



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

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

Twenty-eighth session

Summary record of the 591st meeting

Held at Headquarters, New York, on Tuesday, 14 January 2003, at 3 p.m.

Chairperson: Ms. Açar

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The meeting was called to order at 3.05 p.m.

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

Combined initial and second periodic report of Switzerland (continued) (CEDAW/C/CHE/1-2 and Add.1)

1. *At the invitation of the Chairperson, the members of the delegation of Switzerland took places at the Committee table.*

Article 4 (continued)

2. **Ms. Gabr**, referring to paragraph 84 of the report (CEDAW/C/CHE/1-2), said that the Swiss Supreme Court had determined that regulations introducing quotas for the purpose of establishing equality in representation were not contrary to the Constitution, but that the allocation of electoral mandates on a quota basis in a popular election was not acceptable. In her view, since the principle of proportionality was accepted, it was a matter of rephrasing the proposal referred to in paragraph 190. In the case of the Supreme Court's decision, also cited in that paragraph, that a popular initiative to introduce quotas exceeded what was appropriate to ensure material equality of opportunities, she believed that the problem with the initiative was simply one of drafting.

3. In that regard, she enquired as to what measures Switzerland was taking to ensure the representation of the large proportion of foreigners living in the country.

Article 5

4. **Ms. Ferrer Gómez** said that she would like more information on efforts by the Government to improve the role of women in society and in the family. It would be useful to know what measures Switzerland had taken to introduce women into non-traditional fields of study and to mainstream the teaching of gender issues, and what role the media played in altering stereotypes. She also wished to know what measures were being taken to raise the awareness of police authorities, hospital staff and the judiciary regarding women victims of domestic violence.

5. **Ms. Khan**, noting the measures taken by Switzerland to eliminate gender stereotypes, said she had been astonished to learn that men and women were

still confined in traditional roles in that country. That was a significant problem. The elimination of cultural stereotypes was, however, difficult to achieve. She commended the State party for its attention to the role of the media in altering gender relations. Paragraph 133 of the report, however, indicated that the Swiss media still tended to emphasize the sexual aspects of violence against women. More information on that would be welcome. She would like to know, in particular, whether there were any limitations on the use of pornography on television and in other media. In addition, it would be useful to know whether the directives on the prevention of the use of degrading female stereotypes in advertising, as mentioned in paragraph 133, were being implemented.

6. She asked whether publicity and campaign materials were prepared in many languages, and what role women played in the media, in particular at decision-making levels. In addition, it would be useful to know if immigrant women were persecuted for their beliefs or subjected to forced marriages or female genital mutilation, and whether shelters existed for such women. Finally, she enquired as to whether any studies had been conducted to assess stereotypes and attitudes within immigrant families.

7. **Ms. Achmad** enquired about what measures were being taken to investigate existing stereotypes and prejudices and the impact of such stereotypes on youth. It would be useful to have more information about the directives on the prevention of the use of degrading female stereotypes in advertising, in particular, who had initiated them and who was responsible for their implementation. She wondered, too, whether there were sanctions against persons who violated those directives and whether similar directives had been established for the media.

8. Paragraph 134 indicated that young girls were being provided with the space needed for their self-fulfilment. In her view it was important to include boys in any such endeavours, since the goal was equal partnership, and boys and girls needed to view each other as equals.

Article 6

9. **Ms. Morvai**, referring to paragraph 138, asked why the Government provided special work permits to cabaret dancers, since that profession reinforced gender stereotypes and was clearly linked to prostitution and

trafficking. She presumed, in fact, that the Government had included the matter under article 6 for that reason. Article 6 called on States parties to suppress all forms of traffic in women and exploitation of prostitution of women; cabaret dancing encouraged such activities. Details should be provided on whether the Government had considered abolishing the visa preference in view of its obligations under articles 5 and 6.

10. The reporting State should clarify the status of the proposed Federal act to protect women victims of violence by expelling perpetrators from the family home, as discussed in paragraph 121. More information would also be welcome on other measures to protect women from violence, such as shelters. The State party should make use of the Committee's General Recommendation No. 19 and the United Nations Declaration on the Elimination of Violence against Women in establishing measures to combat violence against women, and should inform the Committee of its progress in the next report.

11. **Ms. Kuenyehia** said that, according to paragraphs 143 and 144, women victims of trafficking were expelled from Switzerland immediately, and that if they were away from the country, they could not testify against perpetrators. It was unclear, therefore, what protections existed for such women. It was also unclear whether the legal emphasis was on the protection of victims or on the prosecution of offenders. She also wished to know what measures, if any, had been taken to protect immigrant women from contemporary forms of slavery, such as domestic servitude.

12. **Ms. Kapalata** said that she found the section of the report dealing with article 6 disturbing. Traffickers were subject to a minimum of six months' imprisonment, while persons who incited girls or women to prostitution were subject to a maximum of 10 years' imprisonment. The 1992 review of criminal law had been concerned with freedom of self-determination in sexual matters, and it seemed that offences connected with sex trafficking were therefore broadly defined. The report also maintained that Switzerland had long-standing international commitments to the protection of women from trafficking and prostitution. In that connection, she wished to know, what conventions Switzerland had ratified and what had been the impact of such ratification on actions taken by the Government to eliminate such practices.

13. **Ms. Ferrer Gómez** said she was surprised to learn that the minimum sentence for trafficking in women was only six months. It would be useful to know what measures were being taken to rehabilitate drug users and what treatments were available for child victims of prostitution and pornography.

14. **Ms. González Martínez** enquired as to whether data were available on domestic violence cases heard by the courts and whether a registry of such cases existed, particularly those involving violence against children. She also wished to know whether there was a registry of sentences handed down against perpetrators of domestic violence. More information would be welcome on the prevalence of child pornography, trafficking in children and sexual abuse of children. The report concentrated on legislative measures to combat such activities but did not describe the scope of the problem.

15. Providing special work permits for cabaret dancers without at the same time regulating their working conditions did not help to combat trafficking in women for sexual purposes. It would be interesting to know how many persons were imprisoned each year for trafficking in women; whether, after serving a six-month sentence, they were required to leave the country; and whether a person could be sentenced to a second six-month term for a repeat offence.

16. **Ms. Gabr** noted the disturbing increase in the number of foreign cabaret dancers admitted to Switzerland. That activity had known links to organized crime and drug trafficking and every effort should be made to bring the national legislation into line with the provisions of the relevant international instruments that Switzerland had ratified.

Article 7

17. **Ms. Tavares da Silva** expressed concern at the low level of female representation in the legislature and judiciary compared with the level of such representation in other countries of the region. She wondered whether that situation was due to stereotyped notions of the roles of men and women in Swiss society, to biases in the system of recruitment, to the prestige associated with such positions or to the fact that employment in those sectors was incompatible with the preference of women for part-time work.

18. **Ms. Gaspard** said that she too was surprised at the low level of participation by women in government,

especially in view of the progress being made in that area by other countries in the region. She noted in paragraph 187 of the report that certain important directorial posts at the Confederation level were allocated on the basis of a quota system that ensured a balance between regions and strengthened the representation of peripheral areas; it was unclear why a similar quota system could not be instituted in the political sphere. It was incumbent on the Government to take steps to ensure progress in that area.

19. **Ms. Belmihoub-Zerdani** welcomed the progress that women in Switzerland had achieved in recent years, as reflected in the composition of that country's delegation. Continued mobilization was still necessary, however, and women should lobby the political parties as part of the overall effort to put an end to discrimination against them in the political sphere. Pending the adoption of appropriate legislation, the Government must actively promote women to positions of responsibility. There was no room for tokenism. A comprehensive and broad-based effort was needed to ensure the advancement of women in all fields. In that connection, non-governmental organizations could play an important role in preparing women for positions of authority in government.

Article 8

20. **Ms. Popescu Sandru** expressed concern at the gap between men and women in the diplomatic service in terms of both numbers and level of seniority. She would welcome additional information on the proportion of women at decision-making levels in the political and public spheres. It would also be helpful to have clarification of the Federal Council directive stipulating that Swiss interest groups, such as non-governmental organizations and associations, including women's organizations, must participate in an adequate manner in international conferences. She wondered to what extent that directive was being followed, since it was important to address the gender imbalance in representation.

Article 9

21. **Ms. Shin** welcomed the 1992 revision of the Federal Act on the acquisition and loss of Swiss nationality, which had abolished the inequalities of treatment between men and women. It would be useful if sex-disaggregated data could be provided on marriages between Swiss nationals and foreigners.

With regard to the requirement for a foreign spouse to have lived in conjugal union with a Swiss national for a period of three years in order to qualify for Swiss nationality, she wondered what would be the situation of foreign women who were widowed, separated or divorced from their Swiss spouses before completing the three-year period. She also wished to know whether foreign women who were separated from their Swiss spouses because of domestic violence against them could still apply for Swiss nationality. Lastly, information would be welcome on the results of any research that might have been conducted in cases where women had tolerated violence and abuse in order to obtain Swiss nationality.

Article 10

22. **Ms. Tavares da Silva** noted the limited number of women enrolled in vocational training programmes or universities in Switzerland, a situation that contrasted with the trend in neighbouring States. She would welcome an explanation of why relatively few women were enrolled in universities and why more women than men abandoned their studies. She also wished to know what steps were being taken to correct the situation.

Article 11

23. **Ms. Schöpp-Schilling** asked whether the recommendations contained in the study done by the Federal Bureau for Gender Equality in 1996 had been implemented. She also wished to know whether it was the responsibility of the Federal or the cantonal administration to implement the reform of the job evaluation system referred to in paragraph 369 of the report. The report stated that projects of that kind existed in the cantons of Aargau and Fribourg. Information should also be provided on the situation in other cantons. Generally speaking, however, enough studies had been done and it was time for action to be taken, including by trade unions and employers' associations, to implement the principle of equal pay for equal work. The ruling by the Supreme Court that a difference in wages between men and women was not discriminatory if it was based on objective criteria of an individual nature, such as performance, age or seniority, or of a social nature, such as family obligations, merely served to reaffirm gender stereotypes and pointed to the need for the enlightenment of judges and magistrates.

24. **Ms. Ferrer Gómez** asked whether the Labour Act contained provisions for the protection of domestic workers.

25. **Ms. Tavares da Silva** said that the ruling by the Supreme Court that pay differences could be justified by factors that did not directly concern the worker's activities but derived from considerations of a social nature further entrenched the inequality between men and women in Switzerland, particularly since the report recognized, in paragraph 344, that women in outside employment worked twice as long as men in the home and for the family.

26. **Ms. Patten** drew attention to the prohibition against dismissal on grounds of pregnancy or marriage (art. 11, para. 2 (a) of the Convention) and asked whether the provisions of article 336 (c) of the Code of Obligations relating to unlawful dismissal were effectively implemented and of benefit to women. She wondered, moreover, whether the provisions of that article also covered cases of potential pregnancy.

27. **Ms. Khan** noted the absence of any provision in the relevant Swiss legislation concerning the right to work. Even in developed countries like Switzerland, women were disadvantaged in the job market, particularly in the areas of promotion to senior positions and equal pay for equal work. She noted further that the rate of unemployment among women was higher than the rate for men and that most part-time workers were women. It would be useful to know in that connection whether certain jobs were not accessible to women, whether women were ill-equipped for employment in the modern sectors of the economy, whether minority, disadvantaged and migrant women were less likely than others to obtain jobs, and whether the wage differences between men and women that had been noted in recent studies also existed in public sector jobs. Lastly, on the question of maternity benefits, she asked what steps were being taken by the Federal Government to ratify Conventions Nos. 98, 100 and 174 of the International Labour Organization.

Article 13

28. **Ms. Patten**, noting that it had been recognized that poverty was greater among women in Switzerland and that women faced various de facto and de jure disadvantages in financial transactions, asked how the Government planned to meet its obligations under article 13 (b) of the Convention. She wondered, for example, whether the Government intended to do more extensive gender analysis and to change the legislation

in the field so that women's financial concerns would not continue to be ignored; whether it was promoting women's entrepreneurship — particularly self-employment in microenterprises and small businesses — by facilitating access to credit and capital through special institutions and innovative and non-traditional schemes; and whether it was acting to enhance the income-generating potential of women, especially rural women, by providing equal access to productive resources. It would be interesting to hear about specific cases in which women had been helped at the local level in the transition from the informal to the formal sector.

Article 15

29. **Ms. Šimonović** asked for more information about the continued applicability of the old Marriage Act even after the adoption of the revised Marriage Act, and also about the compatibility of the old Marriage Act with article 8, paragraph 3, of the Swiss Constitution.

Article 16

30. **Ms. Kuenyehia** observed that even under the new divorce law, women were at a disadvantage because they faced greater difficulties in re-entering the job market and obtaining minimally adequate alimony payments. She asked whether alimony payments were determined by factors other than insurance, such as the length of a marriage or the needs of the wife and children.

31. **Ms. Šimonović** said that she would like clarification of the statements in paragraph 610 that the husband's name was the family name under the civil status law — a discriminatory provision — and that the rules on family names were applied gender-neutrally following a European Court of Human Rights review.

32. **Ms. Schulz** (Switzerland) said that the delegation would reply in detail to the many questions that had been raised at a later meeting but that she wished for the moment to correct the apparent impression that the 2000 Constitution was totally new. Article 8, paragraph 3, on gender equality, for example, had been in force since 1981.

The meeting rose at 4.35 p.m.