

*Committee on the Elimination of Discrimination against Women*

REFERENCE: BN/follow-up/Switzerland/90

10 March 2025

Excellency,

In my capacity as Rapporteur on follow-up on concluding observations of the Committee on the Elimination of Discrimination against Women (CEDAW), I have the honor to refer to the examination of the sixth periodic report of Switzerland, at the Committee's eighty-third session, held in October 2022. At the end of that session, the Committee's concluding observations ([CEDAW/C/CHE/CO/6](#)) were transmitted to your Permanent Mission. You may recall that in paragraph 72 on follow-up to the concluding observations, the Committee requested Switzerland to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 16 (a), 32 (a), 42 (d) and 42 (f) of the concluding observations.

The Committee welcomes the follow-up report ([CEDAW/C/CHE/FCO/6](#)) received on time in November 2024 under the CEDAW follow-up procedure. At its ninetieth session, held in February 2025, the Committee examined this follow-up report and adopted the following assessment.

Regarding the recommendation made in **paragraph 16 (a)** of the concluding observations that the State party “**carry out systematic capacity-building for judges, prosecutors, lawyers and law enforcement officials on the direct application and use of the Convention in legal proceeding**”.

The Committee takes note of the State Party's position that the provisions of the CEDAW Convention are generally not directly applicable. It takes note of the State Party's explanation that the Convention does not form the basis for justiciable obligations regarding non-discrimination against women and is primarily directed towards legislative, political, and social institutions rather than the judiciary.

The Committee also notes that, in preparation for its report, the State Party claims to have consulted various judicial mechanisms. The result of this consultation indicated that while judicial personnel are taught about gender equality, no training specifically focused on the CEDAW Convention and its direct applicability is currently provided. The Committee therefore regrets that the State Party has taken no steps to implement comprehensive capacity-building programs for judicial personnel concerning the direct application of the Convention in legal proceedings, as recommended.

The Committee considers that the State party has not taken any steps to implement the recommendation. It therefore considers that the recommendation has **not been implemented**.

H.E. Mr. Jürg Lauber  
Permanent Mission of Switzerland to the United Nations Office  
and other international organizations in Geneva  
Rue de Varembe 9-11  
1211 Geneva 20  
E-mail: geneve.oi@eda.admin.ch

The Committee considers that the information provided by the State party is extensive but does not relate directly to the recommendation. It thus considers that the quality of the information provided is only **partially satisfactory**.

The Committee recommends that, in relation to **paragraph 16 (a)** of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

**Carry out systematic capacity-building for judges, prosecutors, lawyers and law enforcement officials on the direct application and use of the Convention in legal proceeding.**

In relation to the recommendation made in **paragraph 32 (a)** that the State party **“Eliminate the cantonal discrepancies in funding for the implementation of women’s rights and gender equality and ensure that each canton has a gender equality office”**.

The Committee notes with interest the State Party's wide-ranging consultations to discuss the implementation of the recommendation on establishing a gender equality office across all cantons. It regrets that the State Party has not indicated the steps taken by the four out of the nine cantons not represented on the Swiss Conference of Gender Equality Delegates that do not have an equality commission to establish an office addressing gender equality. The Committee further regrets that considerable differences still exist in the cantonal efforts and resources allocated to gender equality. The Committee takes note of the State Party’s explanation that the discrepancies in the implementation of women’s rights and gender equality are due to its federal structure and the autonomy of the cantons. The Committee nevertheless regrets that the absence of a minimum standard of obligation under the CEDAW Convention for the implementation of gender equality across all cantons exacerbates the discrepancies in funding and action plans, as the current approach is mainly discretionary.

The Committee considers that the State party has not taken any steps to implement the recommendation. It considers that the recommendation has **not been implemented**.

The Committee considers that the information provided by the State party is thorough and extensive and that it relates directly to the recommendation. It thus considers that the quality of the information provided is **satisfactory**.

The Committee recommends that, in relation to **paragraph 32 (a)** of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

**Eliminate the cantonal discrepancies in funding for the implementation of women’s rights and gender equality and ensure that each canton has a gender equality office.**

In relation to the recommendation made in **paragraph 42 (d)** of the concluding observations that the State party **“amend the definition of rape in the Criminal Code by basing it on the absence of consent in line with international standards; amend articles 192 (2), 193 (2), 187 (3) and 188 (2) of the Criminal Code to remove any provision for judicial discretion to reduce the sentences or acquit perpetrators of sexual offences that are of a lesser nature than rape based on their marriage or partnership with the victim”**.

The Committee notes with appreciation the State party’s revision of its criminal law relating to sexual offences, which now extends the offenses of rape and sexual coercion to instances where a victim’s words or gestures indicating non-consent have been intentionally disregarded by a perpetrator who proceeds to engage in a sexual relationship with them. The Committee further notes that the State party has included "state of shock" as an expression of non-consent and has also expanded the definition of rape to encompass and protect individuals of different genders. The Committee also notes that the grounds for exemption from punishment contained in the State party’s penal code have been abolished.

The Committee considers that the recommendation has **been implemented**.

The Committee considers that the information provided by the State party is thorough and extensive and that it relates directly to the recommendation. It thus considers that the quality of the information provided is **satisfactory**.

In relation to the recommendation made in **paragraph 42 (f)** of the concluding observations that the State party “**Amend article 50 of the Federal Act on Foreign Nationals and Integration to ensure that all women who are victims of domestic or sexual violence can leave their abusive spouse without losing their residence status, irrespective of the gravity of the violence suffered and of their spouse’s nationality or residence status, and, accordingly, withdraw its reservation to article 59 of the Convention of the Council of Europe on Preventing and Combating Violence against Women and Domestic Violence, and provide the necessary capacity-building to immigration authorities.**”

The Committee notes with interest that the State party has amended its laws to extend or provide a residence permit to foreigners in the event of family dissolution involving a Swiss national or a holder of any of the different categories of Swiss permits. It notes that this protection has also been afforded to cohabitees, provided that they have obtained a hardship permit. Additionally, it notes the extension of the list of possible indications of domestic violence to include the recognition of the victim status of the person concerned within the meaning of the Victim Support Act, the confirmation of the need for care or protection by a service specializing in domestic violence, and the existence of medical reports or criminal proceedings.

The Committee notes with appreciation that the implementation of the amendment to the Foreign Nationals and Integration Act (RS 142.20) is scheduled to come into force, enabling Switzerland to withdraw its reservation to Article 59 of the Istanbul Convention.

The Committee considers that the recommendation has **been implemented**.

The Committee considers that the information provided by the State party is thorough and extensive and that it relates directly to the recommendation. It thus considers that the quality of the information provided is **satisfactory**.

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,



Natasha Stott Despoja  
Rapporteur on follow-up  
Committee on the Elimination of Discrimination against Women