rights are in many cases less binding because, in contrast to civil and political rights, they are sometimes insufficiently concrete for use in legal proceedings (i.e. they are not justiciable). States are nevertheless obliged to guarantee these rights to all persons, and to adopt an active policy encouraging their progressive realisation.

Equal opportunities: An equal opportunity society ensures that all its members have unimpeded, equal access to educational, career and other opportunities, especially at the beginning of their lives, and are able to reach their full potential. No person may be discriminated against, in particular on grounds of origin, race, gender, age, language, social position, way of life, religious, ideological, or political convictions, or because of a physical, mental or psychological disability (Art. 8 para. 2 of the Federal Constitution of the Swiss Confederation).

External network: Switzerland’s external network comprises around 170 representations abroad (embassies, permanent missions to the UN/international organisations, consulates general, cooperation offices and other representations) and roughly 200 honorary representations (as at May 2021). The external network focuses on the principles of universality, coherence and effectiveness. It is an important instrument for safeguarding Switzerland’s interests.

Foreign policy: Foreign policy shapes the relations of a state with other states and international organisations, and safeguards the state’s interests abroad. It comprises various policy areas, including trade, the environment, security, development and culture. In Switzerland, the entire Federal Council is responsible for foreign policy. The FDFA is responsible for coordinating foreign policy and ensuring coherence with other departments.

Freedom Online Coalition: In October 2019, Switzerland joined the Freedom Online Coalition. The group, which was founded in 2011 based on an initiative by the Netherlands, consists of more than 30 states that work to promote democracy and human rights online. The right to privacy and the rights to freedom of expression, peaceful assembly and free association are of particular importance within this context.

28 See also the report: Challenges of Artificial Intelligence, December 2019.
**Human rights:** Human rights are inherent and inalienable rights to which all people are entitled, without distinction, by virtue of their being human. They are crucial to the protection of physical and psychological integrity and human dignity, and are an important foundation for the development of every individual. They are guarantors of a society based on the obligation to respect the rights of the individual. They apply in both international relations and national politics. Human rights are universal, indivisible and closely interrelated. Every state is obliged to respect, protect and implement human rights.

**Human rights defenders:** This term is used to describe people who play a vital role in protecting human rights, peacefully resolving conflicts, and reinforcing the rule of law. The term was internationally recognised in 1998 in the UN General Assembly’s Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (A/RES/53/144).

**International cooperation (IC):** All instruments of humanitarian aid, development cooperation, peacebuilding and the promotion of human security deployed by the FDFA and EAER.

**International Geneva:** Geneva forms the heart of the multilateral system and is the location of the UN’s European headquarters. Thirty-eight international organisations, programmes and funds are represented there, as well as 177 states and 750 NGOs (as at May 2021). International Geneva provides some 45,000 jobs and contributes more than 11% to the GDP of the canton (1% of Swiss GDP). Around 3,300 international conferences are held in Geneva every year, the main themes of which are: 1) peace, security, disarmament; 2) humanitarian aid and international humanitarian law, human rights, migration; 3) labour, economy, trade, science, telecommunications; 4) health; 5) the environment and sustainable development.

**International humanitarian law:** International humanitarian law governs conduct in hostilities and protects the victims of armed conflicts. It applies in all international and non-international armed conflicts, regardless of the legitimacy or cause of the use of force.

**International law:** International law is the result of interactions between states, and governs how they coexist. It underpins peace and security and aims to ensure the protection and well-being of persons. International law comprises different areas, such as the prohibition of the use of force; human rights; the protection of individuals during wars and conflicts (see ‘International humanitarian law’); and the prevention and prosecution of war crimes, crimes against humanity, genocide, transnational organised crime and terrorism. It also governs other areas, such as the environment, trade, development, telecommunications and transport. On account of the sovereignty of states, international law only applies for each state insofar as it has agreed to adopt certain international obligations. This excludes peremptory international law, which comprises basic standards that no state may override, such as the prohibition of genocide or torture. International law also applies in the digital space (see ‘Digital space’).

**International organisation:** International organisations are long-term alliances formed by at least two countries. They are entrusted with the independent performance of their own tasks and therefore have at least one body through which they act. They are generally based on a multilateral founding treaty (also called statute or charter) which sets out the organisation’s mandates and bodies.

**Multilateralism:** Multilateralism is where issues of public interest are discussed or negotiated between three or more states (‘bilateralism’ is used when only two states are involved). International organisations and bodies such as the UN, the OSCE and the Council of Europe are platforms for such discussions. Multilateralism allows Switzerland to achieve leverage through alliances and thereby increase its influence.

**Multi-stakeholder approach:** This refers to the idea that as many relevant stakeholders as possible should be involved in decisions and regulatory efforts.

**Non-governmental organisation:** Any private, non-profit organisation that operates at the local, national or international level to pursue common goals and ideals with no significant state-controlled participation or representation. NGOs are part of civil society (see ‘Civil society’).

**Office of the UN High Commissioner for Human Rights:** The Office of the High Commissioner for Human Rights (OHCHR) is a UN entity and part of the Secretariat of the United Nations, responsible for promoting and protecting human rights. The office coordinates human rights activities across the entire UN system.

**Peacebuilding:** Peacebuilding includes efforts to prevent, de-escalate or resolve violent conflicts, notably through the building of trust, mediation and the promotion of international humanitarian law and human rights (see ‘International humanitarian law’, ‘Human rights’). Peacebuilding activities after the end of violent conflicts comprise a range of activities, including dealing with the past, contributing to the promotion of democratic processes and elections, and helping to strengthen human rights. Peacebuilding creates and reinforces the conditions needed for sustainable development. It comprises both civilian and military measures.

**Preventing violent extremism (PVE):** Comprehensive approach to tackling the direct and structural causes leading to violent extremism and terrorism.
Privacy: Many human rights agreements and treaties secure spaces where individuals can freely develop and flourish without external interference. Both the International Covenant on Civil and Political Rights (Art. 17) and the ECHR (Art. 8) guarantee privacy, ensuring that states may not interfere in private or family life without due cause. At a time when surveillance, digital data interception and the collection of personal data are becoming increasingly common, protecting privacy is of the utmost importance.

Rule of law: The rule of law refers to the supremacy of law over the rule of might. At the national level, the fundamental objective of the rule of law is to safeguard the primacy of the law at all levels of government and to protect the associated freedom of citizens. In terms of foreign policy, the rule of law is crucial to international peace and security, economic and social progress, development and the protection of human rights and freedoms. It is achieved primarily through the reinforcement of international law, which guarantees the political stability and reliability of international relations (see ‘International law’).

Sustainability: Switzerland promotes sustainable development on the basis of the Federal Constitution. In line with the Brundtland Report (1987), it defines it as a form of development that “meets the needs of the present without compromising the ability of future generations to meet their own needs”. The principle was substantiated in 2015 in the 17 goals of the 2030 Agenda (see ‘2030 Agenda’).

Terrorism: Terrorism denotes violent criminal acts that seek to intimidate the public or a state, or to coerce an international organisation. International agreements and UN resolutions outline various universal measures designed to support countries in the prevention and prosecution of terrorist acts. It is acknowledged that anti-terrorism measures such as these must respect international law, in particular human rights, international humanitarian law and international refugee law.

UN treaty bodies: Each of the nine UN human rights treaties is assigned a ‘treaty body’. These consist of independent experts who monitor the human rights compliance of the treaty in question. For example, they verify and make recommendations on the state reports that treaty nations must periodically produce, as well as dealing with complaints made by one nation against another, and deciding on individual complaints by victims of human rights abuses.

Universal Declaration of Human Rights: The Universal Declaration of Human Rights was adopted by the UN General Assembly on 10 December 1948. As the first international human rights declaration, it contains a comprehensive programme for human rights, defining civil and political rights as well as economic, social and cultural rights.

Voluntary Principles on Security and Human Rights: Standards for private security companies that have been developed for the protection and promotion of human rights by businesses, NGOs and governments since the year 2000.
# List of abbreviations

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<tr>
<th>Abbreviation</th>
<th>Description</th>
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<tbody>
<tr>
<td>AI</td>
<td>Artificial intelligence</td>
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<tr>
<td>ECHR</td>
<td>European Convention on Human Rights</td>
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<td>FDFA</td>
<td>Federal Department of Foreign Affairs</td>
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<td>FPR</td>
<td>Foreign Policy Report</td>
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<td>FPS 20–23</td>
<td>Foreign Policy Strategy 2020–23</td>
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<td>IC</td>
<td>International cooperation</td>
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<td>ICoCA</td>
<td>International Code of Conduct for Private Security Providers</td>
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<td>ICRC</td>
<td>International Committee of the Red Cross</td>
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<td>IGF</td>
<td>Internet Governance Forum</td>
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<td>ITU</td>
<td>International Telecommunication Union</td>
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<td>KIM</td>
<td>International Human Rights Policy Core Group</td>
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<tr>
<td>LGBTI</td>
<td>Lesbian, gay, bisexual transgender and intersex</td>
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<tr>
<td>NGO</td>
<td>Non-governmental organisation</td>
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<tr>
<td>OECD</td>
<td>Organisation for Economic Co-operation and Development</td>
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<tr>
<td>OPCAT</td>
<td>Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment</td>
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<td>OSCE</td>
<td>Organization for Security and Co-operation in Europe</td>
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<td>SDC</td>
<td>Swiss Agency for Development and Cooperation</td>
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<td>UN</td>
<td>United Nations</td>
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<td>UNESCO</td>
<td>United Nations Educational, Scientific and Cultural Organization</td>
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<td>UPR</td>
<td>Universal Periodic Review</td>
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<td>VP</td>
<td>Voluntary Principles on Security and Human Rights</td>
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<td>World Economic Forum</td>
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Children with the Universal Declaration of Human Rights, 1950 (Photo: UN Photo).