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**Committee on the Elimination of Discrimination
against Women****Concluding observations on the sixth periodic report of
Switzerland***

1. The Committee considered the sixth periodic report of Switzerland (CEDAW/C/CH/6) at its 1927th and 1928th meetings (see CEDAW/C/SR.1927 and 1928) held on 21 October 2022.

A. Introduction

2. The Committee appreciates the submission by the State party of its sixth periodic report, which was prepared in response to the list of issues prior to reporting (CEDAW/C/CHE/QPR/6), as well as its follow-up report to the previous periodic report (CEDAW/C/CHE/CO/4-5/Add.1). It welcomes the oral presentation by the delegation and the further clarifications provided in response to the questions posed orally by the Committee during the dialogue.

3. The Committee commends the State party's multisectoral delegation¹, which was headed by Ms. Sylvie Durrer, Director Federal Office for Gender Equality, Federal Department of Home Affairs. The delegation also included representatives of the Swiss Conference of Gender Equality Delegates, the Federal Office for Gender Equality, the Federal Social Insurance Office, the Federal Office of Justice, the Federal Office of Police, the Federal Office of Public Health, the State Secretariat for Economic Affairs, the State Secretariat for Migration, the Human Rights Diplomacy Section of the Department of Foreign Affairs, from the Federal Statistical Office and the Permanent Mission of Switzerland to the United Nations Office and other international organizations in Geneva.²

B. Positive Aspects

4. The Committee welcomes the progress achieved since the consideration in 2016 of the State party's combined fourth and fifth periodic reports (CEDAW/C/CH/CO/4-5) in undertaking legislative reforms, in particular the adoption of:

(a) Legal amendments recognizing same-sex marriage in 2022, following an overwhelming majority in a popular vote in 2021;

* Adopted by the Committee at its eighty-third session (10-28 October 2022).

¹ Please systematically commend the high level delegation, for delegations led by a minister a person acting as minister.

² Suggested during the Committee's 69th session in February 2018, and applied to the RoK. Can be used when the SP delegation bring their own interpreters.

(b) Amendments to the Gender Equality Act in 2020 to strengthen the principle of equal pay for work of equal value;

(c) The 2019–2023 legislative programme with four equality-related measures;

(d) The Federal Law to strengthen protection of victims of violence, including gender-based violence against women, in 2018.

5. The Committee welcomes the State party's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as the adoption and establishment of the following:

(a) The National Action Plan for the implementation of the Council of Europe Convention on preventing and combating violence against women and domestic violence 2022-2026;

(b) The 2030 Gender Equality Strategy and the related action plan;

(c) The 2030 Sustainable Development Strategy and the related action plan, in which gender equality figures prominently;

(d) The 2018 – 2022 national action plan for the implementation of Security Council resolution 1325 (2000) on women and peace and security.

6. The Committee welcomes the fact that, in the period since the consideration of the previous report, the State party has ratified the Council of Europe Convention on preventing and combating violence against women and domestic violence in 2017, which entered into force in 2018.

C. Sustainable Development Goals³

7. **The Committee welcomes the international support for the Sustainable Development Goals and calls for the realization of de jure (legal) and de facto (substantive) gender equality, in accordance with the provisions of the Convention, throughout the process of implementing the 2030 Agenda for Sustainable Development. The Committee recalls the importance of Goal 5 and of the mainstreaming of the principles of equality and non-discrimination throughout all 17 Goals. It urges the State party to recognize women as the driving force of the sustainable development of the State party and to adopt relevant policies and strategies to that effect.⁴**

D. Parliament

8. **The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see the statement by the Committee on its relationship with parliamentarians, annex VI to E/CN.6/2010/CRP.2⁵). It invites the National Council and Council of States, in line with its mandate, to take necessary steps regarding the implementation of the present concluding observations between now and the submission of the next periodic report under the Convention.⁶**

³ New title as suggested by Mr Bergby during the Committee's 68th session in November 2017 (applied to the CoBs on Monaco)

⁴ Decision taken during the 71st session to revise the standard paragraph on SDGs

⁵ Decision taken by the Committee during the 70th session to introduce reference to the report in which the Committee's statement on its relationship with Parliamentarians is cited.

⁶ Modified during the Committee's 72nd session in February / March 2019.

E. Principal areas of concern and recommendations

Reservations

9. The Committee reiterates its concern that the State party has yet to withdraw its reservation to articles 15 (2) and 16 (1) (h).

10. The Committee recalls its previous concluding observations (see CEDAW/C/CHE/CO/3, para. 12, CEDAW/C/CHE/CO/4-5, para. 9) and urges the State party to indicate in its next periodic report, if still relevant, a timetable for the withdrawal of its reservation to articles 15 (2) and 16 (1) (h) concerning the law governing the matrimonial regime applicable before 1 January 1988.

Implementation and visibility of the Convention

11. The Committee welcomes the measures taken by the State party to strengthen the implementation and visibility of the Convention at the federal level, including measures taken by the interdepartmental Working Group on CEDAW which consists of different federal offices and is headed by the Federal Office for Gender Equality. It notes the efforts undertaken at the local level to reinforce the Convention's visibility, notably the references to CEDAW in communal action plans and adoption plans for new legislation. While acknowledging the independence of the Swiss cantons vis-à-vis the Federation, the Committee notes with concern, however, vast discrepancies between the cantons in the implementation of the Convention.

12. The Committee, taking into consideration the legal responsibility and leadership role of the Federation, recommends that the State party strengthen effective coordination of its structures at all levels to ensure a uniform implementation of the Convention and equal protection of women's rights throughout the State party.

13. The Committee notes the measures taken by the State party to raise awareness on the Convention, such as the launch of an explanatory video. However, it is concerned that the women are insufficiently aware of their rights under the Convention and the remedies available to them to claim those rights.

14. The Committee recommends that the State party continue and reinforce measures to raise awareness about the Convention, the Committee's jurisprudence under the Optional Protocol, its general recommendations and its recommendations to the State party, including via increased use of the digital tools.

Direct applicability of the Convention

15. The Committee welcomes the publication by the Federal Commission for Women's Issues (FCWI) of a CEDAW Guide for Legal Practice. It notes that according to the State party's doctrine, ratified international instruments are directly applicable if the norm of the instrument is sufficiently specific and unconditionally formulated so that it is directly addressed to the authorities applying the law. However, the Committee notes with concern the information in the State party's sixth periodic report that cantonal courts rarely refer to the Convention, decisions and recommendations of the Committee, and, on the information provided by the State party delegation that there are only few court cases where the Convention has been applied directly. Specifically, it notes with concern:

(a) That the direct application of the Convention in legal proceedings remains limited and discretionary, which also points to insufficient knowledge among the judiciary about the Convention;

(b) The absence of jurisprudence or other judicial guidance on the direct applicability of the Convention, which also does not seem to be part of the systematic training of judges;

(c) The lack of data on the number of court cases where the Convention has been applied directly.

16. **The Committee recalling its previous recommendations (CEDAW/C/CH/CO/4-5, para. 13) recommends that the State party take measures to ensure that courts apply the Convention as part of the objective legal order. In particular, it recommends that the State party:**

(a) **Carry out systematic capacity-building for judges, prosecutors, lawyers and law enforcement officials on the direct application and use of the Convention in legal proceedings;**

(b) **Collect data on court cases where the Convention has been applied directly at federal, cantonal and communal levels.**

Extraterritorial State obligations

17. The Committee welcomes the international commitment of Switzerland on universal protection of human rights. It notes with concern, however, that the State party has blocked proposals at the WTO for equitable access to vaccines to uphold intellectual property rights and that many women are disproportionately impacted by the consequences of hampered vaccine access as their traditional caretaking responsibilities and overrepresentation as first responders directly exposes them to the virus.

18. **The Committee recommends that the State party take all necessary measures to support and promote women's access to vaccines globally.**

19. The Committee welcomes the State party's efforts to provide visas to women participants of international conferences in Geneva. It regrets, however, that many women, particularly from the Global South, face costly and cumbersome visa application procedures, posing a considerable obstacle to the representation of women in marginalized situations.

20. **The Committee recommends that the State party facilitate the visa application procedure to enable women from all geographic regions to participate in international conferences.**

21. The Committee notes with concern that the State party's tax and financial secrecy policies may have a negative effect on the ability of other States, particularly in the Global South, to mobilize the maximum of available resources for the implementation of women's rights.

22. **The Committee reiterates its previous concluding observations (CEDAW/C/CH/CO/4-5, para. 41 (a)) and recommends that the State party undertake 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.**

Women's access to Justice

23. The Committee regrets the absence of statistical information on the number of women recipients of free legal aid. It notes that according to a 2019 study by the Swiss Centre of Expertise in Human Rights, women were significantly less likely to be parties to proceedings before the federal court than men.

24. **The Committee recommends that the State party collect statistical information on the usage of free legal aid. It also recommends that the State party carry out a gender analysis on the deterring factors for women to participate in legal proceedings and on any obstacles they may encounter when applying for free legal aid.**

25. The Committee is concerned about gender stereotypes within the judiciary, which deter women victims of gender-based violence from filing cases.

26. **The Committee, recalling general recommendation No. 33 (2015) on access to justice recommends that the State party:**

(a) **Take measures, including awareness-raising and capacity-building programmes for all justice system personnel and law students on women's rights and**

gender equality to eliminate judicial gender bias and discriminatory gender stereotypes;

(b) **Ensure that these measures address, in particular, the credibility and weight given to women's voices, arguments and testimony, as parties and witnesses in legal proceedings, as well as judicial bias as to what is considered to be appropriate behaviour for women.**

Women, peace and security

27. The Committee welcomes the State party's adoption of four consecutive national action plans for the implementation of Security Council Resolution [1325 \(2000\) on women, peace and security](#). It notes with concern the lack of information on the number and role of women in participating in negotiating delegations and in UN peace missions.

28. **The Committee recommends that the State party continue and increase efforts to ensure women's equal participation in delegations negotiating peace processes and UN peace missions, including at decision-making levels, and collect statistical information in this regard.**

National machinery for the advancement of women

29. The Committee welcomes the State party's Gender Equality Strategy 2030 (GES 2013), the intersectional perspective underpinning the strategy to address the situation of women in all spheres of life and the State party's plans to regularly assess and improve the measures taken to implement the strategy. It notes with concern, however that while gender-responsive budgeting forms part of SDG 5 as a tool for achieving gender equality, it has not been included in GES 2030 and a parliamentary motion in this regard was rejected.

30. **The Committee recommends that the State party introduce systematic gender-responsive budgeting at all levels to ensure that financial allocations benefit women and men equally.**

31. The Committee notes the allocation of financial resources to projects and bodies for the protection of women's rights and gender equality, including the adoption of specific budgets for the implementation of equality action plans in the cantons of Zug, Ticino and Jura and a budget increase in the canton of Glarus. It notes with concern, however, that:

(a) Six cantons do not have an equality office (Appenzell Inner-Rhodes, Nidwald, Obwald, Schaffhouse, Thurgovia and Zoug); that the equality office in Obwalden was closed; that the equality offices in the cantons of Bern and the city of Zürich have had their existence or budgets questioned; and that the equality office in Aargau was merged with the Office for older persons to reduce administrative costs;

(b) That the expansion of cantonal competencies in relation to the implementation of LGBTI rights has not systematically been matched with additional resource allocations.

32. **The Committee recommends that the State party:**

(a) **Eliminate the cantonal discrepancies in funding for the implementation of women's rights and gender equality and ensure that each canton has a gender equality office;**

(b) **Ensure that the expansion of cantonal competencies for the implementation of LGBTI rights is matched with adequate additional resources.**

33. The Committee notes that, according to the delegation, the federal administration is planning to include a gender perspective in the digitalization strategy.

34. **The Committee recommends that the State party integrate a gender perspective in its digitalization strategy. It also recommends that the State party take targeted measures to avoid gender bias in digitalization, prevent a gender digital gap and include women fully into the development of digital solutions.**

Temporary special measures

35. The Committee welcomes the introduction in 2021 of a 30 percent quota for the representation of women on boards of directors and of a 20 percent quota for executive boards in companies with more than 250 employees. It also notes that GES 2030 provides for a 40 percent quota for the representation of women in the managing bodies of companies associated with the federal Government (in line with art. 2, para. 2, of Order RS No. 172.220.12, on remuneration and other contractual conditions agreed upon with the highest level of management and the members of the managing bodies of federal companies and establishments. It notes with concern, however, that initiatives to promote equal participation in different areas of society, such as in employment, by disadvantaged groups of women, including migrant and refugee women and women with disabilities, are insufficient to overcome the barriers they are facing.

36. **The Committee recommends that the State party:**

(a) **Adopt temporary special measures, such as outreach and support programmes, targeted recruitment and quotas, in line with article 4 of the Convention and general recommendation No. 25 on temporary special measures , to promote substantive equality of women and men in all areas where women in vulnerable situations are underrepresented and disadvantaged, such as employment, leadership positions and in politics;**

(b) **Carry out awareness-raising programmes among the general public on the need for statutory quotas, notably to effect the structural, social and cultural changes necessary to correct past and current forms and effects of discrimination against women.**

Stereotypes

37. The Committee notes with concern that discriminatory stereotypes on the roles and responsibilities of women and men in the family and in society persist in the State party. It is also concerned about:

(a) Prejudice and intersecting forms of discrimination against minority and migrant women, hampering their equal participation in society;

(b) The absence of specific legislation to respect standards on gender equality and sensitivity for media outlets;

(c) Stereotypical portrayals of women in the media and underrepresentation of women among media professionals;

(d) Women being targeted by 80 percent of hate speech online, and that an explicit prohibition of sexist and misogynistic hate speech is currently lacking.

38. **The Committee recalling its previous recommendations (CEDAW/C/CH/CO/4-5 para. 23) recommends that the State party prevent and eliminate discriminatory gender stereotypes in all spheres, including by:**

(a) **Awareness-raising and educational campaigns to dismantle discriminatory stereotypes on the roles and responsibilities of women and men in the family and in society;**

(b) **The collection and analysis of data on stereotypes and discrimination against minority and migrant women to develop and implement policies and programmes to effectively combat these;**

(c) **The adoption of temporary special measures to accelerate the achievement of the substantive equality of women and men in all areas covered by the Convention as an additional measure to counter gender stereotypes;**

(d) **The adoption of legislation preventing sexist advertising at the Federal level similar to the 2019 Law to prevent sexist advertising adopted in the canton of Vaud;**

(e) **Conduct an in-depth analysis on gender bias in reporting and representation in the media;**

(f) **Adopt legislation explicitly prohibiting hate speech based on sexism and misogyny, similar to Article 261bis of the Penal Code that prohibits hate speech based on racism.**

Harmful practices

39. The Committee notes the Federation's pledge of 240,000 CHF annually to the network against Female Genital Mutilation (FGM) until December 2023. It also notes the indication of the delegation that the concern to be subjected to FGM is a recognised ground for requesting asylum in the State party. The Committee notes with concern, however, that despite the prohibition of FGM, around 22,000 women and girls were affected or threatened by FGM according to estimates for 2018, as well as the very low number of reports, investigations, prosecutions and convictions in cases of FGM in the State party.

40. **The Committee recommends that the State party:**

(a) **Conduct awareness-raising campaigns and provide gender-sensitive reporting mechanisms, including at border posts, airports and train stations, for women and girls victims or at risk of FGM;**

(b) **Provide mandatory training on FGM to health professionals;**

Gender-based violence against women

41. The Committee welcomes the State party's ratification, in 2017, of the Council of Europe Convention on preventing and combating violence against women and domestic violence and the related implementation plan. It also notes the adoption, in 2018, of the Federal Law to strengthen protection for victims of violence, which abolishes the requirement for a conciliation procedure and the collection of court fees. It also notes that combating gender-based violence is a priority under GES 2030, and that, since 2021, organizations running projects on the prevention and elimination of gender-based violence against women, receive State funding. It further welcomes the increase of the budgets for victim assistance and shelters and the introduction of online counselling in the canton of Zürich. The Committee notes with concern, however:

(a) The high prevalence and underreporting of domestic violence and sexual violence against women as well as of sexual harassment and stalking of women and girls in the State party;

(b) That the current proposal by the Committee for Legal Affairs of the Council of States for revision and strengthening of legislation criminalizing rape does not contain a definition of rape based on the absence of consent in line with international standards;

(c) That articles 192 (2); 193 (2); 187 (3) and 188 (2) of the Penal Code punishing sexual offences that are considered a lesser offence than rape provide the judge with discretion to consider a penalty reduction or full acquittal, if the perpetrator is married or in a registered partnership with the victim, even when the victim is a child (article 187 (3));

(d) That, according to a study by the Zürich University of Applied Sciences, the conviction rates for rape vary significantly between cantons;

(e) That women whose residence status is attached to their husband's and who leave the relationship because of domestic violence can only, and only under certain conditions, extend their residence permit if their husband is a Swiss national or a permanent residence holder, and only if the violence meets a strict threshold of gravity;

(f) That according to a 2019 analysis by the Conference of Cantonal Directors of Social Affairs, there are significant discrepancies between the cantons in funding for shelters and emergency accommodation and shelter capacity.

42. **The Committee, recalling general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, and its previous recommendations (CEDAW/C/CH/CO/4-5, para. 27), recommends that the State party strengthen its efforts to combat all forms of gender-based violence against**

women and girls, paying particular attention to disadvantaged groups of women and girls. It also recommends that the State party:

- (a) Provide systematic capacity building to law enforcement, the judiciary, social workers and medical professionals on gender-sensitive investigation and interrogation methods to prevent secondary victimization and ensure that women who report gender-based violence have access to adequate gender-responsive and culturally sensitive support services and are protected from reprisals and economic destitution;
- (b) Conduct an analysis to identify the reasons for underreporting of gender-based violence against women to develop tailored measures to encourage and facilitate reporting;
- (c) Adopt legislation to specifically criminalize all stalking-related offences;
- (d) Amend the definition of rape in the Penal Code by basing it on the absence of consent in line with international standards; amend articles 192 (2); 193 (2); 187 (3) and 188 (2) of the Penal Code to remove any provision for judicial discretion to reduce the sentences or acquit perpetrators of sexual offences that are of a lesser nature than rape based on their marriage or partnership with the victim;
- (e) Carry out an analysis to identify the reasons for the stark cantonal disparities regarding rape convictions in order to take efficient remedial measures;
- (f) Amend Article 50 LEI to ensure that all women who are victims of domestic or sexual violence can leave their abusive spouse without losing their residence status, irrespective of the gravity of the violence suffered and of their spouse's nationality or residence status, and, accordingly, withdraw its reservation to Article 59 of the Convention of the Council of Europe on preventing and combating violence against women and domestic violence, and provide the necessary capacity building to immigration authorities;
- (g) Implement the recommendations by the Conference of Cantonal Directors of Social Affairs made in response to their analysis on shelter capacity and the complementary recommendation by the Conference on Victim Assistance.

Trafficking and exploitation of prostitution

43. The Committee welcomes the State party's efforts to combat trafficking in women and girls. It notes with concern, however, that prosecution and conviction rates as well as sentences in trafficking cases are generally low, with cantonal discrepancies, as well as the lack of support services in several cantons for victims of trafficking, 86 percent of whom are women. It also notes with concern:

- (a) That the definition of human trafficking of the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol) has not been fully incorporated into national law and that the irrelevance of the consent by a victim of trafficking to exploitation is not explicitly mentioned in article 182 of the Penal Code;
- (b) That women without residence status, in particular women asylum seekers whose claims have been rejected, are at increased risk of labour exploitation in private households; gastronomy; nail studios; begging or in criminal activity such as theft, and that the investigation of such cases is hampered as labour exploitation is not clearly defined in article 182 of the Penal Code;
- (c) That there are insufficient measures in place to identify victims of trafficking and that there is a lack of comprehensive victim protection programmes providing for specific accommodation, rehabilitation and reintegration measures, medical treatment, psychosocial counselling and reparation, including compensation for victims;
- (d) That victims of trafficking, in particular migrant women, are not automatically entitled to temporary residence permits unless they cooperate with the police and the judicial authorities;

(e) That the Victims Assistance Law conditions financial support for trafficking victims upon residency at the time of the crime.

44. **The Committee, recalling General Recommendation No. 38 on trafficking in women and girls in the context of global migration and its previous recommendations (CEDAW/C/CHE/CO/4-5, para. 29) recommends that the State party:**

(a) **Bring legislation fully in line with the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol) and clarify the legal definition of forced labour in article 182 of the penal code;**

(b) **Speedily adopt the new 2023 – 2027 National Action Plan on the Prevention of Trafficking;**

(c) **Increase capacity building for law enforcement officials, social workers, and medical personnel on the early identification and referral of victims of trafficking and women and girls at risk, in particular migrant women and unaccompanied girls, to appropriate services;**

(d) **Carry out an analysis to identify the reasons for the low prosecution and conviction rates and sentences in cases of trafficking and stark cantonal discrepancies as well as the limited victim support services in several cantons in order to inform targeted measures to address the situation;**

(e) **Grant temporary residence permits to all victims of trafficking, irrespective of their ability or willingness to cooperate with the police, and ensure that the authorities always adopt a gender-sensitive and victim-centered approach.**

45. The Committee is concerned about the high incidence of exploitation of women in prostitution in the State party. It notes with concern that approximately 85 - 95 percent of women in prostitution are migrant women, often in an irregular situation. It also notes with concern that an increasing number of women and girls who reside in the State party are lured into the prostitution industry through the so-called “loverboy” method. It further notes with concern:

(a) The link between trafficking and exploitation of prostitution, with an estimated majority of women in prostitution having been trafficked into the State party;

(b) Reports that women in prostitution are regularly subjected to psychological and physical gender-based violence, and that, according to a 2010 study by the Department of General and Social Psychiatry at the University of Zürich, many women in prostitution were displaying mental disorders related to gender-based violence and “the burden” of prostitution;

(c) That there is no system in place to help women in prostitution to leave prostitution if they wish so.

46. **The Committee recommends that the State party:**

(a) **Carry out education and awareness-raising programmes to sensitize women and men on the high exposure of women in prostitution, in particular migrant women, to gender-based violence, exploitation and racial discrimination, develop prevention strategies, and reduce the demand for prostitution in the State party;**

(b) **Provide exit programmes, including alternative employment opportunities, to women who wish to leave prostitution and ensure that these programmes include their children;**

(c) **Ensure that women who leave prostitution have access to shelters and adequate support services.**

Equal Participation in political and public life

47. The Committee notes with appreciation that during the parliamentary elections of 2019, 42 percent of candidates elected to the National Council were women. The Committee notes with concern, however, that women’s representation in the Council of States remains

low at 26 percent and that the positive trend at federal level has not yet translated to the cantonal and communal levels. It also notes with concern:

(a) That there are incidents of sexism, abuse and gender-based violence against women in politics in the State party, according to a study by the Inter-Parliamentary Union and the Parliamentary Assembly of the Council of Europe;

(b) The continued under-representation of women candidates in media coverage in the run-up to elections, which constitutes a major obstacle to women's participation in political and public life;

(c) The inconsistency or lack of regulation of paid maternity leave in the National Council, the Council of States and cantonal and communal councils.

48. **The Committee recommends that the State party:**

(a) **Adopt minimum quotas for women's and men's representation in legislative assemblies at the federal cantonal and communal levels, including for women belonging to minorities;**

(b) **Conduct awareness-raising campaigns for politicians, the media and the general public to enhance the understanding that the full, equal, free and democratic participation of women on an equal basis with men in political and public life is a requirement for the full implementation of the Convention and for a modern and democratic society;**

(c) **Investigate and prosecute all forms of harassment and gender-based violence against women politicians and candidates, including online violence and hate speech, and provide effective redress for victims;**

(d) **Consolidate maternity pay and maternity representation regulations for women parliamentarians at all levels and establish childcare facilities for the children of administrative staff, members of government and Members of Parliament.**

49. The Committee notes with appreciation that the number of women in the Federal Department of Foreign Affairs has increased from 47% to 52% from 2011 to 2021. It notes with concern, however, that the number of women in leadership positions remains low, with the only 24 percent and of Ambassadors and 20 percent of heads of mission being women.

50. **The Committee recommends that the State party strengthen its efforts to promote a sustainable, fair and inclusive culture in diplomacy, including by establishing quotas for the recruitment of women through the *Concours Diplomatique*.**

Education

51. The Committee notes measures taken by the State party to promote gender sensitivity and gender equality in the education system. It notes with concern, however, that some teaching materials, which can be selected upon the teacher's discretion, still contain gender-stereotypical depictions of women and men. It also notes with concern:

(a) That the school system's requires girls to make career choices at an early age where they are particularly susceptible to gender stereotypes and tend to choose traditional fields of study and career paths that provide less income and career opportunities than traditionally male career choices;

(b) The absence of a gender perspective in the Core Syllabus (Rahmenlehrplan) for Baccalaurate schooling.

52. **Recalling its general recommendation No. 36 (2017) on the right of girls and women to education, the Committee recommends that the State party:**

(a) **Review available teaching materials to remove gender stereotypes and promote gender equality and the representation of women and men in all their diversity;**

(b) **Integrate education on women's rights and gender equality and on the need to identify and address discriminatory gender stereotypes into school curricula at**

all levels and provide corresponding systematic training for teachers and teacher candidates;

(c) **Promote women's and girls' participation in non-traditional fields of study and career paths, in particular in science, technology, engineering and mathematics (STEM) and information and communication technology (ICT).**

Employment

53. The Committee welcomes the 2020 amendment to the Gender Equality Act, which introduced an obligation for employers with 100 or more employees to conduct an internal equal pay analysis every four years. However, it notes with concern that women employed in smaller companies, which make up the large majority in the State party, do not benefit from this provision, that the amendment does not provide for sanctions and that once a company has demonstrated that its wages are non-discriminatory the equal pay analysis requirement no longer applies. It also notes with concern that gender-based wage discrimination persists in the State party and:

(a) That women are concentrated in traditionally female dominated lower-paid occupations and that women are still underrepresented in leadership positions;

(b) Women's low participation in the science and technology workforce, especially in sectors developing digital technologies, which contributes to creating and perpetuating gender biases in digital services;

(c) Women's underrepresentation as employees at universities, although they account for the higher number of university students;

(d) That the Gender Equality Act insufficiently protects women from reprisals in labour claims.

54. **The Committee recommends that the State party:**

(a) **Adopt a more effective system of analysing and addressing gender wage discrimination with time-bound goals that applies to all company sizes and must be repeated regularly;**

(b) **Increase the wages in traditionally female professions, such as care work, and carry out awareness-raising programmes to increase the understanding of the importance of these professions and the value assigned to them by society, and to promote a gender balance in these professions;**

(c) **Adopt targeted measures such as quotas and preferential recruitment of women to increase women's employment in academia and in science and technology;**

(d) **Adopt legislative amendments to ensure that women can file labour claims without fear of reprisals or other disadvantages.**

Health

55. The Committee welcomes the State party's efforts to ensure access to quality healthcare for women and girls. It notes with concern, however:

(a) That according to a 2018 study, many insurances charge women, particularly women in their thirties, higher premiums for non-basic insurance packages regarding hospital stays, due to women's childbearing capacity;

(b) The rejection of a 2019 motion in the National Council, which aimed at rectifying the current system of higher contributions for women employees for the non-mandatory health insurance for sick leave days at work ("Kranktagegeld") that employers can decide to enrol their employees in;

(c) That migrant women in an irregular situation have limited access to health care in practice, as they face expulsion when health care providers report them to the immigration authorities;

(d) That access to modern contraceptives is neither included in the basic health insurance packages, which disproportionately affects women and girls, in particular those with insufficient means, who often carry the burden of responsibility for contraception;

(e) That women with HIV with low income have limited access to the required quality health services;

(f) That there is a performance of unnecessary surgical interventions on intersex children with the aim of “normalising” their genitalia.

56. The Committee recommends that the State party amend its legislation to prohibit discrimination against women with regard to insurance premiums and ensure that additional costs for health insurance related to child-bearing are subsidized to ensure that women are not considered as child-bearers by default and that those women who do bear children are not penalized. It furthermore recommends that the State party:

(a) **Ensure that migrant women in an irregular situation have effective access to hospitals and health-care services, including sexual and reproductive health-care services, by removing any reporting obligations for public and private health care providers;**

(b) **Provide free access to modern contraceptives and conduct awareness-raising programmes to promote understanding that contraception as a shared responsibility of women and men;**

(c) **Ensure full and free access to anti-retroviral treatment for all women and girls living with HIV/AIDS;**

(d) **Specifically criminalize surgical interventions on the genitalia of intersex children unless medically necessary.**

57. The Committee notes with concern that despite the prohibition of sterilization without the free and full consent of the person, sterilization of women and girls aged 16 and above deemed “incapable of discernment” is exceptionally permitted according to articles 7 and 8 of the Law on sterilizations.

58. The Committee referring to the recommendations by the Committee on the Rights of Persons with Disabilities (CRPD/C/CHE/CO/1, para. 36) recommends that the State party:

(a) **Prohibit the sterilization of women and girls with disabilities without their prior, informed and free consent, without exception;**

(b) **Repeal any legal provisions that allow substituted consent by third parties;**

(c) **Provide redress and support to women and girls who are victims of forced sterilization.**

Economic empowerment and social benefits

59. The Committee is concerned about the significant number of women living in poverty or at risk of poverty in the State party, due to their higher unemployment rates, concentration in part-time, precarious and low-paid employment, and disproportionate burden of unpaid care work. The Committee notes with concern that these factors also result in lower pension benefits for women, translating into old-age poverty. It further notes with concern:

(a) The high costs of childcare facilities sometimes amounting to nearly the entire salary of women who receive a low income;

(b) That extension of paternity leave from two days to two weeks, which while commendable, is insufficient to promote equal sharing of childcare responsibilities between women and men;

(c) The low number of women with disabilities receiving full disability benefits due to their underrepresentation in employment;

(d) That the compulsory status of maternity insurance is not fully understood by society and that the insurance is capped at CHF 196 per day, while the mandatory insurance for military or defense service has a higher cap;

(e) Small businesses, which are often run by women, have benefited less from COVID-19 support measures compared to big companies.

60. The Committee recommends that the State party:

(a) **Address wage discrimination, labour segregation and women's unpaid care-work and recalculate pension benefits to prevent old-age poverty among women, by discontinuing the current 'coordination deduction' in the second pillar, based on which only part of the income is taken into account as pensionable income, compensating unpaid care-work and fully retaining women in the social security system during periods of unpaid care work;**

(b) **Ensure that all women with disabilities have access to adequate disability benefits;**

(c) **Remove any ambiguity about the compulsory nature of maternity insurance as well as its cap to 196 CHF per day;**

(d) **Ensure that small businesses run by women benefit from adequate COVID-19 support and recovery measures that are equivalent to those for big companies.**

Rural women

61. The Committee notes with concern that women agricultural workers work more than 60 hours per week on average, according to estimates, but that only 30 percent of them are paid and benefit from social protection.

62. The Committee, recalling general recommendation No. 34 (2016) on the rights of rural women, recommends that the State party extend social security coverage to all women farmers and women family members working on farms, and that they have equal rights to the assets generated by the farm upon divorce.

Roma Women

63. The Committee welcomes the measures to strengthen the integration of Roma women into society. However, it notes with concern that they continue to face intersecting forms of discrimination in all spheres of life.

64. The Committee recommends that the State party strengthen its measures to integrate Roma women into society and address their marginalization as well as intersecting forms of discrimination against them.

Marriage and family relations

65. The Committee notes with concern that the current joint taxation system for married couples frequently causes the earner of the lower wage - often the woman - to reduce or even give up her job to save taxes. It also notes with concern that women who divorce or separate are often facing negative economic consequences, as many women are economically dependent on their partner, one in four single mothers depend on social benefits and nearly two-thirds of recipients of social benefits are women.

66. The Committee, recalling general recommendation No. 29 (2013) on the economic consequences of marriage, family relations and their dissolution, recommends that the State party:

(a) **Adopt an individual taxation system as currently under discussion;**

(b) **Address the different root causes of economic destitution and dependence of women, by strengthening their financial independence, enforcing alimony and child maintenance obligations, and increasing social benefits for single mothers and destitute women following divorce.**

67. The Committee notes with concern that, although the legal age of marriage is 18, child marriage as of age 16 is exceptionally permissible when considered in the best interest of the child.

68. Recalling Joint General Recommendation/General Comment No. 31 (2014) of the Committee on the Elimination of Discrimination against Women and No. 18 of the Committee on the Rights of the Child on harmful practices, as revised, the Committee recommends that the State party amend this provision and repeal all exceptions from the legal minimum age of marriage of 18 years for both women and men.

Beijing Declaration and Platform for Action

69. The Committee calls upon the State party to use the Beijing Declaration and Platform for Action and to further evaluate the realization of the rights enshrined in the Convention in order to achieve substantive equality between women and men.

Dissemination

70. The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official languages of the State party, to the relevant State institutions at all levels (national, regional, local), in particular to the Government, Parliament and the judiciary, to enable their full implementation.

Ratification of other treaties

71. The Committee notes that the adherence of the State party to the nine major international human rights instruments would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, to which it is not yet a party.

Follow-up to concluding observations

72. The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 16 (a) 32 (a) 42 (d) and 42 (f) above.

Preparation of the next report

73. The Committee will establish and communicate the due date of the xx periodic report of the State party in line with a future predictable eight-year review calendar and following the adoption of a list of issues prior to reporting, if applicable, for the State party. The next periodic report should be submitted on time and cover the entire period up to the time of its submission. The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (see [HRI/GEN/2/Rev.6](#), chap. I)).
