

Visit to Switzerland at request of OSCE Mission to Vienna
By June Zeitlin, the Special Representative of the OSCE Chairperson-in-Office
on Gender Issues, Ms. Miroslava Beham, Senior Gender Advisor, and Ms. Ana
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Introduction

The Ambassador of Switzerland to the OSCE invited the Special Representative of the Chairperson-in-Office on Gender Issues and the Senior Gender Advisor to visit Switzerland prior to their Chairmanship to review the status of gender equality in Switzerland. Given the limited time available, the Swiss government selected two issues for the focus of this visit. These were the implementation of UN Security Council Resolution 1325 and women's economic empowerment. At the request of the Special Representative, the issue of domestic violence was added to the program.

While this was a variation on the typical more comprehensive country visit made by the Special Representative, the visit was a productive exchange with the Swiss government officials and representatives of civil society working on gender equality issues. The trip was guided by the OSCE's commitments on gender equality. These focus on promoting gender equality and gender mainstreaming within the organization, and encouraging states to implement OSCE gender equality commitments in six priority areas (protection against discrimination, prevention of violence against women, promotion of women's participation in the political and public sphere, promotion of women's participation in conflict prevention and resolution, enhancement of equal opportunities for women in the economic sphere, and the creation of national mechanisms to promote the advancement of women).¹

We wish to thank the Swiss Ministry for Foreign Affairs for their warm welcome to Switzerland and for arranging our program. We would also like to extend a special thanks to members of the Swiss OSCE Task Force and all of the individuals and organizations that took time to meet with us during our visit to Switzerland.

The recommendations of this report are based on discussions that took place during the visit to Bern, Switzerland (see attached list of meetings).

Legal and Institutional Context

In preparation for the visit, we reviewed the following: Switzerland's 3rd Periodic Report to the CEDAW Committee², the Federal Act on Gender Equality³, the "On the way to gender equality: Current situations and developments"⁴ report (an annual report detailing valuable statistics on the status of gender equality in Switzerland), the website entitled "Gender equality – Data, indicators: Domestic

¹ See generally "Gender Equality," at <http://www.osce.org/gender/41497>.

² U.N. Doc. CEDAW/C/CHE/3 (23 April 2008), at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N08/316/54/PDF/N0831654.pdf?OpenElement>.

³ "Federal Act on Gender Equality," at http://www.admin.ch/ch/e/rs/151_1/index.html.

⁴ "On the way to gender equality: Current situations and developments" (2013), at http://www.bfs.admin.ch/bfs/portal/en/index/themen/20/01/new/nip_detail.html?gnpID=2013-606.

Violence,”⁵ the “Costs of Intimate Partner Violence, Summary”⁶ report, the “OECD Economic Surveys: Switzerland”⁷ report and Switzerland’s National Action Plan on the implementation of UN Security Council Resolution 1325⁸ as well as the Report on the Implementation of UNSCR 1325 by Switzerland under the National Action Plan Women Peace and Security (2010-2012).⁹ These documents provided a comprehensive overview of the legislative, economic and social aspects of gender equality in Switzerland.

The foundation of the gender equality legal context in Switzerland is the Federal Act on Gender Equality (GEA), which was adopted in 1995. GEA focuses on equality in employment relationships and prohibits discrimination against women and men on the basis of sex, which includes marital status, family situation, and pregnancy. It prohibits both direct and indirect discrimination, covers both the public and private sector and specifically includes sexual harassment in the workplace and wage discrimination. The law also describes the responsibilities of the Federal Office for Gender Equality, which is tasked with providing information to the public, carrying out studies and issuing recommendations regarding gender equality, and participating in policy making, among other things.¹⁰

In terms of women’s political participation, Swiss women got the vote in 1971, making it the last in Europe, and the first woman was elected to the legislature in 1984. Most recent statistics show that women currently make up 42.9% of the Federal Council in the executive branch¹¹ and occupy an average of 23.5% of seats in both houses of the legislature. The National Council is made up of 31% women, and the Council of States has 19.57%.¹² Additionally, data from 2012 showed the proportion of women in cantonal governments to be 23.7% and in cantonal parliaments to be 25.1%.¹³ Switzerland has no formal political quotas as they have been rejected by referendum and by the Parliament. Some cities and one canton, however, have adopted quotas for the public administration and public company boards respectively.

⁵ “Gender equality – Data, indicators: Domestic violence,” at <http://www.bfs.admin.ch/bfs/portal/en/index/themen/20/05/blank/key/08/01.html>.

⁶ “Costs of Intimate Partner Violence, Summary,” (2013), at http://www.ebg.admin.ch/dokumentation/00012/00196/index.html?lang=en&download=NHzLpZeg7tInp6I0NTU042l2Z6ln1ad1IZn4Z2qZpnO2Yuq2Z6gpJCDdn12e2ym162epYbg2c_JjKbNoKSsn6A--.

⁷ “OECD Economic Surveys: Switzerland,” (2013), at http://www.oecd-ilibrary.org/economics/oecd-economic-surveys-switzerland-2013/executive-summary_eco_surveys-che-2013-2-en;jsessionid=1vf2xk0tw4qr.x-oecd-live-02.

⁸ “Women, Peace and Security: National Action Plan to implement UN Security Council Resolution 1325 (2000), at http://www.peacewomen.org/assets/file/NationalActionPlans/switzerland_nationalactionplanrevised_october2010en.pdf.

⁹ Bericht über die Umsetzung der UNO-Sicherheitsresolution 1325 durch die Schweiz unter dem nationalen Aktionsplan Frauen, Frieden und Sicherheit (2010-2012). Unveröffentlicht.

¹⁰ “Federal Act on Gender Equality,” at http://www.admin.ch/ch/e/rs/151_1/index.html.

¹¹ “On the way to gender equality: Current situations and developments” (2013), at

http://www.bfs.admin.ch/bfs/portal/en/index/themen/20/01/new/nip_detail.html?gnpID=2013-606.

¹² Parline, “Switzerland,” at http://www.ipu.org/parline-e/reports/2306_A.htm.

¹³ “On the way to gender equality: Current situations and developments” (2013), at

http://www.bfs.admin.ch/bfs/portal/en/index/themen/20/01/new/nip_detail.html?gnpID=2013-606.

Switzerland has made significant progress in gender equality in several areas. However, the implementation of these efforts continues to be hindered by persistent gender stereotypes about the roles of men and women in the family.

Women's Economic Empowerment

Women's role in the economic sphere was one focus of our visit to Switzerland. While women participate in the labor market at a high level, most of the positions women hold are part-time, with between 57% and 67% of mothers employed in part-time jobs (depending on the age of the youngest child).¹⁴ This means that women are employed in more insecure jobs that pay less money, lead to lower pensions and provide fewer benefits.¹⁵ Research has shown that half of these part-time workers are interested in working more hours, but that opportunity is not available to them.

Additionally, data show a significant gender pay gap (average of 23.6% in the private sector in 2010). The Federal Office for Gender Equality (FOGE) has conducted and is continuing to conduct research into the gender pay gap. A self-analysis tool called Logib (which can be found at www.logib.ch) has been developed by the government for companies. Companies seeking federal procurement contracts are subject to reviews of their wage policies. If necessary, the government requests changes to ensure gender equality in pay (companies are given the necessary amount of time to fix their salary structure). FOGE reports that companies have made changes to salaries when requested.¹⁶ Due to its limited resources FOGE is only able to control a limited number of companies participating in the federal procurement market.

A 2008 representative study by FOGE and the Ministry of Labor on sexual harassment in the workplace found that almost one in five persons had been subjected to sexual harassment at least once during their working life (28.3% of women and 10.0% of men). Among those at particular risk were the social services and health professionals. This was due to that fact that nursing is still a predominantly female profession and nurses are in close proximity to their patients. It should be noted that in an innovative attempt to prevent sexual harassment, the health professions have undertaken to educate health professionals and their superiors about sexual harassment, to inform employees about their rights and legal remedies, to facilitate discussion of this subject and encourage prevention.

Overall, women's participation in the labor force reflects the underlying stereotypes about women's roles, which are pervasive throughout many aspects of the society. This is evidenced by the fact that until 1988, a married woman

¹⁴ Federal Departement of Home Affairs, Swiss Federal Statistical Office,, On the way to gender equality: current situation and development, June 2013, p.6, G 16,

<http://www.bfs.admin.ch/bfs/portal/en/index/themen/20/22/publ.html?publicationID=5215>.

¹⁵ Fankhauser-Feitknecht, Vivian, "NGO-Coordination Post Beijing Switzerland," (25 June 2010).

¹⁶ Masserey, Christine, "Instruments to eliminate gender pay gap," Presentation, Women's economic empowerment and domestic violence in Switzerland, Bern (11 December 2013).

was required by law to have her husband's permission to work. For a timelier example, the federal tax code continues to disadvantage two earner families by setting a high marginal rate for married couples on additional income. There is an effort underway to consider changing the tax code to eliminate this "marriage" penalty.

Another significant barrier to women's fuller participation in the labor force is the limited availability of child care and its high cost. Moreover, the school schedule is less than a full day with limited after school options as well as a break for lunch where children are sent home. NGO representatives reported that women who work full time still may experience questioning and disapproval from their communities, thus further reinforcing stereotypical gender roles. The media perpetuates these stereotypes as well, by portraying men and women in their 'expected roles.'¹⁷ The government and civil society are working on innovative programs to get men more engaged in family responsibilities. Research shows that men are playing a greater role in children's upbringing, but there is still a long way to go to achieve gender equity.¹⁸

Social services, especially the provision of child care, are an important part of women's ability to participate meaningfully in the labor force. Due to the federalist nature of the Swiss state, however, and the fact that social services are the responsibility of the cantons, there is great variation between regions in the extent and cost of services provided. In some of the French speaking cantons, employers are required to provide funds for child care for their employees. This is not the case, however, in other parts of the country. These limited efforts to improve accessibility to child care services should be expanded throughout the country.

Violence against Women

Like every country in the world, domestic violence is a prevalent problem in Swiss society. As the 2012-publication of the Swiss Federal Statistical Office "Domestic Violence Registered by the Police"¹⁹ shows, 84.6% of the victims of completed homicides were women, killed as a result of domestic violence; of the attempted homicides 67.5% of the victims were women. In September, 2012 cantonal authorities established the Swiss Conference against domestic violence. Its purpose is to better coordinate measures aimed at preventing and combating domestic violence.

Switzerland does not have a specific federal domestic violence law. However, all cantons have either specific laws on the protection against violence or specific provisions in their police laws. If known by the public authorities, violence against women cases can be prosecuted under the Criminal Code, which includes provisions on assaults that can be applied to domestic cases. (The Civil Code

¹⁷ Fankhauser-Feitknecht, Vivian, "NGO-Coordination Post Beijing Switzerland," (25 June 2010).

¹⁸ Zapfl-Helbling, Rosmarie, "The emergence of gender equality in Switzerland," Presentation, Women's economic empowerment and domestic violence in Switzerland, Bern, (11 December 2013).

¹⁹ Federal Statistical Office: Polizeilich registrierte häusliche Gewalt. Übersichtspublikation. Neuchâtel 2012. <http://www.bfs.admin.ch/bfs/portal/de/index/themen/19/22/publ.html?publicationID=4988>

allows among other measures the removal of perpetrators from the home). However, due to the autonomy of the cantons, domestic violence is prosecuted to different extents in different regions and cantons and, overall, few domestic violence cases make it to court. Even fewer result in successful prosecutions. In 2011, about 5500 criminal proceedings involving domestic violence were opened, but around 70% were withdrawn by the victims²⁰ before they went to a court hearing. In fact, article 55a of the Criminal Code explicitly allows victims to withdraw their complaints and end proceedings.

The Swiss government provides assistance to victims of domestic violence, but these services are not specifically designed for violence against women victims. The Federal Act on Victims of Crime established victim assistance centers which provide services to all victims of crimes, not just those facing domestic violence. Currently there are 65 centers, with the majority focusing on helping victims. Another thirty-one focus some or all of their resources on the training of and working with perpetrators. Additionally, there are 18 women's shelters for victims of domestic violence and one shelter for men in Switzerland.²¹ While the provision of assistance services by the government should be commended, it is important to recognize that victims of domestic violence may require unique services including psychological support, counseling, services for children, etc. Civil society representatives noted that there is a lack of funds for these services and the availability of shelters is limited as three have closed in the last year and the remaining ones are over-crowded. They indicated that about 55%²² of victims cannot get the shelter they need.

In addition, the government has created training programs for perpetrators of domestic violence, which focus on helping them to change their violent behavior. However, these programs have not been used very much by the law enforcement authorities so the occupancy rate is low. We did not have an opportunity to learn more about the approach of these programs or their effectiveness. The government has also undertaken public education efforts to prevent domestic violence. Most notably, the government runs programs for young adults promoting and educating about healthy dating and relationships. These efforts are a critical part of a much needed comprehensive approach to address gender inequality and the imbalance of power which underlie gender-based violence.

In the international arena, Switzerland signed the Istanbul Convention in September, 2013. No date has been set yet for completion of the ratification process.

²⁰ Kosten von Gewalt in Paarbeziehungen. Forschungsbericht. Im Auftrag des Eidgenössischen Büros für die Gleichstellung von Frau und Mann EBG, 2013. Seite 38.

<http://www.ebg.admin.ch/dokumentation/00012/00196/index.html?lang=de>

²¹ For the women's shelter: <http://www.wave-network.org/country/switzerland> & <http://www.frauenhaus-schweiz.ch/index.php?id=22>

For the men's shelter in the German-speaking area: <http://www.zwueschehalt.ch/>

²² Kosten von Gewalt in Paarbeziehungen. Forschungsbericht. Im Auftrag des Eidgenössischen Büros für die Gleichstellung von Frau und Mann EBG, 2013. Seite 56.

Women, Peace and Security

As a result of campaigns by civil society organizations and the involvement of the Swiss National Council (Parliament), Switzerland adopted a National Action Plan for the implementation of UNSCR 1325 on Women, Peace and Security in 2007 for the period 2007-2009. In order to guarantee a realistic and action-oriented planning, the duration of the Swiss National Action Plan is limited to three years. Therefore, a second version was developed for the period 2010-2012, and currently the plan has undergone another revision and targets the period 2013-2016.

The overall responsibility for the National Action Plan development, implementation and reporting lies with the Committee for Peace Policy which set up an inter-departmental Working Group on 1325 (AG 1325).²³ The AG 1325 develops the drafts of the NAP and a Progress Report which both need approval by the Committee to be valid. The final approval of the NAP drafts is given by the Federal Council (Bundesrat). Within the WG 1325 the Human Security Division (HSD) of the Federal Department of Foreign Affairs (EDA) has a coordinating role which is usually occupied by the highest management level (Head or Deputy Head of the Division).

Consultations with civil society on the development and implementation of the National Action Plan and its revised editions were undertaken in the framework of the Center for Peace-building (KOFF) of the Swiss Peace Foundation which offers a platform for dialogue and networking between state and non-governmental peace-building actors. In fact, KOFF provided assistance to the Gender Desk Adviser of the HSD during the process of monitoring and reporting on the Swiss National Action Plan and contributed to the first draft of a comprehensive report on its implementation with specific recommendations that were taken into account in the drafting of the third version of the National Action Plan. This is considered by both state and civil society actors to be an effective tool and a good practice, but non-governmental organizations request to be included more comprehensively in monitoring efforts.

The first two versions of the Swiss National Action Plan were focused around three main issues: 1. greater participation of women in peace-building; 2. prevention of gender-based violence and protection of the rights and needs of women and girls during and after violent conflicts; and 3. a gender-sensitive approach to all peace-building programmes and projects. The third version has been restructured along the UNSCR 1325 goals of Participation, Protection,

²³ The AG 1325 consists mainly of representatives of the Federal Department of Foreign Affairs (EDA), the Federal Department of Defence, Civil Protection and Sport as well as the Federal Department of Justice and Police; the Committee for Peace Policy in addition to these ministries includes the Federal Departments of Finance and the State Secretariat for National Economy.

Relief and Recovery as well as Prevention, taking into account the UN Strategic Results Framework on Women, Peace and Security 2011-2020. Also, it includes a goal to better anchor the Women, Peace and Security agenda in the Swiss administration.

Among the changes that were taken on board in the third version of the National Action Plan are improved indicators for better tracking and monitoring progress and results. According to Swiss experts, the real impact of the Swiss National Action Plan is not known so far.

The most recent version of the National Action Plan also stipulates annual reporting to the Foreign Policy Commission of the Parliament in order to establish parliamentary oversight and get more support from parliamentarians on Women, Peace and Security issues which is currently lacking after initial back-up.

In compliance with Women, Peace and Security commitments, Switzerland has also mainstreamed gender into other peace and security strategy papers that focus on external issues, such as the 2013 Small Arms and Light Weapons Strategy Paper and the Mine Action Strategy 2012-2016. These are important steps in mainstreaming a gender perspective in foreign and security policies.

However, the efforts of including Women, Peace and Security commitments into strategic documents and policies in the sphere of international peace, security, development, and cooperation issues are not reflected enough in the domestic arena. There is, for example, a need to increase the number of women on a decision-making level in Swiss diplomacy (in December 2013, women held 16 per cent of senior management positions in the EDA),²⁴ including women ambassadors (16 per cent of all heads of Swiss diplomatic missions are women).²⁵ Also, more targeted training on Women, Peace and Security for special envoys, ambassadors to specific countries and young diplomats is needed.²⁶

Efforts to implement UNSCR 1325 should also translate into increasing gender inclusiveness in the Swiss domestic security sector and overall administration in a structured way. In particular, mainstreaming gender into the domestic police, defense and justice sectors contributes to strengthening the Swiss peace and security capacities externally. This also includes women's participation in areas such as preventive diplomacy, military expenditures and disarmament. The overall protection of women's rights and combating gender-based violence at home should be seen in close correlation with the Swiss endeavor to credibly

²⁴ Information received at the roundtable held at KOFF during our visit.

²⁵ Ibid.

²⁶ Ibid.

contribute to peace and stability in the OSCE region and beyond by applying UNSCR 1325, amongst others.²⁷

Given that Switzerland in the mid-1990s was one of the first countries in the world to take initiative on exploring how to apply gender sensitive budgeting on a local and community level and has since gained remarkable expertise in this area, Swiss civil society urge that budget accountability should be also fully applied to the Swiss Women, Peace and Security agenda in areas where the application of this instrument is lagging behind.

RECOMMENDATIONS

Women's Economic Empowerment

1. Research has shown that women have the greatest potential for improving the Swiss economy. The government should take all possible steps to ensure that women have access to child care and other support services to access full time employment in greater numbers.
2. The Federal Office for Gender Equality should be given additional resources to review salary data from companies receiving federal procurement contracts to secure equal pay for women.
3. Public education activities should be supported to challenge gender stereotypes about women's and men's roles in the work place and the family and policies advanced to promote more equitable sharing of family responsibilities by men and women.
4. The marriage tax penalty should be eliminated from the federal tax code.

Violence against Women

5. The government should consider the adoption of comprehensive domestic violence legislation focused on preventing and combating violence against women, facilitating prosecutions where appropriate and providing necessary social services to its victims and their families.
6. While there is some government support for shelters and other services for victims of domestic violence, minimum standards should be set and incentives provided to cantons to provide additional services and alleviate the overcrowding and inaccessibility of these shelters.
7. Research should be undertaken on the use and effectiveness of existing programs for perpetrators.

²⁷ CEDAW, General Recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations: <http://www.ohchr.org/Documents/HRBodies/CEDAW/GComments/CEDAW.C.CG.30.pdf>

8. Switzerland should move swiftly to ratify the Istanbul Convention.

Women, Peace and Security

9. The inter-departmental Working Group on 1325 (AG 1325) should consider how civil society stakeholders can be included more comprehensively in the monitoring and assessment process of the implementation of the National Action Plan on UNSCR 1325.
10. The AG 1325 should consider how to integrate a Women, Peace and Security perspective also in the domestic security sector and how to improve equal opportunities in the Ministry of Foreign Affairs (introducing quota could be an option).
11. The AG 1325 should make sure that Swiss best practices in domestic gender budgeting are fully applied throughout the development and implementation of the Women, Peace and Security agenda.

Recommendation for CIO

12. Establish the practice that incoming CIOs in the future invite the Special Representative on Gender Issues and the Senior Gender Advisor to make a country visit and prepare a report on the implementation of OSCE gender commitments. This practice would not only promote transparency but also would highlight the priority attached to issues relating to women's rights and gender equality.

List of government representatives who met with Ms. June Zeitlin, Ms. Miroslava Beham and Ms. Ana Lukatela

- Ms. Sylvie Durrer, Director, Federal Office for Gender Equality
- Ms. Andrea Binder, Legal Division Head, Federal Office for Gender Equality
- Ms. Christine Massery, Labour Division Project manager, Federal Office for Gender Equality
- Mr. Benno Bättig, Secretary-General of the Swiss Federal Department of Foreign Affairs
- Mr. Raphael Nägeli Raphael, Deputy Head of Task-Force OSCE
- Ms. Christine Schneeberger, Gender Adviser, FDFA – General Secretariat
- Ms. Anna Wildt, Scientific Collaborator, Human Security Division, FDFA

List of civil society representatives

- NGO coordination post Beijing Switzerland
- Alliance F, Former MP
- BPW Switzerland
- Männer.ch
- SBK – ASI Swiss Nursing Association
- National Conference against Domestic Violence
- Cfd – The feminist Peace NGO
- Swiss centre of expertise in human rights (SCHR) and humanrights.ch
- Swisspeace / Centre for Peacebuilding (KOFF)
- Amnesty International Swiss Section
- PeaceWomen Across the Globe
- Interdisciplinary Centre for Gender Studies, University of Berne
- WIDE Switzerland Network (Women In Development Europe)
- UN Women Switzerland