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**Committee on the Elimination of Discrimination
against Women**

**Concluding observations on the combined fourth and fifth
periodic reports of Switzerland***

1. The Committee considered the combined fourth and fifth periodic reports of Switzerland (CEDAW/C/CHE/4-5) at its 1445th and 1446th meetings, on 2 November 2016 (see CEDAW/SR/1445 and 1446). The Committee's list of issues and questions is contained in CEDAW/C/CHE/Q/4-5 and the responses of Switzerland are contained in CEDAW/C/CHE/Q/4-5Add.1.

A. Introduction

2. The Committee appreciates the submission by the State party of its combined fourth and fifth periodic reports. It also appreciates the State party's written replies to the list of issues and questions raised by the pre-sessional working group and welcomes the oral presentation by the delegation and the further clarifications provided in response to the questions posed orally by the Committee during the dialogue and the information provided electronically following the dialogue.

3. The Committee commends the State party on its multi-sectoral delegation, which was headed by Ms. Sylvie Durrer, Director of the Federal Office of Gender Equality (FOGE) as well as her colleagues from the Directorates of Legal Affairs and Domestic Violence within FOGE. The delegation was further composed of representatives from the Federal Department for Home Affairs (including from the Federal Statistical Office; the Federal Social Insurance Office; the Federal Service against Racism; the Secretariat on Demographics and Migration); the Federal Department of Justice and Police (including from the State Secretariat for Migration; the Federal Office of Police; and the Directorate of Public Law); the Federal Department of Foreign Affairs (including the Directorate of International Law; Directorate of Human Security; and General Secretariat on Equality); the Federal Department of Finance (including the Federal Office of Personnel); the Federal Department of Economic Affairs, Education and Research (including the State Secretariat for Education, Research and Innovation; and the State Secretariat for Economic Affairs); ; (including representatives from the; the Cantonal Office of Gender Equality in Berne and the Permanent Mission of Switzerland to the United Nations Office at Geneva. The Committee appreciates the constructive dialogue that took place between the delegation and members of the Committee.

* Adopted by the Committee at its sixty-fifth session (24 October-18 November 2016).

B. Positive aspects

4. The Committee welcomes the progress achieved since its consideration in 2009 of the State party's third periodic report (CEDAW/C/CHE/CO/3) in undertaking legislative reforms, in particular the adoption of the following:

- (a) The Federal Act on Measures against Forced Marriages, in 2013; and,
- (b) The introduction of article 124 to the Criminal Code prohibiting female genital mutilation.

5. The Committee welcomes the State party's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, including the adoption or establishment of:

- (a) Gender Equality Guidelines in the Legislative Programme (2016 – 2019);
- (b) The Sustainable Development Strategy (2016 – 2019);
- (c) The National Migration and Health Programme (2014–2017);
- (d) The Swiss National Action Plan against Trafficking in Human Beings (2012–2014);
- (e) The Federal Programme to combat forced marriage (2013–2017);
- (f) The National Action Plan on Equality between Men and Women (2010 - 2014);
- (g) National Action Plan on Women, Peace and Security (2013-2016);
- (h) Guidelines on the Protection of Human Rights Defenders, in 2013;
- (i) Equal Opportunity for Women and Men at Universities/Gender Studies Programme 2013–2016;
- (j) Equal Opportunity at Universities of Applied Sciences Programme 2013-2016, and
- (k) The Swiss Centre of Expertise in Human Rights (SCHR), in 2011.

6. The Committee welcomes the fact that, in the period since the consideration of the previous report, the State party has ratified or acceded to the following international and regional instruments:

- (a) The Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto, both in 2014;
- (b) The International Convention for the Protection of All Persons from Enforced Disappearance, in 2011;
- (c) The Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, in 2009;
- (d) ILO Convention 2000 (No. 183) on Maternity Protection, in 2014; and
- (e) ILO Convention 2011 (No. 189) Concerning Decent Work for Domestic Workers, in 2014.

C. Principal areas of concern and recommendations

Parliament

7. **The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see the statement by the Committee on its relationship with parliamentarians, adopted at the forty-fifth session, in 2010). It invites the Federal Assembly, in line with its mandate, to take the necessary steps regarding the implementation of the present concluding observations between now and the next reporting period under the Convention.**

Withdrawal of reservations

8. The Committee welcomes the State party's withdrawal of its reservation to article 16, paragraph 1 (g), of the Convention in 2013. The Committee is nevertheless concerned that the State party has yet to withdraw its reservation to article 15, paragraph 2 and article 16 paragraph 1(h).

9. **The Committee reiterates its previous concluding observations (see [CEDAW/C/CHE/CO/3](#), para. 12) and urges the State party to indicate in its next periodic report, if possible and still relevant, a timetable for the withdrawal of its reservation to article 15, paragraph 2 and article 16, paragraph 1(h) concerning the law governing the matrimonial regime applicable prior to 1 January 1988.**

Visibility of the Convention, the Optional Protocol thereto and the Committee's general recommendations

10. The Committee notes as positive the establishment of an interdepartmental working group under the auspices of the Federal Office for Gender Equality to monitor the implementation of the State party's commitments under the Convention. However, it remains concerned that disparities in the implementation of the Convention across cantons and communities have not been sufficiently addressed. The Committee is further concerned at the inadequate reference to the Convention in judicial proceedings at the federal or cantonal levels, as well as at the limited awareness of the Convention and the general recommendations of the Committee as important tools of interpretation within the judiciary and the legal profession, and among women themselves.

11. **The Committee recommends that the State party:**

(a) **Develop a sustainable strategy, at both federal and cantonal levels, including by allocating adequate financial resources, to disseminate the Convention, the Optional Protocol thereto and the Committee's general recommendations among all stakeholders, including women's organizations;**

(b) **Enhance efforts to develop a public information campaign on CEDAW and raise awareness among women about their rights under the Convention and corresponding remedies, including women belonging to disadvantaged groups, migrant, asylum seeking, refugee, and minority women, as well as women with disabilities;**

(c) **Take the necessary legislative measures to give full effect to the Convention rights in its legal order and promote the justiciability of such rights; and**

(d) **Promote capacity-building programmes for judges, prosecutors and lawyers on the Convention, the Optional Protocol thereto, the Committee's general recommendations, Committee recommendations on the reporting procedure and Committee Views on individual communications, as well as inquiry and reporting procedure findings, and enable them to directly apply or invoke, respectively, those**

instruments in domestic courts and in order to interpret domestic legislation accordingly.

Application of the Convention under the federal system

12. The Committee appreciates the explanation provided during the dialogue with the State party in relation to the direct applicability of the Convention. However, it reiterates its concern (see CEDAW/C/CHE/CO/3, para. 15) that, in accordance with the principle of monism, the decision to directly apply provisions of the Convention is at the discretion of the Federal Court and other judicial authorities at the federal and cantonal levels.

13. The Committee reiterates its previous recommendation (see CEDAW/C/CHE/CO/3, para. 15) that the State party conduct awareness raising campaigns about the Convention aimed at the judiciary, legal professionals and the general public. The Committee also encourages the State party to provide systematic training to the judiciary, law enforcement officials and members of the legal profession on the Convention, with a view to encouraging them to utilize the Convention in judicial and administrative proceedings.

Legislative framework

14. The Committee notes as positive the decision taken by the Federal Court to analyse in detail the State party's obligations arising from article 2 (a) of the Convention and from the Committee's previous concluding recommendations. However the Committee regrets that the scope of the definition of discrimination against women and equality of women and men, as applied by the Court, remains unchanged and that the "... Constitution does not confer any right to establish equality "in fact" (de facto)". It is further concerned that although Article 8 of the new Constitution provides for a broad definition of the principle of equality, it is inadequately applied.

15. In accordance with the State party's obligations under the Convention and in line with Sustainable Development Goal 5, target 5.1 to end all forms of discrimination against all women and girls everywhere, the Committee reiterates its previous recommendation (see CEDAW/C/CHE/CO/3, para. 18) that the State party take steps to ensure that the principles of equality of women and men and non-discrimination against women are applied in accordance with article 1 of the Convention.

Women, peace and security

16. The Committee welcomes the State party's third National Action Plan on Women Peace and Security (2013-2016) in line with UN Security Council resolution 1325 (2000) which has been developed with the involvement of civil society actors and commends the State Party for its important role in humanitarian and development operations. However the Committee is concerned about:

- (a) The limited participation and inclusion of women in peace processes;
- (b) The lack of gender perspective in strategies to prevent violent extremism and counter terrorism; and
- (c) The negative impact on women of the small arms trade and the export of arms and munitions to conflict zones, as well as the inadequate monitoring of arms producing corporations on the use of their arms and violence against women, in line with their obligations under the Arms Trade Treaty 2014.

17. **The Committee recommends that the State party:**

(a) **Intensify efforts to include women in negotiations and mediation activities, including at the senior level, and provide technical assistance in conflict resolution processes to countries emerging from conflict and promote women's effective participation;**

(b) **Strengthen its efforts to include a gender perspective in strategies to prevent violent extremism and build the capacity of women and girls, including women civil society groups, to engage in efforts to counter terrorism; and**

(c) **Promote the mainstreaming of gender issues in its policy and operational activities; monitor the impact of the misuse and illicit trade of small arms and light weapons on women, including those living in conflict zones, and ensure that arms producing corporations monitor and report on the use of their arms in violence against women.**

National machinery for the advancement of women and gender mainstreaming

18. The Committee welcomes the establishment of the Swiss Centre of Expertise on Human Rights in 2011, and notes the efforts made by the State party to strengthen cooperation among relevant institutional structures and mechanisms. However it is concerned about:

(a) The lack of an overall integrated strategy for gender mainstreaming and the Federal Council's decision not to implement gender budgeting;

(b) The absence of a comprehensive national gender equality strategy, policy and action plan that addresses the structural factors causing persistent gender inequalities;

(c) The negative impact of budgetary considerations on the human and financial resources of equality offices or commissions in most cantons, including the Federal Office for Gender Equality and the Federal Commission for Women's Issues, and the lack of sufficient authority and visibility of these organisations;

(d) Uncertainty as to the status of the Swiss Centre of Expertise on Human Rights and indications by the State party of only a short-term plan to extend its mandate for five years and the need to strengthen the independence of the Centre's members; and

(e) Shortfalls in ensuring that gender neutral language applies to all of the State party's official languages.

19. **The Committee recommends that the State party:**

(a) **Reconsider its decision in relation to gender mainstreaming and review the Committee's previous recommendation (see CEDAW/C/CHE/CO/3, para. 22) to adopt an integrated gender mainstreaming strategy, including through the use of gender-budgeting processes, with effective monitoring and accountability mechanisms across all sectors and levels of government;**

(b) **Develop a comprehensive national gender strategy, policy and action plan that addresses the structural factors causing persistent inequalities, including intersecting forms of discrimination against women and girls;**

(c) **Strengthen the existing equality offices and commissions at the cantonal level, and ensure that they, along with the Federal Office for Gender Equality and the Federal Commission for Women's Issues, are provided with the necessary authority, visibility and human and financial resources to effectively advance women's rights and regularly assess progress in the implementation of federal and cantonal gender equality policies, plans and programmes and evaluate the impact of such efforts;**

(d) **Strengthen the mandate of the Swiss Centre for Expertise on Human Rights, particularly with regard to gender equality, and ensure that it complies with the UN Principles relating to the Status of National Institutions ('Paris Principles' as adopted by General Assembly resolution 48/134 of 20 December 1993 Annex); and**

(e) **Ensure that gender neutral language is applied to legislation in all of the State party's official languages.**

Temporary Special Measures

20. The Committee notes as positive the measures taken to advance the achievement of substantive equality in the State party, however it remains concerned about the under-representation of women in extra-parliamentary commissions and other bodies, governing bodies of companies, and institutions closely connected with the Federation, as well as their under-representation in high level management and decision making positions. It is further concerned about the low numbers of women professors in academia and of women judges at all levels of the judiciary.

21. **With reference to its general recommendation No. 25 (2004) on temporary special measures, the Committee reiterates its previous recommendation (see CEDAW/C/CHE/CO/3, para. 24) and urges the State party to further adopt and implement measures, either as temporary special measures or as permanent measures, aimed at achieving substantive equality of women and men in all areas and ensure the allocation of resources and the creation of incentives, targeted recruitment and the setting of time-bound goals and quotas, in areas where women are underrepresented or disadvantaged in both the public and private sectors.**

Stereotypes

22. The Committee welcomes the steps taken by the State party to address discriminatory stereotypes, including through the revision of educational curricula in the French speaking cantons, and to combat discriminatory gender stereotypes concerning minority and migrant women. However, the Committee remains concerned that:

(a) Prevailing stereotypes about the roles and responsibilities of women and men in the family and in society, along with deep-rooted patriarchal attitudes, continue to impede progress in advancing gender equality;

(b) Structural barriers in the media have resulted in a decline in female media professionals in recent years, while stereotyped and sexualized images of women continue to be depicted in the media and advertisements; and

(c) Stereotyped media portrayals and negative images of ethnic minority women and migrant women undermine their ability to integrate into society.

23. **The Committee reiterates its previous recommendations (see CEDAW/C/CHE/CO/3, para. 26) that the State party:**

(a) **Strengthen its efforts to eliminate discriminatory stereotypes regarding the roles and responsibilities of women and men in the family and in society, including through awareness-raising directed at women and men;**

(b) **Establish an education strategy for media professionals comprising guidelines and monitoring mechanisms to eliminate discriminatory stereotypes against women, and to encourage gender neutral media coverage, particularly in the run up to elections; introduce measures to promote equal representation of women and men in the media and amend the Federal Act on Radio and Television to explicitly refer to equal representation within the media; and**

(c) Introduce incentives for the media to promote positive images of ethnic minority and migrant women.

Harmful practices

24. The Committee welcomes the adoption of legislative and other measures to combat harmful practices, including female genital mutilation (FGM), intersex mutilation (IGM), child marriage and forced marriage. However, the Committee is concerned about:

(a) Girls living in the State party, often from migrant families, who have undergone or are at risk of being subjected to female genital mutilation and other harmful practices;

(b) Information on harmful practices is not readily available, particularly for ethnic minority and migrant women due to language and cultural barriers. The lack of a national comprehensive strategy in particular to eliminate FGM, along with the limited training for relevant professionals;

(c) Insufficient support for intersex persons, who have undergone involuntary and medically unnecessary disfiguring surgical procedures when they were babies and children, often with irreversible consequences, resulting in significant physical and psychological suffering;

(d) The pressure placed on parents of intersex children by medical professionals, the media and society at large, often forces them to give their consent for so called “medical procedures” justified by psychosocial indications; intersex children and adults are often unaware of the procedures they have been subjected to while access to legal remedies for intersex persons affected by unnecessary medical procedures is extremely limited with the statute of limitations often expiring by the time intersex children reach adulthood; and

(e) Lack of integration of intersex persons and their families in interdisciplinary working groups and failure to consult with those directly affected by these procedures in decisions that affect their lives.

25. **In light of the joint recommendation/general comment No. 31 of the Committee and No. 18 of the Committee of the Rights of the Child on harmful practices (2014), the Committee recommends that the State party:**

(a) Systematically collect disaggregated data on harmful practices in the State party and continue to strengthen preventive and protection measures to eliminate female genital mutilation, child marriage and forced marriage;

(b) Develop awareness raising campaigns and ensure that information is readily available to victims of female genital mutilation and ensure that relevant professionals are sufficiently trained to identify potential victims and that perpetrators are brought to justice;

(c) Ensure that, in line with recommendations from the Swiss Ethics Commission, that no child is subjected to unnecessary medical or surgical treatment during infancy or childhood; adopt legislation to protect the bodily integrity, autonomy and self-determination of intersex persons and provide families with intersex children with adequate counselling and support;

(d) Adopt legal provisions in order to provide redress to intersex persons affected by cases of surgical or other medical treatment without free, prior and informed consent by the intersex person or his/her parents under the guidance of the court; and

(e) **Educate and train medical professionals on the harmful impact of unnecessary surgical or other medical interventions for intersex children, and ensure that the views of intersex persons are fully considered by the interdisciplinary working groups established to review these procedures.**

Gender-based violence against women

26. The Committee commends the efforts being made by the State party to address gender based violence however it remains concerned about:

(a) The high prevalence of gender-based violence against women as evidenced by the statistics provided by the State party (with 3173 assaults against women in 2011 as compared to 948 against men), including domestic violence and stalking in the State party;

(b) Underreporting of gender-based violence to the police and the low prosecution and conviction rates, resulting in impunity for perpetrators;

(c) The lack of a national action plan to combat violence against women and disparities between cantons in addressing the issue;

(d) The insufficient number of shelters available to provide specific support services for victims and the limited time frame during which victims can avail of these services. The disparities between cantons in terms of funding and regulating shelters, and lack of support to non-governmental organizations providing assistance to victims; as well as the lack of support available when women leave the shelters in terms of covering daily living expenses, and childcare etc.;

(e) The delay by the State party in ratifying the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) signed in 2013; and

(f) The negative impact that uncontrolled arms in private possession by males in the State party has on the lives of women and girls.

27. **The Committee recalls its general recommendation No. 19 (1992) on violence against women and reiterates its previous recommendations that the State party:**

(a) **Enhance its efforts to combat all forms of gender-based violence against women, including domestic and sexual violence, paying particular attention to minority women and introduce new legislation to prevent stalking;**

(b) **Increase reporting by women of incidents of gender-based violence, including domestic violence, providing capacity-building programmes for judges, prosecutors, police officers and other law enforcement officials on the strict application of criminal law provisions on violence against women, sensitizing them on the cultural background of minority and migrant women, raising awareness among the general public of the criminal nature of such acts, and ensuring that all cases of violence against women are effectively investigated and that perpetrators are prosecuted;**

(c) **Expediently adopt a national action plan, in consultation with civil society organizations, to combat gender-based violence against women and ensure that adequate human, technical and financial resources are allocated for its implementation, monitoring and assessment;**

(d) **Strengthen services for women victims of gender-based violence, including by establishing additional shelters to ensure that adequate victim centred services are available in all cantons, and ensure the availability of psychosocial rehabilitation and reintegration programmes;**

(e) **Take measures to ratify the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) as a matter of priority; and**

(f) **Develop an independent study by scientific experts, as well as representatives from women NGOs, to analyse the link between uncontrolled possession of arms by men in the State party and the impact on gender based violence against women and girls.**

Trafficking and exploitation of prostitution

28. The Committee welcomes the steps taken by the State party to combat trafficking, however it is concerned about:

(a) The low rates of prosecution and conviction in cases of trafficking in women and girls and the lack of available disaggregated data on victims of trafficking;

(b) The lack of a unified approach across cantons to identify victims and refer them to the appropriate protection services and the inadequate human and financial resources allocated to victim protection services;

(c) The lack of a comprehensive victim protection programmes that offers specific accommodation along with organized rehabilitation and reintegration measures, access to counselling, medical treatment, psychological support and redress, including compensation for victims, in particular migrant women who are not automatically entitled to temporary residence permits unless they cooperate with the police and judicial authorities;

(d) Disparities between cantons in relation to granting residence permits, in that decisions made often depend on the type of exploitation, cantonal authority and individual case worker involved;

(e) The limited focus on multiple forms of exploitation such as forced labour, servitude, slavery and analogous practices; and

(f) The structural violence and exclusion faced by foreign women in prostitution, particularly those in an irregular situation, and the lack of measures taken by the State party to provide exit programmes and alternative income-generating opportunities to women who wish to leave prostitution.

29. **The Committee recommends that the State party:**

(a) **Develop awareness raising programmes for police authorities and social workers at the cantonal level and investigate, prosecute and adequately punish all cases of trafficking in persons, especially women and girls, and improve access to data on victims of trafficking, disaggregated by sex, age and nationality;**

(b) **Expediently assess the impact of the National Action Plan and adopt a new plan with a gender focus ensuring that measures are implemented uniformly across all cantons;**

(c) **Strengthen measures to identify and provide support to women at risk of trafficking, in particular migrant women and unaccompanied girls, ensure adequate access to health care and counselling services, strengthen human, technical and financial resources to NGOs who offer specialised victim protection services, and develop targeted training for social workers dealing with victims of trafficking;**

(d) **Grant residence permits to enable all victims of trafficking to avail themselves of protective and rehabilitation measures, irrespective of their willingness to cooperate with police authorities or not, and ensure that the**

authorities adopt a victim centred approach when granting the recovery and reflection period;

(e) Prevent and combat other exploitative practices assimilated to trafficking, in particular forced labour and servitude, and provide training for labour inspectors and other relevant professionals in this regard; and

(f) Regularly review the situation of foreign women who are engaged in prostitution, or who are affected by the State party's decision to abolish the status of 'cabaret dancer', in order to protect them and strengthen assistance provided to women and girls who wish to leave prostitution, including by providing exit programmes and alternative income-generating opportunities.

Participation in political and public life

30. The Committee notes the efforts undertaken by the State party to advance the participation of women in political and public life. However, it remains concerned that:

(a) Women continue to be significantly underrepresented in the Council of States and the National Council, with the overall proportion of women in the Government standing at 20.5 per cent, continuing to be low, following the last Federal elections in October 2015;

(b) Structural barriers and gender bias on the realization of women's engagement in political and public life continue to exclude women from decision-making positions in both elected and appointed positions in public office, in political parties, in the judiciary, in academia and in public broadcasting corporations; and

(c) The application of statutory quotas for women's representation in organs of the legislative, executive and judicial branches has been rejected by the Federal Court under the existing legal framework.

31. **The Committee reiterates its previous recommendations (see CEDAW/C/CHE/CO/3, para. 34) and calls on the State party to:**

(a) **Strengthen its efforts to increase the number of women in elected decision-making bodies at the federal and cantonal levels as well as in appointed positions at the local level, and to achieve equal representation of women and men in political and public life;**

(b) **Intensify awareness-raising campaigns for politicians, journalists, teachers and the general public, to enhance the understanding that the full, equal, free and democratic participation of women on an equal basis with men in political and public life is a requirement for the full implementation of women's human rights and continue its efforts to encourage the media to ensure that female and male candidates and elected representatives receive equal visibility in the media, especially during election period; and**

(c) **Review the decision by the Federal court and adopt proactive measures, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25 (2004) on temporary special measures, to address the structural obstacles to the achievement of substantive equality of women and men in political and public life.**

Human rights defenders

32. The Committee is concerned that women human rights defenders abroad are not sufficiently supported due to the lack of awareness by diplomatic staff of the Guidelines on the Protection of Human Rights Defenders issued by the State party in 2013.

33. **The Committee recommends that the State party ensure full implementation of the Guidelines on the Protection of Human Rights Defenders, and ensure that foreign policy actors, are fully aware of the Guidelines and adequately trained to address situations involving women human rights defenders.**

Education

34. The Committee welcomes the measures taken by the State party to address discriminatory stereotypes in education, particularly at the tertiary level however it remains concerned that:

(a) Gender stereotyped educational materials in both schools and universities have an impact on traditional carer choices made by women and girls. While gender sensitive teaching materials have been developed in a number of cantons, this practice has not been uniformly applied throughout the State party;

(b) Women continue to be drawn to traditionally female-dominated fields of study and career paths and are underrepresented in vocational training and in certain fields of higher education, such as STEM/MINT studies, as evidenced in the annex to the State party report which demonstrates there has been little progress in this regard between 1990 and 2010 (under 10 per cent); and

(c) Women continue to be under-represented in decision-making and senior management positions at all levels of the education system. Similarly the under representation of professors and rectors at the senior level leaves young girls without role models in this area.

35. **The Committee recommends that the State party:**

(a) **Encourage further diversification of the educational choices of girls and boys and take steps to revise educational materials at the cantonal level and ensure that gender sensitive teaching materials are available across all cantons and communities and include a module on gender stereotypes in education within national teacher training programmes;**

(b) **Strengthen strategies to address discriminatory stereotypes and structural barriers that may deter girls from progressing beyond secondary education and enrolling in traditionally male-dominated fields of study, such as mathematics, information technology and science; and**

(c) **Monitor the career development of women in the education system to ensure equal access and prevent hidden or indirect discrimination faced by women, and develop mentoring programmes for female professors and rectors to act as role models for young girls.**

Employment

36. The Committee notes as positive the measures taken by the State party to reconcile family and work life. however it notes with concern:

(a) That the prevailing gender wage gap in both the public and private sectors continues to impact negatively on women's career development and pension benefits, while the lack of effective implementation of legislation on the principle of equal pay for equal work and work of equal value further hinders progress in this regard;

(b) The persistence of horizontal and vertical occupational segregation, the concentration of women in the lower-paid service sectors and in temporary and part-time work due to their traditional role as caregivers for children, and women's under-representation in managerial positions in companies. The lack of part time opportunities in

high level positions; and the significant discrimination of part time employees in relation to invalidity insurance;

(c) The continued lack of affordable childcare facilities, and lack of family friendly working models and paternity leave;

(d) The potentially negative impact that raising the retirement age for women to 65 years may have on women's pension levels, particularly for women involved in unpaid care work;

(e) The increase in cases of discriminatory attitudes in the workplace, especially in male dominated sectors and at the senior management level, and the lack of effective measures to deal with such harassment; and

(f) The limited access by migrant, refugee and asylum-seeking women, as well as women with disabilities, to the formal labour market.

37. **The Committee recommends that the State party:**

(a) Strengthen efforts to eliminate the gender wage gap and ensure equal opportunities for women and men in the labour market, including through the use of temporary special measures, with time-bound targets, in accordance with article 4, paragraph 1, of the Convention and its general recommendation 25 (2004);

(b) Adopt effective measures, including skills training and incentives for women to work in non-traditional professions, to eliminate occupational segregation, both horizontal and vertical, in the public and private sectors, and adopt temporary special measures, namely statutory quotas, to enhance the representation of women in managerial positions in companies and encourage companies to create part time opportunities in high level positions and to harmonise discriminatory provisions in labour law and social law, and ensure that invalidity insurance law is available for part time workers;

(c) Create more opportunities for women to gain access to full-time employment, including by adopting a rights-based national childcare framework in order to provide sufficient and adequate childcare facilities, and establish a legal framework to ensure that paid paternity leave is available without impacting on the rights of mothers to take maternity leave;

(d) Ensure that the situation of women who have been involved in unpaid care work is taken into consideration without discrimination when drafting the pension scheme reform for 2020;

(e) Ensure that victims of discriminatory harassment in the workplace have access to effective mechanisms and remedies, and encourage employers to conduct regular reviews of company culture to prevent such incidents taking place; and

(f) Take into account the needs of disadvantaged groups of women, especially migrant, refugee and asylum-seeking women, as well as women with disabilities, and introduce targeted measures to create further employment opportunities for these women.

Health

38. The Committee welcomes measures adopted by the State party to address disparities in accessing health services between cantons, and in particular, between Swiss nationals and migrants. However, the Committee remains concerned about:

(a) Language barriers and lack of awareness often preventing migrant women from accessing health care facilities, including reproductive health services;

- (b) Disparities in the teaching of age-appropriate sexual education across cantons and the resulting risk of teenage pregnancies;
- (c) Disparities in the availability of cantonal support services and the lack of inclusion of lesbian, bisexual and intersex persons in health surveys and registers;
- (d) The persistence of gender reassignment treatment targeting transgender persons including involuntary medical treatment, such as hormonal or surgical sterilisation, and the costs associated with such treatment; and
- (e) The unavailability of disaggregated information and data on cases of HIV/AIDS in the State party, and the lack of measures to limit the risk of HIV/AIDS and sexually transmitted diseases for women in prostitution.

39. In line with its general recommendation No. 24 (1999) on women and health, the Committee recommends that the State party:

- (a) Ensure that medical professionals are aware of the cultural and linguistic barriers migrant women face when accessing health care, and ensure the availability of female medical staff if requested; take steps to introduce awareness raising campaigns, in relevant languages, among migrant communities on how to access health care services, including sexual and reproductive health services;**
- (b) Ensure that age appropriate sexual education is included in curricula in all cantons and that training is provided to teachers;**
- (c) Include reference to, and documentation on, LGBTI persons in national health surveys and registers;**
- (d) Review the decisions taken by civil courts requiring transgender persons to undergo surgical and/or hormonal treatment before legal gender recognition can be granted, and ensure that the costs for such interventions is reimbursed; and**
- (e) Take steps to collect data on cases of HIV/AIDs and sexually transmitted diseases and ensure that age-appropriate sexual and reproductive health services and treatment, including confidential services, are accessible to all women and girls living with HIV/AIDS.**

Economic empowerment of women

40. The Committee welcomes the publication of a report by the Swiss Federal Council in 2016 on Illicit Financial Flows. The Committee is concerned about:

- (a) The lack of efficient and transparent regulations and mechanisms for evaluating the impact of budget shortfalls as a result of such policies on women, particularly in developing countries;
- (b) The lack of impact assessment explicitly taking into account women's human rights prior to the negotiation of international trade and investment agreements; and
- (c) The State party's financial secrecy policies and rules on corporate reporting and taxation have a potentially negative impact on the ability of other States, particularly those already short of revenue, to mobilise the maximum available resources for the fulfilment of women's rights.

41. In line with 2010 General Recommendation No. 28 on the Core Obligations of States Parties under Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women the Committee recommends that the State party:

- (a) Undertake independent, participatory and periodic impact assessments of the extraterritorial effects of its financial secrecy and corporate tax policies on**

women's rights and substantive equality, and ensure that such assessments are conducted in an impartial manner with public disclosure of the methodology and finding;

(b) **Ensure that trade and investment agreements negotiated by the State party recognize the primacy of its obligations under the Convention and explicitly consider their impact on women's rights; and**

(c) **Strengthen its legislation governing the conduct of corporations registered or domiciled in the State party in relation to their activities abroad.**

Poverty and social welfare

42. The Committee welcomes the overall reduction in household poverty in the State party in line with the recommendations made by the Swiss Conference of Cantonal Ministers of Social Affairs in 2013. However, it is concerned that:

(a) Women are disproportionately affected by poverty, particularly single mothers, older women, divorced rural women, migrant women, unemployed women and women involved in unpaid care work;

(b) Maintenance payments vary significantly between cantons, when a parent neglects his or her obligations to provide child maintenance and in some cases the parent beneficiary may later be requested to pay them back;

(c) Maintenance payments are taxed as income ultimately increasing the single parent's tax burden overstressing already limited financial resources; and

(d) The Federal Council rejected the introduction of minimum maintenance payments for children after the divorce of their parents.

43. **The Committee recommends that the State party:**

(a) **Adopt a national poverty reduction strategy with a focus on the most disadvantaged and vulnerable groups of women and integrating a human rights and gender-based approach;**

(b) **Adopt the recommendations made by the Swiss Conference of Cantonal Ministers of Social Affairs in 2013 on how to design a system of child maintenance and eliminate the obligation placed on the parent beneficiary to pay back maintenance payments and implement the recommendations in all cantons;**

(c) **Introduce means tested child allowance as proposed by the Federal Council as a matter of priority; and**

(d) **Introduce minimum maintenance payments for children after their parents separate or divorce.**

Rural women

44. The Committee notes the information provided by the State party in relation to rural women. However, it remains concerned that female farmers are often left in a vulnerable situation following divorce and unable to recover any personal assets or access unemployment insurance benefits. The Committee is further concerned that laws governing inheritance of property often prevent widows from inheriting farms in the event of their husband's death. The Committee is also concerned at the under-representation of women in farmers unions and other policy, political and legislative bodies governing the rights of farmers.

45. **The Committee recommends that the State party give full attention to the economic empowerment of rural women, in particular women farmers, and ensure**

their access to and control over land as well as their access to credit facilities and training opportunities. It further recommends that steps be taken to raise awareness among rural women about their rights in the event of separation or divorce.

Disadvantaged groups of women

Migrant and minority women

46. The Committee notes the efforts of the State party to facilitate the integration of migrants especially Muslim women, as well as ethnic minority women, including Roma and related groups, traveller women and undocumented women. However, it notes with concern that:

(a) Migrant women and minority women continue to be at risk of intersecting forms of discrimination in political life, education, employment and health care;

(b) Underreporting of domestic violence by many migrant women whose residence permit depends on their being married to their violent husband, and the significantly high threshold of 'severity' and 'systematic violence' as the standard of proof before the courts; and

(c) Cases of deportation of migrant women who have been recognised as victims of domestic violence only due to their lack of financial independence.

47. **The Committee recommends that the State party:**

(a) **Take effective measures to eliminate discrimination against migrant women and minority women, both in society at large and within their communities by developing awareness raising campaigns and engaging with the media to avoid negative stereotypes;**

(b) **Introduce measures to migrant women's access to education, employment and professional training, social services and health care, as well as familiarize them with their rights under the Convention and the legal remedies available to claim them;**

(c) **Review the legal framework requirement concerning the burden and standard of proof in cases of domestic violence committed against migrant women; and**

(d) **Grant temporary residence permits to migrant women who have been recognised as victims of domestic violence but are at risk of being expelled due to their lack of financial independence.**

Marriage and family relations

48. The Committee is concerned that its previous recommendations to better redress gender disparities and economic disparities ("shortfalls") upon divorce were not followed, and that the amended Child Maintenance Act had not introduced a federal scheme of deficit sharing and a minimal contribution to child maintenance, as a result, child maintenance is determined only to the extent that the person duty bound to pay such maintenance is financially able to pay. It is further concerned that the default rule of joint parental authority and preference of shared custody may lead to a reduction of child maintenance orders with no mechanism to ensure that shared custody is indeed practiced, and reflects the reality of time and cost allocation between parents. The Committee is further concerned at the lack of information on the impact of the current pension system on divorced low income couples, particularly in relation to the potential risk they face of falling into poverty in old age.

49. **The Committee recommends that the State party:**

(a) **Take the necessary measures to redress gender disparities and economic disparities ("shortfalls") upon divorce;**

(b) **Amend the Child Maintenance Act to introduce a federal scheme of income deficit and ensure that the shortfall in income be equally distributed between parents and ensure that a minimal contribution to child maintenance is applied;**

(c) **Establish a monitoring mechanism to ensure that shared custody is practiced and that child maintenance orders reflect the reality in relation to the time and cost allocation between parents; and**

(d) **Develop a study, to be conducted by scientific experts and relevant women's NGOs, to analyse the impact that the current pension system has on low income couples to fall into poverty.**

Beijing Declaration and Platform for Action

50. **The Committee calls upon the State party to use the Beijing Declaration and Platform for Action in its efforts to implement the provisions of the Convention.**

2030 Agenda for Sustainable Development

51. **The Committee calls for the realization of substantive gender equality, in accordance with the provisions of the Convention, throughout the process of implementation of the 2030 Agenda for Sustainable Development.**

Dissemination

52. **The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official language of the State party, to the relevant State institutions at all levels (federal and cantonal), in particular to the Federal Council, the ministries, the Federal Assembly and the judiciary, to enable their full implementation.**

Ratification of other treaties

53. **The Committee notes that the adherence of the State party to the nine major international human rights instruments¹ would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, to which it is not yet a party.**

¹ The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities.

Follow-up to the concluding observations

54. The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraph 19 (b) and (c), 27 (c) and 49 (d) above.

Preparation of the next report

55. The Committee invites the State party to submit its sixth periodic report in November 2020. In case of delay, the report should cover the entire period until the time of its submission

56. The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents ([HRI/GEN/2/Rev.6](#), chap. I).
