

Statement for the UPR Info Pre-session by
SEXUAL HEALTH Switzerland and the Sexual Rights Initiative

Thank you to UPR Info and other panellists

I make this statement on behalf of SEXUAL HEALTH Switzerland and the Sexual Rights Initiative and it will focus on the following 5 issues:

1. Discrimination against LGBTI persons
2. Gender based violence
3. Human trafficking and sexual exploitation
4. Barriers to migrant women's sexual and reproductive health
5. Inequalities in relation to access to comprehensive sexuality education for children and adolescents

So let's have a quick look at these 5 issues: First:

1. Discrimination against LGBTI persons

In Switzerland's last UPR, 12 countries made recommendations calling for the adoption of comprehensive anti-discrimination legislation. Switzerland categorically rejected all recommendations that called for new comprehensive legislation and accepted only those that suggested non-legally binding measures. Canada also recommended that Switzerland take measures to expand the provision of the Criminal Code on hate speech to include on other grounds, including on sexual orientation. Again, this recommendation was rejected.

In 2015 a comprehensive study was undertaken by the Swiss Centre of Expertise in Human Rights, under the mandate of the Federal Council which identified considerable protection gaps and legal deficits related to discrimination of LGBTI persons, including in regards to hate speech.

The Human Rights Committee included the issue of discrimination based on sexual orientation and gender identity in its concluding observations just 2 months ago and recommended that Switzerland adapt its legislation. The Committee also raised intersex persons human rights, recommending inter alia that Switzerland take all measures to ensure intersex persons are not subjected to unnecessary surgical procedures and that the recommendations of the Swiss National Advisory Commission on Biomedical Ethics be implemented.

Aside from these, we recommend that Switzerland:

1. develop and implement a comprehensive action plan to effectively combat discrimination based on different grounds, including on sexual orientation and gender identity
2. to close the gaps in legal protections, by adopting new and/or adapting existing legislation at the federal and cantonal levels.

2. Gender based violence against women

During its last UPR, Switzerland accepted several recommendations relating to combatting gender based violence, including domestic violence¹. And while Switzerland has made some progress, official statistics clearly demonstrate that it remains a big problem and that efforts need to be scaled up: In 2015, the police registered 17'297 offences relating to domestic violence. CEDAW raised concerns about these high levels of violence in 2016 as did the Human Rights Committee this August. Both committees voiced concern about the low prosecution and conviction rate of perpetrators and the situation of migrant women.

¹ Recommendations 123.36 of Spain and 123.37 of Russian Federation

We, therefore, recommend that Switzerland implement the recommendations of both CEDAW, and the CCPR. Specifically, we recommend that Switzerland:

- a) Intensify efforts to combat gender based violence and adapt legislation, including, the Federal law on victim support, to ensure that all victims, including migrant and refugee women, receive the assistance they need.
- b) Develop and implement a national action plan to combat gender-based violence, including domestic and sexual violence, and stalking with special attention being paid to minority women and to ensure that adequate human, technical and financial resources are allocated.

3. Human trafficking and sexual exploitation

In its last UPR, Switzerland accepted all 12 recommendations relating to combatting human trafficking. Despite efforts by the government to do so – including through the adoption of a National Action Plan against trafficking in human beings - there is still a big gap in regards to the Plan's implementation. This is largely because Swiss Cantons are free to decide on such measures themselves. Again, this concern was raised by the Human Rights Committee who recommended the allocation of resources to implement the national action plan, and also to intensify efforts to identify victims of human trafficking.

We support these recommendations and in addition, invite Switzerland:

1. to monitor the impact of the National Action Plan, ensure it contains compulsory standards and is implemented uniformly and comprehensively across all cantons
2. develop and implement a comprehensive victim protection programme that provides support, rehabilitation and integration to all victims of human trafficking; and,
3. strengthen measures to identify and provide support to women at risk of trafficking, in particular migrant women and unaccompanied girls.

In addition to these 3 topics, we have two more, which we raised in 2012 but were not included by States as recommendations. We hope you will be able to consider them this time as they remain areas of serious concern:

4. Barriers to migrant women's access to sexual and reproductive health

The right to sexual and reproductive health is an integral part of the right to health. Switzerland provides, in general, good quality and accessible SRH services. Health insurance is mandatory and covers a broad range of services. However, there are barriers related to access to contraception which are not covered by health insurance and social benefits do not include the costs for contraception.

Studies and data reveal that not all persons living in Switzerland have equal access to health care, and that services are not equally accessible for all population groups. A survey by the Federal Office of Public Health found that the health of migrants is on average significantly poorer than that of the non-migrant population. This especially concerns the health of migrant women in relation to maternal mortality, infant mortality, birth complications and abortion. There are also barriers faced by refugee women when it comes to accessing SRH services, including counselling and it should be noted that many Cantonal family planning centres have reported a recent upsurge in refugee women visiting the centres.

As such, and in order to improve access to SRH services we recommend:

1. The adoption of a comprehensive national strategy on sexual health and rights, so as to promote

sexual health in a comprehensive way and in accordance with international standards.

2. Adopt a National Action Plan that ensures available, accessible, acceptable and quality (AAAQ) sexual and reproductive health services for different population groups including young people, migrants and refugees.

The final issue I want to address is the:

5. Inequalities in relation to access to CSE for children and adolescents

In Switzerland, there remains gaps and disparities in the quality of comprehensive sexuality education that is taught, and this varies from canton to canton.

The CESCR committee criticized Switzerland in 2010 stating that sexuality education and measures to promote sexual and reproductive health were inadequate. It recommended the adoption of concrete programmes on sexuality education and sexual and reproductive health be included in the school curricula. Similarly, last year CEDAW expressed concerns regarding disparities in the teaching of age-appropriate sexual education across cantons and the resulting risk of teenage pregnancies.

We request that Switzerland adopts the recommendations of both CESCR and CEDAW, and in addition:

1. Ensure all children have equal access to comprehensive sexuality education based on WHO-standards.
2. Develop, together with professional associations, educational institutions and the cantons a strategy and a National Action Plan to implement comprehensive sexuality education programmes based on WHO standards throughout Switzerland
3. To ensure that comprehensive sexuality education is included in the school curricula of all cantons