



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

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

**Sixth periodic report submitted by Switzerland under  
article 18 of the Convention, due in 2020\*\*\***

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\* The present document is being issued without formal editing.

\*\* The annexes to the present document may be accessed from the web page of the Committee.



## Replies to the questions raised in the list of issues and questions prior to the submission of the report (CEDAW/C/CHE/QPR/6)

### Reply to the question raised in paragraph 1

#### General

*For the statistics, see annex 1.*

### Reply to the question raised in paragraph 2

#### Visibility of the Convention

1. In order to raise awareness of the Convention on the Elimination of All Forms of Discrimination against Women (*Recueil systématique du droit fédéral et international* (Systematic Compilation of Federal and International Law) (RS) No. 0.108) among authorities and politicians, the Federal Council, federal Government, federal Parliament, Federal Supreme Court, and cantonal and communal authorities, as well as non-governmental organizations (NGOs), have been comprehensively informed of the latest recommendations made by the Committee on the Elimination of Discrimination against Women on the basis of the combined fourth and fifth reports of Switzerland on the implementation of the Convention.<sup>1</sup>

2. To support compliance with the recommendations, the Federal Office for Gender Equality has continued to lead the interdepartmental working group on the Convention and, in cooperation with the relevant government offices, has drawn up a road map for the implementation of the Committee's recommendations,<sup>2</sup> which is published and regularly updated.

3. The cantons are also responsible for ensuring compliance with and visibility of the Convention (see art. 5, para. 1, of the Federal Constitution (RS No. 101)). The cantonal courts sometimes refer to the Convention and to the decisions and recommendations of the Committee in their case law,<sup>3</sup> including in relation to continuing residence in cases of domestic violence (for example, in Vaud<sup>4</sup>). The Convention is also cited in the political process. In Geneva, for instance, systematic reference is made to it in the notes addressed to the departments, during hearings of the Cantonal Parliament (the legislative power) and interactions with the media. The Convention is also mentioned in university courses. The University of Lausanne includes the Convention in its teaching on Federal Act RS No. 151.1, on gender equality. The University's centre for corporate law is planning to hold a conference with a focus on the Convention in November 2020.<sup>5</sup>

4. The electronic guide to the Convention<sup>6</sup> produced by the Federal Commission for Women's Issues was regularly updated through 2019. The guide is designed to support legal professionals in their use of the Convention. Through a range of documents, information and specific examples, it shows how the Convention can reinforce and complement legal arguments in individual cases. The guide also

<sup>1</sup> <https://tinyurl.com/tcwuq4p> (unless otherwise stated, all internet pages cited were last accessed on 28 October 2020; some links have been shortened for the sake of readability).

<sup>2</sup> <https://tinyurl.com/rt3wlux>.

<sup>3</sup> See the following databases: <https://www.gleichstellungsgesetz.ch/>; <http://www.leg.ch/> and <https://sentenzeparita.ch/>.

<sup>4</sup> Unless otherwise indicated, the references in parentheses are to the cantons, not the communes.

<sup>5</sup> <https://www.unil.ch/cedidac/genderlaw2020>.

<sup>6</sup> <https://tinyurl.com/tjq5kwr>.

explains the options available under the international procedure for individual complaints.

5. In 2019, the first French-language commentary on the Convention and its Optional Protocol was published in Switzerland.<sup>7</sup> It contains the formal, substantive and procedural guarantees that the Convention and its Protocol are intended to uphold, protect and apply. The commentary provides the judiciary with a reference work for the interpretation of these instruments.

6. Information on the Convention is available on the websites of the Federal Office for Gender Equality<sup>8</sup> and the Federal Department of Foreign Affairs.<sup>9</sup>

7. In July 2020, the Federal Commission for Women's Issues, in collaboration with NGO Coordination post Beijing Switzerland, published an explanatory video to increase public awareness of the Convention.<sup>10</sup>

### Reply to the question raised in paragraph 3

#### Reservations and declarations

8. The pre-eminence of the husband in marital unions was abolished with the revision of the provisions of the Civil Code (RS No. 210) on the general effects of marriage, which entered into force on 1 January 1988. The provisions restricting married women's ability to enter into contracts and to administer and dispose of their property were repealed. Under the transitional law, only the provisions concerning women's administration of their property can still be applied. Spouses who have made a joint written declaration (art. 9 (e) of the final section of the Civil Code) or who concluded a marriage contract under the old law (art. 10 of the final section of the Code) remain subject to the old provisions on union of property or community of property. In view of the time that has elapsed since the above-mentioned revision came into force (32 years), it is clear that the reservation referred to in the list of issues and questions prior to the submission of the present report applies only to a very small number of marriages. However, it may not be withdrawn until there are no more couples who have chosen to remain subject to the old matrimonial law (Federal Gazette No. 1995 IV 947).

### Reply to the question raised in paragraph 4

#### Legislative and policy framework

*See paragraphs 1–3 above.*

*With regard to the road map for the follow-up of the recommendations, see paragraph 2 above.*

9. In order to strengthen its equality efforts and as part of the 2019–2023 legislative programme,<sup>11</sup> the Federal Council will adopt a national strategy for gender equality in 2021. In the strategy, it will define the priorities, goals and measures to be taken in

<sup>7</sup> Maya Hertig Randall, Michel Hottelier and Karine Lempen, eds., *CEDEF – La Convention sur l'élimination de toutes les formes de discrimination à l'égard des femmes et son Protocole facultatif – Commentaire* (Schulthess, 2019).

<sup>8</sup> <https://tinyurl.com/wea44cz>.

<sup>9</sup> <https://tinyurl.com/ss783qa>.

<sup>10</sup> <https://www.youtube.com/watch?v=Jmo5nSF-VBI&feature=youtu.be>.

<sup>11</sup> <https://www.admin.ch/opc/fr/federal-gazette/2020/8087.pdf>.

the areas that are at the heart of equality in Switzerland (in particular equal pay, reconciliation of work and family life, and the fight against violence and sexism).

10. On 21 September 2020, Parliament adopted the 2019–2023 legislative programme, having added to it the following four equality-related measures:<sup>12</sup>

- A message concerning the introduction of individual taxation
- A national strategy for the reconciliation of family life and work, in collaboration with the cantons
- A national action plan to ensure compliance with the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention, RS No. 0.311.35<sup>13</sup>)
- A message on measures to improve the reconciliation of family and working life, in collaboration with the cantons

11. In addition, in June 2021 Switzerland will submit its first report on the implementation of the Istanbul Convention to the Group of Experts on Action against Violence against Women and Domestic Violence.<sup>14</sup>

12. With the exception of the programme of the Swiss Agency for Development and Cooperation of the Federal Department of Foreign Affairs, gender budgeting is not on the agenda.

13. At the federal level, the Federal Office for Gender Equality is responsible for coordinating the implementation of gender equality in Switzerland. Within the federal Government, the Federal Office for Gender Equality leads the working group on the Convention, which meets once a year to promote the implementation of the Committee's recommendations and update the related road map.

14. A body could also be created to drive the implementation of the national equality strategy 2030 (see para. 9 above).

15. The Confederation is in regular dialogue with the cantons, primarily through the Swiss Conference of Gender Equality Delegates. The Conference brings together the official services and offices responsible for promoting equality at the federal, cantonal and municipal levels. In addition to the Federal Office for Gender Equality, the Conference includes the equality services of 15 cantons and 5 cities. The Conference is contributing to the implementation of the previous recommendations of the Committee, for the 2017–2020 period.

## Reply to the question raised in paragraph 5

### Access to justice

#### *Statistics*

16. There are no general statistics on the number of beneficiaries of free legal aid. A 2019 study by the Swiss Centre of Expertise in Human Rights<sup>15</sup> of 4,383 Federal Supreme Court rulings issued during an 18-month period shows that women bring significantly fewer cases than men to the Supreme Court. One hypothesis put forward is that legal fees are the reason for this difference. More thorough research and

<sup>12</sup> See the following press release in German: <https://tinyurl.com/yywbspmh>; and the following Federal Decree: <https://tinyurl.com/y45ussre>.

<sup>13</sup> <https://www.admin.ch/opc/fr/classified-compilation/20162518/index.html>.

<sup>14</sup> <https://www.coe.int/fr/web/istanbul-convention/grevio>.

<sup>15</sup> [https://www.skmr.ch/cms/upload/pdf/191213\\_Weniger\\_Frauen\\_als\\_Maenner\\_vor\\_Bundesgericht.pdf](https://www.skmr.ch/cms/upload/pdf/191213_Weniger_Frauen_als_Maenner_vor_Bundesgericht.pdf).

systematic data collection, including at the level of the cantonal courts, are needed to understand this phenomenon better.

### *Women victims of violence*

17. On 14 December 2018, the Swiss Parliament adopted a federal Act to strengthen protection for victims of violence,<sup>16</sup> the first part of which entered into force on 1 July 2020. The second part will be effective as from 1 January 2022. In the new Act, access to justice is improved for those seeking protection against violence, threats and harassment under article 28 (b) of the Civil Code. Women in particular are expected to benefit from these new regulations. As from 1 July 2020, the following changes have been in effect:

- Communication between the authorities is improved for better protection of the persons concerned (art. 28 (b), para. 3 bis of the Civil Code).
- Court fees are no longer collected (art. 114 (g) of the Code of Civil Procedure), so that those concerned cannot incur them.
- The conciliation procedure is no longer required (art. 198 (a) bis of the Code of Civil Procedure), making access to justice more direct and easier.

18. Pursuant to article 28 (b) of the Civil Code, a judge may, in the event of violence, threats or harassment, issue a geographical restraining order or a contact ban. For better enforcement of the restraining order, as from 1 January 2022, judges will be able to order potential perpetrators of violence to be fitted with an electronic tag. This surveillance device will track and record their movement at all times (art. 28 (c) of the Civil Code). In addition to playing a preventive role, tracking devices may serve as evidence if the person under surveillance fails to comply with the order. The measure shall entail no cost to the victim.

19. On 26 February 2020, the Federal Council adopted a message for Parliament concerning the amendment of the Code of Civil Procedure. Women specifically will benefit from the improvements envisaged, because:

- Plaintiffs may be required to pay no more than half the court fees in advance (see art. 98 of the draft amendment of the Code of Civil Procedure) with the aim of reducing the financial obstacles to access to justice.
- Plaintiffs will no longer systematically be responsible for legal fees (see art. 111 of the draft amendment of the Code of Civil Procedure), thus further facilitating access to the courts.
- The initial draft also provided for measures relating to the collective exercise of rights (actions brought by organizations to obtain compensation, and group settlement). However, in response to criticism expressed during the consultation on the initial draft, those measures were removed from the draft amendment of the Code of Civil Procedure and will be addressed separately.

### *Migrants*

20. As part of the Swiss Integration Agenda<sup>17</sup> and the cantonal integration programmes,<sup>18</sup> the State Secretariat for Migration and the cantons have set goals related to initial information and counselling. The goals include the obligation to inform migrants (including refugees and persons admitted temporarily) of their rights.

<sup>16</sup> <https://tinyurl.com/uxme4g8>.

<sup>17</sup> <https://tinyurl.com/yxxd2c3f>.

<sup>18</sup> <https://tinyurl.com/wvqxmal>.

The cantons have their own information and counselling strategies and measures, which include elements specifically for women.

21. All refugees and persons admitted temporarily are supported by integration case managers. Women are monitored by people with the skills needed to refer them to the cantonal services responsible for legal aid.

#### *Undocumented migrants*

22. To assist people staying in Switzerland illegally, but also to inform them about their rights, counselling centres for undocumented migrants have been established in 10 cantons (Aargau, Basel-Stadt, Bern, Fribourg, Geneva, Lucerne, Ticino, Valais, Vaud and Zurich). The centres were set up by civil society coalitions called undocumented migrants' collectives. Migrants in irregular situations are provided with information and directed to the counselling centres through a website,<sup>19</sup> and an information brochure published by the Unia trade union and support organizations for undocumented migrants.

23. In some cantons (such as Bern), the situation of undocumented migrants is continuously examined in the light of the legal provisions on the settlement of hardship cases.<sup>20</sup> Illegal immigrants who meet the criteria set out in article 31 of Order RS No. 142.201, on admission, stay and the exercise of a gainful activity,<sup>21</sup> may thus have their status regularized.

24. In various cantons, including Bern, joint monitoring is carried out by the police, migration authorities and labour inspectors, so that all aspects of a case are examined simultaneously. Thus, the situation of an undocumented female or male migrant worker is examined not only in view of the residence regulations, but also in view of employment law and the worker's employment relationships, and in the light of any criminal offences (such as usury or trafficking in persons). Labour inspectors can base their monitoring, in particular, on Federal Act RS No. 822.11, on labour in industry, crafts and trade, Federal Act RS No. 823.20, on support measures for posted workers and monitoring of the minimum wages provided for in standard employment contracts,<sup>22</sup> and Federal Act RS No. 822.41, on measures to combat undeclared work<sup>23</sup>.

#### *Persons with disabilities*

25. The Federal Office for the Equality of Persons with Disabilities<sup>24</sup> is mandated to inform and raise awareness among people with disabilities about their rights, including access to justice, regardless of gender. It does this by disseminating information in the form of newsletters, organizing conferences and establishing dedicated programmes.

#### *Roma*

26. In 2017, Roma representatives, including a number of women, initiated the process for obtaining recognition as a national minority of Switzerland. On 1 June 2018, the Federal Council concluded that the criteria for such recognition had not been met, in particular owing to the absence of long-standing ties to Switzerland.<sup>25</sup>

<sup>19</sup> <http://www.sans-papiers.ch/index.php?id=89&L=2>.

<sup>20</sup> With regard to hardship cases, see the website of the State Secretariat for Migration: <https://tinyurl.com/yy5gnovc>.

<sup>21</sup> <https://www.admin.ch/opc/fr/classified-compilation/20070993/index.html>.

<sup>22</sup> <https://www.admin.ch/opc/fr/classified-compilation/19994599/index.html>.

<sup>23</sup> <https://www.admin.ch/opc/fr/classified-compilation/20020224/index.html>.

<sup>24</sup> <https://www.edi.admin.ch/edi/fr/home/fachstellen/bfeh.html>.

<sup>25</sup> <https://tinyurl.com/wclfszg>.

However, the Council stressed that Roma were an integral part of Swiss society and that it was important to protect them against racism and discrimination.

27. The Confederation supports organizations composed of Yenish and Sinti representatives, as well as the Assurer l'avenir des gens du voyage suisse (Safeguarding the Future of Swiss Travellers) foundation,<sup>26</sup> which includes six representatives of minorities, of whom two are women of Yenish origin.

*With regard to the Roma people, see also paragraph 174 below.*

## **Reply to the question raised in paragraph 6**

### **Extraterritorial obligations**

28. The Federal Council recognizes the essential role that companies can play in the enjoyment and protection of human rights, as well as the importance of addressing the disproportionate impact that their activities can have on women and girls. Companies operating in or from Switzerland are expected to act responsibly with respect to human rights and social standards along the entire value chain.

29. On 9 December 2016, the Federal Council adopted an action plan for the implementation of the United Nations Guiding Principles on Business and Human Rights.<sup>27</sup> Switzerland is one of the first countries to have adopted such a strategy to promote coherence between business activities and human rights. In collaboration with business associations and chambers of commerce, the federal Government organized approximately 30 training sessions on business and human rights throughout Switzerland between 2018 and 2020. Emphasis was placed on following the cross-sectoral guidelines on corporate due diligence of the Organisation for Economic Co-operation and Development and the United Nations Guiding Principles on Business and Human Rights. The Confederation has also published a document on human rights due diligence for small and medium-sized enterprises.<sup>28</sup> On 15 January 2020, the Federal Council updated the national action plan for the period 2020–2023. The action plan on corporate social and environmental responsibility<sup>29</sup> was revised at the same time to ensure close coordination. The two action plans enable the Federal Council to support companies in meeting corporate responsibility norms and standards. Various initiatives in this area will be taken in the coming years: a Swiss forum on business and human rights is to be launched, Swiss embassies' expertise will be fostered, and small and medium-sized enterprises will be provided with due diligence support. The national action plan for the implementation of the United Nations Guiding Principles on Business and Human Rights provides for compliance with the recommendation of the United Nations Working Group on the issue of human rights and transnational corporations and other business enterprises, contained in its report entitled *Gender Dimensions of the Guiding Principles on Business and Human Rights*.<sup>30</sup> The plan includes one measure aimed expressly at promoting gender equality.

30. Lastly, on 19 June 2020 the Swiss Parliament rejected the people's initiative entitled "Responsible businesses – for the protection of people and the environment".<sup>31</sup> This text contains a call for legally binding due diligence requirements for companies that have their head offices in Switzerland and operate

<sup>26</sup> <https://tinyurl.com/u8norhd>.

<sup>27</sup> <https://www.news.admin.ch/news/message/attachments/46598.pdf>.

<sup>28</sup> <https://tinyurl.com/uk49fp7>.

<sup>29</sup> <https://tinyurl.com/sa2sdlo>.

<sup>30</sup> <https://tinyurl.com/sqbs29m>.

<sup>31</sup> <https://tinyurl.com/sd62tp7>.

abroad, particularly in relation to human rights in the context of their activities and the activities of their suppliers. It also provides that companies are liable for damages caused by the companies under their control. During the summer session of 2020, Parliament presented and adopted an indirect counterproposal to the people's initiative. Through the indirect counterproposal, Parliament seeks to impose on companies a requirement to report on respect for human rights and environmental protection, and a requirement of due diligence related to minerals originating in conflict zones and to child labour. As the originators of the people's initiative maintained their text, the initiative will be put to a popular vote on 29 November 2020.<sup>32</sup> The indirect counterproposal will come into force only if the initiative is rejected at the ballot box and a referendum on the counterproposal is not held or results in the adoption of the counterproposal.

## Reply to the question raised in paragraph 7

### Women and peace and security

31. Women's participation and influence in conflict resolution and peace processes is one of the thematic priorities of the fourth national action plan for the implementation of Security Council resolution 1325 (2000).<sup>33</sup> In order to achieve equal representation of women and men in negotiating delegations, women are encouraged to participate at the multilateral level as well as in conflict situations. In addition, deployment opportunities are identified and preference is given to women mediators, so as to involve women in peace processes.

32. Thanks to the quality and reputation of its expertise, as well as the experience of its women diplomats, Switzerland is regularly given important roles in conflict resolution.

33. To date, Switzerland has adopted four national action plans for the implementation of resolution 1325 (2000) on women and peace and security. Through the current plan, which covers 2018–2022, Switzerland seeks to increase women's involvement and take into consideration women's rights, needs, and diverse roles in preventing violent extremism. The plan is based on Security Council resolution 2242 (2015)<sup>34</sup> and the 2016 recommendations of the Committee.

34. The measures taken are based on a prior analysis of the context and the gender equality situation, in order to ensure that they meet the needs of the local population and do not have a negative impact, in particular on women's rights. The close interweaving of the fourth national action plan on resolution 1325 (2000) and the Convention ensures that women's rights are systematically taken into account in the implementation of peace and security policy measures. Switzerland reports regularly on progress towards the goals and objectives of the national action plan for the implementation of resolution 1325 (2000). The latest report, covering the 2018–2019 period, was published at the start of 2020.<sup>35</sup>

35. The role of women is explicitly mentioned in the foreign policy action plan on preventing violent extremism<sup>36</sup> and in the action plan to combat radicalization and violent extremism.<sup>37</sup> Switzerland systematically mainstreams gender issues in its

<sup>32</sup> <https://www.admin.ch/gov/fr/accueil/documentation/communiqués.msg-id-79692.html>.

<sup>33</sup> <https://tinyurl.com/sx98zwf>.

<sup>34</sup> [https://undocs.org/en/S/RES/2242%20\(2015\)](https://undocs.org/en/S/RES/2242%20(2015)).

<sup>35</sup> [https://www.eda.admin.ch/content/dam/eda/en/documents/aussenpolitik/menschenrechte-menschliche-sicherheit/2020/Bericht-Umsetzung-NAP1325-Phase-2018-2019\\_en.pdf](https://www.eda.admin.ch/content/dam/eda/en/documents/aussenpolitik/menschenrechte-menschliche-sicherheit/2020/Bericht-Umsetzung-NAP1325-Phase-2018-2019_en.pdf).

<sup>36</sup> <https://tinyurl.com/tg8yusu>.

<sup>37</sup> <https://tinyurl.com/uxdea38>.



advisory activities related to the prevention of violent extremism in partner countries<sup>38</sup> and cooperates on the ground with women's organizations that specialize in this area.

36. Ensuring gender mainstreaming and women's participation is one of the goals of the Swiss foreign policy action plan on preventing violent extremism (April 2016). This is done in a systematic and horizontal way in the international cooperation projects led by Switzerland in this particular field.<sup>39</sup>

37. When authorizing the export of military hardware, including small arms and light weapons and their ammunition, serious acts of gender-based violence and serious acts of violence against women and children as referred to in article 7 (4) of the Arms Trade Treaty<sup>40</sup> are considered to be among the gravest possible human rights violations. The authorization criteria set out in article 5 of Order RS No. 514.511, on military hardware,<sup>41</sup> require in particular that the situation in the destination country be taken into account, especially from the point of view of respect for human rights. What is more, requests to export small arms and ammunition will not be granted if the destination country systematically and severely violates human rights or if there is a high risk that the military hardware to be exported will be used against the civilian population (art. 5, para. 2 (b), of the Order). Gender-based violence and sexual violence are one of the human rights criteria set down in the Swiss laws on military hardware, and are a component of risk assessments. Since acts of gender-based violence are facilitated by the acquisition of weapons on the black market, preventing the diversion of weapons to unintended end users, as provided for in Swiss legislation (art. 5, para. 2 (e), of the Order), also contributes indirectly to the prevention of gender-based violence.

38. During the period under review, Switzerland helped to advance applied research on the targeted effect of weapons and ammunition on women. To further strengthen the implementation of article 7 (4) of the Arms Trade Treaty, Switzerland has asked the organization Small Arms Survey<sup>42</sup> to explore the feasibility and possible parameters of a tool and indicators for the granting of export licences for military hardware. The results of such a project would contribute to an even more effective assessment of the potential risk of weapons and ammunition being used to commit, or facilitate the commission of, serious acts of gender-based violence or serious acts of violence against women. In addition, Switzerland has supported the Office for Disarmament Affairs in studying the gender-differentiated effects of munitions and developing measures to better integrate gender considerations into munitions management. Safe and secure munitions management is an essential measure to reduce the risk of munitions being diverted to unauthorized recipients, including during munitions transfer.

<sup>38</sup> For example, in its exchanges with West African defence and security forces, Switzerland strives to systematically integrate women's perspectives on security and violence prevention.

<sup>39</sup> For example, Switzerland ensures women's participation and gender mainstreaming in the "Regional conversations for the prevention of violent extremism" initiative, which it launched in 2016 in the Sahelo-Saharan region. With about 20 regional meetings to date, the initiative guarantees that women's voices are heard on peace and security issues that affect them, including in meetings with defence and security actors. Several of these meetings were held in 2019, in cities including Dakar, Ouagadougou and Yaoundé.

<sup>40</sup> <https://unoda-web.s3-accelerate.amazonaws.com/wp-content/uploads/2013/06/English7.pdf>.

<sup>41</sup> <https://www.admin.ch/opc/fr/classified-compilation/19980112/index.html>.

<sup>42</sup> <http://www.smallarmssurvey.org/>.

## Reply to the question raised in paragraph 8

### National machinery for the advancement of women

39. A new post was created in 2019 to strengthen the work of the Federal Office for Gender Equality on violence. On 1 January 2020, Order RS No. 311.039.7, on measures to prevent and combat violence against women and domestic violence,<sup>43</sup> adopted in accordance with the Istanbul Convention, entered into force. Pursuant to the Order, the Office may grant financial aid for prevention projects. To this end, the Federal Council has decided to provide the Office with SwF 3 million annually. Parliament has yet to approve the decision at its winter 2020 session.

Between 2016 and 2018, requests to cut the regular budget of the Federal Office for Gender Equality were denied and Parliament regularly approved that budget. In 2019, there was no call to reduce the Office's budget (in that regard, see also the December 2018 interim report of Switzerland on the implementation of the Committee's recommendations, section 2.2).<sup>44</sup>

40. At the regional level, the situation varies by canton, but the overall picture is fairly positive. In the period under review, a number of cantonal and communal equality offices saw their financial and/or human resources grow (Jura, Valais, Vaud). In the canton of Glarus, for instance, a budget increase to fund an equality action plan is now under consideration following the women's strike on 14 June 2019. Other cantons already have such action plans (Zug, Ticino, Jura). Some offices have been given new responsibilities (Aargau, Bern, Jura, Valais, Vaud). The equality offices of the cantons of Bern and Vaud are now charged with ensuring equal pay in public procurement. In 2016, the cantonal equality office of Valais was able to raise its profile by taking on a new coordinating role in the fight against domestic violence.

41. In contrast, the equality offices of the canton of Bern and the city of Zurich have faced threats to their existence or budgets. It should be noted, however, that the proposal to dissolve the Bern office was roundly rejected by the canton's parliament.

42. Owing to lack of demand and insufficient resources, after a reshuffle of responsibilities the equality office of the canton of Obwalden was dissolved. Since 2017, the State Council and the cantonal administration have been integrating equality into their day-to-day work. The personnel department oversees equal pay and the social affairs department provides assistance to victims of violence. A round table on domestic violence is convened on a regular basis.

43. In 2017, the equality office of Aargau canton was merged with the Fachstelle Alter (office for older persons) as part of a budget restructuring aimed at lowering administrative costs. The Aargau State Council considers equality to be a cross-cutting issue that does not necessarily need to be promoted by a centralized body. All the bodies of the cantonal administration put equality into practice in their respective areas of competence.

44. The Swiss Centre of Expertise in Human Rights,<sup>45</sup> established in 2011, is the pilot project for a Swiss national human rights institution. On 13 December 2019, the Federal Council approved the proposal to establish a national human rights institution in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).<sup>46</sup> Eventually, the national institution will replace the Swiss Centre of Expertise in Human Rights. The

<sup>43</sup> <https://www.admin.ch/opc/fr/classified-compilation/20190428/index.html>.

<sup>44</sup> <https://tinyurl.com/shy63g7>.

<sup>45</sup> <https://www.skmr.ch/en/index.html>.

<sup>46</sup> <https://www.admin.ch/gov/en/start/documentation/media-releases.msg-id-77508.html>.

Federal Council opted for the legal form of a corporation under public law, in line with the solution recommended during the consultation process. The national human rights institution will be independent, with members drawn from society as a whole, and will receive annual financial support from the Confederation. Parliament will consider the proposal in 2020.

## Reply to the question raised in paragraph 9

### Temporary special measures

#### *Persons with disabilities*

45. As part of the disability policy,<sup>47</sup> in 2018 the Federal Office for the Equality of Persons with Disabilities launched an equality and work programme.<sup>48</sup> The programme is for the Confederation and the cantons, organizations of persons with disabilities, companies, and representatives of employers and employees, and is intended to complement various measures under the disability insurance scheme. The programme has four objectives:

- Consolidate and expand awareness of equality measures and their effects.
- Put measures in place at the federal, cantonal and private-sector levels.
- Shape current knowledge and inform stakeholders appropriately.
- Create a network of actors inside and outside the federal Government.

46. The programme has helped to define the concept of an “inclusive work environment”, which now needs to be promoted among public and private sector employers.

47. Through financial assistance, the Confederation also has an annual budget of approximately SwF 2 million to support projects that contribute to making equality a reality for persons with disabilities.

#### *Women's representation in federal government entities*

48. In order to increase women's representation on the managing bodies of companies associated with the federal Government (in line with art. 2, para. 2, of Order RS No. 172.220.12, on remuneration and other contractual conditions agreed upon with the highest level of management and the members of the managing bodies of federal companies and establishments<sup>49</sup>), the Federal Council has set a target gender representation quota of 30 per cent. This quota has been in force since 1 January 2014 and should be met by the end of 2020. The strategy is bearing fruit: in 2019, the proportion of women was higher than the target quota in a majority – 19 out of 26 – of the managing bodies.

49. Through article 8 (c) of Order RS No. 172.010.1, on the organization of the Government and the administration,<sup>50</sup> a 30 per cent gender representation quota is also established for the extra-parliamentary committees. If this proportion is not reached, the competent department must explain the non-compliance in writing (art. 8 (c), para. 2). As a result of the comprehensive replacement of the members of the extra-parliamentary committees and managing bodies, and of the representatives of the Confederation, who are appointed by the Federal Council for the period from

<sup>47</sup> <https://www.newsd.admin.ch/newsd/message/attachments/52346.pdf>.

<sup>48</sup> <https://tinyurl.com/t9hhvfo>.

<sup>49</sup> <https://www.admin.ch/opc/fr/classified-compilation/20032749/index.html>.

<sup>50</sup> <https://www.admin.ch/opc/fr/classified-compilation/19983439/index.html>.

2020 to 2023, the proportion of women in the extra-parliamentary committees has risen from 39 per cent to 45 per cent. The number of committees in which the proportion of women is less than 30 per cent has fallen from 25 to 9. In two committees, less than 30 per cent of the members are men.

*Financial assistance from the Federal Office for Gender Equality*

50. Under Federal Act No. 151.1, on gender equality, the Federal Office for Gender Equality can grant financial aid for projects that are undertaken by public and private non-profit organizations and that make tangible contributions to equality in working life. Its budget for this support is set each year by Parliament. The amount available for 2020 is approximately SwF 4.5 million.<sup>51</sup>

51. The Federal Department of the Interior has issued an order of priority for granting financial support for 2017–2020. This order of priority will be maintained until 2024. It is a component of the Confederation's initiative to address the shortage of qualified personnel. Projects with the following objectives are given priority for support:

- Programmes that foster the development and use of services and products for companies, in particular those designed to ensure equal pay for women and men and to support the reconciliation of work and family life.
- Programmes geared towards achieving equal representation of women and men in professions and industries with skills shortages.

52. Also, since 2015, some 20 projects in mathematics, information technology, natural sciences and technology (MINT) have been supported.

*Culture*

53. The Federal Office of Culture has set itself a goal for the selective promotion of film, which is set out in the Swiss film creation incentive plan 2016–2020:<sup>52</sup> the gender ratio in the applications submitted must be reflected in a balanced way in the projects that receive support. To achieve this goal, women authors' applications for screenwriting and project development assistance are prioritized, all other things being equal. In terms of assistance for production and post-production, films by women directors may, all other things being equal, be given preference.

54. Reliable data are needed to ensure that dialogue on gender equality in film is constructive. Therefore the Federal Office of Culture, in collaboration with the regional, cantonal and private institutions for film promotion, the Swiss broadcasting company Schweizerische Radio- und Fernsehgesellschaft/Société suisse de radiodiffusion et télévision (SRG SSR), and Swiss women and men producers, is coordinating the collection of data on gender in film promotion to provide a solid foundation for future discussions of the issue.

*On the participation of women in political and public life, see below, paragraph 95 and subsequent paragraphs.*

<sup>51</sup> <https://tinyurl.com/yxozdum5>.

<sup>52</sup> <https://tinyurl.com/tsty7wg>.

## Reply to the question raised in paragraph 10

### Stereotypes

#### *Equality strategy and large-scale anti-sexism campaign*

55. As part of the national equality strategy (see above, paras. 9 ff.), a number of measures will be taken to combat stereotypes and sexism.

56. The Federal Council proposed the adoption of motion No.19.3869 (Rytz),<sup>53</sup> aimed at conducting a large-scale sexism prevention campaign with a widespread impact over several years and through various channels (including social media, posters, and publicity in newspapers and cinemas). On 18 June 2020, the National Council adopted the motion, which is now being considered by the Council of States.

#### *Media*

57. Switzerland does not have specific laws on gender equality in the media. However, the law on equality applies to media companies. Article 4, paragraph 1, of Federal Act RS No. 784.40, on radio and television,<sup>54</sup> states, in general, that all broadcasts must demonstrate respect for fundamental rights and, in particular, must not be discriminatory. The concession granted to SRG SSR<sup>55</sup> on 29 August 2018 provides, in its new article 3, paragraph 3, that SRG SSR shall strive to present and represent the genders appropriately in its journalistic services.

58. SRG SSR has recently set itself the goal of increasing the proportion of women in its programmes; taking the “50:50” initiative of the British Broadcasting Corporation (BBC) as its model, it is developing a project to this end.

#### *Higher education*

59. With the help of proven tools and career models, the higher education institutions foster the success of women and men in academia. For example, building on the university management’s gender equality action plan 2013–2016,<sup>56</sup> the Faculty of Business, Economics and Social Sciences of the University of Bern adopted its own equality plan 2016–2018. Through its plan, the Faculty supports reconciliation of family and scientific work (for example through flexible work models, work structure and day-care centres). The current programme for equal opportunities and university development 2017–2020,<sup>57</sup> coordinated by the Conference of Rectors of Swiss universities, seeks to promote gender balance at all types of universities. The programme further embeds measures in university systems through action plans and facilitates thematic cooperation projects that bring together all the universities.

60. The universities are enhancing the visibility of women professors through publications and a large number of activities: invitations to women professors to speak on current topics, portraits of women professors in newsletters and brochures, a study of MINT careers,<sup>58</sup> and portraits of women as part of an interregional project led by the University of Geneva.<sup>59</sup>

<sup>53</sup> <https://www.parlament.ch/fr/ratsbetrieb/suche-curia-vista/geschaefte?AffairId=20193869>.

<sup>54</sup> <https://www.admin.ch/opc/fr/classified-compilation/20001794/index.html>.

<sup>55</sup> <https://tinyurl.com/y28fj9nd>.

<sup>56</sup> [https://www.unibe.ch/university/portrait/self\\_image/equality/action\\_plan\\_equal\\_opportunities/action\\_plan\\_2013\\_16/index\\_eng.html](https://www.unibe.ch/university/portrait/self_image/equality/action_plan_equal_opportunities/action_plan_2013_16/index_eng.html).

<sup>57</sup> <https://tinyurl.com/sj94tmv>.

<sup>58</sup> <https://tinyurl.com/txzdsj3>.

<sup>59</sup> <https://100femmes.ch/>.

61. The Swiss National Science Foundation<sup>60</sup> uses its tools (including scholarships and grants) to incentivize women's careers in various fields, including the fields where women are least represented, in a targeted manner (for instance through PRIMA grants for outstanding female researchers). The Foundation's gender equality grant also provides young female researchers with individual and flexible career development support.<sup>61</sup>

## Reply to the question raised in paragraph 11

### Harmful practices

62. In 2013, there were an estimated 15,000 women and girls who had undergone, or were at risk of being subjected to, genital mutilation in Switzerland.<sup>62</sup> The estimates for 2017 showed an increase, to approximately 22,000 women and girls who had undergone mutilation or were at risk. Exact and differentiated figures are not available.

63. Female genital mutilation is prohibited by article 124, paragraph 1, of the Criminal Code (RS No. 311.0).<sup>63</sup> Since this article entered into force in 2012, the Federal Supreme Court has made several references to it in its case law. In Supreme Court Judgment No. 145 IV 17, of 11 February 2019,<sup>64</sup> for example, the Court examined the principle of unlimited universality provided for by the article.

64. Between 2003 and 2015, various measures were taken to combat this practice. To strengthen the durability and impact of the measures, the Confederation supported the establishment of a Swiss network against female genital mutilation.<sup>65</sup> The network is supported by the State Secretariat for Migration and the Federal Office of Public Health and has an annual budget of SwF 300,000. The aims of the network include advising and informing cantonal specialists and institutions in the fields of social work, migration, health, justice and policing, as well as child protection, on how to deal with female genital mutilation, in terms of prevention, care and protection. One of its main goals is to establish regional contact points for the protection, counselling and care of girls and women who are at risk of undergoing or have undergone genital mutilation. For the period from 2016 to 2021, the Confederation is supporting the network's informational, awareness-raising, preventive and advisory work.

65. In collaboration with the Federal Office of Public Health and the State Secretariat for Migration, the Federal Office of Police is preparing a report on postulate No. 18.3551 (Rickli), on measures against female circumcision.<sup>66</sup> The report should be submitted to the Federal Council by the end of 2020. It will provide an overview of existing prevention and counselling measures, making it possible to identify gaps where measures are still needed.

66. Since 1994, the State Secretariat for Migration has been supporting the Swiss Red Cross in providing therapy for traumatized persons in the domain of asylum and refugees (including asylum seekers). In 2004, a specialized national centre, the Swiss Red Cross Outpatient Clinic for Victims of Torture and War,<sup>67</sup> was founded. It has four sites. On the basis of an analysis of the real situation in terms of psychosocial

<sup>60</sup> <https://www.snf.ch/en/FKhU9kAtfXx7w9AI/page/home>.

<sup>61</sup> <https://www.snf.ch/en/gCCYPmbIxBCAFNZg/funding/supplementary-measures/gender-equality-grant>.

<sup>62</sup> <https://tinyurl.com/unsadgm>.

<sup>63</sup> <https://www.admin.ch/opc/fr/classified-compilation/19370083/index.html>.

<sup>64</sup> <https://tinyurl.com/qwy79h2>.

<sup>65</sup> <https://www.female-genital-cutting.ch/network>.

<sup>66</sup> <https://www.parlament.ch/fr/ratsbetrieb/suche-curia-vista/geschaefte?AffairId=20183551>.

<sup>67</sup> <https://tinyurl.com/wszktcj>.

services for the treatment and support of traumatized persons in the domain of asylum and refugees,<sup>68</sup> mandated by the State Secretariat for Migration, the network was expanded to include a fifth partner in 2015.

*With regard to protection services, see below, paragraph 79 and subsequent paragraphs.*

## **Reply to the questions raised in paragraphs 12 and 13**

### **Gender-based violence against women**

#### *Criminal law on sex offences*

67. In its message concerning approval of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) (Federal Gazette No. 2017 163),<sup>69</sup> the Federal Council concluded that Swiss law meets the requirements of article 36 of the Istanbul Convention. The behaviours addressed in that article are criminalized in volume 2, section 5, of the Criminal Code (offences against sexual integrity), including as sexual coercion (art. 189 of the Code) and rape (art. 190 of the Code). Regardless of whether the victim is a former or current spouse or partner, consent must be given voluntarily for there not to be an offence.

68. According to the Explanatory Report to the Istanbul Convention,<sup>70</sup> article 36, paragraph 1, of the Convention covers all forms of sexual acts that are performed on another person without her or his freely given consent and which are carried out intentionally (see para. 189 of the Explanatory Report). This does not require the creation of a criminal provision explicitly punishing non-consensual sexual acts. The Convention leaves it to the parties to decide on the specific wording of the legislation and the factors that they consider to preclude freely given consent (see para. 193 of the Explanatory Report).

69. In principle, the Criminal Code is applied independently of the nature of the relationship between the victim and the perpetrator of the offence, but it is harsher when the perpetrator and the victim have a close relationship. Threatening behaviour is prosecuted ex officio if the perpetrator is the victim's spouse and makes the threat during marriage or within one year of a divorce (art. 180, para. 2 (a), of the Code). The Code contains an identical provision for registered partners (art. 180, para. 2 (a) bis) and for heterosexual or homosexual partners who have cohabited for an indefinite period (para. 2 (b)).

70. Offences against sexual integrity are currently under review. As part of the review, amendments to the law on rape (art. 190 of the Criminal Code) are being considered.

#### *Measures against sexual harassment in universities and research institutions*

71. This issue is being discussed within the institutions. Rules of conduct have been established and communicated through various channels and activities. Measures against sexual and gender-based violence form part of universities' equal opportunity action plans.<sup>71</sup> The Swiss National Science Foundation has addressed sexual and

<sup>68</sup> <https://www.sem.admin.ch/dam/data/sem/integration/berichte/analyse-psysoz-angebote-f.pdf>.

<sup>69</sup> <https://www.admin.ch/opc/fr/federal-gazette/2017/163.pdf>.

<sup>70</sup> <https://www.coe.int/fr/web/conventions/full-list/-/conventions/treaty/210>.

<sup>71</sup> <https://tinyurl.com/sdfnr7t>.



gender-based violence in its guidelines on gender equality<sup>72</sup> and in the charter of its Research Council.<sup>73</sup>

72. The Committee for the Implementation of the Istanbul Convention, which brings together the Confederation and the cantons, will consider the need to adopt new measures on the basis of the first report of Switzerland to the Group of Experts on Action against Violence against Women and Domestic Violence, to be submitted in June 2021, and of the Group's conclusions and recommendations. On 21 September 2020, Parliament adopted the legislative programme 2019–2023, which provides for the adoption of an action plan for the implementation of the Istanbul Convention. The action plan will be developed as part of the national strategy for gender equality (see above, paras. 9–11).

73. A survey of basic and continuing education on violence against women and domestic violence is being carried out. It includes information on training and development opportunities for police officers, prosecutors and judges. The study will be published in early 2021.

74. Criminal prosecution of acts of gender-based violence is addressed in the basic and ongoing training given to personnel at all levels of the criminal prosecution services, including the police. The training includes modules on listening to victims of violence, bearing in mind their potential trauma. For example, in 2019 in the canton of Zurich, a mandatory training course entitled “Umgang mit traumatisierten Opfern” (Dealing with traumatized victims) was held for all public prosecutors. These training courses are the responsibility of the cantons, however, making it difficult to provide an overview. The “Bern model”,<sup>74</sup> an interdisciplinary approach to domestic violence, can be cited as an example: in this model, specialists are responsible for the continuous improvement of the procedures followed and the foundations for work in the area, and regular training on them is given.

*With regard to the measures set out in the Federal Act on Improving Protection for Victims of Violence and in the revision of the Code of Civil Procedure currently under way, see above, paragraph 17 and subsequent paragraphs.*

75. It is not possible to identify gender-based or sexually motivated violent offences using the police crime statistics.<sup>75</sup> These statistics only indicate the sex, age and nationality or residence status of the victims recorded by the police, in accordance with the Criminal Code. The relationship between the victim and the accused may also be indicated.

76. The website [www.aide-aux-victimes.ch](http://www.aide-aux-victimes.ch) has been redesigned to better educate people affected by violence about their rights. This website has information in multiple languages and explanatory videos to help victims of violence understand the help that the counselling centres offer. In order to inform people affected by violence about the help available to them, in May and June 2020 the Conference of Cantonal Directors of Social Affairs organized a social media campaign aimed at raising awareness of victim support services in Switzerland. Victims of domestic violence were among the campaign's target audience. At the interdisciplinary round tables that exist in most cantons, significant work is done to improve responses to domestic violence. In the canton of Zurich, several information campaigns on violence against women and domestic violence were conducted between 2017 and 2020.

<sup>72</sup> [http://www.snf.ch/SiteCollectionDocuments/wom\\_leitbild\\_gleichstellung\\_f.pdf](http://www.snf.ch/SiteCollectionDocuments/wom_leitbild_gleichstellung_f.pdf).

<sup>73</sup> <https://tinyurl.com/ruu8ckv>.

<sup>74</sup> <https://tinyurl.com/y9wdr9ou>.

<sup>75</sup> <https://tinyurl.com/w2f2csj>.



77. While stalking is not a criminal offence as such, it is punishable pursuant to various provisions of the Criminal Code. In addition, several cantons have adopted legal measures against stalking. In March 2019, the Federal Office for Gender Equality published a legal opinion on the options available for legal action against stalking in Switzerland.<sup>76</sup> On 3 May 2019, the Legal Affairs Committee of the National Council submitted an initiative aimed at supplementing the stalking-related offences set out in the Criminal Code, namely threatening behaviour (art. 180) and coercion (art. 181).<sup>77</sup> The Legal Affairs Committee of the Council of States supported the decision on 29 October 2019, but that Council has yet to process the initiative.

78. In collaboration with the Federal Statistical Office, the Federal Office for Gender Equality is currently assessing the feasibility of a survey on the incidence of violence against women and domestic violence.

79. The Conference of Cantonal Directors of Social Affairs<sup>78</sup> is committed to ensuring that women's shelters and safe houses have sufficient places and are guaranteed funding. The Conference has published a number of documents and recommendations for the cantons.<sup>79</sup> In May 2019, a new analysis of the services provided by, and the funding of, shelters and emergency accommodation in the cantons was published.<sup>80</sup> The report shows the following:

- The services and situation of shelters and emergency accommodation facilities are judged to be reasonably adequate or appropriate. There are capacity bottlenecks in some cantons.
- In recent years, new long-term care solutions have been developed in various cantons. However, there are still unmet needs.
- Funding for shelters and emergency accommodation varies greatly from canton to canton. Stand-by services and spare capacity are rarely publicly funded.

80. On the basis of this analysis, the members of the Conference of Cantonal Directors of Social Affairs decided to develop recommendations for the cantons on shelter financing and solutions for the future. They also tasked the Conference on Victim Assistance with reviewing its recommendations on funding for shelter stays. In 2020, the Conference on Victim Assistance issued a new recommendation on funding stays in women's shelters through victim assistance. Shelters will be relieved of some of their administrative tasks, leaving them with more resources and time to help victims stabilize and recover and to find viable monitoring solutions.

81. In the canton of Zurich, the budgets for victim assistance and shelters have been increased. It is now possible to receive counselling online via videoconference, as well as at home and in hospital.

82. In response to postulate No. 19.4064 (Wasserfallen), on girls and young women exposed to violence, which called for statistics on and an assessment of the needs in terms of shelter places,<sup>81</sup> the Federal Office for Gender Equality issued a call for tenders<sup>82</sup> to research institutes, with a view to commissioning an evaluation of the current situation and the needs in terms of residential care places in Switzerland for

<sup>76</sup> <https://tinyurl.com/y2azr4qp>.

<sup>77</sup> <https://www.parlament.ch/fr/ratsbetrieb/suche-curia-vista/geschaeft?AffairId=20190433>.

<sup>78</sup> <https://www.sodk.ch/fr/>.

<sup>79</sup> <https://www.sodk.ch/fr/themen/aide-aux-victimes/refuges/>.

<sup>80</sup> <https://tinyurl.com/rjw5pt5>.

<sup>81</sup> <https://www.parlament.ch/fr/ratsbetrieb/suche-curia-vista/geschaeft?AffairId=20194064>.

<sup>82</sup> [https://www.seval.ch/app/uploads/2020/10/Appel-doffres\\_Mandat\\_places-daccueil\\_jeunes-femmes-1.pdf](https://www.seval.ch/app/uploads/2020/10/Appel-doffres_Mandat_places-daccueil_jeunes-femmes-1.pdf).

girls and young women affected by violence. The evaluation is expected to be published in 2021.

## Reply to the questions raised in paragraphs 14 and 15

### Trafficking and exploitation of prostitution

83. The Swiss strategy to combat trafficking and exploitation takes gender into account as appropriate, based on the type and context of the exploitation. Several measures taken under the second national action plan against trafficking in persons, which covers 2017–2020,<sup>83</sup> are still under way. Although an evaluation of the implementation of the plan at the end of that period is envisaged, the arrangements for the evaluation have yet to be defined. A third national action plan will then be developed to determine what actions are needed based on an analysis of the situation. This process is the reason for the gap between the end of the first national action plan (2012–2014) and the start of the second (2017–2020). The same process will apply to the formulation of the third national action plan.

84. According to victim assistance statistics,<sup>84</sup> there were 193 consultations under Federal Act RS No. 312.5, on assistance to victims,<sup>85</sup> related to trafficking in persons in 2019.<sup>86</sup> Of these, 160 consultations involved female victims and 11 involved minors. All 19 awards of compensation or moral reparations made pursuant to the Act in 2019 went to female victims. In 12 of those 19 cases, criminal proceedings have been initiated.

85. According to police crime statistics, in 2019 the police registered 99 crimes of trafficking in persons, of which 79 were solved.<sup>87</sup>

86. When a criminal conviction is confirmed – once internal appeals procedures have been exhausted, which can take several years – it is entered in the perpetrator's criminal record, along with the date of the first-instance judgment. The statistics on adult criminal convictions<sup>88</sup> are based on these entries. For serious offences, such as trafficking in persons, it can take several years to compile the statistics for a given year. Based on the most recent data, there were seven convictions for trafficking in persons in 2019.

87. In 2019, eight women identified as potential victims of trafficking in persons were granted asylum in Switzerland. In the same year, eight other potential victims were granted subsidiary protection (temporary admission). On average, between 2016 and 2018, 7 women identified as potential victims of trafficking were granted asylum and 34 were granted temporary admission.

88. To support the rapid and proactive detection of potential victims of trafficking in persons during the asylum procedure, training sessions are regularly offered to employees of the State Secretariat for Migration to help them to recognize the signs that a person has been trafficked and give them the tools to react appropriately. When the signs are observed, a specific interview is held in order to confirm the initial suspicions and identify potential victims' needs. In addition, victims of trafficking in persons, like all asylum seekers whose applications are processed at a Swiss federal centre, are entitled to free legal advice and representation. They are also given

<sup>83</sup> <https://tinyurl.com/rtllfx>.

<sup>84</sup> <https://tinyurl.com/tr3rnv2>.

<sup>85</sup> <https://www.admin.ch/opc/fr/classified-compilation/20041159/index.html>.

<sup>86</sup> <https://www.bfs.admin.ch/bfs/fr/home/statistiques/criminalite-droit-penal/aide-victimes.html>.

<sup>87</sup> <https://www.bfs.admin.ch/bfs/fr/home/statistiques/criminalite-droit-penal/police/infractions.assetdetail.11147622.html>.

<sup>88</sup> <https://tinyurl.com/wv5l9xc>.

information about contacting specialized organizations and cantonal counselling centres that provide assistance to victims.

89. The State Secretariat for Migration and the working group on asylum and trafficking in persons established pursuant to paragraph 19 of the national action plan against trafficking in persons 2017–2020 are working to optimize the processes used to identify potential victims of trafficking in persons.

90. In Switzerland, Order RS No. 311.039.4, on measures to prevent prostitution-related offences,<sup>89</sup> entered into force on 1 January 2016. The Order allows the Federal Office of Police to finance crime prevention measures taken by public or private organizations to protect women who work in prostitution. The Office, which has an overall annual budget of SwF 400,000 to support such measures, received the first applications for financial assistance in July 2016. In 2019, the projects that it supported focused on protection against crime (the Centre for Assistance to Migrant Women and Victims of Trafficking in Women<sup>90</sup> and the Aliena association), self-defence courses (the Lisa association), awareness-raising on the rights and responsibilities linked to the practice of prostitution (the Aspasia association<sup>91</sup> and the Fleur de Pavé association<sup>92</sup>) and protection against situations of distress (the Primis association and the Antenna MayDay association).

91. The city of Bern is implementing the national action plan against trafficking in persons 2017–2020 with the support of the Kooperationsgremium Menschenhandel (Group for Cooperation against Trafficking in Persons).<sup>93</sup> Its commitment to playing an active part in information-sharing and network-building on the issue of forced marriage has been incorporated into the equality action plan 2019–2022. A regular round table fosters deeper cooperation between the authorities and NGOs (the “Bern model”, see para. 74 above).

92. In terms of identification, the right to protection and access to specialized assistance, it makes no difference whether a victim of trafficking in persons is in an irregular situation or is residing in Switzerland legally. Assistance to victims is accessible to all, without discrimination based on gender, age, sexual orientation or disability. It is also irrelevant whether a criminal complaint has been filed or whether the perpetrator has been identified. The advice offered by the victim assistance counselling centres is always free. Consultations are confidential.

93. On the basis of the Competo procedure,<sup>94</sup> which is annexed to the guidelines issued by the State Secretariat for Migration, all the major services involved in combating trafficking in persons receive awareness-building on the topic and are trained to identify the various signs of trafficking. The training is provided at the national and cantonal levels, and sometimes also at the level of the communes (in the city of Bern, for instance). The Competo procedure makes it possible to ensure a coordinated, networked approach so that potential victims are identified.

94. Switzerland has several specialized organizations for the care of women and girls who are victims of trafficking in persons: the Centre for Assistance to Migrant Women and Victims of Trafficking in Women, in Zurich; Astrée, in the canton of Vaud; Le Cœur des Grottes and the Centre Social Protestant, in Geneva; and Antenna MayDay and Primis, in Ticino.

<sup>89</sup> <https://www.admin.ch/opc/fr/classified-compilation/20151128/index.html>.

<sup>90</sup> <https://www.fiz-info.ch/de/Projekte/Stark-mit-Peers>.

<sup>91</sup> <https://www.aspasie.ch/>.

<sup>92</sup> <http://www.fleurdepave.ch/>.

<sup>93</sup> <https://www.be.ch/de/start/dienstleistungen/medien/medienmitteilungen.html?newsID=2c5aac6e-4adb-391c-a9b6-1bbc65cc586b>.

<sup>94</sup> <https://tinyurl.com/smyd2rh>.

## Reply to the question raised in paragraph 16

### Participation in political and public life

95. Significantly more women were elected to the National Council on 20 October 2019 (84 women, or 42 per cent of the total) than in 2015 (64 women, or 32 per cent of the total). Currently, the proportion of women is 41.5 per cent in the National Council (83 of the 200 seats were held by women as at 31 August 2020) and 26.1 per cent in the Council of States (12 of the 46 seats held by women).

96. In a 2018 circular,<sup>95</sup> the Federal Council asked the cantons to bring to the electorate's attention the disparity in the number of seats held by women and men on the National Council. It also asked the cantons to raise awareness, among the groups concerned, of the measures for promoting women candidates contained in the "Guide for groups seeking to field candidates"<sup>96</sup> published by the Federal Chancellery. The guide contains proposals for promoting women candidates in a targeted way. In a separate chapter, suggestions are made for, among other things, designing lists, supporting women candidates before and during the election campaign, and providing them with opportunities to appear in the media and in public. The electorates of cantons with more than one seat on the National Council have also been informed, in the electoral instructions of the Federal Chancellery, of the number of men and women representing the parties.

97. In 2021, amendments to the Code of Obligations<sup>97</sup> (related to the law on public companies) will enter into force. The amendments include the introduction of gender quotas on boards of directors and in management. In listed companies with more than 250 employees, the proportion of women must be at least 30 per cent on the board of directors and 20 per cent in management. No penalties will be imposed; if a company does not meet the quotas, all it will have to do is provide an explanation (on the basis of the "comply or explain" principle) in its remuneration report and indicate the measures planned to remedy the situation. The requirement to provide this information will come into effect, for boards of directors, 5 years after the amendments enter into force and, for management, 10 years after they enter into force.

98. During the 2011–2015 and 2015–2019 legislative periods, the Federal Council set personnel targets to increase the proportion of women in the federal Government.<sup>98</sup> Between 2014 and 2018, that proportion increased from 42.5 to 43.5 per cent, excluding armed personnel directly responsible for defence and border protection. During that period, the proportion of women increased from 31.3 to 33.3 per cent among middle managers and from 18 to 21.5 per cent among senior managers. Part-time workers made up 26.3 per cent of all staff, taking the average for both sexes. Their numbers grew from 51.8 to 54.9 per cent among women and from 9.6 to 12.2 per cent among men. The policy of recruiting university graduates should increase the proportion of women; in 2018, women accounted for 57.5 per cent of interns.

99. The cantons and communes are promoting the representation of women in political and decision-making positions. A number of cantons (Geneva, Jura, Ticino, Vaud and Zurich) have introduced quotas for state mandates and internal cantonal bodies. The canton of Thurgau is planning to introduce such quotas. A system of advance notice of nominations for important positions, as implemented by the cantons of Valais and Zurich, also makes it possible to increase women's representation. In addition, various cantons organize training courses for women who are involved or

<sup>95</sup> <https://tinyurl.com/ulqqbcx>.

<sup>96</sup> <https://tinyurl.com/wzfeuop>.

<sup>97</sup> <https://tinyurl.com/roldeqj>.

<sup>98</sup> <https://tinyurl.com/rtfm3gu>.

interested in becoming involved in politics, in order to support them in that decision. In the canton of Vaud, for example, practical and networking workshops were attended by over 100 women. The canton's female State Councillors participated actively.

100. The cantons have taken steps related to recruitment for positions in their governments, in particular by raising their staff's awareness of gender issues. For example, all the departments of the city of Zurich offer a training course on unconscious bias<sup>99</sup> at the University of St. Gallen. Measures to help to reconcile private and working life, including flexible working arrangements and job-sharing, also improve the representation of women in key posts.<sup>100</sup> Awareness-raising campaigns have been carried out in several cantons (Bern, Fribourg, Geneva, Jura, Thurgau, Valais and Zurich) to promote parity in the world of work. An interesting measure has been taken in the canton of Neuchâtel: salaries in the cantonal government are set on the basis of staff members' age rather than their years of professional experience.

#### *Statistics*

101. The proportion of women among law officers has increased and parity has been reached; between 2010 and 2012, 4 out of 10 law officers were women, whereas, between 2016 and 2018, 5 out of 10 were women.<sup>101</sup> Women account for 35 per cent of diplomatic staff, 41 per cent of consular staff and 47 per cent of staff in international cooperation.<sup>102</sup> The proportion of women has been, on average, 48 per cent in the diplomatic service since 2009 and 58 per cent in international cooperation since 2014.

#### *Awareness-raising related to political participation*

102. The "Moitié-moitié" (50–50) campaign of the Federal Commission for Women's Issues, women's umbrella organizations and the former President of the National Council was intended to motivate more women to enter politics and encourage the political parties to create the necessary conditions to that end. The campaign was launched on 8 March 2018, International Women's Day. In a video clip, active female politicians talk about their work and address women to motivate them to get involved in politics.<sup>103</sup>

103. On the web page [www.ch.ch/elections2019](http://www.ch.ch/elections2019), administered jointly by the Federal Chancellery, the Federal Statistical Office and the ch.ch website, a section on women and elections was established for the 2019 elections. In addition to historical facts and statistics, the section contained links to the "Moitié-moitié" project and the "Women in politics" page of the services of Parliament. As in the case of the 2015 elections to the National Council, the web page contained information on the elections to the Council of States. Unlike elections to the National Council, elections to the Council of States are the responsibility of the cantons (under article 150 of the Constitution). The cantons are responsible for taking appropriate measures to increase the proportion of women in those elections.

104. The majority of the cantons promote the participation of women in political life, in particular through training, workshops and press articles (Fribourg, Geneva, Glarus, Graubünden, Jura, St. Gallen, Valais and Zug). That has been the case, for

<sup>99</sup> The German term is *unbewusste Vorurteile*; see <https://ccdi-unisg.ch/unsere-leistungen/unconscious-bias-training/>

<sup>100</sup> On reconciling family life and work life, see paras. 133 ff. and 160 ff. below.

<sup>101</sup> <https://www.bfs.admin.ch/asset/fr/su-f-40.02.03.02.01.03.10>.

<sup>102</sup> Figures as at 31 December 2019.

<sup>103</sup> <https://www.youtube.com/watch?v=aimCB5FRDrg&feature=youtu.be>.

example, in Ticino and in Thurgau, where public awareness of the matter was raised as a result of 15 petitions addressed to the State Council following the women's strike of 14 June 2019. A number of cantons (Basel-Stadt, Graubünden and Vaud) organize a girls' parliament. The canton of Geneva holds mock sessions of its parliament, including a visit to its chancellery, to introduce girls to the parliament's workings in a fun, educational way. In the canton of Jura, in view of elections scheduled for the autumn of 2020, a group composed of all political parties, the gender equality delegate and the Association Interjurassienne "Grève des Femmes" (Inter-Jura Women's Strike Association) was formed in 2019. The Association is developing a communication strategy for the public and the media, in order to promote parity in politics through a charter and various initiatives.

105. Many statistics are available in the cantons regarding political participation. The Konferenz Chancengleichheit Ostschweiz und Liechtenstein (Conference for Equal Opportunities in Eastern Switzerland and Liechtenstein), for example, has published a study to determine the reasons for the lower participation of women in the parliaments of eastern Switzerland.<sup>104</sup>

#### *Awareness-raising among students in higher education*

106. In the Conference of Rectors, university administrations have discussed and published recommendations and good practices related to fair nomination procedures in order to increase the proportion of female chairs.<sup>105</sup> In parallel, universities want to increase the representation of women on boards and in management positions in the coming years. The University of Zurich has developed a programme on women and leadership,<sup>106</sup> as a cooperation project with all other Swiss universities, to prepare women for leadership in the academic world and raise their awareness regarding equal opportunities.

107. In accordance with Federal Act RS No. 414.20, on the promotion of universities and coordination in the Swiss higher education sector,<sup>107</sup> the Confederation participates in the funding of universities. They are responsible for achieving equality; they decide on the measures to be taken to that end, whether through contributions made, in accordance with the Act, to such projects as project P-7, on equal opportunities and the development of universities 2017–2020, or to meet the accreditation requirements laid down in Order RS No. 414.205.3 of the Council of Universities, on accreditation in the higher education sector.<sup>108</sup>

### **Reply to the question raised in paragraph 17**

#### **Education**

108. The Interkantonale Lehrmittelzentrale (Intercantonal Centre for Educational Materials), supported by the 21 German-speaking cantons, has developed a tool for ensuring the quality of teaching materials.<sup>109</sup> One of the evaluation criteria in the tool is gender, which means that teaching must be gender-balanced, particularly with regard to non-sexist language. In French-speaking Switzerland, the quality of teaching materials is ensured by a commission on the matter. The equality units in French-speaking Switzerland have created an educational resource on equality in schools, containing activities designed to encourage openness to questions of equality

<sup>104</sup> <https://tinyurl.com/yxrpr2jc>.

<sup>105</sup> <https://www.swissuniversities.ch/fr/actualite/default-2337f35597>.

<sup>106</sup> [https://www.gleichstellung.uzh.ch/de/projekte/hit\\_2.html](https://www.gleichstellung.uzh.ch/de/projekte/hit_2.html).

<sup>107</sup> <https://www.fedlex.admin.ch/eli/cc/2014/691/en>.

<sup>108</sup> <https://www.fedlex.admin.ch/eli/cc/2015/362/en>.

<sup>109</sup> The tool is called Levanto. See <https://www.ilz.ch/lehrmittelevaluation/>.



and stereotypes. The University of Basel has developed the Gender Equality School Book Index as part of a project entitled “Naturwissenschaft ist (auch) Frauensache!” (Natural sciences are (also) a women’s matter!) to mainstream gender into science teaching at the upper secondary level.

109. Awareness regarding questions of equality in education is also raised through teacher training. Teacher-training universities generally address the matter through their courses. Questions of equality in education could become a mandatory part of the curriculum of the teacher-training university of the canton of Vaud. The canton of Valais is planning conferences to raise parents’ awareness of gender stereotypes in education.

*Vocational training – career choices – educational choices*

110. Girls continue to favour “typically female occupations”, a limited number of possible jobs. Few of the 20 most popular occupations are gender-balanced. On the contrary, there are typically male occupations, such as electrician, and typically female occupations, such as dentist’s assistant.<sup>110</sup> In communication related to training and vocational guidance, therefore, great efforts are made to combat stereotypes that affect career choices.<sup>111</sup> The visual language used is always designed to appeal to both sexes.<sup>112</sup>

111. The upper secondary certification rate for women (the average net rate up to 25 years of age, as a percentage of the reference population for that age group) is 93.5 per cent, 4 per cent more than the rate for men. The number of men without a mandatory upper-secondary certificate is therefore slightly higher than the number of women, but more men than women obtain an initial vocational training qualification.

112. The number of higher vocational education qualifications awarded has increased by about one fifth in the last 18 years. The most significant increase was between 2000 and 2005, and the number of qualifications awarded remained relatively stable over the following decade. In the various types of higher vocational education, the trends are different in terms of change over time and gender distribution. While the proportion of women among holders of federal qualifications (which include such profiles as building contractor, fiduciary expert and alternative therapist) remained the lowest (less than 30 per cent) in 2018, the proportion of women at higher technical schools doubled between 2000 and 2018, mainly because such courses were recognized by universities in the medical sector. Initially unregulated at the federal level, medical professions, in which the proportion of women is high, have now been integrated into the vocational training system. As a result, qualified women have more mobility within the system and better prospects on the job market.

113. The Swiss education system is permeable in that students can, through additional qualifications and examinations, obtain a diploma allowing them to study at university after completing an apprenticeship. The system is designed to reduce potentially discriminatory factors.

114. Studies have shown that girls may be motivated by gender-atypical occupations and interested in MINT occupations and studies, but that, in the decisive phase of choosing their career, they often opt for a traditional field. In terms of the promotion of universities and project-related contributions (art. 59 of Federal Act RS No. 414.20), the Confederation supports universities by raising teachers’ awareness of the need to promote MINT subjects. Particular emphasis is placed on mainstreaming gender into teaching. The Confederation is playing a vital role in

<sup>110</sup> <https://tinyurl.com/scqtspa>.

<sup>111</sup> <https://tinyurl.com/sptkzrb> and <https://www.futurentousgenres.ch/fr/home/>.

<sup>112</sup> <https://www.orientation.ch/dyn/show/2604?lang=fr>.

encouraging women in particular to choose MINT study areas and occupations, promoting MINT generally in compulsory education and stimulating the interest of teachers, children and adolescents in MINT subjects. The national network for the promotion of MINT education<sup>113</sup> places collaboration among individuals from teacher-training and technical universities at the centre of initial and continuing teacher training.

115. In 2015, the Confederation and the cantons expanded the policy objectives for Swiss education.<sup>114</sup> The general promotion of MINT subjects was supplemented by objectives aimed at developing measures to ensure that career and study choices were less influenced by stereotypes, particularly in education and health.

116. The cantons have taken various initiatives, including one-day events entitled “Futur en tous genres – Nouvelles perspectives pour filles et garçons” (A new future for all – Diverse perspectives for girls and boys)<sup>115</sup> and (in the canton of Vaud) “Oser tous les métiers”<sup>116</sup> (Dare to do any job), to encourage young people to explore all professional worlds. The equality offices of some cantons (Bern, Graubünden and Vaud) participate in careers fairs to raise young people’s awareness of the importance of career guidance free of stereotypes. Several cantons (Bern, Geneva, Jura, Neuchâtel and Valais) hold computer programming training days for girls, in partnership with the Federal Polytechnic School of Lausanne. Through the “Ose tes rêves” (Dare to dream)<sup>117</sup> campaign, intended to promote diversity and a gender mix in education, the canton of Geneva has produced eight video portraits presenting the “gender-atypical” career paths of four young women and four young men.

117. Sexuality education in schools is based on the communication of factual and contextual information of a biological, medical, social and psychological nature. Prevention classes teach students to protect themselves from sexual assault, sexually transmitted diseases and unwanted pregnancies, and to confront stigmatization and discrimination. In French-speaking Switzerland, professionals from outside the school system (sexual and reproductive health educators from the Association romande et tessinoise des animateurs en santé sexuelle et reproductive (Association of Sexual and Reproductive Health Educators of French-speaking Switzerland and Ticino))<sup>118</sup> offer intensive courses on sexual abuse prevention, starting in kindergarten, and on sexuality education, starting in the second half of primary school. The experts base their courses on the recommendations contained in the reference framework for sexuality education in French-speaking Switzerland.<sup>119</sup> In the Lehrplan 21 (Curriculum 21), common to all the German-speaking cantons, sexuality education is integrated into the standard subjects, such as nature, humanity and society, from the second half of primary school. While the classes are usually taught by the teacher of the subject in question, specialists from outside the school can also be called in. In Ticino, a mixed approach is taken. The umbrella organization of sexual health centres, Santé sexuelle Suisse (Sexual Health Switzerland), promotes sexuality education in schools, advocates critical examination of sexual stereotypes, and provides teachers and school principals with information and teaching aids.

<sup>113</sup> <https://www.fhnw.ch/de/die-fhnw/hochschulen/ht/formation-mint>.

<sup>114</sup> <https://tinyurl.com/yxgc8oc8>.

<sup>115</sup> <https://tinyurl.com/y2atvhg7>; the German version is entitled “Nationaler Zukunftstag – Seitenwechsel für Mädchen und Jungs”.

<sup>116</sup> <https://tinyurl.com/y6x44qwx>.

<sup>117</sup> <https://www.unige.ch/rectorat/egalite/egalite-et-cite/jeunes/ose-tes-reves/>.

<sup>118</sup> <https://alecss.ch/qui-sommes-nous/>.

<sup>119</sup> [https://www.alliance-educationsexuelle.ch/jt\\_files/jt\\_files\\_filename\\_0137\\_293424657.pdf](https://www.alliance-educationsexuelle.ch/jt_files/jt_files_filename_0137_293424657.pdf).



## Reply to the question raised in paragraph 18

### Employment

118. Following the entry into force of the amendments to the Gender Equality Act on 1 July 2020, private- or public-sector employers with a workforce of at least 100 people (i.e. approximately 1 per cent of employers, accounting for 46 per cent of employees in Switzerland) must conduct regular equal pay analyses. A third party (an accredited auditing company, an organization pursuant to article 7 of the Act or representatives of the employees) verifies that the analysis has been properly carried out. The employer must then inform its employees of the results of the analysis. Listed companies must also publish the results of the analysis in their annual report, to inform shareholders of the efforts made to achieve equal pay. Public-sector employers must publish detailed information on the results of the analysis. Employers that demonstrate, through the review, that they pay their employees equally for equal work will be exempt from further analyses.

119. In order to implement the reviews in practice, the Federal Council adopted an Order on the verification of equal pay analyses on 21 August 2019.<sup>120</sup> The training of the lead reviewers is regulated in the Order (in accordance with article 13 (d), paragraph 2, of the Gender Equality Act), as are the arrangements for verifying equal pay analyses related to federal employees (in accordance with article 13 (d), paragraph 3, of the Act).

120. The Logib self-analysis tool (established in accordance with article 13 (c) of the Gender Equality Act) has recently been modernized and is now available as a web application in German, French, Italian and English.<sup>121</sup> In April 2020, the tool was certified as a good practice by the International Labour Organization (ILO), the Organisation for Economic Co-operation and Development and the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) through the Equal Pay International Coalition.<sup>122</sup> A similar tool has been developed for small businesses and will be available by the end of 2020.

121. Under the new provisions of the Gender Equality Act, the cantons and communes must also conduct equal pay analyses of their employees. Some cantons (Basel-Stadt, Bern and Glarus) have already carried out such analyses in the past, including with the Logib tool.<sup>123</sup> In various cantons, the equality offices have distributed information to employers based in their territory on the new obligations under the Gender Equality Act. They have organized training activities and support programmes for companies (Basel-Landschaft, Basel-Stadt, Geneva, Jura, St. Gallen, and the city and canton of Zurich). The canton of Basel-Stadt is also planning to require companies with 50 or more employees to conduct equal pay analyses.<sup>124</sup>

122. Several cantons carry out checks on respect for equal pay in relation to public contracts or when awarding grants (Basel-Stadt, Bern, Geneva and Vaud). For example, the canton of Ticino recently amended its Economic Innovation Act to make respect for equal pay a condition for obtaining an economic innovation grant.

123. The Confederation only awards contracts to companies that can show that they comply with the Gender Equality Act. Bidders for a public contract must provide the

<sup>120</sup> <https://www.admin.ch/opc/fr/official-compilation/2019/2819.pdf>.

<sup>121</sup> <https://www.logib.admin.ch/home>.

<sup>122</sup> <https://tinyurl.com/yyx6bkbn>.

<sup>123</sup> According to 2019 data, the following cantons have already used Logib: Aargau, Appenzell Ausserrhoden, Basel-Stadt, Bern, Fribourg, Jura, Lucerne, Neuchâtel, Nidwalden, Obwalden, Schwyz, St. Gallen, Thurgau, Ticino, Uri, Valais, Vaud and Zurich.

<sup>124</sup> <https://tinyurl.com/y3czkae3>.

relevant evidence through a self-declaration form. In addition, the Federal Office for Gender Equality carries out random checks on behalf of the various procurement offices of the federal Government.<sup>125</sup> If wage discrimination is found, the appropriate procurement department can take the following measures: (1) contractual penalty; (2) revocation of the award or exclusion of the bidder from the procedure; and (3) cancellation or termination of the contract, if that possibility has been contractually agreed upon.

124. Together, the Confederation and the cantons have intensified their efforts to combat wage discrimination. The Charter for Equal Pay in the Public Sector has been signed by the Confederation, 16 cantons and 101 communes.<sup>126</sup> Organizations close to the public sector at the federal, cantonal and communal levels, and other enterprises performing tasks of a public nature, have also been able to sign the Charter since the end of 2019. As at 28 October 2020, 56 such organizations and enterprises had signed the document.<sup>127</sup>

125. Because of its commitment to equal pay, the Federal Office for Gender Equality won a United Nations Public Service Award in 2018.

126. Discrimination based on stereotypes in hiring or promotion is prohibited (Gender Equality Act, art. 3, para. 2). People who consider themselves to be victims have a number of options (including taking action to have the discrimination prohibited or stopped, or to obtain confirmation that the discrimination is being practised; see art. 5 of the Act).

127. According to a 2017 study of cantonal case law related to the Gender Equality Act,<sup>128</sup> of the 190 decisions examined, 11 concerned denial of employment and 4 concerned denial of promotion. At the beginning of 2021, an equivalent study will be published concerning the case law of the Federal Supreme Court from 2004 to 2019. Of the 81 cases examined in the draft study, 6 concern denial of employment and 6 concern denial of promotion.

128. The matter is also addressed through the training courses of the Federal Personnel Office (see below, para. 130).

129. Since 1 July 2013, parents working in the federal Government have been entitled to reduce their working hours by 20 per cent after the birth or adoption of a child, provided that they work no less than 60 per cent of their regular hours. To supplement the measure, federal government employees now have the right to increase their working hours again, by up to 20 per cent. The increase must be requested within three years of the last reduction in working hours.

130. Raising awareness among managers and human resources specialists in the federal Government remains an important area in the fight against discrimination. The strategy and measures for managing diversity in the federal Government are therefore presented during various mandatory courses for human resources staff, managers and trainers. Since 2020, an e-learning module has been an integral part of the courses on conduct for new managers in the federal Government.

131. Federal government salaries are analysed once in each legislative period, using the Logib tool. On 1 June 2018, the Federal Council took note of the results of the most recent analysis, which showed that the principle of equal pay for equal work was being respected.

<sup>125</sup> <https://tinyurl.com/y6mxz5gd>.

<sup>126</sup> <https://tinyurl.com/wm55rkf>, consulted on 20 September 2020.

<sup>127</sup> <https://tinyurl.com/qmeagrb>.

<sup>128</sup> <https://tinyurl.com/sbcl5kd>.

132. The Federal Office for Gender Equality may also award funding (see above, para. 50) to projects related to horizontal and vertical segregation.

133. As employers, the cantons are committed to reducing horizontal and vertical segregation, in particular by promoting equality at recruitment and during employment. The establishment of guidelines on equal opportunities in laws and human resources policies is the basis for that approach. About a quarter of the cantons have set targets for the achievement of equality and revise them regularly on the basis of monitoring. The majority of cantons have identified and are implementing measures to raise awareness, provide information, training and advice, and foster exchanges in the areas of recruitment, succession planning and the reconciliation of work and family life. The design of these measures varies. They include the systematic promotion of part-time positions, including for managers, and the introduction of flexible working hours, training or development modules for managers and human resources specialists, campaigns to raise awareness regarding the Gender Equality Act, promotion programmes to increase the proportion of women in management positions, gender-neutral evaluation of analytical functions, and an increase in the proportion of women on recruitment committees.

*See also above, paragraph 100 and subsequent paragraphs, and below, paragraph 160 and subsequent paragraphs.*

134. Currently, there are no laws establishing parental leave. The Government believes that the regulation of such leave should remain the responsibility of employers or the social partners. It gives priority to developing an adequate supply of childcare outside the family. This care is not limited to the child's birth but allows parents to better reconcile family and professional life in the years that follow.

135. On 27 September 2020, more than 60 per cent of the Swiss electorate voted in favour of two weeks' paid paternity leave. The amendment is to enter into force on 1 January 2021.

136. A number of cantons and communes had already introduced between 10 and 20 days' paternity leave for their employees.

137. With regard to the reconciliation of private and working life, the canton of Vaud has organized public debates with scientific experts and representatives of the social partners. The theme was parental leave in 2018 and maternity and employment rights in 2019. In the canton of Geneva, the PME-Check project, for small and medium-sized enterprises, ran from 2016 to 2019. Through the project, Geneva companies that wanted to promote the reconciliation of work and family life were provided with support.

138. The Federal Office for Gender Equality may also award funding (see above, para. 50) to projects related to the reconciliation of private and working life.

*See also below, paragraph 100 and subsequent paragraphs, and paragraph 160 and subsequent paragraphs.*

139. The Federal Act on Tax Reform and the Financing of Old-Age and Survivors' Insurance<sup>129</sup> is not relevant to questions of equality at the national level.

140. As well as reforming corporation tax, some cantons have introduced tax breaks for families. In the canton of Neuchâtel, for example, the full amount of the actual cost of childcare is deductible for tax purposes, up to the maximum amount paid by parents for care in a collective body, which is currently SwF 20,400 per year.

<sup>129</sup> <https://www.fedlex.admin.ch/eli/fga/2018/2140/fr>.

141. No fiscal measures have been taken to support women doing unpaid volunteer work or caring for sick relatives.

142. Sexual harassment in the workplace, in all its forms, is prohibited in article 4 of the Gender Equality Act. The case law of the Federal Supreme Court in relation to the types of conduct prohibited and the delimitation of the workplace is extensive (see, for example, decision No. 4A\_544/2018 of 29 August 2019).<sup>130</sup>

143. The Federal Office for Gender Equality and the State Secretariat for Economic Affairs have published a number of information brochures on the matter.<sup>131</sup> The Office regularly gives presentations to various audiences.

144. According to the above-mentioned review of cantonal jurisprudence, of the 190 decisions examined, 35 involved cases of sexual harassment. In the case law of the Federal Supreme Court, of the 81 cases examined in the equivalent draft study (see above, para. 127), 14 involved cases of sexual harassment.

145. The cantonal equality offices provide employers in their regions with a great deal of advice and support related to sexual harassment, particularly through specific training activities and prevention campaigns. Some of those campaigns are specifically for apprentices and a number of them are available online. The canton of Appenzell Ausser rhoden, for example, has launched KMU Konkret, a training module for small and medium-sized enterprises on establishing a harassment-free work environment. In addition, the Swiss Conference of Equality Delegates is preparing a kit to prevent sexual harassment in the workplace, primarily for companies and public institutions. It will be a turnkey tool to help employers to meet their legal obligations to prevent and stop sexual harassment.

#### *Temporary special measures*

146. The Federal Office for Gender Equality has granted financial assistance to projects directly or indirectly aimed at women from disadvantaged groups, such as rural women<sup>132</sup> and women with an immigrant background,<sup>133</sup> and projects related to returning to work.<sup>134</sup>

#### *Statistics*

147. Paragraph 158 below and the tables in annex 1 contain statistical data related to labour force participation, including data disaggregated by occupation rate. The Federal Statistical Office does not calculate the percentage of women in the labour force disaggregated by urban and rural area or by ethnicity. It does, however, have figures taken from models of couples' professional activities, disaggregated by regional characteristics (urban and rural areas),<sup>135</sup> and a set of integration indicators that includes data disaggregated by migration status.<sup>136</sup> Figures related to persons with disabilities are available on the Office's website.<sup>137</sup>

148. The cantons of Geneva and Jura have established and/or are financing various integration and return-to-work projects for women from disadvantaged groups. In the canton of Vaud, the Cantonal Integration Office is responsible for this type of project.

<sup>130</sup> <https://tinyurl.com/tlwvn5y>.

<sup>131</sup> <https://www.ebg.admin.ch/ebg/fr/home/themes/travail/le-harcelement-sexuel-sur-le-lieu-de-travail.html>.

<sup>132</sup> <https://tinyurl.com/wg6boj2> and <https://tinyurl.com/w997pk8>.

<sup>133</sup> <https://tinyurl.com/vvuyr5h>.

<sup>134</sup> <https://tinyurl.com/yx68l5x5>.

<sup>135</sup> <https://tinyurl.com/r3nm9q>.

<sup>136</sup> <https://tinyurl.com/wg3hr3c>.

<sup>137</sup> <https://tinyurl.com/rlufjyt>.

149. Switzerland actively supported the development of the Violence and Harassment Convention, 2019 (No. 190) of ILO, and voted in favour of its adoption. In accordance with its obligations under the ILO Constitution, Switzerland will perform a thorough legal analysis of the Convention and the accompanying recommendation, and submit the Convention to the competent authorities for information or ratification, taking into account the ratification policy of Switzerland.

## Reply to the question raised in paragraph 19

### Health

150. Swiss compulsory health insurance ensures that the entire population has access to the health system. The system is financed by taxes and insurance premiums. However, a risk of discrimination may result from financial issues (patients may decide not to seek treatment for economic reasons, or services may not be covered by basic insurance), or from inadequate coverage of the costs of care or inadequate quality of care, linked, for example, to a lack of “cross-cultural” skills on the part of health personnel or to institutional guidelines on the coverage of care costs for certain disadvantaged groups (for example, failure to use an interpreter when patients cannot make themselves understood, or a decision by the health-care facility not to cover the costs of interpretation services and therefore not to use them).

151. The Federal Office of Public Health has awarded mandates to members of the Swiss Hospitals for Equity network<sup>138</sup> in the three language regions to encourage dialogue in hospitals on issues of health equity. In that context, thematic meetings of key health actors are organized to raise their awareness and inform them about the subject and challenges of equity in care.

152. With regard to interpretation, the Confederation (the Federal Office of Public Health and the State Secretariat for Migration) supports the public relations work of INTERPRET,<sup>139</sup> the Swiss association for community interpretation and intercultural mediation. INTERPRET informs and raises awareness among specialists in various fields (health, social and educational) regarding the importance of interpretation in the public domain, in order to lower barriers, particularly linguistic or comprehension barriers, and enhance the quality of communication. Since, in the field of health care, the responsibility for covering the costs of interpretation services is often unclear, interpreters are not used systematically. In a March 2019 fact sheet,<sup>140</sup> however, the Federal Office of Public Health clarified that, in accordance with a recommendation of the Swiss Conference of Cantonal Health Directors,<sup>141</sup> the costs of translation and interpretation services that are necessary for treatment, appropriate and provided in the in-patient area of hospitals must be invoiced to the compulsory health insurance scheme and taken into account in the calculation of the flat-rate costs for each case.

153. In recent years, the Confederation has prepared and supported various reports and studies on maternal and child health,<sup>142</sup> in particular the situation of female asylum seekers. In accordance with the health-care concept at accommodation centres for asylum seekers, health-care professionals working at such centres must attend continuing education courses on cross-cultural competencies. Courses on specific topics (such as communicable diseases and female genital mutilation) are offered or are being developed. Responsibility for the initial and continuing education of health

<sup>138</sup> <https://www.hospitals4equity.ch/?lang=fr>.

<sup>139</sup> <https://www.inter-pret.ch/fr/home-1.html>.

<sup>140</sup> <https://tinyurl.com/y5suqkq9>.

<sup>141</sup> [https://www.gdk-cds.ch/fileadmin/docs/public/gdk/aktuelles/stellungn/SN\\_2018/EM\\_WiPrue\\_V4.0\\_20180301\\_def\\_f.pdf](https://www.gdk-cds.ch/fileadmin/docs/public/gdk/aktuelles/stellungn/SN_2018/EM_WiPrue_V4.0_20180301_def_f.pdf).

<sup>142</sup> <https://tinyurl.com/w5st3fe>.

professionals lies primarily with educational institutions and professional associations. The Confederation has no overview of how those institutions and associations incorporate the topic of barriers faced by migrant women into their courses.

154. In March 2016, the State Secretariat for Migration launched a two-year pilot project on improving access to and support for interpretation for traumatized persons in the domain of asylum and refugees who are undergoing psychotherapy. Through the project, 20 psychiatric institutions in all regions of the country have received financial support for community interpretation in order to enable more traumatized refugees and persons in the domain of asylum to receive treatment. The aim of the project was also to allow the partners to consolidate, deepen and compare their experiences of cooperating with qualified community interpreters and treating the target group. The evaluation of the project<sup>143</sup> contains a list of measures to ensure optimal quality in the long term, such as including cooperation with community interpreters at psychiatric institutions in the basic training of therapists and establishing specific competencies related to the treatment of traumatized persons in the domain of asylum and refugees.

155. On 6 December 2019, the Federal Council adopted a draft amendment to the Civil Code to reduce bureaucracy related to changes of gender and first name in the civil register.<sup>144</sup> On 11 June 2020, the Council of States adopted the draft. If the draft amendment is adopted by Parliament, transgender persons or persons with variations in sexual development will be able to have their gender and first name changed in the civil registry without bureaucratic complications, through a declaration to the civil registrar.

156. In the draft amendment, the gender binary (male/female) is not questioned and the introduction of a third gender option is not proposed. However, the Federal Council is examining the matter through a report in response to postulates Nos. 17.4121 (Arslan), on the entry of a third gender in the civil register,<sup>145</sup> and 17.4185 (Ruiz), on the consequences of the introduction of a third gender for the legal system and Infostar, the computerized civil register.<sup>146</sup>

157. Through the compulsory health insurance scheme, non-discriminatory access to confidential treatment and care is, in principle, ensured for all those living with HIV/AIDS and/or other sexually transmitted diseases. Women living with HIV/AIDS often have immigrant backgrounds. Some are not insured against illness, while others, although they have insurance coverage, cannot afford the necessary treatment (the *franchise* (deductible) and the *quote-part* (percentage of the cost over and above the *franchise*)) or cannot afford it on their own. In such cases, the women are mainly undocumented migrants. There are, however, specific opportunities for these women to receive health care,<sup>147</sup> which help to ensure that they all have access to therapies and treatments.

<sup>143</sup> <https://tinyurl.com/vd4kqq6>.

<sup>144</sup> <https://tinyurl.com/sorxa8d>.

<sup>145</sup> <https://www.parlament.ch/fr/ratsbetrieb/suche-curia-vista/geschaeft?AffairId=20174121>.

<sup>146</sup> <https://www.parlament.ch/fr/ratsbetrieb/suche-curia-vista/geschaeft?AffairId=20174185>.

<sup>147</sup> <https://tinyurl.com/u8dw227>.

## Reply to the question raised in paragraph 20

### Economic and social benefits

#### *Labour market*

158. Promoting labour force participation is an effective way to reduce poverty. As a result of the various measures taken by the Federal Council, significant progress has been made. For example, between 2010 and 2018, the labour force participation rate for women between 25 and 54 years of age increased from 82 to 86 per cent. In full-time equivalents, this represents an increase from 58 to 64 per cent, or 92,200 employees. In comparison, full-time equivalents for men remained about the same during that period.

159. In its message concerning the amendment of the Federal Act on Direct Federal Tax (balanced taxation of couples and families), the Federal Council proposes to abolish the so-called marriage penalty. The progressive reduction in the taxation of a couple's secondary income, which is generally the woman's, will increase the incentive to join the labour market. At its winter session in 2019, Parliament referred the draft to the Federal Council.<sup>148</sup> Parliament is currently considering various matters related to the reform of the taxation of couples and families<sup>149</sup> (see also above, para. 10).

#### *Informal caregivers*

160. The Government wishes to improve the working conditions of informal caregivers, most of whom are women. To that end, in 2014 it approved an action plan to support such caregivers and alleviate the burden on them.<sup>150</sup> The plan not only provides for higher-quality information about caregivers and for services to alleviate the burden on them, such as a volunteer service and beds in retirement homes and nursing homes during vacation periods, but also for measures to better reconcile work and caring for relatives.

161. On the last point, at the end of 2019, Parliament adopted a federal Act on reconciling work and caring for relatives.<sup>151</sup> The Act will enter into force in a phased manner in 2021. It contains four measures:

- Salaries continue to be paid during short-term absences to care for a close relative (3 days per case, up to a maximum of 10 days per year).
- Employees can take up to 14 weeks of paid leave to care for a child who is seriously ill or the victim of an accident.
- The entitlement, under the old-age and survivors' insurance scheme, to an allowance for assistance-related tasks has been extended.
- The entitlement, under the disability insurance scheme, to an *allocation pour impotent* (helplessness allowance) and a supplement for intensive care has been adjusted.

162. The implementation of the action plan to support caregivers and alleviate the burden on them has been consolidated by a programme to promote services to alleviate that burden. Through the programme, studies have been carried out to better

<sup>148</sup> <https://www.parlament.ch/fr/ratsbetrieb/suche-curia-vista/geschaeft?AffairId=20180034>.

<sup>149</sup> <https://tinyurl.com/yytrh7t2> and <https://tinyurl.com/yxzh2hrv>.

<sup>150</sup> <https://tinyurl.com/w89mets>.

<sup>151</sup> <https://www.admin.ch/opc/fr/federal-gazette/2019/8195.pdf>.



identify the needs of caregivers with a view to developing support and alleviation services, and models of good practices are disseminated.

163. Under the Federal Act on Financial Aid for Childcare outside the Family,<sup>152</sup> the provision of childcare services is encouraged through financial incentives. Since the Act entered into force 17 years ago, a total of 3,463 applications have been approved. The Confederation has supported the establishment of almost 63,000 new places in childcare facilities by providing an amount of SwF 393 million.<sup>153</sup> The 218 applications that are being processed should make it possible to support an additional 4,900 places. In 2017, Parliament introduced two new types of financial aid, funded in an amount of SwF 100 million over five years, to reduce childcare costs further and promote the restructuring of childcare services to meet parents' needs. Most of the subsidy (85 per cent) is specifically intended to reduce the childcare costs borne by parents.

### *Migrants*

164. The national integration and health promotion programme of the association Femmes-Tische<sup>154</sup> et Hommes-Tische<sup>155</sup> (Round Tables for Women and Round Tables for Men) has been in existence for 20 years and is the leading informal education network for vulnerable and socially disadvantaged people in Switzerland. It is supported by the Confederation (the State Secretariat for Migration and the Federal Office for Public Health) and by the cantons. The round tables of Femmes-Tische are discussion meetings organized by women in private or semi-private settings, in over 20 languages. Participants share their experiences and questions, and receive information to facilitate their social and professional integration.

165. Under the law (art. 131, para. 1, and art. 290, para. 1, of the Civil Code), when a debtor neglects his or her obligation to pay maintenance, a specialized office designated under cantonal law provides the creditor with suitable assistance to obtain the payment of maintenance contributions. The quality of the assistance provided currently varies greatly from one canton to another. On 6 December 2019, therefore, the Federal Council approved Order No. *Recueil Officiel* (Official Compilation) (RO) 2020 7, on assistance in the recovery of maintenance arrears under family law,<sup>156</sup> which will serve as the basis for the activities of the specialized offices. It is important to have competent and effective support in place. Such support will relieve creditors, who are often single mothers living with their children, of the onerous task of recovering their maintenance contributions themselves. It will also help the debtor to meet his or her maintenance obligation to the creditor, without the authorities replacing the debtor by means of advance payments on maintenance contributions or welfare benefits. The cantons have two years to make arrangements to meet the requirements of the Order, which will enter into force on 1 January 2022.

166. In order to improve assistance in the recovery of maintenance contributions in cross-border situations, which are increasingly frequent, the National Council has adopted postulate No. 19.3105 (Vogler), on protecting families and alleviating the burden on public entities, and on consideration of whether to ratify the Convention on the International Recovery of Child Support and Other Forms of Family Maintenance,<sup>157</sup> submitted on 14 March 2019. The report drafted in response to the postulate will probably be published in 2021.

<sup>152</sup> <https://www.admin.ch/opc/fr/classified-compilation/20020609/index.html>.

<sup>153</sup> <https://www.bsv.admin.ch/bsv/fr/home/finanzhilfen/kinderbetreuung.html>.

<sup>154</sup> <https://www.femmestische.ch/fr/home-1.html>.

<sup>155</sup> <https://www.femmestische.ch/fr/offres/hommes-tische-21.html>.

<sup>156</sup> <https://www.admin.ch/opc/fr/official-compilation/2020/7.pdf>.

<sup>157</sup> <https://www.parlament.ch/fr/ratsbetrieb/suche-curia-vista/geschaefte?AffairId=20193105>.



## Reply to the question raised in paragraph 21

### Rural women

167. The figures related to women employed in agriculture and their training show that, in 2018, of the 152,442 people employed in agriculture, 55,361 (36 per cent) were women, of whom 3,157 (6 per cent) were running farms. Since 2000, the number of women running farms has increased continuously. The training for women farmers, which ends with a higher professional examination and diploma, has become very popular; after a change in the system, with new training modules, the number of qualifications awarded increased from 29 (2005) to 160 per year (2019). The same applies to the federal certificate for farmers; the proportion of women has increased from 8 per cent (63 women out of 807 people who received the certificate) in 2005 to 16 per cent (166 women out of 1,060 people) in 2018.

168. The principle of gender equality has been fully implemented in the laws related to Swiss agriculture (Federal Act RS No. 910.1, on agriculture,<sup>158</sup> Federal Act RS No. 211.412.11, on rural land law,<sup>159</sup> Federal Act RS No. 221.213.2, on farm leases,<sup>160</sup> and the Civil Code). In the Swiss laws related to agriculture, women have no special legal status. They can, therefore, in the same way as men, acquire cultivable plots of land and cultivate them, provided that they meet the conditions applicable to individual farmers. Farmers' wives enjoy broad protection under inheritance law if they wish to continue to operate the farm themselves and if they appear capable of doing so; the wife, as the heir who is operating the farm herself, can demand to be awarded the farm at its yield value. In 2013, 16 per cent of farmers' wives or partners were self-employed and 15 per cent received a salary for their farm work. The statistics show a strong correlation between women being young and the likelihood of their earning a salary. On the basis of these results and owing to rising levels of awareness, it can be assumed that more and more women will be paid a salary for their farm work. Another survey, the results of which are not yet known, was conducted in 2020.

169. The message of the Federal Council concerning the development of agricultural policy from 2022<sup>161</sup> has been under discussion in Parliament since the summer of 2020.<sup>162</sup> In the message, the Council proposes various measures to enhance the status of spouses and registered partners, on the basis of its September 2016 report on women in agriculture.<sup>163</sup> The following two proposals are specifically aimed at improving the situation of the non-owning spouse or of the registered partner in the event of divorce:

- The spouse or registered partner now has a pre-emptive right to the farm, so that a non-owning spouse or registered partner who personally operates the business can take it over at the yield value in the event of divorce.
- The crucial period during which an increase in the imputed investment value can be requested will be extended.

170. It is stated in the message that the granting of direct payments will be linked to the existence of social security coverage for a farmer's spouse or registered partner who works on the farm regularly or to a significant extent. The social security

<sup>158</sup> <https://www.admin.ch/opc/fr/classified-compilation/19983407/index.html>.

<sup>159</sup> <https://www.admin.ch/opc/fr/classified-compilation/19910253/index.html>.

<sup>160</sup> <https://www.admin.ch/opc/fr/classified-compilation/19850206/index.html>.

<sup>161</sup> <https://www.blw.admin.ch/blw/fr/home/politik/agrarpolitik/ap22plus.html>.

<sup>162</sup> <https://www.parlament.ch/fr/ratsbetrieb/suche-curia-vista/geschaefte?AffairId=20200022>.

<sup>163</sup> <https://tinyurl.com/y2fah22o>.

coverage must include the risks of disability and death (prevention), and of sickness and accidents (loss of earnings).

171. Continuous awareness-raising regarding the legal, economic and social concerns of women and men in agriculture is carried out through the well-established, comprehensive and continuously updated website of the Swiss Union of Women Farmers and Rural Women.<sup>164</sup> The site is visited more than 1,000 times per month.

172. A nationwide project on the participation of women in farmers' organizations was conducted between 2014 and 2018, with financial support from the Confederation, in order to make tangible improvements in women's representation in such organizations' governing bodies. The project strengthened women's skills and legitimization in agriculture while raising awareness of the problem among farmers' organizations and encouraging them to seek solutions. Tangible measures to promote a gender mix in the governing bodies were planned and implemented through a participatory process involving various organizations (for example, training lasting several days or analysis of women's position in entities of the Swiss Union of Farmers). Some measures were continued after the project ended in 2018. Current figures related to the proportion of women in the governing bodies of randomly selected farmers' organizations show, however, that their participation is in most cases still very low (see annexes, table 3).

## Reply to the question raised in paragraph 22

### Disadvantaged groups of women

#### *Women with disabilities*

173. Article 5 of Federal Act No. 151.3, on the elimination of discrimination against people with disabilities, enshrines in law equal opportunities for women with disabilities. It commits the Confederation and the cantons to take into account the specific needs of women in defining the measures required to prevent, reduce or eliminate inequalities. In terms of protecting women with disabilities against discrimination, priority is given to the production of reference documents, and to information and awareness-raising. A thematic dossier<sup>165</sup> on the subject, produced by the association *Avanti Donne* (Women to the Fore) and the Federal Office for the Equality of Persons with Disabilities, is one of those reference documents.

#### *Roma, Yenish and Sinti*

174. In 2015, the Federal Department of the Interior established a national working group to improve the living conditions of nomads and promote Roma, Sinti and Yenish culture. The working group is composed of representatives of federal, cantonal and communal authorities, and members of those minorities. Among the representatives of the minorities are five women, which shows the growing interest of Roma, Sinti and Yenish women in participating in political processes. The working group meets regularly and contributes to a report and action plan of the Confederation to improve the living conditions and promote the culture of those population groups.<sup>166</sup> The working group meetings are currently being used to monitor progress in the implementation of the action plan. Yenish mothers are also included in a dialogue with the Bern school authorities, which are developing a project to improve

<sup>164</sup> <https://www.paysannes.ch/fr/>.

<sup>165</sup> [https://www.humanrights.ch/cms/upload/pdf/140122\\_fem\\_handicap.pdf](https://www.humanrights.ch/cms/upload/pdf/140122_fem_handicap.pdf).

<sup>166</sup> <https://tinyurl.com/yy2dxtmd>.

the education of children of traveller parents during the summer months (the “Lernen unterwegs” (Learn as you travel) project of the city of Bern).

175. Forced sterilization is no longer carried out in Switzerland.

## Reply to the question raised in paragraph 23

### Refugee and asylum-seeking women

176. Asylum applications submitted by women and girls are processed in accordance with a specific practice that was developed several years ago by the State Secretariat for Migration and takes into account persecution specifically against women (art. 3, para. 2, of Federal Act RS No. 142.31, on asylum).<sup>167</sup> The arrangement also helps to raise awareness, among those processing asylum applications, of the specific situations that female asylum seekers (irrespective of their age or profile) may face during migration.

177. During the examination of asylum applications for which there is concrete evidence of gender-based persecution, the law provides that the person concerned has the right to be heard by a person of the same gender (art. 6 of Asylum Order 1 (RS 142.311)).<sup>168</sup> In addition, various processing instructions are given to the people responsible for the application so that they can correctly understand the different situations that they have to assess in this area (for example, allegations of female genital mutilation, forced marriages, discriminatory or sexist laws, honour crimes, domestic violence and human trafficking). The instructions place particular emphasis on measures that affect women and girls because of their social position, which is characterized by a more or less rigid predetermination of their role as women (relegation to the family sphere; limited opportunities for education, work and financial independence; and, above all, disregard for women’s rights). The extent of the sexual violence that accompanies the persecution of which they may be victims plays a decisive role in the examination of their asylum applications.

178. The initial and continuing training for employees of the State Secretariat for Migration on interviewing techniques is based on the “cognitive interviewing” method, which increases the quantity and quality of information gathered through free discourse, reduces the likelihood of inaccurate recollection, involves establishing a (positive) relationship with the interviewee, and uses open-ended, neutral and non-leading questions. Various training courses given by specialists in this field are organized regularly in the State Secretariat. In addition, a training module specifically on gender-related persecution contains a section on the specific problems that may arise during interviews in this area. Thematic consideration is thus given to interviewees’ difficulties in expressing themselves regarding events affecting their personal and intimate lives, and to the traumas that can affect the faculties of perception, memory and verbalization.

*With regard to police training, see above, paragraph 74.*

179. The objectives and standards for all processes related to accommodation and support are defined in an operational plan. The plan includes an annex specifically on the particular needs of women, which contains instructions to ensure that those needs are met:

- In all federal centres for asylum seekers, the bathrooms and toilets are single-sex and protected from view. Dormitories for women travelling alone or with

<sup>167</sup> <https://www.admin.ch/opc/fr/classified-compilation/19995092/index.html>.

<sup>168</sup> <https://www.admin.ch/opc/fr/classified-compilation/19994776/index.html>.

their children are separated from dormitories for men travelling alone or with their family.

- There is a gender balance among the support, security and medical staff of federal centres for asylum seekers. Female asylum seekers have the opportunity to speak to female staff.
- All employees at federal centres for asylum seekers undergo frequent training and awareness-raising related to women's specific issues so that they can quickly identify women's particular needs in their area of activity and take those needs into account appropriately.

180. The guidelines specifically related to women are constantly updated and their implementation is monitored through the internal checks of the State Secretariat for Migration. In 2020 and 2021, particular attention will be paid to the implementation of the Istanbul Convention, particularly with regard to postulate No. 16.3407 (Feri), on the analysis of the situation of refugee women.<sup>169</sup>

## Reply to the question raised in paragraph 24

### Marriage and family relations

#### Sharing of occupational pension benefits in the event of divorce

*See the interim report of Switzerland on the implementation of the Committee's recommendations, December 2018, p. 8.*<sup>170</sup>

#### *Deficit sharing in the event of divorce*

181. Since the review of the Child Maintenance Act, which entered into force on 1 January 2017, the Federal Council has had the option of introducing deficit sharing between the spouses. It has decided, however, not to propose to Parliament that the measure be added to the Civil Code; a satisfactory solution to the problem of the deficit cannot be found using only the financial resources of the former spouses, who cannot themselves cope with the overall increase in their expenses after separation. In such situations, the authorities must intervene. A review of the relevant provisions of private law alone would not, therefore, put an end to the current unequal treatment. Those provisions should instead be coordinated with the public law on social assistance. Federal lawmakers, however, have no jurisdiction over that coordination, since welfare law is the responsibility of the cantons.

*With regard to the parliamentary deliberations on the draft review of the provisions of the Child Maintenance Act related to deficit sharing, see paragraph 174 of the combined fourth and fifth periodic reports of Switzerland on the implementation of the Convention (CEDAW/C/CHE/4-5).*

#### *Minimum maintenance contribution*

182. The Federal Council examined in detail the possibility of establishing a minimum maintenance contribution per child in the Civil Code, but did not take action on the matter; the request ran counter to the system of advance payments on maintenance contributions by the authorities, which do not intervene if the debtor parent becomes insolvent. The idea of a system of advance payments in the form of social insurance was examined and, for lack of a constitutional basis, rejected, during the review of the law of filiation, which entered into force in 1978. The idea was rejected because welfare law is the responsibility of the cantons. The lack of federal

<sup>169</sup> <https://www.parlament.ch/fr/ratsbetrieb/suche-curia-vista/geschaeft?AffairId=20163407>.

<sup>170</sup> <https://tinyurl.com/shy63g7>.

jurisdiction cannot be circumvented through the establishment of a minimum contribution for children in family law.

*Harmonization of the rules on advance payments on maintenance contributions*

183. Parliamentary initiative No. 19.459 (Piller Carrard), on improving the system of advance payments on maintenance contributions,<sup>171</sup> submitted on 20 June 2019, is intended to establish a constitutional basis for federal lawmakers to harmonize the cantonal rules on advance payments on maintenance contributions and thus ensure that children are paid advances to cover their subsistence minimum. The Legal Affairs Committee of the National Council has decided to follow up on the initiative and has transmitted the text to the Legal Affairs Committee of the Council of States.<sup>172</sup>

184. Swiss lawmakers have clearly expressed their desire to encourage more balanced participation of both parents in the day-to-day care of the child after separation or divorce. Without making alternating custody the basic model, lawmakers have introduced provisions to ensure that the authority seized of the matter considers whether that arrangement is the best solution for the child in question. In the absence of statistical data on the matter, however, the effects of the new provisions cannot be measured.

*Maintenance contribution for the care of the child*

185. After a separation, the question generally arises of any maintenance contributions that one parent must pay to the other and to their common children in order to provide for their daily needs. Since the review of the Child Maintenance Act entered into force, the children of unmarried parents have been on an equal footing with children of married parents, because the costs of caring for the child are included in the calculation of the maintenance contribution paid not to the divorced parent who takes care of the child, but to the child him- or herself.

*Adoption of partner's child*

186. Since 1 January 2018, registered partners and cohabitants have been able to adopt the child of the person with whom they are in a relationship, in the same way as married people, provided that the couple has been living together for at least three years (art. 264 (c) of the Civil Code). The change eliminates an instance of unequal treatment and makes the relationship between the child and the partner of the child's father or mother legally secure. The child can thus be fully integrated into the family, and the couple can make arrangements in case of the death of the biological parent. Same-sex couples remain prohibited from jointly adopting children unrelated to either member of the couple. They could become eligible to do so, however, if marriage were open to all couples.

*Registered partnership and marriage*

187. A number of differences between marriages and registered partnerships remain. In addition, in disclosing their civil status, registered partners provide information about their sexual orientation, which can be stigmatizing. For this reason, the Legal Affairs Committees of Parliament have decided to follow up on parliamentary initiative No. 13.468, on civil marriage for all, and submit to Parliament a bill to open marriage to all couples.<sup>173</sup> On 11 June 2020, the National Council adopted the bill, which is now being considered by the Council of States.

<sup>171</sup> <https://www.parlament.ch/fr/ratsbetrieb/suche-curia-vista/geschaeft?AffairId=20190459>.

<sup>172</sup> <https://www.parlament.ch/press-releases/Pages/mm-rk-n-2020-08-28.aspx?lang=1036>.

<sup>173</sup> <https://tinyurl.com/yx2ehnun>.

## Reply to the question raised in paragraph 25

### Additional information

188. In 2017, the Federal Department of Foreign Affairs adopted a new strategy for gender equality and women's rights.<sup>174</sup> The strategy is focused on women's equal and effective political participation and economic empowerment, the reduction of sexual and gender-based violence, and the promotion of sexual and reproductive health rights. The objective is to systematically place gender equality and women's rights at the heart of bilateral and multilateral action.

189. As part of the report of Switzerland on the implementation of the 2030 Agenda for Sustainable Development,<sup>175</sup> the national goals related to Sustainable Development Goal 5 were analysed in detail, and their links with other Sustainable Development Goals and with federal policies were recorded. Following that analysis, gender equality has been considered to be a priority theme of sustainable development. The Federal Council is currently developing a new sustainable development strategy for 2030, in which gender equality is addressed under the heading of equal opportunities. The strategy will be accompanied by an action plan for 2021–2023.

190. Switzerland contributed significantly to the inclusion of gender equality in the 2030 Agenda. That contribution is reflected in the explicit wording of Goal 5 and the mainstreaming of gender in all the other Goals. That dual approach also corresponds to the strategy of the Swiss Agency for Development and Cooperation, in the Human Security Division of the Political Affairs Directorate of the Federal Department of Foreign Affairs, and of the Economic Cooperation and Development Division of the State Secretariat for Economic Affairs. It is included in the message concerning the international cooperation strategy of Switzerland.<sup>176</sup> For example, the Agency supports bilateral programmes as well as global and multilateral initiatives. In order to promote gender equality, it sets clear investment and quality objectives that are analysed annually. The effectiveness of the Agency's programmes has improved steadily in recent years. The level of investment has increased but is still below the target amount. In a 2017 publication, the Agency informed its local offices of opportunities to help to implement the Convention in the States parties. The Economic Cooperation and Development Division systematically analyses the risks and opportunities related to gender equality in its projects and monitors them during programme implementation.

191. Additional information on the measures taken by Switzerland in response to the COVID-19 pandemic and their effects on gender issues is presented in annex 2.

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<sup>174</sup> <https://tinyurl.com/r4bk8qe>.

<sup>175</sup> <https://www.eda.admin.ch/agenda2030/fr/home/strategie/bestandsaufnahme-2018-2022.html>.

<sup>176</sup> <https://tinyurl.com/t2hfvkc>.