



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

Distr.: General
15 January 2019
English
Original: French
English, French and Spanish only

**Committee on the Elimination of Discrimination
against Women**

**Concluding observations on the combined fourth and fifth
periodic reports of Switzerland**

Addendum

**Information received from Switzerland on follow-up to the
concluding observations***

[Date received: 19 December 2018]

* The present document is being issued without formal editing.



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1. Purpose

1. Switzerland submitted its fourth and fifth periodic reports on implementation of the Convention on the Elimination of All Forms of Discrimination against Women in November 2016. In its recommendations of 18 November 2016, the Committee requested that Switzerland “provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 19 (b) and (c), 27 (c) and 49 (d)”.¹ The recommendations relate to the development of a comprehensive national gender strategy and action plan and strengthening of existing equality institutions (recommendations 19 (b) and (c)), the adoption of a national action plan to combat gender-based violence against women (recommendation 27 (c)), and the development of a study to analyse the impact of the current pension system on low-income divorced couples (recommendation 49 (d)).

2. Development of a comprehensive national gender strategy and strengthening of equality institutions

2.1 Gender strategies and action plans

2. The promotion of equality between women and men is a constitutional mandate (art. 8, para. 3, of the Constitution). As the Federal Council has already stated in its responses to various parliamentary statements, action is still needed in many areas for gender equality to be achieved.² However, the Council believes that a specific strategy or comprehensive action plan would not have the desired effect and prefers to promote equality within the framework of existing Government and administrative strategic planning instruments.

3. The Legislature Plan of the Federal Council sets clear priorities in the area of gender equality. Ensuring respect for gender equality is covered by goal 10 of the 2015–2019 Legislature Plan.³ For 2018, for example, goal 10 provides for the implementation, by means of an order, of financial aid for childcare and the preparation of a final report on the National Programme to Prevent and Combat Poverty. The results in respect of the annual goals are documented in the Council’s annual management report.

4. The Council’s Sustainable Development Strategy⁴ also details significant concerns regarding the equality policy and presents an action plan. In action area 8, “Social cohesion and gender equality”, the Federal Council has set strategic goals regarding gender equality. Goal 8.2 covers professional and private life, the full and effective participation of women in decision-making at all economic, political and public levels, and a more equal distribution of unpaid care work between women and men. In terms of other goals set by the Federal Council in the area of equality, goal 8.3 aims to greatly reduce all forms of violence against women and girls, while goal 8.4 relates to the integration of migrants. The 2018 country report of Switzerland on

¹ Concluding observations on the combined fourth and fifth periodic reports of Switzerland, paragraph 54, 18 November 2016.

² <https://www.parlament.ch/fr/ratsbetrieb/suche-curia-vista/geschaefit?AffairId=20183122>;
<https://www.parlament.ch/fr/ratsbetrieb/suche-curia-vista/geschaefit?AffairId=20153731>.

³ <https://www.bk.admin.ch/bk/fr/home/dokumentation/fuehrungsunterstuetzung/legislaturplanung.html>.

⁴ <https://www.are.admin.ch/are/en/home/sustainable-development/strategy-and-planning/sustainable-development-strategy-2016-2019.html>.

its implementation of the 2030 Agenda for Sustainable Development⁵ refers to the achievement of these goals.

5. In recent years, specific gender equality strategies have been adopted by different departments of the Federal Administration. The Gender Equality and Women's Rights Strategy of the Federal Department of Foreign Affairs, launched in September 2017,⁶ sets out principles of action and strategic goals of the country's external policy in the areas of gender equality and women's rights. The national action plan to implement Security Council resolution 1325 (2000) on women, peace and security was revised this year for the fourth time (for the period 2018–2022). The Federal Office of Personnel has a strategy that pays special attention to gender equality and sets gender balance targets, in particular regarding the proportion of women in higher functions and salary brackets.⁷

6. Reports on the Convention on the Elimination of All Forms of Discrimination against Women, together with the Committee's recommendations, have led to a more systematic implementation of gender equality by the Federal Administration, in addition to the definition of strategic priorities and evaluation of the impact of the measures taken. An interdepartmental working group, which includes representatives from many federal services competent to implement these measures, has consolidated the Committee's recommendations into thematic spheres of action and established a road map containing specific measures to be taken at the federal and cantonal level. The road map is regularly updated. The spheres of action refer, inter alia, to the mechanisms and instruments of the equality policy, temporary special measures, stereotypes and harmful practices, gender-based violence, trafficking in persons, participation in political and public life, education, professional life, social security, health, disadvantaged groups of women, marriage, the family and external policy.

7. The cantons are also required to carry out the constitutional mandate of ensuring equality. The Federal Supreme Court has noted in two judgments that, under article 8, paragraph 3, of the Constitution and article 2 (a) of the Convention, all public bodies are required to take measures to achieve effective equality.⁸ Many cantons and communes are applying this in a wide range of sectors. However, the cantons still have considerable latitude when deciding on their strategic priorities. According to the available data, some cantonal and communal authorities have adopted multi-year strategies or action plans that refer to the promotion of gender equality in general terms⁹ or in specific domains. This may involve the promotion of equality within the cantonal or communal administration,¹⁰ with an emphasis on equal pay for equal work, work/family balance,¹¹ education,¹² choice of profession and training, the job market,¹³ gender-based violence,¹⁴ women's political participation,¹⁵ combating gender stereotypes,¹⁶ and the integration of migrants.¹⁷ The towns of Bern and Zurich

⁵ https://www.dfae.admin.ch/dam/agenda2030/en/documents/laenderbericht-der-schweiz-2018_EN.pdf; https://www.eda.admin.ch/dam/agenda2030/en/documents/agenda2030-grundlage-laenderbericht-bestandesaufnahme-schweiz-2018_EN.pdf.

⁶ https://www.eda.admin.ch/dam/eda/fr/documents/publications/Chancengleichheit/EDA-Strategie-Geschlechtergleichstellung-Frauenrechte_FR.pdf.

⁷ https://www.epa.admin.ch/epa/fr/home/themes/politique-du-personnel/personalstrategie_2016_2019.html.

⁸ ATF 137 I 305; 1C_504/2016.

⁹ For example, the canton of Geneva and the towns of Bern, Geneva and Zurich.

¹⁰ For example, the cantons of Fribourg and St. Gallen and the towns of Zurich, Bern and Geneva.

¹¹ The cantons of Lucerne and Fribourg and the town of Bern.

¹² The canton of Geneva.

¹³ The cantons of Lucerne, St. Gallen and Jura.

¹⁴ The cantons of St. Gallen, Geneva and Jura and the towns of Geneva, Bern and Zurich.

¹⁵ The town of Geneva.

¹⁶ The town of Zurich.

¹⁷ The canton of Jura.

have explicitly based their action plans on the goals contained in the European Charter for Equality of Women and Men in Local Life. Some cantons and communes have, as in the case of the Confederation, incorporated political goals on equality into their legislature plan¹⁸ or explicitly included equality issues in the activity of the competent services as a strategic goal.¹⁹ Lastly, other cantons have included gender equality goals in their broader strategies (to protect against discrimination in general, for example, or to promote the family and diversity).²⁰ However, resources to implement measures remain limited and additional funds to monitor the strategies and action plans have not been set aside.

2.2 Strengthening of equality offices and commissions

8. As already mentioned in the fourth and fifth reports, Switzerland has an extensive network of State institutions dedicated to the promotion of gender equality. However, the mandates and hierarchical positions of these institutions vary considerably.

9. At the federal level, the Federal Office for Gender Equality is working continually to promote gender equality in all spheres of life and eliminate all forms of discrimination, direct and indirect, against women. A number of departments and offices, such as the Federal Office of Personnel and the Federal Department of Foreign Affairs, have given internal services the responsibility of promoting gender equality. The Federal Commission for Women's Issues, as an advisory body of the Confederation, works on all issues relating to women and gender equality in Switzerland.²¹

10. Most cantons²² and a few large towns have created an institution to deal with equality issues, in the form of an office or advisory commission. The Swiss Conference of Gender Equality Delegates, to which all equality offices of the Confederation and the cantons and communes belong, currently has 15 member cantons and 5 member communes.²³ During the past two years, two cantonal offices have withdrawn: one was dissolved and the other merged with another office, with the result that gender equality was removed from its mandate.²⁴ Some offices deal exclusively with gender equality,²⁵ while other also handle a variety of other themes, such as sustainable development, the family, social and cultural diversity, equality for persons with disabilities, LGBTI persons²⁶ and the integration of migrants. The Conference continues to support, coordinate, plan and carry out nationwide activities

¹⁸ For example, the canton of Basel-Stadt has defined clear goals and measures concerning choice of profession regardless of gender, gender equality within the administration, work/family balance and combating domestic violence; the canton of Basel-Landschaft has a forward-looking strategy for equality between women and men in its current legislature plan; and the canton of Vaud has established measures on equality in the social sphere and regarding training and integration, work/family balance, gender-based violence, equal pay for equal work and the introduction of paternity leave in the administration.

¹⁹ The towns of Bern and Zurich.

²⁰ The town of Winterthur.

²¹ The information provided in the fourth and fifth reports of Switzerland on the methodology and the thematic priorities of the Federal Office for Gender Equality and the Federal Commission for Women's Issues remains current.

²² Except for the cantons of Zug, Nidwalden, Obwalden and Aargau.

²³ The cantons of Appenzell Ausserrhoden, Basel-Landschaft, Basel-Stadt, Bern, Fribourg, Geneva, Lucerne, Neuchâtel, St. Gallen, Vaud, Zurich, Graubünden, Jura, Ticino and Valais; and the towns of Bern, Geneva, Lausanne, Zurich and Winterthur.

²⁴ The cantons of Obwalden and Aargau.

²⁵ The cantons of Basel-Stadt, Basel-Landschaft, Bern, Vaud, Graubünden and Ticino.

²⁶ Lesbian, gay, bisexual, transgender and intersex persons.

aimed at ensuring a lasting and coherent equality policy. The Federal Office for Gender Equality works closely with the Conference and acts as its vice-president.

11. During the political discussions of the past few years, at the Confederation level but also at the cantonal and communal level in several instances, equality bodies have repeatedly had to justify their existence and their human and financial resources. This is particularly true in cases where public finances are strained.

12. At the federal level, however, requests for budget cuts have been denied for the past two years and the budget of the Federal Office for Gender Equality has regularly been approved by the Swiss Parliament.

13. There are major differences between the cantons and the communes in terms of the resources available to equality bodies. Cantons and communes are financially autonomous and therefore decide on the funds they wish to make available. Several institutions have come under financial pressure, with the result that they do not have sufficient resources to carry out their legal mandate in full.

14. The role of offices is to provide information, advice and specialized support to other administrative services that are supposed to ensure gender equality in their respective areas of competence using their own human and financial resources. A few cantonal equality bodies have stated that they wish to boost their communication efforts, take greater advantage of the opportunities offered by the digital era to raise awareness among other segments of the population, and continue to strengthen networking between people and institutions and cooperation with other administrative services, the political world and the general public. These actions should help increase their visibility and authority in the domain, and improve political perceptions of the subject.

15. In a judgment of 19 October 2017,²⁷ the Federal Supreme Court referred to the obligations under the Convention and confirmed an earlier judgment in which it had ruled that all public bodies must take institutional and organizational measures to achieve effective equality. In particular, a decision must be taken as to which administrative services are responsible for promoting equality, their competences and the human and financial resources at their disposal. The designated services must also have the necessary knowledge and expertise to carry out their mandate, as made clear in the Committee's general recommendations and concluding observations regarding article 2 (a) of the Convention.

16. In summary, with a few exceptions, equality institutions have in recent years come under increasing financial and political pressure.

3. National action plan to combat gender-based violence against women

17. Violence against women and domestic violence remain, in Switzerland as elsewhere, a widespread problem, with serious consequences for those affected, their families and society as a whole.²⁸ In its message regarding the adoption of the Istanbul Convention, the Federal Council underlined the efforts that Switzerland had undertaken to date to prevent and combat violence against women and domestic violence and indicated that Switzerland met the Convention's requirements for the

²⁷ IC_504/2016, paras. 4.2 and 4.5.

²⁸ For figures on domestic violence offences, see Federal Statistical Office, police crime statistics 2017: <https://www.bfs.admin.ch/bfs/fr/home/statistiques/criminalite-droit-penal/police/violence-domestique.html>.

most part.²⁹ Following ratification of the Istanbul Convention by Switzerland on 14 December 2017, a highly comprehensive instrument against gender-based violence entered into force in the country on 1 April 2018.³⁰ The Convention provides a comprehensive, legally binding framework for preventing and combating violence against women and domestic violence, which will henceforth guide the federal, cantonal and communal authorities and civil society. It is based on four spheres of action: the prevention of violence, the protection of victims, criminal prosecution, and comprehensive policies containing concerted measures, which must be implemented with the aid of adequate resources.

18. Given that Switzerland already had the necessary legal bases when it ratified the Istanbul Convention, the country must now give priority to achieving the material goals of the Convention. In 2018, in agreement with the cantons, an implementation concept was developed that set out in detail the respective tasks and competences of the Confederation and the cantons, and how they would collaborate. It also indicated how non-governmental organizations would be incorporated into the process.

19. In terms of the distribution of tasks and competences, the Confederation is responsible for national and international coordination, legislation in its sphere of competence and the implementation thereof, drafting documents and studies, and preparing national statistics and analyses. The Federal Office for Gender Equality leads the interdepartmental working group responsible for implementing the Convention at the federal level. The group includes representatives from the Federal Office for Health, the Federal Social Insurance Office, the Federal Statistical Office, the Federal Justice Office, the Federal Office of Police, the Secretary of State for Migration, and the General Secretariat of the Federal Department of Foreign Affairs, each of which is competent in its own area. In November 2018, the Federal Office for Gender Equality published an overview of the tasks and measures currently being undertaken by the Confederation to implement the Istanbul Convention, which will be regularly updated.³¹

20. The cantons are responsible for coordination within and between cantons, criminal prosecution and police protection measures, assistance to victims and the provision of shelters, measures to protect children and adults, counselling and programmes for perpetrators of violence, and more advanced preventive measures (in terms of information and training, for instance). In 2018, the cantons also prepared a report containing measures for implementing the Istanbul Convention. A few cantons, such as Vaud and Fribourg, have additionally adopted their own action plans and measures to prevent and combat violence against women and domestic violence.

21. Implementation of the Istanbul Convention is a common and cross-cutting task. For that reason, coordination of the implementation activities plays a key role. The Federal Office for Gender Equality is responsible for national coordination of implementation activities, monitoring and evaluating policies and other measures, and coordination at the federal level. The Swiss Conference against Domestic Violence is the competent body for coordination between cantons, based on the mandate conferred by the Conference of Directors of Cantonal Departments of Justice and Police and the Conference of Cantonal Ministers of Social Affairs. The Swiss Conference against Domestic Violence connects a network of cantonal entities responsible for coordination, intervention and other specialized services working to combat domestic violence in Switzerland.

²⁹ FF 2017 163.

³⁰ RS 0.311.35.

³¹ <https://www.ebg.admin.ch/ebg/fr/home/themes/droit/droit-international/convention-d-istanbul.html>.

22. The Confederation and the cantons will coordinate their tasks aimed at fulfilling the requirements of the Istanbul Convention through a joint committee. The committee is composed of three federal services from the interdepartmental working group responsible for implementing the Convention, as well as the Conference of Cantonal Ministers of Social Affairs, the Conference of Directors of Cantonal Departments of Justice and Police and the Swiss Conference against Domestic Violence. In certain cases, the committee has the power to request an opinion from other federal services or cantonal conferences on an advisory basis and it may also hear from non-governmental organizations.

23. The Istanbul Convention provides Switzerland with a legally binding framework that requires it to take targeted measures at all levels. The committee bringing together the Confederation and the cantons will consider whether new measures need to be taken on the basis of the first report of Switzerland to the Council of Europe and the corresponding conclusions and recommendations, and will make a decision regarding the development of a national action plan.

4. Impact of the current pension system on low-income divorced couples

24. The Committee had already noted in its 2009 recommendations that Swiss divorce laws were not satisfactory from a gender equality perspective in terms of occupational pension compensation. The revised divorce law that came into force on 1 January 2017 introduced an important amendment regarding the division of occupational pensions in the event of divorce. Assets and expected income are shared between the spouses in a more equitable manner; a spouse who has never worked or only worked part-time is no longer at a disadvantage pension-wise. In principle, the termination benefit accrued during the marriage continues to be shared equally between the spouses. One new feature is that assets will also be shared if the spouse making payments is already retired or disabled. Depending on the circumstances, the calculation will either be based on a hypothetical termination benefit, or the income being received will be split and converted into a life annuity for the spouse entitled to receive payments. Pension and vested benefit institutions are required to report all the holders of pension assets on a regular basis. This means that the court dealing with the divorce can check that the parties have declared all their pension assets.

25. During a divorce, therefore, the expected old-age and disability benefits (first pillar) and occupational pension assets (second pillar) will be divided equally between the spouses.

26. Recipients of old-age pensions whose income does not cover their expenditure are entitled to additional benefits, which prevents them falling into poverty. This provision remains particularly important for low-income divorced individuals, as even an equitable division of pension assets does not by itself guarantee them adequate income when they reach retirement age.