



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women
Eighty-third session**

Summary record of the 1928th meeting

Held at the Palais des Nations, Geneva, on Friday, 21 October 2022, at 3 p.m.

Chair: Ms. Acosta Vargas

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (continued)

Sixth periodic report of Switzerland (continued) (CEDAW/C/CHE/6; CEDAW/C/CHE/QPR/6)

1. *At the invitation of the Chair, the delegation of Switzerland joined the meeting.*
2. **Ms. Gabr** said that she wished to know whether the necessary legislative changes would be made to bring the definition of consent in rape cases into line with the Committee's general recommendation No. 35 (2017) and the recommendations of the Group of Experts on Action against Violence against Women and Domestic Violence and to address the low conviction rate for rape.
3. **Mr. Safarov** said that, although the State party's adoption of a wide range of international instruments and domestic legislation on trafficking in persons was commendable, there were shortcomings in their implementation. One was the underreporting of cases of trafficking in Switzerland and the discrepancies between officially registered cases and those reported, which might be due to the fact that the definition of trafficking in persons given in article 182 of the Criminal Code was not the same as that provided in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.
4. **Ms. Dettmeijer-Vermeulen** said that that she was surprised to hear, in reply to her question concerning measures to protect women participating in political life against hate speech and sexism, that the State party provided training for women politicians on dealing with hate speech; such a measure appeared to place the burden of addressing the problem on victims, rather than the Government. She wondered whether the State party would consider changing the legal definition of hate speech to include gender discrimination.
5. **Ms. Durrer** (Switzerland) said that the Swiss parliament was discussing provisions that would treat any sexual act committed without the victims' consent as a rape case, even in the absence of force or threats.
6. **A representative of Switzerland** said that a group of experts had unanimously rejected the Nordic model of addressing prostitution owing to its potential to worsen the exploitation of sex workers. There was a discrepancy between the number of cases of trafficking in persons recorded by the police and the number of official complaints because not all victims lodged complaints. The Criminal Code did not contain a definition of trafficking because the Government recognized the definition contained in the Council of Europe Convention on Action against Trafficking in Human Beings and the Trafficking in Persons Protocol. The provisions of the Criminal Code on trafficking would be reviewed. The various approaches to trafficking taken by the different cantons was a problem that would be addressed in the next national action plan to fight human trafficking with a view to harmonizing practices.
7. **Ms. Durrer** (Switzerland) said that the training to which Ms. Dettmeijer-Vermeulen had referred was intended for women who wished to enter political life and covered a range of topics in addition to hate speech. Several parliamentary procedural requests concerning cyberstalking and hate speech were currently under discussion.
8. **A representative of Switzerland** said that the Government was aware of the recommendations of the Group of Experts on Action against Violence against Women and Domestic Violence. A court had recently ruled that there was no need for legislative amendments to address online harassment, although a report was planned on legislative gaps in the area of hate speech.
9. **Ms. Tisheva** asked why sex and gender had yet to be recognized as grounds for discrimination.
10. **Ms. Durrer** (Switzerland) said that the matter remained the subject of debate in the Swiss parliament.

11. **Ms. Bethel** said that she would be interested to know how the tool developed by the Inter-Cantonal Centre for Educational Materials to ensure that teaching material was gender-balanced had been used in classrooms, how they affected students and whether they addressed substantive equality and non-discrimination. Similarly, it would be useful to have details of the educational resources on equality created for the French-speaking cantons, including whether they addressed substantive equality and non-discrimination, how they were used and their impact on students' education. Women and girls in the State party were encouraged to choose areas of study that led to lower remuneration and fewer opportunities for advancement than those commonly selected by men and boys. She wished to know whether the State party would consider revising the core syllabus of baccalaureate schools in order to ensure substantive equality and non-discrimination.

12. The particularly high level of horizontal segregation in the State party's workforce was due in part to the requirement for students to make career choices at an age at which they were particularly vulnerable to gender stereotypes. She wondered whether the State party might conduct a study on such segregation and integrate a gender-sensitive response to its findings that addressed discriminatory gender stereotypes. She would like to know what specific, sustainable measures the State party planned to take to increase the number of girls and women choosing to study science, technology, engineering and mathematics (STEM) at secondary school and university, and how it planned to address inequalities and disparities between women and men studying in the digital field in higher education.

13. **Ms. Durrer** (Switzerland) said that the teaching material entitled *L'école de l'égalité* (School of Equality) created in French-speaking Switzerland and aimed at students aged 4 to 16 were intended for use in all subjects to eradicate gender stereotypes. Use of the material was not compulsory, and teachers could decide whether to incorporate it into their general teaching or to create specific classes on gender equality. Consideration was being given on how to promote it.

14. **A representative of Switzerland** said that efforts to reduce gender stereotypes began in preschool and included awareness-raising among preschool staff. Training was provided at teacher training facilities, although it was not compulsory and varied between regions and facilities. Older children benefited from an initiative that allowed girls and boys to experience jobs traditionally carried out by the opposite sex and programmes to promote the study of STEM subjects among girls.

15. **Ms. Durrer** (Switzerland) said that the Government's efforts to reduce gender segregation in career choices had seen significant success over the previous 10 years, although much remained to be done.

16. **Ms. Bethel**, noting that the teaching material on gender equality was optional, said that she wondered whether a more sustained, age-appropriate approach to discrimination and substantive equality was needed in schools.

17. **Ms. Durrer** (Switzerland) said that equality was not optional, and all teachers were required to respect it regardless of the teaching material that they used; the material in question had been created to facilitate those efforts.

18. **Ms. Bethel** said that she wished to know whether the Gender Equality Act would be revised to provide for more comprehensive and effective periodic equal pay analyses that covered more of the State party's workforce, introduce sanctions for companies that failed to comply, protect workers from reprisals if they sued their employers, oblige the Federal Office for Gender Equality to state its position on cases, allow associations to take action to demand the implementation of judgments and ensure that the courts respected the reduced burden of proof on claimants. It would be useful to hear whether the State party would consider replacing paternity leave with parental leave and adopting provisions similar to those in place in Sweden, where each parent was eligible for 240 days' paid parental leave, plus unpaid leave until the child was 18 months old.

19. She would like to know whether the State party would restructure pension provisions to address the fact that only income above a certain level was pensionable, meaning that women, who commonly earned less than men, worked part-time or retired early, might not receive a pension, and the fact that lower levels of employment among women with

disabilities than among their male counterparts meant that many did not receive full disability insurance pensions. She wondered how the State party could work with the social partners to develop an action plan to eliminate gender and disability discrimination in the social security system. It would be interesting to know how the State party would ensure women and girls' meaningful participation in algorithm development to address gender biases in digital services and products.

20. Women in employment in the State party worked mostly part-time and in low-wage sectors, were underrepresented in upper management positions and carried out most unpaid care work. She wished to know whether the State party would consider undertaking a time use survey to inform evidence-based policies, establish an integrated system for the care economy and monetize women's unpaid care work. She would welcome information on any measures to address the stereotypes and social and cultural norms that contributed to women's disproportionate unpaid care work. An update on the status and content of legislative proposals to introduce individual taxation, along with information on steps to ensure that women in micro-enterprises benefited from the support provided to businesses during the coronavirus disease (COVID-19) pandemic, would be appreciated.

21. **Ms. Durrer** (Switzerland) said that, under the revised Gender Equality Act, companies with more than 100 employees must publish verified equal pay analyses. The Swiss parliament had not wished to impose sanctions for non-compliance, believing that the ensuing reputational damage was sufficient punishment. The Act would be evaluated in 2025, and the Government had already announced its intention to review certain aspects, including in relation to reprisals. Improvements had been made to adoption leave, and various models of parental leave were under consideration.

22. **A representative of Switzerland** said that paternity pay would increase to a maximum of 224 Swiss francs (SwF) per day in 2023. Employees must earn more than SwF 22,000 per year with the same employer to be covered by the current workplace pension system, thereby placing at a disadvantage the many women who worked part-time or for more than one employer, or who earned low wages. In response, the Government had worked with the social partners to draft a bill that would halve the threshold for pensionable earnings and introduce measures to support groups disadvantaged by the current system.

23. **Ms. Durrer** (Switzerland) said that there was an action plan on support for persons who cared for loved ones, and parents of children with serious health conditions received 14 weeks' paid leave. Carers' leave amounted to a maximum of 10 days per year, and unpaid care work was recognized in the pension system.

24. **A representative of Switzerland** said that, while the Government did not undertake time use surveys, it gathered data on time use in unpaid work and assessed its monetary value. It worked at the international level to develop tools that allowed time use data to be gathered in a cost-effective manner.

25. **Ms. Durrer** (Switzerland) said that there was political will to resolve the issue of individual taxation, and a popular initiative on the matter that had been driven by women would soon be put to the vote. Although the principle of individual taxation was widely supported, it was necessary to identify a model that would enjoy majority backing. The Government believed that income and assets should be shared between married and cohabiting couples in the same way, according to civil law.

26. **A representative of Switzerland** said that, during the COVID-19 pandemic, loss-of-earnings allowances had been rapidly introduced for persons who were not eligible for social benefits. They had been paid to all self-employed persons whose businesses had been forced to close on account of government measures to combat the pandemic, as well as to parents who no longer had any childcare for their children because day-care centres had been shut, and to persons in quarantine. They had amounted to a maximum of SwF 196 a day.

27. **Ms. Al-Rammah** said that she wished to know why women paid more for health insurance packages covering more than basic care and what measures would be taken to ensure equality of health premiums. Were vulnerable groups such as migrants, refugees and asylum-seekers provided with health insurance? If that was not the case, she would be grateful for information on any action taken by the Government to safeguard their access to

high-quality health services. As access to modern contraceptive methods was not covered by the basic health insurance package, she wondered whether the State party took steps to provide free contraception for women in low-income groups. It would be helpful to have some information on efforts undertaken by the State party to make sure that vulnerable and low-income women living with HIV/AIDS were able to obtain access to high-quality health services, including early diagnosis. She wished to find out whether there were any education or awareness-raising programmes specifically aimed at that group of women to help them to protect themselves against HIV/AIDS and other sexually transmitted diseases. Lastly, the Committee would appreciate a description of any efforts to assist women with mental health problems or female drug addicts to obtain treatment and support without stigmatization.

28. **Ms. Toé-Bouda** said that she wished to know why the old provisions of the law on marriage had not been completely repealed in order to bring Swiss legislation into line with the Convention. In the light of the Committee's previous concluding observations, she asked whether the delegation could clarify whether the State party intended to withdraw its reservations to articles 15 (2) and 16 (1) (h). The Civil Code appeared to conflict with the Convention in that it would allow a marriage contracted while a person was a minor to continue and not be annulled if it was deemed to be in the best interests of that person. As one of the purposes of protecting minors was to prevent abuse, she would therefore be grateful for information on measures taken by the State party to bring its legislation into conformity with the Convention. With regard to the practice of sharing the custody of children, it would be helpful to have some data on the existence, amount and length of alimony payments to children and a former spouse after the break-up of a marriage, on measures to offset any shortfalls in alimony, on property law and on the possible impact of shared custody on income and expenditure.

29. **A representative of Switzerland** said that everyone in Switzerland must take out health insurance. Asylum-seekers were insured from the moment they arrived in Switzerland. As a matter of principle, the prevention and diagnosis of HIV/AIDS and the treatment for persons living with HIV/AIDS were guaranteed without discrimination for any person resident in Switzerland.

30. **A representative of Switzerland** said that compulsory health insurance defrayed the costs of diagnosing or treating an illness, but as contraceptives did not serve to prevent or treat an illness, their cost was not normally reimbursed under that health insurance. However, the cantons could provide financial support for contraception in the case of persons in receipt of social welfare benefits and asylum-seekers.

31. **Ms. Durrer** (Switzerland) said that currently there were no plans to withdraw Switzerland's reservations to the Convention.

32. **A representative of Switzerland** said that the federal Government had retained the possibility, in exceptional cases, of allowing for the continuation of a marriage involving an underage person if it was deemed to be in the best interests of the minor. The constitutional principle of proportionality that had to be observed whenever fundamental rights were at stake meant that, when it came to the right of marriage, a case-by-case study had to be made. For example, a person aged 17 might have entered voluntarily into a lawful marriage in the country where the marriage took place. Annulment in that case might not necessarily be in the best interests of the minor.

33. In 2020, after reviewing the provisions of the Civil Code on the marriage of minors, which had entered into force in 2013, the federal Government had decided that it was necessary to improve the protection of minors against early marriage by raising the age limit for annulling a marriage from 18 to 25. The findings on a preliminary draft amendment of the Civil Code which had been submitted for public consultation in 2021 were still being assessed. The plan was to have the measures adopted in 2023.

34. Since 2017 the courts had had to examine the possibility of sharing the custody of a child when the father, mother or child requested it. The basic idea was to promote that form of custody without making it the rule and to find a solution that was in the best interests of the child by studying each case individually. Since 2018, the Supreme Court's case law had established that the court could order the shared custody of a child even if one parent objected. However, some circles held that first instance courts all too often failed to do so. For that

reason, the Federal Assembly had instructed the Government to draft a report on the courts' practice in respect of shared custody when one parent objected and on how children and their parents felt about shared custody and how they organized their daily life when it was adopted. Work on that report was under way.

35. No official statistics existed on contributions to maintenance ordered by the courts. For that reason, the Federal Assembly had instructed the Government to create a family law database containing courts' decisions with regard to maintenance. The data that was to be collected would contain information on the existence, amount and length of payment of the alimony set by the courts and decisions concerning parental authority and child custody.

36. **Mr. Safarov** said he would be grateful for an explanation of why so few rural women were paid for their work and were therefore not covered by social security. He wished to know how the Federal Council intended to protect Roma and traveller women against discrimination and racism given that they had not been recognized as national minorities. Did they and rural women, migrant women, women refugees and lesbian, bisexual and transgender women and intersex persons have access to free legal, social and health services? The Committee would appreciate details of how the Federal Council applied innovative technologies to support women, especially in rural areas. What means existed to offer better protection to vulnerable women and girls during asylum procedures?

37. **Ms. Durrer** (Switzerland) said that the rules on rural property rights guaranteed that every person who was qualified had access to ownership. Over the previous decade, an awareness-raising campaign and several political measures had greatly improved the training, remuneration and social security coverage of women in the farming world. The number of women in charge of farms was rising slowly but steadily. However, the percentage of women leaders of farmers' organizations remained low. For that reason, her Government was supporting various initiatives launched by women farmers' associations.

38. The two chambers of the Swiss parliament had recently submitted a joint motion to the Federal Council calling for the introduction of improved social security cover for a spouse or partner who regularly worked for a substantial amount of time on a farm. That compulsory social insurance would entitle those women to the direct payment of benefits and would be brought into force in the near future. More than 55 per cent of women already received wages or independent income in the agricultural sector.

39. In 2022, only 4 per cent of women had no social insurance or social protection, 44 per cent contributed to the occupational benefits scheme, known as the second pillar, 57 per cent contributed to the restricted pension scheme, or third pillar, and 46 per cent were covered by insurance that would provide a daily allowance in the event of sickness or an accident. What was particularly encouraging was that young women often contributed to the third pillar and to the daily allowance insurance.

40. Any measures in favour of the Roma, Sinti or Yenish communities also applied to women.

41. **A representative of Switzerland** said that, in accordance with the practice of the State Secretariat for Migration, the specific forms of persecution to which women and girls were subject were taken into account when their applications for asylum were processed. Persons handling those applications were made aware of the various situations that could be encountered by asylum-seekers regardless of their age or profile and they were instructed to bear in mind the rigidly predetermined role and social status of women and girls, their lack of financial independence and disregard for their rights. The existence of widespread gender-based violence could also play a crucial role when reaching a decision on their application. All asylum-seekers were covered by insurance which entitled them to basic health care. During asylum proceedings, all women asylum seekers received free assistance from counsellors and legal representatives.

42. **Mr. Safarov** said that he had not heard an answer to his question of how innovative technologies were used to offer support to girls and women in rural areas. He also wished to know if there were any social protection programmes to offset older women's lower pensions. He would also be grateful for an update on the situation of rural women's property ownership.

43. **A representative of Switzerland** said that, if the benefits under the old-age, survivors and disability pension, or first pillar, were insufficient, they were topped up with supplementary benefits that should enable beneficiaries to meet their basic needs. The cantons were competent for measures to support older persons.

44. **Ms. Durrer** (Switzerland) said that various civil-society and government projects sought to offer women and girls access to innovative technologies to protect them against cyberviolence. One of them, run by alliance F, used an algorithm known as the Bot Dog, which was trained to identify hate speech and mobbing. The Government provided counselling through chat sites, as some persons did not wish to ring hotlines directly. The Logib tool enabled employers to analyse wage equality in their companies. Zurich and Lausanne had established tools for reporting sexist or homophobic aggression or sexual harassment. A digital tool called the Women's Human Rights app, which had been developed by the Federal Department of Foreign Affairs, had been launched with a view to facilitating negotiations of diplomats. The application contained all recent fundamental decisions on women's rights and the Convention was prominently featured. She invited the Committee members to test that extremely useful tool.

45. **A representative of Switzerland** said that the Federal Office of Public Health and the State Secretariat for Migration were endeavouring to ensure that asylum seekers had access to high-quality basic health care and was conducting an assessment of current arrangements to see if they were appropriate. The findings of the assessment would be available in mid-2023. Asylum seekers could receive timely treatment in a national network of hospitals, Swiss Hospitals for Equity. There were also plans to set up a new national provider in the health sector, which would concern itself with gender equity.

46. **Ms. Durrer** (Switzerland) said that the lack of time had made it impossible to reply to the Committee's question in greater detail. Her delegation looked forward to receiving the Committee's concluding observations which would be extremely useful. They would be brought to the attention of the Swiss authorities. Everything possible was being done in the public and private sector to enhance women's rights and speed up equality, because peace and development were impossible without the involvement of women and gender equality.

The meeting rose at 4.20 p.m.