



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

## **NGO Shadow Report Switzerland**

**On the 3rd Country Report on the implementation of CEDAW**

### **Answers to the questions of the committee members on 20-07-2009**

#### **1. Are in Switzerland migrant women more discriminated than migrant men?**

Yes, migrant women are more discriminated than migrant men, but discrimination against immigrant women depends on their region of origin. There is LEGAL discrimination against women from the third world or Asia, Africa and Latin America and not for women from the EU or North America. For example, women from the third world, married to Swiss men, cannot work for at least three years because the law only provides them the legal permit to stay with their husband and to work after three years of living together in Switzerland. Otherwise, their employer has to apply for a special permission. This forces many women to stay in abusive and violent relationships, especially because they are completely financially dependent on their husbands. For professional immigrant women from the third world, this is a triple discrimination, because they are women, immigrant, and educated but their foreign diplomas are not recognized.

#### **2. Permit “L” – cabaret dancers**

Currently, permit “L” is the only legal chance for women from Asia, Africa and Latin American to come to Switzerland, under the condition they work as cabaret dancers. Women with this permit must work as cabaret dancers, which means that they usually need to strip. Once in Switzerland, they cannot change their job or the cabaret.

It is important to note that there are many migrant women from the third world in Switzerland that work as domestic workers, babysitters, and caretakers for elderly people, however, because their work is not legally recognized, they are subject to exploitation, and cannot benefit from basic rights such as minimum wage, healthcare, etc. Therefore we urge the government to expand the permit “L” for other working areas to eradicate discrimination and exploitation of women.

It is imperative that Switzerland raises awareness amongst the public against racism and discrimination, especially against migrant women. Though there are NGOs working on these issues, they lack sufficient funding and resources. In addition, the current campaigns do not link women and migration, and therefore overlook the realities of migrant women living in Switzerland. The government must involve the media, the public education system, and all governmental agencies to eliminate gender stereotypical attitudes and behaviours that relegate migrant women, more than Swiss women, in typical gender women roles like mother, wife or prostitute.

#### **3. On the issue of consultation with the government during the writing of the state report, the availability of the state report and the NGO report to the state:**

The relation with government was quite good. We received the first draft of the state report and had the possibility to informally consult the final version before its release. This facilitated

the writing process of the NGO report enormously, as we could base our work upon the actual version of the state report.

The NGO report was also sent to the government after its release.

#### **4. On the issue of the role of the NGO Coordination post Beijing in disseminating the concluding observations of the CEDAW Committee and ensuring its implementation:**

As a national organization, we are organizing symposia and conferences for other NGOs and the authorities to inform about specific issues on gender equality. We do media work to inform about the observations; we have our own newsletter and we will approach the Swiss media.

We do lobbying work: we have some parliamentarians as members of our organization and good contacts to other parliamentarians, so they can directly influence the policy making process by bringing up the observations within the parliament.

We will have follow-up meetings with the Swiss delegation to discuss about the implementation.

#### **5. You mentioned that combating stereotypes is still an important issue in Switzerland in different areas. How do you think you could combat them, is it more through laws or through education – what do you suggest to do to combat them?**

We believe that combating stereotypes has to be done through laws on a structural level and through education on a cultural level as well. Also laws on educational levels are needed. The education system could bring about significant improvements by systematically including gender equality as a topic in the syllabus.

Schools need to clearly promote alternative role models and gender-competent teachers and professors are needed. Teachers need to be aware of gender issues.

Gender equality needs to be systematically included in the education system at policy and implementation level. Equality must be enshrined in the Educational Acts of all 26 Cantons<sup>1</sup>. Financial resources need to be given by the Confederation and Cantons for the realisation of education against (gender) stereotyped roles. The realised efforts must be assessed and evaluated. Practically, gender mainstreaming should be achieved on every educational level through mentoring or coaching for gender-atypical jobs, research, education and training programmes on gender equality. Please also view our shadow report for some examples.

For example, there was a programme in the Canton of Bern to introduce young women to informatics, building up a special school year during vocational training. Lack of funding has closed it down again.

Switzerland still having a very low rate of female young researchers and professors („glass ceiling“, „leaky pipeline“), also on Higher Education level stereotypes need to be combated. One very good example of doing that with a programme is very concretely the „Swiss Federal Equal Opportunities at Universities Programme“ which is running in four year cycles, and the prolongation is in danger. We urge the Committee to support our claim to the Swiss government to prolong it another four years 2012-2015. It encompasses a range of instruments including mentoring and coaching programmes (which should be at every level, not only focusing doctoral or postdoctoral level), and also many equality offices are financed with this money.

Also the support of Women and Gender Studies is crucial, as this research helps combating stereotypes and provides important knowledge.

Thus, not only political will or laws are necessary for combating gender stereotypes, but also financial resources to build up or/and maintain programmes and posts.

#### **6. Not married women living in relationship**

There's no stigmatising of having children being unmarried in Switzerland nowadays. But Switzerland has no special laws for unmarried mothers. That means women have the children after separating on one hand but might have the financial problems on the other hand. They don't get alimonies for themselves but only for the children. If the father doesn't earn enough he doesn't have to pay for the children as the minimum he needs for living won't be touched. It's the mother who has to ask for welfare and will have to pay back the money later on if she earns enough. The not married women don't get pensions out of the old age and

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<sup>1</sup> Switzerland consists of 26 Cantons, comparable to British counties, which each has its own parliament (federalism).

survivors insurance of their partners. They don't inherit from their partners if there's no contract between them (and the state asks for higher taxes of the inheritance as from spouses). The opinion is: If you don't want to get married – what's your free choice – then you can't profit from those things. On the other hand a lot of couples don't get married because of saving taxes.

**We ask for following recommendation:**

- ***The system has to be changed so the men have to pay back money their children got from the welfare too.***

## **7. Taxation**

The current taxation is to disadvantage married couples living partnership-based and egalitarian roles. As long as the wages from the married couples are jointly taxed and that happens in a progressive way there doesn't stay a lot of the wage from the second spouse after having paid the taxes. Splitting by so far hasn't had a chance either in Switzerland. That's why the unmarried couples, where each person is taxed separately, pay far less taxes than the married. Up to now costs for child care aren't regarded as acquisition costs in the taxation system. Therefore the state and a lot of the cantons don't allow the deduction of costs for child minding by third parties even though it's obvious that the parents of little children can't go working and earning if no one looks after their children.

The federal government is planning a reform that should bring about an improvement in the situation of families with children. No point of discussion is the taxation of individuals or the introduction of splitting. The proposed measures are an increase in the deductions allowed for children in direct federal tax and the introduction of a deduction for child minding by third parties. The parliament is going to discuss those plans on August 10 and 11 2009. As the majority of the parliament's members is conservative it isn't sure at all that the proposed changes become reality (soon). A second problem is that the taxes on cantonal level are much higher than on federal level. Changes there are far more important. That's why the federal parliament should give the cantons targets that have to be followed. As long as the cantons don't allow deductions for child minding by third parties the problem isn't solved. A further problem is that as long as paid child care doesn't allow a deduction there is the risk of insecure and clandestine employment of the childminders because whether the employer nor the employee are interested in making their employment official. Both can avoid paying social insurance and the employee avoids paying taxes.

**We ask for following recommendations:**

- ***The taxation system has to be changed so it doesn't disadvantage married couples living partnership-based and egalitarian roles and therefore people pay taxes according to their economic performance: at least splitting, even better were to tax couples separately; consideration of costs for child minding by third parties on federal and cantonal level;***

## **8. Go to court**

It's a problem of attitudes and behaviour that women hardly fight individually for their rights in court. So they seldom ask for equal pay in court because they fear to lose their job and don't want to annoy their employer or boss. More successful were complaints from organisations for whole professions so as kindergarten teachers and nurses.

Courts hardly base on Art. 4 Par. 1 CEDAW as they don't or hardly know CEDAW. Swiss attitude is that equality is for men and women equally and that measures taken for women are not allowed to disadvantage men. So in fact men go to court when women get jobs they asked for of when jobs are offered to women only.

Art. 15: The continued existence of the former property partition and the corresponding reservation relating to article 15 CEDAW regarding the transitional law on marital property law cannot be justified. But it has to be remarked that this de facto is a hardly existing problem. There aren't many people left living that system as the law has been changed in 1988. There

are practically no cases in court. At the court I'm working during the last twelve years all the four judges together (working 360 %) had one or no cases at all in that time.

Art. 16: Concerning citizenship, choice of surname and forced marriage there are practically no complaints courts have to judge. Concerning the separated responsibility for children the women aren't glad at all that it will become law. That means that the fathers are getting more rights but not more obligations and the women have something more to care about as they have to get the opinions of the men as well. They fear that gives the fathers a chance more to annoy them.

You can go to court even if you lack the necessary finances. But the free access to court will only be granted if the process is not hopeless. Hopeless complaints are, where the profit outlook is far lower than the danger of loss and therefore the chance of winning the process can hardly be considered as serious. The determining factor is whether a party who has the necessary financial resources, with reasonable consideration would decide to go to court.

### **9. Part-time jobs**

As in Switzerland it is an attitude that the mothers have to stay with the children it is difficult to do else. A mother working 100 % has to explain why she's doing that and who is looking to the children. Most domestic work is done by women even if both partners are working. Child care places are missing. The men are earning far more so it isn't interesting if the women works a lot and the money has to be paid for child care and taxes.

### **10. Parental leave**

That's actually no point of discussion for the fathers at the moment. Even a lot of cantonal parliaments have rejected a parental leave for the male employees of the cantonal administrations. The most some employers from the private sector offer are five days. For women the federal law stipulates since 7/1/2005 98 days (14 weeks) 80 % of the salary at a maximum from SFr. 172.00 a day. If the woman starts work earlier this entitlement expires. There are a lot of employers paying 16 weeks 100 % of the salary. But there were even cantonal parliaments cutting down this existing settlement after the federal law entered into force to save money.

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