



NGO-Koordination post Beijing Schweiz · ONG-Coordination après Pekin Suisse
ONG-coordinazione post Beijing Svizzera · ONG coordinaziun suenter Beijing Svizra



**Amnesty
International**
Swiss Section

NGO Shadow Report

**On the 3rd Country Report of Switzerland to the implementation of the
Convention on the Elimination of All Forms of Discrimination against Women
(CEDAW)**

**Published by
NGO Coordination post Beijing Switzerland
Amnesty International, Swiss Section**

Bern, April 2008

NGO Coordination post Beijing Switzerland

Frau Vivian Fankhauser-Feitknecht
Sonnenbergstr. 76
6005 Luzern
Switzerland
www.postbeijing.ch
info@postbeijing.ch

Amnesty International

Swiss Section
Speichergasse 33
3001 Bern
Switzerland
www.amnesty.ch
info@amnesty.ch

Editors:

Vivian Fankhauser-Feitknecht, NGO Coordination post Beijing Switzerland
Nicole Gantenbein, Amnesty International Swiss Section
Stella Jegher, Amnesty International Swiss Section

Contributions:

The following organisations and individual persons provided written input to the NGO Shadow Report:

- ATD Vierte Welt
 - comedia
 - Dachorganisation der Frauenhäuser – DAO
 - Evangelische Frauen Schweiz – EFS
 - Prostitution Kollektiv Reflektion – Procore
 - Schweizerischer Bäuerinnen- und Landfrauenverband - SBLV
 - Schweizerischer Katholischer Frauenbund – SKF
 - Schweizerischer Verband alleinerziehender Mütter und Väter – SVAMV
 - Schweizerischer Verband für Frauenrechte – svf/adf
 - Schweizerischer Verband des Personals öffentlicher Dienste – vpod
 - Scout Movement Switzerland – PBS
 - The feminist peace organisation – cfd
 - The Swiss National Youth Council – SAJV
 - Travail.Suisse
 - Verein Feministische Wissenschaft
 - Women's Information Center for women from Africa, Asia, Latin America and Eastern Europe – FIZ
 - Women Lawyers Switzerland
 - Unia
 - zwangsheirat.ch
-
- Barbara Amsler
 - Janine Arpagaus
 - Rina Nissim
 - Maria Roth-Bernasconi

The report in its entirety does not necessarily reflect the opinion of the editors, the participating organizations or individual contributors.

We thank Kate Waldie for the translation of the original report into English. The report is also available in German and French.

For further information, please contact the NGO Coordination post Beijing Switzerland, info@postbeijing.ch.

Table of contents

1. Summary.....	4
2. Introduction	5
3. Article 2: Measures to combat discrimination in legislation and practice	6
3.1. Article 2 to figure 3: Enshrining gender equality institutionally in federal and cantonal authorities	6
3.2. Article 2 to figure 4: Gender mainstreaming und gender budgeting	8
3.3. Article 2 to figure 6: Combating discrimination against migrant women and other groups.....	9
3.4. Article 2 to figure 7: Combating violence against women.....	10
4. Article 4: Temporary special measures.....	12
5. Article 5: Combating stereotyped roles, recognising the joint responsibility of men and women in their children’s upbringing.....	12
5.1. Article 5 to figure 1: Combating stereotyped roles in the media	12
5.2. Article 5 to figure 2: Fighting stereotyped roles at school and in training.....	12
5.3. Article 5 to figure 3: Promoting equal sharing of domestic and family tasks.....	13
5.4. Article 5 to figure 4: “Die rote Zora” award and article 5 to figure 5: National Daughters’ Day	14
6. Article 6: Eradication of trafficking in women and exploitation in prostitution.....	14
6.1. Trafficking in women	14
6.2. Situation of the cabaret dancers	16
6.3. Prostitution	16
7. Article 7: Eradicating discrimination in political and public life	17
7.1. Article 7 to figure 1: Encouraging women to participate in political life	17
7.2. Article 7 to figure 2: Improving women’s access to public life	18
8. Article 10: Education.....	18
8.1. Article 10 to figure 1: Education status and access to education programmes and establishments, combating stereotyped roles in training/choice of occupation	18
Gender studies.....	21
8.2. Article 10 to figure 3: Access to further training programmes.....	21
8.3. Article 10 to figure 5: Particularly disadvantaged groups	22
9. Article 11: Professional life	22
9.1. Article 11 to figure 1: Access to the labour market and pay equality: statistical trends in detail	22
9.1.1. Article 11 to figure 1.1: Gainful employment	22
9.1.2. Article 11 to figure 1.2: Occupational situation.....	22
9.1.3. Article 11 to figure 1.4: Equality of pay	23

9.1.4. Article 11 to figure 1.5: Unpaid work.....	23
9.2. Article 11 to figure 3: Social security.....	23
9.2.1. Article 11 to figure 3.1: Revision of old age and survivors' insurance (OASI).....	23
9.2.2. Article 11 to figure 3.2: Amendment of invalidity insurance (II)	24
9.3. Article 11 to figure 5: Reconciling family and work.....	24
9.3.1. Article 11 to figure 5 .2: Childcare services.....	24
9.3.2. Article 11 to figure 5.3: The new maternity compensation	25
9.4. Article 11 to figure 7: Particularly disadvantaged groups	26
10. Article 12: Health	26
10.1. Article 12 to figure 4: Access to the health service for particularly disadvantaged groups.....	27
11. Article 13: Other areas of economic and social life	28
11.1. Article 13 to figure 1: Poverty amongst women.....	28
12. Article 14: Women in rural areas.....	29
13. Article 15: Legal equality	30
13.1. Article 15 to figure 1: Legal capacity in civil law issues and with regard to marital asset partition.....	30
14. Article 16: Marital and family issues.....	30
14.1. Article 16 to figure 2: The new divorce law in practice	30
14.2. Article 16 to figure 3: Citizenship, choice of surname	31
14.3. Article 16 to figure 4: Forced marriage.....	31
15. Article 24: Measures for the full implementation of the convention.....	32
15.1. Article 24 on figure 1: PR work and implementation	32
15.2. Article 24 to figure 2: The matter of ratifying the additional protocol of the CEDAW (2000)	32
Abbreviations	33

1. Summary

Despite various measures and efforts in the field of equality of women and men, there is certainly still a long way to go in Switzerland on the road to gender equality. Discrimination against women ranges from various parts of every day life to structural discrimination and discrimination in legislation. This is why it is of vital importance to discuss the issue of equality and to encourage greater awareness amongst public authorities, competent institutions and the general public.

At the **institutional level**, various gender equality bodies are being downscaled, both at the national and cantonal level, whether by cut-backs in financial or human resources or by restricting their scope of action or by completely shutting down these bodies. Whilst equal opportunities directives, gender mainstreaming and gender budgeting concepts may often exist on paper, in practice they are not implemented sufficiently, if at all.

Stereotyped roles are still widespread in Swiss society. The media and schools could make a big contribution to equality in this sphere by presenting and promoting alternatives to the traditional role models. The **education system** above all could bring about significant improvements by systematically including gender equality as a topic in the syllabi. Numerous projects carried out especially to raise awareness of gender roles amongst girls have either been cancelled to cut costs or extended to boys and have thus been robbed of their original purpose. Young people's **choice of occupation** is still also strongly influenced by gender-specific patterns and social norms. Although an according Vocational Education Act exists, the Confederation seems to have no clear project to promote equality at all levels of education. In the cantons, equality is also meant to be enshrined in the Education Act, but to date this is not the case everywhere.

In the **world of work** women still face wide-ranging discrimination. One serious point is equality of pay. Success in this field has been due less to awareness campaigns and more because of law suits over pay or the introduction of pay systems based on analytical job classification. Furthermore, over 50% of women work part-time which results in multiple discrimination (in terms of social insurance, further training, overtime pay etc.) and women work disproportionately often in situations lacking job security (low-wage sectors, non-secure employment relationships). The **social security system** also contains discrimination against women, as it is based on an uninterrupted working life and situations women often face in life (unpaid work, interrupted career, part-time work) are scarcely taken into account. Moreover, it is more difficult for women to enter working life again after childbirth due to a lack of child-care provisions. Despite the introduction of a national minimum standard for maternity compensation, in practice there are various loopholes and paternity leave is no closer to becoming a reality. To promote equitable family and working models, further awareness campaigns are needed for there to be a real, recognised and accepted understanding of work in terms of equality. Laws must also be amended for it to be possible, to reconcile family and work fairly for both partners, without being subject to huge financial disadvantages. Single mothers, elderly women and families with a large number of children are disproportionately affected by **poverty**. Various unfavourable regulations in laws concerning children and divorce play their part in this.

In politics also we have yet to see equality: women continue to be underrepresented in the government and parliament at the national and cantonal level. To change this, measures need to be taken, which are binding and are implemented at the national level with sufficient resources. One possibility worth discussing is the introduction of binding quotas, as explicitly permitted by the CEDAW.

Violence against women still remains an acute problem in Swiss society. Despite success on a legal level, in practice much remains to be done in combating it. For example, setting up and financing women's shelters is still not considered the responsibility of the state and it is

not regulated by law at the federal or cantonal level. The provision of victim support varies from canton to canton. The same applies to the enforcement of the Protection Against Violence Acts, which depends a great deal on the degree of awareness amongst public authorities and on the resources available to back it. There is an almost complete lack of action for targeting abusers.

When it comes to effectively combating **trafficking in women**, there is still a long way to go in Switzerland. Victim protection is inadequate as it is not subject to uniform implementation and too little specialised advice is available. Uniform implementation is also lacking in the law governing residency, as is legal certainty as residency is still subject to cooperation with the authorities. The penalties faced by perpetrators are relatively small by comparison. Switzerland has yet to sign the Council of Europe convention which recently came into force.

Migrant women are particularly affected by structural discrimination, whether in access to education, in working life, or in social security. Foreign women often work in under-qualified jobs and their foreign diplomas are rarely recognised. Legislation also contains various forms of discrimination against foreign women. One example being the insecure residency right of women migrants who are the victims of violence and who have an uncertain residency status or one which depends on the husband. The political discourse surrounding the rights of migrant women is also often shaped by racist stereotypes, even on issues where it is predominantly meant to be about protecting them, such as the issue of forced marriage.

Not enough people know about the **CEDAW convention** in Switzerland - not just amongst the general public but also amongst public authorities and experts. The fact that the Federal Supreme Court did not refer to the corresponding article of the CEDAW, in its decision to judge temporary positive special measures legitimate, is an example of this. There were practically no PR activities by the Confederation to announce the first and second country report; information and awareness activities are carried out first and foremost by NGOs and volunteers.

2. Introduction

In 2008, the Swiss government delivers its **third country report on the implementation of the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW)** to the CEDAW Committee. As was the case for the first and second report by Switzerland on the implementation of the CEDAW convention in 2002/2003, Swiss non-governmental organisations are seizing this opportunity to put forward their view of the situation in a shadow report and to adopt a critical stance on a range of issues. The shadow report was coordinated and edited by the **NGO Coordination post Beijing Switzerland** and the **Swiss Section of Amnesty International**. Nineteen organisations (see list) have contributed and incorporated their experience and expertise. The shadow report does not aim to provide a complete commentary of the third country report, but rather to highlight priorities. In the individual contributions, the participating NGOs highlight areas they view to have been given no or too little importance in the official report and outline where they see a need for action.

The individual contributions do not necessarily reflect the views of the NGO Coordination post Beijing Switzerland, its member organisations or the Swiss Section of Amnesty International. Wherever particular topics have caused controversy, the editors have tried to indicate this in the report.

Editors:

NGO Coordination post Beijing Switzerland
Amnesty International, Swiss Section

3. Article 2: Measures to combat discrimination in legislation and practice

3.1. Article 2 to figure 3: Enshrining gender equality institutionally in federal and cantonal authorities

Federal Office for Gender Equality (FOGE)

With a budget of 2.7 million Swiss Francs – including the budget of the **Federal Commission for Women's Issues** – plus 4.3 million Swiss Francs as bound expenditure for financial support to promote gender equality at work as per the Gender Equality Act, the FOGE has very little funding, given its wide variety of interdisciplinary responsibilities and mandates. However, the FOGE's sophisticated public awareness and information activities and its participation in the legislative processes are absolutely essential in order to secure what has already been accomplished in the field of gender equality, to avoid setbacks in the future and to move forward on the road to equality.

The Federal Council has acknowledged this and put the FOGE in charge of various tasks related to evaluating the effectiveness of the Gender Equality Act, which aim to bring about progress in gender equality at the workplace.

That notwithstanding, in November 2007 the National Council once again forwarded a motion, which would result in the FOGE's fields of activities being drastically reduced – notably to concentrating exclusively on the integration of foreign women (06.3706 Wehrli motion). Such initiatives must be considered a real threat to the progress of equality in Switzerland.

Recommendation:

- The FOGE's continuous and competent work must be continued absolutely, the resources provided for this must be increased further and the FOGE's remit must not be scaled down.

Gender equality at work in the Federal Administration¹

Although the Federal Administration (Bvw) has binding stipulations with specific targets to ensure equal opportunities for women and men as a result of the **equal opportunities directives** of 1991 and additional Federal Council mandates, these are scarcely adhered to (any longer). The Bvw has not faced any consequences as a result. Sixteen years on, gender equality is still not a matter of course or even reality in the Bvw².

For example, the **proportion of women** in the Bvw as a whole is only now increasing slightly and is practically stagnant at 30%, far from the parity set down in the directives. In the upper pay categories, and thus in the executive positions, the proportion of women is even lower (10.4%). In the top pay categories 30 – 38 in particular, the proportion of women is a mere 8.1%; the increase of 5 percentage points that the Federal Council called for has not materialised. This is particularly worrying given the drop in the number of women amongst new entrants at the Bvw³.

Pay: Women at the Bvw still earn more than 10% less than men. Since 1995, the pay median of women has been almost constantly three categories lower than that of the men. New forms of discrimination against women arose as a result of the new pay system with performance pay components and bonuses. Women are disproportionately often in the lower pay categories and in part-time employment. The performance of the employees in this type of employment is evaluated more negatively and the performance pay share is lower. Women are underrepresented in positive evaluations and overrepresented in the negative ones. When it comes to recognition bonuses, task-specific bonuses, labour-market bonuses or position-related bonuses, the discrepancy is far more striking.

Progress in **part-time work** for men and in part-time work at an executive level (including job sharing, in management positions as well) is scarce. It remains to be seen whether the Federal Department of Economic Affairs' stipulation that all vacancies must be advertised as eligible for job sharing will be successful.

The credit for **child care contributions** that employees at the Bvw receive has also been reduced. It has also been decentralised and spread across the different departments, which is likely to lead to worse services and to too many resources being tied up in the administration of services.

The widespread deep **dissatisfaction** amongst employees working for the state is even more pronounced amongst women. 26% of the women compared to 9% of the men are dissatisfied with the equality of opportunities for women and men. With regard to reconciling professional and private life (work-life balance) only 15% of women are very satisfied. This is nonetheless twice as high as for the men (8%). Women also believe they have poorer **career development prospects**.

The role of **officers for the promotion of equal opportunities for women and men** at the Federal Office of Personnel (FOPER) was watered down by changing them into diversity management officers, leaving less and less time for equal opportunities. Since FOPER develops, helps to implement and evaluates strategic targets and measures for the entire Bvw, and is supposed to assume the function of a role model, this sends out the wrong signals.

Individual positive examples cannot blind us to the fact that not just the FDJP, but countless other departments have also done away with their gender equality officers and that the remaining officers scarcely have enough time or financial resources and often lack competences. In many cases there is no specific mandate. Many departments still fail to firmly set the **implementation of equal opportunities as an interdisciplinary task**. In 60% of departments there is no target to increase the proportion of women in executive positions, only one quarter give priority to female applicants to ensure that women and men can be equally represented at all levels.

The massive cut-backs in staff and the cost-cutting programmes are not reviewed for their impact on women in terms of gender mainstreaming.

Recommendations:

- The Federal Council **directives** on the implementation of equal opportunities for women and men at the Bvw (equal opportunity directives) and the Federal Council mandates dating 18.10.2000 must finally be **enforced**.
- The promotion of equal opportunities must be included in management target agreements as a **measurable target**. If this target is not met, this must impact upon appraisal and thus on performance-related components of pay.
- **Gender-differentiated analyses for budgetary and staffing policies** must be introduced, in particular for rationalisation and cost-cutting measures.
- Better **reconciliation of family and work**, in particular by providing better childcare services (and care services for ill family members) during working hours and by promoting part-time work for men and executive positions.
- Bvw **management methods** and management by objectives must be supplemented by systematic gender equality controlling.

Cantons

Seven cantons still provide no human or financial **resources** whatsoever for gender equality work; one other canton has simply put a gender equality commission in charge of managing finances for projects. Some cantons do not even have a gender equality commission. Furthermore, over the last five years, what are in part sensitive **job and budget cut-backs** have been made at the FOGE and the existing cantonal gender equality offices. Further cause for concern is that in many places, existing gender equality offices and/or commissions and their mandates are constantly being called into question. There are many different causes and reasons behind this. Often the reason is cost-saving measures. If the gender equality offices lose their position directly below the executive and their interdisciplinary function, they risk losing their influence in turn, as then there would no longer be direct access to a member of the government. The constant threats posed by parliamentary campaigns also tie up staff and working hours which then cannot be used for gender equality issues. Most branches of the executive either tolerate or accept gender equality work, but do not support it clearly and explicitly. One observes that as a result of administrative reforms, the gender equality offices are being denied their role of reporting directly to the executive and are being dropped down a few rungs in the hierarchy. However, activities and projects from the lower levels of the hierarchy are considered less important. This means that gender equality work is deprived of its influence, and its function as an interdisciplinary interface can only be carried out under difficult conditions, if at all.

If no one in the canton has a mandate to tackle the promotion of gender equality in law and in practice, or if resources are cut to such a great extent and/or the body responsible is integrated into the administration in such a way that it can no longer assume this function, the constitutional provision is not fulfilled.

Recommendation:

- There is a continued need to set up gender equality offices equipped with the necessary resources and authority to ensure that gender equality finally becomes reality.

3.2. Article 2 to figure 4: Gender mainstreaming und gender budgeting

Switzerland's country report (chapter 4 no. 85 ff.) portrays the selective introduction of **gender mainstreaming** (GM) in individual departments of the Federal Administration and in individual cantons as mainly positive. NGOs take a far more **critical** view. It may be true that the concept of GM was temporarily somewhat in fashion. But in reality, most GM projects faltered in the early stages or converting concepts into everyday political and administrative practice failed or degenerated into tokenism. The **causes** are:

- No specific human and financial resources were allocated (the incorrect view prevailed that GM does not require extra resources);
- A lack of political will amongst decision-makers (for example, both parliamentary councils recently explicitly rejected initiatives in this direction⁴);
- A lack of sensitivity and expertise in bodies and amongst staff who are meant to be responsible for implementation;
- Rationalisation of resources at the few bodies which really did feel responsible for monitoring GM, notably the specialist gender equality departments (see chapter 3.1.).

Often, GM actually also proved to be clearly counter-productive, notably when specialist gender equality departments were closed down with the claim that they were no longer necessary thanks to GM. A proper steering and monitoring function was then clearly lacking. Apart from individual cantonal and municipal projects GM only really had an impact as part of the foreign policy, the policy of peace and the international cooperation so far.

As far as **gender budgeting** is concerned, the official report quite rightly points out that only very few cantons, individual cities and a few federal departments have launched (rudimentary) trials using this concept. The projects did not go beyond simple analysis: expectations that gender-specific analyses of government spending would lead to an actual redistribution of funds between women and men proved to be unrealistic, because in the Swiss political system and its budgetary decision-making processes it is almost impossible to do so top-down. But what the report also fails to mention is that various cantons specifically decided against drawing up a gender budget – the legislature of the canton of Bern, for example, rejected a motion to introduce GB on 6.6.2007.

Recommendation:

- GM projects should only be continued if **resources** are actually made available for it.
- GM projects must go hand in hand with an **increase** and not a decrease in **specialist gender equality departments**.
- Against the backdrop of omnipresent cost-saving measures, **public spending** and budgets at all political levels must **be broken down gender-specifically** so that the gender-specific effects of cost-saving measures on women (including the impact on unpaid work by women) can be made visible and (further) discrimination against women can be prevented. The Basel-Town canton is doing ground-breaking work in this area, as the country report quite rightly mentions.

3.3. Article 2 to figure 6: Combating discrimination against migrant women and other groups

Foreign nationals are part of the “working poor“ in Switzerland twice as often as Swiss nationals⁵. On average they have a lower level of education and professional status and take part in further training considerably less often.⁶ Migrant women earn around CHF 1000 less per month⁷ than Swiss women and are more likely to live in traditionally organised marital and family systems with more children and a clearer division of roles between the sexes.

The country report attributes this largely to the **individual situation** and circumstances of the migrant women as the reason for this discrimination. It makes particular reference to the situation of migrant women from families « who wish to maintain traditional roles and perceptions of women » (no. 98). With this evaluation, it ignores important aspects of **structural discrimination** and indiscriminately adopts culture-based descriptions to explain discrimination against migrant women.

It is absolutely imperative that structural obstacles to **access to resources and participation** (legal restrictions for non-nationals, non-recognition of foreign diplomas etc.) are mentioned, so that discrimination and combating it are not declared a problem of the migrant women themselves (See below also: article 10 to figure 5 and article 11 to figure 7).

Controversial compulsory language learning as a tool to counter discrimination

The question of whether compulsory language learning for migrant women should be promoted as a means of overcoming structural discrimination is a cause of controversy amongst experts of the state and NGOs in Switzerland. On the one hand, there is the argument that mastering the local language is an important factor for integration and combating discrimination and can help migrant women to free themselves from possible situations of dependence both in their own community of origin and in majority society (confinement to lower social classes, exploitation at work etc.) and to enter society as equals. On the other hand, there are fears that making this compulsory would be additional discrimination and an additional obstacle – in particular if residence permits can be issued on the provision of language skills. With the new Foreign Nationals Act (AusländerInnengesetz – AuG, see footnote 16) migrants can indeed be forced to learn the national language.

Recommendation:

- What is needed is an open access to **range of courses tailored to people's needs** which is geared towards work and everyday life, which takes into account sector-specific, professional and family circumstances and which above all is compatible with working hours and family commitments. Both the state and employers should provide support here.⁸
- For compulsory course attendance to make sense at all – especially for migrant women working in low-paid sectors – the preconditions for successful attendance first have to be created.

3.4. Article 2 to figure 7: Combating violence against women

Women's shelters

Currently, the 17 women's shelters in Switzerland are now recognised as irreplaceable institutions in the social apparatus. In some cases this has taken over thirty years of constant work to do away with taboos and to build up the network. Nonetheless, their **financing is anything but secure and varies a great deal from canton to canton.**

Political attempts to get the **Confederation to participate** in the funding of women's shelters and to improve cooperation between cantons have failed repeatedly since the 1990s. The Confederation leaves the funding to the cantons. But the cantons have no obligation to either set up or financially secure these shelters. The political opportunities in recent years to introduce a **cantonal obligation** to finance women's shelters were missed: in the new constitutional stipulations on the financial balance between the cantons, setting up and financing shelters for women affected by violence was not listed in the areas of responsibility for which inter-cantonal cooperation can be declared obligatory. And when the new article on protection against violence in the Civil Code (article 28b Civil Code) was adopted, the introduction of an explicit obligation for the cantons on this was rejected by parliament. Support for women's shelters is based on the implementation of the federal Victim Support Act (Opferhilfegesetz - OHG), the cantonal Social Assistance Acts (Sozialhilfegesetze) and other decrees. Wherever the OHG provisions do not take effect (anymore), the **municipalities** have to be approached for financing. But they then use the social assistance acts as a prop which leaves a great deal of room for interpretation. In **times of rising social spending** the victims of domestic violence increasingly become a political football in the dispute over competencies between cantonal victim support bodies and municipal social welfare authorities.

Due to a lack of regular financial security, for example from subsidies or service level agreements, the women's shelters today rely above all **on revenues paid by their clients for the individual days spent at the shelter (revenue for board).** The proportion of these boarding costs covered by the authorities via the cantonal victim support departments varies greatly from canton to canton. Evaluating whether and for how long shelter accommodation for a woman, who has been the victim of violence, will be financed is first and foremost the task of the municipal social welfare institutions – and thus depends greatly on the individual opinion, expertise and stance of the employees responsible within a particular municipality. At the same time, the boarding costs are per se a very variable source of revenue and thus a very insecure basis for funding which requires other private sources of revenue in addition. Consequently, women's shelters have to invest more time in the search for private funding – time which is lacking for both actual counselling work and for intervention and prevention activities⁹.

Protection Against Violence Acts (Gewaltschutzgesetze)

Whilst laws on protection against violence are to be welcomed, they **are not sufficiently effective in any canton to be able to provide adequate protection in all situations to women who are the victims of violence.** Furthermore, in some cantons, protection against violence articles are only minimally developed and are not coupled with a comprehensive

intervention and prevention strategy. The eviction order measure is also insufficient in family systems where the abuser's control and domination is then simply exercised by other male family members in his place. In many cases, evicting or arresting the abuser is not enough to ensure that children will not be abducted. Moreover, most victims require professional support and an environment of peace and security to regain emotional stability. Women's shelters therefore continue to play a central role in interdisciplinary intervention strategies.

The vulnerable situation of migrant women affected by violence

Abused women whose residency status is uncertain or depends on their husband continue to find themselves in a particularly vulnerable situation because they have to fear the loss of their right of residence in Switzerland should they separate from their husband. Consequently, these women often do not make use of the support services available at all, or the option of filing a complaint and they certainly do not press charges.

Political endeavours to create a residency entitlement for abused migrant women enshrined in federal law failed. In the **new Foreign Nationals Act (AusländerInnengesetz – AuG)** as well, only a "can" provision was introduced. Furthermore, this law makes the right of abode dependent on the degree of "integration". This is measured in terms of integration in the labour market (generally not fulfilled by women who take care of the home and the children), integration within the community and in society as a whole. Often, Swiss children are also forced to leave the country, as the foreign mother is refused residency in Switzerland and the children under the age of majority follow the mother abroad.

Recommendations:

- Today's fight against violence against women does not necessarily require new standards, but above all the **systematic application of existing stipulations as required for the rule of law**. This is true not just for the area of violence in partnerships and in marriage but also for sexual exploitation of children and dependents, the distribution of pornography, human trafficking and all forms of exploitation in the economic field.
- In order to implement the improved penal and civil code standards, sufficient **human and financial resources for the competent authorities** must be made available and their staff must receive continuous training.
- If today it is generally recognised that domestic violence is not a private matter but something that concerns society as a whole and an issue the state has a responsibility to deal with, then the **funding of women's shelters**, which provide expert in-house support for victims of violence, must also be recognised as the state's responsibility.
- **Women's shelters and children's shelters** must continue to be recognised as the **central institution** in interdisciplinary intervention strategies, as must their specific role in preventing violence, crises intervention and long-term support for the victims of violence.
- **Laws on protection against violence** must not be used as a pretext to avoid more comprehensive measures and interdisciplinary intervention strategies.
- In the field of **residency stipulations for female foreign nationals**, clear, open-access criteria and monitoring mechanisms need to be introduced so that **abused migrant women** do then actually receive right of residency. Cantonal foreign nationals departments must be better sensitised to the issue of domestic violence and better trained in this area. Special strategies to protect abused migrant women must however in no way be linked to culturalistic, racist argumentation strategies and measures.
- The **cantons** absolutely must use their **discretionary freedom** in implementing these legal stipulations on foreign nationals to the advantage of the women concerned to as large an extent as possible.
- In order to maintain a clear overview in the federal system, the Federal Statistical Office in cooperation with the Federal Office of Police must regularly compile

meaningful data for the legal institutions, other public authorities and the parliaments on all levels.

4. Article 4: Temporary special measures

As correctly stated in the country report in no. 144, it is deeply regrettable that in recent decisions on positive measures the Federal Supreme Court did not make use of article 4 paragraph 1 of the CEDAW, which explicitly states that temporary measures to accelerate de facto equality between women and men must not be treated as discrimination. The Federal Supreme Court thus indirectly negates the direct applicability of the provision and disregards the asymmetric nature of the convention.

Recommendation:

- The **Swiss courts**, in particular the Federal Supreme Court should **consciously apply the CEDAW as a legal instrument** and refer to article 4 paragraph 1 CEDAW in their judgements, which explicitly allows temporary special measures.

5. Article 5: Combating stereotyped roles, recognising the joint responsibility of men and women in their children's upbringing

5.1. Article 5 to figure 1: Combating stereotyped roles in the media

The media, especially in the field of political coverage, assumes important functions in our society (disseminating information, generating public interest etc.). It is important therefore that women are represented equitably amongst **journalists** and at all levels, that is in decision-making positions as well (although the 32% share of women seems to be an improvement, we can only share the optimism of the report to a limited extent). Unfortunately, the country report fails to take into account media content and ignores related areas such as music, computer games and advertising. However for young people in particular, media, music, computer games and advertisements are relevant. After all it is young people especially who use their surroundings as a reference point when developing their own identity. So it is important that they have access to **alternative role models**. This gives rise to the question of how (young) women and (young) men are portrayed, an issue which deserves more attention. Even if it is extremely rare for an advertisement to be condemned by the competent commission, it is plain to see that women are often shown (semi-) naked and as objects. It is not the individual advert or poster that is key but the overall image that is being created and projected.

Recommendation:

- The media can make an important **contribution to gender equality** and against discrimination against women by not supporting traditional stereotyped roles, and actively combating these and highlighting and conveying a different image.

5.2. Article 5 to figure 2: Fighting stereotyped roles at school and in training

International studies such as PISA or cantonal surveys repeatedly highlight differences between the genders. Many cantons should be praised for including the issue of stereotyped roles in their **Education Acts** and/or on the **syllabus** and for taking **measures** in vocational

training as well (the cantons' measures are outlined under article 10). The measures taken however do not appear to be very systematic overall and the responsibility for gender equality seems to be offloaded onto the teaching staff. A great deal continues to depend on the personal initiative and the awareness shown by individual teachers. Very few cantons have tackled implementation systematically and integrated gender equality bindingly into the process of school development as an interdisciplinary issue.¹⁰ One also observes gender-based differences when it comes to risky behaviour and violence, which are closely connected with traditional stereotyped roles. So it is important, for a variety of reasons, to ensure that greater attention is paid to gender equality in the field of education and that this becomes more binding. This issue needs to gain effective access to different levels, not just sporadically thanks to individual, committed teaching staff.¹¹

Pay continues to be a driving force behind stereotypes. In nursery and primary schools there are above all female teachers, whilst male teachers dominate in the better paid jobs in secondary schools and at universities. Text books continue to portray active male people predominantly.

Recommendation:

- We demand that **systematic measures be taken in all cantons** and that these are also implemented in the classroom. Only by working together directly with children and adolescents can the stereotyped rolls be countered.

5.3. Article 5 to figure 3: Promoting equal sharing of domestic and family tasks

The FOGÉ's **public awareness campaigns** FAIRPLAY AT HOME and FAIRPLAY AT WORK, made a vitally important and valuable contribution to bolstering the public debate on reconciling family and professional life and how paid and unpaid work is distributed between women and men. Changing social value systems and attitudes in this field is however an extremely lengthy process, making it essential to maintain the level of discussion, additional action programmes and specific plans for measures.

Equal sharing of domestic and family tasks between women and men is promoted, but not enough is done to ensure it is systematically put into practice. Women continue to be discriminated against in the field of gainful employment (for example in terms of pay). Part-time gainful employment leads to disadvantages compared to full-time gainful employment and housework seems to hold little attraction for men. Studies continue to show that they do far less of the domestic tasks, even if both partners work. To ensure a fair sharing of tasks, these forms of discrimination and barriers have to be done away with.

Consequently, **implementing an understanding of work** which attaches equal social value to paid and unpaid work appears absolutely essential. Terms such as maternity/paternity "leave" and baby "break", but also the distinction between "HOME" and "WORK" in the titles of both campaigns indicate that tasks carried out within the family are not yet recognised as value-creating "work", without which the commercial economy and society as such could not function at all. Fathers will get more involved in family and domestic tasks once this does not lead to the same discrimination at work as women still face today and in terms of social recognition for them.

Finally, the **media** seems to be doing far too little to **promote** equitable sharing of domestic and family tasks. On the contrary, the attitude that in "proper" families the mother takes care of the home and the children still comes through in articles, reports and readers' letters.

Furthermore, many **laws** continue to be an obstacle to equal sharing of responsibilities. This is particularly true of occupational benefits (pension fund), as insurance is only compulsory or

possible on a voluntary basis from an annual salary of CHF 19'890 onwards, which is often not achieved with part-time work. It is also not possible to cover a person who becomes unable to carry out domestic or family tasks by drawing a pension, as daily allowances are cut if they are considerably higher than the person's income from gainful employment and if the work at home or in the family, as unpaid work, is not taken into account. There is no need to mention that women's wages, which still tend to be considerably lower, and the tax laws currently in force, which give preferential treatment to marriages with a single earner, often stand in the way of equal sharing of domestic and family tasks (see country report article 2 figure 4).

Recommendations:

- Continue **awareness campaigns** and support **impetus and action programmes** to promote the reconciliation of work and family for women and men at an individual and company level (such as FOGE campaigns, seco handbook for SMEs)
- Comprehensive measures plan (including controlling) to **implement the Gender Equality Act**
- **Awareness campaigns/action programmes to promote a society-wide understanding of work** and on the value of paid and unpaid work. Since it has become known that individual factors as well as cultural and regional differences can lead to a more even, gender-unbiased sharing of domestic and family tasks, this must be taken into account and equal sharing must to be promoted swiftly and specifically.¹²
- Focus on **promoting part-time work amongst men and for executive positions**

5.4. Article 5 to figure 4: “Die rote Zora” award and article 5 to figure 5: National Daughters’ Day

As the country report outlines, good **projects** have been launched in the area of raising awareness of gender roles, but these are now already under threat once again due to cost-saving issues (for example stopping the “Rote Zora” award). This is part of a general trend regarding specific projects for girls as no longer being necessary in today's modern age (that includes, for example, closing a special walk-in centre for girls in Zurich). Although fighting stereotyped roles has to target girls and boys, it is above all the girls that suffer the negative consequences (being defined according to their appearance, restricted choice of occupation, lower wages etc.). That is why in addition to awareness raising measures for girls and boys, and having adults who embody alternative gender roles, **specific projects and targeted measures for girls** are needed. This is the only way that they can develop (consciously or unconsciously) self-confidence and a critical regard towards stereotyped roles. That is why we view extending “Daughters’ Day” into a “Kids’ Day” with scepticism. Because the point of the exercise is not to have a general “job discovery day” but to become familiar with what were atypical roles up until that point. If Daughters’ Day is extended to include boys, then it should be in order to familiarise them with the idea of taking pride in being involved at home and within the family, whilst girls are shown which atypical occupations match their skills.

6. Article 6: Eradication of trafficking in women and exploitation in prostitution

6.1. Trafficking in women

Protection for victims

Protection for the victims of trafficking in women is still inadequate in Switzerland and currently no federal funding is provided for it. A lack of government commitment to an effective protection programme was cushioned in 2004 by a private initiative by an NGO –

the FIZ Women's Information Centre in Zurich: the FIZ set up a specialised advice and support service for victims of the traffic in women called the "**Makasi**" project. Since 2004 around 500 victims have received support from Makasi¹³. Between five and eight victims each year are minors. Efforts to secure a minimum level of core financing for counselling services were unsuccessful.

Residency rights

An important part of victim protection is the provision of a **legal residency permit** for victims who for the greater part are illegal in Switzerland. The current possibilities that exist for authorities to grant the victims either a 30 day respite, or a temporary or a longer-term residence authorisation¹⁴ are used differently by the different cantons. This means that there is **no legal certainty and no legal equality** for the victims. The uncertainty does not contribute to victims' stability or recovery, as they do not know whether they will receive long-term protection in Switzerland. A study on protection for victims of human trafficking in Switzerland which was published recently actually even noted that some cantons were completely unaware of their legal room for manoeuvre.¹⁵ Furthermore, victim protection is also compromised by the fact that victims are only allowed to stay in Switzerland if they cooperate with the authorities and only for as long as they are needed for the criminal investigation.

The opportunity to improve victim protection in the **new Foreign Nationals Act (AuG) (in force since 1.1.2008)** was wasted. A legal entitlement to residence authorisation for the duration of victim protection measures is not part of the new AuG and the accompanying ordinance.¹⁶ Instead it stipulates that the victims must be willing to cooperate with the authorities conducting the investigation in order to be granted legal residency. This seems even less understandable given the fact that those prepared to make a statement are not provided with comprehensive victim and witness protection. The victims of serious violations of human rights and crimes such as trafficking in human beings are usually deeply traumatised and should be able to stay in Switzerland to receive the proper victim support, medical care, counselling and other measures they need to aid their recovery.

Basis in law and implementation in practice

As the country report mentions, since 2006 the **Swiss penal code** has been adapted to the international definition of trafficking in women. However improvements to the penal code alone are not an effective step in themselves in countering trafficking in human beings. They must be backed up by comprehensive protection for victims, sufficient resources for systematic investigations by the law enforcement authorities and awareness campaigns targeting both the authorities and the general public.

Switzerland has also as yet neither signed nor ratified the **Council of Europe convention** on action against trafficking in human beings. The convention would require Switzerland to take comprehensive action to protect victims. To date however, there is no uniform, cross-cantonal protection for victims and witnesses outside of court proceedings and each canton deals differently with victim protection.

Recommendations:

- Financially secured **specialised counselling and support** for victims of trafficking in women is needed throughout Switzerland, not just in individual cantons.
- Switzerland should ratify the **Council of Europe convention** on action against trafficking in human beings as soon as possible, which guarantees a minimum level of protection for victims.
- **Victim protection** and access to rights must be granted **independently of** the women concerned **cooperating** with the investigative authorities.

- To better identify victims, there also needs to be Switzerland-wide **training courses for staff of public authorities** and staff of government and non-government contact centres in the field of migration.
- A serious human rights violation in Switzerland must be reason enough to grant the victim a **long-term residency permit** which is not linked to conditions such as making a statement in a criminal proceeding.
- Switzerland must adhere to the **non-refoulement principle**, a binding principle of international law, and must check each individual case in relation to repatriation.

6.2. Situation of the cabaret dancers

In recent years, little has changed in terms of the situation of cabaret dancers in Switzerland, even if the provisions in the new AuG and the accompanying provisions for their enforcement (see no. 187 of the country report) are to be welcomed. The **situation of dancers who are new arrivals** in particular remains a vulnerable one.¹⁷ They have no experience, no network of contacts and often cannot speak the local language. They are not sufficiently aware of their rights and obligations and are often forced to perform tasks such as encouraging customers to buy as much alcohol as possible and sexual services which are not part of their contract or which are prohibited by law. They thus find themselves acting **illegally**, making them yet more dependent and vulnerable. The monthly job changes amongst cabaret dancers has also proven to be an excellent way in practice of exerting pressure to make women keep on performing tasks that were not agreed upon in their contract as the women depend upon being engaged for further jobs due to the residency permit conditions of the “L-category” short stay residency permit.

Recommendation:

- Cabaret dancers from third countries should receive the same **short term residency permit** as EU citizens and should be **able to change to a different sector of work**.

6.3. Prostitution

Caution is required in terms of how the **fight against trafficking in human beings** is sometimes **linked to the issue of prostitution**. This link not only damages efforts to efficiently combat trafficking in human beings, but also directly violates the rights of female sex workers who are wrongly equated with victims of human trafficking. Female sex workers are far more frequently the victims of forms of violence which have nothing to do with trafficking in humans but which violate their rights nonetheless. For all women and girls to be able to exercise their rights, it is crucial to choose approaches which distinguish between trafficking in human beings and prostitution. Laws to support the victims of human trafficking must be targeted and specific so that these victims can be helped without harming female sex workers.

Furthermore, we welcome the fact that current Swiss legislation recognises and enshrines in law sex work which is carried out freely and voluntarily, so that female sex workers can exercise their profession independently and in economic security.

Recommendations:

- With regard to European migration policy, we demand that **work permits** be issued to **sex workers** in the same form as for all other people from the agreement on the free movement of persons (bilateral agreement 2).

- We call upon the regional and executive authorities and the political bodies to **recognise sex work carried out freely and voluntarily** and to promote the independence of female sex workers.
- **Offences** committed against female and male sex workers should be punished regardless of the profession; that is to say in a value-neutral way.
- Access must be provided to comprehensive **medical care and education** and young women must be given the opportunity to earn a minimum wage as adults.
- **Social stigmas** which often prevent female sex workers from choosing to exercise a different profession must be reduced.

7. Article 7: Eradicating discrimination in political and public life

Political discrimination

«To participate <on equal terms with men> in the formulation of government policy and the implementation thereof» is what article 7 of the CEDAW aims to guarantee women.

But we are still far from achieving this: in Switzerland women accounted for more than half the **electorate** but on average only a quarter of the members of the **federal and cantonal parliaments and governments** in 2007. At the federal level, since the recent elections, women represent 27.24% of parliament, a figure which marks a very slight increase in female representation (+2.4%) compared to the elections in 2003.¹⁸ In the cantonal parliaments, the share of women is 26.3%, and 19.2% in the cantonal executives.¹⁹ In the municipalities which have more than 10'000 inhabitants the share of women in the executive is also lower than 30% (24.9%). What is particularly depressing is the fact that there are still eight cantons which have no women representing them in the National Council. However it is positive that for the first time the share of women in the Federal Council – the Federal Chancellor included – is 50%.

During the federal elections in 2007 it was particularly interesting to note that there was only a 0.2% increase in the number of female candidates compared to 2003 – with a total of 35.2% female candidates still clearly above the 30% mark fortunately. However as not even a share of 30% women were elected, a considerably higher number of female candidates would be required in order to finally ensure something close to equal participation of women in the Swiss legislative process.

7.1. Article 7 to figure 1: Encouraging women to participate in political life

In contrast to participation by men, **women's participation in voting**, a very important tool in the formulation of policies in a direct democracy such as Switzerland, has taken a step backwards: the difference between male and female turnout reached 16% in 2003, compared to 8% in 1995.²⁰ For all these reasons, it is necessary to adopt « *sustained measures* », « *including special temporary measures* »²¹.

Research and information projects on the political participation of women conducted over the past few years should be welcomed: the studies carried out on the position of women in the media, the compilation of statistical data, the work of the Federal Office for Gender Equality and the Federal Commission for Women's Issues, the awareness-raising messages conveyed by the Federal Chancellery during elections are all indispensable cornerstones needed to construct equality. They are indispensable, but not enough in themselves: **Switzerland's plan of action for equality** has no binding effect, the legal basis and thus the resources are cruelly lacking. What is more, the Confederation has temporarily suspended effective, specific projects. The SNYC mentoring project, for example, currently no longer receives funding.

It is therefore necessary to take wide scale measures at the national level which go beyond the intermittent and cantonal endeavours, to enshrine them in the statutes or in law and to provide them with the necessary funding.

Recommendations:

- **In terms of legislation:** Set up an education system, which includes civic education that deals with the issue of equality. Establish a quota in national legislation to ensure that a given percentage of seats are occupied by women. One should note that two initiatives in this vein were put forward in Switzerland, one of which was withdrawn and the other rejected by the population in 2000. That notwithstanding, it is worth not giving up on these type of measures because a situation of inequality (for example, in the opportunities to gain political access) which is not taken seriously amounts to approving of this inequality. What is more, the legal foundation for quotas exists in the Swiss constitution and the Gender Equality Act, Switzerland being a country of quotas (linguistic, cantonal, partisan quotas etc.). And Swiss political history has shown that stubbornness pays off in the end, as with maternity leave, introduced in 2005 after a 60 year struggle.
- Expand child care services and increase paternal involvement in children's upbringing to enable women to get involved in politics.
- **In terms of political parties:** establish a **quota** which ensures that a share of the parliamentary seats won by the party is given to women or which aims to guarantee that the internal decision-making structures of the party include women. Facilitate female participation in the party activities by promoting the reconciliation of family and political commitments, notably when organising meeting times. Set up training and/or mentoring programmes for beginners.
- **At other levels:** and, because language isn't neutral, always use non-sexist wording: young girls will never identify with « homme politique » (literally "political man"), the traditional French term for politicians.

7.2. Article 7 to figure 2: Improving women's access to public life

As article 7 of the CEDAW stipulates, women, like men, must be able to hold public positions and be involved in non-profit organisations. In terms of the first point, the situation is slowly improving within the **Federal Administration (see chapter 3.1.2.)**. In the **tribunals**, women are clearly underrepresented: they must be recruited more often, even if this means introducing quotas. In NGOs women are well integrated, notably in organisations of an international nature.

8. Article 10: Education

8.1. Article 10 to figure 1: Education status and access to education programmes and establishments, combating stereotyped roles in training/choice of occupation

Choice of occupation

When it comes to the **gender-specific choice of occupation**, hardly anything has changed since 1990. According to the Federal Statistical Office (FSO), in 2005 for example, 91% of new entrants in information technology were male, in the educational stream of "engineering and technical occupations", it was just under 94%.²² In the health and social services there are almost exclusively young women. According to FSO, around 90% of new entrants are women. The choice of occupation therefore is still largely influenced by gender, even if school children are made aware of as broad a range as possible of occupations. This selection can be largely attributed to social norms and expectations and not the personalities

of the young people.²³ Moreover, young women choose far fewer occupations than young men.²⁴ Finally, the occupations that young women choose often have fewer career development prospects and are worse-paid. The choice of occupation is therefore not just a gender stereotype but also puts women at a disadvantage.

The new **Vocational Education Act** (Berufsbildungsgesetz - BBG) sets de facto equality of women and men as a goal in article 3. In spite of this, the federal government and their partners in vocational education (cantons and organisations from the world of work) have so far done very little to encourage more young people to pursue gender atypical occupations. Apprenticeship masters still allocate apprenticeships according to gender and young people are still guided by stereotypical roles when choosing their occupation. To date the Confederation is lacking a clear concept for promoting projects using subsidies in accordance with articles 54 and 55 BBG in the area of gender. Innovative procedures such as making the applications process partially anonymous are not promoted enough.

Vocational schools

Article 21 BBG explicitly mandates vocational schools to promote de facto equality of women and men. The vocational schools have yet to live up to this mandate. At the vocational schools level, there are currently scarcely any services on offer to support trainees or to raise awareness in the surrounding environment. There are very few gender equality related activities taking place at secondary level II (after nine years of schooling). The vocational schools are absorbed by other aspects of the vocational reform and are only implementing the mandate extremely sporadically, if at all.²⁵ Gender aspects are not seen as part of quality management or as an integral strategic element, in contrast to the situation at the universities of applied sciences. There is no sign of gender mainstreaming as a management task or equality controlling at the present time. If a young person, male or female, does for once actually choose a gender atypical occupation then he/she is left pretty alone with this situation.

So far Switzerland has largely failed to establish vocational schools as centres of vocational training with a responsibility for educating and raising awareness amongst its students in relation to gender issues. There is a complete lack of gender officers who could provide activities for young people at secondary level I (12 to 16 year olds), for teaching staff and vocational trainers to raise gender awareness, to improve the position of young people in gender atypical occupations and to reduce the number of young people who choose gender-specific occupations.

Universities of applied sciences

The path to the universities of applied sciences is also shaped by gender issues: there may now be around a 50% share of women amongst those who complete their vocational school leaving examination (A-level equivalent) but this drops to just 30% amongst entrants to a university of applied sciences. Equality in the field of vocational training can only be achieved however if young people who have chosen a gender atypical occupation are happy with their choice. This is the only way that they can act as positive role models and "ice-breakers".

Recommendations:

- Universities of applied sciences must demonstrate how they have implemented **gender mainstreaming** as an overall strategy and in management instruments.
- At the universities of applied sciences, one possibility would be to **promote programmes** rather than projects, that is to say a mix of core financing and funding of individual projects. All universities of applied sciences would then have a basic amount of funding that they could invest in equal opportunities.
- The universities of applied sciences must make a more systematic distinction between equal opportunity measures and the promotion of applied gender studies. Financially, this means setting aside funding for gender studies in addition to equal

opportunities. Gender studies must be systematically promoted in DORE (DO REsearch) and at KTI (the Confederation's innovation promotion agency).

- If universities of applied sciences fail to meet gender equality regulations, they should face coherent **sanctions**. A ranking system would be one option.
- For trainees who have chosen a gender-atypical apprenticeship, exchanges and networking opportunities should be organised and **mentoring or coaching** should be provided during the apprenticeship dealing with entrance onto the labour market or to a university of applied sciences. Lecturers and management staff should take advantage of **further training opportunities**.
- Certain areas of funding, such as federal co-financing for **nursery places** for example or awareness-raising measures to encourage young women to choose a technical course of studies should be put completely under the responsibility of the universities of applied sciences.

Gender equality and equal opportunities at universities

Inequalities also exist in the world of **academia**. Gender equality in the sense of gender mainstreaming must become a bigger part of the agenda of the heads of higher education establishments and universities. Although it is positive that (2003) 37% of **doctorates** awarded went to women, this is still too few considering the fact that over 50% of students are women. Many women leave academia after their doctorate, first and foremost because it is difficult to reconcile family and an academic career. This leads to a pronounced vertical drift apart in the share of men and women: from just over 50% women at the start of university to just under 50% at the completion of university to 37% of doctorate students to just under 20% of post-docs and finally around 15% female professors.²⁶

We therefore support the various measures that have been taken to improve the representation of women in academia, such as the **Federal Programme for Equal Opportunities**. We are pleased to note that the Confederation has given the Swiss Federal Institutes of Technology (Eidgenössische Technische Hochschulen - ETH) a performance mandate. At the same time however, we regret that parliament reduced the amount of funding and demand that such projects are properly financed in the long-term as well. They only make sense if given sufficient financing. The fact that only around a third of permanent professorships went to women sends alarm bells ringing. But here there are considerable differences from university to university. When attempting to explain and subsequently solve this problem, it is important to look first at the issue of the actual catalogue of responsibilities for assistant professors, female and male, and second, the issue of the type of employment (for example a half-time or full-time position).²⁷ Only those who have enough time for research and publications have a chance of receiving a permanent position. In short, programmes to promote women (and men) only serve a purpose if they actually produce results. There is a clear need to take action here.

The Federal Council decision from 28.11.2007 to commission the Swiss National Science Foundation to implement a new **National Research Programme (NRP)** on the topic «Prospects for a sustainable gender equality policy in Switzerland – gender relations in transformation» (8 million CHF) is a step in the right direction.

Recommendations:

- In the future we will need a **twin strategy**: First, the category gender must be integrated into all relevant processes in order to achieve **mainstreaming** – in developing curricula, in research programmes, in promoting junior staff, in network projects and in the political decision-making process. Second, in the context of Swiss higher education, it is key that targeted initiatives for **gender programmes** be launched and to build up gender competence in academia and research, and to demand and promote gender equality efforts at universities and within the political institutions dealing with higher education.
- What is also needed is **research programmes**: first on the topic of modern working hours models not based on the breadwinner model. Second, women's career patterns and the factors which influence success should be investigated so that the

results can be used to inject new input into promoting the (academic) careers of women.

- **Childcare** is not a measure specifically for women which would allow the scarce resources of the federal programme to be used. The costs of childcare are therefore the responsibility of the university and must be paid out of the ordinary budget.

Gender studies

The **issue of gender** should be given due consideration by creating course modules which deal with the issue of gender – including life and career planning (part-time work being a key term here) – and by systematically using gender-neutral images and texts in teaching materials and by raising awareness of the topic amongst teachers in their training or further training.²⁸

Whilst there are efforts to develop **qualified courses** in gender studies at bachelor, masters and doctorate level currently underway, their long-term future is by no means secure. Funding is lacking above all.²⁹ Given this fact, targeted measures to build up and support these efforts are required for the next few years.

One point of comment, no. 29 of the CEDAW Committee on the first and second country report is not dealt with in the third and was therefore of course not implemented: **raising awareness (in school and training) of human rights, including women's rights.**

Recommendation:

- We call upon Switzerland (and the cantons respectively), to develop and implement programmes for human rights and women's rights education in schools. Today, above all, as individual politicians in Switzerland are calling the validity of universal human rights into question, this type of programme is necessary in terms of integrating the topic into the teaching syllabus.

Cantons

The initiative of the cantonal department of education and the **measures of the cantons** to promote gender equality and to deconstruct stereotyped roles are in themselves worthwhile. However, it is not enough that only half of the cantons have explicitly enshrined gender equality in their legislation on education. In general, the measures seem to vary greatly from canton to canton. As in Swiss federalism one can scarcely imagine anything else, it is important to at least look at the measures taken and to compare them with a view to making them more widespread. It is also key that these measures do actually make a difference: equality in the Education Act and impressive-sounding guidelines are useless if teachers do not include this in lessons.

Recommendation:

- Make appropriate **training and further training for teachers** a requirement and check that this is put into practice in the classroom (see also article 5 to figure 2).

8.2. Article 10 to figure 3: Access to further training programmes

Statistics on further training must also take into account training outside of **gainful employment**. Many women train further to a high level in associations. Training completed in associations should also have an influence in gainful employment, for example in recruitment and when setting the level of pay.

8.3. Article 10 to figure 5: Particularly disadvantaged groups

The report points to measures «which promoted young migrant women's access to vocational training and supported the vocational qualification of working foreign women in the catering, sales and caring sectors». The stated aim of equality policy is to break down the gender segregation in **vocational education** and to improve women's access to more training and occupations. By restricting this section of the country report explicitly to the fields of catering, sales and caring, the report restricts the vocational (education) horizon of migrant women to gender stereotypes and relegates migrant women to the so-called women's occupations.

The country report does mention «numerous **mentoring and coaching projects**». But it simply lists projects and bridging measures without equality requirements or goals. The country report must be based on the same vision of equality for all women in Switzerland in order to not inadvertently be discriminating itself. It must therefore name measures to ensure the equality of young migrant women in vocational education which are geared towards the universal equality goals.

What is shocking is that there are (or are to be) no figures on the situation of **disabled women** in education. These women are also subject to multiple discrimination as women and as disabled persons.

Recommendation:

- The situation of disabled women must be investigated and specific measures must be taken or supported to prevent these women being discriminated against in the education system.

9. Article 11: Professional life

9.1. Article 11 to figure 1: Access to the labour market and pay equality: statistical trends in detail

9.1.1. Article 11 to figure 1.1: Gainful employment

Discrimination in part-time work

58% of working women work part-time compared to 11% of men. Part-time work is often discussed positively in the press with the argument that it allows women to combine work and care of the children. The fact is however, that one in three women in part-time work would like to work more.³⁰ Part-time workers are discriminated against in multiple ways compared to full-time workers – for example in terms of social insurance, further training and promotion opportunities or overtime pay. (Currently, according to the Labour Act (Arbeitsgesetz) supplements for working extra hours must only be paid if the weekly maximum working hours have been exceeded (so-called “overtime”). As 75% of part-time workers are female, this could be called indirect discrimination in the terms of the Equality Act.³¹ **Changes thus need to be made to the labour law provisions** on part-time work.

9.1.2. Article 11 to figure 1.2: Occupational situation

20% of women's employment relationships can be described as insecure (compared to 11% for men).³² In the **low-wage sectors** in particular and in general in the **services sector**, in which 85% of all women work, situations which lack job security are increasing, such as with on-call work. The German food chain, Aldi, which recently entered the Swiss market, makes

a policy of only employing shop workers on a half-time contract, often combined with a ban on a second job and at the same time an obligation to work overtime for example. A parliamentary initiative to ban this type of contract was defeated in parliament on October 2007. Article 36 of the Labour Act however stipulates that female employees with family responsibilities must be shown particular consideration when setting working hours. This would mean planable working hours for example.

Recommendation:

- The current labour law stipulations must be enforced and increasing lack of job security must be countered by new regulations on employment contracts.

9.1.3. Article 11 to figure 1.4: Equality of pay

Experience in recent years has shown that awareness-raising and incentive systems do not make a significant contribution to eradicating inequality of pay. Real success was to be seen wherever coercion was applied, that is as a result of **law suits on pay**. There has also been a certain amount of success wherever the state has adopted a proactive role, notably in the civil service with the introduction of a new remuneration system based on analytical job classification. Therefore the decision by the Federal Council to “concentrate on targeted promotion of information and awareness-raising“, is in reality a decision to do nothing. It also contradicts the conclusions drawn by the authors of the “Evaluation report on the effectiveness of the Gender Equality Act“, which was compiled at the request of the Federal Office of Justice.³³ This report lists a host of shortcomings in the Gender Equality Act and also specified the following measures, which we support, required to achieve equality of pay:

Recommendations:

- The **authorities** must be given **investigative powers**, and there must be more possibilities to impose sanctions in the event of violations of the act.
- Adherence to pay equality must be actively checked when public contracts are awarded and non-adherence must be prosecuted with tougher **sanctions** (which act as a deterrent).
- **Arbitration bodies** must be strengthened.
- **Pay transparency** must be promoted (including the obligation to disclose information in the event of a dispute).

9.1.4. Article 11 to figure 1.5: Unpaid work

In 2000, around 8 billion hours of unpaid work were done by the population aged 15 and above. By comparison, only 6.7 billion hours were used for paid work. The Federal Statistical Office FSO estimates that unpaid work (house hold production) in Switzerland amounts to some 70% of the gross value added recorded in Switzerland’s overall economic balance. Women work – paid and unpaid – around 10% more than men. The important social and economic contribution women make is still not acknowledged – above all in terms of social security as the next section will demonstrate.

9.2. Article 11 to figure 3: Social security

9.2.1. Article 11 to figure 3.1: Revision of old age and survivors’ insurance (OASI)

Basic provisions in old-age developed in Switzerland to the backdrop of and alongside wage labour. An uninterrupted **earning profile** became a normative factor in OASI. The three pillar system of the Swiss old-age pension system is based on the same principle. It builds substantially on occupational benefits (occupational benefits, pension funds, 2nd pillar) in addition to state social insurance (OASI, 1st pillar) and personal savings (3rd pillar). This

occupational pension is also linked to gainful employment and a certain level of pay (see chapter 5.3.). The reasoning behind the old-age pension system therefore does not take women's living, working and earning situation duly into account and discriminates against them in many respects. **Women's disadvantage** on the labour market is thus perpetuated in old-age and **made worse**. Moreover, women still do the majority of unpaid work in the home, family, as carers and volunteers, work which does little to build up a pension. The consequence is low old-age and survivor's pensions, no or extremely low pension fund amounts and no third pillar. Whilst voluntary personal pensions (personal savings, pillar 3b) are open to all, currently only those in employment can pay tax-free into the bound voluntary insurance (pillar 3a). If a possibility was created for women and men who have opted completely for unpaid house, family and parenting work to set up a limited pillar 3a, this would however mean that the "single earner marriage" would be given preferential treatment financially. Whether changes should be made here is therefore controversial from a gender equality perspective.

After the defeat of the 11th OASI amendment in the referendum on 16.5.2004, the old-age and survivor's insurance is still undergoing a reform process (11th and 12th OASI amendment). In order to avoid even further-reaching discrimination against women the following key points must be developed in a socially equitable and gender-equitable way³⁴.

Recommendations:

- **The OASI must continue to guarantee a minimum standard of living:** According to the Federal Constitution, the OASI must ensure an appropriate minimum living standard (article 112 paragraph 2 provision b FC), which it increasingly fails to do. The minimum pension is a considerable amount below the subsistence minimum defined by the Swiss conference for social welfare (SKOS). Cuts in OASI hit women particularly hard as they often do not have a 2nd or 3rd pillar because of their low wages and part pensions.
- **Equitable redistribution:** An estimated 600 million CHF will be saved by raising the retirement age for women to 65 (same retirement age as men). This money must benefit people on lower pensions, so predominately women and be used for their early retirement or to increase the lowest OASI pensions.
- **Take women's biographies into account in social insurance:** The parenting credit in the OASI should be increased and granted to all mothers.

9.2.2. Article 11 to figure 3.2: Amendment of invalidity insurance (II)

Women who care for a disable husband are more frequently affected by the suppression of additional pensions for spouses with the 5th invalidity insurance amendment due to the traditional division of tasks.

9.3. Article 11 to figure 5: Reconciling family and work

9.3.1. Article 11 to figure 5 .2: Childcare services

In 2007, according to a study by the Swiss National Science Foundation, there was still a shortfall of 50'000 crèche places or family placements. The severe **shortage of crèche places** and other structures (all-day schools, supervision before and after school hours, school canteens) which allow both parents to combine professional and family life persists. The new initiative of childcare vouchers for private individuals financed by the Confederation (see no. 316) has to be discussed critically in light of the current situation: as long as the infrastructure for early-years childcare is so incomplete (it is completely inexistent in some regions on the periphery of urban centres and it is still inadequate in cities where waiting lists

run into several years), it will serve no purpose whatsoever other than to increase the pressure on those already having trouble reconciling professional and family life.

9.3.2. Article 11 to figure 5.3: The new maternity compensation

Loopholes

The maternity regulation of 2005 fortunately finally led to a minimum provision Switzerland-wide. Since then however, loopholes have already become apparent in the current regulation and its implementation:

- If a new-born baby has to go to **hospital** or has to stay in hospital the mother can postpone her paid maternity leave until the child comes home. But she does not then have any compensation for loss of earnings and is nonetheless not allowed to work in the first eight weeks at least. She is therefore short of eight weeks' or more wages. This loophole has to be closed (by means of the compensation for loss of earnings regulation or the Health Insurance Act).
- **For unemployed mothers**, seco (State Secretariat of Economic Affairs) stipulates that they must start reapplying and looking for work five weeks after the birth, although the ban on work is eight weeks. This differing treatment must be changed and unemployed mothers must be entitled to at least 14 weeks of leave without any labour market obligations.
- The current maternity regulation is still **not compatible with WHO guidelines**, according to which children should be breast-fed for six months. Maternity leave must therefore be extended to six months.
- Furthermore, these new regulations lead to a **disadvantage in certain sectors**. For example in the **hairstressing industry**, where many women work, employers have refused to continue the collective agreement that was in place and the previous regulation of 16 weeks maternity leave at 80% pay.

Recommendation:

- The loopholes mentioned above must be closed by legislation and/or by putting legislation into practice.

Foreign women

After maternity compensation was introduced it became known that in different cantons, foreign women who had worked legally with a foreigners' work permit and who had paid social insurance contributions could not then enjoy these benefits because they were unable to present their own **birth certificate**. Usually the registry office only issues the birth certificate of the child upon presentation of the mother's birth certificate, and the OASI fund requires the child's birth certificate before paying maternity benefits. Depending on which country the mother is from however, it can be very difficult or even totally impossible to obtain and present her own birth certificate.

A women's organisation released a statement pointing out to Federal Social Insurance Office that an official confirmation of the birth of the child should be sufficient for the mother to be able to receive maternity benefits. It remains to be seen whether this will actually be applied in practice.

Parental leave, paternal leave and leave after adoption

In terms of equality of women and men, there are other forms of leave which are also just as necessary. Paid paternal leave is one of them, as is adoption leave and parental leave. When a child is born, the father legally only has a right to two days of paid leave, the same amount of time he receives for moving house. Equality of women and men means sharing work (part-time for all men and women) and real sharing of domestic and family tasks, or real gender equality. Paternal leave is a first step towards greater equality.

Recommendation:

- A **minimum of 20 days** paternal leave, divided up during the mother's maternity leave will allow several goals to be achieved, such as encouraging part-time work, reorganisation of family life or a speedy recovery for mothers.

9.4. Article 11 to figure 7: Particularly disadvantaged groups

Recognising diplomas, “validating skills” and open-access courses

At the tertiary level, more foreign women hold a **university degree** than Swiss women do. This is particularly true of migrant women from non-EU states. The professional status of these women however often does not correspond to their qualifications or they lack job security.³⁵ Migrant women with higher qualifications and professional experience in Switzerland face structural **discrimination** disproportionately often when trying to access the labour market. Examples of mechanisms of occupational exclusion and discrimination on the job market are the non-recognition of foreign diplomas and experience, a lack of knowledge of the Swiss education and labour markets, lack of language skills, an expensive education and further training market and a loss of self-confidence. In general it can be said that the skills and potential of foreign women and men in Switzerland, for example their multilingualism, are not recognised and harnessed sufficiently.

Recommendations:

- Clear, **standardised rules for recognition procedures for foreign diplomas** and supportive measures for entry into working life at a level which matches the qualifications and skills of the person in question.
- **Measures at higher education level to promote the professional integration** of migrant women, similar to the project “validating educational achievements“ in vocational education.³⁶
- By deliberately highlighting this area, we could counter the assumption that migrant women are not qualified anyway, and the tendency to keep overqualified women in underqualified jobs.

Discriminating entry requirements

In real terms, Switzerland favours the residency of foreign men over that of foreign women: according to the current Foreign Nationals Act, the “interest of the economy as a whole“ is the decisive factor for approving the entry of working female and male foreigners (article 3 AuG). As in general not much work is available for low-qualified workers in Switzerland, foreign women's only chance is often to find work in family households, notably to ease the load of women with higher qualifications eager to get onto the labour market. This family-related labour market is not recorded in the “overall economy“. This means that part of the work opportunities for (non-qualified) foreign women does not feed into the indicators they need for a residency permit. The employment opportunities for non-qualified foreign men are in industry and trade and are by contrast recorded in full. The criteria for issuing a residency permit favour men in this sense.

10. Article 12: Health

General information

In the field of health, numerous measures have been taken in Switzerland relating to gender equality. Creating a Gender Health Department was a particularly important step. This department is however also under threat of closure to save costs.

Recommendation:

- The positive policies in the area of gender and health must be continued. The Federal Gender Health Department must not be sacrificed in the name of cost-cutting under any circumstances.

Breast cancer³⁷

We are seeing a worrying increase in the frequency of breast cancer and gynaecological tumours. Breast cancer affects between one in ten and one in eight women depending on the region. The women affected are becoming younger and younger. We are dealing with a real epidemic far more significant than SARS or avian flu.

In the face of this threat, the government's efforts concentrate far more on lucrative campaigns for the cancer industry (mammography, devastating treatments, HPV vaccines etc.) than on taking real action to prevent cancer.

The Geneva tumour register has shown us that breast cancer affects rich women more often, but that poor women die of it more often. Women living near to waste incinerators are more at risk from breast cancer (and liver cancer). The International Agency for Research on Cancer (CIRC-IARC) in Lyon has highlighted the carcinogenic effect of contraceptive hormones and hormone replacements during menopause for several years now. Women do not just take hormones deliberately, but also absorb them through their food.³⁸ Amongst the environmental factors that the government does not seem to pay any attention to at all, it is also important to mention the deterioration of food due to the food industry, food additives, radiation and disrupted magnetic fields.

Recommendation:

- A **study** would be necessary to evaluate the adverse effects (side effects) of breast cancer treatments to review the benefit/risk relationship. The physical and psychological violence, not just of the illness, but also of the treatments and the hugely negative impact on one's self-esteem (tiredness, hair loss, loss of an organ, increased risk of being abandoned by one's partner) are being increasingly played down. When we look at the systematic screening for cancer of the prostate, we see that **benefits/risks** are not **evaluated** in the same way for men as for women, given the number of wrong positive diagnoses and the incapacitating aspect of treatments.

10.1. Article 12 to figure 4: Access to the health service for particularly disadvantaged groups**Lesbians**

Homosexuals consult gynaecologists less often than heterosexuals, restricted by their contraceptive or pregnancy needs. Moreover, lesbians have trouble finding sympathetic female and male health providers and evade tricky questions such as why they are not interested in contraception. Finally, they may also view the examinations as invasive, or even violent. As a result, lesbians consult a doctor rarely and, in the event of illness, they are diagnosed later than heterosexuals. The treatments they then receive are all the more devastating and the chances of recovery poorer.

11. Article 13: Other areas of economic and social life

11.1. Article 13 to figure 1: Poverty amongst women

When people in poverty talk about their experiences³⁹, they highlight discrimination which above all affects women. For several years now in Switzerland a climate of oppression has been developing towards the poorest members of society: they are seen as profiteers of social assistance and some have no qualms about treating them as parasites. This has led to a reduction in the resources given to those dependent on social assistance (particularly families). The first to suffer are women because they are the ones who assume responsibility for feeding the children first and foremost (people have become increasingly anxious about their ability to feed their children properly in recent years), they are the ones most often in contact with social workers (who face mounting pressure to check and monitor each individual more closely) and with education professionals and school (who have great difficulty in talking to these women who live in poverty in a positive and encouraging way). In general, the efforts these women make to give their children a future are not recognised, they are not seen as indispensable players in the future of their children, they are not really consulted. This devaluation of their worth also has more widespread political consequences: women in poverty are hardly ever consulted when laws or regulations concerning their lives or their families are drawn up. Furthermore, two types of situations are particularly worrying for women in poverty. First, those who rely on government help for a significant part of their resources are subject to growing insecurity. These resources vary increasingly from month to month; sometimes individuals and families have no income whatsoever for one or several months. What is more, increasing numbers of young people who have failed at school are not able to find any vocational training leading to a trade or a job. They remain dependent on their families and see no future for themselves. Mothers experience a great deal of anxiety as a result, which reinforces their poverty.

Single mothers and children

Single mothers and their children still face poverty today as before. Given what remain **unfavourable regulations** in the law on children and divorce, in fiscal law, alimony assistance and in court practices, that hardly comes as a surprise. The situation has actually worsened: the tax burden has increased, the level of alimony advances has been lowered once again.⁴⁰ Following a separation or divorce, women fall victim to poverty twice as often as men. What is even less understandable and even more objectionable is the fact that the specific causes of poverty amongst single mothers are scarcely taken into account. This is also true of Switzerland's country report on the CEDAW. As one can imagine, the reforms needed are being tackled very hesitantly as a result.

In addition to low wages, **insufficient maintenance payments** also play a decisive role in the high level of poverty amongst single mothers. It is well-known why alimonies are too low or non-existent: when setting the maintenance payments, federal court practice states that the person obliged to pay alimony has to be ensured a minimum basic standard of living – in the majority of cases the father. Many people therefore do not provide financially for their children sufficiently or at all. Recently a study identified a trend towards increasingly lower alimony payments for children and outlined the consequences of this practice⁴¹: In the worst case scenario, the single parents with the children have to turn to social assistance and get themselves into debt. The father who lives elsewhere is not entitled to draw social assistance or other benefits to fulfil his maintenance payment obligations.

Alimony assistance, which is organised at canton level, has additional shortcomings and loopholes. Alimony assistance is supposed to protect the child's right to maintenance payments: it is meant to provide debt collection assistance and advances if the parent required to pay does not pay the alimony due. The current system is however extremely complicated and swallows up funds and resources without providing sufficiently effective protection for the child's right to maintenance. Each canton has its own system of provisions which determine the entitlement to alimony advances and which are the basis for reviewing

these regularly, because in most cantons the advances depend on the income of the single parent. The income limits are very low. More pay thanks to a heavier work load often does not lead to a higher disposable income for the single parent families or can even lead to a lower income.⁴² Dealing with child alimonies in this way is a fatal signal for those with an obligation to pay alimony to view not paying the alimony for their children as a mere peccadillo. What is more, the state takes its fair share of child alimony payments: if the children do receive the maintenance payments, single parents have to pay income tax on it. Those who have too high a taxable income however don't just pay too much tax proportionally, but also higher nursery fees and so on and miss out on financial relief such as contributions to health insurance premiums.

In order to effectively tackle the disproportionately high risk of poverty for single-parent families, we need targeted measures which are aimed at the specific causes of poverty.

Recommendations:

- **Tax-free child alimony**
- Switzerland-wide **universal rules** and a defined **minimum standard** of alimony assistance. For example, parents who cannot pay this level of maintenance should be entitled to additional benefits for families in hardship. These could be paid to the child as a minimum alimony.
- To promote parental responsibility as a pre-emptive measure, all parents should sign a parental agreement at the time of the child's birth (see chapter 14.1.).
- **Integrate single parents into working life:** for example well-paid part-time positions and access to family-friendly training and further training.

Women in old age

The discrimination against single-parents has an impact on the situation of women in old-age: many have low pensions and are more dependent of state benefits to bridge the gap.

11.2. Article 13 to figure 3: Access to leisure facilities, sport and culture

The report's assertion that all **sporting activities** are open to women and men, but that women take advantage of these facilities less often is true but does not tell the whole story. The question is who takes part in which activity, what is on offer and to what extent the participants benefit from federal subsidies when doing so. Here, we see that girls and women are discriminated against and are respectively less able to benefit from the services on offer. A study⁴³ has demonstrated that girls and women benefit considerably less from Youth + Sport subsidies than boys and men in two ways: girls and women take part in Y+S subsidised activities less frequently, and those they do take part in are subsidised with lower amounts on average (2000: CHF 18 million for the services used by girls, CHF 30 million for the services used by boys).

12. Article 14: Women in rural areas

With regard to **farmers' wives who divorce**, it is important to add that their situation may be particularly difficult because they either did not have a profession or those who did gave it up in favour of farming : these women lose an occupation they enjoyed and that they invested a lot in (often with post grad training). They are forced to find a job which is often not very skilled. In some cases, the salary does not allow them to meet the needs of their children and they have to leave them behind at the farm.

In terms of agricultural advice, advisors are available to farmers and farmers' wives, but as soon as they lose their status as a farmer's wife when they leave the farm, the women lose

this support as well in certain cantons, although this support would be particularly important and needed throughout the entire divorce procedure.

13. Article 15: Legal equality

13.1. Article 15 to figure 1: Legal capacity in civil law issues and with regard to marital asset partition

De jure equality, based on article 8 of the Swiss Federal Constitution, has been made a formal reality as far as is possible (article 15 paragraph 1 CEDAW), subject to the following reservations.

With regard to asset partition in marriage, fundamental equality was established with the amendment of the **laws governing marital property** in 1988. The transitional regulation set up in 1988, with the option to continue the former property partition, according to the previous regulations if explicit consent was given within one year after the introduction of the new laws gives cause for concern as remnants of gender tutelage thus persist. Despite this relative improvement in the disadvantaged position of women (because it had to be explicitly accepted and because it put women in a better position in terms of income from gainful employment), its continuation and the continued existence of the corresponding **reservation relating to article 15 CEDAW** regarding the transitional law on marital property law cannot be justified. Particularly in the cases where women are under pressure to accept the continuation of the old regulations, it is important that the state intervenes to protect women and to ensure equality. This would mean the courts at least being obliged to find a gender-equality compatible solution for the marital property rules in the case of divorce or death.

14. Article 16: Marital and family issues

14.1. Article 16 to figure 2: The new divorce law in practice

The country report fails to mention two importance issues: **divorce law** continues to lack a provision to govern the appropriate distribution of a financial shortfall amongst both spouses if there are not enough resources to ensure a basic minimum living standard (see chapter 11.1.). Furthermore, parliament is demanding that in addition to the regulation governing old-age pension compensation, the regulation on child-related matters in divorce law be reviewed and that the necessary amendment proposals be put forward.⁴⁴

One proposed amendment is that **regulations on child-related matters** and parental responsibility in divorce law should use the principle of joint parental care to try and ensure the legal equality of parents who are separated, although in every-day reality, most children are brought up by their mothers, so de facto equality does not exist. This is something that is demanded primarily by men in the event of separation. It is mainly women who as single parents demand better financial security and an easing of their workload. The fact that these demands are heard far less willingly than the demand for joint custody rights to become a general rule is very telling of the gender equality situation today.

Proponents of the **amendment to custody law** believe this places responsibility on both separated parents and takes into account the parental bond. The mothers the children grow up with are to no longer be able to prevent both parents having care rights or to thwart the

father's attempts to have contact with the child. There are however considerable doubts as to whether these goals can be achieved at all by an amendment to the custody laws. One only has to look at married parents to see that in the vast majority of two-parent families, the mothers take care of the children virtually on their own – despite joint custody. Changes thus need to be introduced into two-parent families first and not just once the parents separate.

Current law already places parental responsibility on parents/fathers who live separately to a large extent, and sets forth clear stipulations in the event of disputes. The current regulations governing parental care should therefore basically be kept. The **regulations on child-related matters** in the current law must however **be enforced better**. Ways of doing so must be investigated.

Recommendations:

- **Train staff of public authorities** with responsibility in this area
- When a child is born, the parents should draw up a **binding agreement** on how child-care is to be divided, financial maintenance, decision-making powers and the situation in the event of a possible separation.
- **Joint parental care** must be rejected as a general rule for parents living separately. It does not improve the de facto equality of women and men in the family but rather places an additional burden on mothers and children and causes them additional insecurity and conflicts.

14.2. Article 16 to figure 3: Citizenship, choice of surname

In the **law governing naming rights, unequal treatment** still exists due to the fact that the married woman generally has to accept the name of her husband, whilst the man simply keeps his and passes it on to the family (to the wife and the children). Still, the woman can keep her name by making a simple declaration before the registrar as an additional first name. She is not allowed however to pass on the name to her husband and above all to the children resulting from the marriage. The spouses can choose the name of the woman as the family name, but they then require the consent of the cantonal government, which is only granted if there are “credible reasons”. In some places they are generous in practice. It must be noted however that there is still no equality in the current law on family naming rights and that the married woman “disappears” in terms of naming rights. Nonetheless, an **amendment to naming laws** is currently pending, where not just the equal treatment of spouses relating to keep their own name is under discussion but also the issue of the mother or father passing on their name to their children. The results are still undecided.

14.3. Article 16 to figure 4: Forced marriage

There are **extremely varying opinions** amongst NGOs in Switzerland as to whether punishing forced marriages requires **specific penal or civil code regulations**. In contrast to new legal standards on violence in marriage and partnership, this type of regulation would only affect foreign sections of the population in practice. The discussion on forced marriage thus often goes hand in hand with racist stereotypes and is exploited for xenophobic political positions. Forced and arranged marriages are often clumped together and the women concerned are thus declared unable to make autonomous decisions.

Recommendations:

- Increased **prevention activities** in schools and in public youth (and social) work, if possible getting parents properly involved.

- Systematic **collection of data**, for example by setting up an (anonymous) reporting data base and promoting qualitative and quantitative studies for more in-depth explanations of the phenomenon and to better determine the true extent of the problem.
- **Exchange experiences** with other European countries and the countries of origin to optimise strategies for taking action against forced marriages and developing support services for (potential) victims of forced marriage.

15. Article 24: Measures for the full implementation of the convention

15.1. Article 24 on figure 1: PR work and implementation

In view of **recommendation no. 55 of the CEDAW Committee** on the first and second Swiss country report that Switzerland should continue to carry out PR activities, we were astounded to hear from the administration that they do not intend to officially present the third country report. This does nothing to improve people's low level of awareness of the CEDAW. The German version of the CEDAW text is available to many people in Switzerland, as it is printed in the civil code edition by Peter Gauch from the Schulthess Publishing House. This also contains a reference to the French version of the text and where it can be found in the official collection. The problem is that only very few people know this because there has been no PR work carried out on this.

The Confederation contributes to PR activities and the implementation of the CEDAW with its financial support of the NGO Coordination post Beijing Switzerland. But given the level of funding which has not changed since 1996 and constantly rising expenditure, a great deal of unpaid work (2007: over 800 hours) had to be carried out by the NGO Coordination. Furthermore, financial support is uncertain from 2009 onwards.

In federalist Switzerland, **information and public awareness campaigns** are often conducted by **associations, clubs and local funders** – organisations which are often and sometimes totally based on voluntary work. This means first that a great deal only works as long as individuals are able to work voluntarily without pay. The continuity of relevant expertise and experience then depend on those people, the expertise is not integrated into the organisation as a whole. This is unsatisfactory and actually "economically" unacceptable. Second, voluntary work very quickly reaches its limits. Committed women who have to juggle professional and family responsibilities hardly have any time left to then get involved in a good cause as volunteers. This results in greater fluctuations in volunteers and a greater loss of know-how.

15.2. Article 24 to figure 2: The matter of ratifying the additional protocol of the CEDAW (2000)

Recently the final hurdles to Switzerland's ratification of the OP-CEDAW were cleared; both legislative chambers have now given their approval (National Council 3.12.2007, Council of States 13.3.200).

Abbreviations

OASI	=	Old-age and survivors' insurance
AuG	=	AusländerInnengesetz - Foreign Nationals Act
BBG	=	Berufsbildungsgesetz – Vocational Education Act
FSO	=	Federal Statistical Office
BVG	=	Berufliche Vorsorge – Occupational benefits
Bvw	=	Bundesverwaltung – Federal Administration
ETH	=	Eidgenössische Technische Hochschule – Swiss Federal Institutes of Technology
SDC	=	Swiss Agency for Development and Cooperation
DORE	=	DO REsearch
FOGE	=	Federal Office for Gender Equality
FOPER	=	Federal Office of Personnel
FIZ	=	Fraueninformationszentrum – Women's Information Centre
GM	=	Gender mainstreaming
GB	=	Gender budgeting
II	=	Invalidity insurance
Y+S	=	Youth + Sport
SME	=	Small and medium enterprises
KTI	=	The Confederation's innovation promotion agency
NRP	=	National Research Programme
NGO	=	Non-governmental organisation
OHG	=	Opferhilfegesetz – Victim Support Act
Seco	=	State Secretariat of Economic Affairs

- ¹ Sources: Official evaluation report on equal opportunities for women and men in the Federal Administration by the Federal Office of Personnel dating 11.11.2004; detailed but unofficial report to the Federal Council on the progress in equal opportunities for women and men in the Federal Administration 2000 – 2003 by FOPER, personnel-related indicators 2006 from FOPER, the brochure “Ganzer Lohn für ganze Arbeit” (equal pay for work of equal value) from vpod Bern from 2006
- ² There are rumours that the Federal Council is planning to remove the directives from force.
- ³ The situation of cleaning staff, who are mostly female, needs to be investigated. It may well be the case that this has worsened considerably once more due to various restructuring waves.
- ⁴ The Leutenegger Oberholzer motion 04.3814, rejected by the Council of States on 19.12.07, the Leutenegger Oberholzer parliamentary initiative on gender reporting 05.427 defeated in the National Council on 03.12.07
- ⁵ 30.11.07: www.bfm.admin.ch/etc/medialib/data/migration/integration/berichte.Par.0001.File.tmp/Integrationsbericht_d.pdf
- ⁶ 30.11.07: www.bfs.admin.ch/bfs/portal/de/index/news/publikationen.Document.90163.pdf
- ⁷ 29.11.07: www.bfs.admin.ch/bfs/portal/de/index/themen/03/04/blank/key/lohnstruktur/schw_aus.html
- ⁸ The Unia trade union and the ECAP foundation demanded a language learning offensive on 30.11.2007, whose core is based on a wide range of courses, the issue of education vouchers to migrant women and men and release from work during working hours.
- ⁹ Büro BASS: Bedarfsanalyse Frauenhäuser, Bern, Nov. 2004
- ¹⁰ SKBF Schweizerische Koordinationsstelle für Bildungsforschung, 2006
- ¹¹ Federal Office of Public Health Health, Netzbrief Bildung und Gesundheit, Okt. 2007
- ¹² Silvia Strub, Eveline Hüttner, Jürg Guggisberg: Arbeitsteilung in Paarhaushalten: Aufteilung von bezahlter und unbezahlter Arbeit in der Schweiz, Volkszählung 2000, BFS, 2005
- ¹³ Stand 30.11.2007
- ¹⁴ See IMES-Rundschreiben vom 25.8.2004 „Aufenthaltsregelung für die Opfer von Menschenhandel“
- ¹⁵ SFM, Menschenhandel in der Schweiz. Opferschutz und Alltagsrealität, 2007, S. 126
- ¹⁶ The Foreign National Act came into force on 1.1.2008.
- ¹⁷ Janine Dahinden, Fabienne Stants, Arbeits- und Lebensbedingungen von Cabaret-Tänzerinnen in der Schweiz, Schweiz. Forum für Migrations- und Bevölkerungsstudien SFM, 2006
- ¹⁸ <http://www.parlament.ch/d/ra-raete/nratsrat/seiten/index.aspx> : Wahlen 2003: 50 NR von 200 und 11 SR von 46 weiblich. Wahlen 07: 57 NR und 10 SR weiblich.
- ¹⁹ www.bfs.admin.ch
- ²⁰ According to the Swiss electoral studies – selects
- ²¹ Recommendation n°41 formulated by the CEDAW Committee
- ²² Statistik der Schüler und Studierenden 2005
- ²³ University of Zurich, Jacobs Center for Productive Youth Development: Presentation of initial results from the child and youth survey, COCON: Youth – Sensitive, Ready to Take on Responsibility and Achievement-Oriented (p. 10); COCON Competence and Context, Swiss Survey of Children and Youth. www.cocon.unizh.ch
- ²⁴ see above and SAKE (Swiss labour force survey), workers according to occupational group and professional position, FSO
- ²⁵ A 2006 survey by Travail.Suisse of vocational schools confirms this.
- ²⁶ M. Ulmi, E. Maurer, Geschlechterdifferenz und Nachwuchsförderung in der Wissenschaft. Studie 3 im Rahmen des SOWI-Disslabors; Zürich 2005; W. Wirth, J. Matthes, U. Mögerle, E. Prommer, Traumberuf oder Verlegenheitslösung? Einstiegsmotivation und Arbeitssituation des wissenschaftlichen Nachwuchses in Kommunikationswissenschaft und Medienwissenschaft, in: Publizistik, 3, 2005, S. 320-340
- ²⁷ Lukas Baschung, Romain Felli, Une relève universitaire (plus) féminine? Evaluation dans une perspective genre du “Programme federal d’encouragement de la relève, 1992-2004”, in: Wer sind die Besten? Chancengleichheit in Berufungsverfahren, herausgegeben von Barbara Müller, Gabriela Obeser und Katharina von Salis, 2006
- ²⁸ Pressedienst Travail.Suisse – Nr. 3 – 26.2.2007 – Bildung/ Gleichstellung
- ²⁹ The funding of 6 million CHF originally planned to promote gender studies for the period 2004-2007 was reduced drastically to 3.2 million CHF.
- ³⁰ FSO, provisional results of the Swiss labour force survey 2007
- ³¹ Elisabeth Freivogel, Oliver Steiner, Die Regelung der Überzeitzuschläge und das Verbot der Geschlechterdiskriminierung, AJP/PJA 2001 S. 993-1001
- ³² Simone Prodolliet, Carlo Knöpfel, Martin Wälchli, 2001, Prekäre Arbeitsverhältnisse in der Schweiz. Ein Positionspapier von Caritas Schweiz
- ³³ Evaluation der Wirksamkeit des Gleichstellungsgesetzes, im Auftrag des Bundesamts für Justiz, Büro BASS 2006
- ³⁴ Existenzsicherung im Alter. Alterspolitik aus Frauensicht, Gemeinsame Stellungnahme der Arbeitsgruppe ‚Alterspolitik aus Frauensicht‘ mit Frauen der CVP, CSP, SP sowie dem Katholischen Frauenbund und der Kath. Arbeitnehmerinnen- und Arbeitnehmer-Bewegung KAB Schweiz, Ressort Frauenrat, Sept. 2007
- ³⁵ Yvonne Riaño, Nadia Baghdadi, 2007, Soziale Integration und Ausschluss von Migrantinnen in der Schweiz, laufendes Forschungsprojekt NFP 51
- ³⁶ www.bbt.admin.ch/themen/berufsbildung
- ³⁷ “Social class is an important and independent prognostic factor of breast cancer mortality”, International Journal of Cancer, July 2007, vol. 119, n. 5. and “Hormonal contraception and post-menopausal hormonal therapy and breast cancer”, OMS-IARC monographs on the evolution of carcinogenetic risk in human, vol. 72, 1999
- ³⁸ For example Xeno-oestrogen
- ³⁹ For more information please see www.quart-monde.ch
- ⁴⁰ Existenzsicherung im Föderalismus der Schweiz, Schweizerische Konferenz für Sozialhilfe, SKOS, 2007
- ⁴¹ Elisabeth Freivogel, Nachehelicher Unterhalt, Verwandtenunterstützung, Sozialhilfe. Wenn das Familieneinkommen nach Trennung oder Scheidung nicht für zwei Haushalte ausreicht: Rechtsprechung und Änderungsbedarf bei Mankofällen. Eine Analyse von Gerichtsurteilen, Sozialhilfegesetzgebung und –praxis, erstellt im Auftrag der Eidg. Kommission für Frauenfragen, 2006/2007
- ⁴² Existenzsicherung im Föderalismus der Schweiz, Schweizerische Konferenz für Sozialhilfe, SKOS, 2003 und 2007
- ⁴³ Gender Mainstreaming in der Bundesverwaltung, Anhang 4.2.5: Geschlechtsspezifische Ausgabenanalyse von J+S im BASPO: Geschlechtsspezifische Budgetanalyse der Abteilung Jugend und Sport im BASPO
- ⁴⁴ 05.3713 – Motion: Divorce law, review of the regulation on old-age pension compensation and child-related matters, Commission for Legal Issues, NC