

Written submission from the

**NGO-Coordination post Beijing Switzerland,** to the attention of the

**Committee on the Elimination of Discrimination against Women (CEDAW), 83rd session,**

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This reporting relates to the [shadow report](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCEDAW%2fICS%2fCHE%2f46552&Lang=en) published for the period 2016-2020.

(May be posted on the CEDAW website)

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Introduction

This reporting was drawn up by the NGO-Coordination post Beijing Switzerland, a [network of 33 CSOs](https://www.postbeijing.ch/de/ueber-uns/mitgliedorganisationen/index.html), as well as other invited expert CSOs and relates to the [shadow report](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCEDAW%2fICS%2fCHE%2f46552&Lang=en) published for the period 2016-2020. It is to be understood as an update on discrimination against women in and by Switzerland since the COVID-19 outbreak and its impact on women's rights and gender equality.

The COVID-19 pandemic has thrown a harsh spotlight on social inequality in our society. The pandemic has massively exacerbated the inequalities of vulnerable and stigmatized groups such as sans-papiers, people without secure incomes or sex workers. Those who suffer multiple forms of discrimination at the same time are more vulnerable than others in any situation. In a crisis like the COVID-19 lockdown, this vulnerability becomes acute.

Our perspective is an inclusive and intersectional one: by the term “women” we refer to persons who identify fully or partially as female, are always or sometimes read by others as female, and/or have been/are raised as girls/women. By this definition we explicitly include trans persons as well as intersex and cisgender women. If not explicitly mentioned, we read the term women in an intersectional way. Furthermore, intersectionality is understood to be transversal in relation to all the issues raised.

**We would like to draw your attention to the following individual reports which we support:**

* InterAction – Swiss Intersex Association
* Federal Commission for Women's Issues FCWI, Switzerland

Sexual and Reproductive Health

1. **Access to contraception and to abortion during COVID-19**

In Switzerland, a broad range of contraceptives are available, however contraceptive commodities and supplies are not covered by health insurance and social benefits do not include contraception costs. During the COVID-19 pandemic, access to contraception and abortion was restricted in practice for some groups of people, mainly those living in a precarious situation or in poverty, as they could no longer afford to pay contraception. This deepened already existing inequalities in relation to reproductive choice.

The umbrella organization of the Swiss centers for sexual and reproductive health[[1]](#footnote-1) was able to support those in need due to Covid through an emergency fund. The cantonal centers for sexual health could apply for support for those clients, who could no longer pay for contraception and those who could not cover all the costs in connection with an abortion, either because they had no health insurance or because they could not pay the deductible and/or co-payment. In February 2021, a report on this temporary project was published[[2]](#footnote-2). Analysis of 167 contraception cases revealed that the majority of cases needing financial support for contraception were families with children, of whom 22% were single mothers. Over the same period, a total of 45 applications were submitted for funding of uncovered costs in connection with an abortion. Almost one quarter of these cases concerned girls aged younger than 18. 73% were people living in Switzerland without Swiss citizenship. Access to contraception remains an issue also since then. For cantonal family planning centers, this is a challenge in their daily work because they regularly have clients who cannot afford contraception.

**Recommendation**

The Swiss government needs to focus on creating reimbursement for contraception for all women of reproductive age, in particular ensuring that vulnerable groups and adolescents are covered.

Harmful practices

1. **Sex-modifying procedures for children with variations of sex characteristics (Intersex)**

Despite repeated criticism by UN Human Rights Bodies of harmful practices on children with variations of sex characteristics[[3]](#footnote-3), these procedures are still carried out in Switzerland without free and full consent. The recommendations from the Swiss Ethics Commission have not been implemented by the Swiss Government. Motion 22.3355 was submitted to the Council of States on 18 March 2022. The legal situation is essentially the same as it was before the ban on female genital mutilation in Article 124 Criminal Code. To ensure that the security of these children is legally protected a prohibition of these activities in the Criminal Code is crucial and indispensable.

**Recommendation**

Explicitly prohibit in the criminal code any practice that irreversibly modifies children’s sex characteristics without medical reasons and full and informed consent unless the intervention is lifesaving or of crucial importance for the child’s health.

Allocate sufficient resources to awareness-raising campaigns (action plan) aimed at promoting positive, and participatory forms of child-rearing and teaching of medical students in textbooks.

1. **Consequences of the Corona pandemic on intersex people**

For intersex people, the pandemic has considerably increased the risk of limited access to health and psychological care, trauma, especially when infected with Covid-19. Namely for intersex people seeing a doctor can be a retraumatising experience. According to a European survey[[4]](#footnote-4) 62% reported a worsening of their mental health, and 21% experienced a relapse of their previous mental health issues due to the pandemic.

**Recommendation**

Make general access to healthcare and psychological counselling available to intersex persons, by means that will also reach those who are scared to contact health professionals with the necessary expertise. Intersex associations should be involved in the development of safety measures and strategies during a pandemic.

Economic and social benefits

1. **Swiss tax and financial policy**

In 2020-2021, as in prior years[[5]](#footnote-5), Swiss tax and financial secrecy policies undermined the realization of women’s rights in the Global South by depriving governments of the revenue basis needed to protect fundamental women’s rights, including the right to health, education, non-discrimination, economic security, a sustainable environment, and protection from violence. These policies of the Swiss government were particularly harmful in light of the devastating impact of Covid-19 on women’s rights. These policies are also especially harmful in the Global South, where far too many women die in childbirth or from preventable diseases, due to insufficient resources for health care, and where far too many women and girls experience violence or exploitation, due to insufficient public investment in public safety and violence prevention.[[6]](#footnote-6) Although Swiss tax and fiscal policy harms many in the Global South, women are harmed disproportionately as the realization of women’s basic rights is particularly resource dependent.[[7]](#footnote-7)

Switzerland is ranked by the Tax Justice Network as the fifth largest tax haven, responsible for a loss of over $21 billion in tax revenue for other countries.[[8]](#footnote-8) It also ranks second in the world for financial secrecy.[[9]](#footnote-9)  According to calculations by Economists Without Borders, multinational corporations shift $100 billion dollars in profits annually to Switzerland.[[10]](#footnote-10) Switzerland is at the forefront of benefiting from the "tax optimisation" practices of multinational corporations, which work to shift profits from developing countries to Switzerland.[[11]](#footnote-11)

In its 2016 review of Switzerland’s record with respect to women’s rights, CEDAW expressed “concern about … [Switzerland’s] financial secrecy policies and rules on corporate reporting and taxation having a potentially negative impact on the ability of other States, in particular those already short of revenue, to mobilize the maximum available resources for the fulfillment of women’s rights.” CEDAW recommended that Switzerland “[u]ndertake independent, participatory and periodic impact assessments of the extraterritorial effects of its financial secrecy and corporate tax policies on women’s rights and substantive equality, ensuring that such assessments are conducted impartially, with public disclosure of the methodology and findings.”

In its December 2020 report to CEDAW, Switzerland did not respond to these recommendations.  It referred only to its national action plan on business and human rights, which regrettably does not discuss the extraterritorial effects of financial secrecy and corporate tax policies (or tax avoidance issues more generally).  In its“Roadmap” for implementing CEDAW’s recommendations, Switzerland marked this recommendation as “not implementable, not a priority.” It gave no explanation for this determination.

**Recommendation**

Accordingly, we respectfully request that CEDAW inquire into Switzerland’s failure to respond to its 2016 recommendation and renew its recommendation that Switzerland report publicly on the extraterritorial impacts of its tax and fiscal policies on the realization of women’s rights.

1. **Poverty**

For decades, Switzerland has experienced an economic boom with an increase in millionaires of about 7% per year over this period, with a simultaneous increase in the intensity of poverty in the population. The super-rich – around 2% of Switzerland’s population – receive tax breaks while the general population has suffered a decline in spending power due to rising fixed costs (increase in premiums, housing rents, etc.). This trend was accentuated by the Covid-19 pandemic during 2020-2021. Those who were rich became richer and those who were poor are now even poorer. Despite the federal poverty reduction strategy, the trend of impoverishment in the population has not been stopped and the pandemic has exacerbated precariousness.[[12]](#footnote-12)

Women are affected by poverty twice as much as men systematically first in the working life (76.3% of women in Switzerland have an employment) and in the retirement age, because as part-time employees they are often pushed into precarious economic conditions - partly without occupational pension (1/3 has only the AHV) or the other pensioners receive 1/2 to 2/3 of a men's pension. This is due to the fact that women often juggle several mini-part-time jobs (lower than 50% employment, no pension fund) alongside their unpaid care work.[[13]](#footnote-13)

Working mothers in precarious situations are especially under enormous pressure, which has increased with the Covid-19 pandemic. They very often work under worse working conditions than men in low-wage industries with so-called women's wages, plus there is about 20% wage discrimination. Also they suffer from underemployment and only get temporary contracts. Women are either buffers in the crisis or, despite system relevance, poorly paid and even found in exploitative employment relationships (private households) out of their financial need. This leads to enormous tensions in many poverty-stricken families and pushes women into isolation and loneliness. One in five women cannot afford to divorce financially - every second woman lives in economic dependence on her partner. This is cemented in Switzerland with a lack of parental leave, inadequately funded supplementary family childcare services and a lack of day schools. Children are a private matter in this country, and the conservative culture is geared toward housewives. Despite all these systematic gender discriminations, mothers reduce their employment because they often have no other choice. Single parents, migrant women and women in private households are the most vulnerable categories. They are ground down between the mills of unpaid and paid work. Children have once again become a poverty risk for the lower and middle socioeconomic classes in Switzerland today.[[14]](#footnote-14)

The Covid-19 pandemic demanded much more from the lower socioeconomic strata (20% wage reduction due to short-time work, overtime, dismissal, etc.) than from the high earners (with partial wage guarantees despite reduction in working hours). Furthermore, the risk of catching the Covid disease increase with a drop in income, because spatial possibilities are more limited for those subject to poor socioeconomic conditions in the precarious strata and their access to health care facilities is partly impeded up to the lack of disease insurance, e.g. of sans-papiers. It has been shown that serious illnesses and deaths are significantly dependent on economic status and gender in Switzerland.

**Recommendation**

Adopt an intersectional federal poverty reduction strategy focusing on the most disadvantaged groups of women to fight poverty in a sustainable way.

1. **Maternity insurance in Switzerland**

On July 1, 2005, the maternity insurance came into effect. Based on the relevant applicable legal provisions for employees in Switzerland it is undisputed, that the claim for compensation for people doing military or civil defence service, which mainly benefits men, is a compulsory insurance based on article 324a and 324b of the code of obligations. These two articles oblige employers to ensure that employees receive at least four-fifths of the salary income lost over that period. On the other hand, it is still a point of discussion in doctrine and jurisprudence whether the maternity allowance, which exclusively benefits women and is based on article 16 ff. of the federal law on income compensation, is officially recognised as a compulsory insurance.

Furthermore, the maternity allowance is limited on a maximum of CHF 196.00 per day, whereas the continued payment of wages for people doing military or civil service is at 80 % of the effective average wage and not limited. Primary this argumentation is clearly not in accordance with the equal pay between men and women protected by article 8 para 3 of the Swiss constitution. In addition, it is suspected that with this interpretation of the maternity insurance not being a compulsory insurance women and mothers are discriminated. The legislator has taken a clear position that this was not the intention when the maternity insurance was put into force.

**Recommendation**

It must be made clear that maternity insurance is a compulsory insurance and therefore four-fifths of the salary must be paid during maternity leave and that the daily allowance is not limited.

Gender-based Violence

1. **Exploitation of migrant sex workers**

The measures taken over the years 2020-2021 to combat the Covid-19 pandemic have disproportionately affected migrant women.  Structural errors were manifested once again as social assistance in Switzerland is very closely linked to the migration law. Those who receive social assistance can lose their annual residence permit, can be downgraded from a permanent residence permit to an annual residence permit, and naturalization could be denied for years. In addition, social assistance in Switzerland is highly stigmatizing. Fearing the consequences under migration law and the stigma, many people refrained from receiving social assistance and thus got into unbearable financial hardship, debt and exploitation.[[15]](#footnote-15)

Especially migrant women who worked in the informal sector suffered particularly from income and job losses due to the pandemic. Among them were many sex workers who were affected massively from the pandemic situation and its political measures. With the intention of reducing the risk of infection Sex work was banned for months during the first year of the pandemic in Switzerland. (First, there was a nationwide ban, and after three months, the regulation of corona measures was delegated to the cantons, some among them did extend the bans of sex work for months and a patchwork of cantonal rules emerged). Many sex workers in Switzerland are EU-nationals and are in the so-called notification-procedure for short term work and are not entitled to social assistance. Despite the work bans, the most vulnerable sex workers were forced – due to financial pressure – to continue working. Counseling centers for sex workers reported an increase in aggression, violence, sexually transmitted diseases, and pressure on prices and practices. Different support initiatives were taken to prevent sex workers from poverty, violence and exploitation:

For sex workers, regardless of their resident or work permit, different NGOs and some local authorities also provided financial aid, vouchers and/or goods such as food, sanitary products etc. This support helped beneficiaries to be equipped and capable of acting at least in the short term. However, it was not sustainable or sufficient for all those who would have been entitled to it. The regional and cantonal differences in support services were huge and not coordinated.[[16]](#footnote-16)

Migrant sex workers who have a legal residence status in Switzerland and pay social security contributions may have been eligible for state support such as social assistance or compensation for loss of income. However, even for eligible sex workers, the barriers for access to state support were high: language barriers, difficult access to information, fear of consequences under immigration law and stigmatization, or the difficulty of providing the necessary evidence of losses (sex workers do not usually receive receipts for their services) mean that many sex workers did not (or could not) claim their entitlements.

The national and cantonal measures against the Covid-19 pandemic were not adapted to the life situation, life environment and life coping strategies of sex workers. They did not take into account that measures intended for the general population, such as compulsory registration, would not work or even be counterproductive for sex workers. They furthermore did not lead to a significant reduction in the risk of infection. Due to the increased financial pressure, some sex workers even took more risks than before. In addition, there were negative side effects, in particular more abuse of power by clients against sex workers.[[17]](#footnote-17)

**Recommendations**

Since the most vulnerable sex workers are forced to continue working, it is recommended not to impose a work ban in a similar case. Financial assistance must be unbureaucratic, comprehensive and sustainable.

Legal provisions and their enforcement must be uniform and coordinated.

Stereotypes

1. **Culture and history**

On May 30, 2022, the Swiss Parliament passed a motion instructing the Federal Council to develop a concept for a third party network on the history of gender equality in Switzerland in the sense of Article 10 of the Cultural Promotion Act and to provide for the financing of this network in the next cultural message. The motion that was submitted in this regard was about the presentation of the entire history of women in a National Women's Museum. While we agree in principle with the planned approach, we regret the reduction to the history of equality of sexes. We point out that the entire history of women in Switzerland must be addressed. This is of central importance to sustainably abolish the centuries-long discrimination against women. Gender stereotypes persist in Swiss society because they are hardly questioned. Awareness of this state of affairs is needed in order to advance the equality of women.

**Recommendation**

The planned network is to preserve, make accessible and communicate the history of women in full.

Acknowledgement

To contribute to the implementation of CEDAW in Switzerland, we rely on the expertise and contributions of our member organizations, as well as other experts. At this point a big thank you goes to the tireless commitment of our members. We especially thank Alliance Sud and Alexandra Dufresne, Senior Lecturer, Brooks School of Public Policy, Cornell University for their contribution.

However, to ensure that a consolidated shadow report is available to the CEDAW Committee in each reporting cycle, we need financial support. Every contribution is welcome and appreciated.

NGO-Coordination post Beijing Switzerland

Zähringerstrasse 17

6003 Luzern

Raiffeisen Bern

Konto 41493.02

BC 81488

IBAN CH66 8148 8000 0041 4930 2

1. SEXUAL HEALTH SWITZERLAND (SGCH). [↑](#footnote-ref-1)
2. From 12.05.2020-31.5.2020 and from 15.10.2020-31.12.2020 (extension of the project) a total of 125‘252 CHF could be dispersed from the Covid-emergency fund. [↑](#footnote-ref-2)
3. 2015: CAT/C/CHE/CO/7, para.20(a-c) and CRC/C/CHE/CO/2-4, para.43(b) (Harmful practices); 2016: CEDAW/C/CHE/CO/4-5, para.25(a-e) (Harmful practices) and 2017: CCPR/C/CHE/CO/4, para.25(a-c); 2021: CRC CRC/C/CHE/CO/5-6, para.29(a-d): recommending a prohibition of the performance of medical or surgical treatment on intersex children where those procedures may be safely deferred (b), para.39(d); para.15(a). [↑](#footnote-ref-3)
4. OII Europe (2020). COVID-19. A report on the situation of intersex people in Europe and Central Asia. Authored by Dan Christian Ghattas, with Irene Kuzemko. Berlin. [↑](#footnote-ref-4)
5. Alliance Sud, CESR, Tax Justice Network et al. (2016), Swiss Responsibility for the Extraterritorial Impacts of Tax Abuse on Women’s Rights [accessed 5 September 2022], <https://taxjustice.net/wp-content/uploads/2020/07/switzerland_cedaw_submission_2nov2016-1-1.pdf>. [↑](#footnote-ref-5)
6. Tax Justice Network: Tax Justice & Human Rights, The 4 Rs and the Realisation of Rights (2021) [accessed 5 September 2022], <https://taxjustice.net/wp-content/uploads/2021/12/Tax-Justice-Human-Rights-Report_July_2021.pdf#page=2&zoom=auto,-266,135> [↑](#footnote-ref-6)
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8. Tax Justice Network (2021), Country Profiles: Switzerland [accessed 6 September 2022], <https://taxjustice.net/country-profiles/switzerland/> [↑](#footnote-ref-8)
9. Tax Justice Network (2022), Financial Secrecy Index [accessed 5 September 2022], <https://fsi.taxjustice.net/> [↑](#footnote-ref-9)
10. Tørsløv, Wier, Zucman (2022), The Missing Profits of Nations [accessed 5 September 2022], <https://missingprofits.world/> [↑](#footnote-ref-10)
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12. World Economic Forum. (2022) Global Gender Gap Report [accessed 9 September 2021], <https://www3.weforum.org/docs/WEF_GGGR_2022.pdf>. [↑](#footnote-ref-12)
13. Bundesamt für Statistik. Armut [accessed 9 September 2021], <https://www.bfs.admin.ch/bfs/de/home/statistiken/wirtschaftliche-soziale-situation-bevoelkerung/soziale-situation-wohlbefinden-und-armut/armut-und-materielle-entbehrungen/armut.html> [↑](#footnote-ref-13)
14. For further reading see: Bundesrat (2022), Erfassung des Gender Overall Gap und anderer Indikatoren zu geschlechterspezifischen Einkommensunterschiede [accessed 9 September 2021], <https://www.newsd.admin.ch/newsd/message/attachments/73041.pdf>. [↑](#footnote-ref-14)
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