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Committee on the Elimination of Discrimination against Women

Concluding observations on the combined fourth and fifth periodic reports of Switzerland*

1. The Committee considered the combined fourth and fifth periodic reports of Switzerland (CEDAW/C/CHE/4-5) at its 1445th and 1446th meetings, on 2 November 2016 (see CEDAW/SR/1445 and 1446). The Committee's list of issues and questions is contained in CEDAW/C/CHE/Q/4-5 and the responses of Switzerland are contained in CEDAW/C/CHE/Q/4-5Add.1.

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CEDAW/C/CHE/CO/4-5

Marriage and family relations

48. The Committee is concerned that its previous recommendations to better redress gender disparities and economic disparities ("shortfalls") upon divorce were not followed, and that the amended Child Maintenance Act had not introduced a federal scheme of deficit sharing and a minimal contribution to child maintenance, as a result, child maintenance is determined only to the extent that the person duty bound to pay such maintenance is financially able to pay. It is further concerned that the default rule of joint parental authority and preference of shared custody may lead to a reduction of child maintenance orders with no mechanism to ensure that shared custody is indeed practiced, and reflects the reality of time and cost allocation between parents. The Committee is further concerned at the lack of information on the impact of the current pension system on divorced low income couples, particularly in relation to the potential risk they face of falling into poverty in old age.

49. **The Committee recommends that the State party:**

(a) **Take the necessary measures to redress gender disparities and economic disparities ("shortfalls") upon divorce;**

(b) **Amend the Child Maintenance Act to introduce a federal scheme of income deficit and ensure that the shortfall in income be equally distributed between parents and ensure that a minimal contribution to child maintenance is applied;**

(c) **Establish a monitoring mechanism to ensure that shared custody is practiced and that child maintenance orders reflect the reality in relation to the time and cost allocation between parents; and**

(d) **Develop a study, to be conducted by scientific experts and relevant women's NGOs, to analyse the impact that the current pension system has on low income couples to fall into poverty.**

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