

NGO Shadow Report Switzerland

On the 3rd Country Report on the implementation of CEDAW

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Despite various measures and efforts in the field of equality of women and men, there is still a long way to go in Switzerland on the road to gender equality. It is of vital importance to discuss the issue of equality and to encourage greater awareness amongst public authorities, competent institutions and the general public. In the following we present our most important issues.

Principal areas of concern (introduction)

A lot of the problems women face are interdependent. Swiss girls are still strongly influenced by gender-specific patterns and social norms. The typical female occupations usually are paid less than typical male occupations. Missing childcare places make reconciliation of family and work life difficult. As usually the women earn less than their partners, they are the ones staying with the children and don't pursue job opportunities. That's why the women end up without a job or with insecure job situations, depend financially on their husbands and have poor pensions later on. That means we have to combat stereotyped roles, start of with giving girls good education and realise equal pay to finally have the equal participation of women and men in power and decision-making.

Measures to combat discrimination in legislation and practice (Art. 2 CEDAW)

Various **gender equality bodies** are being downscaled, both at national and cantonal level¹. Cut-backs endanger the progress.

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

We don't share the opinion of the President of the Swiss confederation who explained in parliament last August, that **gender budgeting** wouldn't work on federal level.

- ***Switzerland and the Cantons must introduce a gender-budgeting approach encompassing all ministries and requiring each of them to carry out a gender equality assessment of its specialized budget area and report thereon in its budget proposals.***

Violence against women still remains an acute problem in Swiss society. For example, setting up and financing women's shelters is still not considered the responsibility of the state and it is not regulated by law at federal or cantonal level. A new problem coming up is that girl's shelters are necessary (forced marriage, incest, genital mutilation). The provision of victim support varies from canton to canton.

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

- ***The existing rules and stipulations must be systematically and uniformly applied in all areas related to violence against women as a minimum standard.***
- ***Women's and girls's shelters need to be financed by the state, as the support of victims must be recognised as the responsibility of the state.***
- ***The enforcement of the Protection Against Violence Acts mustn't depend on the degree of awareness amongst respected by public authorities but needs the resources available to back it.***

Temporary special measures (Art. 4 CEDAW)

The application of temporary special measures is part of a necessary strategy towards the accelerated achievement of substantive gender equality, with special emphasis in the areas of employment, in both the public and private spheres, and participation in public life.

- ***The Swiss courts need to consciously apply the CEDAW as a legal instrument and in particular base their judgements on temporary special measures on article 4 paragraph 1 CEDAW.***
- ***The State has to establish concrete goals, such as quotas and timetables, to accelerate the achievement of substantive equality between women and men under relevant areas of the Convention.***

Combating stereotyped roles, education (Art. 5, 10 CEDAW)

Stereotypical attitudes and behaviours that discriminate against women and perpetuate inequality are still widespread in Swiss society. Equal sharing of domestic and family tasks is still difficult in Switzerland. In the media women and men are often depicted in a stereotyped manner.

- ***Gender equality needs to be systematically included in the education system at policy and implementation level.***
- ***Schools need to clearly promote alternative role models and actively combat stereotyped roles.***
- ***Equality must be enshrined in the Educational Acts of all 26 Cantons, and 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.***

Eradicating discrimination in political and public life (Art. 7 CEDAW)

Women continue to be underrepresented in the government and parliament at all levels. To change this, measures need to be taken, which are binding. Proactive measures should be adopted to encourage women to apply for high-ranking posts.

- ***In order to allow both parents to combine professional and family life and to enable women to get involved in politics and top management positions, promote the reconciliation of family and work and expand child care services.***
- ***To ensure equal participation of women and men in politics, enact a minimal quota for men and women for the lists of candidates for elections and establish a quota attributing a certain percentage of seats in parliament to women.***

Education (Art. 10 CEDAW)

As mentioned above, it is most crucial that equality and combating gender stereotyped roles is taught at an early education level already. In this section, **Higher Education** is focused. Switzerland has a very low rate of young researchers and professors compared to other countries. Women face the „glass ceiling“ and drop out more on every transition (i.a. from Bachelor to Master, from Master to Phd) than men. The “Swiss Federal Equal Opportunity at Universities Programme“ aimed at changing and preventing this.

- *In order to continue promoting women on an academic level, financial resources to prolong the “Swiss Federal Equal Opportunity at Universities Programme” another four years are needed.*
- *The government must also support and push Women and Gender Studies, as the research done in this area has an impact on combating stereotypes and provides necessary knowledge on gender issues in our society.*

Professional life (Art. 11 CEDAW)

In the world of work women still face wide-ranging discrimination. One serious point is **equality of pay**. Success in this field has been due less to awareness campaigns and more because of law suits over pay or the introduction of pay systems based on analytical job classification. Furthermore, over 50 % of women work part-time which results in multiple discrimination (in terms of social insurance, further training and job promotion, overtime pay etc.). **Reconciliation of family and work** life is very difficult in Switzerland. Big problems are missing childcare places and public pressure that the mothers should stay at home with their children. One of the big problems is the current taxation of married couples and their impact on the perpetuation of stereotypical expectations for married women as it is to disadvantage partnership-based and egalitarian roles.

- *The labour law must be adapted to realities such as part-time work and insecure work situations to protect employees.*
- *To counter inequality of pay, authorities must have investigative powers, arbitration bodies must be strengthened, pay transparency promoted and sanctions made possible.*
- *Adherence to pay equality must be actively checked when public contracts are awarded and non-adherence must be prosecuted with tougher sanctions.*
- *Crèche places and other structures need to be put in place in sufficient number, in order to allow both parents to combine professional and family life.*
- *The taxation system has to be changed so people pay taxes according to their economic performance and it doesn't disadvantage married couples living partnership-based and egalitarian roles (splitting, consideration of costs for child minding by third parties).*

The social security system also contains discrimination against women as situations women often face in life (unpaid work, interrupted career, part-time work) are scarcely taken into account.

Single mothers, elderly women and families with a large number of children are disproportionately affected by **poverty**. Various unfavourable regulations in laws concerning children and divorce play their part in this.

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

Migrant women (Art. 2, 10, 11 CEDAW)

Migrant women are particularly affected by structural discrimination, whether in access to education, in working life, or in social security. Foreign women often work in under-qualified jobs and their foreign diplomas are rarely recognised. The insecure residency right of women migrants is a big problem. They often are the victims of domestic violence and their residency depends on staying with their violent husband.

- ***Uniform and clear criteria, not depending on their husbands, must be established for the stipulation of residency for migrant women.***
- ***Clear, standardised rules must be established for recognition procedures for foreign diplomas and supportive measures for entry into working life at a level which matches the qualifications and skills of the person in question.***

The protection of female victims of trafficking (Art. 6 CEDAW) is to date very inadequate. Legal certainty as residency is still subject to cooperation with the authorities. The penalties faced by perpetrators are relatively small by comparison.

- ***Uniform standards have to be implemented in all Cantons regarding effective protection and the grant of residency permits for victims of trafficking, independently of their willingness to cooperate with the authorities for criminal investigation.***

Questions for the Swiss government

- ***Does the federal government have the primary responsibility for ensuring the implementation of the Convention at all levels and providing leadership to the cantons and municipal governments?***
- ***How does the state ensure that uniformity of results in the implementation of the Convention is achieved throughout the state party's territory?***
- ***Does the federal government regard the application of temporary special measures as part of a necessary strategy?***
- ***Does the federal government take responsibility to introduce a taxation system that doesn't disadvantage married couples living partnership-based and egalitarian roles?***
- ***Why does the federal government not implement an independent residency permit for migrant women, after 20 years of demanding this?***

We regard it as doubtful that a lot of minorities get their rights in Switzerland, but the women – a majority – don't get it de facto.

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