



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

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**Concluding observations of the Committee on the
Elimination of Discrimination against Women**

Switzerland

Addendum

**Information communicated by Switzerland concerning action
taken on the Committee's concluding observations
(CEDAW/C/CHE/CO/3)*, ****

* In accordance with the information communicated to States parties concerning the treatment of their reports, the present document has not been revised by the editing services.

** The annexes to this document may be consulted in the archives of the secretariat.

Contents

	<i>Paragraphs</i>	<i>Page</i>
1. Summary	1–9	4
2. Subject	10–11	5
3. Elimination of violence against women	12–89	5
3.1 General outline of new data and analyses relating to the extent of violence against women.....	12–21	5
3.2 Measures to combat domestic violence	22–57	8
3.2.1 Institutionalization and coordination at the federal level	22–24	8
3.2.2 New criminal and civil provisions in federal law and their effects	25–30	9
3.2.3 Interventions by the (cantonal) police for the protection of victims.....	31–34	10
3.2.4 Assistance, counselling and compensation of victims.....	35–39	11
3.2.5 Work with perpetrators of violence.....	40–42	12
3.2.6 Information and training activities	43–54	12
3.2.7 Coordination of interventions at the cantonal level.....	55–57	14
3.3 Measures to combat forced marriage.....	58–67	15
3.4 Measures to combat female genital mutilation	68–73	16
3.4.1 Practice of the courts and new criminal provisions.....	68–69	16
3.4.2 Preventive measures	70–73	17
3.5 Protection of children against violence and sexual exploitation.....	74–79	18
3.6 Measures to combat forced sterilization	80	19
3.7 Measures to combat human trafficking	81–84	19
3.8 Action for the benefit of persons placed in administrative detention	85	20
3.9 Measures to combat violence against women and human trafficking in other countries	86–89	21
4. Elimination of discrimination against foreign women	90–154	22
4.1 Analysis of data and trends.....	90–100	22
4.1.1 The foreign population in Switzerland.....	90–95	22
4.1.2 Migrating women	96–97	23
4.1.3 Proposed measures to improve statistical data	98–100	24
4.2 Admission and residence of foreigners.....	101–108	24
4.2.1 General observations on admission and residence	101–103	24
4.2.2 Family reunification and right of residence.....	104–106	25
4.2.3 Grounds for asylum specific to women.....	107–108	26
4.3 Encouragement of the integration of foreign women and men.....	109–126	27

4.3.1	Principles: ordinary institutions and protection against discrimination	109–112	27
4.3.2	Measures taken and planned by the Confederation to encourage integration	113–126	28
4.4	Trends and measures deployed in certain areas	127–154	31
4.4.1	Equality between the sexes and action to combat stereotypes	127–131	31
4.4.2	Education and training	132–141	33
4.4.3	Work and employment	142–145	35
4.4.4	Health	146–150	37
4.4.5	Social security	151–154	39
5.	Conclusion	155–156	39
Annex			
Annex 1:	Extract containing statistical data and supplementary information.....		
Annex 2:	List of abbreviations		

Interim report of Switzerland on the implementation of the Committee's recommendations concerning violence, communities of migrant women and minority communities (Bern, June 2012)

1. Summary

1. The States signatories of the Convention on the Elimination of All Forms of Discrimination against Women undertake to periodically describe progress in the implementation of the Convention. The periodic reports are submitted to the Committee on the Elimination of Discrimination against Women, which evaluates the results achieved and makes recommendations for further action.

2. In July 2009, Switzerland submitted its third report (CEDAW/C/CHE/3). The observations made by the Committee included a request for a written interim report, to be submitted within two years, outlining the efforts made to comply with the recommendations formulated in paragraphs 28 and 44. These two recommendations relate to the elimination of violence against women and girls (para. 28) and the abolition of discrimination against women in ethnic and minority communities and women migrants (para. 44).

3. In this interim report, it is shown that, since 2009, the Confederation and most of the cantons have made progress in action to combat violence against women and discrimination against migrant women. The most notable measures have been in the area of action to combat domestic violence, forced marriage, female genital mutilation and human trafficking, where new legal provisions have been adopted. The integration of foreigners is another major feature of action taken by the public authorities, who have shown themselves to be particularly active in the areas of training, health and employment.

4. On the question of women victims of domestic violence, a number of new provisions exist in criminal and civil law, in the law on assistance to victims of offences and in the new Foreigners Act. Training and information courses intended for judicial personnel (judges, magistrates), the enforcement services (police) and members of associations are organized in order to train them in the treatment of cases of domestic violence. The revision of the directives of the Federal Office for Migration (FOM) has led to the standardization of practices relating to the treatment of cases of dissolution of marriage.

5. On the question of female genital mutilation, a new article was introduced into the Penal Code on 1 July 2012 in order to combat this practice, thereby resolving any problems of definition or proof that might have existed previously. Whereas female genital mutilation was already punishable under the Penal Code as causing grievous bodily harm, this offence is now punishable in Switzerland when it was committed abroad and when it is not criminally punishable in the State in which it was perpetrated. As to action to combat forced marriages, on 23 February 2011 the Federal Council transmitted to Parliament a Federal Bill relating to the measures it proposed to introduce. Among these measures, legal action will be taken ex officio against marriages contracted under constraint and marriages contracted with a minor will no longer be tolerated. Under new provisions in the Penal Code such marriages will be punishable, as will any person who committed the offence abroad when he or she cannot be extradited.

6. Since 2009, the police have kept statistics on crime which present offences relating to domestic violence in greater detail. These have shown that there was a decline of 3 per cent in 2010. In addition, the various studies conducted show that persons with a migrant

background are more frequently involved in violence, even though other factors — economic, social or demographic — have to be taken into account. In these circumstances, the situation of women victims of marital violence has improved since they are now able to obtain a residence permit even when they end the marriage.

7. In the area of asylum, it is apparent that women are more often granted refugee status than men (27 per cent as opposed to 14.5 per cent in 2010).

8. In recent years Switzerland has made considerable efforts to improve its knowledge of the actual living conditions of women in general and migrant women in particular by means of various statistics, studies and evaluations. It has also moved towards increased coordination of the various levels of State activity (Confederation, cantons and communes).

9. This interim report outlines the progress achieved to date but also acknowledges the improvements that remain to be made. In the area of violence against women, an important aim is to strengthen prevention measures and to examine the practice of the criminal justice authorities with regard to the enforcement of the new provisions on the subject. As regards the specific situation of migrant women, the primary aim is to increase the number of them who work, to eliminate discrimination in the areas of training and employment, and to combat the gender stereotypes directed against the foreign population.

2. Subject

10. The signatory States of the Convention on the Elimination of All Forms of Discrimination against Women undertake to periodically describe progress in the implementation of the Convention. The periodic reports are submitted to the Committee on the Elimination of Discrimination against Women, which evaluates the results achieved and makes recommendations for further action.

11. In July 2009, Switzerland submitted its third report (CEDAW/C/CHE/3). The observations made by the Committee included a request for a written interim report, to be submitted within two years, outlining Switzerland's efforts to comply with the recommendations contained in paragraphs 28 and 44.¹ These two recommendations relate to the elimination of violence against women and girls (para. 28), and the abolition of discrimination against women in ethnic and minority communities and against migrant women (para. 44).²

3. Elimination of violence against women

Reply to paragraph 28 of the concluding observations of the Committee on the Elimination of Discrimination against Women

3.1 General outline of new data and analyses relating to the extent of violence against women

12. Since 2009, data have been available on offences recorded by the police; consequently, the information concerning domestic violence against women is now more comprehensive (see CEDAW/C/CHE/3, paras. 100 et seq.). The relationship between the

¹ See: http://www.eda.admin.ch/etc/medialib/downloads/edazen/topics/intla/cintla.Par.0042.File.tmp/Rapport_CEDEF_10_04_08_Internet.pdf.

² See: http://www.eda.admin.ch/etc/medialib/downloads/edazen/topics/human/humri.Par.0047.File.tmp/CEDAW-Schlussempfehlungen_FR.pdf.

perpetrator and the victim is indicated in the statistics for a number of offences often linked to domestic violence, which enables figures to be given for offences relating to such violence. In 2010, there were 15,768 offences of this nature, in other words 41 per cent of acts considered to be often related to domestic violence in the reports. This represents a decrease of 3 per cent in relation to the previous year (2009). Personal violence comes first (31 per cent), followed by threats (27 per cent). The proportion of female victims (6,873) is 76 per cent, including 9 per cent for female minors.³

13. The 2009 statistics relating to assistance to victims reveal that, of 29,000 consultations, most (73 per cent) involved women requesting support in the assistance to victims category, and that the person mentioned as the perpetrator of the offence was in most cases a man (84 per cent). The consultations showed a family link between perpetrator and victim in 54 per cent of cases.⁴

14. In its report on violence in intra-couple relations⁵ the Federal Council considers that violence against women is “very frequent”. This report cites a study, based on a survey conducted in 2003, which reveals that 1 interviewed woman out of every 10 suffers physical or sexual violence in an intra-couple relationship in the course of her adult life. One in three suffers physical or sexual violence committed by a relative or an unknown person at least once in the course of her adult life.⁶ Several cantons (Basel-Land, Basel-Stadt, Geneva, St. Gallen, Vaud) have undertaken to establish indicators and to collect data on the extent of domestic violence, police interventions, criminal proceedings and assistance activities in their respective territories. A special edition of *Questions au féminin*, a publication of the Federal Commission on Women’s Issues, contained a report on domestic violence accompanied by numerous data and analyses.⁷

15. Studies conducted in Switzerland and in neighbouring countries (Germany and France) on cases of violence, whether or not they are reported to an official authority, would seem to indicate that, in intra-couple relations, a migrant background increases the statistical risk of becoming a victim of violence in the case of women, and becoming a perpetrator of violence in the case of men. The cantonal statistics on police intervention and the statistics on homicides held by the Federal Office for Statistics (OFS) show that foreign women are more exposed to domestic violence. This fact is confirmed by the statistics on offences recorded by the police, which since 2009, for a selection of typical domestic violence offences, show the existence of a link between the victim and the perpetrator. In 2010, foreign women accounted for 47 per cent of female victims of offences of this type; most of them (86 per cent) were in possession of a short-term or long-term residence permit. An analysis of the figures reveals that foreign men are on average more often involved in intra-couple violence than men of Swiss nationality. More detailed studies on the question nevertheless emphasize that, in order to reflect the situation more faithfully, the analysis should not merely distinguish between Swiss and foreigners, and men with or without a migrant background. Additional criteria should be used, as in the case of victims; this can only be done in certain cases with the existing data. The differences cannot be explained solely by nationality; it would appear necessary also to examine other

³ <http://www.bfs.admin.ch/bfs/portal/fr/index/themen/19/03/02/key/02/04.html>.

⁴ <http://www.bfs.admin.ch/bfs/portal/fr/index/themen/19/03/01/key/ueberblick/01.html>.

⁵ *Rapport sur la violence dans les relations de couple. Ses causes et les mesures prises en Suisse (en réponse au postulat Stump 05.3694 du 7 octobre 2005)*, 13 May 2009, <http://www.ebg.admin.ch/dokumentation/00012/00196/index.html?lang=fr>.

⁶ Killias Martin, Mathieu Simonin and Jacqueline De Puy (2005): *Violence experienced by women in Switzerland over their lifespan: Results of the International Violence against Women Survey (IVAWS)*, Bern: Stämpfli.

⁷ *Questions au féminin* 2.2008, “Violence domestique: état des lieux”, several contributions.

socioeconomic factors (irregular income, small size of housing, etc.) or sociodemographic factors (intra-couple violence is more frequent among young people).⁸ The absence of a right of residence independent of civil status for a spouse of coming to Switzerland in the context of family reunification (see 4.2.2 below) is often considered to be a predominant factor in domestic violence against married foreign women.

16. The OFS does not collect data on forced marriage, but the Federal Council has decided, following two parliamentary interventions, to initiate a far-reaching study on its forms, frequency and causes and the distribution of its existing or potential victims. This study will also make it possible to determine what prevention and protection measures against forced marriages can be taken or reinforced. The report should be adopted by the Federal Council by the summer of 2012.

17. A study entrusted by the city of Zurich to the Social Processes Analysis Centre within the University of Neuchâtel shows that the phenomenon of forced marriage exists in very diverse cultures and religious groups. It finds that it exists in particular among Hindu Tamils, Orthodox Christian Assyrians, Alevi Kurds, Catholic Kosovars and Muslim Turks. The authors of the study emphasize that the practice of forced marriage is rooted in a patriarchal tradition and therefore also concerns questions of equality between the sexes; the reasons which prompt parents to impose marriage on their children vary, they say. This practice mainly affects second-generation foreign women, but also men; in most cases, however, the latter have more room for manoeuvre in order to defend themselves.⁹

18. The number of women and girls in Switzerland who have undergone cutting or are actual or potential victims of genital mutilation was estimated at about 6,700 in a 2001 study, on the basis of the statistics for foreigners held by the OFS and figures on the prevalence of female genital mutilation in every country of origin published by the World Health Organization (WHO).¹⁰ Most of the women and girls concerned live in cities such as Geneva and Lausanne, followed by Zurich and Bern.¹¹ Foreign studies indicate that a practice in the country of origin is maintained after migration, even if the women concerned sometimes oppose it and know the health risks which they thereby incur.¹²

19. Since 2009, data have been available on offences recorded by the police in the area of human trafficking: there were 52¹³ in 2010, committed against 40 women, or about 80 per cent of all victims of this type of offence, 13.5 per cent of whom were minors. The women concerned were all foreigners, of whom 60 per cent were in possession of a tourist visa. As regards criminal statistics, it should be pointed out that in addition to the offences recorded by the police, there is what is known as “hidden or underground crime”, in other words, all offences which are not reported to the police. The statistics on victim assistance will, as from 2011, contain separate information on persons assisted in the context of human trafficking.

⁸ See, for example, on this subject Sylvie Durrer and Magaly Hanselmann, “Femmes migrantes et violence conjugale: plus exposées, moins protégées” in *Questions au féminin* 2.2008, p. 65 et seq., <http://www.ekf.admin.ch/dokumentation/00507/00513/index.html?lang=de>.

⁹ <http://www.stadt-zuerich.ch/prd/de/index/gleichstellung/themen/zwangsheirat/Publikationen.html> (Studie_und_Broschüre – in German only).

¹⁰ Jäger et al. 2002, “Female genital mutilation in Switzerland: a survey among gynaecologists”, *Swiss medical weekly* 2002, vol. 132, pp. 259–264.

¹¹ Renteria Saira-Christine (2008) “Mutilations genitales féminines – l’adolescente en quête de réponses”, *Revue médicale suisse* 1445–1450.

¹² H. Litorp, M. Franck and L. Almroth (2008) “Female genital mutilation among antenatal care and contraceptive advice attendees in Sweden”, *Acta obstetrica et gynecologica scandinavica* 87 (7), 716–722.

¹³ http://www.bfs.admin.ch/bfs/portal/fr/index/themen/19/03/02/key/02/strafdaten_im_einzelnen.html.

20. The police recorded six cases of abortion carried out without the consent of the pregnant woman in 2010. There are no data on forced sterilization.

21. In 2006 and 2007, the Federal Bureau for Gender Equality (BFEG) and the State Secretariat for the Economy, carried out a study which included the results of a representative telephone survey on the frequency of sexual harassment in the workplace in German-speaking Switzerland and French-speaking Switzerland. The survey covered 2,020 people, 65 per cent of whom were women and 35 per cent men. Over a year, 6.5 per cent of female and male employees considered that they had been sexually harassed or had felt ill at ease or bothered in their workplace, women being in the majority (10.3 per cent as opposed to 3.5 per cent of the men questioned). Over the whole of a person's working life, the figure increases to 18.1 per cent, including 28.3 per cent of women and 10 per cent of men.¹⁴

3.2 Measures to combat domestic violence

3.2.1 Institutionalization and coordination at the federal level

22. Since 2003, the Domestic Violence Unit of the BFEG has strengthened and supplemented actions taken to combat violence, particularly against women (see CEDAW/C/CHE/3, paras. 119 et seq.). Activities in this area mainly comprise action to combat violence in intra-couple relations and in situations of separation. They take account of the situation of the victims and perpetrators of violence, of either sex. The Unit has acquired the status of a centre of competence and coordination for the Confederation, and of a medium for information between the public services, private organizations and specialists, and also between the Confederation, cantons and communes. It seeks to ascertain the origins and underlying causes of violence by means of studies; it makes available to the public a large amount of expertise and working and information material; and it makes this material accessible to persons concerned, both within and outside the federal administration, through a series of technical files and the databank known as the *Toolbox Violence domestique* (see www.egalite-suisse.ch > Violence domestique). In this connection, it also monitors developments in prevention and action against domestic violence in Switzerland and abroad, prepares reports on the situation in Switzerland, provides scientific reports on request and prepares information intended for the general public. It thus contributes to the development of effective measures and instruments for prevention and intervention.

23. On 13 May 2009, the Federal Council published a report on violence in intra-couple relationships, its causes and measures taken in Switzerland (published in Bern, 2008), in response to the proposal of 7 October 2005 (05.3694) by National Councillor Doris Stump.¹⁵ On the basis of a scientific study, the report describes the position of the Government and measures planned at the federal level: improvement in the supply and coordination of information, development of the federal administration's internal networks, examination of legal bases and their enforcement, improvement of the protection of victims and the services offered to the perpetrators of violence, increased availability of initial and further training on domestic violence, and public information and sensitization. Some of the activities proposed relate to migration: it is, for example, desirable to develop more specific criteria for the identification of cases (known as "de rigueur" cases in Swiss law) of domestic violence in which the canton is authorized to issue an independent residence

¹⁴ <http://www.seco.admin.ch/dokumentation/publikation/00008/00022/02215/index.html?lang=fr>.

¹⁵ Rapport sur la violence dans les relations de couple. Ses causes et les mesures prises en Suisse (en réponse au postulat Stump 05.3694 du 7 octobre 2005), 13 May 2009, <http://www.ebg.admin.ch/dokumentation/00012/00196/index.html?lang=fr>.

permit, even during the first three years of family reunification. In the context of the evaluation of the law on assistance to victims of offences, it will be necessary to ascertain whether the assistance offered is entirely appropriate for the various groups of victims. Domestic violence must be given greater prominence in the initial and further training of persons dealing with migration, and the subject should be included in the information to be given to foreign women and men on their rights and duties. These measures are currently being carried out.

24. To sum up, since 2009 a certain amount of progress has been made on the domestic violence front. Specialized knowledge is more accessible today and contacts with specialists are easier within the administration, a fact which helps to promote the successful implementation of each measure. The situation with regard to data on domestic violence has improved in several respects: gaps in the area of research have been identified and publicized. Judicial and administrative practices concerning legal provisions — which have been revised in recent years (as regards criminal and civil law, protection of victims, legislation on foreigners and police regulations) — are monitored and an evaluation of legislative reviews is currently being planned; the evaluation of amendments to legislation is also under preparation. Cooperation and networks have developed within the federal administration. By ensuring an institutional footing, the interdepartmental working group on domestic violence has established and specifically encouraged networking and cooperation between actors in the administration. The working group comprises seven offices dealing with various aspects of action to combat and prevent domestic violence, and meets annually under the aegis of the BFEG. It has given participants an overall view of progress in actions initiated and of new fields of activity, which has resulted in an improvement of interventions. Links have also been strengthened with the cantonal services. Although the proposed measures for the protection of affected persons have not yet been fully deployed in terms of assistance to victims, migration policy and the protection of children, they are already bearing fruit, for example through the sensitization of the migration authorities to the problem of women victims or women under threat of violence whose residence permit is linked to that of their spouse (see 4.2.2 below).

3.2.2 New criminal and civil provisions in federal law and their effects

25. A number of laws have been revised in recent years, which has resulted in the improvement of assistance to victims, extended the protection of personality and strengthened police interventions in cases of domestic violence (for basic information, see CEDAW/C/CHE/3, paras. 105 et seq.).

26. It is still too early to express an opinion on the practical effects of these changes. A study has shown that this will require a thorough examination of domestic violence and its causes and consequences from a legal standpoint.¹⁶ There is no information at the national level on the decisions of the courts of first and second instance relating to domestic violence. The Federal Office of Justice (OFJ) intends to undertake, in 2012, an evaluation of the effects of the new provisions of article 28 (b) of the Civil Code (protection of the personality against violence, threats or harassment) and article 55 (a) of the Penal Code (suspension of proceedings if the victim of certain offences is the spouse or partner of the perpetrator and if he or she gives consent). This study could, in particular, furnish information on the way in which the courts are applying these articles.

¹⁶ Peter Mösch Payot, “La situation juridique actuelle en matière de violence domestique en Suisse: innovations, contextes, questions”, in *Questions au féminin 2.2008 – Violence domestique: état des lieux*, pp. 15 et seq.

Examples from the cantons

27. The cantons state that a large number of proceedings have been suspended by the judicial authorities after their initiation either because the complaint has been withdrawn or owing to lack of evidence. In the canton of Ticino, for example, in 2008, 251 proceedings for domestic violence were initiated, but 163 (65 per cent) were suspended. The public prosecutor in the canton of Basel-Stadt suspended about three quarters of proceedings opened for this reason. In Basel-Land the public prosecutor suspended 60 per cent to 73 per cent of cases during the period 2006 to 2009. In the canton of Bern, the public prosecutor noted that, in 2009, in judicial district VIII (Bern Laupen) 80 of the 102 cases of domestic violence were resolved by means of provisional, and then final, suspension.

28. The Fehr proposal 09.3878 (“Reporting and deterrence go together”), adopted by the National Council on 11 December 2009, called on the Federal Council to examine the reasons why the victims of violence fail to lodge complaints and means of improving reporting rates. The OFJ and the BFEG therefore took action to ensure that the “Crime Survey 2010” comprised a module on domestic violence, accompanied by questions on behaviour with regard to reporting. The report is currently being drafted within the OFJ and will be submitted to the Federal Council by the end of 2012 at the earliest.

29. The BFEG has commissioned a legal report on the possibility of enacting a national law on protection against violence. The report should be made available in the course of 2012.

30. A number of particularly important new international standards have emerged, such as the Council of Europe’s new Convention on preventing and combating violence against women and domestic violence;¹⁷ Switzerland played an active part in its negotiation during the period 2009 to 2011. Switzerland supports this new treaty as it aims to strengthen and harmonize national legislation in Europe and elsewhere, to ensure that this form of crime is prosecuted in accordance with comparable provisions throughout Europe, and to increase cooperation and the exchange of information between States parties. It would seem that Swiss legislation is already largely consistent with the requirements of the Convention. Since violence against women is a complex issue affecting many areas, however, it is necessary to undertake a prior and thorough examination of the possibilities of implementing this instrument. The Federal Council should take a decision on further actions, and in particular on signing the Convention, in 2012.

3.2.3 Interventions by the (cantonal) police for the protection of victims

31. On 1 January 2011, the cantonal codes of procedure were replaced by a Swiss Code of Criminal Procedure and a Swiss Code of Civil Procedure, which preserve the competence of the cantons with regard to the organization of judicial proceedings, criminal proceedings and police functions, all of which encompass domestic violence.

32. The 26 cantons have established a legislative procedure for the protection of victims of domestic violence. They have accordingly supplemented their existing legislation on police matters and in some cases have enacted their own legislation on the protection of victims. All of them today thus have legal provisions which enable the police to immediately expel a violent person from the common place of residence and forbid him to return to it. Some even provide for banning orders and police custody for perpetrators.

¹⁷ <http://conventions.coe.int/Treaty/FR/TREATIES/HTML/210.htm>.

Examples from the cantons

33. The enforcement of the new provisions authorizing the police to expel a violent person from the place of residence was the subject of an evaluation in the canton of Basel-Land in 2008.¹⁸ There were 64 expulsions with an injunction against return and contact during the first half of the year. Studies have shown that police intervention had beneficial effects for the majority of victims: they felt that they had been taken seriously, well informed and protected; only 8 per cent of them said that they had been subjected to further violence within 12 days of the expulsion; 11 per cent of victims and 15 per cent of persons expelled had not respected the banning order; 65 per cent of victims and 35 per cent of persons expelled had personally requested some form of consultation; 57 per cent of victims and 60 per cent of persons expelled had continued the relationship.

34. The evaluation further concluded that foreign women victims of violence had access to institutional resources as easily as Swiss women with regard to expulsion from the home. However, the department for action against domestic violence in the canton of Basel-Land states that foreign women victims of violence frequently come up against numerous obstacles (language, financial dependence, uncertainty concerning their residence permit), particularly with regard to their possibilities of action in the medium and long terms.

3.2.4 Assistance, counselling and compensation of victims

(For basic information, see CEDAW/C/CHE/3, paras. 113 et seq.)

35. In the various cantons, the public and private sectors provide numerous assistance and counselling services for victims and perpetrators. The consultation centres play a leading part in assistance to victims of all forms of violence; there is at least one in every canton and a total of 55 in the country as a whole. Some play a general role, while others are specialized (working with children and adolescents). As has been seen, 73 per cent of users of the centres are women, and there have been family links between victim and perpetrator in 54 per cent of the cases examined. The Assistance to Victims of Offences Act has been completely revised, the new text entering into force on 1 January 2009. The new Act, maintains the basic model of assistance to victims and is based on three pillars: support by reception and consultation centres, compensation and reparation of moral injury, and the protection of victims during criminal proceedings. The extension of time limits constitutes an important innovation: the request for compensation or redress must be submitted within five years, as opposed to two years previously. The Act's provisions relating to protection of the victim during criminal proceedings were repealed on 1 January 2011, but have been reproduced in almost the same terms in the new Swiss Code of Criminal Procedure.¹⁹ Article 117 of the Code sets out the principal rights of the victim.

36. There are 18 shelters for women offering 247 places. These are "action centres" which are particularly useful for women and their children who need urgent protection, lodging and counselling. They are open to all women victims of violence, regardless of their nationality, religion and financial situation. It is expected that by staying temporarily in one of these shelters, the persons concerned will be able to regain peace and security. The duration of their stay varies according to the personal situation of each woman. A comparison of the situation of the shelters shows that, since 2005, there has been a decline in the number of women and children admitted (1,938 admitted in 2010 as compared with 2,896 in 2005). On the other hand, the number of persons whose request for

¹⁸ <http://www.baselland.ch/evaluation2008-hm.312008.0.html> ; Ariane Rufino, "Erfahrungen mit der 2.2008, S.43 ss.polizeilichen Wegweisung bei häuslicher Gewalt im Kanton Baselland" in: *Questions au féminin* 2.2008, S.43 et seq.

¹⁹ Swiss Code of Criminal Procedure of 5 October 2007 (Code de procédure pénale, CPP), RS 312.

accommodation was rejected increased by 54 per cent, the lack of financial resources constituting a real problem. In recent years there has been increased focus on medical attention for victims of domestic violence.

Examples from the cantons

37. The Medical Treatment of Violence Unit within the University Centre for Forensic Medicine in Lausanne has specialized in the medical treatment of victims of violence and in the training of medical personnel and members of other professions (court personnel, police, social workers).²⁰

38. In 2010, the Equality Bureau in the city of Zurich published for doctors, carers and counsellors a guide on the detection of domestic violence and means of reacting to it.²¹

39. In 2009, the Swiss Society for Gynaecology and Obstetrics published a brochure on domestic violence in order to improve assistance to the women concerned.²²

3.2.5 Work with perpetrators of violence

40. A 2007 survey, commissioned by the BFEG, described the various institutions prepared to work with perpetrators of violence for prevention purposes. There are more than 30 such institutions offering counselling and training in the area of action to combat violence; their procedures, forms and services vary.²³ Since 2004, the BFEG has been organizing, at the national level, an annual meeting of consultation services for perpetrators of violence and training programmes. It is in this context that the Swiss Professional Association for Consultations against Violence was set up in 2010. With responsibility for coordinating and centralizing the collection of data on counselling activities in Switzerland, the Association is also in the process of developing quality standards for monitoring perpetrators of violence.

41. The 2007 survey asked the question whether the legal provisions at the federal level and in most cantons were sufficient and appropriate to enable work with perpetrators to have a genuinely preventive effect. It laid particular stress on the inappropriateness and insufficient financing of measures accompanying expulsion from the home, the absence of basic provisions for ordering attendance at compulsory consultations and anti-violence programmes, and the extension of prevention measures to potential perpetrators before an offence was committed.

42. The BFEG commissioned legal reports which concluded that it was possible to order compulsory participation in consultations and training programmes. The publication and targeted dissemination of these reports in the various specialized areas concerned are currently contributing to the debate on recourse to this possibility.

3.2.6 Information and training activities

43. Some cantons have made special efforts to publish information on the consultation and assistance services available. Information campaigns aimed at the general public or a

²⁰ http://www.curml.ch/curml_home/curml-qui-sommes-nous/curml-umv.htm;
http://www.curml.ch/brochure-12_01_2011.pdf ; see also.

²¹ Häusliche Gewalt erkennen und richtig reagieren.

²² <http://sggg.ch/fr/content/violence-domestique-guide-pratique>.

²³ <http://www.ebg.admin.ch/dokumentation/00012/00196/index.html?lang=de>; cf. Theres Egger, "Réfréner durablement la violence – Travail avec les auteurs de violences conjugales", in *Questions au féminin* 2.2008, pp. 82 et seq; Werner Huwiler, "Consultations pour hommes potentiellement dangereux – l'exemple du manneburo züri", in *Questions au féminin* 2.2008, pp. 86 et seq.

targeted public (e.g. foreign women and men, young adults, older persons) have been conducted in recent years.

Examples from the cantons

44. In 2011 and 2012, the canton of Geneva conducted an awareness and information campaign (posters, placards in trams, public meetings) throughout its territory. At the end of 2009 the French-speaking cantons organized a joint poster campaign in public areas.

45. Some awareness-raising efforts have been addressed to groups who have been particularly affected, such as migrants. In the canton of Basel-Land, the compulsory introductory interview which the Cantonal Office for Migration conducts with all foreigners arriving to settle in the canton now includes information on the prevention of domestic violence and forced marriage. In the canton of Basel-Stadt, the intervention service provides information and sensitization for foreign women by organizing information meetings on marriage and partnership. The intervention services in the cantons of Basel-Stadt and Basel-Land have also been acting in close cooperation with the integration assistance services, which deal with domestic violence at information evenings for men and women. Other cantons distribute brochures and other material, often in several languages, containing information on the assistance and consultation services available in case of need.

46. In the canton of Bern the anti-domestic violence service has organized various information meetings for various professional groups (school doctors, doctors of first resort, counsellors, guardianship authorities, etc.), mainly in the context of its pilot project for the protection of children against domestic violence.

47. In the canton of Lucerne, the consultation and information service for foreign women and men organizes special information meetings on violence within the family. Information on consultation services is also provided at these meetings, which are sometimes held in direct cooperation with migrant women's organizations.

48. Several cantons offer information and training for professional personnel confronted with domestic violence in different ways: these include the police, cantonal courts, health personnel, social services, primary and secondary schoolteachers, vocational training teachers, nurseries, etc.

Examples from the cantons and cities

49. In 2011, the anti-domestic violence service in the canton of Zurich placed on its Internet site, for the benefit of certain professions, a handbook containing full and updated information covering a very large number of areas relating to protection against domestic violence.²⁴

50. The city of Zurich has adopted a plan for equality between women and men strategically stressing the awareness-raising and training of various actors in the detection and prevention of domestic violence. These activities are aimed at schools, hospitals, nurseries, home-care and assistance services, and health promotion services.²⁵ The city of Bern's action plan also makes very substantial provision for information concerning domestic violence and action to combat it.²⁶

²⁴ http://www.ji.zh.ch/internet/justiz_innere/de/themen/ist.html.

²⁵ <http://www.stadt-zuerich.ch/gleichstellungsplan#>.

²⁶ <http://www.bern.ch/stadtverwaltung/prd/gleichstellung/aktionsplan>.

51. The Medical Treatment of Violence Unit in Lausanne organizes regular training courses²⁷ covering the detection of violence and counselling and assistance for victims. These are intended for medical and police personnel.

52. In the canton of Lucerne, the domestic violence training service provides education and training modules devoted to domestic violence. It conducts information and awareness work for professional personnel and the general public on the forms, effects and consequences of specific violence, expresses its views on current questions and topics, and organizes meetings, projects and campaigns on the general subject of domestic violence.

53. The OFJ and the BFEG have been instructed by the Federal Council to examine whether, and with which partners, it would be possible to offer judges advanced training on the subject of domestic violence. The centre with competence for forensic psychology in the University of St. Gallen is currently preparing an offer of this type; the first course is scheduled for August 2012.

54. The cantonal services providing assistance to victims met in autumn 2011 to jointly consider their practices such as assistance to victims in the case of offences committed within the family or in cases of obsessive harassment (stalking).

3.2.7 Coordination of interventions at the cantonal level

55. Some cantons (Geneva, Neuchâtel, Nidwalden, Obwalden and Zurich) have enacted laws relating to protection against violence in order to strengthen protection against domestic violence at several levels, and to institutionalize and coordinate this protection; this legislation expands the basis for intervention by the police and other bodies.²⁸ Several cantons have established institutions and procedures (e.g. round tables) which coordinate police intervention, crisis action, social assistance and counselling, and are seeking solutions adapted to individual cases (see CEDAW/C/CHE/3, para. 118). The cantonal intervention and coordination services are creating networks for public and private organizations associated with action to combat domestic violence in various cantons. Their legal and institutional footing, their priorities for action, and their human and financial resources nevertheless vary widely.

56. In German-speaking Switzerland, the intervention services have established the Conference of cantonal intervention services and projects to combat domestic violence in Switzerland, while the cantons of “Latin Switzerland” have established the Latin conference against domestic violence. In the context of its mandate for the establishment of networks for the various cantonal intervention services to combat domestic violence, the BFEG organizes annual national meetings. It has received a mandate to coordinate conferences within which the various intervention services are represented.

57. Most cantonal legislation also deals with collaboration between the police and the social assistance services. Of Switzerland’s 26 cantons and half-cantons, 24 authorize the police to transmit to the supervisory authorities under certain conditions, information concerning cases of domestic violence. In some cantons, the police can also transmit this

²⁷ http://www.fr.ch/bef/files/pdf1/dotip_fr.pdf.

²⁸ Cf. Cornelia Kranich Schneider, “Gedanken zur Einführung und Implementierung eines Gewaltschutzgesetzes – am Beispiel des Kantons Zürich”, in *Questions au féminin* 2.2008, pp. 57 et seq; voir également Canton de Zurich, IST Interventionsstelle gegen Gewalt, Schutz bei häuslicher Gewalt, *Manual 2011 für Fachleute*, section 282, Rechtsprechung zum Gewaltschutzgesetz 2007–2011; David Bourgoz, Florence Merenda, “De la création d’une loi cantonale sur les violences domestiques à sa mise en application (Canton de Genève)”, in *Questions au féminin* 2.2008, pp. 43 et seq.

information to consultation and coordination services. This can be done with the prior consent of the victim or ex officio. When this is done ex officio, the police files are destroyed by the consultation services if the victim does not wish to receive counselling.

3.3 Measures to combat forced marriage

58. Forced marriage has attracted great attention among the Swiss public for some years now. It has given rise to studies in several cantons, and measures have been taken to sensitize particularly vulnerable groups.

Examples from the cantons

59. In the canton of Fribourg, the cantonal integration commission has published a study on forced and arranged marriages.

60. The cantons of Bern, Fribourg, Geneva, Neuchâtel and Vaud have conducted prevention campaigns covering various activities.

61. The Equality Bureau in the city of Zurich and the anti-domestic violence training centre in the canton of Lucerne have published a joint study accompanied by recommendations for action and training and information activities for school personnel, counsellors, the police and judicial officials. A brochure for young adults concerned and persons of their choosing was published in 2011.²⁹

62. A study by the Vaudois anti-domestic violence commission revealed, in 2011, that the profile of persons exposed to forced marriage varies widely. The study made various recommendations for action, which the cantonal authorities are currently considering.

63. The specialized services and consultation centres in the canton of Bern hold a round table every year to discuss forced marriage; it is organized by the city's centre for integration issues. This meeting provides an opportunity to coordinate activities, exchange information and feedback, and examine needs.³⁰

64. On 23 February 2011, the Federal Council approved draft legislation to combat forced marriage and an accompanying report. The National Council approved the draft legislation on 28 February 2012. The legislation provides that the registry office should ensure, before a marriage takes place, that the fiancés have freely given their consent. If it is found that constraint has been exerted on one of the parties, permission for the marriage must be refused, which is already the case at the present time. The new element is the obligation placed on the registrar to report this union to the competent criminal authorities. The draft also adds two new offences to the absolute grounds for annulment contained in the Civil Code, which entail the ex officio prosecution of the marriage: a marriage must be annulled if the two spouses have not freely consented to it or if one of the spouses is a minor. For the competent cantonal authority to be able to initiate proceedings, it must be informed of the existence of an absolute ground for annulment within the meaning of the Code. Confederation and cantonal authorities which have reason to believe that a marriage is vitiated and should be annulled will henceforth be required to report their suspicions to the cantonal authority. The Private International Law Act will also be amended: the conditions set for contracting a marriage in Switzerland will in future be based exclusively on Swiss law. For this reason, marriages to female minors contracted abroad will no longer be accepted. The Act will also be accompanied by explicit regulations facilitating the

²⁹ <http://www.stadt-zuerich.ch/content/prd/de/index/gleichstellung/themen/zwangsheirat/Publikationen.html>.

³⁰ www.bern.ch/stadtverwaltung/bss/kintegration/fintegration/zwangsheirat.

application of the new absolute grounds for annulment of the marriage in relations with the foreign country.

65. Protection will also be reinforced in criminal law: an explicit provision will henceforth make it possible to prosecute marriages contracted under constraint. Any person who, by inflicting violence on another person, by threatening him or her with serious harm or by impeding his or her freedom of action in any other way, obliges that person to enter into marriage will be punishable by a maximum custodial sentence of 5 years or a monetary penalty. The new provisions of the Penal Code also allow the punishment of any person who has committed the offence abroad, is present in Switzerland and cannot be extradited. At present, forced marriages are assimilated to constraints and are liable to a maximum custodial sentence of 3 years or a monetary penalty.

66. The Foreigners Act and the Asylum Act will also be revised, so that any competent migration authorities who suspect the existence of a forced marriage or a marriage involving a minor will report their findings to the authority empowered to initiate proceedings. They will also suspend the spouse's family reunification procedure pending the decision by that authority. If the latter initiates proceedings, the suspension will be extended until an enforceable decision is handed down. Since the rights and duties arising from registered partnerships broadly coincide with those relating to marriage, the Federal Council intends to make forced partnership subject to a regime similar to that applying to forced marriage. A broad programme will be implemented on this basis in order to provide effective support and protection to persons affected by violence, notably through awareness-raising activities involving all the groups concerned and information and consultation centres.

67. During the period 2009 to 2011, the Federal Office for Migration (FOM) established four draft models for the prevention of forced marriage. The results and lessons learned from these models, in both German-speaking and French-speaking Switzerland, were presented to the specialized authorities and debated at a symposium on 23 January 2012. In addition, a report of the Federal Council in response to motion 09.4229 by National Councillor Tschümperlin ("Effective assistance to victims of forced marriages") will make it possible to assess the scope of forced marriage, determine its causes and set up adequate prevention measures to combat such marriages. This report should be submitted to the Federal Council in the course of 2012.

3.4 Measures to combat female genital mutilation

3.4.1 Practice of the courts and new criminal provisions

68. Until now, female genital mutilation (FGM) has been covered by the general criminal provisions for the protection of physical integrity. There were two convictions for FGM in 2008. Firstly, on 11 June 2008, the examining judge in Fribourg sentenced a Somali woman residing in Switzerland to a suspended 6-month custodial sentence for having authorized in Africa FGM of her half-sister, of whom she was guardian. Secondly, in the canton of Zurich on 26 June 2008, the higher judicial authority issued the first sentence (2 years' custody, suspended) for FGM effected in Switzerland. The Somali parents were convicted for FGM of their 14-year-old daughter by a visiting practitioner.

69. On 30 September 2011, the Federal Parliament adopted a new criminal provision relating to the prohibition of FGM. The new article 124 of the Penal Code will enter into force on 1 July 2012; it is intended to ensure that henceforth all forms of FGM consistent with WHO's definition are grouped under the same heading (separate from bodily harm) and punished accordingly. Any person who mutilates female genital organs, jeopardizes their natural function or harms them in any other way will be guilty of this offence. Article 124 of the Code closely follows the wording of preceding articles 122 and 123 concerning

bodily harm and covers grievous bodily harm (art. 122) and actual bodily harm (art. 123). Both internal and external female genital organs are covered by the offence. The forms of FGM covered by article 124 of the Code cannot generally be considered to be prudent or reasonable acts, and so doctrine and court decisions state that neither an adult capable of discernment nor the parents of a child incapable of discernment may give their consent to mutilation covered by that article. In order to facilitate the prosecution of acts committed abroad, article 124 (2), of the Penal Code stipulates that any person who commits the act abroad, is present in Switzerland and has not been extradited is also punishable. This provision permits deviation from the rule of dual punishability and enables criminal proceedings to be initiated in Switzerland against all perpetrators of FGM, irrespective of where the act was committed and regardless of its punishability in the country where it was committed. The penalties established (maximum custodial sentence of 10 years or minimum monetary sentence of 180 day-fines) correspond to those to which perpetrators of grievous bodily harm covered by article 122 are liable.

3.4.2 Preventive measures

70. At the federal level, numerous measures to prevent FGM are outlined in the Confederation's Global Strategy on Migration and Health (see 4.4.4 below). The Federal Office of Public Health (OFSP) has formed a multidisciplinary working group on sexual and reproductive health; with specialists from several organizations, this group has done preparatory and introductory work during the period 2003 to 2007. Guidelines have thus been developed for medical personnel, information brochures have been published for migrant women, and information on FGM has been included in the educational materials produced by the Swiss Federation of Midwives for male and female trainers for the purposes of preparation for childbirth, childbirth itself, care of infants and the education of young children. An analysis has been undertaken of the information and awareness needs of various target groups, followed by the development of an awareness-raising programme. A short module on FGM has also been prepared for interpreters and mediators in communities.

71. In 2007, the OFSP was instructed to implement the measures provided for in response to the motion by National Councillor Roth-Bernasconi (05.3235 – Female genital mutilation, Awareness-raising and prevention measures). Thus, Caritas Switzerland has, since 2007, been entrusted with management of the Prevention of FGM of Girls Mediation Service. This service is responsible for creating awareness among specialists in integration, social work and training and linking them in a network, undertaking direct prevention work within the communities concerned (community-based prevention) and, with them, undertaking specific communication work with the media, training and monitoring female and male mediators in the countries of origin in which FGM is practised, and preparing and distributing information material on FGM. In addition to allocations from the OFSP, the FOM has given Caritas financial assistance for the period 2010 to 2013 covered by a service agreement. In the future, this association is expected to optimize the services it provides in the area of prevention of FGM and to reinforce their integration in the ordinary cantonal institutions. Caritas is helping to increase the independence of involved migrant women and men by giving them personalized advice (coaching and further training), and also support in the work of regional networking and prevention activities. It organizes round tables to create a network for the cantonal organizations (dealing with integration, health, social work, protection of children, etc.) with involved migrant women and men, and organizes advanced training for community interpreters and mediators, together with technical assistance.

72. In 2012, the OFSP financed the revision and republication of the brochure produced by the Terre des femmes association entitled "We protect our daughters" on the prevention of FGM. Distributed in Amharic, Arabic, English, French, German, Somali and Tigrinya, it

contains information on the health complications resulting from mutilation, advice for migrant women concerned and information on the prohibition of this practice in Switzerland. It is obtainable free of charge on the website www.migesplus.ch³¹ and, since 2011, has been given by the Frontier Health Service to all asylum seekers from the communities concerned when they enter Switzerland. Other targeted distribution efforts are under way. The OFSP is also providing financial support for the preparation, translation and distribution of information material on FGM for health personnel and social workers.

73. Several cantons also mention specific studies and awareness-raising activities on this subject.

3.5 Protection of children against violence and sexual exploitation

74. The Federal Office for Social Insurance is responsible for all information and prevention activities relating to the protection of children at the federal level. To this end, it receives an annual allocation of 890,000 francs, through which it supports, under service agreements, organizations dealing with the protection of children throughout the country. It bases its activity on the Federal Council Ordinance of 11 June 2011 relating to measures for the protection of children and young people and the strengthening of the rights of the child.³² The Confederation also has an annual credit of some 190,000 francs to promote the rights of the child, which it uses to further publicize the United Nations Convention on the Rights of the Child; it is thus able to finance either service agreements concluded with partner organizations or individual projects.

75. A report is under preparation in response to the Fehr proposal (07.3725 – Violence within the family; Protection of children and young people). Preparation of this report has been entrusted to a very broad working group comprising representatives of several federal offices (FOM, OFJ, OFSP, BFEG), representatives of the cantons and cantonal conferences concerned (including the Conference of Cantonal Governments, Conference of Cantonal Directors for Social Affairs, Swiss Conference of Cantonal Directors of Education, Conference of the Cantons on Protection of Minors and Adults), and also the Federal Commission on Children and Young People and the Federal Coordination Commission on Family Issues. It also associates NGOs with this work. The report should be adopted by the Federal Council in the second half of 2012.

76. The cantons have initiated a large number of measures to protect children against sexual abuse. In several cantons, programmes have been set up to increase pupils' awareness; they include, in particular, visits by members of associations specializing in these questions to schools to explain specifically to children the risks inherent in the Internet and things they should not do, such as talking online to an unknown person. The cantons have also instituted contact, consultation and treatment services. Mechanisms have been set up to ensure that cases of ill-treatment are recognized and reported by the persons dealing with children. The measures taken in the context of a police prevention campaign are helping, in the medium and long terms, to ensure that the perpetrators of offences assume responsibility for their behaviour and to warn potential victims and their families and friends. The establishment of socio-educational consultation services and therapy centres for delinquents ideally helps to convince paedophiles of the harmful nature of their acts for their young victims, and also for themselves, and to prevent them from reoffending. The aim of the targeted messages for minors is to teach them to recognize the potential dangers of the Internet and to protect themselves through simple measures.

³¹ http://www.migesplus.ch/uploads/tx_srpdf/files/FGM_franzoesisch_neu.pdf.

³² RS 311.039; <http://www.admin.ch/ch/f/as/2010/2947.pdf>.

77. Together with the Coordination Service for Action to Combat Internet Crime³³ and the ECPAT, a specialized service of the Swiss Foundation for the Protection of Children, Swiss Prevention of Crime has blocked access to some 1,500 Internet sites offering images constituting child pornography.³⁴

78. Various provisions concerning the sexual exploitation of children have been introduced or revised. On 30 November 2008 the people and cantons decided to remove time-bars on sexual offences committed against children. The new article 123 (b) of the Federal Constitution provides that “criminal action and punishment for a punishable act of a sexual or pornographic nature against a prepubescent child are imprescriptible”.

79. Prostitution is not prohibited in Switzerland; it is legal from the age of 16. Measures have been taken in several cantons to prohibit prostitution up to the age of 18; some measures have been declared admissible, but in all cases the cantons do not have legislative competence in criminal matters. For its part, the Confederation has undertaken to raise the age limit for prostitution by signing the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse. In the context of the ratification process, only the Penal Code will be amended in conformity with the provisions of the Convention: in future, the act of having recourse to sexual services provided by adolescents of either sex aged between 16 and 18 for money or other consideration will be a criminal offence. Consultation on this subject was completed at the end of November 2011. The Federal Council will probably adopt a Message on ratification and the amendments of criminal law in the course of 2012.

3.6 Measures to combat forced sterilization

80. In the context of the implementation of the Rome Statute of the International Criminal Court, on 1 January 2011 Switzerland promulgated a criminal provision which makes forced sterilization a crime against humanity carrying a penalty of life imprisonment in serious cases (Penal Code, art. 264 (a) (g)). Also declared punishable were forced pregnancy and any other act running counter to the right to sexual self-determination. The unjustified medical treatment of a person protected by public international law and infringement of the right to sexual self-determination or the dignity of the person are considered to be equivalent to war crimes and carry a penalty of appropriate severity (Penal Code, art. 264 (e)).

3.7 Measures to combat human trafficking

81. At the federal level, the Coordination Service to Combat Human Trafficking and Trafficking in Migrants (SCOTT), set up in 2003, has adopted and supported measures at various levels and in various areas (see CEDAW/C/CHE/3, paras. 172 et seq.). Since Switzerland’s most recent report in 2009, a number of new activities have been initiated. New cooperation mechanisms have been set up in the cantons of Vaud (2009) and Geneva (2010). Experimental training has been introduced in French-speaking Switzerland for victim support services and social services to help them to better identify and assist victims of human trafficking. The Swiss Police Institute has provided basic training on the question, and an advanced training course for police officers who have already taken an introductory course.

82. In many cantons, it is the centres providing assistance to victims of offences which also assist victims of human trafficking. Further training was organized in 2010 for the

³³ <http://www.fedpol.admin.ch/content/fedpol/fr/home/dokumentation/information/2009/2009-12-09.html>.

³⁴ <http://www.skppsc.ch/10/fr/1internet/3kinderpornographie/100index.php>.

consultation services in order to enhance their capability of responding to the specific needs of women victims of trafficking. In many cantons the consultation services are linked with the mechanism for coordination of action to combat human trafficking. Some cantons have concluded service agreements with a private specialized organization – the Centre for Assistance to Migrant Women and Victims of Trafficking in Women, which is represented in the SCOTT's steering body, in order to defend the interests of civil society.

83. On 15 December 2011, in accordance with the Message of the Federal Council, the Federal Assembly adopted the draft ratification of the Council of Europe Convention on Action against Trafficking in Human Beings. In order to meet the requirements of this Convention, a new federal law on the extra-procedural protection of witnesses was adopted. This law is intended to provide protection for witnesses in danger outside the actual proceedings, and if necessary after the closure of a criminal proceeding. It will apply not only to witnesses in human trafficking cases, but also to all persons exposed to serious danger following their participation in a criminal proceeding and without whose assistance the proceeding would be considerably more difficult. The law provides for the setting-up within the Confederation of a service for the protection of witnesses with responsibility for the unified management of protection programmes; it will also provide counselling and assistance to the cantons for persons in need of certain protection measures but who cannot be integrated into a genuine witness protection programme. The service is due to begin in early 2013. The legislation on the extra-procedural protection of witnesses is consistent with chapter V (Investigation, prosecution and procedural law) of the above-mentioned Convention, which is intended to protect persons willing to testify. This does not mean that victims unwilling to testify against the perpetrator of the offence will not be protected. Like any person living in Switzerland, these victims are also protected against physical abuse under the basic mandate of the police service.

84. The authorities have also devoted a number of efforts to problems affecting cabaret dancers, who are issued with special short-term residence permits: the aim is to ensure that contracts are respected and that these women are protected by means of various inspections (police, labour offices, social insurance, tax authorities) against exploitation and human trafficking (see CEDAW/C/CHE/3, paras. 181 et seq.). The FOM is currently examining the regulations relating to cabaret dancers in order to ensure that they provide effective protection for these groups of particularly vulnerable female workers. Any amendment of the relevant ordinance will require clarifications, followed by a consultation procedure. Several cantons have decided to no longer issue residence permits to cabaret dancers from countries which are not members of the European Union (EU) or the European Economic Area (EEA).

3.8 Action for the benefit of persons placed in administrative detention

85. Some persons, mostly men, whose way of life deviated from what was considered acceptable at the time, were placed in “administrative detention” during the period 1940 to 1981. In recent years, the fate of many female minors has also attracted public attention. They were placed in administrative detention in Hindelbank women's prison without a criminal conviction, and hence without possibility of recourse, for such acts as becoming pregnant out of wedlock; they would serve their penalty with women who had been judicially convicted. The federal and cantonal authorities officially presented their apologies to the victims of this practice on 10 September 2010.³⁵

³⁵ Cf. <http://www.ekf.admin.ch/themen/00501/00578/index.html?lang=fr>.

3.9 Measures to combat violence against women and human trafficking in other countries

86. The Human Security Division within the Federal Department for Foreign Affairs (DFAE) is responsible for the security of persons; it is this entity which, at the bilateral and multilateral levels, concerns itself with the defence of the rights of women and girls, and with action to combat violence against women. It performs this role through specific activities and measures affecting the rights of women and action to combat violence against women and trafficking in women, and also by institutionalizing, at the internal level, gender equality in all fields. At the multilateral level, it is proactive in the United Nations Human Rights Council, the General Assembly (Third Committee), the Security Council and other United Nations bodies involved in the area of peace and security, the United Nations Office on Drugs and Crime, OSCE, and, in specific cases, the corresponding bodies within the Council of Europe. At the bilateral level, it regularly takes up questions relating to the rights of women, violence against women and trafficking in women in the various dialogues it conducts on human rights and migration issues.

87. The Human Security Division gives priority attention to the implementation of Security Council resolution 1325 (2000) on women, peace and security in its efforts to combat gender-specific violence. The revised second national plan of action, published in October 2010, concentrates on the pan-governmental approach and defines three objectives: the increased participation of women in the promotion of peace; the prevention of all forms of gender-specific violence, more effective coverage of the needs of girls and women, and the reinforced defence of their rights during and after armed conflicts; and the adoption of a sexual-equality oriented approach in all peace promotion projects and programmes. A number of measures are already in place.

88. At the international level, the Division intends to make a significant, visible and specific contribution to the prevention of human trafficking and the protection of victims. Switzerland thus provides bilateral support for programmes in victims' countries of origin and transit (Romania, Brazil and Nigeria, in particular). The Division also works to improve coordination between the Swiss authorities and actors in the main countries of origin of victims who are present in Switzerland, and in this context maintains close cooperation with the International Organization for Migration. It regularly organizes awareness-raising activities in the context of its obligations to combat sexual exploitation and human trafficking in peace missions; the groups thus concerned are the military and civilian personnel engaged in promoting peace. Human trafficking is regularly covered in the periodic further training of consular officials, who have an important role to play in preventing it.

89. In the various multilateral forums, Switzerland endeavours to ensure that the problem of FGM is given increased attention in the countries of destination of vulnerable migrant women, and that good anti-FGM and prevention practices are identified. Since 2010, it has been a member of the Donor Working Group on Female Genital Mutilation/Cutting, a network of major donors within which the Western countries discuss the subject and together examine feasible solutions. Also since 2010, in the context of its development activities, the DFAE has supported the principal programme devoted to FGM within the United Nations: the UNFPA-UNICEF Joint Programme on Female Genital Mutilation/Cutting – Accelerating Change. The Department tries, in particular, to use the lengthy experience it has acquired in African countries for the benefit of migrants' countries of destination.

4. Elimination of discrimination against foreign women

Reply to paragraph 28 of the concluding observations of the Committee on the Elimination of Discrimination against Women, paragraph 44

4.1 Analysis of data and trends

4.1.1 The foreign population in Switzerland

90. The proportion of foreigners in the Swiss population is one of the highest in Europe (22 per cent), with 1,766,277 permanent residents at the end of 2010, of whom 1,101,501 (62 per cent of the permanent resident foreign population in Switzerland) came from one of the 27 EU countries or from the EEA, and 664,776 (38 per cent) from other countries.³⁶ The 27 EU countries and the EEA countries were the countries of origin of 90,496 arriving migrants in 2009, of whom about 61.5 per cent came to pursue a remunerated activity.³⁷ The Italian community is the largest in Switzerland, with 287,130 members (16.3 per cent of the total permanent resident foreign population), followed by the German community (263,271, 14.9 per cent) and the Portuguese community (212,586, 12 per cent).³⁸

91. Again in 2009, 40,403 persons acquired Swiss nationality. As in previous years, the applications came mainly from Serb, Italian and German nationals.³⁹

92. In 2010,⁴⁰ Switzerland received 15,567 asylum applications, mainly from people originating in Nigeria, Eritrea, Sri Lanka, Serbia, Afghanistan, Iraq, Georgia, Kosovo, Turkey and Syria. Of the 20,690 applications dealt with at first instance in that year, 3,449 gave rise to a positive decision (i.e. 17.7 per cent of applications accepted).⁴¹

93. A fifth (20.7 per cent) of foreigners born in Switzerland are second or third-generation immigrants. There are, however, considerable variations from one nationality to another: more than a third (37.2 per cent) of Italian nationals, but only 12.1 per cent of French nationals and 8.9 per cent of German nationals were born in Switzerland. Two fifths (39.3 per cent) of persons born abroad have been in Switzerland for 15 years or more, including 14.6 per cent for more than 30 years.⁴² Almost all holders of an Italian passport (87.5 per cent) or Spanish passport (86.3 per cent) have a residence permit of unlimited duration.⁴³

94. Trends in the figures for marriages and births bear witness to the growing diversification of the population. There were 15,000 marriages between a Swiss and a foreigner in 2009 – in other words, about one third (35.8 per cent) of all marriages contracted in Switzerland. The total number of births in Switzerland in 2008 and 2009 grew from 76,700 to 78,300. The number of live births in couples where at least one of the parents is a foreigner (30,900) increased slightly and reached almost half (48.1 per cent) of all births to married women. More than a quarter of children born in Switzerland were of

³⁶ <http://www.bfs.admin.ch/bfs/portal/fr/index/themen/01/07/blank/key/01/01.html>.

³⁷ <http://www.bfm.admin.ch/content/dam/data/migration/berichte/migration/migrationsbericht-2010-f.pdf>.

³⁸ <http://www.bfs.admin.ch/bfs/portal/fr/index/themen/01/07/blank/key/01/01.html>; <http://www.bfs.admin.ch/bfs/portal/fr/index/themen/01/22/press.Document.148130.pdf>.

³⁹ <http://www.bfs.admin.ch/bfs/portal/de/index/themen/01/07/blank/key/03.html>.

⁴⁰ <http://www.bfs.admin.ch/bfs/portal/fr/index/themen/01/07/blank/key/01/04.html>.

⁴¹ <http://www.bfm.admin.ch/content/dam/data/migration/statistik/asylstatistik/jahr/2010/stat-jahr-2010-kommentar-f.pdf>.

⁴² Ibid.

⁴³ http://www.bfs.admin.ch/bfs/portal/fr/index/themen/01/07/blank/dos/la_population_etrangere.html.

foreign nationality in 2009, which is accounted for mainly by the high proportion of foreign women aged between 20 and 44 (49.2 per cent as opposed to 30.4 per cent for Swiss women) and the higher birth rate in that group (1.8 children per woman as opposed to 1.4 per Swiss woman).⁴⁴

95. In Switzerland as in other European countries, the number of irregular immigrants is difficult to quantify. Their number and characteristics can be assessed only on the basis of their visibility in society. The FOM estimated in 2005 that there were 90,000 undocumented foreigners in Switzerland. A recent study published by the Federal Commission on Migration Issues⁴⁵ shows that most of them entered Switzerland legally or illegally looking for work and performed unauthorized remunerated work in Switzerland. They would appear to be active mainly in occupations which Swiss or European nationals do not normally engage in (domestic service, hotels and restaurants, building, agriculture, prostitution).

4.1.2 Migrating women

96. Many of the OFS data relating to the structure of the foreign population are broken down by gender. But in many other cases differentiation is possible only on the basis of present nationality (Swiss or foreign nationals). Consequently, only incomplete or indirect figures can be derived for female migrants (i.e. persons born abroad), and none on ethnic or religious minorities. The statistics portal nevertheless provides demographic data on the population deriving from migration broken down by gender.⁴⁶ The figures point to significant gender-specific deviations, which have not, however, been analysed. Swiss women originating from migration and resident in Switzerland are, for example, one and a half times more numerous than Swiss men in the same situation.

97. Women constitute approximately half of all migrants in the world, and 52.3 per cent in Europe.⁴⁷ In Switzerland they account for 46.5 per cent of the resident foreign population. The study "Femmes en migration" conducted by the Federal Commission on Migration Issues shows that the figures vary according to the region of origin. Men are still in the majority in traditional migration from Germany, Italy, Portugal and the countries of the former Yugoslavia. On the other hand, there are many more women than men among migrants from South America, Central America, North America, the Caribbean, Asia and certain African countries, as well as Eastern Europe. Migrants from Brazil, Thailand and the Philippines also seem to be mostly women. The feminization of migration observed all over the world is therefore apparent in Switzerland, especially among migrants of non-European origin. Unlike men, who mainly come to Switzerland today to work, 44 per cent of women arrived in 2007 in the context of family reunification (30 per cent for men in 2007); 35 per cent of women wanted to engage in a remunerated activity and just under 11 per cent gave initial or further training as their reason for migrating. But there again, the reasons vary considerably from one region to another: remunerated activity predominates among migrant women from Europe and family reunification among persons coming from non-European countries and enjoying only limited access to the Swiss labour market.⁴⁸

⁴⁴ Ibid.

⁴⁵ Denise Efionayi-Mäder, Silvia Schönenberger, Ilka Steiner, *Visage des sans-papiers en Suisse – Évolution 2000–2010*, CFM, Documentation sur la politique de migration, Berne 2010, http://www.ekm.admin.ch/content/dam/data/ekm/dokumentation/materialien/mat_sanspap_f.pdf.

⁴⁶ <http://www.bfs.admin.ch/bfs/portal/fr/index/themen/01/07/blank/key/04.html>.

⁴⁷ Source: <http://www.un.org/en/development/index.shtml>.

⁴⁸ Andrea Kofler et Lilian Fankhauser, *Femmes en migration: l'image des migrantes dans la perception de l'opinion publique et de la politique, ainsi que dans la recherche actuelle*, Commission fédérale pour les questions de migration, Bern 2009.

4.1.3 Proposed measures to improve statistical data

98. The report regularly published by OFS until 2008 on the situation of foreigners in Switzerland contained information on remunerated activities, wages, poverty, health and education. These reports are no longer published, but the statistical portal continues to furnish a number of data which are updated every year.⁴⁹

99. The OFS is currently working on the deployment of measures that will improve statistical material and permit gender-specific analysis. The modernization of the census and OFS's new integrated statistical information system on persons and households are leading to a reform of demographic statistics. The introduction of obligatory primary keys⁵⁰ relating to migration (place of birth, arrival from abroad, year and acquisition of Swiss nationality) in population registers and household surveys will, as from the autumn of 2012, gradually enable information to be obtained on essential aspects of the life of migrant women in society (work, family, income and consumption, mobility, health, education, cultural identity). The annual structural reports will also compile information on the religion, language, and place of birth of parents. It is not yet known in what form the data and information relating to the foreign population will subsequently be published.

100. The OFS is also preparing a system of indicators on the integration of the population originating from migration.⁵¹ The labour market indicators published in 2010 will, in 2012, be supplemented by indicators on education and training, languages, social assistance and poverty, health and sport, crime and security, racism and discrimination, the family and demography, housing and migration, together with culture, religion and political activity. The new system will comprise gender-specific coding for all indicators. It will become possible to produce a report on the situation of women originating from migration from the standpoint of equality between the sexes, in other words, to make comparisons, firstly with men originating from migration, and secondly with Swiss women.

4.2 Admission and residence of foreigners

4.2.1 General observations on admission and residence

101. Switzerland practises a dual system for the admission of foreign workers. The admission of workers from EU or EEA member countries is in conformity with the agreement on the free movement of persons, whose implementation constitutes an important aspect of Switzerland's policy with regard to the admission and integration of foreigners: more than half of the foreign nationals present in Switzerland today largely enjoy the same rights as the Swiss themselves – with the exception of political rights.

102. Cadres, specialists and skilled workers from other countries (known as third countries) are admitted in limited numbers (quotas). Admission is in this case possible only if it proves impossible to find the same qualifications in Switzerland or in the EU or EEA

⁴⁹ <http://www.bfs.admin.ch/bfs/portal/fr/index/themen/01/22/publ/ausl/presentation.html>; see also statistical material in annex.

⁵⁰ In a relational database, a primary key is a unique constraint which enables a record to be identified in a unique manner in a table. A primary key may be composed of one or more fields of the table: see http://fr.wikipedia.org/wiki/C1%C3%A9_primaire.

⁵¹ Out of a concern to improve access to the ordinary institutions such as vocational training, health, statistical material, etc., the Federal Council has adopted a series of 45 measures prepared by 11 federal offices. This should facilitate the migrant population's access to these institutions. These measures particularly concern women in priority areas such as language, employment, training, development of urban districts and improvement of general conditions. The preparation and implementation of the system of indicators fall within this plan of action.

countries. The persons concerned are mainly higher-education graduates possessing several years of professional experience. People may also be admitted on the grounds of special training or long experience in certain professions or specialized occupations. Apart from professional qualifications, the residence permit is also issued taking into consideration the criterion of integration: the potential for professional and social adaptation, mastery of the language and age must give rise to the expectation of lasting integration in the Swiss labour market and in the social tissue of the country. Setting aside family reunification or training courses, legal admission to Switzerland is hardly possible today for nationals of countries which are not members of the EU or EEA and who do not possess special professional qualifications.

103. The admission and residence of foreigners from third countries are governed by the ordinary provisions of the Foreigners Act. One exception concerns nationals of a third country who are spouses of nationals of an EU or EEA country, who may avail themselves of the provisions of the agreement on the free movement of persons. It is the cantons which issue residence permits, in compliance with the provisions of the Foreigners Act. A residence permit (B permit) is issued on a temporary basis for a specific purpose (for an employment contract, for instance). A short-term residence permit (L permit) is valid for less than one year. An unlimited residence permit (C permit) is issued to foreigners who have lawfully and continuously resided in Switzerland for at least 10 years; nationals of the first 17 EU countries and the EEA countries can obtain this residence permit after 5 years' lawful and continuous residence in Switzerland. Mention should also be made of frontier workers (G permit), who are authorized to engage in independent or salaried gainful activity anywhere in Switzerland provided that their main place of residence is in one of the EU or EEA countries.

4.2.2 Family reunification and right of residence

104. The spouse of a Swiss national and his/her unmarried children under the age of 18 are entitled to the issue and renewal of a residence permit provided that he/she lives in the same household as the other spouse. After five years of continuous legal residence, the spouse is entitled to a long-term residence permit (Foreigners Act, arts. 42 and 43). A short-term residence permit may be issued to the foreign spouse of the holder of a short-term residence permit and his/her unmarried foreign children aged under 18 provided that they live in the same household as the other spouse, have appropriate housing and are not dependent on social assistance (*ibid.*, art. 44). The members of a reunited family may engage in a gainful activity. Since the number of wives is greater than that of husbands coming to Switzerland on the basis of family reunification, more women than men have a conditional residence permit linked to cohabitation with their spouse.

105. However, the new Foreigners Act which entered into force in 2008, introduced a number of fundamental improvements. After dissolution of the marriage or the family, the right of the spouse and children to the issue and renewal of a residence permit subsists if the marriage has lasted three years or more and integration is successful, or if the continuation of residence in Switzerland is essential for major personal reasons (*ibid.*, art. 50 (1)). There is, for example, a major personal reason when the spouse has been a victim of marital violence and social reintegration in the country of origin would seem to be seriously jeopardized (*ibid.*, art. 50 (2)). Following a decision by the Federal Court, the FOM has amended its directive on family reunification: it is no longer necessary for the two criteria to be simultaneously fulfilled;⁵² each criterion may in itself constitute a major personal reason, according to the circumstances and seriousness of the case. No exhaustive list is

⁵² FOM directive of September 2011 on family reunification, ch. 6.14.3.

given of the reasons which justify continued residence in Switzerland, which gives the authorities a certain margin of discretion. Continuation of residence in Switzerland may also be necessary when, for example, the spouse living in Switzerland has died or if failure of the marriage makes family and social reintegration in the country of origin extremely problematic. The same applies when the couple have common children, with whom each of the parents has a close relationship and who are well integrated in Switzerland. But account will always have to be taken of the circumstances which led to the dissolution of the family community.

106. The directive states that “if marital violence is invoked, it must have acquired a certain seriousness. This is the case when the personality of the foreigner coming to Switzerland under family reunification is seriously threatened owing to his/her cohabitation and when continuation of the marriage cannot reasonably be required of this person [...]. The competent authorities may ask for evidence. In the case of marital violence, the particular circumstances must be examined closely, on a case-by-case basis, even if residence has been brief. The personal interests of the victim in remaining in Switzerland must be taken into consideration in an appropriate manner.” Evidence of marital violence comprises, *inter alia*, medical certificates, police reports, criminal complaints, measures within the meaning of article 28 (b) of the Civil Code (protection of the personality against violence, threats or harassment) and criminal judgements handed down on this question. In the course of the verification of the existence of marital violence, the authorities now take account of the facts and information provided by the specialized services (such as victim assistance centres, consultation centres and shelters for women victims of violence). A paragraph to this effect has been added to article 77 of the Federal Ordinance relating to admission, residence and performance of a gainful activity.⁵³ The amendment entered into force on 1 January 2012. If there are substantial indications of marital violence, the migration authorities obtain information from the specialized services concerned. The victims of marital violence are required to cooperate in the establishment of the facts (*ibid.*, art. 90). Since the beginning of 2011 the FOM has kept a record of all applications submitted to it in relation to a case of domestic violence as provided for in article 50 of the Foreigners Act. The FOM has also appointed a contact person for questions specifically concerning women.

4.2.3 Grounds for asylum specific to women

107. The Asylum Act⁵⁴ and the definition of the term “refugee” contained in it (art. 3) reflect the principles of the 1951 Convention relating to the Status of Refugees.⁵⁵ As indicated in the third report on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women (see CEDAW/C/CHE/3, paras. 421 et seq.), the Asylum Act obliges the enforcement authorities to take account of “motives for taking refuge that are specific to women”, which means that the interpretation of the concept of refugee must duly include the gender-specific dimension. In addition, special procedural provisions have been introduced by ordinance for the examination of asylum applications originating from women. Women are entitled to a separate procedure and are interviewed by a woman if there are specific reasons for believing that there has been gender-specific persecution. Since the decision of 9 October 2006 of the Swiss Asylum Review Commission (CRA, whose role has been taken over by the Federal Administrative Tribunal), asylum is no longer granted only on condition that the persecution is attributable

⁵³ Ordonnance du 24 octobre 2007 relative à l’admission, au séjour et à l’exercice d’une activité lucrative (OASA), RS 142.201.

⁵⁴ Loi du 26 juin 1998 sur l’asile (LAsi), RS 142.31.

⁵⁵ Convention relating to the Status of Refugees of 28 July 1951, RS 0.142.30.

to the country of origin: the important point now is to establish whether a victim of persecution is able to obtain protection in her country of origin or provenance. In the case of gender-specific persecution, the move to the principle of protection has enabled greater account to be taken of the reasons invoked, since the acts of persecution, in this context, originate primarily from third parties. From the statistical standpoint, it is interesting to note that, in the area of asylum, approximately 25 per cent to 30 per cent of asylum applications are made by women and that this figure has remained stable during the past 10 years. As to the rate of recognition of refugee status, the data consistently demonstrate for the past 10 years that it is higher among women. Thus, in 2010, the recognition rate for women was 27 per cent while it was 14.5 per cent for men. This rate admittedly also comprises recognition on the basis of family reunification; in fact, 71 per cent of women obtain refugee status in the context of family reunification and 29 per cent independently. However, an analysis of the statistics for the past 10 years demonstrates that the independent recognition rate for women has been increasing steadily. As to the granting of provisional admission in the presence of an impediment to return, the number of women authorized to remain in Switzerland on this basis has been consistently higher than for men. Thus, over the past five years, the rate for women provisionally admitted has ranged from 26 per cent to 29 per cent whereas that for men has been between 15 per cent and 22 per cent.

108. In another decision dated 9 October 2006 and relating to the interpretation of article 3 (2) of the Asylum Act, the CRA expressed the view that the term “refugee” could not be defined by any ground relating to persecution because only the perpetrator can explain his subjective motivation. The recognition of persecution is therefore now based essentially on innate and immutable qualities, and on those contained in the provisions of the Constitution and international law prohibiting discrimination. Ordinary discrimination is distinguished from persecution that may create an entitlement to asylum through the seriousness of the injury inflicted. In other words, refugee status may be recognized on the sole criterion of gender, for example, if a woman is a victim of discrimination in her country because of her gender and persecuted for her behaviour.

4.3 Encouragement of the integration of foreign women and men

4.3.1 Principles: ordinary institutions and protection against discrimination

109. Integration constitutes one of the pillars of Swiss policy with regard to migration. The Foreigners Act of 1 January 2008, in chapter 8, defines the foundations of State’s integration policy. It expressly mentions the necessity of taking account of the particular needs of women, children and adolescents in this respect. The integration of foreigners aims to promote coexistence with the resident population on the basis of constitutional values and mutual respect and tolerance, the objective being the participation, on the basis of equal opportunities, of foreign women and men in the economic, social and cultural activity of Switzerland.

110. The Foreigners Act defines the integration of foreigners as a transversal task, which comes mainly under the aegis of the ordinary institutions and requires activities and efforts on the part of schools, vocational training establishments, health institutions and organizations, etc. to meet the needs of the whole population – inter alia, therefore, the needs of people with a migrant background. Migrant women and men should therefore be given equal opportunities of access to economic, social and cultural activity, and the structural obstacles to integration should be eliminated. The three levels of the political structure of Switzerland (Confederation, cantons and communes) have a role to play in this context, for integration can succeed only if the State pursues the same goals and harmonizes its action at all its levels and in all the areas concerned.

111. In 2007, the Federal Council adopted a set of 45 measures. Prepared by 11 federal offices, they are aimed at facilitating the migrant population's access to the ordinary Swiss institutions. They address women in particular in priority areas such as language, employment and training, but also the development of urban districts and the improvement of the general environment.⁵⁶

112. In its report of 5 March 2010,⁵⁷ the Federal Council explained its intentions with regard to the evolution of the Confederation's integration policy. An integration plan is currently under preparation on this basis. The encouragement of integration in the ordinary institutions (labour market, health, vocational training, etc.) must be more firmly rooted in law and have a more binding character. The legislation on the ordinary institutions (vocational training, labour market, etc.) must be supplemented by provisions relating to the encouragement of integration. There should also be increased protection of foreigners against discrimination in order to enable them to become actors in their own right in economic and social activity. A dialogue on integration must also be conducted with the partners concerned; economy, migrants' organizations, etc. Consultations on a revision of the Foreigners Act have been under way since late 2011; the new provisions introduced in this area will have a direct and indirect impact on the integration of migrant women.

4.3.2 Measures taken and planned by the Confederation to encourage integration

113. The specific encouragement measures merely supplement the operation of the ordinary institutions; they must ensure the quality of the encouragement of integration provided by the institutions and fill existing gaps. Since 2001, the Confederation has devoted an annual amount of 16 million francs to integration measures forming part of priority action programmes. A variety of measures and programmes have been deployed or developed in this context in order to guarantee migrant women and men discrimination-free access to society. They are addressed to women in particular, and some of them are even entirely devoted to women.

114. The FOM's programme geared to the integration of foreigners (2008 to 2011)⁵⁸ promoted integration on the basis of the following essential foundations: (a) language and training; (b) services specializing in integration; (c) community mediation and interpreting services; and (d) pilot projects.

(a) Languages and training

115. Most resources are paid directly to the cantons under service agreements. The cantons report annually on the use of the funds and the activities they have subsidized. The financing of language and training courses is particularly beneficial to persons who do not have access to the ordinary facilities. These are mainly women, who form one of the principal target groups. Approximately half of courses and activities are aimed principally at women; 24.8 per cent of courses are reserved for women and only 1 per cent for men. Access to many training courses is easy and leads to the ordinary institutions (labour market, education system, urban district, etc.), for example through language courses associated with nursery services, mentoring programmes for young women, information on

⁵⁶ <http://www.bfm.admin.ch/content/bfm/fr/home/dokumentation/berichte/integration.html>.

⁵⁷ Report of the Federal Council on the evolution of the Confederation's integration policy, 5 March 2010, <http://www.bfm.admin.ch/content/dam/data/migration/integration/berichte/ber-br-integrpolitik-f.pdf>.

⁵⁸ Because of the Confederation's new approach to the encouragement of specific integration, the aim will be to extend the main features of the programme for 2008 to 2011 for a transitional phase of two years.

the education system, etc. Language learning offers adapted to migrant women and men have been further increased in recent years throughout the country, and their quality has improved.⁵⁹ There has, in particular, been progress in language learning among migrant women who have had no schooling, who display greater self-confidence in their everyday lives.

116. The integration of persons provisionally admitted to Switzerland and of persons who have been granted refugee status is dependent on finding work and learning a national language. The annual reports on the measures taken by the Confederation to encourage integration and their effects in the cantons.⁶⁰ List a number of activities relating to language knowledge, initial and further training, employment programmes, social integration and counselling offered; all these are addressed to persons of both sexes, but in some cases specifically to women.

(b) *Services specializing in integration*

117. At the cantonal level and in certain cities, the centres with competence for integration serve as a point of contact and coordination medium for migrants, communes and various departments, bureaux, organizations and private individuals who work as volunteers or professionally to facilitate integration. In recent years, the Confederation has supported about 30 of these centres, which perform very broad information work and networking, and maintain links of cooperation with the communes and ordinary institutions in the areas of education and social work. The centres serve as a useful resource for women, to whom some of the information they disseminate is specifically addressed.

(c) *Community mediation and interpreting services*

118. In addition, with the aim of encouraging integration, the FOM subsidizes 15 community interpreting centres, which are particularly useful for women who do not know the language well enough to make themselves adequately understood in numerous situations. These translation services are used if necessary in complex situations (hospitalization, parent-teacher talks, requests for information from an authority); this improves access to services and the understanding of institutions and structures. The demand for community interpreting is steadily increasing in the public services, particularly in the area of health, but also in social work and education.

Examples from the cantons receiving assistance from the federal encouragement programme

119. The canton of Geneva supports a training and counselling programme addressed specifically to women migrants possessing qualifications and helps them to gain access to employment in a proactive manner. Information meetings are held for this purpose and the participants are also invited to form networks which will help them to learn about the requirements of the sector which interests them. They are then better able to evaluate how to convert their skills into services or products. Launched in 2008, the programme aims to increase the number of qualified women of foreign origin working in the occupation for which they have been trained.

⁵⁹ In this connection, see the FOM's annual report for 2010 on the Confederation's encouragement of integration and its effects in the cantons, <http://www.bfm.admin.ch/content/dam/data/migration/integration/berichte/ber-integrfoerd-2010-f.pdf>.

⁶⁰ Ibid.

120. In the canton of Bern in 2011, the Kurdish cultural association in Biel/Bienne launched its information project for women, which disseminates information and provides assistance in the integration of the whole family. The information and discussions relate to subjects such as violence, available counselling, resource centres, education and partnership, and there are courses on the school system and the functioning of the State. These meetings are held on Wednesday afternoons and are intended for women in general and mothers in particular, but also for interested husbands; the training is sometimes given by outside specialists.

121. Mention should also be made of activities co-financed by many cantons (e.g. Bern, Geneva, Lucerne, Vaud) and communes (such as Zurich) without assistance from the Confederation, and which mainly or exclusively benefit foreign women (language courses, other courses and counselling on employment, preparing information on social integration, for example).

(d) *Pilot projects*

122. In addition, the FOM supports a number of innovative pilot projects in the context of its priority action programme. Since 2009, for example, it has subsidized early integration projects for children with migrant backgrounds, including 66 for the qualification of teaching personnel, the accessibility of parents and the development of concepts relating to the early motivation of children. In this connection, reference must also be made to the subsidization of assistance projects with visits to parents: the aim is to give migrant families equal-opportunity access to early-encouragement offers and to inform them about subsidized schools. The pilot projects include information and awareness-raising projects on forced marriage, a subject which is of more concern to women; they are addressed to young female and male migrants, but also to members of the professions concerned. A survey of relevant projects will be undertaken in 2012.

123. Although the priority activities provided for in the programme are addressed to all migrants, female and male, it must be emphasized that they very often have a specifically female dimension (language courses for women and children, etc.), notably with regard to training and employment.

124. The FOM has also been instructed by the Federal Council to prepare an “outline concept relating to the encouragement of language learning” for female and male migrants in Switzerland. The aim is to establish a mechanism, suitably adapted and of good quality, for the encouragement and monitoring of language learning, and to improve coordination between the various offices, the Confederation and the cantons. This “outline-concept” is already ready. Other aids for language learning and monitoring migrants’ ability to communicate are under preparation for 2012. The outline-curriculum and aids have been designed from the standpoint of the needs of female and male migrants and are therefore able to specifically meet their wishes.

125. A dialogue has been initiated between Muslims in Switzerland and the federal authorities following various political events. This has made it possible to analyse a number of questions and problems, to identify the common concerns of the Confederation and the Muslim population, and to outline measures that the Confederation can take in the fields within its competence. The relevant report was adopted by the Federal Council at the end of 2011.

126. With regard to the development of the Confederation’s integration policy, a number of practical new measures for the specific encouragement of integration should be reported, notably in the context of cantonal integration programmes:

- In the area of information and counselling, it is planned to distribute to all new arrivals information on the main aspects of life in Switzerland and assistance with

integration.⁶¹ It will thus be possible to inform them at a very early stage of the integration services geared to their situation. It will, in particular, be possible to give without delay information and support to persons arriving on the basis of family reunification, in other words, mostly women from countries outside the EU and EEA. The training and language learning programmes have proved very useful, but the report published in late 2009 on the measures to encourage integration deployed by the Confederation showed that women without schooling are more difficult to contact than other groups because they do not go out of the house so much. The first information transmitted the time of arrival of the person concerned will enable that person to be reached and supported in targeted fashion for the purposes of his/her integration. Swiss legislation on integration must evolve so as to ensure that new arrivals are informed not only of their rights and obligations but also, from now on, of the protection against discrimination which they enjoy. It is, for example, planned to transmit to organizations within the ordinary structures and other institutions concerned specific counselling and information on protection against discrimination. The existing services for assistance with integration and action against discrimination will receive increased training and assistance in this connection, in order that victims of discrimination due to their origin or race receive competent counselling and support. Since 2011, cantons have been analysing corresponding needs and the initial planning which they call for, in conjunction with the federal services concerned;

- In the field of education and employment, it is planned that support for language learning, and from now on (due to results achieved following the pilot projects) equal-opportunity access for migrant families to early-encouragement services, will form part of cantonal integration programmes and will receive intensive support;
- Community interpreting must be further encouraged for immigrants (in the commune and urban district, and in civil society organizations) with the aim of achieving better intercultural understanding and the integration of foreign women and men in the life of society.

4.4 Trends and measures deployed in certain areas

4.4.1 Equality between the sexes and action to combat stereotypes

127. As indicated in the previous reports on implementation of the CEDAW, Swiss law protects the person against discrimination on grounds of gender, origin or religious or political beliefs. Even where the legislation makes no explicit distinction between foreign women and foreign men, and even though there is practically no more discriminatory legislation on the criterion of gender, foreign women run a cumulative risk of discrimination by reason of their origin, their gender, and often their religion. Actual multiple discrimination has still been rarely researched, and there are very few statistical data on the subject; political deliberations and court decisions in cases of discrimination on grounds of gender inadequately reflect the particular conditions in which women of foreign origin find themselves in comparison with male migrants and Swiss women.⁶²

128. The public and other organizations which deal with equality between the genders are examining some of the particular difficulties faced by foreign women in Switzerland. First

⁶¹ The law does not, however, allow integration measures to be imposed on persons coming from EU or EEA countries.

⁶² Federal Commission against Racism, TANGRAM no 23 Multiple discrimination, June 2009, <http://www.ekr.admin.ch/shop/00008/00069/index.html?lang=fr>.

of all, there is domestic violence. The BFEG and cantonal organizations associated with action against domestic violence pay particular attention to the situation of foreign women who have come to Switzerland in the context of family reunification, because of the conditional nature of their residence permit. The federal, cantonal and communal organizations for the defence of equality between the sexes also regularly examine the discriminatory practices noted within certain groups of migrants against women, and which have often attracted the attention of the Swiss public in recent times (forced marriage, FGM), and the action which the Swiss authorities and public take in relation to the symbols of discrimination against women (headscarf, full veil). The Federal Commission on Women's Issues, which plays an advisory role vis-à-vis the Federal Council on questions of equality between the sexes, regularly expresses its opinions on the Council's draft legislation and policies relating to these issues, for example on implementation of the prohibition of forced marriage or FGM. The Commission has, in addition, adopted recommendations which mainly concern migrant women on arbitration between the demands of respect for the equality of the sexes and cultural and religious practices;⁶³ it recommends that "the wearing of the headscarf or any other garment that manifests the desire to discriminate against women or to exercise control over their sexuality should be prohibited in compulsory public schools". The Federal Commission against Racism, which plays an advisory role vis-à-vis the Federal Council on questions of racial discrimination, has expressed a contrary opinion in which it opposed prohibition of the wearing of the headscarf in public schools because of its dual discriminatory effect against Muslims (on grounds of religion and gender).⁶⁴

129. Sexual stereotypes in relations with women and men from foreign cultures are also found in Switzerland; they are covered by the equality policy, which seeks to combat them. The study entitled "*Femmes en migration*";⁶⁵ published in 2010 by the Federal Commission on Migration Issues (CFM), which plays an advisory role vis-à-vis the Federal Council, pays particular attention to the sexual stereotypes which are found in Switzerland in the media and in political debates on migration. The factual information and figures collected reveal that migrant women have certainly not always followed the professional and personal course which is generally attributed to migrants, especially women migrants. The life of foreign women is comparable to that of Swiss women, even though the women migrants encounter less favourable and more difficult conditions in many situations. But they are not always poor, uneducated, mothers of young children, incapable of speaking the language or lacking in job security. There are also some who have a very solid education, speak several languages, occupy managerial posts and even earn their living as the head of their own business. However, the media frequently portray them as victims (of their husband, of their culture, of contradictions between tradition and modernity, of the labour market) and very often also as poorly integrated.

130. In the wake of this study, the CFM recommended, in particular, that the clichés caricaturing foreign women as exploited and battered victims should be eradicated. It would be much better to develop their potential, but without neglecting the obstacles they have to overcome. The integration processes must be based on the heterogeneous needs of migrant women in a way that takes account of the multiple nature of their personal situations, regardless of their qualifications, potential and the problems of each woman. The CFM also finds that many migrant women form part of multiple transnational, relational networks,

⁶³ Cf. "Égalité des sexes et pratiques culturelles et religieuses – Prise de position de la Commission fédérale pour les questions féminines CFQF (juin 2010)", in Questions au féminin 1/2.2010, Droits des femmes-culture-religion, <http://www.ekf.admin.ch/dokumentation/00507/index.html?lang=fr>.

⁶⁴ <http://www.ekr.admin.ch/dokumentation/00143/index.html?lang=fr>.

⁶⁵ http://www.ekm.admin.ch/content/dam/data/ekm/dokumentation/materialien/mat_frauen_f.pdf.

and that working abroad often imposes extreme pressure on women who continue to assume family responsibilities in their homes. The legal status of groups of migrant women whose situation is particularly precarious should be improved.

131. The Federal Commission on Women's Issues took up the question of the role of the sexes and sexual stereotypes in its specialized annual publication "Questions au féminin". The November 2011 edition raised the question of the reasons why sexual stereotypes are still so firmly rooted in everyday life, and portrayed women and men who shatter preconceived ideas about the sexes in their work and in everyday life. The role of the new media and the use of the available media by young men and women are also critically illustrated.

4.4.2 Education and training

(For basic information, see CEDAW/C/CHE/3, paras. 256 et seq.)

132. The 2003 "Adult literacy and life skills survey"⁶⁶ measured the cognitive skills necessary for the management of everyday activities. It evinced no significant difference between the sexes with regard to the reading of a continuous text and competence in resolving problems. Men nevertheless achieved better results in simple arithmetic and in reading straightforward texts. In general, however, the results of migrants were less good than those of persons born in Switzerland in the four areas of competence; the gap was, however, considerably closer in migrants whose first language was that of their region of residence (German migrants in German-speaking Switzerland, for example). It was furthermore inversely proportional to the level of education and disappeared in persons with advanced training and whose first language was that of the region in which they were resident. The number of immigrants who had attained a level of education higher than that of their parents was lower than that for persons born in Switzerland; concomitantly, the proportion of persons less well trained than their parents was lower in persons born in Switzerland than among immigrants.⁶⁷

133. The number of foreign pupils in compulsory schooling mainly increased during the 1990s (by more than 38 per cent), then stabilized and subsequently declined as from 2004. Their proportion in the total number of pupils in compulsory schooling has remained relatively stable in recent years at about 25 per cent. Overall, the cultural heterogeneity of classes has increased in compulsory schooling, but not in the same way at all levels and in all categories of schools: in primary schools, the proportion of very heterogeneous sections has been steadily increasing since 1990, and there is no reason to expect a reversal of this trend in the near future. In secondary schools with basic requirements and schools with special teaching programmes there was a marked increase in very heterogeneous classes in the 1990s, but this has slowed and is now relatively stable. In secondary schools with more extensive requirements, this proportion remained unchanged for a long time and did not begin to increase appreciably until the beginning of the last decade.⁶⁸ The schools with basic requirements comprise approximately half of foreign pupils, but only a quarter of Swiss pupils. The proportions have been relatively stable since the early 1990s, irrespective of the origin of the pupils. There has, however, recently been a slight increase in the numbers of foreign pupils in classes with extensive requirements. The cultural diversity of

⁶⁶ OFS in collaboration with the University of Zurich's Centre for Competence in Evaluating Training and Knowledge and the P. Robert and Partners polling institute.

⁶⁷ http://www.bfs.admin.ch/bfs/portal/fr/index/infothek/erhebungen__quellen/blank/blank/all/01.html; données ventilées par sexes de l'enquête ALL 2003 en annexe (tableau 1).

⁶⁸ <http://www.bfs.admin.ch/bfs/portal/fr/index/themen/15/17/blank/01.indicator.403201.4023.html?open=1,104#104>.

classes varies widely according to the cantons; the urban cantons and the French-speaking cantons have a higher proportion of classes with a large number of pupils from other cultures.⁶⁹

134. Since 2003 there has been a clear difference between Swiss and foreign adolescents as regards school dropout rates: 5 per cent for the former, but 15 per cent to 25 per cent for the latter. That having been said, foreign pupils do not form a homogenous group, and so it would seem essential to break the figures down by nationality, immigration status and language, but also by gender. This is not possible on the basis of the Swiss survey of the active population.

135. The results of the most recent PISA study (2009) on the correlation between reading and migrant origin show that the latter factor has an impact mainly on first-generation migrant pupils. In Switzerland, where approximately 24 per cent of pupils originate from migration according to the study, only first-generation migrant pupils read less well than their non-migrant fellow pupils.⁷⁰ The results of young first and second-generation migrants have improved since 2000: in that year the PISA study gave them 86 points less than pupils without a migrant background (child and at least one parent born in Switzerland); this gap had narrowed to 48 points by 2009. This decrease of 38 points over nine years is statistically significant, especially since the proportion of pupils with a migrant background increased from 20.7 per cent to 23.5 per cent between the 2000 and 2009 studies. The improvement in the score of migrant pupils found by the 2009 study is not attributable, for example, to an immigration flow from countries speaking one of the Swiss national languages (such as Germany); the improvement is also found if account is taken of the language spoken in the home in the comparison of reading skills according to migrant origin. Activities to encourage reading therefore seem to have a particularly significant impact on the reading skills of migrant pupils.⁷¹

136. The Swiss universities, including the federal polytechnic schools, host foreign female undergraduate and graduate students and teachers. All foreigners who have reached the necessary level of education in principle have access to the universities. Foreign women in possession of recognized foreign degrees have the same access to graduate institutions as Swiss women and men (except in the disciplines with a quota such as medicine). The National Centre for Information on Academic Recognition Issues (Swiss ENIC)⁷² publishes information on the recognition of foreign degrees and prepares recommendations on the subject. Each university decides on the foreign degrees which it accepts. All in all, in Swiss university institutions 22.3 per cent of students achieved their university entrance level certificate abroad. This proportion is 12.5 per cent in the specialized graduate institutions.

137. The statistical data show that more Swiss nationals than foreigners pursue further training.⁷³ There are also differences between foreigners who completed their compulsory schooling in Switzerland or abroad: fewer of the former undertake further training than the latter (65 per cent as opposed to 71 per cent; 83 per cent for Swiss).⁷⁴ Swiss nationals more

⁶⁹ Ibid.

⁷⁰ PISA 2009: Schülerinnen und Schüler der Schweiz im internationalen Vergleich: erste Ergebnisse, p. 16, http://pisa.educa.ch/sites/default/files/20110114/pisa2009_de.pdf. Pour des documents en français: <http://pisa.educa.ch/fr/enquête-2009>.

⁷¹ PISA 2009: Schülerinnen und Schüler der Schweiz im internationalen Vergleich: erste Ergebnisse, pp. 32–33, http://pisa.educa.ch/sites/default/files/20110114/pisa2009_de.pdf. Pour des documents en français: <http://pisa.educa.ch/fr/enquête-2009>.

⁷² <http://www.crus.ch/information-programme/anererkennung-swiss-enic.html>.

⁷³ <http://www.bfs.admin.ch/bfs/portal/fr/index/news/publikationen.html?publicationID=3929>.

⁷⁴ <http://www.bfs.admin.ch/bfs/portal/fr/index/themen/15/17/blank/01.indicator.404105.4074.html>> tableau "Participation aux différents types de formation continue selon la nationalité" à télécharger.

frequently (54 per cent, i.e. 56 per cent for men and 51 per cent for women) opt for informal further training for or without professional reasons than foreigners, among whom these proportions are 32 per cent for persons educated in Switzerland (34 per cent for men and 29 per cent for women) and 37 per cent for persons educated abroad (38 per cent for men and 36 per cent for women). More Swiss nationals than foreigners pursue informal further training, whether or not they were educated in Switzerland or abroad.⁷⁵

138. Furthermore, more men than women undertake further training. Within the permanent resident population (Swiss nationals and foreigners), 82 per cent of men and 77 per cent of women have pursued at least one type of further training.⁷⁶ Men and women pursue different training objectives. Although both sexes mainly choose to pursue further training for professional reasons, many more women than men show an interest in non-professional further training; 18 per cent of them have pursued at least one further training course of this type, as opposed to only 10 per cent of men. The opposite is true for professional further training: 47 per cent of the resident male population have participated in at least one further training activity for professional reasons, as opposed to 37 per cent of the female population.⁷⁷ This pattern is found among both Swiss nationals and foreigners.⁷⁸

139. The measures deployed under the federal programme for equal opportunities for women and men in universities are in principle geared to Swiss women and foreign women working in higher education. That having been said, the programme does not indicate the nationality of female university assistants and professors. These activities cover various forms of mentoring projects, subsidies to universities recruiting female teaching personnel (both Swiss and foreign), and assistance in reconciling a university career with family life; support is given to couples where both are pursuing a career, mainly to foreign wives until now. Jointly financed crèches are open to all university personnel.

140. The Federal Office for Vocational Training and Technology has co-financed a number of integration projects for migrants, and particularly migrant women, in vocational training, such as further training activities of a vocational nature for migrant women, mentoring and coaching with a view to securing an apprenticeship post, contacts with parents, and awareness-raising campaigns aimed at vocational training students. Most of the many projects for the integration of disadvantaged young people in vocational training are also geared to migrant women and men, who constitute a significant proportion of the young people thus affected. Cantonal resource centres have been set up under the heading “Case management – vocational training” in order to provide personalized assistance to young people who encounter multiple problems.

141. The OFS is due to publish in 2012 the first indicators relating to education and training according to migratory status and gender, in the context of its proposed system of indicators of integration of the population with a migrant background.

4.4.3 Work and employment

142. The active populations in Switzerland, foreign and Swiss, differ in many respects as regards their respective structures. In the second quarter of 2010, foreign workers were generally younger: 55.2 per cent of them were aged under 40 as opposed to 42.1 per cent of

⁷⁵ <http://www.bfs.admin.ch/bfs/portal/fr/index/themen/15/17/blank/01.indicator.404105.4074.html>> tableau. For a breakdown between sexes and nationalities, refer to table in annex.

⁷⁶ <http://www.bfs.admin.ch/bfs/portal/fr/index/themen/15/17/blank/01.indicator.404105.4074.html>> tableau “Participation aux différents types de formation continue selon le sexe” à télécharger.

⁷⁷ <http://www.bfs.admin.ch/bfs/portal/fr/index/themen/15/17/blank/01.indicator.404105.4074.html>> tableau *But de la participation aux activités de formation non formelle* à télécharger.

⁷⁸ For a breakdown between sexes and nationalities, refer to table in annex.

Swiss. The proportion of women was appreciably lower among foreigners (39 per cent) than among Swiss (48 per cent).⁷⁹ Migrant women accounted for 10.5 per cent of the total working population in 2010. Part-time working is less common among foreigners than among Swiss: 23 per cent of employed foreign personnel were working part-time in the middle of 2010 as opposed to 37 per cent of Swiss. This difference is more marked among women (62 per cent of Swiss women as opposed to 45 per cent of foreign women).⁸⁰ In 2008, the unemployment rate was distinctly higher for people with a migrant background (5.7 per cent) than among the rest of the population (2.2 per cent), with clear differences between the sexes (2.8 per cent for men, 4 per cent for women; 7.2 per cent for migrant women and 2.5 per cent for the others).⁸¹ Many more women than men are affected by long-term unemployment, and migrant women are substantially more affected than others.⁸²

143. Most women engaging in a remunerated activity work in the service sector, which employed 74 per cent of working persons in 2008, including 39.6 per cent of women. Most migrant women work in the personal-service sector and the hotel-restaurant sector.⁸³ Some 28 per cent of employed migrant women are university graduates or have advanced vocational training; in the case of working Swiss women, this proportion is 24 per cent. By comparison, the proportion of migrants among employed graduates is 33 per cent. As regards formal training, migrant women are no less qualified than Swiss women,⁸⁴ and almost as many of the former occupy management posts as the latter.⁸⁵

144. An OECD report on the professional integration of second-generation foreigners shows that their integration in Switzerland compares well with the situation in other countries.⁸⁶

145. A number of measures to promote the vocational integration of foreign women have been taken or are planned in the context of the encouragement of integration (see 3.3.2 above and CEDAW/C/CHE/3, para. 342). Among the other activities undertaken by the Confederation, mention may be made of the following:

- The Swiss National Fund for Scientific Research is financing, in the context of the national programme of research on equality between men and women (PNR 60), a study aiming to provide an empirical answer to the question how the joint impact of gender and ethnic origin affects equality of opportunity in the labour market. Its results will, in particular, lead to the formulation of effective measures;
- The BFEG is subsidizing a number of encouragement and consultation-service projects which provide information, follow-up or further-training activities for qualified or unqualified migrant women in order to facilitate their integration in the Swiss labour market or their return to work.⁸⁷ A subsidy has, for example, been paid

⁷⁹ http://www.bfs.admin.ch/bfs/portal/fr/index/themen/01/07/blank/dos/la_population_etrangere.html.

⁸⁰ Ibid.

⁸¹ <http://www.bfs.admin.ch/bfs/portal/fr/index/themen/01/07/blank/dos2/02/07.html>.

⁸² Ibid.

⁸³ Rapport CFM *Femmes en migration*, 2009, p. 12, http://www.ekm.admin.ch/content/dam/data/ekm/dokumentation/materialien/mat_frauen_f.pdf, avec les données les plus récentes de l'enquête suisse sur la population active (ESPA).

⁸⁴ CFM, *Femmes en migration*, 2009, http://www.ekm.admin.ch/content/dam/data/ekm/dokumentation/materialien/mat_frauen_f.pdf.

⁸⁵ <http://www.bfs.admin.ch/bfs/portal/fr/index/themen/01/07/blank/dos2/02/02.html>.

⁸⁶ Liebig, T. et S. Widmaier (2009), "Children of Immigrants in the Labour Markets of EU and OECD Countries: An Overview", *OECD Social, Employment and Migration Working Papers*, n° 97, OECD Publishing, <http://dx.doi.org/10.1787/220823724345>.

⁸⁷ www.topbox.ch.

since 2011 for a further training programme aimed at enabling foreign women and men who possess strong social skills and the requisite level of education to be admitted to vocational training as care and assistance workers with a federal vocational training certificate (AFP). The BFEG also finances the broadcasting on French-speaking Swiss television of information for foreign women on equality between women and men in the workplace in order to facilitate their access to work; this information is also available on the Internet. Mention should also be made of mentoring programmes through which working Swiss women individually advise migrant women with professional training or experience comparable to their own; this activity is of particular benefit for foreign women with a good level of training;

- The State Secretariat for the Economy has in recent years deployed a number of measures to promote employment among foreign women and men. Since 2009, intercultural competence has been an essential requirement of advisers in regional employment offices, with the result that over 90 per cent of them have now received further training on intercultural issues. Since foreigners' access to "starting work grants" (AITs) has been facilitated following an amendment of the relevant legislation, the number of foreigners benefiting from it increased in 2010. The guidebook encouraging language learning with a view to facilitating employment now exists in German and French; implementation of the model underlying it had been achieved in varying degrees in the cantons by 2010.

4.4.4 Health

(For basic information, see CEDAW/C/CHE/3, paras. 367 et seq.)

146. The first survey of the health of the migrant population was conducted in 2004 in the context of the National Migration and Health Programme in order to determine inequalities between migrants and non-migrants in Switzerland in this respect. A further survey was undertaken in 2010: 3,000 persons of foreign nationality (Portuguese, Turks, Kosovars, Serbs, Sri Lankans and Somalis) or recently naturalized persons gave information on various aspects of their health. This was not a representative sample of the migrant population, but the groups chosen provide a good example of the state of health and living conditions of migrant women and men.

147. The results were published in September 2011.⁸⁸ They show that migrants of both sexes who have been in Switzerland for a short time suffer less often from long-term health problems than the comparable Swiss population. However, it is common knowledge that it is mainly people in good health who venture to undertake migration ("healthy migrant effect"). The situation changes with age and length of stay in Switzerland: the state of health of the migrant population declines more and more sharply by comparison with that of the Swiss population. Within the migrant population, women have more health problems than men, and this discrepancy between men and women increases with age. There are also differences between the migrant group and the Swiss population with regard to health-related behaviour: tobacco use is appreciably greater among male migrants than among Swiss men; among women, the discrepancies are less systematic at this level between migrants and Swiss. There is little difference between the two populations with regard to use of medical care. Further research is, however, necessary in order to shed light on the causes of inequalities in health.⁸⁹

⁸⁸ <http://www.bag.admin.ch/themen/gesundheitspolitik/07685/12533/12535/index.html?lang=fr>.

⁸⁹ Cf. data on state of health, psychological distress, feeling of loneliness, importance attached to diet and weight, physical disorders, medical consultations, days of hospitalization and category of hospitalization covered by the health insurance for the Swiss and migrant population in table 8 in

148. Unlike what has been done in other countries, researchers have not really taken account of nationality or origin in their past studies on pregnancy and childbirth. A new study⁹⁰ finds that in Switzerland pregnancy goes less well for migrant women than for Swiss women. An examination of civil-registry statistics has shown poor results for most of the available indicators (weight of newborn, postnatal and infant mortality) for certain nationalities (e.g. Turkey, Sri Lanka and certain African countries). These data also yield figures for pre-term births, Caesareans and transfers to neonatal intensive care. Lastly, the analysis reveals a mortality rate four times higher among foreign mothers than among Swiss mothers. However, it is not known why the state of health of mothers and children from foreign communities is less good or what needs to be done to effectively remedy this situation.

149. The National Migration and Health Programme (2008 to 2013)⁹¹ undertaken by the OFSP promotes equality of opportunity for migrant women and men in health matters and is helping to reduce avoidable inequalities in this area. The measures listed below are improving the access of migrant women (and men) to health care:

- A number of hospitals are due to become centres of competence for the reception of migrant women and men under the Migrant-friendly Hospitals Project. A fund totalling some 2 million francs is helping hospitals to design and implement strategies for strengthening the transcultural skills of their personnel, optimizing the use of professional community interpreters, improving the quality of treatment offered to the migrant population and eliminating obstacles to access to care;
- The OFSP is preparing for use as from the early summer of 2012 an online learning tool for health professionals. Known as “Diversity and quality”, it will be offered in German, French and Italian and will assist doctors and other carers in improving their communication with patients from different sociocultural backgrounds, and thus the quality of their care;
- The OFSP is supporting the training of community interpreters, and the quality assurance and use of community translation in the field. Since 2011 it has been financing a national community telephone interpreting service in the health sector. By improving communication, community translation helps, in particular, to eliminate obstacles to access to care and to improve the quality of treatment;
- Migrant women and men from disadvantaged backgrounds, who are ill informed about health matters and have a low level of education, are often particularly exposed to health problems. They are, moreover, insufficiently covered by traditional health promotion and prevention campaigns. The OFSP is for this reason financing work aimed at ascertaining whether the cantonal activities of this type successfully cover the migrant population; through this work it will be possible to propose means of remedying identified shortcomings;
- The Swiss Guide to Public Health, which has been translated into 18 languages, informs female and male migrants about the functioning of the Swiss health system and is intended to improve their access to prevention and care;
- The OFSP has launched and finances an Internet portal which promotes the preparation, translation and dissemination of information intended for female and male migrants in the area of health: migesplus (www.migesplus.ch) offers a variety

annex (Various aspects of health and recourse to health care by nationality and sex).

⁹⁰ Bollini Paola, Fall Sarah, Wanner Philippe (2010): *Vers un système intégré d'indicateurs de la santé maternelle et infantile auprès des collectivités d'origine étrangère en Suisse.*

⁹¹ www.miges.admin.ch.

of material in the migrants' languages, notably on subjects relating to women's and children's health.

150. The cantons also engage in a very large number of activities in this field, since many aspects of the promotion of health fall within their areas of responsibility.

4.4.5 Social security

(For basic information, see CEDAW/C/CHE/3, paras. 298 et seq.)

151. Federal legislation on old-age and survivors' insurance, invalidity insurance and supplementary benefits establishes different regimes for Swiss nationals and foreigners. The Federal Old-Age and Survivors' Insurance Act (AVS) stipulates that foreign nationals and their survivors who do not possess Swiss nationality are entitled to an income only for as long as they have their domicile and habitual place of residence in Switzerland (non-exportable income). Foreign women and men originating from a State with which Switzerland has not concluded an agreement on social insurance in this sense may, however, apply for reimbursement of the contributions they have paid to the AVS if they live abroad. As regards benefits from the invalidity insurance (AI), the rules are the same with regard to the export of income for foreigners, who are in fact entitled to rehabilitation measures only in certain cases. Lastly, foreigners are entitled to the supplementary AVS and AI benefits only if they have lived continuously in Switzerland for the previous 10 years, a condition which does not apply to Swiss nationals. These restrictions do not apply in any way to nationals of EU and EEA countries, and apply only in part to foreigners covered by specific international social security agreements (i.e. about 90 per cent of the foreign population resident in Switzerland).

152. Health insurance is obligatory for all persons living in Switzerland, regardless of their residence status or nationality. The accident assurance is also obligatory for all wage earners in Switzerland. The official statistics make no distinction between Swiss and foreign insured persons. A 2002 directive issued by the Federal Social Insurance Office imposes on health insurance companies the obligation also to insure undocumented foreigners actually living in Switzerland. The OFSP has commissioned (in response to Heim Bea proposal 09.3483) a study of undocumented persons' conditions of access to care and health insurance. The corresponding report will probably be adopted by the Federal Council in 2012.

153. With regard to unemployment insurance, the current aim is to gradually establish a procedure for the control of equality of opportunity. This could first mean collecting information on equality in the implementation of unemployment insurance, in order to determine possible improvements on this basis.

154. The Federal Constitution (art. 12) establishes the right to obtain assistance in situations of distress, in other words, the effective right to be helped and assisted and to receive the essential means to lead an existence consistent with human dignity. Regardless of their nationality, women like men are eligible for social assistance benefits (based on article 115 of the Federal Constitution) and emergency assistance (based on article 12 of the Federal Constitution), but this right depends on their residence status. Social assistance and emergency assistance for rejected asylum seekers are the responsibility of the cantons; the Asylum Act defines the conditions for the grant of emergency assistance.

5. Conclusion

155. This interim report shows that, since 2009, the Confederation and most cantons have played an active part in action to combat violence against women and discrimination against migrant women. The most significant improvements have been in the field of action

to combat domestic violence, forced marriage, FGM and human trafficking. The integration of foreigners also constitutes a major facet of action by the public authorities, who have shown themselves to be particularly active in the areas of training, health and employment.

156. Despite these efforts and this progress, Switzerland is aware that it still has a lot to do in these two areas in particular. Regarding violence against women, the aim is, in particular, to strengthen prevention measures and to examine the practice of the judicial authorities concerning the enforcement of the new criminal provisions on the subject. As to the particular situation of migrant women, the aim is to increase their integration in the labour market, to eliminate discrimination in the areas of training and employment, and to combat gender stereotypes directed against the foreign population.
