



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

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## Committee on the Elimination of Discrimination against Women

### List of issues and questions prior to the submission of the sixth periodic report of Switzerland\*

#### General

1. In order to enable monitoring of the implementation of the Convention, please provide information and statistics, disaggregated by sex, age, disability, nationality, ethnicity, religion and location in urban or rural area, on the current situation of women in the State party. In accordance with the State party's obligations under articles 1 and 2 of the Convention and in line with target 5.1 of the Sustainable Development Goals, to end all forms of discrimination against all women and girls everywhere, as well as in the light of the Committee's concluding observations on the combined fourth and fifth periodic reports of the State party ([CEDAW/C/CHE/CO/4-5](#), paras. 25, 29 and 39),<sup>1</sup> please indicate how the State party intends to improve the collection and analysis of data pertaining to the areas covered by the Convention so as to support policymaking and programme development and to measure progress towards the implementation of the Convention and the promotion of substantive equality between women and men, including with regard to the specific areas covered herein.

#### Visibility of the Convention

2. With reference to the Committee's previous concluding observations (para. 11), please provide information on the measures taken by the State party to: (a) ensure that the provisions of the Convention are reflected in decisions and policies on gender equality and women's rights at both the federal and cantonal levels; (b) provide capacity-building for judges, prosecutors and lawyers to enable them to interpret national legislation in accordance with the Convention and the general recommendations of the Committee; and (c) conduct awareness-raising campaigns for the general public, in order to promote the visibility of the Convention and the Optional Protocol thereto and the Committee's general recommendations.

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\* Adopted by the pre-sessional working group on 15 November 2019.

<sup>1</sup> Unless otherwise indicated, paragraph numbers refer to the Committee's previous concluding observations.



**Reservations and declarations**

3. With reference to the Committee's previous concluding observations (para. 9), please provide information on the measures taken by the State party to withdraw its reservations to articles 15 (2) and 16 (1) (h), concerning the law governing the matrimonial regime applicable before 1 January 1988.

**Legislative and policy framework**

4. With reference to the Committee's previous concluding observations (para. 15), please provide information on measures taken to ensure that the interpretation and application of article 8 of the State party's constitution relating to the equality of women and men and non-discrimination against women are in full conformity with the Convention. With reference to the Committee's previous concluding observations (para. 19 (a) and (b)), please also provide information on any measures taken to: (a) achieve gender mainstreaming across all sectors and levels of government, including by adopting an integrated gender mainstreaming strategy and using gender-budgeting processes; (b) reconsider its decision not to develop a comprehensive gender strategy and action plan at the federal level, as stipulated in the information received from the State party on follow-up to the concluding observations (CEDAW/C/CHE/CO/4-5/Add.1, para. 2); (c) ensure coordination among the different sectors and levels of government in the effective implementation of strategies and action plans regarding gender equality, including those mentioned in the information received from the State party in follow-up to the previous concluding observations (CEDAW/C/CHE/CO/4-5/Add.1, paras. 3–8).

**Access to justice**

5. Please provide information on measures taken to ensure that women, including women with disabilities, Roma women and migrant, asylum-seeking and refugee women, are aware of their rights under the Convention and of the legal remedies available to invoke them. Please also provide information on the measures taken to eradicate barriers that impede effective access for women to justice, including financial barriers, indicating the number of beneficiaries of free legal aid, on an annual basis, disaggregated by sex, age and type of legal proceedings.

**Extraterritorial obligations**

6. Please provide information on the measures taken to: (a) strengthen legislation governing the conduct of corporations registered or domiciled in the State party in relation to their activities abroad, including by requiring those corporations to conduct human rights and gender impact assessments before making investment decisions; (b) ensure that trade and investment agreements negotiated by corporations registered or domiciled in the State party comply with the State party's obligations under the Convention and explicitly consider their impact on women's rights.

**Women and peace and security**

7. Please provide information on: (a) measures taken to ensure effective participation of women in negotiations and in mediation activities in conflict-resolution and peace processes when providing technical assistance to countries emerging from conflict; (b) measures taken to mainstream a gender perspective into strategies to prevent violent extremism and counter-terrorism; (c) the impact on women of the small arms trade and the export of arms and munitions to conflict zones (para. 17).

**National machinery for the advancement of women**

8. With reference to the Committee's previous concluding observations (para. 19 (c)), please provide updated information on the measures taken to strengthen the authority, visibility and human, technical and financial resources of the equality offices or commissions in cantons, as well as of the Federal Office for Gender Equality and the Federal Commission for Women's Issues. With reference to the information received from the State party in follow-up to the previous concluding observations ([CEDAW/C/CHE/CO/4-5/Add.1](#), para. 10), please also provide information on the reasons for the closure of the cantonal equality offices in the cantons of Obwalden and Aargau and the impact on the implementation and evaluation of the relevant cantonal gender equality policies, plans and programmes. Please provide information on the measures taken to ensure compliance by the Swiss Centre of Expertise in Human Rights with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) (para. 19 (d)).

**Temporary special measures**

9. Please provide information on temporary special measures, in line with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, taken to accelerate substantive equality between men and women, including women with disabilities, Roma women and migrant, asylum-seeking and refugee women, in all areas in which women are underrepresented or disadvantaged, such as political and public life, education and employment, in particular in managerial positions. Please also provide information on the monitoring and evaluation of the outcomes of such measures, supported by statistical data.

**Stereotypes**

10. Please provide information on the measures taken to eliminate discriminatory stereotypes concerning the roles and responsibilities of women and men in the family and in society, including any awareness-raising programmes, directed at women and men, on the negative effect of such stereotypes on the enjoyment by women of their rights, to eliminate discriminatory stereotypes against women in the media and in advertisements and promote positive and non-stereotypical portrayals of women, including of women with disabilities, Roma women and migrant, asylum-seeking and refugee women, to encourage gender-sensitive media coverage and to promote the equal representation of women and men on media councils and governing boards.

**Harmful practices**

11. Please provide information on the measures taken to provide protection and support services, including psychosocial counselling and rehabilitation programmes, to women and girls in the State party, in particular migrant, asylum-seeking and refugee girls who have undergone, or are at risk of being subjected to, female genital mutilation. Please also provide information on the number of investigations and prosecutions in cases of female genital mutilation, on the number of convictions of, and the sentences imposed on, those performing this harmful practice or complicit therein, on redress, including financial compensation, provided to victims, as well as on measures to raise awareness among relevant communities, families and religious leaders about the criminal nature of female genital mutilation.

**Gender-based violence against women**

12. In view of the high prevalence of gender-based violence against women in the State party and the persistently low reporting, prosecution and conviction rates (para. 26), please provide updated information on: (a) any legislative amendments to

bring the definition of rape into line with international standards, including the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, by basing it on the lack of consent rather than the use of force by the perpetrator or resistance by the victim, and to effectively punish marital rape and domestic violence, including all forms of intimate partner violence, and also covering past relationships in which partners continue to pose a threat; (b) the steps taken to develop a national action plan to combat all forms of gender-based violence against women, including contemporary forms of violence occurring on the Internet and in digital spaces, ensuring the allocation of adequate human, technical and financial resources for its implementation, monitoring and assessment; (c) the measures taken to provide mandatory capacity-building for judges, prosecutors, police officers and other law enforcement officers on the strict application of relevant criminal law provisions and on gender-sensitive investigation and interrogation methods.

13. Please provide information on the measures taken to encourage the reporting of incidents of domestic and other forms of gender-based violence against women, including women with disabilities and migrant, asylum-seeking and refugee women. Please also provide statistical data on the number of reported cases of gender-based violence against women, including women in detention, women with disabilities, women belonging to ethnic minority groups, lesbian, bisexual, transgender women and intersex persons, disaggregated by age, type of violence and relationship between the victim and the perpetrator. Please provide information on the measures taken to strengthen the services, including shelters, for women victims of gender-based violence, including psychosocial counselling and rehabilitation, also indicating whether the services are accessible to women with disabilities in all cantons (para. 27 (d)).

#### **Trafficking and exploitation of prostitution**

14. Please provide information on the measures taken to assess the impact of the national action plan against trafficking in persons for the period 2017–2020 and to adopt a new plan integrating a gender perspective (para. 29 (b)). Please also provide statistical data disaggregated by nationality on: (a) the number of women and girls in the State party who are victims of trafficking, the number of investigations, prosecutions and convictions in cases of trafficking, the sentences imposed on perpetrators and redress provided to victims; and (b) the number of women and girls who are victims of trafficking that have been granted asylum or a temporary residence permit in the State party. Please also indicate the measures taken to ensure the early identification and referral to relevant services and asylum procedures, if appropriate, of victims of trafficking. Please explain what measures have been taken to protect women in prostitution from trafficking and exploitation, in particular migrant women, and to provide exit programmes, alternative income-generating opportunities and support services for women who wish to leave prostitution (para. 29 (f)).

15. Please provide information on the measures taken to: (a) provide effective access to protection and specialized, gender-sensitive support and assistance to all victims of trafficking in women and girls, including those with disabilities, regardless of their residence status and of whether or not criminal proceedings against alleged perpetrators of trafficking-related crimes have been initiated; (b) provide support services to women and girls who are victims of trafficking in all cantons of the State party; and (c) address disparities between cantons in the identification of trafficking victims and their referral to appropriate services and in granting temporary residence permits, irrespective of victims' willingness or ability to cooperate with the prosecution authorities.

### **Participation in political and public life**

16. Please provide information on the measures taken to adopt and implement temporary special measures to increase the representation of women in elected and appointed political positions, in particular in decision-making positions (para. 21). Please provide information on the measures taken to increase the representation of women in decision-making and managerial positions in public and private companies. Please also provide information on any awareness-raising campaigns for politicians, the media, teachers and the general public on the importance of the participation of women in political life and the representation of women in decision-making positions. Please also provide updated statistical data on the representation of women in the judiciary in the State party, as well as at the international level and in diplomatic positions.

### **Education**

17. Please provide information on the measures taken to: (a) conduct a review of educational materials at the cantonal level to ensure that they are gender-sensitive and free from gender stereotypes and to raise awareness among teachers on discriminatory gender stereotypes; (b) address discriminatory stereotypes and other barriers that deter girls from enrolling in traditionally male-dominated fields of study, such as science, technology, engineering and mathematics; (c) provide age-appropriate sexuality education in schools in all cantons and train teachers on the sexual and reproductive health and rights of women and girls.

### **Employment**

18. Please provide information on: (a) the efforts to eliminate the gender pay gap and to implement the revisions made to the Federal Act on Gender Equality, including the legal obligation for companies to conduct wage analyses; (b) the impact of discriminatory stereotypes in recruitment and promotion policies concerning the roles and responsibilities of women; (c) the steps taken to promote equal access of women and men to employment in the public and private sectors and to eliminate horizontal and vertical occupational segregation; (d) the legislative measures taken to establish shared parental leave and awareness-raising programmes to promote equal sharing of child-rearing and domestic duties between women and men; (e) the impact of the Federal Act on Tax Reform and Old-Age and Survivors Insurance Financing on pension benefits and other career assets among women and on women engaged in unpaid care work; (f) measures taken to prevent sexual harassment of women in the workplace and to monitor complaints, including data on the number and outcome of complaints by women; (g) temporary special measures to promote employment opportunities for disadvantaged groups of women, including updated data on the percentage of women in the labour force, disaggregated by age, disability, nationality, ethnicity, location in urban or rural area and occupation rate (full-time or part-time); (h) plans to ratify the Violence and Harassment Convention, 2019 (No. 190) of the International Labour Organization.

### **Health**

19. Please provide information on the measures taken to: (a) remove all barriers, including financial barriers faced by women and girls in acquiring access to health-care services without discrimination; (b) raise awareness among medical professionals on the cultural and linguistic barriers faced by migrant women in acquiring access to health-care services, including sexual and reproductive health services; (c) facilitate the legal recognition of gender reassignment and prevent any intrusive medical or surgical treatment from being conducted on intersex persons

without their prior, free and informed consent and compensate victims of non-consensual treatment; (d) ensure the availability and accessibility of health-care services, including confidential treatment and services, for women living with HIV/AIDS and other sexually transmitted infections.

#### **Economic and social benefits**

20. Please provide information on the specific measures taken to reduce poverty among disadvantaged or marginalized groups of women, in particular single mothers, older women, divorced women, rural women, migrant women, unemployed women and women engaged in unpaid care work, who often depend on social benefits (para. 43 (a)). Please also provide information on the measures taken at the federal and cantonal levels to review regulations on maintenance payments, including the child allowance, and their taxation (para. 43 (b)–(d)).

#### **Rural women**

21. Please provide information on the measures taken to ensure that rural women farmers have access to control over land, including through inheritance in the event of their husband's death (paras. 44 and 45). Please indicate the measures taken to contribute to the economic empowerment of rural women, including access to financial credit, skills training and social security for women farmers. Please provide updated statistical data on the representation of women in unions and professional associations of farmers.

#### **Disadvantaged groups of women**

22. Please provide information on the measures taken to: (a) eliminate intersecting forms of discrimination against women with disabilities, migrant and refugee women and women belonging to ethnic minority groups, including Roma and Traveller women, and to ensure their access to political and public life, education, professional training, employment, health, housing and social benefits; (b) prohibit the forced sterilization of women and girls who are considered to be “permanently incapable of judgment” under article 7 (2) of the Federal Act on Prerequisites and Procedures for Sterilization.

#### **Refugee and asylum-seeking women**

23. Please indicate the measures taken to: (a) ensure that individual screening and assessment procedures for asylum-seeking women and girls are gender-sensitive and age-sensitive and respond to the specific protection needs of women with disabilities, unaccompanied girls, women who are survivors of gender-based violence and victims of trafficking; (b) provide training on gender-sensitive interview techniques and the detection of gender-specific forms of persecution to border police and immigration officers; (c) improve reception conditions for asylum-seeking women and girls at the federal and cantonal levels and ensure their access to health care, sanitary facilities and specialized support services.

#### **Marriage and family relations**

24. Please provide information on measures taken to: (a) address economic disparities between women and men upon divorce or separation; (b) introduce minimum levels of child maintenance; (c) monitor the implementation of shared custody in practice; (d) ensure that non-traditional forms of family relations, including de facto and same-sex unions, are fully recognized by law, in line with the Committee's general recommendation No. 21 (1994) on equality in marriage and

family relations and general recommendation No. 29 (2013) on the economic consequences of marriage, family relations and their dissolution.

**Additional information**

25. Please provide any additional information deemed relevant regarding legislative, policy, administrative and any other measures taken to implement the provisions of the Convention and the Committee's concluding observations since the consideration of the combined fourth and fifth periodic reports of the State party, in 2016. Such measures may include recent laws, developments, plans and programmes, recent ratifications of human rights instruments or any other information that the State party considers relevant. Please also provide information on the measures taken to integrate a gender perspective into all efforts aimed at achieving the Sustainable Development Goals. Please note that, further to the issues raised herein, the State party is expected, during the dialogue, to respond to additional questions relating to areas covered by the Convention.

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