

# 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)

## Summary: Most important issues and recommendations

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.

**1. At institutional level**, various gender equality bodies are being downscaled, both at 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.

- ***Financial and human resources for gender equality must be allocated or increased at all levels and in all institutions of the Swiss administration.***
- ***Existing directives need to be effectively implemented and gender equality needs to be included as a measurable target in management methods and budgetary and staffing policies.***

**2. Stereotyped roles** are still widespread in Swiss society. The **education system** 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.

- ***Schools need to clearly promote alternative role models and actively combat stereotyped roles.***
- ***Gender equality needs to be systematically included in the education system at policy and implementation level. Practically, gender mainstreaming could be achieved through mentoring or coaching for gender-atypical jobs, research, education and training programmes on gender equality.***

**3. 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 labour law must be adapted to realities such as part-time work and insecure work situations to protect employees.***
- ***To counter inequality of pay, authorities must have investigative powers, arbitration bodies must be strengthened, pay transparency promoted and sanctions made possible.***

**4. 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.

- ***Women's biographies need to be taken explicitly into account in social insurance schemes in order to guarantee a minimum standard of living for all.***

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

- ***To enable women to get involved in politics, promote the reconciliation of family and work and expand child care services.***
- ***To ensure equal participation of women and men in politics, establishing a quota attributing a certain percentage of seats in parliament to women has to be taken into consideration.***

**6. 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 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.

- ***The existing rules and stipulations must be systematically and uniformly applied in all areas related to violence against women as a minimum standard.***
- ***Women's shelters need to be financed by the state, as the support of victims must be recognized as the responsibility of the state.***

**7. The protection of female victims of trafficking** is to date very inadequate as it is not subject to uniform implementation throughout the cantons, 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.

- ***Victim protection must be guaranteed to all victims, independently of their cooperation status with the authorities and uniformly implemented in all cantons.***
- ***A long-term residency permit must be granted to victims on an equal basis in all cantons and not linked to willingness to cooperate with the authorities for criminal investigation.***

**8. 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.

- ***Courses tailored to special needs such as work, education or daily life related topics need to be offered by the state and by employers in order to facilitate integration.***
- ***Uniform and clear criteria must be established for the stipulation of residency for migrant women affected by violence, independently of culturalistic stereotypes.***

**9. 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.

- ***The Swiss courts need to consciously apply the CEDAW as a legal instrument and in particular base their judgements on temporary special measures on article 4 paragraph 1 CEDAW.***