**Submission for SRCT-GA77**

**on Peacemaking/building and Conflict Prevention and Resolution**

*The following is a submission to the report of the UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism to the 77th General Assembly on the* ***Impact of Counter-Terrorism on Peacemaking, Peacebuilding, Sustaining Peace, Conflict Prevention and Resolution***

Switzerland has for the first time been elected for a non-permanent seat on the UN Security Council on 9 June 2022. Prior to the election, the Swiss Federal Council put forward [thematic priorities for Switzerland’s term on the Security Council,](https://www.admin.ch/gov/en/start/documentation/media-releases.msg-id-89019.html) including a strong emphasis on **building sustainable peace**. Switzerland has many years of experience and a strong track record in promoting peace and helping to prevent armed conflicts. As part of its peace policy, Switzerland provides its good offices in conflict situations, including mediation services and protecting power mandates. For example, it supports peaceful electoral processes in countries emerging from conflict. This may involve the drafting of common codes of conduct banning hate speech, religious symbols and excessively confrontational language in election campaigns in order to build trust between political parties, promote democratic compromise and ensure that election results are accepted by all parties. Following its long humanitarian tradition, Switzerland also regularly hosts peace conferences and peace negotiations. For example: at the request of the then UN Secretary-General Ban Ki-moon, since 2013 Switzerland has facilitated a series of peace talks on Syria in Geneva on the basis of a roadmap endorsed in a Security Council resolution.

In its peacebuilding work, Switzerland observes that political exclusion as well as injustice, impunity or lack of accountability are important drivers of violence and thus detrimental to sustainable peace and security. Switzerland therefore puts an emphasis on three elements:

First, Switzerland uses **dialogue** as the primary tool to prevent violent extremism and reaches out to any actor who is genuinely willing to engage in dialogue. Any counter terrorism (CT) measures should also ensure the political participation of any community – ethnic, religious or belief communities – in a non-discriminatory manner. This is a necessary condition for CT measures to be compatible with the peaceful resolution of conflicts and for sustaining peace. As an example, Switzerland has worked together with Tunisia to support the development of an inclusive political dialogue in the country. After a period of authoritarian rule, Tunisia showed how to integrate previously excluded, ostracized and persecuted groups of opinion and belief into the process of political participation and citizenship. Switzerland believes that the Security Council should encourage, where appropriate, a similar approach in the specific contexts brought to its attention.

In recent decades, many communities of belief or with specific ethnic belonging have been excluded from political participation in many parts of the world, whether in Asia, North Africa and the Middle East, the Sahel, or East Africa. Such exclusions are regularly made in the name of the fight against terrorism in order to keep out political opponents. This, however, only worsens the security situation and the chances of resolving conflicts peacefully as the United Nations’ mediation efforts experiences on a daily basis.

Second, occurrences of governments sidelining nonviolent political opponents with antiterrorist rhetoric is increasing and becoming a characteristic of autocratic regimes. This can take the form of creating lists of proscribed organizations. However, even as political opponents take up arms and become non state armed groups, **proscribing is not the panacea**. This is why Switzerland, in its peacebuilding efforts is following a policy of dialogue with any organization genuinely willing to talk. Switzerland is not listing terrorist organizations except the ones sanctioned by the UNSC in particular ISIL, Al-Qaida and associated individuals, groups, undertakings and entities. Effective mediation, dialogue and peace processes requires engagement with difficult actors, and the system for proscribing such actors is counterproductive and not fit for purpose.

Third, when countering terrorism, **principles of rule of law and accountability** have often been neglected, thus fueling further grievances and violence. Switzerland puts an emphasis on accountable institutions and the fight against impunity throughout its peacebuilding work. This takes time and long term investments in dialogue to re-establish trust both among communities and towards state institutions. It is important to acknowledge that there is no short cut towards a more peaceful and secure society.

Specifically on issues related to CT, Switzerland is active in international fora to promote sustainable peace in counter-terrorism contexts. As member of the Global Counterterrorism Forum (GCTF) and co-chair of the CJ-ROL WG, Switzerland’s engagement is focused on promoting human rights and the rule of law in the counterterrorism context and facilitates the elaboration of non-binding framework documents that provide good practices and recommendations on criminal justice approaches to terrorism.

Switzerland initiated and contributed, for instance, to the [“Memorandum on Criminal Justice Approaches to the Linkages between Terrorism and Core International Crimes, Sexual and Gender-based Violence Crimes, Human Trafficking, Migrant Smuggling, Slavery and Crimes against Children”,](https://www.thegctf.org/Portals/1/Documents/Links/Meetings/2021/19CC11MM/CJROL%20Memorandum/CJ-ROL_Memo-ENG.pdf?ver=BqP5OK_Txt0tY8JFGamBzw%3d%3d) which was endorsed at the GCTF Ministerial Meeting in October 2021. It recommends that states consider **Transitional Justice** (TJ) strategies that will help find the truth, provide reparations, address non-recurrence, and facilitate reconciliation between victim communities and the offenders. As a follow-up, Switzerland has funded the International Center for Transitional Justice (ICTJ) to develop a study entitled ’[A Transitional Justice Approach to Foreign Fighters](https://www.ictj.org/sites/default/files/ICTJ_Report_Foreign-Fighters_EN.pdf#:~:text=A%20transitional%20justice%20approach%20to%20the%20issue%20of,where%20significant%20numbers%20of%20foreign%20fighters%20are%20present.)’. While the study focuses on FTFs engaged with ISIL/Da’esh in Syria and Iraq, the research addresses recommendations for countries in conflict, countries of origin and the international community in relation to repatriation, truth seeking, rehabilitation, reintegration, reparations, assistance and reconstruction, criminal justice, as well as broader institutional and societal reforms while stressing the importance of gender-sensitive approaches and the inclusion of needs and concerns of all stakeholders, particularly of victims and survivors of terrorism. Switzerland co-organized a series of workshops to explore the relevance of TJ approaches in contexts with a terrorism dimension. The objective of the meeting was to sensitize the CT community on TJ-related issues and to reflect on how TJ can complement existing CT and PVE approaches, in particular when dealing with Foreign Terrorist Fighters (FTFs).