

# NGO Shadow Report

## Switzerland

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

## Overview of the recommendations

This document covers the main recommendations of the NGO Shadow report on the 3rd Country Report of Switzerland on the implementation of the CEDAW and highlights the concerned stakeholder who is responsible for implementing and following through these recommendations.

### Article 2: Measures to combat discrimination in legislation and practice

#### On figure 3: Enshrining gender equality institutionally in fed. and cantonal authorities

##### Federal Office for Gender Equality (FOGE)

- To the Swiss Parliament and the Federal Department of Home Affairs: In order to continue the FOGE's continuous and competent work, the resources provided for this must be increased further and the FOGE's remit must not be scaled down.

##### Gender equality at work / employment policy in the Federal Administration

*To the all departments of the Federal Administration:*

- The Federal Council directives on the implementation of equal opportunities for women and men (equal opportunity directives) and the Federal Council mandates dating 18.10.2000 must finally be enforced and implemented.
- Gender-differentiated analyses for budgetary and staffing policies must be introduced, in particular for rationalisation and cost-cutting measures.

##### Cantons

- *To the cantonal governments and parliaments:* 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 in all cantons.

#### On figure 4: Gender mainstreaming and gender budgeting

*To the different departments of the Federal Administration and to the cantonal governments:*

- 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.

- Gender Mainstreaming projects must go hand in hand with an increase and not a decrease in specialist gender equality departments. They should be continued only if resources are actually made available for it.

#### **On figure 6: Combating discrimination against migrant women and other groups**

- *To the Swiss Parliament, the Cantonal departments of foreign nationals or migration and the conference of cantonal social directors:* 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 departments of foreign nationals must be better sensitized 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. To the executive branches of the cantons (Regierungsrat): their discretionary freedom in implementing these legal stipulations on foreign nationals must be used to the advantage of the women concerned to as large an extent as possible. (cf. also next chapter, violence against women)
- *To the cantonal education and/or migration departments and employers:* Open access must be granted to a range of courses tailored to people's needs which are geared towards work and everyday life, which take into account sector-specific, professional and family circumstances and which above all are compatible with working hours and family commitments.
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#### **On figure 7: Combating violence against women**

- *To the federal and cantonal governments and authorities:* Today's fight against violence against women does not necessarily require new standards, but requires above all the systematic application of existing stipulations as required for the rule of law. In order to implement the improved penal and civil code standards, sufficient human and financial resources must be made available to the competent authorities and their staff must receive continuous training.
- *To the federal and cantonal governments and parliaments:* The funding of women's shelters, which provide expert in-house support for victims of violence, must be recognised as the state's responsibility. They must also be recognised as the central institution in interdisciplinary intervention strategies.
- *To the Federal Statistical Office and the Federal Office of Justice and Police:* In order to maintain a clear overview in the federal system, both offices must collaborate and regularly compile meaningful data for the legal institutions, other public authorities and the parliaments on all levels.

#### **Article 4: Temporary special measures**

- *To the Swiss courts, in particular the Federal Supreme Court:* In decisions on positive measures, the courts should 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.

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

#### **On figure 2: Fighting stereotyped roles at school and in training**

- *To the cantonal educational departments and the Swiss Conference of Cantonal Ministers of Education:* Systematic measures need to be taken in all cantons and the implementation in the classroom monitored. Only by working together directly with children and adolescents can stereotyped roles be countered.

### **On figure 3: Promoting equal sharing of domestic and family tasks**

- To all federal departments – especially the Federal Department of Home Affairs and the FOGE – and private companies: Awareness campaigns and support for impetus and action programmes to promote the reconciliation of work and family for women and men (such as FOGE campaigns, seco handbook for SMEs) must be continued. A comprehensive measures plan (including controlling) to implement the Gender Equality Act must be elaborated.
- To the Federal Department of Home Affairs: Awareness campaigns/action programmes to promote a society-wide understanding of work and the value of paid and unpaid work and equal sharing of work must be elaborated and implemented.
- To the Federal Department of Home Affairs and all employers: The focus must be on promoting part-time work amongst men and for executive positions.

### **On figure 4: “Die rote Zora” award and article 5 on figure 5: National Daughters’ Day**

- *To the Federal Social Insurance Office:* Specific projects and targeted measures for girls are needed, in order for them to develop self-confidence and to provide them with an alternative to stereotype roles.

## **Article 6: Eradication of trafficking in women and exploitation in prostitution**

### **Trafficking in women**

*To the Federal Council and the Swiss Parliament:*

- Switzerland should ratify as soon as possible the Council of Europe convention on action against trafficking in human beings, which guarantees a minimum level of protection for victims.
- Victim protection and access to rights must be granted uniformly throughout the cantons. A serious human rights violation must be reason enough to grant the victim a long-term residency permit in Switzerland which is not linked to conditions such as making a statement in a criminal proceeding.
- To identify victims better, there also need 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.

*To all cantonal authorities:*

- Financially secured specialised counselling and support for victims of trafficking in women is needed throughout Switzerland, not just in individual cantons.
- The non-refoulement principle, a binding principle of international law, must be respected; each individual case in relation to repatriation must be checked regarding this principle.

### **Situation of the cabaret dancers**

- *To the Swiss Parliament:* Cabaret dancers from countries outside the European Union must receive the same short term residency permit as EU citizens and should be able to change to a different sector of work. This change of law must be part of the AuG.

### **Prostitution**

- *To the judiciary branch at all levels:* Offences committed against female and male sex workers must be punished regardless of the profession; that is to say in a value-neutral way.

## **Article 7: Eradicating discrimination in political and public life**

### **on figure 1: Encouraging women to participate in political life**

- To the Swiss Parliament: A quota must be established in national legislation to ensure that a given percentage of seats is occupied by women.
- To the political parties: A quota within the parties which ensures that a share of the parliamentary seats won by the party is given to women and which aims to guarantee that the internal decision-making structures of the party include women should be established.
- To the parties and the parliamentary services: Female participation in the party activities should be facilitated by promoting the reconciliation of family and political commitments, notably when organising meeting times. Training and/or mentoring programmes for beginners should be set up.

## **Article 10: Education**

### **On figure 1: Education status and access to education programmes and establishments, combating stereotyped roles in training/choice of occupation**

- *To the State Secretariat for Education and Research and the Swiss University Conference* Universities of applied sciences must demonstrate how they have implemented gender mainstreaming as an overall strategy and in management instruments. A ranking system based on gender equality criteria needs to be established.
- *To the Swiss Conference of Cantonal Ministers of Education:* For trainees who have chosen a gender-atypical apprenticeship exchanges and networking opportunities must be organised and mentoring or coaching must be provided during the apprenticeship dealing with entrance onto the labour market or to a university of applied sciences.

### **Gender equality and equal opportunities at universities**

- *To the State Secretariat for Education and Research and the Swiss University Conference:* In the future a twin strategy will be needed: First, the category gender must be integrated into all relevant processes in order to achieve mainstreaming. Second, it is key that targeted initiatives for gender programmes be launched and gender competence be built up in academia and research, and gender equality efforts demanded and promoted at universities and within the political institutions dealing with higher education.
- *To the State Secretariat for Education and Research and the Swiss National Science Foundation:* Research programmes must be established on the topic of modern working hours models 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.
- *To the cantonal education departments:* Develop and implement programmes for teaching human rights and women's rights education in schools. Appropriate training and continuing training for teachers should be made a requirement. The implementation in the classroom of lessons learned should be monitored (see also article 5 to figure 2).

### **8.3. Article 10 on figure 5: Particularly disadvantaged groups**

- *To the Federal Department of Foreign Affairs and to the Federal Office for equality of disadvantaged persons:* The situation of disabled women must be investigated and specific measures must be taken or supported to prevent these women from being discriminated against in the education system.

## **Article 11: Professional life**

### **On figure 1: Access to the labour market and pay equality: Statistical trends in detail**

#### **On figure 1.2: Occupational situation**

- To the Swiss Parliament and the judiciary at all levels: The current labour law stipulations must be enforced and the increasing lack of job security must be countered by new regulations on employment contracts. Changes also need to be made to the labour law provisions on part-time work, social insurance, further training and promotion opportunities.

#### **On figure 1.4: Equality of pay**

- *To the judiciary at all levels and the Federal Department of Home Affairs (especially the FOGE):* Investigative powers must be given and there must be more possibilities to impose sanctions in the event of violations of the Equality Act.
- *To the Swiss administration and executive branches at all levels:* 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), such as a standing criterion for the conclusion or cancellation of a public contract.

### **On figure 3: Social security**

#### **On figure 3.1: Revision of old age and survivors' insurance (OASI)**

*To the Swiss Parliament, the Federal Council and the Federal Social Insurance Office:*

- 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 pension funds or personal savings 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, predominately women, and be used for their early retirement or to increase the lowest OASI pensions.
- Women's biographies must be taken into account in social insurance: The parenting credit in the OASI should be increased and granted to all mothers.

#### **On figure 5: Reconciling family and work**

##### **On figure 5 .2: Childcare services**

- *To the Swiss Parliament:* Crèche places and other structures need to be put in place in sufficient number, in order to allow both parents to combine professional and family life.

##### **On figure 5.3: The new maternity compensation**

- *To the Swiss Parliament and the employers:* The different loopholes in the new maternity compensation (as mentioned in Chapter 9.3.2.) must be closed by legislation and/or by putting legislation into practice.

#### **Parental leave, paternal leave and leave after adoption**

- *To the Swiss Parliament and the Federal Council:* A minimum of 20 days paternal leave is absolutely necessary. Furthermore, if divided up during the mother's maternity leave it will allow several goals to be reached, such as encouraging part-time work, reorganisation of family life or a speedy recovery for mothers.

#### **To figure 7: Particularly disadvantaged groups**

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

- *To the Federal Office of Migration and the Swiss Parliament:* 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 must be established by law in the AuG.
- *To the Federal Office of Migration and the State Secretariat for Education and Research:* Measures at higher education level to promote the professional integration of migrant women, similar to the project “validating educational achievements” in vocational education, must be elaborated and implemented.
- *To the media:* The assumption that migrant women are not qualified anyway, and the tendency to keep overqualified women in under qualified jobs must be countered by deliberately highlighting this area.

## **10. Article 12: Health**

### **General information**

- *To the Federal Council and the Federal Office of Public Health:* The current positive policies in the area of gender and health must be continued. The Federal Gender Health Unit must not be sacrificed in the name of cost-cutting under any circumstances.

### **Breast cancer**

- *To the Federal Council and the Federal Office of Public Health:* A study is necessary to evaluate the adverse effects (side effects) of breast cancer treatments to review the benefit/risk relationship. When we compare these with 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.

## **Article 13: Other areas of economic and social life**

### **On figure 1: Poverty amongst women**

- *To the cantonal parliaments (legislative):* Child alimony must be tax free.
- *To the Swiss Parliament and the conference of the cantonal social directors:* Switzerland-wide universal rules and a defined minimum standard of alimony assistance are necessary. 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 the cantonal social departments and the private sector:* Single parents should be integrated into working life, for example through well-paid part-time positions and access to family-friendly training and further training.

## **Article 16: Marital and family issues**

### **- on figure 2: The new divorce law in practice**

- *To the Federal Social Insurance Office:* The staff of public authorities with responsibility in this area must be adequately trained.

### **On figure 4: Forced marriage**

- *To the Federal Department of Justice and Police:* Experience should be exchanged with other European countries and the countries of origin to optimize strategies of action against forced marriages and for 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**

- *To the Federal Department of Foreign Affairs:* The continued funding of the NGO Coordination post Beijing must be guaranteed to enable the continuation of the PR work and the implementation of CEDAW.