

NGO: TERRE DES FEMMES Switzerland (TDF)

Country: Switzerland (65th Session)

Topic: Refugee Women (transversal)

General Recommendation: No. 32

CEDAW Articles: Art. 1-3, 5, 9, 10, 13, 15, 16

September 2016

In January 2016 TDF handed in a complete shadow report for the 65th CEDAW Session (TDF-Report) on the situation of women refugees or women in the asylum procedure in Switzerland, a topic on which the government report remained silent. TDF put forward a list of questions and proposed measures, some of which were reflected in the List of Issues (LoI) of 16 March 2016 under paragraph 19. In the preliminary reply to the LoI given by the State party on 14 June 2016, the relevant questions were not answered to full extent. In addition to the January 2016 report, TDF would therefore like to provide further information and reiterate questions not or insufficiently answered in the preliminary reply by Switzerland.

As detailed in the TDF-Report, in practice gendered motives for fleeing are either not or only inadequately acknowledged during the asylum *procedure*. The tightening of the Asylum Act (AsyIA) and the accelerated asylum procedures currently being put into action, may result in additional obstacles for women and in particular for women with PTSD. Further, in the *accommodation* of asylum seekers, there is a lack of fundamental gender-sensitive measures regarding support and housing. Binding quality guidelines as well as an independent complaints office are missing.

While the LoI asked for information concerning various measures taken at *all* stages of the asylum procedure, the State party focuses *exclusively* on the asylum *proceedings* and completely ignores the situation of the *accommodation*. The State party does not go far enough and does not provide sufficient concrete information. TDF hence urges the CEDAW committee to press Switzerland to fully answer these questions.

Questions

Q1: Until when does Switzerland intend to submit a detailed and comprehensive evaluation of the situation of women refugees and women in the asylum procedure?

The first and most fundamental question to the State party concerns data collection and a comprehensive evaluation of the situation of women refugees and women in the asylum procedure incorporating General Recommendation No. 32. It is important that the data collected does not only reflect women in the asylum procedure, but also includes women accommodated in the country. This evaluation, including sex-disaggregated statistical data on asylum claims, countries of origin, reason of seeking asylum and recognition rate of asylum claims based on gendered motives for fleeing is urgently needed to allow for easier implementation of further necessary measures.

Q2: What is Switzerland doing to take gendered motives for fleeing consequently into account *in practice*?

As described in the TDF-Report, there are specific occurrences when the authorities treat asylum claims of women refugees without any adequate analysis or acknowledgement of women specific situations. Switzerland does not have staff for the processes or the hearings, specialized in dealing with motives for seeking asylum specific to women. The existing basic trainings for concerned staff (see No. 19 p.20 reply Switzerland to LoI) are not sufficient and often do not get applied *in practice*.

- **Measures:** Asylum claims containing gendered motives of fleeing must be processed by specially trained experts at the State Secretariat for Migration (SEM) and at the Federal Administrative Court. With the necessary expertise on international guidelines from CEDAW (incl. General recommendation. No.32) and the UNHCR, these specialized experts can put asylum proceedings by women refugees *into practice*, in a gender-sensitive way conform to international rules. If there is any suspicion of gender-based violence, the hearings must be conducted by a team of the same gender. Further, it has to be guaranteed that even in the new accelerated asylum procedures, gendered motives for fleeing can be put forward at a later stage of the proceedings.

Q3: How does Switzerland assure the provision of basic services, notably gender-sensitive accommodations, and guarantee the protection of the fundamental rights of women asylum seekers and refugees?

As detailed in the shadow report, asylum seekers' accommodation facilities are in many cases characterised by cramped conditions, poor infrastructure, isolated locations and social marginalisation. There are not enough separate accommodation facilities available for single women and single mothers, or for families. At mixed-gender accommodation facilities, the infrastructure is often not set up in a gender-segregated manner. Private security firms that are in charge of the facilities, mostly employ male security staff, which intimidates women asylum seekers in particular.

- **Measures:** The State party, in collaboration with the cantons, must establish *uniform, binding, gender-sensitive regulations* on support and accommodation of asylum seekers, and ensure adherence to these guidelines by all actors. These regulations, detailed in the TDF-Report, must be an integral part of the service-level agreements between the State party or cantons and those running the centres, as well as the service-level agreements with private security firms. Trainings on these regulations must be mandatory for all actors.