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Convention on the Elimination of All Forms of
Discrimination against Women

**Presentation of the combined
fourth and fifth periodic reports
of Switzerland
to the Committee on the Elimination
of Discrimination against Women**

Declaration of Switzerland

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delivered by

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Madam Chairwoman,

Distinguished Members of the Committee on the Elimination of Discrimination against Women,

It is a great honour for my delegation to present Switzerland's fourth and fifth periodic reports to this Committee and to **report**, in a straightforward and open manner, **the progress our country has made and the challenges** we still face in combating all forms of discrimination against women.

Let's start by reminding us: Switzerland is a young democracy.

Women only gained the right to vote and be elected in 1971. However, many women demanded equality and left their mark on our history. These women should be honoured. Iris von Roten, who was born in 1917, is among them. A doctor in law, she influenced generations of Swiss women and helped them achieve civic equality, but her calls for equal pay were not heeded. Here is what she wrote in 1958:

An imbecile who does his job poorly may earn 700 to 1,000 francs per month, while I do the same work, yet better, and I have to make do with 350 francs, a sum which doesn't even allow me to dress well. Don't I have the right to an ambitious life? Never, never, never.

For Iris von Roten, like Simone de Beauvoir before her, civil liberties did not emancipate women if they were not accompanied by financial independence. As we will see, this independence has not yet been achieved. We have to finish the unfinished business of gender equality, and we draw strength from the legitimate requirements set forth by your Committee.

The presentation of the periodic CEDAW report is an **important step** for every country that is committed to promoting human rights and real gender equality. This is particularly true for Switzerland, which has the privilege of hosting, right here in Geneva, the Human Rights Council, the UN High Commissioner for Human Rights and all the human rights treaty bodies.

I would like to begin by emphasising Switzerland's firm commitment in the area of gender equality. This can be seen in the federal government's adoption, with Parliament's approval, of a gender equality guideline in the programme for the 2016-19 legislative period and the Sustainable Development Strategy 2016-2019, as it has in the past.

The delegation before you today reflects the crosscutting nature of equality-related issues and the entire government's commitment. This is true for the federal government and the cantons. Their representative can attest to this.

My presentation is divided into two parts.

I will begin with **Articles 1 to 5, 7 and 13** of the Convention.

I would like to discuss the following issues: awareness-raising and training on the Convention, fighting sexism and gender stereotypes and integrating migrant women.

I will brief you on Switzerland's most recent initiatives, without glossing over some difficulties that we have experienced in implementing them.

Starting with the federal government, our **Action Plan 2010-2014** was not only used to implement the recommendations prepared by your Committee following our last periodic report, but also to raise awareness among federal offices about our commitments on an ongoing basis. Proof of this can be seen in two national reports on the situation of women in agriculture, one appearing in 2012 and the other in September 2016, both of which refer explicitly to the CEDAW.

At the legislative level, the Convention requires that gender equality be factored into the process of developing or revising laws from the very first stage. In May 2015, the Federal Office for Gender Equality **published a guide** that enables federal offices to predict the impact of a legislative bill on gender equality. This guide has proven to be effective and serves as an inspiration in other areas. Awareness-raising and training efforts will continue in order to ensure this guide is fully implemented.

In September 2016, following an evaluation of prospective studies of legislative bills from 2007 to 2014, the government requested further inquiries and will take additional measures if necessary.

A **national conference** held in February 2016 generated significant interest, as it brought together some 200 legal, judicial and human-resources specialists to assess the state of affairs 20 years after the Federal Act on Gender Equality was passed. The specialists identified gaps in the areas of awareness-raising, specialisation and procedural practice. Some judges noted that the Federal Act on Gender Equality was still not widely known. Furthermore, when it came to certain aspects of wage inequality, they mentioned the difficulty of finding legal experts capable of carrying out pay-gap analyses. We must therefore continue our efforts in this area.

The **conciliation authorities** deal most closely with issues of gender discrimination in the workplace. Their latest statistics show a rise in complaints filed by mothers and pregnant women asserting discrimination at work. However, we cannot tell if this is a sign that civil society and individuals are more aware of their rights and prepared to defend them, or if instances of discrimination are indeed on the rise.

In our **universities**, the recent appointment of several law professors who specialise in issues of gender discrimination suggests that future generations of students will be more attuned to these issues.

Another topic that concerns your Committee and that is in our crosshairs as well is **sexism** and **stereotypes**, especially those conveyed on a daily basis by the media.

In May 2015, in response to a parliamentary interpellation, the Swiss government recognised the importance of this issue, expressly referring to Switzerland's commitments under the CEDAW. But it considered that Switzerland already possessed a range of measures to counter this scourge. In addition, cantons and communes are able to act, such as by prohibiting sexist advertising in the public domain. The canton of Basel-Stadt, the cities of Bern and Zurich and the commune of Reinach have done just that in recent years.

Stalking is another form of sexism and violence against women and will be analysed by the Federal Office of Gender Equality in 2017. This study is meant to identify good

practices in Switzerland and abroad for combating this scourge. This is a good illustration of our approach: we labour under no preconceptions and seek the best practices for our country. We only support new laws at the federal level if we are confident they will be effective.

The consequences of sexism do not spare even the **political world**. In mid-October 2016, the Federal Commission for Women's Issues published an analysis of the role of the media during the federal elections in October 2015, which saw a decline in the number of women elected to the Council of States. The proportion of women on the National Council, on the other hand, increased slightly. It was shown that, although the media has virtually stopped employing gender stereotypes, which is to be applauded, female candidates are significantly underrepresented in both articles and photos. Here again, the results are mixed.

Another area that calls for our vigilance is the **integration of migrant women**.

Switzerland is a country of immigrants. The foreign population is large and generally well integrated, and it fully supports the foundations of Swiss society and even enriches it. This includes the Muslim population, of course, as pointed out by the Federal Council in its 2013 **report on the situation of Muslims in Switzerland**: the large majority of them respect the rule of law and integrate in Swiss society, with no reservations. That is the result of Switzerland's integration policy, which is described in detail in the intermediate report that we submitted to your Committee in 2012. For the government, protecting against racially and religiously motivated discrimination is an essential component of our integration policy. The federal, cantonal and communal governments have redoubled their efforts to defend existing laws, expand preventive measures and reach out to victims and potential perpetrators of discrimination.

To this end, Switzerland published a new guide entitled "Racial discrimination and protection against discrimination: concrete applications" in March 2016. This guide was developed for social workers and is meant to help them counsel victims of racial discrimination.

Unfortunately, the recent migrant crisis and the terrorist attacks carried out in the name of Islam have shaken basic trust in the Muslim population among some sections of the public. This sense of mistrust is expressed in the current debate over the full veil.

In Switzerland, most people who cover their face for religious reasons are tourists visiting from Arabic countries. It is thus not a widespread practice in Switzerland. In recent years, in response to parliamentary requests, the Swiss government has spoken out several times against banning the full veil.

But this viewpoint is not shared by all cantons, which are free to legislate on this matter within the limits of the Federal Constitution. The canton of Ticino, for example, passed a new law, which took effect on 1 July 2016, making it illegal to cover one's face in public. This law is very similar in content to the French law of 11 October 2010, which was upheld by the European Court of Human Rights in 2014.

A federal popular vote on banning the full veil is likely to take place in the future. On 27 September 2016, in a very close vote, the lower house approved a parliamentary initiative banning the wearing of the full veil. The upper house must now make its decision.

In addition, a popular initiative to ban covering one's face in public was launched on 15 March 2016.

Regardless of the outcome, the Swiss government will ensure that Muslim women will not be discriminated against for their religious practice.

Those are the updates we wished to provide concerning Articles 1 to 5, 7 and 13.

Distinguished Members of the Committee,

I would now like to move on to the second part, concerning Articles **6, 10, 11 and 16** of the Convention.

I will address three priority areas for our country:

- improving gender equality in the **professional world,**

- strengthening efforts to combat **violence against women** and **domestic violence**, and
- modernising **family law**.

The first priority area concerns **equality in the professional world**.

In Switzerland, the gender gap in education has disappeared, at least for younger generations. Women are even overrepresented in the country's universities and universities of applied sciences.

On the job market, on the other hand, they continue to face stereotypes and discrimination that hinder their ability to find a job and build a career.

When it comes to management positions, women often run into a glass ceiling. They are paid less from the start of their career without objective justification. The latest available data show an unexplained average difference of 6.5% in the public sector and 8.7% in the private sector [2012 figures].

The Swiss government has again included **fighting pay discrimination** in its programme for the 2016-19 legislative period.

Consistent with its duty to lead by example, the government held two national conferences, in 2015 and 2016, on promoting equal pay in the three levels of the public sector.

At the conference held on 6 September 2016, the federal government, followed by 25 cantons and communes, took an additional step by signing a **charter for equal pay in the public sector**. The charter formalises the authorities' political will to respect and ensure respect for the principle of equal pay within their sphere of responsibility. In practice, the signatories agree to raise awareness among their employees about the Federal Act on Gender Equality and to regularly monitor compliance with the principle of equal pay, both in government and in the companies that the government appoints or subsidises.

As an employer, in the last legislative period, the Swiss government has already had its own salary practice reviewed in order to make sure that it complies with gender equality. It will submit to another review during this legislative period. On 4 October 2016, the government acted on its commitment by signing a convention on monitoring income equality in partnership with the trade unions.

Some 30,000 companies provide services, work or supplies to the government under **procurement contracts**, worth a total of more than five billion francs annually. Under the Federal Act on Public Procurement, companies must **comply with the principle of equal pay**. This is an important lever that has attracted the attention of several countries and international organisations.

In May 2013, the government decided to increase the staffing of the Federal Office for Gender Equality so that it could carry out more controls of companies bidding for public contracts. This office currently initiates 30 new controls per year. It has completed 50 controls since the last report was submitted to your committee in 2009. Unexplained pay differences were apparent in more than half of the 50 companies.

In the course of our work, we observed that many companies had never completed a real pay-gap analysis. This is why, as of 1 January 2016, any company that bids on a government contract worth more than the WTO [World Trade Organization] threshold must prove that it complies with the principle of equal pay. Preliminary indications under this new requirement are positive and point to a change in mentality, which corroborates the results of two major representative surveys conducted in 2015 among hundreds of companies.

These two surveys showed that, although most companies did not review their pay practices, they nevertheless recognise the importance of the issue and are open to more restrictive measures. A minority of companies do conduct a real pay-gap analysis, and half of them reported disparities, to the detriment of women, which were then corrected.

For this reason, the government has decided to go further and require companies with 50 employees or more to conduct a pay-gap analysis

For this reason, during its session on 26 October 2016, the government decided to go further and require companies with 50 or more employees to conduct a pay-gap analysis every four years. An external oversight body will verify that the analysis is carried out properly and will submit the results of its review to the company's management. A bill will be drafted by the summer of 2017.

Companies can check for themselves if their pay practices are gender-neutral using Logib, a software program developed by the Swiss government. Several countries, including **Germany and Luxembourg**, now use this software. The German version of Logib (Logib-D) also served as the basis for the European version, called **equal pacE**. Several international organisations consider Logib a best practice for its quality, transparency, accessibility and the fact that it is free of charge.

The Swiss government is in the process of developing **new tools** for analysing companies with fewer than 50 employees.

In recent years, self-regulation has not resulted in a **gender balance in management positions**. According to a private survey, the proportion of women on the boards of directors of the 100 largest Swiss companies rose from 13% in 2014 to 16% in 2016, which is clearly insufficient. Worse yet, women occupy only 6% of executive-board positions, a figure that has not changed since 2013.

In response to this unsatisfactory situation, the government initiated a consultation on a **bill to revise Swiss company law**. It would set gender threshold-values for senior-executive positions in listed companies, according to which women would be required to make up at least 30% of boards of directors and 20% of executive boards.

The government, as an employer, must again serve as an example. Under its personnel strategy 2016-19, women are expected to occupy at least 33% of middle-management positions and 20% of senior-management positions. In an illustration of the concrete progress achieved under the strategy, we are pleased to cite the appointment on 30 September 2016 of Pascale Baeriswyl as state secretary and head of the Directorate of Political Affairs of the Federal Department of Foreign Affairs. This type of appointment is good news for gender issues, because Ms. Baeriswyl is known for her commitment to combating domestic violence. It is worth noting that her deputy will also be a woman.

The government wants to do whatever it can to further gender equality. On 1 January 2014, for example, it set a 30% **target quota** for women in companies and organisations with close links to the government. At the end of 2015, this requirement had been met by **9 out of 26 executive boards**.

An improved **work-life balance** would allow many mothers to invest more in their career. This issue has gained in prominence in recent years, thanks in part to an initiative launched in 2011 by the Federal Department of Economic Affairs together with the cantons and labour organisations. This initiative seeks to combat the shortage of qualified personnel and is part of a broader effort to encourage employers to draw on the local workforce.

In 2013, the government approved 30 measures that will be implemented by 2018. Several of the measures focus on the work-life balance and on better integrating women into the labour market:

- The government proposes an **increase in cantonal and communal subsidies to defray the cost of day-care**, and it offers 100 million francs in financial incentives. The additional aid will also pay for day-care outside of normal operating hours.
- Currently, some **married couples with two salaries** pay **higher taxes than unmarried couples** in the same financial situation. When one spouse works full-time, this discourages the other spouse – usually the woman – from working at all or from increasing her working hours. On 31 August 2016, the government proposed an **alternative tax calculation**, which is similar to the one that applies to individuals as well as to unmarried couples. The government instructed the Federal Department of Finance to prepare a draft law by 31 March 2017.
- The **ability to deduct day-care costs from taxable income** can also make it easier for parents, especially mothers, to work. On 30 September 2016, the Swiss government declared its support for allowing a deduction of 25,000 francs in day-care costs at the federal level and 10,000 francs at the cantonal level. A draft bill will be prepared by 30 April 2017.

The Swiss government is seeking to **improve women's financial independence** not only during their career but also **after they retire**. Studies published in June and July 2016 [Swiss Graduate School of Public Administration, dated 9 June 2016, and

Federal Social Insurance Office, dated 12 July 2016] show that pay discrimination, part-time work and time off all act to reduce pension benefits at retirement age. The figures speak for themselves: on average, women's pension benefits are 37% lower than men's. The difference is even higher, at around 60%, in terms of occupational pension benefits. **The pension reform package** introduced by the government and currently being discussed in Parliament includes measures that will expand occupational pension coverage, and this will help women in particular. Financial independence is not just a factor of well-being, it is also an important safety factor, as it makes it easier for people to escape situations of violence, especially domestic violence.

I would now like to move on to the Swiss government's second priority area, **strengthening efforts to combat violence against women and domestic violence.**

The **implementation of a unified system of crime statistics** in 2009 has significantly improved the reporting of domestic violence. In the last seven years, the **number of criminal offences** registered in the police crime statistics has remained stable overall. Over 17,000 domestic violence offences were registered last year. The lack of a significant drop in registered domestic violence offences is difficult to explain: is it due to awareness raising efforts that have resulted in an increase in reported cases, or has domestic violence really not decreased?

We hope that Switzerland will ratify the Istanbul Convention by 2018. Because Switzerland has a monist legal system, the Istanbul Convention will automatically become Swiss law and will define the framework for all measures taken to fight violence against women, applying to all government bodies at all levels. In the meantime, numerous measures have been developed in the effort to combat violence against women – more than 50 at the federal level alone. Given the list of points and responses and the intermediate report from 2012 already in your possession, I will go straight to the heart of the matter and discuss some of the most recent measures.

A federal bill on improving protection for victims of violence will be submitted to Parliament in the first half of 2017. The bill will introduce modifications into civil

and criminal law aimed at strengthening protection for victims of domestic violence and harassment.

In the area of female genital mutilation, the Swiss government set aside an **annual budget of 300,000 francs** in 2016 to finance the activities of a mediation service for preventing these traditional practices that harm women. The mediation service is led by the following NGOs: Caritas Switzerland, UNICEF Switzerland, Terre des Femmes, Sexual Health Switzerland and the Swiss Centre of Expertise in Human Rights. This budget will be renewed through 2019.

In the fight against human trafficking, **sexual exploitation** is the Swiss government's primary concern. In a report published in June 2015, the government felt that banning prostitution in Switzerland would not solve the problem. The established objectives aim to improve prostitutes' access to healthcare, reduce their risk of falling victim to a crime and better protect them through new legislative measures. The government also initiated a consultation, ending in mid-October 2016, on a **revision to the Federal Act on Foreign Nationals** that would protect the residency rights of people who fall victim to a crime while engaging in prostitution.

The Swiss government's third priority area, after reforming equality in the professional world and strengthening efforts to combat violence against women, concerns **legislative changes in family law**, also with a view to consolidating gender equality.

The **new divorce law**, which came into effect on 1 July 2014, sets forth the principle of joint parental authority. In addition, revisions requiring the equal sharing of child maintenance contributions and the sharing of occupational pension assets will take effect on 1 January 2017.

In the future, **occupational pension assets** will be shared more equitably by the spouses in the event of divorce. Starting on 1 January 2017, the assets will be divided even when the debtor spouse is retired or disabled, something that will benefit women in particular, in the event their ex-husband dies.

In the area of **child support**, the new law does away with the discrimination suffered by children of unmarried parents relative to children of married or divorced parents. In the future, custody-related costs will be factored into the child maintenance contributions.

In addition, maintenance contributions for minor children will be given priority over other maintenance obligations under family law. In cases where joint parental authority exists, the courts will also be required to consider shared custody upon request by one of the parents or the child.

On 17 June 2016, Parliament approved **the right of a homosexual couple to adopt one partner's child**.

The government is currently studying new ways of modernising family law in other areas, such as **inheritance** and **establishing a legal status for couples regardless of gender**.

These reforms in important aspects of family and divorce law show that Switzerland is sensitive to the changing roles of women and men in both family and society.

Switzerland is not only concerned with gender equality and women's rights at the domestic level. We are also active at the **international level, including in our development cooperation work, in support of the 2030 Agenda for Sustainable Development**. We increased our contribution to UN Women to around 50 million dollars for the 2015-2017 period, and we supported the opening of the UN Women liaison office in Geneva, which took place on 6 October of this year. We also endeavour to constantly strengthen the implementation of the Women, Peace and Security Agenda. We are currently preparing the first strategy of the Federal Department of Foreign Affairs on gender equality and women's rights, which aims to strengthen Switzerland's commitment to this issue in all areas of its foreign policy.

Madam Chairwoman,

Distinguished Members of the Committee,

Those were the final points that we wished to bring to your attention.

We hope you share our view that Switzerland has made real progress towards full and effective gender equality. As one of our former federal councillors used to say: in Switzerland, everything is impossible at first but then becomes obvious.

Our measures are not remarkable but have the benefit of forming an integrated approach, as your Committee calls for.

That said, we are aware, as we have repeatedly demonstrated, that our work for gender equality is unfinished.

Your final observations will be valuable in guiding our efforts and will be passed along to the highest decision-making level of our government, so that we can gradually make the impossible obvious.

In the meantime, our entire delegation is ready to provide you with any additional information you may require.

Thank you.