

**CEDAW LoIPR**

**Report by the NGO-Coordination post Beijing Switzerland**

September 2019

(May be posted on the CEDAW website)

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# **Introduction**

This submission for the LoIPR was drawn up by the NGO-Coordination post Beijing Switzerland, a [network of over thirty CSOs](https://www.postbeijing.ch/de/ueber-uns/mitgliedorganisationen/index.html), as well as other invited expert CSOs[[1]](#footnote-1).

In this report we have tried to be as inclusive as possible with regard to intersectionality. If not explicitly mentioned, we understand the term women\* as intersectional. Furthermore, intersectionality is understood to be transversal in relation to all the issues raised.

Because of Switzerland’s federalist nature, the implementation of gender equality as well as measures and laws against discrimination and violence are repeatedly hampered and delayed.

For practically all the topics, data is lacking, especially with regard to intersectionality.

# **Stereotypes**

## Education (COB 35)

### Educational Material

Teaching materials often still portray stereotypical roles and may be freely selected by teachers in Switzerland; there are at most cantonal stipulations.

🡺Are there mechanisms on the part of the Confederation to monitor frequently used teaching materials for certain aspects of equality?

🡺How are teachers supported in entering into dialogue with children and young people about stereotypical role behaviour at school and at home?

### Vocational Training/Higher Education

Women\* are massively underrepresented as employees at universities and colleges, although the number of women\* studying is now higher than the number of men\*. The higher one climbs the academic career ladder, the lower the proportion of women\* (the so-called leaky pipeline phenomenon). Gender differences in academic careers can be observed from PhD level onwards. The fact that women\* have only limited access to the highest levels in the academic world, even compared to the number of applicants, is mainly due to implicit prejudices against the female gender, which disadvantage them throughout their academic career. This gender imbalance, which runs from mid-level to professorship to management, also affects knowledge production and teaching, so that the perspective of at least 50% of society is insufficiently integrated into scientific research processes.

The choice of career is still strongly influenced by stereotypical or given patterns. Although there has long been a corresponding Vocational Training Act, there is still no clear Federal funding project to achieve equality at all levels of education. Similarly, many Cantons still lack a corresponding anchoring in education legislation.

🡺How does Switzerland promote research into gender inequality in research and teaching?

🡺What kind of promotion and support instruments is Switzerland promoting in order to structurally improve women\*’s career opportunities at universities?

🡺Does Switzerland collect gender-sensitive data at all career levels in order to evaluate effective equality at universities and colleges?

🡺How does Switzerland ensure intersectional and equal knowledge production?

🡺To what extent are measures for gender and diversity-sensitive teaching developed and promoted?

🡺To what extent is research into gender stereotypical study and career choices planned?

🡺What measures have been taken to promote "gender-untypical" career choices among girls\* and boys\* and to sensitise them to gender stereotyped job profiles?

### Minority Groups

At school, trans children and young people are often confronted with a lack of understanding and recognition and/or prohibited from living in accordance with their gender identity, including forced outings via first name and gender on school certificates or diplomas. The use of gender-segregated infrastructure according to their gender identity is, in particular, often not allowed – with detrimental effects to their health.

Women\* with disabilities are generally confronted with difficult circumstances in their careers and, like women\* in general, often work in occupational fields with limited development opportunities.

🡺What measures is Switzerland taking to make its schools trans friendly?

🡺What measures is the Confederation taking to ensure that its Initiative for Skilled Workers also specifically encourages women\* with disabilities to participate, promoting them on an equal footing with other target groups?

## Work (COB 37)

### Workplace

Prevailing stereotypes are one of the fundamental problems for women\* in the workplace. The majority of women\* who are in employment work part-time and/or in the low-wage sector and are underrepresented in top management positions in relation to their numbers in the lower echelons. The distribution of power and money and of paid and unpaid work is unequal.

🡺How are HR managers sensitised to prejudices about the difference in the characteristics attributed to women\* and the demands for leadership?

🡺Do statistics record the proportion of women\* in middle and top management in relation to the number of women\* working in the company overall?

🡺How is it ensured that employees are hired, challenged and promoted according to talent and competence and not according to role stereotypes?

## Society (COB 23)

### Free time and Sport

The Federal Government’s data on institutionalised voluntary work shows that women\* are more likely to carry out basic tasks than men\* and men\* more often perform executive tasks in comparison to women\*. Additionally, women\* are more likely to be involved in social charity organisations compared to men\*, who are more likely to choose cultural or sport organisations.

Sport makes up a large part of leisure activities as well as professional life in which girls\* and women\* are still severely disadvantaged.

🡺Does Switzerland plan to collect data on gender distribution within the voluntary work sector in relation to basic and managerial tasks and on holiday regulations for young people (Art. 329e OR)?

🡺Where and how are migrant women\* represented within leisure activities?

🡺Are "Jugend + Sport" brochures checked for gender-neutral presentation and the avoidance of stereotypical role models?

🡺How does Switzerland support and promote girls\* and women\* in non-stereotypical sports?

🡺Does Switzerland, in particular in the context of „Jugend + Sport“, pay attention that female\* and male\* participants of sporting activities benefit equally from Federal subsidies?

### Religion

The Roman Catholic Church and evangelical circles contribute to discriminatory stereotypes. Traditional gender roles of men\* and women\* and heteronormativity are issued as a divine order of creation; a negative image of women\* is being portrayed that continues to be felt even today in the secular sphere. Due to the exclusion of women\* from ordination, the Roman Catholic Church also violates the state equality law.

As a new Swiss study shows, religion has a decisive influence on young men’s propensity to violence.

🡺How does Switzerland justify the fact that freedom of religion and of religious communities is valued higher than the constitutional principle of gender equality?

### Political and Public Life (COB 23, 31)

In politics women\* continue to be underrepresented in the government and in parliament at the national, cantonal and municipal levels.

🡺What efforts have been taken to increase the number of women\* in elected decision-making bodies at all levels and to achieve the equal representation of women\* and men\* in political and public life?

🡺What has Switzerland undertaken to adopt proactive measures to address the structural obstacles to the achievement of substantive equality of women\* and men\* in political and public life?

### Culture and History

Switzerland´s patriarchal ideas of gender roles are preserved, maintained, and passed on in historical and cultural documentation, museums and monuments. System approved gender specific ideas and images are still used in all kinds of media, commercials and teaching material. In addition, women\* who did not live the societal norm are often not documented for the true impact they had on their culture.

🡺What is Switzerland doing to oblige historical institutions to produce documentation that illustrates women\* and their impact on cultural heritage and history?

### Body Image and Representation

Assumptions of what a woman\*'s body should look like are still prevalent. Examples are the descriptions in the media of women\* with a position in public office compared to men\* in similar positions. These assumptions are linked to a variety of stereotypes, for example about overweight, old or black women\*.

🡺Is Switzerland commissioning studies to distribute knowledge about such experiences of discrimination, as well as prevention campaigns against such discrimination?

## Media (COB 23)

### Sexist Reporting and Advertising

Gender Equality in the media is still lacking in structural terms and in terms of content. There is also a lack of strategic involvement from the media on the problem of gender stereotyping. The media (and advertisers) have a wide-ranging impact and an opportunity to create a different, alternative image to that of the classic role model and to play a decisive role in challenging gender stereotypes. Although action is being taken, such as the proposed law against sexist advertising in the Canton of Vaud, it remains marginal. Neither journalists nor advertisers are currently trained in the issue and there is no federal funding to support associations which aim to prevent this. Moreover, no mention of this issue appears in the Electronic Media Act. There is an objectification of women\*, a binarisation of society, differential treatment of men\* and women\* and, even worse, a continuation of the culture of rape in the news media and advertising.

🡺Which specific means has Switzerland developed in order to eliminate discriminatory stereotypes against women\*, in particular with regard to the establishment of an education strategy for media professionals?

🡺What is Switzerland doing to prohibit sexist advertising promoting discrimination and violence against women\*? Are there other, effective institutional instruments in addition to the existing commission?

🡺What is Switzerland doing to provide basic training for PR professionals and journalists on the topic of violence against women\*?

### Women\* in Media Professions

The recent news about the LOL league in France has highlighted the harassment of women\* journalists. Switzerland is no stranger to this phenomenon.

🡺What measures does Switzerland intend to take to quantify the phenomenon, prevent it and provide appropriate follow-up for victims?

🡺What measures have been taken to promote equal representation of women\* in all areas and at hierarchical levels of the media?

## Minority Groups (COB 23)

Representation of trans people in the media is still too often based on stereotypes, such as focusing on genitalia and surgery, disclosing private data, focusing on cis medical professionals and illustrated with pictures ridiculing them. There are still so-called hate crimes against LGBTIQ people in Switzerland. In 2017, two hate crimes per week occurred on average to LGBT people in Switzerland, of which fewer than 20% were reported to the police ([Hate Crime Report](https://www.pinkcross.ch/news/2018/hate-crimes-an-lgbt-menschen)). In addition to the concern about verbal and physical abuse, lesbian women\* are being increasingly pushed into invisibility as their representation in the media is clearly underrepresented compared to gay men\*.

In the media, women\* with disabilities are often ignored or portrayed in a very limited range of roles. Where disability is highlighted, the women\* concerned are considered as if they were genderless.

🡺What is Switzerland doing to challenge the stereotypical representation of LGBTIQ and people with disabilities and the discrimination against them?

# **Equality/Gender Mainstreaming**

## Data Collection (COB 39c)

Trans and especially non-binary people are not included in any data collection on the Federal level (except HIV infections and hospitalisation, diagnosed with “transsexualism”) and only in extremely few cases on the cantonal/municipal level.

🡺When is Switzerland going to integrate trans, including non-binary people into its data collection?

## National Mechanisms to Strengthen Gender Mainstreaming (COB 18, 19)

In 2017, the Federal Council conducted a consultation on the legal basis for the creation of a permanent national human rights institution. In autumn 2018, the Federal Council stopped the process and introduced an alternative: The establishment of a commission with advisory powers. With this alternative, it will be impossible to achieve “A” status in accordance with the "Paris Principles". In addition, the mandate of the previous provisional Swiss Competence Centre for Human Rights will expire at the end of 2020.

🡺What is Switzerland doing to ensure that at the beginning of 2021 a national human rights institution or at least a Swiss Competence Centre for Human Rights will exist?

🡺How is Switzerland integrating gender equality into the new national human rights institution?

🡺How is Switzerland guaranteeing compliance with the "Paris Principles" by the new national human rights institution?

There are still many legal provisions in Switzerland that provide for different legal consequences for men\* and women\*, without there being any valid reason for doing so. In addition, the law does not provide for inter- and transgender people, as a sex entry is required under the personal status law.

🡺What is Switzerland doing to formulate laws that are as gender-neutral as possible and to eliminate the legal unequal treatment of men\* and women\* as well as discrimination against inter, trans (including non-binary) persons?

The recommended action plan hasn’t been developed yet and the existing equality offices and commissions at the cantonal and federal level face regular resources cutbacks. In its interim 2018 report, the Confederation, instead of offering the prospect of a specific strategy or comprehensive action plan, lists existing federal and cantonal legislative, executive and administrative strategic planning instruments.

In line with the lack of a comprehensive national gender strategy as well as one for disability, there has been no further elaboration of the State’s obligation to take account of the specific needs of women\* with disabilities as in Art. 5 (1) of the Federal Act on the Elimination of Inequalities affecting Persons with Disabilities.

🡺In the framework of the afore-mentioned planning instruments, how are the Confederation and the Cantons ensuring that intersecting forms of discrimination against women\* and girls\* are systematically tackled?

🡺How is Switzerland ensuring that all Cantons have an equality office or commission and that those existing at the cantonal and federal level are provided with the necessary authority, visibility, human and financial resources?

🡺By when will an official Federal Office mandate for the promotion of the rights of women\* with disabilities be established and the corresponding financial resources provided?

## Political Participation

### Temporary Special Measures (COB 21)

In Switzerland quotas are well known for other criteria but often not called as such. To date, there is no majority for the introduction or implementation of quotas to achieve equality of women\* and men\* in politics.

🡺Which time-bound goals and quotas have been set in areas in which women\* are underrepresented or disadvantaged in the political, public and private sectors?

### Decision-making positions (COB 31)

Women\* are still strongly underrepresented in politics. As of 3 June 2019, the proportion of women\* in the National Council was 31.7% and in the States Council 13%.

According to statistics published by the Federal Office on 27 May 2019, women\* represent 25.3% of those in cantonal governments. Women\*’s representation in cantonal parliaments is 29.2%

In cantonal and municipal parliaments, maternity pay policy is very irregular and in some cases not regulated at all. Compensation for Members of Parliament is not always covered by social insurance, and there is a lack of rules on maternity cover.

🡺What measures does Switzerland intend to take to promote equal representation of women\* in all political bodies?

🡺What efforts is Switzerland taking to adapt the political scene in order to improve the reconciliation of family, career and political activity?

🡺Are steps being planned to consolidate maternity pay and maternity representation regulations for women\* parliamentarians at all levels? Is there any intention to consolidate social insurance for maternity benefits?

🡺Are there childcare structures in Switzerland for the children of administrative staff, members of government and Members of Parliament?

🡺What action is Switzerland undertaking to mobilise more women\* in rural areas?

## Workplace (COB 37)

### Bullying

Women in political bodies are often subjected to sexual harassment, bullying and hate speech.

🡺What is Switzerland doing to protect women who hold political office from bullying, stalking and hate speech?

### Equal Pay

The latest studies (2016) show that the average gender pay gap is still 18,3 %. The explainable share of 55,9 % of the data analysed includes unfair criteria such as civil status.

🡺What measures is Switzerland taking to eliminate the gender wage gap and ensure equal opportunities for women\* and men\* in the labour market?

### Unpaid Care Work and Parental Leave

Women\* do 2/3 of unpaid care work. The resulting loss of paid work in combination with wage inequality leads to a total financial loss of about SFr. 100 billion per year for all women\* in Switzerland. It is also important that full-time and part-time jobs are available regardless of gender.

🡺What measures does Switzerland plan to take to promote awareness of this failure and how will it ensure a fairer distribution of unpaid work between different genders and the protection of migrants in the private care work sector?

🡺Does Switzerland plan a reduction in working hours to compensate those also undertaking unpaid work?

🡺What is Switzerland doing to acknowledge women\*’s care work (pension-related)?

🡺Why has Switzerland not yet introduced parental leave in addition to maternity leave?

### Minority Groups

46% of women\* with disabilities have a full-time job compared to 81% of men\* with disabilities. 33% of women\* with disabilities work 20 to 35 hours a week and 21% work fewer than 20 hours (men\* with disabilities: 14% and 5% respectively[, 2017)](https://www.bfs.admin.ch/bfs/de/home/statistiken/wirtschaftliche-soziale-situation-bevoelkerung/gleichstellung-menschen-behinderungen.assetdetail.3962810.html).

🡺What measures is Switzerland planning to bring the labour force participation of women\* with disabilities into line with that of men\* with disabilities?

🡺What disability-specific measures is Switzerland taking to help women\* with disabilities reconcile work and family life?

## Poverty (COB 43)

In Switzerland too, the face of poverty is female, with single mothers, older women\*, large families and trans people being disproportionately affected. This trend is boosted because of various rules in relation to children’s rights and divorce laws that frequently have an adverse impact on women\*. Because women\* earn little during their working life, work only part-time or retire completely from working life, they are often poor in old age. The assumption of unpaid care work leads to small workloads or even to interruptions in employment, which are reflected in low old-age pensions. Almost two thirds of those receiving supplementary benefits are women\*.

Women\* with disabilities collectively receive fewer disability insurance (IV) measures for occupational integration than men\*. Moreover, due to lower employment, fewer women\* than men\* receive a full IV pension and more women\* receive only a partial pension. In addition, many women\* with disabilities have only minimal second pillar benefits or none at all.

The Federal requirements for calculating child maintenance are very rudimentary. It was and is left to the judiciary to develop standards here. Overall, it can be stated that the concrete calculation of child support can still vary from court to court, from Canton to Canton and from authority to authority (cf. KESB, family courts, district courts). In addition, in the case of divorce the sharing of deficits (“Mankoteilung”) has still not been accomplished. As a rule, the risk of poverty is still borne by single mothers and the children. In addition, child support contributions are only paid in advance if such child support can be fixed.

🡺Is the national poverty strategy being implemented in a gender sensitive and intersectional way?

🡺What disability-specific measures does Switzerland envisage in order to eliminate these gender-specific inequalities within the social security system?

🡺What is Switzerland doing to address poverty among women\* in old age?

🡺What is Switzerland doing to eliminate the considerable differences in the calculation of child support, depending on the Canton, court or authority?

🡺What is Switzerland doing to achieve a fair division of labour?

## Health Care (COB 38, 39)

### Access for all

Not all women\* have equal access to health care, including sexual and reproductive health care services. Women\* with disabilities face physical barriers in health care, as well as barriers in communication and access to information. Their right to choose their doctor is particularly restricted in gynaecological care. Furthermore, women\* with disabilities are not (or not adequately) considered in health research and preventive healthcare. Migrant women\* also face barriers related to access to health services, including SRHR services such as language barriers.

Switzerland has not acted at all on COB 39 (d), which aims to ensure that the costs for gender-affirming treatment for trans people is reimbursed. While Transgender Network Switzerland alone receives an average ~1.5 requests for help weekly, the Federal Office for Public Health denies that this problem even exists. In addition, in regard to the poor quality of some surgery and the seriously low number of cases (phalloplasty: only 5-6 surgeries p.a. in total), there has been no improvement.

🡺What disability-specific measures have the Confederation and the Cantons taken to eliminate these inequalities and barriers to access?

🡺Does Switzerland have (or is it developing) comprehensive health surveys and registers with disaggregated data on sex and gender identity that also provides information on the health status of LGBTIQ persons, allowing the development of health strategies and programmes that leave no one behind?

🡺Does Switzerland evaluate existing strategies, including specific questions on the different criteria?

🡺What has Switzerland done to make sure that health services are accessible, acceptable, affordable and non-discriminatory, including for migrant women\* and for LGBTIQ persons and, in particular, good quality gender-affirming surgery for trans people?

### Sexuality education

Comprehensive sexuality education does not only provide information on health promotion and the prevention of, for example, HIV and unwanted pregnancies. It also includes information on sexual rights and tackles gender stereotypes.

🡺What is Switzerland doing to implement the recommendations of the CEDAW committee and the ICESCR committee (2010) on sexuality education?

## Rural Women\* (COB 45)

70% (= more than 30,000 women\*) of female family members working on a farm are neither paid nor have social insurance in their names. Without pay, their work is not recognised; they are not considered to be gainfully employed. This means, for example, that they cannot benefit from maternity insurance even though they are working. If they work for a company, they may be replaced and supported financially in the event of illness or disability. In the event of separation, divorce, retirement or widowhood, women\* are at risk of financial insecurity.

🡺What measures has Switzerland taken to ensure social security coverage for women\* farmers?

## Economic Empowerment (COB 40, 41)

Switzerland is the headquarters of many international companies and organisations. Trade and investment agreements enable these companies to operate internationally from Switzerland. Currently, with these agreements it is possible to operate economically in other countries from Switzerland without taking into account Switzerland's obligations under the CEDAW Convention or other international obligations.

🡺How is Switzerland ensuring that companies based in Switzerland do not violate women's\* rights abroad?

🡺What changes does Switzerland plan to make to current and future trade and investment agreements in order to guarantee the protection of women's\* rights abroad?

## Family (COB 49)

Since 1 July 2014, shared parental custody has been the general legal ruling, but not a division of parental childcare responsibilities. Courts will examine this possibility upon request. The main responsibility for caring for the children continues to be exercised primarily by mothers. It would be more up-to-date and would serve the aspect of equivalence/equal rights of parents to always examine such a possibility. Since mothers often have to bear the disadvantages of the previously chosen life model (part-time work, interruption of employment, lower wages, less training...), attention must be paid to ensure that such alternating care is only taken if it is in the interest of all parties involved. It should not lead to the mother being assigned more duties and the father having to pay less maintenance.

🡺What is Switzerland doing to ensure that a division of parental childcare responsibilities is promoted more as a measure of equality, provided that this does not have a negative impact on women\*?

# **Gender-based Violence**

## Harmful Practices (COB 25)

### FGM/C

FGM/C is prohibited under Swiss criminal law, even if the offence is committed abroad. There is no systematic collection of data. Estimates from 2013 assume that around 14,700 girls\* and women\* in Switzerland are affected or threatened by this harmful practice. The Confederation has been supporting a network against FGM/C from 2016 to 2019, with an extension until 2021. However, there is still a great need for action on the systematic and sustainable nature of the measures against FGM/C. In particular, FGM/C must be increasingly considered as a form of gender-based violence.

🡺What is Switzerland doing to improve the national data situation and the monitoring of FGM/C?

🡺Does Switzerland intend to continue financing measures against FGM/C after 2019? And if so, how will it be ensured that the financial support is sustainable?

### IGM

Despite recommendations by CEDAW, CRC, CAT and CCPR[[2]](#footnote-2), there are no legislative or other measures to protect intersex children from harmful practices, involuntary, non-urgent genital surgery and other procedures on children.([Petition](https://www.parlament.ch/de/ratsbetrieb/suche-curia-vista/geschaeft?AffairId=20152043)) The children concerned and their families are denied access to adequate psychosocial support.The Federal Council claims that the recommendations of the National Ethics Commission have been largely implemented.It explicitly rejects the implementation of UN recommendations on IGM.To date, no reliable figures on IGM practices are available.Hospitals destroy medical records instead of facilitating a historical reappraisal.

🡺Is Switzerland willing to adopt legislation to protect bodily integrity, autonomy and self-determination of intersex children?

🡺Will Switzerland provide families of intersex children with adequate counselling and support?

🡺Does Switzerland plan to explicitly prohibit, in the Criminal Code, all non-consensual, non-life saving and non-necessary genital surgery and all medical or hormonal treatment?

🡺How many interventions on intersex children have been paid for by the Federal disability insurance (IV) since the publication of the 2016 COB (disaggregated statistics by age at the time of the intervention, type of intervention, clinic)?

🡺When will the Cantons and the federal government make available financial resources to implement a national strategy to raise awareness about IGM/VSD as severe violation of children’s human and fundamental rights? What kind of measures will the Cantons use to achieve this aim?

### Forced Sterilisation

Sterilisation is no longer required for changing one’s legal gender (COB 39(d)). According to Art. 7 (2) of the Federal Act on Sterilisation (SR 211.111.1), the sterilisation of a person is exceptionally permitted regardless of her consent if that person is older than 16 years and considered “permanently incapable of judgement”, and if seven further cumulative requirements are met. In its General Comment No. 3 (2016) on women\* and girls\* with disabilities, the CRPD committee has qualified forced sterilisation as a form of violence that may be considered cruel, inhuman or degrading treatment or punishment (para. 32). It has furthermore outlined how restricting or removing legal capacity can facilitate forced sterilisation and how this can also result in sexual violence without the consequence of pregnancy (paras. 44 f.).

🡺Which steps will Switzerland take to prohibit all forms of forced sterilisation, basing legal gender recognition on self-determination and ensure a quick, transparent and accessible procedure for all?

## GBV (COB 27)

As a recent study shows[[3]](#footnote-3), at least every second woman\* in Switzerland (59%) experiences sexualised harassment such as unwanted touching, hugging or kissing. At least every fifth woman\* in Switzerland (22%) experiences sexualised acts in the legal sense of sexual violence, e.g. forced oral intercourse. At least every eighth woman\* in Switzerland (12%) experiences sexual intercourse against her own will.

According to studies from Western European countries, women\* with disabilities have a two to three times higher risk of violence than women\* without disabilities.

🡺Does the revision of the sexual criminal code provide that all sexual acts can be adequately prosecuted, and how?

🡺Which data on sexual violence are collected in Switzerland, and how systematically and regularly?

🡺What research is carried out in Switzerland on the extent, signs and causes of sexual violence and how does the Confederation promote such research?

🡺Do the measures concerning data collection, prevention, support/protection and the coordinated approach to sexual violence also take into account the diversity of those affected with regard to age, gender identity, sexual orientation, disability, residence status, etc., as prescribed by the Istanbul Convention?

🡺What measures are the Confederation and the Cantons taking to reduce violence against women\* with disabilities?

### NAP GBV

Although numerous measures have been taken, violence towards women\*/domestic violence continue to make up around half of the violent crimes reported to the police. The measures taken so far often fall short and resources are insufficient. The lack of political will to put in place a national action plan is problematic. The steps towards the implementation of the Istanbul Convention do not eliminate the need for a NAP on GBV.

🡺When will Switzerland put in place a NAP on GBV, in addition to the implementation plan for the Istanbul Convention?

🡺How will Switzerland ensure adequate human, technical and financial resources are allocated for the implementation, monitoring and assessment of the NAP?

### Training/Sensitising Authorities

In Switzerland, the training and education of state authorities, including criminal prosecution authorities at federal, cantonal and municipal levels, do not include the topic of GBV. There is also a general lack of guidelines on how to work with GBV.

🡺What is Switzerland doing to ensure that the state authorities receive regular and compulsory training about GBV and are provided with binding guidelines?

### Digital Violence /Hate speech

A study by the City of Lausanne shows that 16% of 16-year-olds have been cyber bullied. However, far from being virtual, this form of violence has consequences that can go as far as post-traumatic stress disorder. Harassment is primarily directed at minority populations and women\*.

The dark side of digitisation, namely the rampant hatred on the net, has become reality in Switzerland and affects all minorities without exception.

🡺What solutions and services does Switzerland provide to support, on the one hand, those affected by hate speech and digital violence (to intercept rather than silence them – analogous to off-line violence), and on the other hand to reach and educate perpetrators?

### Human Trafficking (COB 28, 29)

Despite the concerns raised in COB 28 and recommendations given in COB 29, the situation regarding trafficking in women\* and exploitation in sex work has not improved noticeably since 2016. There are persistent cantonal disparities in relation to identification, the granting of residence permits, protection and/or adequate assistance. The situation in the asylum sector is particularly serious, mainly due to the lack of protection for victims who were exploited before their arrival in Switzerland. In addition, very short deadlines and the prevalence of Dublin Procedures over the human trafficking protection framework are very problematic.

The increased regulation of the sex industry in the last few years has not led to the promised increase in protection for sex workers, but instead has resulted in more control, repression and criminalisation. The consequence is that sex work is more dangerous, more difficult and riskier for women\*.

🡺How does Switzerland ensure all victims of trafficking have access to protection and specialised assistance regardless of place of exploitation, residence statues or existence of criminal proceedings?

🡺How is Switzerland improving sex workers’ working conditions?

For a LoIPR regarding trafficking in women\* and exploitation of sex workers, please consult the submission of FIZ et al.

## Asylum Seeker/Migrant Women\* (COB 27, 47)

### Housing/Accommodation

Women\* refugees do not feel safe in the collective accommodation provided today by the Confederation and the Cantons. They do not experience equality with the men there, primarily because of the infrastructure of the shelters and the existing care relationships. Switzerland is completing a report on the situation of women\* refugees in Switzerland for autumn 2019. It is already clear that not all the problems identified will lead to measures being taken. In addition, resources and a willingness to improve the situation are insufficient.

All trans and most LGB asylum seekers housed in collective accommodation are affected by violence and (therefore) suffer from serious health problems, deteriorating during their stay in the centres. In some centres, the employees take an active part in this, for example by misgendering or outing them and blocking access to indicated medical treatment.

🡺What is Switzerland doing to ensure that gender and trauma sensitive guidelines are put in place in all aspects of housing and services to women\* and LGBTIQ refugees, and what measures are being taken to ensure that those guidelines are monitored and implemented by state parties and contractors alike?

### Asylum Procedures

The current asylum procedure is not gender-sensitive: structural deficits and a lack of awareness of the situation of women\* and their possible traumatisation mean that they cannot find protection in Switzerland. Women\* refugees are not adequately informed about what the women\*-specific reasons for flight are, and that they have the right to assert them. In addition, the Federal government has created a high hurdle for talking about experiences of violence: women\* refugees are not systematically interviewed and accompanied by an exclusively female team (interviewer, interpreter, legal representative, relief organisation representative, legal adviser).

The special problems that LGBTIQ asylum seekers face when asking for protection, such as a fear of coming out or to come out in the first interview, fear of the interpreters, lack of words to describe themselves, lack of country of origin information and lack of interviewers’ awareness, lead not only to an unfair procedure but also to protection being denied for those who are persecuted.

🡺What steps is Switzerland taking to ensure gendered motives for fleeing are taken into account at all times in practice?

🡺Does Switzerland plan to abolish the principle of safe countries or at least carry out a substantive examination of GBV and LGBTIQ asylum seekers?

🡺Does Switzerland plan to use the right of self-entry by Switzerland in Dublin cases involving gender-specific violence?

### SRHR (COB 27, 39)

Women\* refugees have little access to information and counselling on sexual health. In addition, their choice of contraceptive methods is severely restricted. Women\* cannot self-determine their sexuality and their family planning.

Trans asylum seekers usually have no access (or only after a serious delay of several months or more) to the gender-affirming treatment which they need, in particular psychological help, (continuation of) hormonal treatment and surgery and also to general, not transition-related medical treatment.

🡺What measures is Switzerland taking to ensure access to SRHR for all refugee women\* and girls\* and LGBTIQ refugees, and access to systematic flight-sensitive and culture-sensitive information and advice, as well as free contraceptives?

### GBV

All women\* affected by violence in Switzerland are entitled to support. This has at least been the case since the Istanbul Convention came into force. However, the current Victim Assistance Act does not allow the provision of support to women\* refugees who have experienced violence while fleeing or in their country of origin.

🡺When and how does Switzerland intend to close the gaps in assistance to victims of crime abroad in order to eliminate discrimination against all women\* refugees independent of their stay permit?

🡺What steps are being taken to provide women\* refugees who experience violence in Switzerland with access to protection and support?

### Residency Permits

According to the law, migrant women\*’s residence permits depend in principle on their living together with their Swiss husbands or residing in Switzerland. If they separate from their violent husbands, they run the risk of losing their residence permit and being deported. The perverse effect is as follows: for fear of losing their permit, foreign women\* who are victims of domestic violence will be even less inclined to leave their husbands and will prefer to keep quiet about the acts of violence that they have suffered, which will often only get worse.

🡺When will Switzerland revise the Aliens Act and withdraw its reservation to Art. 59 of the Istanbul Convention so that victims of domestic violence can obtain an independent residence permit upon termination of their marriage or relationship?

## Implementation of the Istanbul Convention (COB 27, 53)

The Istanbul Convention must be implemented fully and in a non-discriminatory way, including on grounds of gender identity or residency status. The reservations must be withdrawn.

🡺Where does Switzerland stand in the implementation of the Istanbul Convention with regard to obligations relating to sexual violence (with the four pillars of prevention, support/protection, prosecution, coordinated action)?

# **Women\*, Peace, Security (COB 17, 27, 33)**

## Arms Trade and SGBV

Studies show that restricted access to (fire)arms is a means to prevent gender-based-violence, specifically domestic violence.

🡺What measures is Switzerland taking to limit access to (fire)arms on its territory?

🡺Has Switzerland commissioned an independent study on the link between arms exports, arms possession and gender-based-violence?

🡺Is Switzerland concerned about its conflicting position as both an arms exporting country and a defendant of international instruments for the rapid and reliable tracking of illicit small arms and light weapons?

🡺How can Switzerland ensure that arms exports do not downgrade the safety of women\* in the receiving country at the moment of transaction and later?

🡺Does Switzerland collect gender-sensitive data on arms?

## Prevention of Violent Extremism

Since the adoption of UNSCR 2242, which calls for linking the WPS and PVE agendas, there have been concerns that women\*’s empowerment and gender equality might only be promoted insofar as they serve state security.

🡺How is Switzerland ensuring that its PVE policy reflects the concerns of women\* and women\*’s organisations without harming women\*, women\*’s rights and civil society?

## Participation of Women\* in Peace Processes

🡺How is Switzerland ensuring that women\* effectively participate in negotiation, mediation and post-conflict reconciliation and rebuilding activities, from grassroots to senior levels?

## Human Security for Women\* in Post-conflict Zones

Human security for women\* goes beyond a restricted understanding of physical security.

🡺What is Switzerland doing to ensure women\*’s participation in post-conflict governance structures?

🡺How is Switzerland promoting the creation of employment opportunities for women\*?

🡺What measures has Switzerland taken to ensure women\*’s access to education and health services, in particular in sexual and reproductive health?

1. [avanti donne](http://www.avantidonne.ch), [DécadréE](http://decadree.com), [Inclusion Handicap](https://www.inclusion-handicap.ch/de/inclusion-handicap-dachverband-der-behindertenorganisationen-schweiz-1.html), [InterAction](http://www.interaction-schweiz.ch), [SFH](https://www.fluechtlingshilfe.ch/), [Zwischengeschlecht](http://zwischengeschlecht.org/) [↑](#footnote-ref-1)
2. CRC/C/CHE/CO/2-4, paras 42-43; 2015: CAT/C/CHE/CO/7, para 20; 2016: CEDAW/C/CHE/CO/4-5, paras 24–25, 38–39; 2017: CCPR/C/CHE/CO/4, paras 24-25. [↑](#footnote-ref-2)
3. https://cockpit.gfsbern.ch/cockpit/sexuelle-gewalt-in-der-schweiz/ [↑](#footnote-ref-3)