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NGO-Coordination post Beijing Switzerland

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Statement by the NGO Coordination post Beijing Switzerland on the Interim Report of Switzerland regarding the Status of the Implementation of the Recommendations of the CEDAW Committee from Switzerland's 6th Periodic Report to CEDAW

1. General Remarks on the CEDAW Concluding Observations

The NGO Coordination post Beijing Switzerland (NGO pB Switzerland), in collaboration with its member organizations, broadly endorses the positions presented by the Federal Commission for Women's Issues (FCWI) in its December 2024 statement on the interim report addressing the three recommendations of the CEDAW Committee.

Since 1996, the NGO pB Switzerland, along with its network of over thirty member organizations, has been actively advocating for gender equality and the promotion of women's rights in Switzerland across societal, political, economic, and legal levels. Having ratified CEDAW in 1997, Switzerland has been bound by its provisions since 1998. The NGO pB Switzerland has played an active role in monitoring and reporting on the implementation of CEDAW in Switzerland since its ratification.

It is therefore inaccurate for the November 2024 interim report of Switzerland to describe CEDAW as a "very broadly defined equality mandate" with "primarily programmatic character." Articles 2 to 5 of CEDAW clearly outline the general obligations of State Parties, including Switzerland. These provisions mandate active policies to eliminate discrimination against women at all levels of government and to ensure the full realization of their rights in all areas of life (Art. 2).

Specifically, this includes the obligation to respect and protect women from discrimination in both private and public spheres through appropriate legislation, regulations, administrative processes, political programs and institutional structures. Furthermore, State Parties are obliged to guarantee equal rights both **de jure** and **de facto** by undertaking promotion measures (Art. 3), implementing temporary special measures (Art. 4), and combating stereotypes (Art. 5).

Switzerland must also strive to raise public awareness on a continuous basis and should take greater advantage of the opportunities provided by the regular CEDAW reporting processes. Moreover, gender-specific data must be collected and utilized more systematically, and additional platforms should be established to foster network research and analysis on discrimination-related issues.

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Mitgliedsorganisationen: alliance F, avanti donne, Bund schweizerischer jüdischer Frauenorganisationen BSJF, Brava, CEVI Schweiz, Frieda - die feministische Friedensorganisation, DAO Dachorganisation der Frauenhäuser Schweiz und Liechtenstein, Demokratische Juristinnen Schweiz DJS, Fachstelle Frauenhandel und Frauenmigration FIZ, FemWiss Verein Feministische Wissenschaft Schweiz, F.I.us Feministisch.lus, Frauen für den Frieden, FRI Schweizerisches Institut für feministische Rechtswissenschaft und Gender Law, Friedensfrauen Weltweit, IAMANEH Schweiz, IG Feministische Theologinnen, IG Frau und Museum, InterAction, Juristinnen Schweiz, #NetzCourage, Pfadibewegung Schweiz PBS, Schweiz. Kath. Frauenbund SKF, stukturelle. Schweiz. Verband für Frauenrechte adf-svf, SEV Frauen, Sexuelle Gesundheit Schweiz, SP Frauen* Schweiz, Transgender Network Switzerland, Verband Christkatholischer Frauen Schweiz VCF, Women's World Summit Foundation WWSF, WyberNet

2. Recommendation No. 16a) Strengthening Knowledge of Judicial Authorities on Direct Applicability and Use of the Convention in Legal Proceedings

More than 26 years after the entry into force of CEDAW in Switzerland, systematic training on the Convention still remains absent.

As women's rights are human rights, CEDAW should be integrated in the basic legal education curricula at universities and colleges, alongside other human rights, and international rights conventions. This should not be limited to elective courses for students with specialized interests but should be included as a mandatory subject.

Similarly, CEDAW must be addressed in ongoing professional training programs for judicial authorities and prosecutors, particularly in the newly established judicial training systems.

Given that many judges completed their legal education several years ago, CEDAW should be introduced to them through continuing professional training programs, such as those offered by the Swiss Association of Judges (SVR) or the Central Switzerland Judges' Association. The Swiss Bar Association (SAV) should also incorporate relevant training opportunities. Many regional and cantonal courts also offer their own training and continuing education programs, and since participation is generally expected from court employees, attendance among those concerned would likely be higher.

3. Recommendation No. 32a) Addressing Cantonal Disparities in the Funding of Equality Offices

As noted by the FCWI, cantonal equality commissions are of critical importance. It must therefore be emphasized that cantons must recognize this necessity, ensuring that every canton establishes an office for equal opportunities. Furthermore, these offices must be equipped with adequate financial and professional resources to fulfill their mandates effectively. Unlike many other countries, Switzerland already has various financial policy instruments in the majority of cantons and to some extent also at federal level, which can assess the allocation of finances for individual tasks on the basis of their impact - and therefore in principle also on the basis of their impact on equality. A refusal to introduce gender budgeting can therefore under no circumstances be justified by financial law hurdles.

4. Recommendation No. 42 Strengthening Efforts to Combat All Forms of Gender-Based Violence Against Women and Girls

d) Reforming the Legal Definition of Rape and Eliminating Judicial Discretion for Sexual Offenses

The NGO pB Switzerland fully supports FCWI in endorsing the CEDAW Committee's Recommendation No. 42(d) regarding the reform of Switzerland's legal definition of rape. We commend the Swiss Parliament for aligning the definition with international standards, emphasizing consent and eliminating the requirement for victims to prove resistance.

We also welcome provisions criminalizing "stealthing" and "revenge porn," as well as recognizing minors' consent in digital contexts. These steps reflect societal shifts and address emerging issues in the digital age.

While the reform represents significant progress, the FCWI rightly calls for comprehensive measures to ensure its effectiveness. This includes ongoing professional training for police and

prosecutors, prioritizing consent in sex education, and launching public awareness campaigns. We also urge the collection of detailed statistics on sexual violence and a cultural shift toward zero tolerance for gender-based violence.

f) Protecting Residency Rights for Victims of Domestic and Sexual Violence

We, along with our member organization FIZ (Center for Trafficking and Women Migration), commend the Parliament for recognizing the unique challenges and vulnerabilities faced by migrant women experiencing violence in immigration-related dependencies. The revision of the hardship provisions for domestic violence and the withdrawal of the reservation to the Istanbul Convention are important and encouraging steps forward in addressing their needs.

Nevertheless, we regret that the complex realities faced by migrant women experiencing violence, including the frequent isolation that constitutes part of the abuse, are not fully addressed in the legal amendments. The Parliament has opted not to include an explicit provision granting additional time before integration criteria (e.g., language skills) are assessed.

It is also concerning that undocumented migrants (**Sans-Papiers**) are excluded from these provisions, leaving them in an ongoing state of precarity and vulnerability in cases of domestic violence.

While these developments mark a crucial step in the right direction, significant further efforts are needed. Following the entry into force of the revised legislation and accompanying ordinances and regulations on January 1, 2025, a close monitoring of their practical implementation will be essential.

Final Remarks

The NGO Coordination post Beijing Switzerland appreciates the opportunity to contribute to the ongoing dialogue on the implementation of the CEDAW Committee's recommendations. While we acknowledge the progress made thus far, we emphasize that there is still significant work to be done to ensure that the rights of women and girls are fully realized in Switzerland. We also stress the importance of adopting an intersectional approach to these efforts, recognizing how overlapping forms of discrimination – such as gender, race, ethnicity, socioeconomic status, disability, and migration status – compound the challenges faced by many women and girls. In particular, we call for greater attention to the needs of marginalized groups, including migrant women, survivors of gender-based violence, and those subjected to systemic discrimination. Our collective goal is a truly inclusive society where equality and justice prevail at all levels. We remain committed to advocating for continued reforms, stronger legal frameworks, and the inclusion of intersectional perspectives in policymaking. We look forward to continuing the collaboration with Swiss authorities and civil society to further these critical efforts.