



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

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## Committee on the Elimination of Discrimination against Women

Pre-session working group

Forty-fourth session

20 July-7 August 2009

### List of issues and questions with regard to the consideration of periodic reports

#### Switzerland

The pre-session working group examined the third periodic report of Switzerland (CEDAW/C/CHE/3).

#### General

1. According to paragraph 53 of the State party report, the Convention's provisions are directly applicable and the rights arising from it can be invoked directly before Swiss authorities at all levels. However, according to paragraph 76 of the report, the courts recognize only to a very limited extent the direct applicability of the Convention in individual cases. Please explain.
2. Please provide information on the process of preparing the third periodic report, including details on the involvement of the various levels of power within the State party, the contributions of public institutions at the federal level and at the level of the federated entities, and details of consultations with non-governmental organizations.
3. Please indicate whether the State party has any plans to withdraw its reservations to article 15, paragraph 2, and to article 16, paragraphs 1 (g) and 1 (h), of the Convention, as recommended by the Committee in its concluding comments on the State party's combined initial and second report (see A/58/38, sect. IV, para. 100).

#### Legislative and institutional framework

4. Please provide statistical data with regard to the number of civil and criminal cases filed that are relevant to the Convention and the sanctions pronounced.

5. Please describe which mechanisms and remedies are available to women who wish to complain about gender-based discrimination. Please also indicate if Switzerland is considering establishing an independent national human rights institution in accordance with the Paris Principles (see General Assembly resolution 48/134, annex).

#### **Stereotypes and education**

6. The report indicates that the State party has undertaken various initiatives, including the “Fairplay-at-home” and “Fairplay-at-work” campaigns, with a view to combating stereotypes relating to the roles and responsibilities of men and women in family and professional life. Please indicate whether an impact assessment has been carried out to identify the main achievements and difficulties of those initiatives and whether any remedial action has been taken.

7. Please provide detailed information on steps that have been taken to integrate gender equality and other human rights norms in the curricula of primary and secondary schools in the different cantons of the State party.

8. Please provide detailed information with regard to human rights education being offered to girls and women of foreign origin, ethnic minorities, especially immigrants, including asylum seekers and refugees, in general, and equality of the sexes, in particular, due to the specific difficulties faced by foreign women and girls.

#### **Violence against women**

9. Please provide statistical data and information on sexual and domestic violence for each canton, including marital rape, especially the number of complaints, investigations, prosecutions, convictions and penalties imposed, and any compensation awarded to victims or their families.

10. Please provide information on any plans to encourage the cantons to make available or to finance women’s shelters.

11. Please provide information regarding the results of the efforts undertaken by the State party to prevent violence and other forms of abuse of women migrants. Are there linguistically and culturally accessible services for migrant women and girls who are victims of gender-based violence? Please also indicate whether these services are run by women.

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

12. Please provide updated information on any prosecutions and convictions under the new article 182 of the Penal Code, which entered into force in December 2006.

13. Please describe the results obtained by the programme of action against human trafficking created in 2003 by the Swiss Coordination Unit against the Trafficking of Persons and Smuggling of Migrants.

14. Please provide information on measures taken to prevent and combat child pornography, especially considering the specific vulnerability of girls, and on cases of Swiss citizens being prosecuted, in or outside the State party, for sexual crimes committed abroad, especially involving children.

15. Please indicate what rehabilitation and reintegration programmes are in place in Switzerland for women and girls who are victims of trafficking, including for those who wish to leave prostitution. Please provide details of resources allocated to programmes designed to rehabilitate victims of trafficking into society, including through job training, legal assistance and confidential health care.

#### **Participation in political and public life and decision-making**

16. The data provided in the annex to the report, on the representation of women in the foreign service, reveals that women's participation continues to be significantly low. Please indicate the results of the measures taken to increase the female presence in the diplomatic service, described in the State party report.

17. Please provide statistics on the representation of women in the judiciary at both the federal and cantonal levels.

18. Please indicate the results of the temporary special measures referred to in the State party report (quotas). Please provide information for the Confederation and for each canton.

19. Please indicate if the State party has taken any measures to increase the participation of women in political parties since the annex to the State party report indicates very low participation of women in some political parties.

#### **Employment and poverty**

20. According to the State party report (para. 387), the category of women raising children alone remains the one that presents the highest degree of poverty. Please indicate the results of the measures taken to combat the problem and provide updated information on the initiative, described in paragraph 390 of the State party report, to introduce a system of benefits for low-income families.

21. The report indicates (see paras. 13 and 272) that women's wages are well below those of men and that the wage gap in the private sector was 19.1 per cent in 2006. Please provide statistics indicating the results of measures taken to reduce the salary gap between men and women, in both the private and public sectors, and explain why such a gap still exists in the public sector. Please also indicate any measures taken to increase the number of women in leading positions in the private sector.

22. The report notes that the unemployment rate is higher among women than men (see para. 271) and that there is a higher proportion of women in part-time employment. Please indicate what specific measures have been taken to combat this phenomenon in order to ensure that women have access to full-time and permanent jobs.

23. Please provide information on the implementation and results of the projects designed to integrate disabled persons into working life.

#### **Health**

24. The report states (see para. 372) that access to quality health care in the area of reproductive and sexual health for migrant women is not as good as the care available to Swiss women and that coordination and regional outreach are

insufficient. Please describe any steps taken by the State party to combat that discrimination against migrant women.

25. The report mentions female genital mutilation of girls (paras. 380-384). Please provide statistical data with regard to its occurrence and indicate what specific measures have been taken to prevent and combat such practices in specific parts of the immigrant population, and with what results.

26. Please explain the scope and main provisions of the new law, mentioned in paragraph 379 of the State party report, on the sterilization of disabled persons, which entered into force in 2005.

**Marriage and family**

27. Please provide updated information on the parliamentary initiative concerning choice of family (see para. 435), including any plans to withdraw the reservation to article 16 (1) g of the Convention.

28. Please provide information concerning the suggestions of the Federal Council with regard to forced marriages, mentioned in paragraph 438 of the State party report, including free consent necessary for a marriage to be valid and no recognition of marriages of persons under age 18. Please also provide clarification as to whether forced marriages contracted abroad fall under Swiss criminal law.

29. Please provide information on the type of property that is distributed on the dissolution of relationship. Please also indicate whether the law provides for the distribution of future earning capacity and human capital or considers enhanced earning capacity or human capital in any manner in the distribution of property upon dissolution (e.g., through a lump-sum award reflecting the other spouse's estimated share in this type of asset or by allowing for an award of compensatory spousal payment).

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