



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women**
Forty-fourth session

Summary record of the 895th meeting

Held at Headquarters, New York, on Monday, 27 July 2009, at 3 p.m.

Chairperson: Ms. Gabr

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

Third periodic report of Switzerland (continued)
(CEDAW/C/CHE/3; CEDAW/C/CHE/Q/3 and Add.1)

1. *At the invitation of the Chairperson, the members of the delegation of Switzerland took places at the Committee table.*

Articles 1 to 6 (continued)

2. **Mr. Mesaric** (Switzerland), in reply to questions posed at the 894th meeting, said that the Swiss Government was not satisfied with the sentences imposed for human trafficking offences, which were admittedly more lenient than those of other European countries. As of 2008, new training was being provided to the judiciary on the collection of evidence, a particularly arduous task in human trafficking cases, and the improved prosecution of such cases. The 2007 report of the Swiss Coordination Unit against the Trafficking of Persons and Smuggling of Migrants on the progress made in combating human trafficking, a copy of which was being distributed to Committee experts, provided useful statistics, including the number of consultations received by victim aid agencies on an annual basis. According to that report, official sources had reported 90 such consultations in 2006, whereas non-governmental organizations (NGOs) had reported 130. In 2007, the numbers had risen to 128 and 160, respectively; and in 2008, the only available statistics were from NGOs, which had reported 160 consultations. There were currently 27 human trafficking cases being tried in Switzerland. In 2006, there had been 14 convictions for forced prostitution and 5 convictions for human trafficking.

3. Turning to international police cooperation, he said that in 2004, a new human trafficking unit had been established as part of the Swiss criminal police. The unit had since taken on more responsibilities and was now in charge of police cooperation abroad, including the exchange of human trafficking data. Switzerland furthermore employed police attachés in its embassies in the United States of America, Thailand, the Czech Republic, Italy, the former Yugoslav Republic of Macedonia, Brazil and Germany. The attachés provided liaison with the authorities of

those countries in cases involving Swiss nationals. The new human trafficking unit worked closely with the police forces of other countries that did not have direct access to police attachés.

4. With regard to the right of human trafficking victims to remain in Switzerland if they did not cooperate with the police, he said that the new Foreigners Act and its provisions in that respect fully complied with the Council of Europe Convention on Action against Trafficking in Human Beings. There was therefore no need to amend the Foreigners Act to bring it into line with the Convention. Furthermore, Switzerland adhered strictly to the fundamental principle of non-refoulement, as contained in article 83 of the Foreigners Act. If there were concerns that a victim would face mistreatment in his or her country of origin, he or she would not be sent back, but would be given a residence permit.

5. **Ms. Zbinden** (Switzerland), in reply to the question on cabaret dancers, said that with a view to better protecting cabaret dancers' rights, under the new Foreigners Act, cabaret dancers must be 20 years old; declare their arrival in Switzerland regardless of their length of stay; stay in Switzerland for four consecutive months; and have received a contract from an authorized agency. They were permitted to change cabarets but not to switch to another occupation, which was in fact an improvement on other types of short-term residence permits. An information pamphlet on the status and rights of cabaret dancers had been published and distributed throughout the cantons. Government policy on cabaret dancers continued to be discussed intensively.

6. **Ms. Weichelt** (Switzerland) said that, in addition, cabaret dancers were obliged to sign their work contracts in person at the Consulate, at which time they were also briefed on their rights in Switzerland.

7. **Ms. Mascetta** (Switzerland), in answer to the question on the Swiss tax system, said that there was one federal tax regime and 26 canton tax regimes. The Government had adopted two types of measures on the taxation of families. The first, aimed at ending discrimination against de facto unions, involved deducting half of the lesser income of a two-income family. The second, which was still at the draft stage, aimed to lower the tax burden of families with children, whether the parents were married or single, and involved establishing a separate tax bracket for

parents and a deduction for childcare costs. While the system had been introduced only at the federal level thus far, the cantons would soon be required to do the same. The federal ceiling for such deductions was 12,000 Swiss francs, whereas the cantons were free to fix the ceiling of their choice.

8. **Ms. Müller** (Switzerland) said that the Government had taken steps to combat stereotypes, including the annual celebration of National Girls' Day, which opened up opportunities for girls on an individual level and helped youth reconsider the distribution of roles in society. The Swiss Conference of Gender Equality Delegates would expand its activities to include participation in the Marriage and Family Fair with a view to reaching out to youth considering marriage or to couples who already had children with regard to traditional roles.

9. The media often played a role in strengthening stereotypes. The Commission against Unfair Competition had recently banned the advertising industry from using women merely to attract attention and from portraying them stereotypically. In addition, a national research project on gender equality had been launched with an investment of 8 million francs in order to gain insight into the causes of gender inequality in Switzerland and to enable the Government to develop appropriate measures to resolve the problem.

10. Turning to the issue of violence against women, she said that the Government had recently issued a new report which showed that domestic violence was still a serious problem, although some progress had been achieved, particularly in police awareness training. A new policy had been established with regard to the collection of gender data in cases of violence against women in order to analyse the relationship, if any, between victims and their attackers. Another initiative adopted to reduce violence against women was awareness training for judges and medical personnel. There were 18 women's shelters, for a total of 200 beds, in Switzerland; a recent study had shown that that number was insufficient, with up to 52 per cent of victims being refused shelter annually.

11. **Ms. Ramseyer** (Switzerland) said that while female genital mutilation was not mentioned specifically in the Criminal Code, it was punishable as a bodily injury under articles 122 and 123 of the Code. In 2005, a parliamentary initiative had called for a new

article in the Criminal Code that would make female genital mutilation a specific offence, even when carried out in a country outside of Switzerland where it was not considered as such. The proposed article had met with much controversy, particularly with regard to its sole focus on female, and not male, genital mutilation; the draft article continued to be under discussion. The Federal Office of Public Health, which was responsible for implementing a parliamentary initiative on awareness-raising campaigns about female genital mutilation, supported activities aimed at preventing female genital mutilation, including the distribution of information and the establishment of an expert group on the subject.

Articles 7 to 9

12. **Ms. Neubauer** said that it was unclear whether such initiatives as the recommendations to media professionals published by the Federal Commission on Women's Issues to achieve a more egalitarian coverage of elections was an isolated action, or whether the Government had been working systematically to promote gender equality in political life. Recalling that the project aimed at increasing the number of young women attending political functions was no longer receiving funding, she wondered how the Government of Switzerland planned to address the democratic deficit with regard to women in decision-making positions. Additional information on the existence of women's groups or gender equality groups within political parties, as well as the steps taken by the Government to encourage political parties to achieve gender equality, would be appreciated.

13. **Ms. Belmihoub-Zerdani** said that in the light of the difficulties presented by the federalist system of Switzerland, she wondered if it would be possible to develop a mechanism aimed at bringing into line gender equality measures at the federal and canton levels and thus facilitate implementation of the Convention. She would also like to know if the Government had considered extending the Christian-Democratic model of gender quotas to other political parties, or even to representation in the Parliament. With regard to the proposal for a national human rights institution recently made at the eleventh session of the Human Rights Council, she suggested that, should such an institution be established, Switzerland should strive to achieve total, or near total gender equality. Such a move would ensure that Switzerland continued to serve

as a model not just in the field of human rights, but in that of women's rights.

14. **Ms. Murillo de la Vega** observed that the Swiss resistance to affirmative action was holding women back, and she wondered if the Federal Government, which could adopt basic laws, did not have the power to override any resistance at the cantonal level. Similarly, there should be a way for the Federal Government to demand that equality policies be applied at all levels of the justice system, in order to increase the number of women judges; and it should be able to enforce the application of equal employment policies by all government departments, most of which had reported non-compliance and kept no statistics. Also, it was not clear if the Government had analysed the large wage gap between men and women on the basis of truly objective criteria. Lastly, she wondered if consideration had been given to instituting parental leave, so that Swiss women would be free to take advantage of a different work/family model.

15. **Ms. Weichelt** (Switzerland) said that there was stubborn resistance in Switzerland to the use of quotas or other affirmative action, which the public — as indicated by an 81-per-cent rejection in a recent referendum — saw as a violation of men's rights and a form of gender discrimination. As a democracy, Switzerland could not go against the people's will thus expressed. It had taken many years to convince the public about the wisdom of instituting maternity leave, and perhaps the same would apply there.

16. No political parties were funded in any way by the Government and therefore the Government could not tell them what to do. The Social Democratic Party had itself established a 40-per-cent quota for women, and it had worked well.

17. **Ms. Müller** (Switzerland) said that it was a hopeful sign that even the more right-wing parties in Switzerland were recruiting some women candidates. Also, within political parties, many more women now sat on their boards. The Government was working with the media to raise the Swiss people's awareness of the importance of having women run for office as well as going to the polls; and it was putting pressure on the media to give women candidates the same exposure as men during the next elections.

18. **Ms. Wyss** (Switzerland) said, regarding the creation of a national human rights body, that the Government had decided on 1 July 2009, as a pilot

project, to establish for a five-year period a network of university institutions to deal with human rights issues, after which either that system could be extended for five more years or a full-fledged national human rights body could be established according to the Paris Principles.

Articles 10 to 14

19. **Ms. Pimentel**, referring to article 10, asked what had been done at the federal and cantonal levels to eliminate discrimination against people with disabilities. Also, NGO sources indicated that there was structural discrimination against immigrant women in employment, social security and education, often because their foreign diplomas were not recognized. It would be interesting to know whether the various apprenticeship and other programmes for immigrant women discussed in the report (CEDAW/C/CHE/3, paras. 257-259) had ended the educational discrimination. The delegation should also comment on the contention by NGOs that migrant women fell into two categories, those from the European Union, the United States and Canada, and those from the rest of the world who apparently faced discrimination.

20. **Ms. Bailey** said that gender equality in education had not yet been realized, despite the wide array of programmes and initiatives undertaken and the policy and legal framework put in place at the federal level. Women were underrepresented in higher education and strikingly segregated as to field of study at the doctoral level and in vocational training. She wondered how Switzerland was applying the 2002 federal equal opportunity programme at universities and other institutions of higher learning in order eventually to shift more women into non-traditional and better-paying jobs, and how it was reinforcing the gender perspective required to increase the proportion of women students and researchers, especially in the scientific and technical fields. Noting that Switzerland was engaged in an overall reform of tertiary education, she asked how more women could be placed in management and decision-making bodies in institutions of higher learning and gender training provided for men and women in those positions.

21. **Ms. Popescu** said that while more women were attending universities, more of them were also dropping out, and it would be useful to have the dropout figures at all educational levels. Certainly the federal programme to promote the recruitment of more

women professors should continue to be funded beyond the achieved goal of 14 per cent; she wondered how many universities were covered by the programme. From the report itself and from outside sources it was apparent that a gender perspective had been introduced into the educational system only in some cantons and not at the federal level. Most school textbooks, moreover, continued to reinforce stereotypes. The planned reform of the curriculum aiming at a unified curriculum in four linguistic versions would be a good opportunity to review the educational materials on that score. While the Government was focusing on facilitating the access of immigrant women to vocational training in certain fields, it would be useful to know how it was planning to ensure their access to diversified education, in order to provide them with greater employment opportunities later on.

22. **Ms. Patten**, referring to article 11, observed that the educational segregation of women led also to their occupational segregation into the fields of health care, social services and teaching, which accounted for the wage gap. She asked what the Government was doing to encourage women to enter male-dominated fields, while at the same time ensuring that traditional women's jobs were not undervalued. It would be interesting to know if the Government had a specific policy to promote equal pay for work of equal value — which was distinct from equal pay for equal work — and if the results were being objectively assessed; if labour judges were receiving specific guidance from the Government on that issue as well as on wage discrimination in general, and if they were applying article 11 (d) and referring to the Convention in their judgements. Information should also be provided on how the Government was facilitating the dialogue between the social partners, in view of the dissatisfaction of the Swiss Federation of Trade Unions with the unwillingness of Swiss enterprises to engage in binding joint monitoring of wage equality issues.

23. **Mr. Bruun** said that he would like confirmation that the provisions of article 11 of the Covenant were self-executing within the Swiss legal system — for instance, the prohibition of dismissal on the grounds of pregnancy. Also, he wondered if, in the many cases brought under the Equality Act, the judges had ever invoked article 11, or referred to the provisions of the International Labour Organization (ILO) Conventions Nos. 100 and 111.

24. Apparently 80 per cent of part-time workers were women, and the majority of women worked part time, which could be a sign of indirect discrimination, requiring further training of women to allow them to move into full-time work. The Government had not acted vigorously to help women reconcile work and family life, and the same could be said for maternity leave provisions, which were weak by European standards. The question of parental leave was moot and he wondered if there were any plans to deal with it.

25. **Ms. Hayashi** noted the flexible work schedules, off-site work and financial support for childcare for the personnel of the Federal Economic Department and wondered if these facilities had been extended to other workers. Without encouragement for men, only women would take up such options, strengthening stereotypes. Switzerland offered financial aid for information campaigns and training for migrant women, and it would be interesting to know what kind of training was given at the federal and cantonal levels. Alternative sources reported that migrant workers had difficulty having their educational qualifications recognized and she wondered what measures were being taken to end that discrimination. She encouraged the Government to apply the Committee's general recommendation No. 26 on women migrant workers.

26. **Ms. Arocha Domínguez**, referring to article 12, asked the delegation to respond to a perceived bias towards modern technologies in treatment instead of prevention of women's cancers. She wondered if rates of such cancers were increasing and how they affected women's mortality rates. It would be useful to have details of early screening programmes and their coverage. For those diseases, information was required on access to health care for minority groups such as Roma and travelling peoples, given the problems caused by their migratory lifestyle. She wanted to know if perinatal care for migrant women had improved and what programmes existed for pregnant migrant women. It would be interesting to have information on mental health and rates for suicide, addictions and domestic violence.

27. **Ms. Zou Xiaoqiao**, noting that according to the periodic report women took more psychoactive medications than men and suffered more often from eating disorders and stress, wondered whether a psychological counselling programme existed to help those with problems. She was concerned that single mothers, migrants and the elderly were affected by the

high cost of social insurance, and requested details on current social insurance and health policies and asked if steps had been taken to lower costs. She asked for information on the law on the sterilization of disabled persons that had come into force in 2005, specifically how many men, women and migrants had been sterilized.

28. **Ms. Begum**, referring to articles 13 and 14, wondered how effectively the poverty eradication programme was benefiting women, including elderly and divorced women. She requested information on development possibilities for women in rural areas and migrant women, disabled women and asylum-seekers. With regard to violence against women, she wondered if there were shelters in every canton. She asked for information on the recreational and cultural possibilities available to rural women, their access to social security and State assistance in marketing their products.

29. **Ms. Rasekh** said that she was interested in what was being done to counter the lack of awareness of the availability of family planning services. She wondered why Switzerland did not punish cases of female genital mutilation carried out in countries where it was not illegal. Access to health care for migrant and undocumented women and access to mental health services for women were areas on which she requested further information.

30. **Ms. Müller** (Switzerland) said that the right to equal pay for work of equal value was embodied in the Constitution and that there was rich case law in the field, in line with the Convention on the Elimination of All Forms of Discrimination against Women and with ILO Convention Nos. 100 and 111. Women were earning more and federal law prohibited discrimination in the field of training for men and women.

31. **Ms. Arioli** (Switzerland) said that the Government's assessment of the equal opportunities programme for men and women at university and graduate schools had concluded that it should be extended after 2011, with certain adaptations. It had three goals: equal representation of men and women in the student body, middle-ranking academic posts, teaching and administrative and technical personnel; gender sensitization and the integration of equality in education, research and management.

32. **Ms. Mascetta** (Switzerland) said that there was no discrimination in their social security system

against women, but since the system depended on income levels, women's pensions could be lower. It was important to note that everyone was covered by the system, even if a person stopped working. Amendments adopted to the social security system had made allowances in pension calculations for periods of education or time spent on a child's schooling or caring for disabled relatives. The divorce of two insured persons resulted in the division of benefits based on their joint income. The system provided a minimum guaranteed pension after the required period of contributions. Maternity benefits covering 14 weeks were paid at a rate of 80 per cent of salary, but paternity leave was not considered a Government priority. The cost of health care was a burden for households, though there were federal subsidies for the cantons that helped to cover part of health insurance premiums. Those earning modest wages would pay little or nothing towards their health insurance.

33. Apparent legal discrimination against migrant women had been addressed in a bilateral convention that protected 90 per cent of foreigners.

34. Three themes had been covered in the report on gender and health: suicide and violence, mental health and ageing and health. Each chapter contained data and recommendations.

35. Regarding poverty, there was a parliamentary initiative to provide supplementary benefits, mainly for the poor working in full-time or almost full-time employment. Also, there was a national strategy designed to fight poverty, especially among one parent families, at all federal levels.

36. **Ms. Zbinden** (Switzerland) said that the recognition of migrants' qualifications was regulated by the Federal Office for Professional (Vocational) Education and Technology, but the main problem lay in raising awareness about the process. In a new strategy, the Office published information targeted at new migrants. However, as some employers were hesitant to employ migrants, it was important to raise awareness of the issues among employers as well. The Office had a programme already running in some cantons to certify the skills of migrants, since formal qualifications were key to their entry into the workforce. Some cantons also offered one-year language courses to migrants where necessary.

37. Several programmes encouraged career diversification among young women, including a

mentoring programme. The Federal Office for Professional (Vocational) Education and Technology ran a programme providing individual case management, particularly for children with language or other difficulties. There were programmes in many cantons to inform parents of the range of vocational training available to their children, both boys and girls, and support had been given to innovative projects to provide resources for parents.

38. The Migration and Health strategy included provision for pregnant migrants and information was being disseminated in pamphlets available in a variety of locations and online. The Federal Office of Public Health was ultimately responsible for ensuring the well-being of pregnant migrants.

39. **Ms. Ramseyer** (Switzerland) said that the proposed new article of the Criminal Code would make female genital mutilation punishable in Switzerland even when carried out in a country where it was not a punishable offence, and that provision had not been contested. In 1999, there had been a parliamentary initiative to compensate people who had been sterilized against their will or under pressure. Forced sterilizations had been carried out in Switzerland until the 1980s and many abortions had been conditional on agreement to sterilization. The Federal Council had supported legal regulation of sterilization but had opposed the proposal to compensate the victims. The Swiss Parliament had adopted the sterilization law in 2004 and it had entered into force in July 2005. There was no data available on the number of people who had been forcibly sterilized.

Articles 15 and 16

40. **Ms. Halperin-Kaddari** expressed concern about the unequal distribution of assets upon divorce and its economic consequences for women. Although the State had recognized the problem, the remedies were not yet sufficient. The changes made to pension rights were a good start but not enough, particularly for younger couples who were many years from retirement age. Persistent stereotypical gender roles meant that women spent only half as much time in the labour market as men and therefore would be unable to support their children with only an equal distribution of tangible assets. The written response to question 29 on the list of issues (CEDAW/C/CHE/Q/3/Add.1) had indicated that the possibility of awarding more than a half share of assets to compensate for reduced employment

prospects was being discussed. She would appreciate information about any concrete proposal to that effect. The periodic report (CEDAW/C/CHE/3) had noted that the Federal Commission on Women's Issues had published a study of court rulings examining the economic situation of women after divorce, and the Committee would be interested to see that data.

41. She expressed concern that women in de facto relationships had no economic safeguards and no right to property distribution or alimony after the end of the relationship, except for child support. The responses also referred to the rights pertaining to "registered partnerships", but since those were presumably available only to same-sex couples, further reform would be welcome in that area.

42. The Committee had received information on a proposal to move towards default shared custody of children. That indicated a notion of formal equality on the part of the Swiss legislature but disregarded the reality that in Switzerland women remained the primary caregivers in most cases. Experience in other Western countries had shown that such measures were supported primarily by men's groups and were used as a tactic to lower the child support payable by fathers. As such, it was not beneficial to women.

43. **Ms. Belmihoub-Zerdani** urged the Government of Switzerland to withdraw its reservations to article 15, paragraph 2, and to article 16, paragraphs 1 (g) and (h) of the Convention.

44. **Ms. Šimonović**, referring to the draft amendment to the Civil Code with respect to the choice of family name, asked what would happen in cases when a husband and wife could not agree on the family name of their children. She would also appreciate information on the progress that had been made with regard to protecting girls from corporal punishment in the family, schools and in institutions, in accordance with the recommendation of the Committee on the Rights of the Child.

45. **Ms. Ramseyer** (Switzerland) said that discussions of the distribution of property and custody after divorce were still ongoing but were expected to conclude by the end of 2009. As far as she was aware, the law did not provide for the division of future earning capacity and human capital. The provisions on pension rights were being revised, but she could not provide any further information.

46. The reservation to article 16, paragraph 1 (g), of the Convention would be withdrawn as soon as the new law on family names was adopted by Parliament and had entered into force. Only a limited number of couples were affected by the reservation to the paragraph on matrimonial property. When there were no more couples covered by the transitional provisions in question, the reservation would then be withdrawn.

47. **Ms. Weichelt** (Switzerland) said that the Swiss Penal Code prohibited corporal punishment.

48. **Mr. Spenlé** (Switzerland) said that school boards, composed of people from outside schools, including parents and other officials, controlled the way schools dealt with problems, within the boundaries of the Penal Code. If incidents occurred, the boards were able to make them public.

49. **Ms. Neubauer** said that although it was of course true that the Government could not tell political parties what to do, it could provide encouragement, as it did with the media. If comprehensive and effective measures were indeed envisaged to address the underrepresentation of women in elected bodies, the Committee would appreciate more information on them.

50. **Ms. Ameline** said that although their dialogue had demonstrated the Swiss Government's willingness to act, it had also highlighted the difficulties with regard to the speed of the decision-making process. The Swiss Government had mandated the Federal Department of Foreign Affairs to consider the creation of a national human rights institution in 2003 and, as the delegation had reported earlier, the final decision had now been postponed for five more years. Such an institution would be very useful for addressing concerns such as those being discussed, so she asked the Government to consider simplifying its decision-making procedures.

51. **Ms. Halperin-Kaddari** noted that no answer had been given to the questions she had asked pertaining to the rights of women in de facto relationships and the shared custody of children.

52. **Ms. Šimonović** asked the delegation to explain the current legal status of corporal punishment in the home, following the adoption by the Commission on Legal Affairs of the parliamentary initiative to prohibit all corporal punishment in October 2007, which had been considered in Parliament again in 2008.

53. **Ms. Rasekh** asked the delegation to provide information about the number of spaces available in shelters for victims of violence. Not knowing the rates of usage indicated a lack of attention to the issue. Women in Switzerland did not have sufficient access to shelters and she would like to know what the Government was doing to address that need.

54. **Ms. Weichelt** (Switzerland) confirmed that measures would be taken to address the underrepresentation of women in politics, but as yet no plan was in place. She also noted the wish to accelerate progress towards the creation of a national human rights institution.

55. Switzerland had no regulations for the rights of unmarried women following the dissolution of the relationship, since only same-sex couples could have registered partnerships.

56. **Ms. Müller** (Switzerland) said that if the shared custody provision under discussion entered into force it would be implemented carefully and with close monitoring to avoid the problems that had been encountered in other countries and ensure women were paid alimony for their work taking care of the children.

57. **Ms. Weichelt** (Switzerland) said that she welcomed the constructive dialogue with the Committee, which would continue once the delegation returned to Switzerland, and looked forward to being able to report on progress in the future.

58. **The Chairperson** said that the Swiss Government's will to act was evident, but since many human rights bodies were headquartered in Switzerland, the Committee had very high expectations. She stressed the need to increase the visibility of the Convention in Swiss society in order to help address gender stereotypes more effectively. The Swiss political system presented understandable difficulties, but awareness needed to be raised about the issues, and efforts to improve the rights of women should be accelerated.

The meeting rose at 5.35 p.m.