



International
Labour
Office



THE STATE OF APPLICATION OF THE PROVISIONS
FOR SOCIAL SECURITY OF THE INTERNATIONAL
TREATIES ON SOCIAL RIGHTS RATIFIED BY

Switzerland

ILO
TECHNICAL
NOTE

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The information and data contained in the Technical Note is taken from the Government reports, on-line databases of the National Statistical office, official web-sites of the government departments, MISSCEO, MISSOC, SSI, ILOSTAT and EUROSTAT.

List of international abbreviations:

CAS	Committee on the Application of Standards, International Labour Conference
CEACR	Committee of Experts on the Application of Conventions and Recommendations
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CESCR	Committee on Economic, Social and Cultural Rights
COE	Council of Europe
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
ECSR	European Committee of Social Rights
ECSS	European Code of Social Security
ESC	European Social Charter
EU	European Union
EUROSTAT	Statistical Office of the European Union
GC	Governmental Committee of the European Social Charter and European Code of Social Security
ICESCR	International Covenant on Economic, Social and Cultural Rights
ILS	International Labour Standards
IMF	International Monetary Fund
MISSEO	Mutual Information System on Social Protection of the Council of Europe
MISSOC	Mutual Information System on Social Protection
OECD	Organisation for Economic Co-operation and Development
SSI	Social Security Inquiry

National abbreviations:

LAI	Federal Invalidity Insurance Act
LAA	Federal Accident Insurance Act

*CHAPTER I. Adequacy of social security
benefits: income and poverty indicators and
standards*

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Country profile by Eurostat indicators, National indicators and ILO minimum standards

<u>Eurostat</u>	EU-Avg 2013	2005	2012	2013	2014
At-risk-of-poverty threshold (40%, single person)	€ 462.3		€ 1313.6	€ 1359.7	
At-risk-of-poverty threshold (50%, single person)	€ 577.8		€ 1641.9	€ 1699.7	
At-risk-of-poverty rate - 50%, before social transfers	19.5%		16.5%	15.8%	
At-risk-of-poverty rate - 50%, after social transfers	10.2%		9.6%	8.1%	
At-risk-of-poverty rate for children under 18 y.o. - 50% thrd	12.4%		10.0%	7.0%	
In-work poverty rate - 50% threshold	5.2%		4.4%	3.8%	
At-risk-of-poverty rate for pensioners - 50% threshold	6.0%		19.7%	18.3%	
Aggregate replacement ratio	55%		41%	41%	
Severe material deprivation (% of total population)	9.6%		0.8%	0.7%	
Persistent at-risk-of-poverty rate - 50% threshold	5.2%				
Social protection expenditure as % of GDP	25.0%	27.2%	27.7%	28.4%	
Gini coefficient before social transfers	36.1%		33.0%	33.1%	
Gini coefficient after social transfers	30.5%		28.8%	28.5%	

<u>National indicators</u>			
Minimum income - <i>Geneva</i>	€ 1154.6	CHF 1406.7	2014, Established by the Law 8453 of the Canton of Geneva
Absolute poverty threshold	€ 1825.3	CHF 2200 .0	2012, Federal Statistical Office,
Absolute poverty rate	7.7 %		2012, Federal Statistical Office
Minimum pension	€ 926.6	CHF 1170.0	2013, Federal Social Insurance Office
Average wage	€ 5710.7	CHF 7030.5	2013, United Nations Economic Commission for Europe
Average state pension	€ 1668.9	CHF 1852.0	2013, Federal Social Insurance Office

<u>Government Report under the ECSS submitted in 2015</u>				
Standard benefits amounts to be provided in the detailed report 2016.				
The Office refers to the Technical Note prepared in 2014 :				
Reference wage (skilled worker)	<u>Article 65-6b</u> : metallurgical industry	€ 4097.4	CHF 6187.6	2009
Reference wage (unskilled worker)	<u>Article 66-4b</u> : metallurgical industry	€ 3406.3	CHF 5143.5	2009
Standard old-age pension	<u>Skilled worker</u> , CHF 40176 per year	€ 2217.2	CHF 3348	2009
Replacement rate Man with wife of pensionable age	The replacement rate for the case of revenues' « splitting »	54.1%		2009

Fig. 1. Income and poverty - single person, 2013

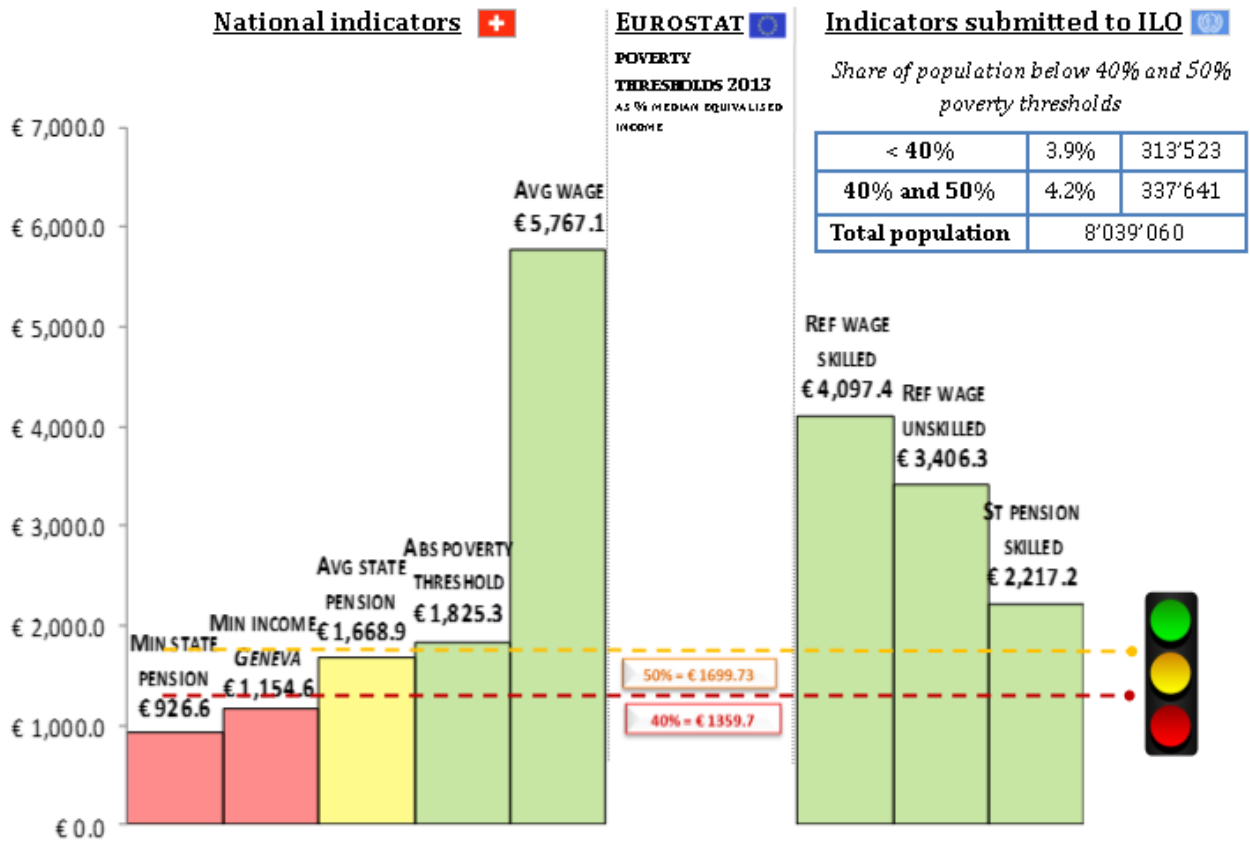


Fig. 2. Structure of population in poverty (Eurostat poverty threshold of 60%) by the most frequent employment status, 2013

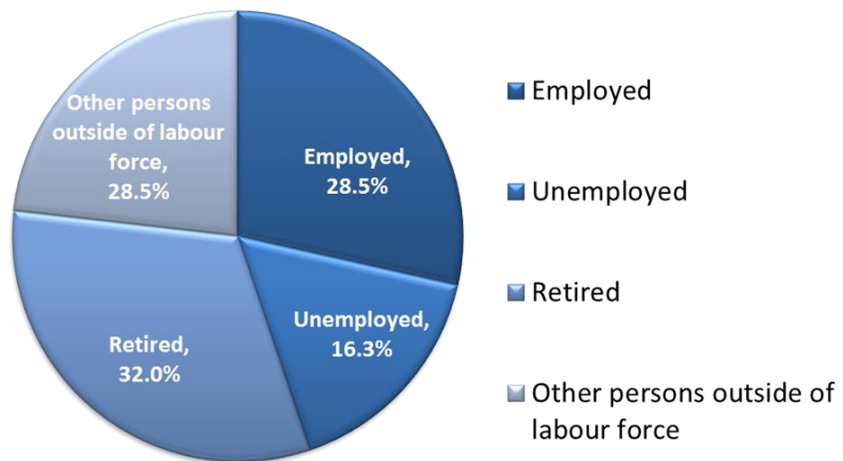
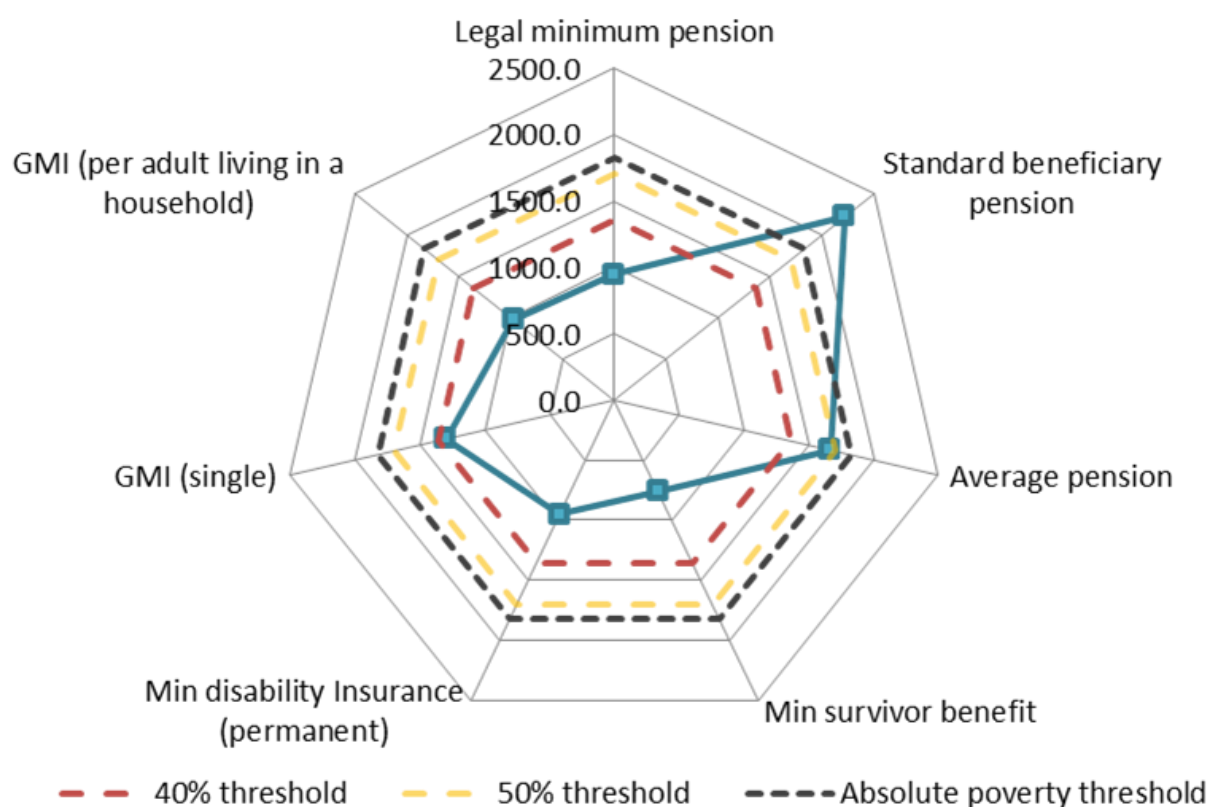
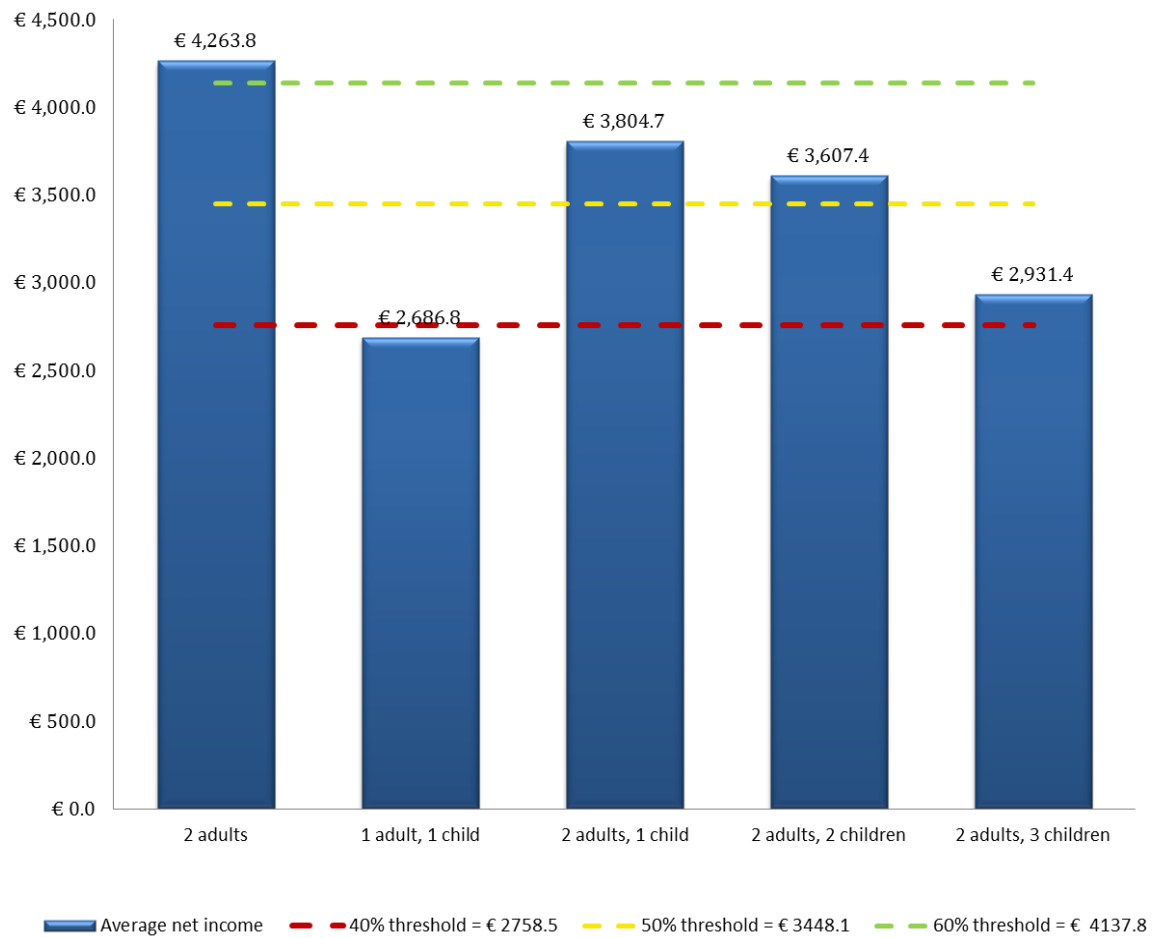


Fig. 3. Social benefits in comparison to Eurostat 40% and 50% poverty thresholds and national social protection floor, 2013



Benefits/payments	Amount per month	Sources
Minimum wage	-	-
Legal minimum pension	€ 951.0	MISSOC, 2014
Standard beneficiary pension	€ 2217.2	Pension for average case worker, Government Report 2014
Average pension (state)	€ 1668.9	Federal Insurance Service, 2013
Survivor benefit	€ 761.0	MISSOC, 2014
Unemployment insurance benefit (UI - 3 months)	-	-
Maternity insurance benefit	-	-
Disability Insurance (permanent)	€ 951.0	MISSOC, 2014
GMI (single)	€ 1300.8	MISSOC, 2014
GMI (per adult living in a household)	€ 975.6	MISSOC, 2014
At-risk-of-poverty threshold, 40%	€ 1359.7	Eurostat, 2013
At-risk-of-poverty threshold, 50%	€ 1699.7	Eurostat, 2013
Absolut poverty threshold	€ 1825.3	Federal Statistical Office, 2012

Fig. 4. Income and poverty indicators by type of household, 2012



(at-risk-of-poverty thresholds for the household with 2 adults and 2 children)

Household composition	Average net income	At risk of poverty rate (60% threshold)
2 adults	€ 4263.8	13.9 %
1 adult, 1 child	€ 2686.8	28.3 %
2 adults, 1 child	€ 3804.7	11.0 %
2 adults, 2 children	€ 3607.4	11.0 %
2 adults, 3 children	€ 2931.4	27.1 %

Fig. 5. Comparison of monthly wages and pensions (40% replacement rate) to the Eurostat thresholds in 2013-2014, by decile

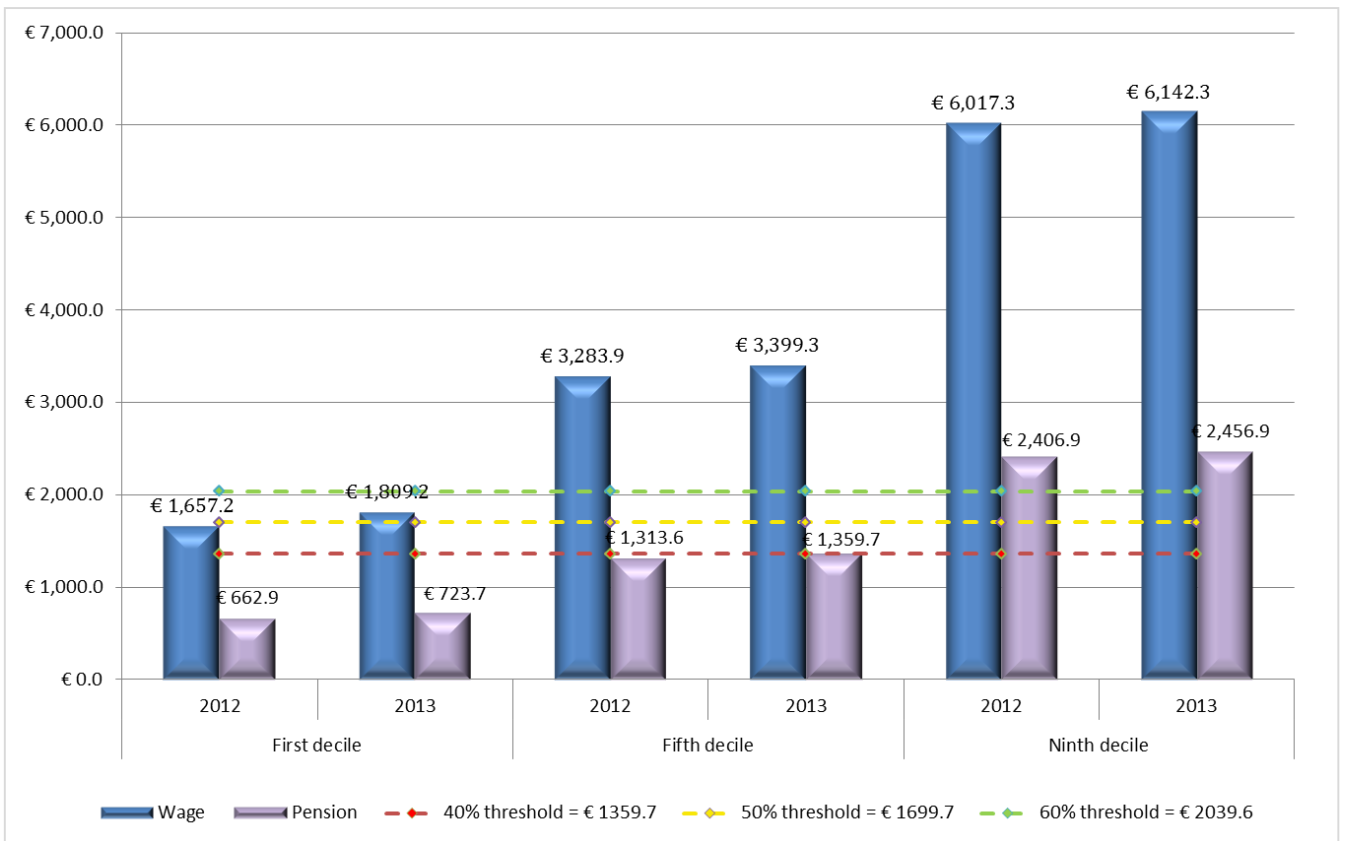
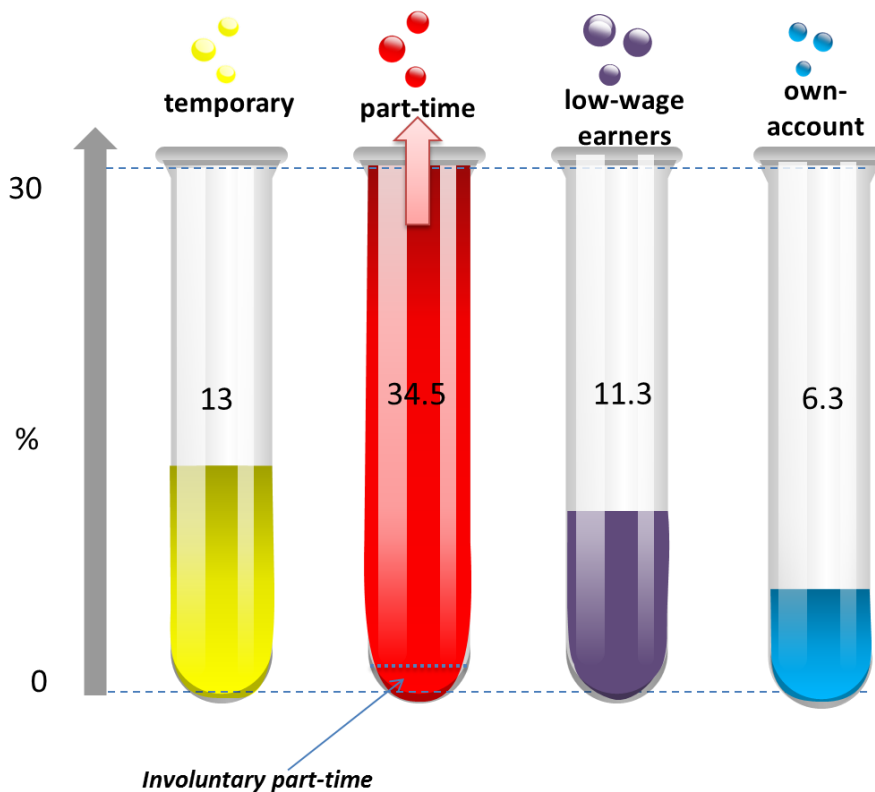


Fig. 6. Test on precarious employment: share of employed population by different job security situation, as % of total employment, 2012



Social security and reduction of poverty.

Extracts from the 2015 Government report on the European Code of Social Security.

Des mesures de lutte contre la pauvreté parmi les catégories de la population et de ménages les plus touchées.

La Suisse dispose tout d'abord d'un système de sécurité sociale efficace et solide. L'assurance des soins (**AOS**) et le régime de base des pensions (1er pilier, assurance-veillesse et survivants et assurance-invalidité, **AVS/AI**) sont universels : ils couvrent toute la population résidente en Suisse. Les prestations complémentaires à l'AVS et à l'AI (**PC**) viennent compléter les pensions lorsque ces dernières et les éventuels autres revenus ne permettent pas de couvrir les besoins vitaux. Les personnes âgées, les survivants et les handicapés doivent en effet disposer de ressources suffisantes pour leur assurer la couverture des besoins vitaux. Des institutions d'utilité publique comme Pro Senectute, Pro Infirmis et Pro Juventute fournissent aussi des prestations en espèces à celles et ceux qui en ont besoin. L'assurance-chômage (**AC**) et l'assurance-accidents (**AA**) couvrent tous les salariés. Le régime professionnel des pensions (2e pilier, prévoyance professionnelle vieillesse, survivants et invalidité ; **PP**) couvre à titre obligatoire les salariés pour une certaine tranche de salaire (seuil d'accès et salaire assuré maximum). Les prestations en nature en cas de maternité sont servies par l'AOS, tandis que les allocations de maternité sont versées aux femmes salariées et indépendantes par le régime des allocations pour perte de gain (régime **APG**). Le régime d'allocations familiales (**AF**) couvre les salariés et les indépendants ainsi que les personnes sans activité lucrative dont les ressources ne dépassent pas 42'300 francs/an.

La personne qui n'a pas ou plus droit aux prestations de sécurité sociale ou dont les prestations de sécurité sociale sont insuffisantes peut par ailleurs demander des prestations de l'aide sociale. Celle-ci relève de la compétence des cantons, l'exécution étant généralement déléguée aux communes. Les régimes d'aide sociale varient donc d'un canton à l'autre, voire d'une commune à l'autre. Toutefois, la Conférence suisse des institutions d'action sociale (CSIAS) [*association professionnelle composée de représentants des communes, des cantons, de la Confédération et d'organisations privées du domaine social*] publie des recommandations – les "normes CSIAS" – à l'intention des autorités sociales des cantons, des communes, de la Confédération et des institutions sociales privées. Elles ne sont pas contraignantes, mais elles servent de référence et sont largement reprises et appliquées par les cantons, ce qui contribue à une certaine harmonisation.

Nous pouvons encore signaler que la Suisse a mis en place en 2014 un *Programme national de prévention et de lutte contre la pauvreté*. Avec ce programme, la Confédération entend renforcer l'efficacité des mesures de prévention et de lutte contre la pauvreté existantes et faire en sorte qu'elles soient mieux coordonnées. Elle veut aussi resserrer les liens entre les différents acteurs du domaine. Le programme s'articule ainsi autour des trois axes prioritaires : l'élaboration de bases et de bonnes pratiques sur les approches et les stratégies existantes ; l'expérimentation de nouvelles approches ayant valeur d'exemple ; la mise en réseau et l'information des acteurs.

[Pour un aperçu des prestations du régime suisse de sécurité sociale, voir les *Tableaux synoptiques concernant la sécurité sociale suisse*, état au 1.1.2015 : <http://www.bsv.admin.ch/themen/internationales/aktuell/index.html>.

Normes CSIAS : <http://csias.ch/les-normes-csias/>

Site du Programme national de prévention et de lutte contre la pauvreté : <http://www.contre-la-pauvrete.ch/home/>]

CHAPTER II. Selection of the Article 65, 66 or 67 under C102/ECSS and determination of the Standard Reference Wage used for calculating the replacement level of benefits

- [Fig. 1. Article 65: Type of social security schemes and method of benefit calculation](#)
- [Fig. 2. Article 66: Type of social security schemes and method of benefit calculation](#)
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Fig. 1. Article 65: Type of social security schemes and method of benefit calculation

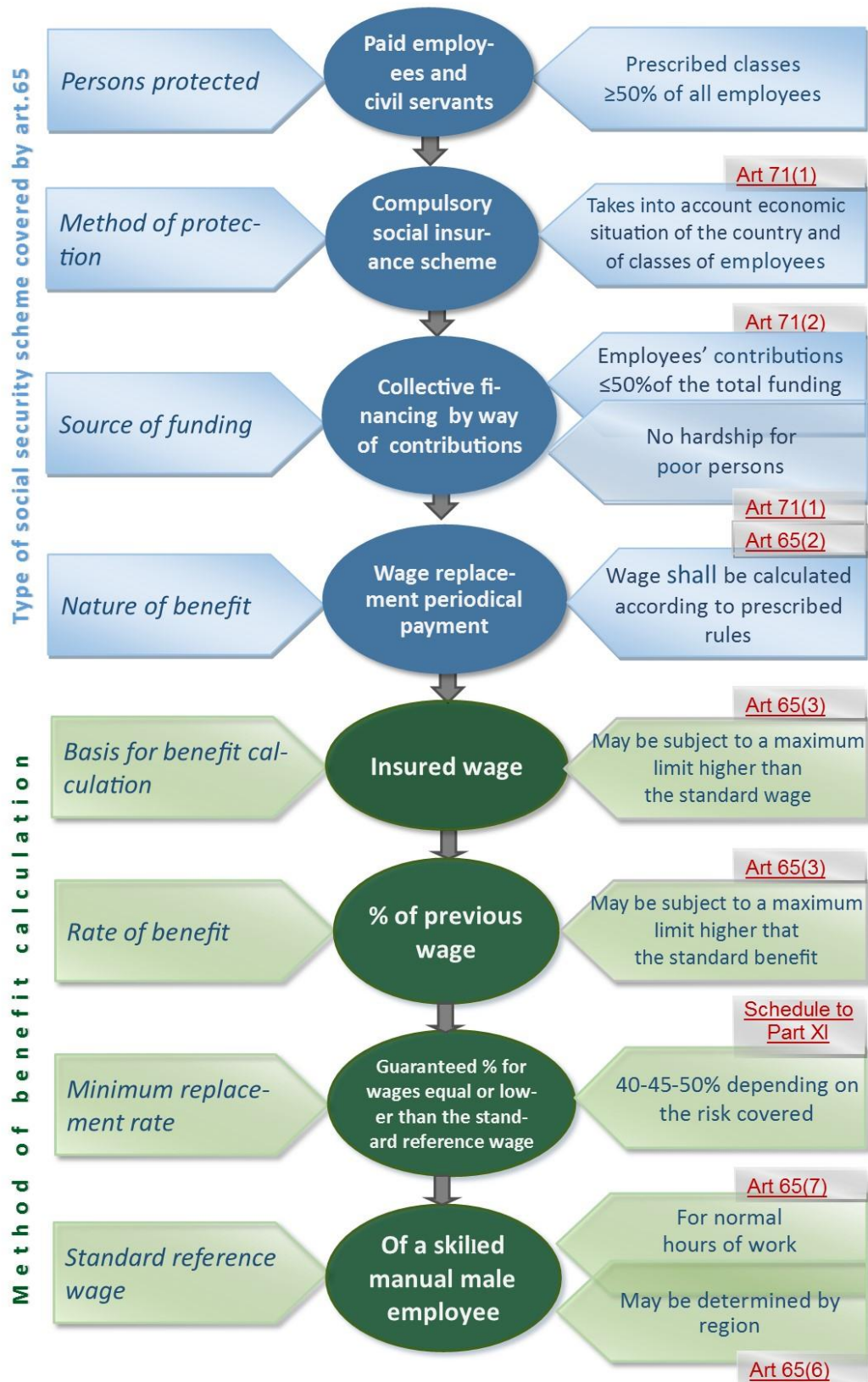


Fig. 2. Article 66: Type of social security schemes and method of benefit calculation

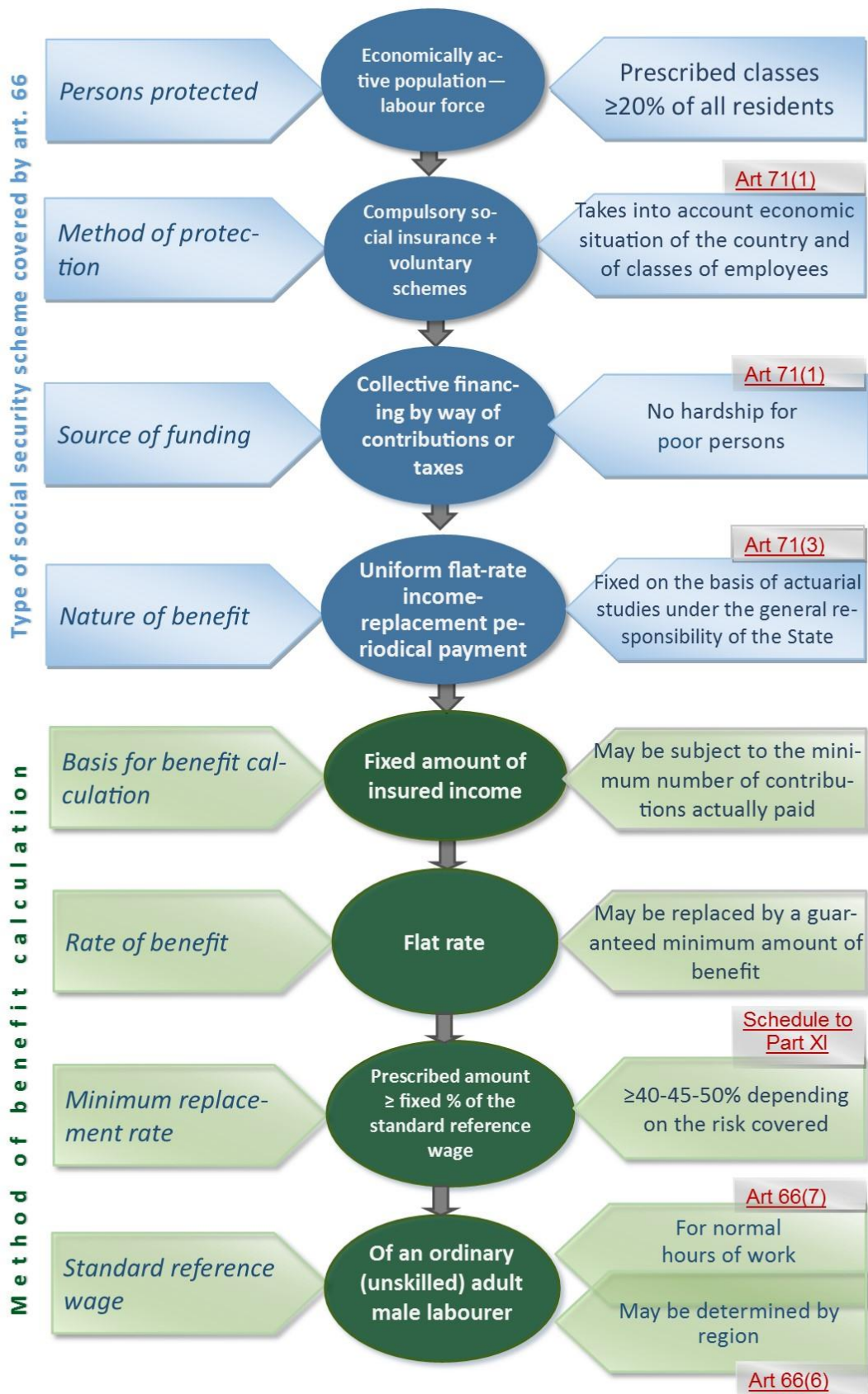
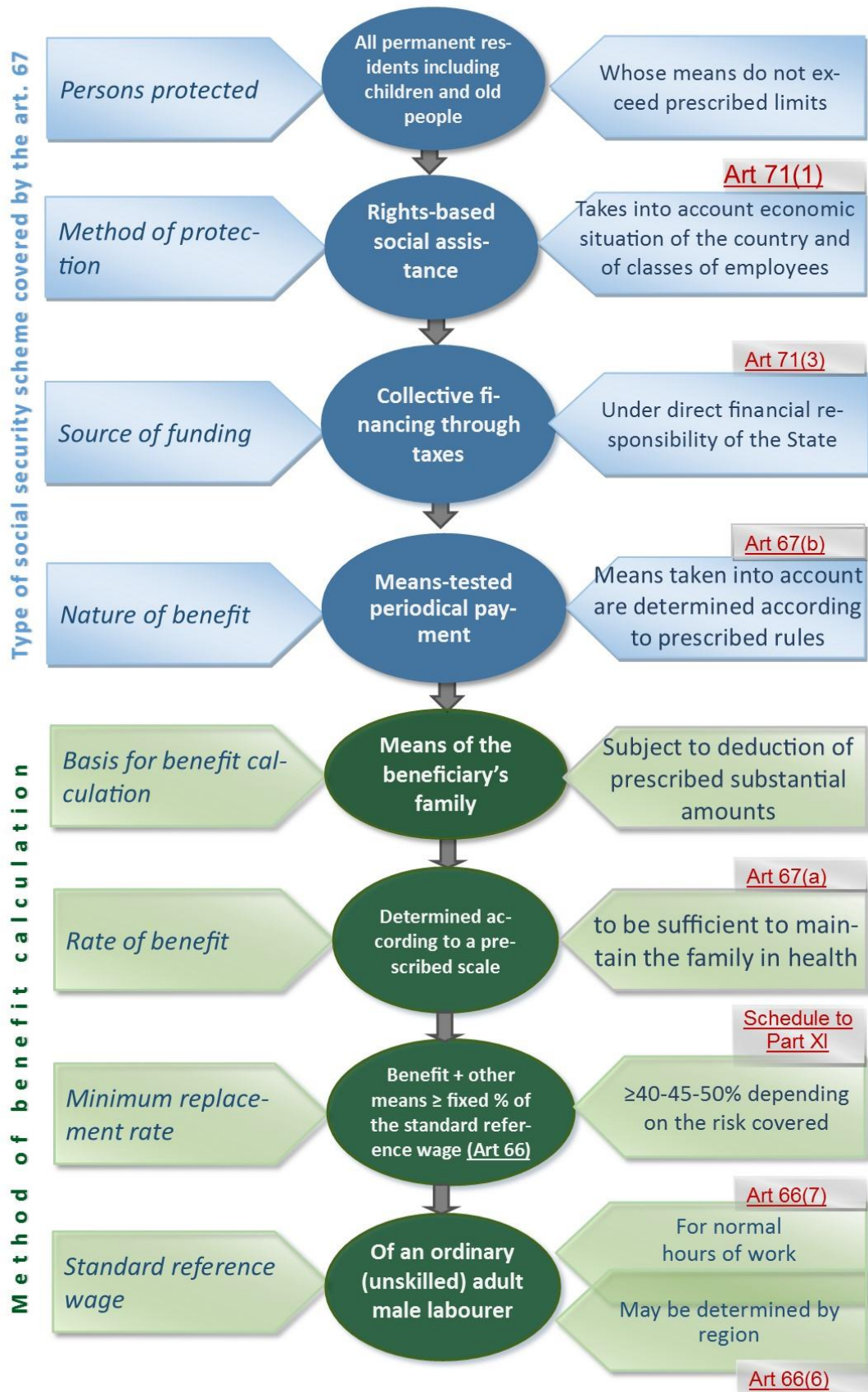


Fig. 3. Article 67: Type of social security schemes and method of benefit calculation



Extracts from the Government Reports (2011-2015) on the ECSS concerning the Reference Wage

Report of Switzerland under Article 74 of the European Code of Social Security and its Protocol (1 July 2014 - 30 June 2015)

De la source exacte des données et de la méthode utilisée pour déterminer le bénéficiaire type et le salaire de référence

Pour déterminer l'ouvrier masculin qualifié dont le salaire sert de référence, nous nous basons sur l'Enquête suisse sur la structure des salaires de l'Office fédéral des statistiques. Idem s'agissant du montant de son salaire. Les données figurant dans le dernier rapport détaillé de la Suisse sont très proches de celles figurant dans la note technique élaborée par l'OIT, de sorte que nous considérons que tant la source que la méthode utilisées par la Suisse dans son dernier rapport détaillé correspondent aux prescriptions du CESS (art. 65 et 66).

[cf. L'enquête suisse sur la structure des salaires 2012]

Report of Switzerland under Article 74 of the European Code of Social Security and its Protocol (1 July 2010 - 30 June 2011), p.8-9

Il est fait usage de l'alinéa b) du paragraphe 6 ainsi que du paragraphe 7 de l'article 65. L'ouvrier masculin qualifié appartient à la branche de l'industrie métallurgique et des machines, déterminée à l'aide de l'Enquête suisse sur la structure des salaires de l'OFS.

La durée hebdomadaire normale de travail dans l'industrie métallurgique était, en 2009, de 41,2 heures (source: Statistique de la durée normale du travail dans les entreprises (DNT), OFS).

Le montant du salaire de l'ouvrier masculin qualifié choisi s'élève à Fr. 74'251.- par an lorsque les allocations pour enfant sont exclues du salaire déterminant et à Fr. 79'411.- par an lorsque deux allocations pour enfant sont prises en compte (2009, estimation).

Report of Switzerland under Article 74 of the European Code of Social Security and its Protocol (1 July 2010 - 30 June 2011), p.23-24

Il est fait usage de l'alinéa b) du paragraphe 4 et du paragraphe 5 de l'article 66.

Le manœuvre-type ordinaire masculin et adulte choisi pour l'application de la partie VII appartient à la catégorie des semi-qualifiés et non qualifiés de l'industrie métallurgique et des machines, déterminée à l'aide de l'Enquête suisse sur la structure des salaires de l'OFS.

La durée hebdomadaire normale de travail dans l'industrie métallurgique était, en 2009, de 41,2 heures (source: Statistique sur la durée normale du travail dans les entreprises (DNT), OFS).

Le montant du salaire du manœuvre ordinaire masculin et adulte choisi s'élève, par an, à Fr. 61'722.- lorsque les allocations pour enfant sont exclues du salaire déterminant et à Fr. 66'882.-, lorsque deux allocations pour enfant sont prises en compte (2009, estimation).

Source: Enquête suisse sur la structure des salaires, OFS.

Table 1. Calculation of the reference wage under all options permitted by articles 65-66 of the ECSS/C102

Articles in the ECSS/C.102	Comments	Reference wage: amount	
		ILO calculations ¹ -2010	Government ²
Article 65 (para 6): a skilled manual male employee			
Option 1	Art.65 (6)a: a fitter or turner in the manufacture of machinery other than electrical machinery	occupations of fitter and turner can be found among skilled employees of ISCO 08 ³ (group 7)	N/A
Option 2	Art.65 (6)b: a person deemed typical of skilled labour	a skilled employee of the ISIC rev.4 ⁴ group with the highest number of male employees: typical skilled male worker in manufacturing	3842 euros ⁵ Parts V, VI, IX, X : L'ouvrier masculin qualifié appartient à la branche de l'industrie métallurgique et des machines Fr. 74'251 per year = Fr. 6187.6 per months = apx. <u>4097.4 euros</u> (2009 exchange rate)
Option 3	Art.65 (6)c: a person whose earnings are equal to 125 per cent of the average earnings of all the persons protected	in countries where all employees are protected average wage is normally used in the economy	4805 euros ⁶ (full-time and part-time employees)
Article 66 (para 4): an ordinary male labourer			
Option 4	Art.66 (4)a: a person deemed typical of unskilled labour in the manufacture of machinery other than electrical machinery	an employee of the ISIC rev.4 Manufacture of machinery (2-digit level of the classification: ISIC Rev.4 Section C. Manufacturing, code 28)	N/A
Option 5	Art.66 (4)b: a person deemed typical of unskilled labour	an unskilled employee of the ISIC rev.4 group with the highest number of male employees: typical unskilled male worker in manufacturing	3347 euros ⁷ Part VII : Le manœuvre-type ordinaire masculin (l'industrie métallurgique et des machines) Fr. 61'722 per year = Fr. 5142.5 per month = apx. <u>3406.3 euros</u> (2009 exchange rate)

* Gross wages are used unless stated otherwise

¹ ILO calculations based on EUROSTAT data from Labour Force Survey LFS-2013 and SES-2010 (see detailed information further)

² Reference wage reported by the Government under ECSS and C.102

³ ISCO 08 – International Standard Classification of Occupations 2008 (detailed explanation to follow)
<http://www.ilo.org/public/english/bureau/stat/isco/isco08/>

⁴ ISIC rev.4 - International Standard Industrial Classification of All Economic Activities, Rev.4, 2008
<http://unstats.un.org/unsd/cr/registry/iscic-4.asp>

⁵ Structure of earnings survey (SES) – Eurostat, 2010 http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=earn_ses10_48&lang=en

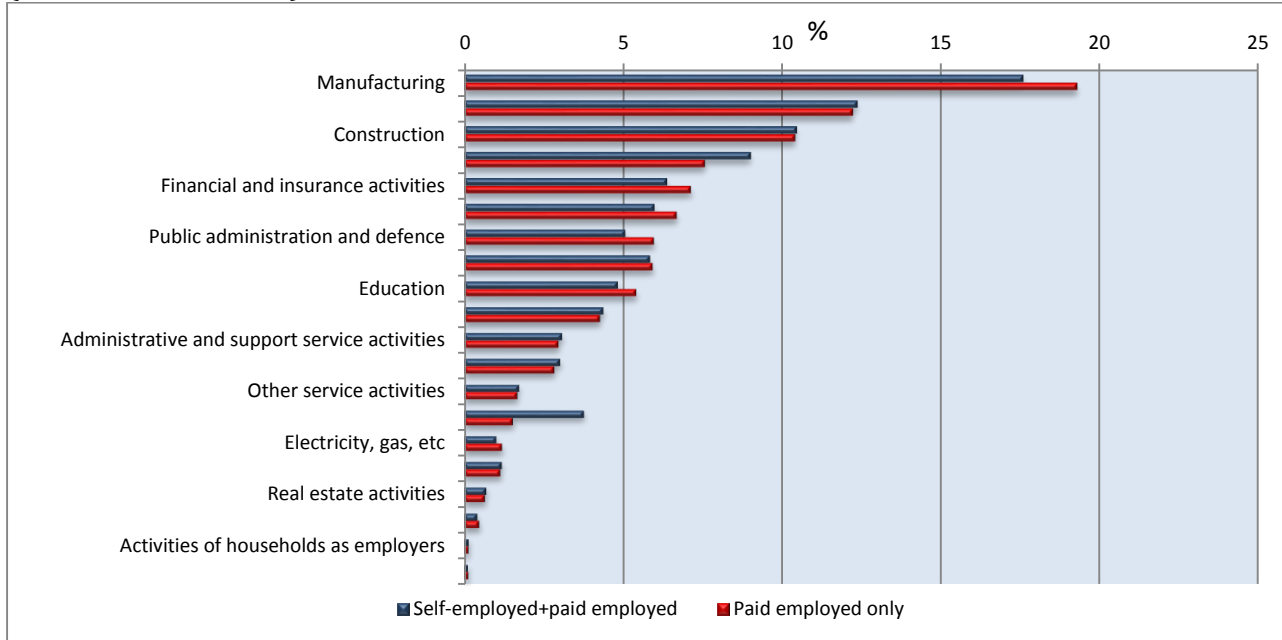
⁶ Structure of earnings survey – Eurostat, 2010 http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=earn_ses_monthly&lang=en

⁷ Structure of earnings survey – Eurostat, 2010 http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=earn_ses10_48&lang=en

ILO assessment of the options offered by articles 65-66:

OPTION 2 - a typical manual male employee is found in the sector with the highest number of employed males = Manufacturing

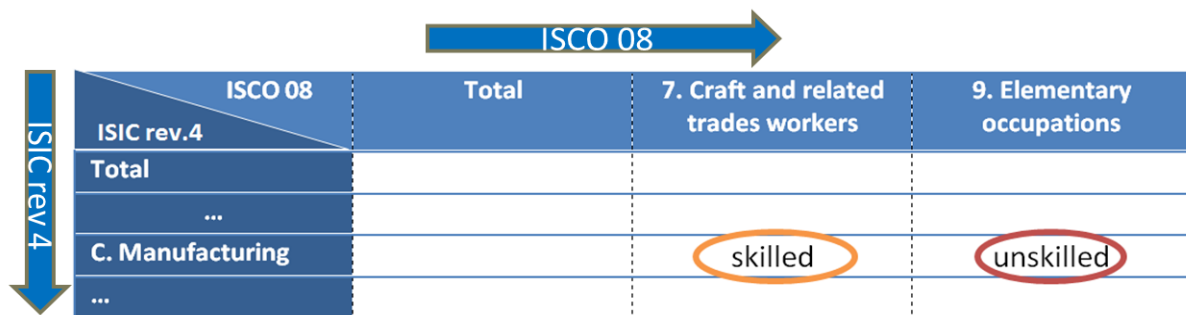
Fig.4. Share of employed males by economic activity in total male employment and share of males in paid employment by economic activity in total number of males in paid employment (ISIC rev.4, 2013, LFS)



Source: Eurostat LFS - http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=lfsa_egaps&lang=en

Fig. 5. The average wage of a typical skilled/unskilled manual male employee is determined by cross-tabulating of the two classifications

- ISCO 08 – International Standard Classification of Occupations (group 7- skilled and 9 – ordinary)
- ISIC rev.4 - International Standard Industrial Classification of All Economic Activities, Rev.4, 2008



ISCO 08:

ISCO 08: Major group 7

Craft and related trades workers apply their specific knowledge and skills to produce or process goods. The tasks call for an understanding of all stages of the production process, the materials and tools used and the nature and purpose of the final product. Most occupations in this group require skills at the second ISCO level.

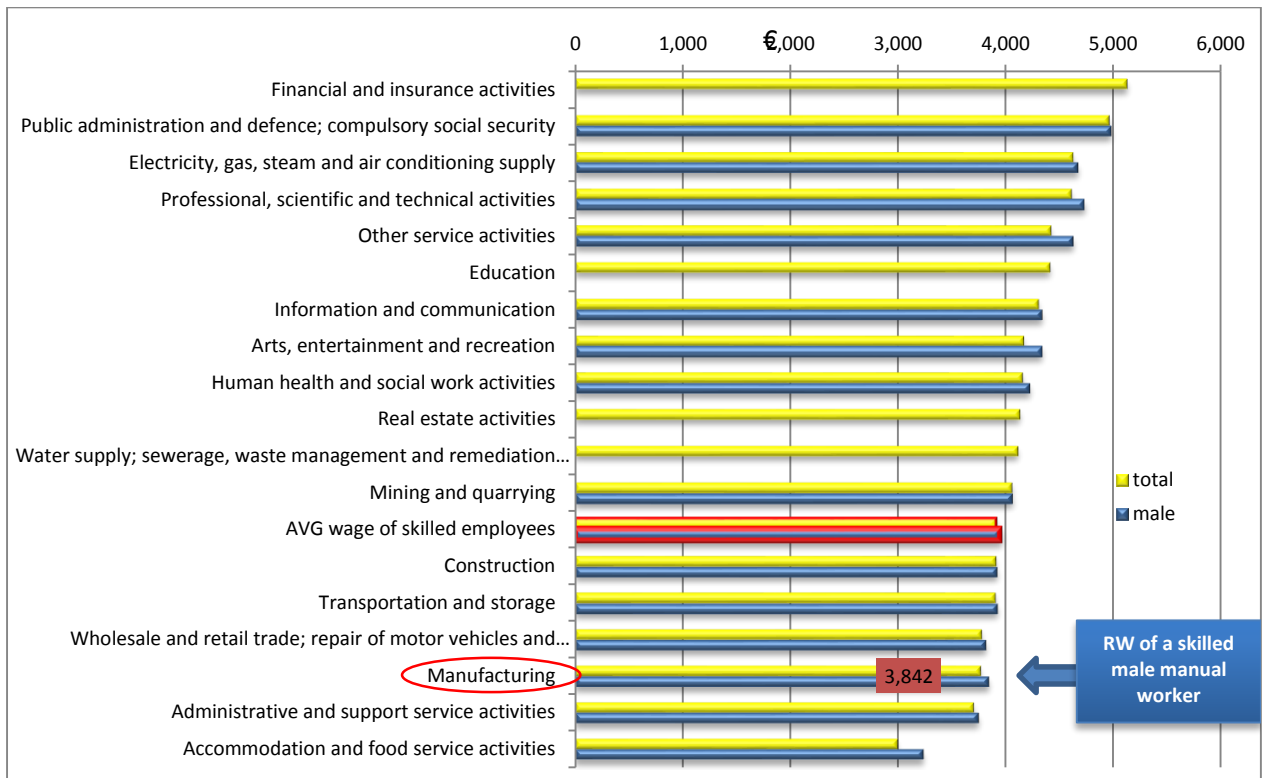
The work is carried out by hand and by hand-powered and other tools.

ISCO 08: Major group 9

Elementary occupations involve the performance of simple and routine tasks which may require the use of hand-held tools and considerable physical effort.

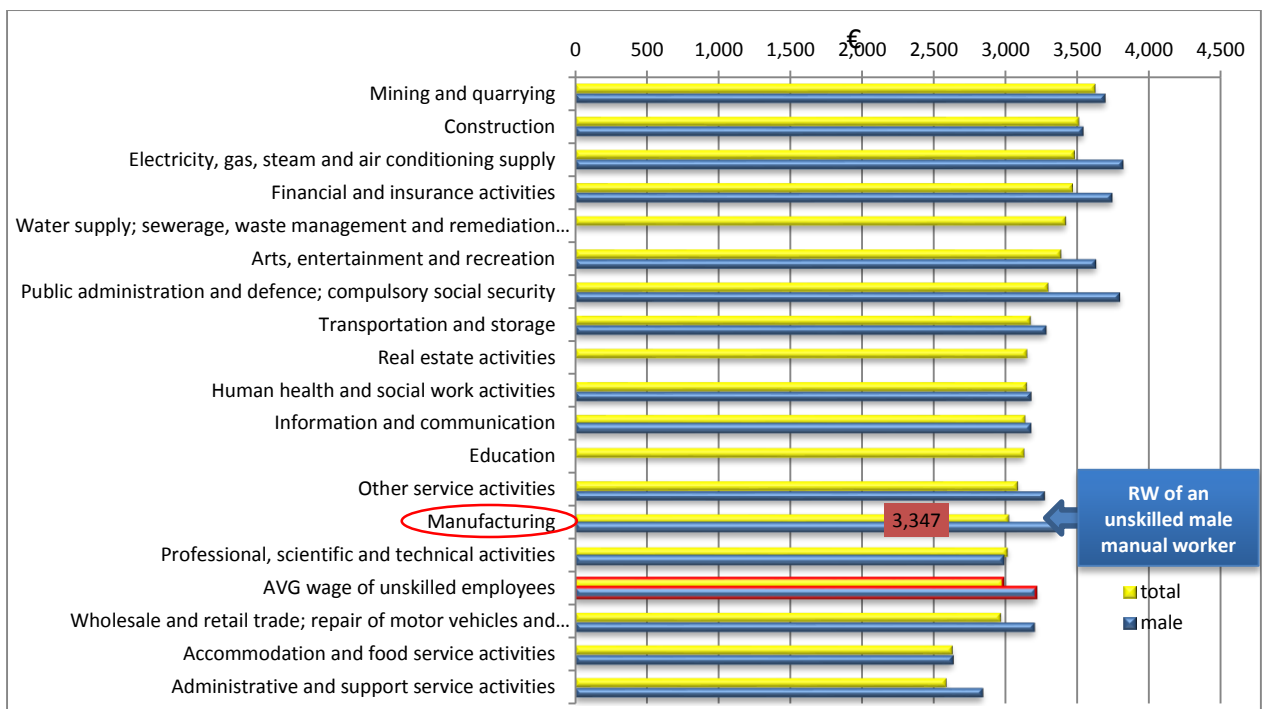
Most occupations in this major group require skills at first level of ISCO (involve physical and manual tasks, require only primary education at most)

Fig.6. Average monthly wages of skilled employees by economic activity, SES-Eurostat, 2010 (new survey in 2014)



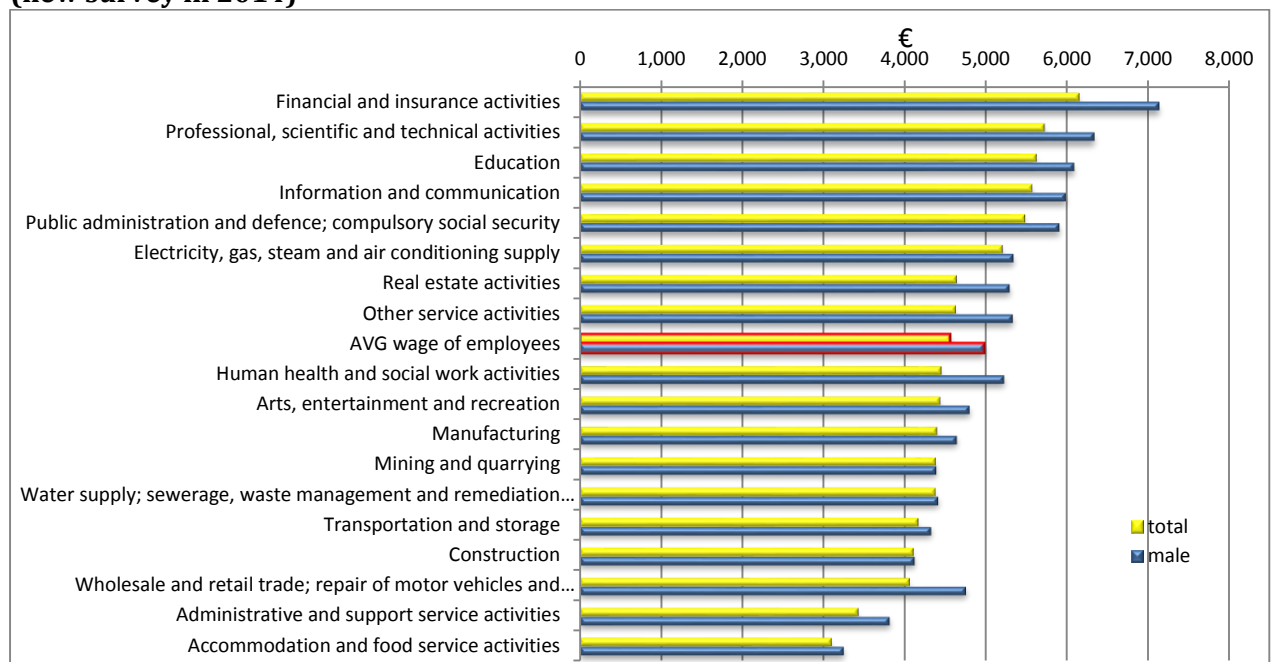
Source: Eurostat SES - http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=earn_ses10_48&lang=en

Fig.7. Average monthly wages of unskilled employees by economic activity, SES-Eurostat, 2010 (new survey in 2014)



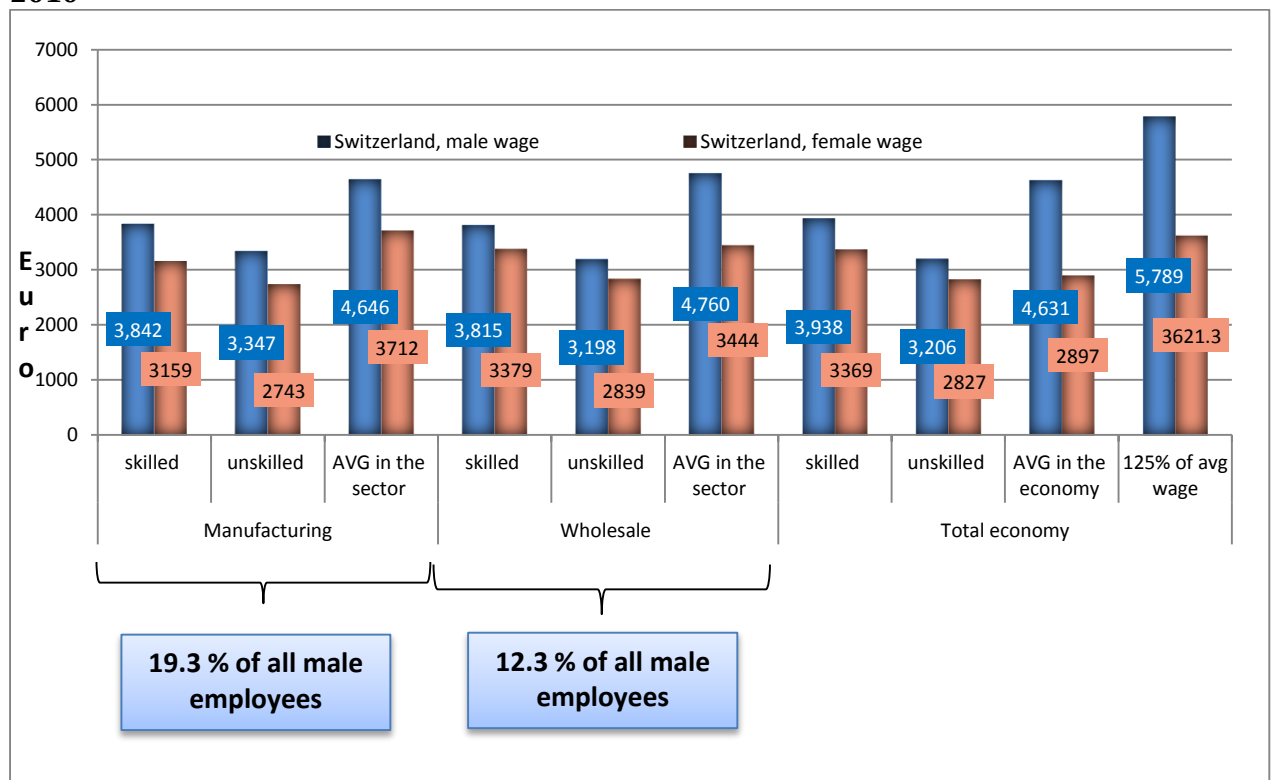
Source: Eurostat SES - http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=earn_ses10_48&lang=en

Fig.8. Average monthly wages of employees by economic activity, SES-Eurostat, 2010 (new survey in 2014)



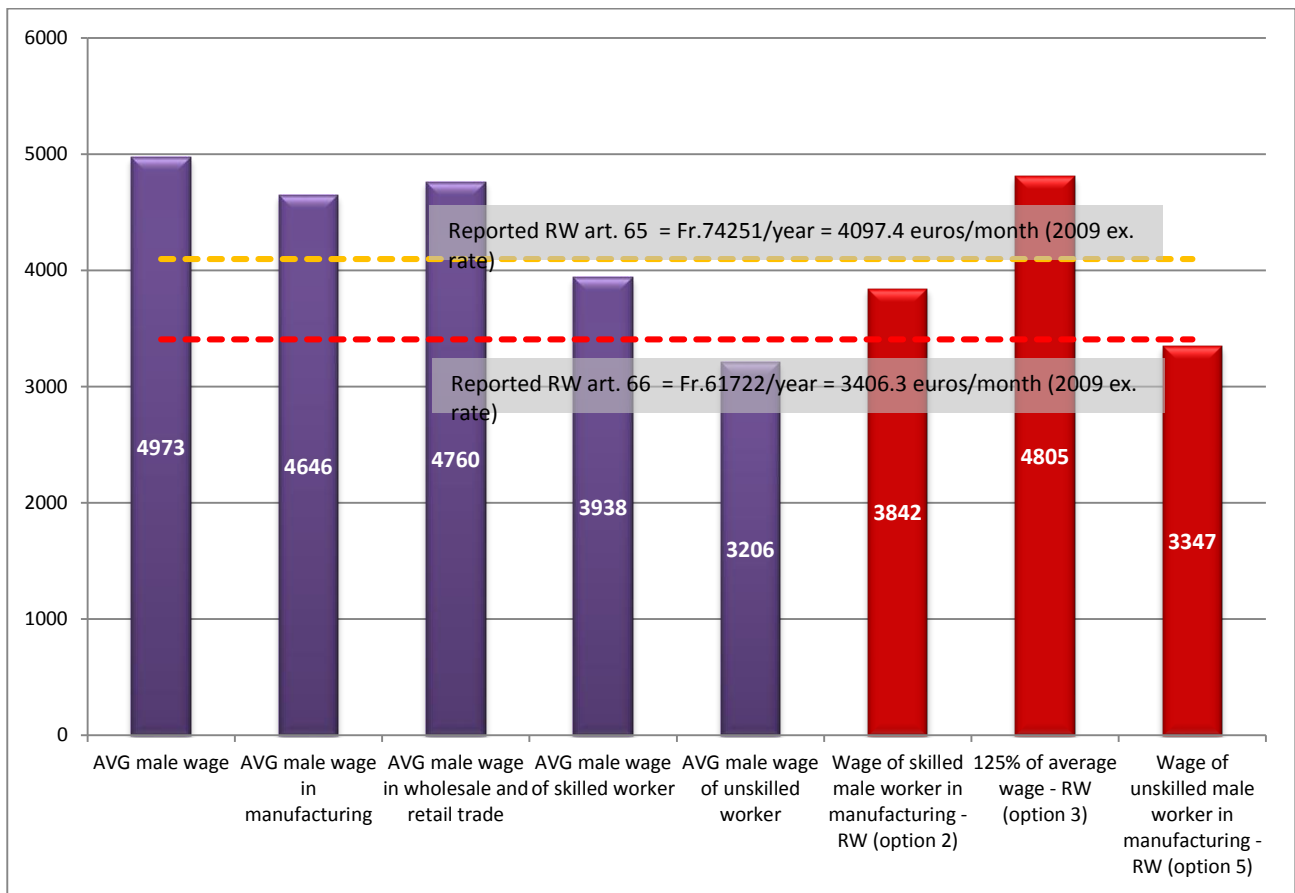
Source: Eurostat SES - http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=earn_ses10_48&lang=en

Fig.9. Average monthly wages of male and female skilled and unskilled employees in the 2 sectors (Manufacturing and Wholesale) with the highest number of male employees, in comparison to other wage indicators in Switzerland, SES -Eurostat, 2010 and EU-SILC, 2010



Source: Eurostat SES - http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=earn_ses10_48&lang=en and http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=earn_ses_monthly&lang=en - 125% of average wage (include both full-time and part-time employees)

Fig.10. Comparison of the reported reference wage to other wage indicators in Switzerland, 2010, euros



Source: Eurostat SES - http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=earn_ses10_48&lang=en : and http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=earn_ses_monthly&lang=en for option 3 – 125% of average wage (include both full-time and part-time employees)

CHAPTER III. Integrated Management of compliance and reporting obligations of Switzerland under social security provisions of the ratified international treaties on social rights

- [Table 1. Up-to-date social security standards in force](#)
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- [Coordination of reporting between the ECSS and C102. Form for the annual report on the European Code of Social Security](#)
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Table 1. Up-to-date social security standards in force

Social Human Rights	Right to health		Right to work		Right to just conditions of work	Right of the family and children to protection	Right of mothers to protection	Rights of persons with disabilities		Right to an adequate standard of living	Financing & Organization
International treaties											
ICECSR	Right to Social Security Art.9										
	Art.12		Art.6		Art.7§b	Art.10§1§3	Art.10§2			Art.7§a§ii, 11§1	Art.2§1, 4, 5
UN Conventions					CRPD	CRC	CEDAW	CRPD			
ESC Revised	Art.11, 13§1		Art.1§1§3	Art.23	Art.3, 15§2	Art.16, 27§1b,c	Art.8§1	Art.15 §1§3		Art.4§1, 13§1§2§3, 14, 30	
	Right to Social Security Art.12§1§2§3										
Protocol	<i>II</i>	<i>III</i>	<i>IV</i>	<i>V</i>	<i>VI</i>	<i>VII</i>	<i>VIII</i>	<i>IX</i>	<i>X</i>	<i>Schedule to XI</i>	
ECSS	<i>Medical care Part II</i>	<i>Sickness benefit Part III</i>	<i>Unemployment benefit Part IV</i>	<i>Old-age benefit Part V</i>	<i>Employment injury benefit Part VI</i>	<i>Family benefit Part VII</i>	<i>Maternity benefit Part VIII</i>	<i>Invalidity benefit Part IX</i>	<i>Survivor's benefit Part X</i>	<i>Level of benefits Part XI</i>	<i>Financing & Organization Part XII</i>
C102	Part II	Part III	Part IV	Part V	Part VI	Part VII	Part VIII	Part IX	Part X	Part XI	Part XIII
ILO Conventions					C121					C121 Art.19-21	C121 Art.22-26
				C128 Part III				C128 Part II	C128 Part IV	C128 Part V	C128 Part VI
	C130 Part II	C130 Part III								C130 Part III	C130 Part IV
			C168				C183 Art.6,7			C168 Art.15,16	C168 Part VIII

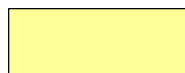


Ratified Social Security Standards for Switzerland



Social Security Standards not in force

Social Human Rights	Right to health		Right to work		Right to just conditions of work	Right of the family and children to protection	Right of mothers to protection	Rights of persons with disabilities		Right to an adequate standard of living	Financing & Organization
International treaties											
ICECSR	Right to Social Security Art.9										
	Art.12		Art.6		Art.7§b	Art.10§1§3	Art.10§2			Art.7§a§ii Art.11§1	Art.2§1, 4, 5
UN Conventions					CRPD	CRC	CEDAW	CRPD			
ESC Revised	Art.11, 13§1		Art.1§1§3	Art.23	Art.3, 15§2	Art.16, 27§1b,c	Art.8§1	Art.15 §1§3		Art.4§1, 13§1§2§3, 14, 30	
	Right to Social Security Art.12§1§2§3										
Protocol	<i>II</i>	<i>III</i>	<i>IV</i>	<i>V</i>	<i>VI</i>	<i>VII</i>	<i>VIII</i>	<i>IX</i>	<i>X</i>	<i>Schedule to XI</i>	
ECSS	<i>Medical care Part II</i>	<i>Sickness benefit Part III</i>	<i>Unemployment benefit Part IV</i>	<i>Old-age benefit Part V</i>	<i>Employment injury benefit Part VI</i>	<i>Family benefit Part VII</i>	<i>Maternity benefit Part VIII</i>	<i>Invalidity benefit Part IX</i>	<i>Survivor's benefit Part X</i>	<i>Level of benefits Part XI</i>	<i>Financing & Organization Part XII</i>
C102	Part II	Part III	Part IV	Part V	Part VI	Part VII	Part VIII	Part IX	Part X	Part XI	Part XIII
ILO Conventions					C121					C121 Art.19-21	C121 Art.22-26
				C128 Part III				C128 Part II	C128 Part IV	C128 Part V	C128 Part VI
	C130 Part II	C130 Part III								C130 Part III	C130 Part IV
			C168				C183 Art.6,7			C168 Art.15,16	C168 Part VIII



Pending comments of the supervisory bodies

Table 2. Pending comments of the supervisory bodies

Table 3. Up-to-date standards on which reports are due in 2016

Social Human Rights	Right to health		Right to work		Right to just conditions of work	Right of the family and children to protection	Right of mothers to protection	Rights of persons with disabilities		Right to an adequate standard of living	Financing & Organization
International treaties											
ICECSR	Right to Social Security Art.9										
	Art.12		Art.6		Art.7§b	Art.10§1§3	Art.10§2			Art.7§a§ii, 11§1	Art.2§1, 4, 5
UN Conventions					CRPD	CRC	CEDAW	CRPD			
ESC Revised	Art.11, 13§1		Art.1§1§3	Art.23	Art.3, 15§2	Art.16, 27§1b,c	Art.8§1	Art.15 §1§3		Art.4§1, 13§1§2§3, 14, 30	
	Right to Social Security Art.12§1§2§3										
Protocol	<i>II</i>	<i>III</i>	<i>IV</i>	<i>V</i>	<i>VI</i>	<i>VII</i>	<i>VIII</i>	<i>IX</i>	<i>X</i>	<i>Schedule to XI</i>	
ECSS	<i>Medical care Part II</i>	<i>Sickness benefit Part III</i>	<i>Unemployment benefit Part IV</i>	<i>Old-age benefit Part V</i>	<i>Employment injury benefit Part VI</i>	<i>Family benefit Part VII</i>	<i>Maternity benefit Part VIII</i>	<i>Invalidity benefit Part IX</i>	<i>Survivor's benefit Part X</i>	<i>Level of benefits Part XI</i>	<i>Financing & Organization Part XII</i>
C102	Part II	Part III	Part IV	Part V	Part VI	Part VII	Part VIII	Part IX	Part X	Part XI	Part XIII
ILO Conventions					C121					C121 Art.19-21	C121 Art.22-26
				C128 Part III				C128 Part II	C128 Part IV	C128 Part V	C128 Part VI
	C130 Part II	C130 Part III								C130 Part III	C130 Part IV
			C168				C183 Art.6,7			C168 Art.15,16	C168 Part VIII



Report in 2016

Social Human Rights	Right to health		Right to work		Right to just conditions of work	Right of the family and children to protection	Right of mothers to protection	Rights of persons with disabilities		Right to an adequate standard of living	Financing & Organization
International treaties											
ICECSR	Right to Social Security Art.9										
	Art.12		Art.6		Art.7§b	Art.10§1§3	Art.10§2			Art.7§a§ii, 11§1	Art.2§1, 4, 5
UN Conventions					CRPD	CRC	CEDAW	CRPD			
ESC Revised	Art.11, 13§1		Art.1§1§3	Art.23	Art.3, 15§2	Art.16, 27§1b,c	Art.8§1	Art.15 §1§3		Art.4§1, 13§1§2§3, 14, 30	
	Right to Social Security Art.12§1§2§3										
Protocol	<i>II</i>	<i>III</i>	<i>IV</i>	<i>V</i>	<i>VI</i>	<i>VII</i>	<i>VIII</i>	<i>IX</i>	<i>X</i>	<i>Schedule to XI</i>	
ECSS	<i>Medical care Part II</i>	<i>Sickness benefit Part III</i>	<i>Unemployment benefit Part IV</i>	<i>Old-age benefit Part V</i>	<i>Employment injury benefit Part VI</i>	<i>Family benefit Part VII</i>	<i>Maternity benefit Part VIII</i>	<i>Invalidity benefit Part IX</i>	<i>Survivor's benefit Part X</i>	<i>Level of benefits Part XI</i>	<i>Financing & Organization Part XII</i>
C102	Part II	Part III	Part IV	Part V	Part VI	Part VII	Part VIII	Part IX	Part X	Part XI	Part XIII
ILO Conventions					C121					C121 Art.19-21	C121 Art.22-26
				C128 Part III				C128 Part II	C128 Part IV	C128 Part V	C128 Part VI
	C130 Part II	C130 Part III								C130 Part III	C130 Part IV
			C168				C183 Art.6,7			C168 Art.15,16	C168 Part VIII



Report in 2017

Table 4. Up-to-date standards on which reports are due in 2017

Next detailed report of Switzerland under Article 74 of the ECSS

(Extract from CEACR 2015 Conclusions)

In accordance with the reporting cycle for the Code, the Government is due to submit a detailed report in July–August 2016 covering the five-year period from 1 July 2011 to 30 June 2016. In accordance with the reporting cycle on the application of Convention No. 102, the Government is also due to provide a detailed report in June–August 2016 for the period beginning 1 June 2011 up to 31 May 2016. The Committee draws the Government's attention to the alignment of reporting requirements under the Code and Convention No. 102 and the similarity of the report forms for both instruments, the objective of which is to reduce the administrative burden and avoid the need to duplicate reports. It is for this reason that the report form for the Code explicitly provides that, where a Government is bound by similar obligations resulting from the ratification of ILO Convention No. 102, it may provide the Council of Europe with copies of the reports submitted to the International Labour Office on the application of this Convention as well as on Convention No. 128. The Committee emphasizes that this simplified procedure may be used next year to report on all of the Parts of the Code which have been accepted. Conversely, the information provided by the Government in its annual reports on the Code is regularly taken into account by the Committee to assess the application of Conventions Nos 102, 128 and 168. Such coordination could be extended further to include future reporting on the social security provisions of the United Nations human rights treaties, including the International Covenant on Economic, Social and Cultural Rights, for which the report of Switzerland is overdue since June 2015.

With regard to coordination of obligations relating to international treaties on social rights, the Committee recalls that, when drawing up its conclusions on the application of the Code by a specific country, it takes into consideration the relevant comments made by other supervisory bodies, such as the Committee on Economic, Social and Cultural Rights of the United Nations and the European Committee of Social Rights. With a view to facilitating the integrated management of the obligations of Switzerland under the social security provisions of the principal European and international treaties on social rights, the Committee refers the Government to the coordination table and the reporting schedules presented in the attached ILO technical note, as well as the structured compilation of comments made by the respective supervisory bodies.

Parts of Convention No.102 no longer applicable following ratification of more advanced standards

C102 - Social Security (Minimum Standards)

Article 75

If any Convention which may be adopted subsequently by the Conference concerning any subject or subjects dealt with in this Convention so provides, such provisions of this Convention as may be specified in the said Convention shall cease to apply to any Member having ratified the said Convention as from the date at which the said Convention comes into force for that Member.

C121 - Employment Injury Benefits → C102, Part IV

Article 29

In conformity with Article 75 of the Social Security (Minimum Standards) Convention, 1952, Part VI of that Convention and the relevant provisions of other Parts thereof shall cease to apply to any Member having ratified this Convention as from the date at which this Convention comes into force for that Member, but acceptance of the obligations of this Convention shall be deemed to constitute acceptance of the obligations of Part VI of the Social Security (Minimum Standards) Convention, 1952, and the relevant provisions of other Parts thereof, for the purpose of Article 2 of the said Convention

C128 - Invalidity, Old-Age and Survivors' Benefits → C102, Parts V, IX, X

Article 45

1. In conformity with the provisions of Article 75 of the Social Security (Minimum Standards) Convention, 1952, the following Parts of that Convention and the relevant provisions of other Parts thereof shall cease to apply to any Member having ratified this Convention as from the date at which this Convention is binding on that Member and no declaration under Article 38 is in force:

- (a) Part IX where the Member has accepted the obligations of this Convention in respect of Part II;
- (b) Part V where the Member has accepted the obligations of this Convention in respect of Part III;
- (c) Part X where the Member has accepted the obligations of this Convention in respect of Part IV.

2. Acceptance of the obligations of this Convention shall, on condition that no declaration under Article 38 is in force, be deemed to constitute acceptance of the obligations of the following parts of the Social Security (Minimum Standards) Convention, 1952, and the relevant provisions of other Parts thereof, for the purpose of Article 2 of the said Convention:

- (a) Part IX where the Member has accepted the obligations of this Convention in respect of Part II;
- (b) Part V where the Member has accepted the obligations of this Convention in respect of Part III;
- (c) Part X where the Member has accepted the obligations of this Convention in respect of Part IV.

C130 - Medical Care and Sickness Benefits → C102, Part III

Article 36

1. In conformity with the provisions of Article 75 of the Social Security (Minimum Standards) Convention, 1952, Part III of that Convention and the relevant provisions of other Parts thereof shall cease to apply to any Member having ratified this Convention as from the date at which this Convention is binding on that Member and no declaration under Article 3 is in force.
2. Acceptance of the obligations of this Convention shall, on condition that no declaration under Article 3 is in force, be deemed to constitute acceptance of the obligations of Part III of the Social Security (Minimum Standards) Convention, 1952, and the relevant provisions of other Parts thereof, for the purpose of Article 2 of the said Convention.

C130, Part II → C102, Part II

N.B! For information and reporting purposes, more advanced provisions on medical care contained in C130 include all those contained in Part II of C102.

C168 → C102, Part IV

N.B! For information and reporting purposes, more advanced provisions on unemployment benefit of C168 include those contained in Part IV of C102.

Coordination of reporting between the ECSS and C102

Form for the annual report on the European Code of Social Security (as modified by the Protocol additional thereto)

If a Government is bound by similar obligations as a result of having ratified the Social Security (Minimum Standards) Convention adopted by the 1952 General Conference of the International Labour Organisation, it may communicate of the Council of Europe copies of the reports it submit to the International Labour Office on the implementation of this Convention.

Council of Europe, Strasbourg 1967

Table 5. Coordination of reporting obligations on up-to-date ILO social security Conventions ratified by Switzerland

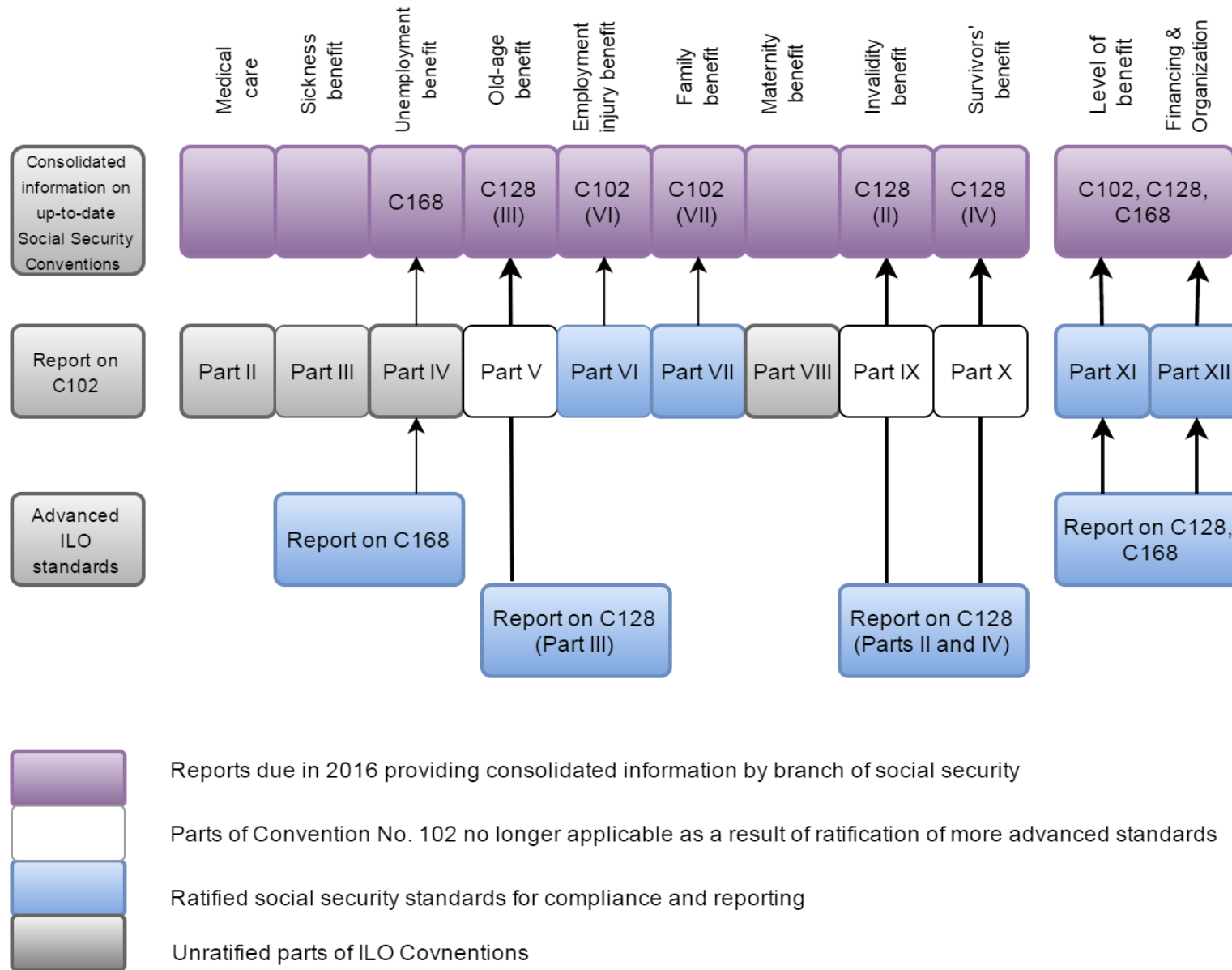
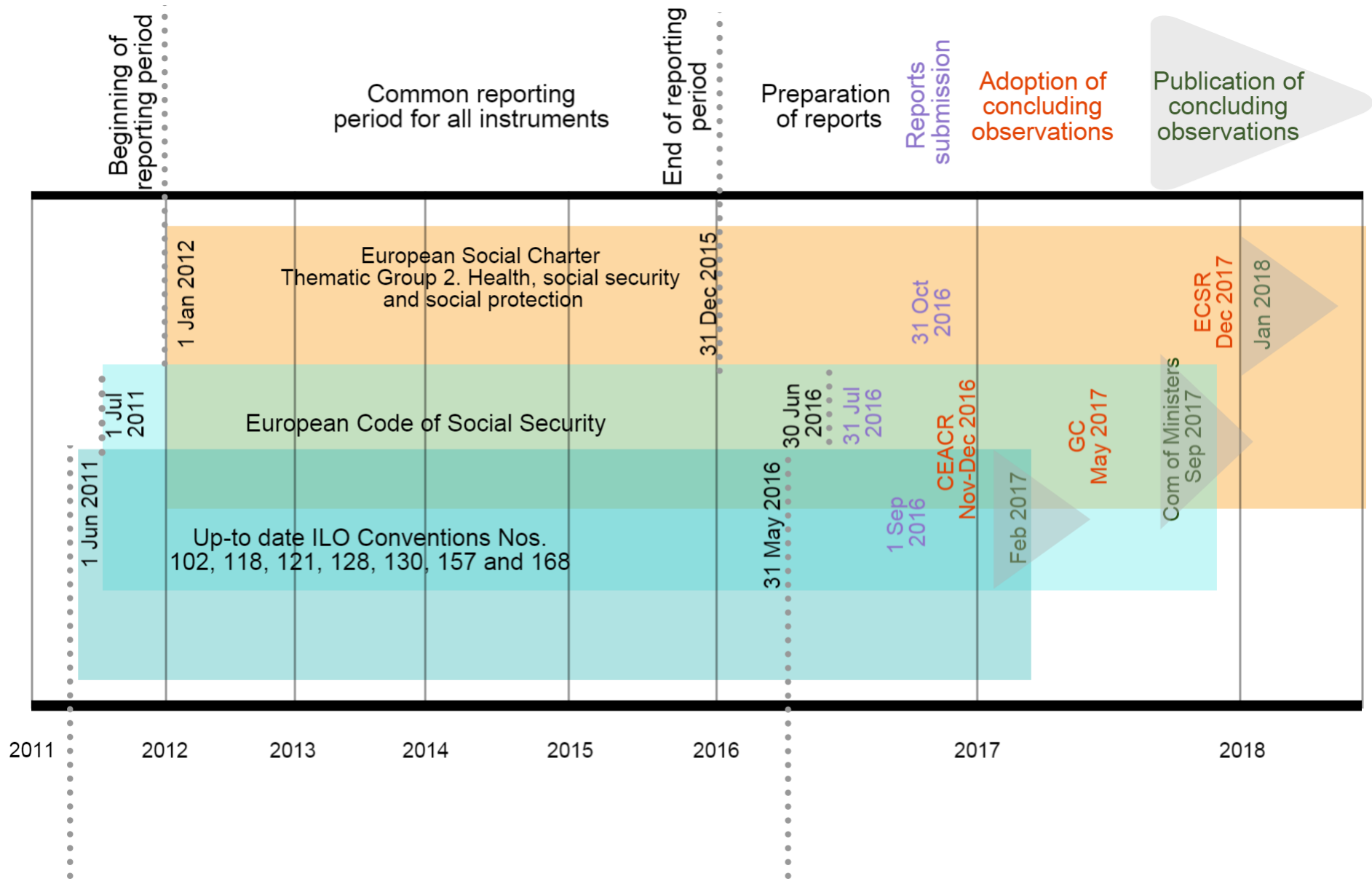


Fig. 1. Time management of the 5 years reporting cycle (2011-2016/17) on international and European social security standards



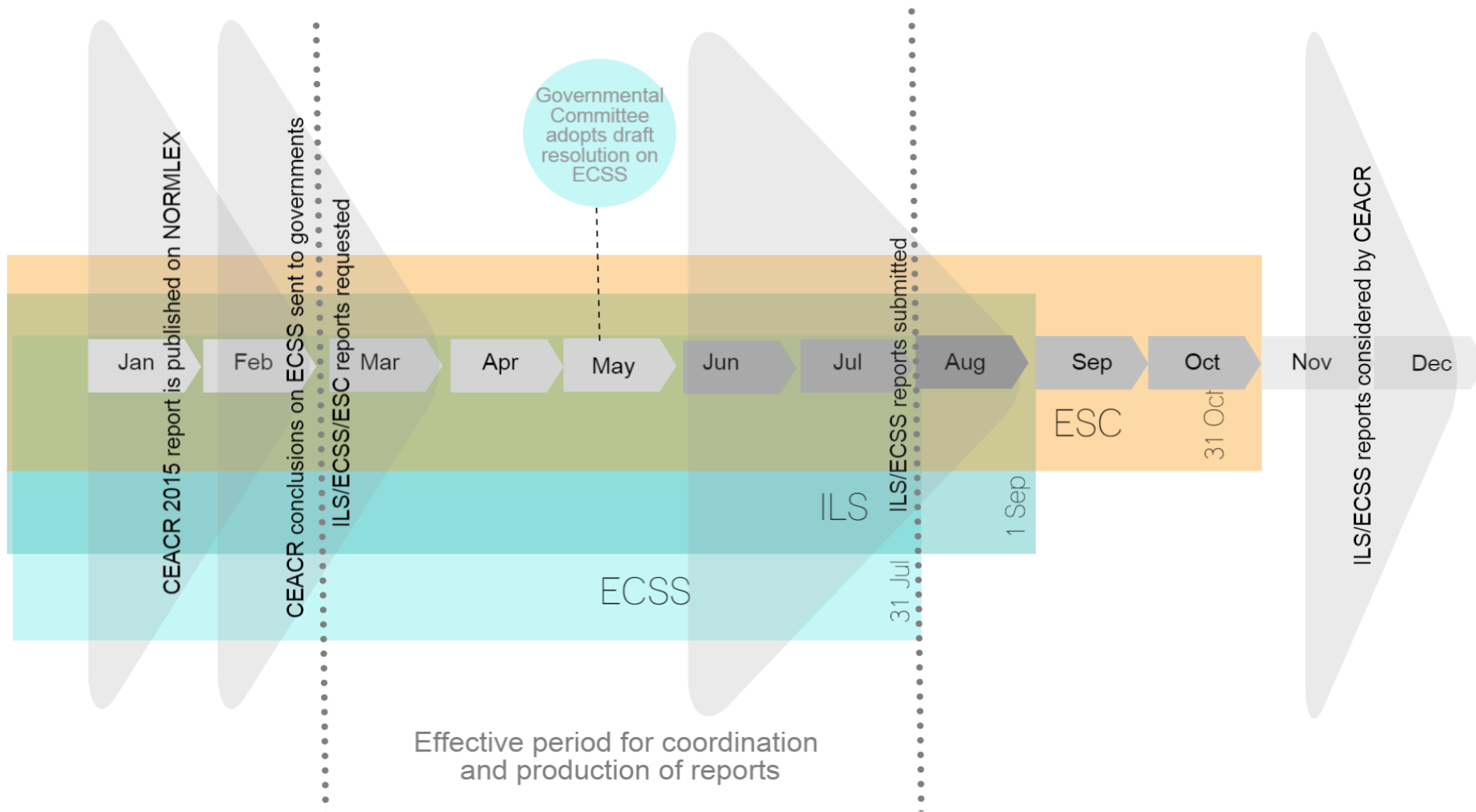


Fig. 2. Time management for reporting on social security standards in 2016

Chapter IV. Concluding observations of the supervisory bodies concerning provisions of the ratified international treaties on social rights and statements of other international bodies reviewing national economic and social policy

- [Table 1. International treaties on social rights ratified by Switzerland](#)
 - [Table 2. Monitoring Mechanisms of State Party Compliance and Reporting Obligations](#)
1. **[United Nations](#)**
 - [International Covenant on Economic, Social and Cultural Rights](#)
 - [Convention on the Rights of the Child](#)
 - [Convention on the Elimination of All Forms of Discrimination against Women](#)
 - [Convention on the Right of Persons with Disabilities](#)
 2. **[Council of Europe](#)**
 - [European Social Charter](#)
 - [European Code of Social Security](#)
 3. **[International Labour Organization](#)**
 - [Social Security \(Minimum Standards\) Convention, 1952 \(No. 102\)](#)
 - [Employment Promotion and Protection against Unemployment Convention, 1988 \(No. 168\)](#)

Table 1. In force international treaties on social rights ratified by Switzerland

Body	International Treaty	Entry into force for Switzerland	Next report due on
United Nations	ICESCR	18 Jun 1992	30 Jun 2015
	Convention on the Rights of the Child	24 Feb 1997	25 Sep 2020
	Convention on the Elimination of All Forms of Discrimination against Women	24 Mar 1997	Submitted 25 Feb 2015, tbc in 2016
	Convention on the Rights of People with Disabilities	15 Apr 2014	15 May 2016
Council of Europe	European Code of Social Security	17 Sep 1978	1 Jul - 31 Aug 2016
	European Social Charter		
International Labour Organization	Convention 102	18 Oct 1977	31 Oct 2015
	Convention 103		
	Convention 121		
	Convention 128	13 Sep 1977	1 Jun - 1 Sep 2016
	Convention 130		
	Convention 168	17 Oct 1990	1 Jun - 1 Sep 2016
	Convention 183	4 Jun 2014	1 Jun - 1 Sep 2016 First report

Table 2. Monitoring Mechanisms of State Party Compliance and Reporting Obligations

<i>Instrument</i>	<i>Supervisory body</i>	<i>Reporting cycle</i>	<i>Comments of body</i>
International Covenant on Economic, Social and Cultural Rights (ICESCR)	Committee on Economic, Social and Cultural Rights (CESCR)	Periodic reports – every 5 years; initial report – within one year after the entry into force (Art.17)	Concluding observations of the CESCR
Convention on the Rights of the Child	Committee on the Rights of the Child (CRC)	Periodic reports – every 5 years; initial report – within two years after the entry into force (Art.44)	Concluding observations of the CRC
Convention on the Elimination of All Forms of Discrimination against Women	Committee on the Elimination of Discrimination against Women (CEDAW)	Periodic reports – every 4 years; initial report – within one year after the entry into force (Art.18)	Concluding observations of the CEDAW
Convention on the Rights of People with Disabilities	Committee on the Rights of Persons with Disabilities (CRPD)	Periodic reports – every 4 years; initial report – within two years after the entry into force (Art.35)	Concluding observations of the CRPD
European Code of Social Security (ECSS)	ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR); European Committee on Social Rights (ECSR); Governmental Committee (GC) of the ESC and the ECSS; Committee of Ministers of the Council of Europe.	Full reports – every five years in conjunction with the ILO Convention 102; Periodic reports every year (Art.74).	Conclusions of the CEACR; Report and recommendations of the GC; Resolutions of the Committee of Ministers.
European Social Charter/ Revised European Social Charter (ESC)	European Committee on Social Rights (ECSR); GC of the ESC and the ECSS; Committee of Ministers of the Council of Europe.	Normal reports – annually on one of four thematic groups; simplified reports – every two years in case of acceptance of the collective complaints procedure.	Conclusions (national reports) and decisions (collective complaints) of the ECSR; Report and recommendations of the GC; Resolutions of the Committee of Ministers.
ILO Conventions (C102, C121, C128, C130, C168, C183)	Committee of Experts on the Application of Conventions and Recommendations (CEACR); Conference Committee on the Application of Standards (CAS).	Periodic reports every 5 years; detailed initial report after one year following the entry into force.	Observations and direct requests of the CEACR; Conclusions of the CAS.

1. United Nations

International Covenant on Economic, Social and Cultural Rights – Concluding observations 2013

(the numeration of comments is kept in accordance to the original file with observation)

[UN Office of the High Commissioner for Human Rights website link, Treaty bodies database](#)

9. The Committee is concerned about the high unemployment rates among particular groups such as migrants, women, and young people, especially those of foreign origin, in comparison to the mainstream groups in the State party, and that measures to address unemployment among these groups have apparently been inadequate (art. 6).

The Committee recommends that the State party take concrete measures to address the unemployment situation of vulnerable groups among the population, to promote their integration into the labour market and to pursue the development of vocational training and apprenticeship for young people of foreign origin.

17. The Committee reiterates the concern expressed in its previous concluding observations regarding the persistence of poverty in the State party (E/C.12/1/Add.30, para. 12). The Committee is particularly concerned about the persistent phenomenon of the “working poor” who are working in precarious conditions with low incomes that do not enable them to enjoy an adequate standard of living (art. 11).

The Committee recommends that the State party reinforce measures specifically targeting the disadvantaged and marginalized individuals and groups who continue to live in poverty, including the working poor, in its new National Strategy to Combat Poverty. In this regard, the Committee draws the attention of the State party to its statement on poverty and human rights adopted in 2001 (E/C.12/2001/10) and encourages the State party to fully integrate economic, social and cultural rights in the mentioned National Strategy. The Committee requests the State party to provide in its next periodic report comparative statistical data, compiled on an annual basis over the five years leading up to the report, on disadvantaged and marginalized individuals and groups living in poverty, including the working poor, disaggregated by origin, sex and age.

Convention on the Rights of the Child – Concluding observations 2015

[UNOHCHR website link, Treaty bodies database](#)

Allocation of resources

Bearing in mind that the State party is one of the most wealthy economies in the world and that it invests sizeable amounts of resources in child-related programmes, the Committee notes that the State party does not use a child-specific approach for budget planning and allocation in the federal and cantonal budgets, thus making it practically impossible to identify, monitor, report and evaluate the impact of investments in children and the overall application of the Convention in budgetary terms.

The Committee recommends that the State party establish a budgeting process which adequately takes into account children’s needs at the federal and cantonal levels, with clear allocations for children to the relevant sectors and agencies, specific indicators and a tracking system. In addition, the Committee recommends that the State party ensure

effective monitoring and evaluation of the efficacy, adequacy and equitability of the distribution of resources allocated to the implementation of the Convention.

Data collection

While noting the existence of various data collection systems, the Committee regrets that there is no comprehensive system for collecting data in the State party and that reliable, disaggregated data on important areas of the Convention, in particular concerning groups of children in vulnerable and marginalized situations, are not available.

In the light of its general comment No. 5 (2003) on general measures of implementation of the Convention on the Rights of the Child and in line with its previous recommendations (CRC/C/15/Add.182, para. 18), the Committee strongly recommends that the State party expeditiously improve its data collection system. The data should cover all areas of the Convention and should be disaggregated by, inter alia, age, sex, disability, geographic location, ethnic and national origin and socioeconomic background in order to facilitate analysis of the situation of all children, particularly those in situations of vulnerability. Furthermore, the Committee recommends that the data and indicators be used for the formulation, monitoring and evaluation of policies, programmes and projects for the effective implementation of the Convention.

Independent monitoring

While noting the establishment of the Swiss Centre of Expertise in Human Rights, the Committee remains concerned at the continued absence of a central, independent body to monitor the implementation of the Convention at all levels which is empowered to receive and address complaints of violations of children's rights.

In the light of its general comment No. 2 (2002) on the role of independent national human rights institutions in the promotion and protection of the rights of the child and in line with its previous recommendations (CRC/C/15/Add.182, para. 16), the Committee urges the State party to take measures to establish expeditiously an independent mechanism for monitoring human rights in general, and a specific mechanism for monitoring children's rights that is able to receive, investigate and address complaints by children in a child-sensitive manner, ensure the privacy and protection of victims, and undertake monitoring and follow-up activities for victims. Furthermore, the Committee recommends that the State party ensure the independence of such a monitoring mechanism, including with regard to its funding, mandate and immunities, so as to ensure full compliance with the Paris Principles.

Best interests of the child

While noting that the "well-being" of the child is a guiding principle in the State party's legal order, the Committee is of the view that the term "well-being" of the child is different in meaning and application from the best interests of the child as enshrined in the Convention. The Committee is therefore concerned that the best interests of the child (*l'intérêt supérieur de l'enfant*) have not been explicitly incorporated into all related federal and cantonal legislation, nor systematically applied in all administrative and judicial proceedings, or policies and programmes relating to children.

In the light of its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recommends that the State party ensure that this right is appropriately integrated and consistently applied in all legislative, administrative and judicial proceedings and decisions, as well as in all

policies, programmes and projects , that are relevant to and have an impact on children. In this regard, the State party is encouraged to develop procedures and criteria to provide guidance to all relevant persons in authority for determining the best interests of the child in every area and for giving them due weight as a primary consideration. Such procedures and criteria should be disseminated in courts of law and to administrative authorities and legislative bodies, public and private social welfare institutions, and the public at large.

Family environment

While welcoming the measures adopted by the State party to provide support to parents in the fulfilment of their parental obligations, such as the adoption of the Federal Act on Financial Aid for Childcare outside the Family, the Committee remains concerned about the insufficient availability of different forms of family support, including day-care services.

The Committee recommends that the State party strengthen its measures to support families, including by ensuring sufficient availability of high- quality care for children throughout its territory.

The Committee notes that the State party's law prohibits surrogate motherhood and is aimed at discouraging surrogate motherhood arrangements made abroad. The Committee is nevertheless concerned about the uncertainty of the legal status of the child during the one-year period of assessment for possible adoption.

The Committee recommends that the State party:

(a) Accelerate the assessment procedure and ensure that the child is not stateless or discriminated against during the waiting period between his or her arrival in the State party and formal adoption;

(b) Ensure that the best interests of the child are the paramount consideration in the decision concerning adoption.

Children deprived of a family environment

While welcoming the revision of the Ordinance on the Placement of Foster Children, the Committee is concerned that:

(a) Reliable data and information on the situation of children placed in foster or institutional care are lacking;

(b) Large disparities exist between cantons regarding criteria for the selection, duration and review of placements of children and the quality of various forms of alternative care, including the support, training and monitoring of foster families and the implementation of care standards;

(c) The number of foster families is insufficient in some cantons;

(d) For children under the age of 3 only institutional care is available;

(e) Support to biological parents is limited when a child placed either in a foster family or an institution returns to his or her family.

Drawing the State party's attention to the Guidelines for the Alternative Care of Children (General Assembly resolution 64/142, annex), the Committee recommends that the State party:

(a) Establish mechanisms for collecting and systematically analysing information and disaggregated data on children in all alternative care settings;

Ensure cooperation between the cantons in order to make it possible to place a child with a foster family in another canton, when necessary, while still respecting the right of the child to have contact with his or her biological family;

- (c) Ensure that adequate safeguards and clear criteria, based on the best interests of the child, for determining whether a child should be placed in alternative care are applied throughout its territory;**
- (d) Strictly regulate and effectively enforce high- quality standard s in alternative care settings throughout the State party, including through ensuring that adequate human, technical and financial resources are allocated to alternative care centres and relevant child protection services , and that systematic training in, and support for, child - rearing is provided for foster families;**
- (e) Ensure periodic review of the placement of children in foster care and institutions, and monitor the quality of care therein, including by providing accessible channels for reporting, monitoring and remedying maltreatment of children**
- (f) Strengthen the promotion and recruitment of foster families;**
- (g) Ensure that alternative care for young children, especially those under the age of 3, is provided in family - based settings;**
- (h) Strengthen its support to parents when children placed in alternative care settings return to their families.**

Health and health services

56. While welcoming the reduced health insurance premiums for children by at least 50 per cent for families with low or medium incomes, the Committee is concerned that:

(a) The centralization of paediatric care is increasing and the number of family paediatricians, even though increasing, is not sufficient;

(b) Problems of overweight children and obesity among children are increasing, and advertising of food high in fat, sugar and salt on children's television programmes is excessive.

57. The Committee draws the State party's attention to its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, and recommends that the State party:

(a) Ensure that children have access to high-quality paediatric hospital treatment and family paediatricians throughout its territory;

(b) Strengthen measures to address overweight children and obesity, promote a healthy lifestyle among adolescents, including physical activity, and take the necessary measures to reduce food marketing pressure on children with regard to food high in fat, sugar and salt.

Breastfeeding

The Committee notes as positive the fact that the majority of babies in the State party are breastfed during their first few months, as well as the adoption of new provisions on the remuneration of breastfeeding breaks. However, the Committee is concerned that:

(a)The rate of exclusive breastfeeding of babies up to the age of six months is low;

(b)The training of health professionals on the importance of exclusive breastfeeding is insufficient;

(c)Only 55 per cent of hospitals in the State party are baby-friendly;

(d)No national strategy on the feeding or breastfeeding of infants and young children exists;

(e)Only a few provisions of the International Code of Marketing of Breast-milk Substitutes have been fully implemented in national legislation and the marketing of breast-milk substitutes is solely based on a voluntary code of conduct;

(f)National recommendations on breastfeeding do not reflect relevant World Health Organization (WHO) recommendations.

The Committee recommends that the State party:

- (a) Strengthen its efforts to promote exclusive and continued breastfeeding by providing access to materials and raising awareness concerning the importance of breastfeeding and the risks of formula feeding;**
- (b) Review and strengthen training for health professionals on the importance of exclusive breastfeeding;**
- (c) Further increase the number of hospitals certified as baby-friendly;**
- (d) Develop a comprehensive national strategy on feeding practices for infants and young children;**
- (e) Ensure that the International Code of Marketing of Breast-milk Substitutes is strictly enforced;**
- (f) Ensure that national recommendations on breastfeeding comply with relevant WHO recommendations;**
- (g) Consider extending maternity leave to a minimum of six months.**

Standard of living

While welcoming the entry into force in 2009 of the Federal Act on Family Allowances and other measures taken to address poverty, including the adoption of the Comprehensive Anti-Poverty Strategy for Switzerland and the National Programme to Prevent and Fight Poverty (2014–2018), the Committee is concerned that supplementary benefits for families, including social assistance, remain low in some cantons.

The Committee recommends that the State party further strengthen its system of family allowances and benefits with a view to ensuring that all children, including children of refugee, asylum-seeking and migrant parents, have an adequate standard of living throughout its territory.

B. Next report

The Committee invites the State party to submit its combined fifth and sixth periodic reports by 25 September 2020 and to include therein information on the follow-up to the present concluding observations.

Convention on the Elimination of All Forms of Discrimination against Women – Concluding observations 2009

[*UN OHCHR website link, Treaty bodies database*](#)

Employment and economic empowerment

37. The Committee notes the various measures taken by the State party to support the participation of women in the labour market and facilitate the reconciliation of family and work life, including the recent introduction of paid maternity leave and the creation of additional childcare facilities. The Committee notes that the right to equal pay is guaranteed in the Constitution and in the Equality Act of 1995. The Committee, however, remains concerned about the persistence of horizontal and vertical segregation in the labour market, with women concentrated in the lower-paid service sectors, a higher unemployment rate for women, the persistence of the gender pay gap and the continued predominance of women in temporary and part-time work due to their traditional role as caregivers for children and the continued lack of available and affordable childcare services. Also in this regard, the Committee notes that the current federal system of joint taxation for married couples with two incomes, with no deductions possible for childcare costs, is another impediment to women's participation in the

labour market. The Committee is also concerned about the low representation of women in managerial and decision-making positions.

38. The Committee urges the State party to intensify its efforts to ensure equal opportunities for women and men in the labour market, including through the use of temporary special measures, with time-bound targets, in accordance with article 4, paragraph 1, of the Convention and its general recommendation 25. The Committee recommends that the State party continue to take proactive and concrete measures to eliminate occupational segregation, both horizontal and vertical, through, inter alia, education, training and retraining and effective enforcement mechanisms. It also recommends that job evaluation systems based on gender-sensitive criteria continue to be developed with the aim of narrowing and closing the gender pay gap. Furthermore, the Committee urges the State party to create more opportunities for women to access full-time employment. The Committee recommends that the State party continue its efforts to allow women and men to reconcile family and professional responsibilities and for the promotion of equal sharing of domestic and family tasks between men and women by providing, inter alia, more childcare facilities and paid paternity leave. The Committee also encourages the State party to undertake the planned reform of the current federal taxation system in a timely manner, with a view to eliminating the burden on married couples with two incomes, and to report on progress achieved or, if relevant, on outcome in its next periodic report.

Convention on the Right of Persons with Disabilities

Ratified in 2014, no report submitted yet.

2. Council of Europe

European Social Charter

Not ratified by Switzerland.

European Code of Social Security

Resolution CM/ResCSS(2015)19 on the application of the European Code of Social Security by Switzerland

(Period from 1 July 2013 to 30 June 2014)

(Adopted by the Committee of Ministers on 10 September 2015 at the 1234th meeting of the Ministers' Deputies)

[Link to adopted by the Committee of Ministers resolutions](#)

The Committee of Ministers notes:

I. concerning Part V (Old-age benefit), Reform of the old-age pension scheme, the report indicates that in 2013 a consultation on the draft reform of old-age insurance, entitled "Old-age insurance 2020", supported the government in the general direction of the reform, consisting of the financial consolidation of the system, while maintaining the level of benefits. Parliament was due to discuss a finalised proposal on this subject in 2014;

II. concerning Part IX (Invalidity benefit), the report indicates that the new funding mechanism introduced by the sixth revision of the Federal Invalidity Insurance Act (LAI) entered into force on 1 January 2014, and that the Confederation's contribution no longer depends solely on expenditure on invalidity insurance, but is also related to fluctuations in the situation;

III. concerning Part XI (Standards to be complied with by periodical payments), Articles 65 and 66, Reference wage, that information has been compiled in the above-mentioned "Technical note", which has been transmitted to the government;

IV. concerning social security and poverty reduction, that, buttressed by the existence of relatively high income from employment and a minimum old-age pension, Switzerland is in a favourable situation in terms of combating poverty. Only 1 per cent of the population accordingly suffers from severe material deprivation, while this rate is around 10 per cent on average in the countries of the European Union. The proportion of the population exposed to the risk of poverty (receiving an income lower than 60 per cent of the equivalised median income) was 14.5 per cent in 2013, which was lower than in 2012. Poverty among active persons was only 7.6 per cent, which is also lower than 2012 by around one percentage point. Eleven per cent of households corresponding to the standard beneficiary as set out in the Code, namely composed of two adults and two children, were exposed to the risk of poverty in 2012, this proportion was 28.3 per cent for single-parent families with a child (Eurostat);
Finds that law and practice in Switzerland continue to give full effect to the Parts of the Code which have been accepted;

Decides to invite the Government of Switzerland:

I. concerning Part V (Old-age benefit), Reform of the old-age pension scheme, to provide information in its next report on developments in the retirement pension system and to indicate

whether the reform will have effects on the proportion of the pension represented by the first pillar;

II. concerning Part IX (Invalidity benefit), to indicate, in its next report, how the terms “fluctuations in the situation” are interpreted for the purposes of the application of the Federal Invalidity Insurance Act (LAI) as, in the event of an unfavourable economic situation, the withdrawal of the State from the financing of the LAI or a decrease in its contribution could have a serious effect on the finances and capacity of the invalidity insurance scheme to meet its obligations in terms of the provision of benefits;

III. concerning Part XI (Standards to be complied with by periodical payments), Articles 65 and 66, Reference wage, to update the information compiled in the above-mentioned “Technical note”, with an indication of the precise source of the data for future reference;

IV. concerning social security and poverty reduction, to mention, in its next report, the measures adopted to combat poverty among the categories of the population and households that are worst affected, with an indication of the role assigned to the guaranteed minimum levels of social benefits. In so doing, the government may wish to refer to the figures in the above-mentioned “Technical note” and to update and supplement them with any elements that it considers necessary.

CEACR 2015 Conclusions on the application of the European Code of Social Security and its Protocol by Switzerland

As a result of its examination, the Committee finds that law and practice in Switzerland continue to give full effect to the Parts of the Code which have been accepted.

Part V (Old-age benefit). Reform of the old-age insurance scheme. The report indicates that the Government forwarded to Parliament in November 2014 the draft reform of old-age insurance, entitled “Old-age insurance 2020”, with a view to consolidating the financing of the system, while maintaining the level of benefits. The reform is intended to introduce appropriate and socially balanced solutions to address the challenges that are common to old-age insurance. The Committee notes the Government’s indication that the overall approach advocated by the draft reform does not, however, challenge the current structure of the three-pillar retirement scheme and has no effect on the first pillar component of pensions. ***The Committee would be grateful if the Government would provide information on the current state of the reform process specifying the issues which delay its adoption by the Parliament.***

Part VI (Employment injury benefit). The Committee notes that in September 2014 the Government submitted to Parliament a draft revision of the Federal Accident Insurance Act (LAA) with the involvement of the social partners and accident insurers. Recalling that it had previously referred in its comments under Convention No. 102 to certain points on which it was necessary to amend the LAA, the Committee trusts that the Government will take into consideration the following points in the current reform:

- the need to ensure that full effect is given to *Article 32(d) of the Code* (in relation with *Article 68(j)*) by amending section 29 of the LAA, under which the entitlement to benefit of the surviving spouse is subject to certain conditions where the marriage was contracted after the accident causing the decease of the insured person (subsection 2), and which authorizes the refusal or reduction of benefits when the surviving spouse has been in serious breach of his/her duties towards the children (subsection 5); and

- the need to give explicit effect in the national legislation to the practice whereby the insurer covers the total cost of home nursing care provided to victims of occupational injuries on the recommendation of the physician, in accordance with *Article 34(1) and (2) of the Code*.

Part IX (Invalidity benefit). Reduction or refusal of invalidity benefit. Article 68. The Committee requests the Government to specify, in light of the exhaustive provisions of Article 68 of the Code, the criteria applied for the imposition of the penalties envisaged in section 7(b) of the Federal Invalidity Insurance Act (LAI) in cases where insured persons have failed to comply with their obligations, particularly to participate actively in the implementation of all measures that may be reasonably required to contribute to the maintenance of their current employment or to rehabilitation for working life or the exercise of a comparable activity.

Method of financing invalidity insurance, Article 70(3). With reference to the points raised previously, the Government indicates that, although since 1 January 2014 the Confederation's contribution to invalidity insurance has no longer depended solely on the expenditure of the scheme, the Act continues to provide in section 78 that "the contribution of the Confederation shall be equivalent as a maximum to half of the expenditure of the insurance scheme and at least to 37.7 per cent of the annual expenditure of the scheme", and that the State does not envisage withdrawing from the financing of invalidity insurance. The Government indicates that, in view of the method of financing invalidity insurance, cost containment measures automatically had the effect of reducing the contribution made by the Confederation, thereby neutralizing the effect of the savings made by invalidity insurance. Henceforth, the amount of the State contribution corresponds to the level set for 2010 and 2011 indexed on the basis of factors influencing the expenditure of invalidity insurance, such as the adjustment of annuities to fluctuations in wages and prices, and demography. *The Committee takes due note of this information and requests the Government to include in its next report data on receipts and expenditures of invalidity insurance and the role of the state contributions in maintaining the financial balance of the scheme.*

Reform of invalidity insurance. The Government indicates that in February 2015 the guidelines were determined for the development of invalidity insurance and the Federal Department of the Interior was given the responsibility for drawing up a draft revision for the autumn of 2015 so that support to certain groups of persons, (children and young persons with health problems and insured persons suffering from mental illness), is provided earlier, is more effective and better coordinated for their rehabilitation. *The Committee asks the Government to indicate the progress made in this respect and the manner in which the legislation gives better effect to the provisions of Part IX of the Code.*

Part XI (Standards to be complied with by periodical payments). Articles 65 and 66. Reference wage. The Committee welcomes the Government's indication that the data provided in relation to the determination of a skilled manual male employee and the wages of the latter are very close to those contained in the ILO technical note and are based on the Swiss Survey of the Structure of Wages by the Federal Statistical Office.

Adequacy of social security benefits. The Government indicates that Switzerland has an effective and solid social security system composed of certain universal elements covering the whole of the population resident in Switzerland with a view to guaranteeing basic needs, and of the insurance components covering employees. This is supplemented by social assistance benefits which are intended to assist persons who have exhausted their entitlement to benefit or whose social security benefits are insufficient. Social assistance comes under the responsibility of the cantons, and its implementation is generally delegated to the communal level. Although social assistance benefits vary according to the canton, the Swiss Conference of Social Action Institutions (CSIAS) has developed

recommendations which, although non-binding, are broadly followed and applied by the cantons and contribute to harmonization. The Government also refers to the National Programme to Combat Poverty established in 2014 and structured around three main components: the formulation of approaches and good practices based on existing methods and strategies; experimentation with new approaches to offer examples; and the networking and dissemination of information to actors. The objective of the Programme is to reinforce the effectiveness of measures to prevent and combat poverty, particularly through improved coordination and stronger links between the various actors in the field. ***The Committee requests the Government to indicate the results achieved by the Programme, bearing in mind the concluding observations of the Committee on Economic, Social and Cultural Rights in 2013 concerning the persistent phenomenon of the working poor, and its recommendation to the Government to reinforce measures specifically targeting the disadvantaged and marginalized in the programme to combat poverty.***

Article 74. Next detailed report on the application of the Code. (See above under Chapter III)

3. ILO Conventions

Social Security (Minimum Standards) Convention, 1952 (No. 102) - Switzerland (Ratification: 1977)

Direct Request (CEACR) - adopted 2011, published 101st ILC session (2012)

[Link to pending comments by the ILO supervisory bodies, NORMLEX](#)

With reference to its previous comments the Committee notes the information supplied by the Government in its report, particularly that concerning Part VII (Family benefit).

Part VI (Employment injury benefit). In its previous comments the Committee drew the Government's attention to the need, in the forthcoming revision of the Federal Accident Insurance Act (LAA):

(a) to ensure that full effect is given to *Article 32(d) of the Convention* (in conjunction with *Article 69(j)*) by amending the provisions of section 29 of the LAA under which the surviving spouse's entitlement to benefit is subject to certain conditions where the marriage was contracted after the accident causing the decease of the insured person (subsection 2) and allows benefits to be refused or reduced when the surviving spouse has been in serious breach of his/her duties towards the children (subsection 5);

(b) to give express effect in the national legislation to the practice whereby the insurer covers the total cost of home nursing care provided to victims of occupational injuries on the recommendation of the physician, in accordance with *Article 34(1) and (2)* of the Convention.

The Government indicates in reply that the points raised by the Committee were in fact addressed in the draft of the first revision of the LAA of 30 May 2008 and gave rise to no objection in parliamentary debates. However, in March 2011, the Parliament decided to remand the draft to the Federal Council for it to prepare a new draft revision. ***The Committee hopes that the Government will take the necessary steps to ensure that these amendments are reproduced in the revised legislation.***

Employment Promotion and Protection against Unemployment Convention, 1988 (No. 168) - Switzerland (*Ratification: 1990*)

Direct Request (CEACR) - adopted 2012, published 102nd ILC session (2013)

[Link to pending comments by the ILO supervisory bodies, NORMLEX](#)

Article 20(b) of the Convention. Suspension of benefits. The Committee recalls the divergence between section 30(1)(a) of the Federal Act on Compulsory Unemployment Insurance and Compensation in the Event of Insolvency (LACI), which requires the suspension of unemployment benefit where the insured person is without work due to his or her own fault, and *Article 20(b)* of the Convention, which only authorizes the suspension of benefit in cases where the person concerned has deliberately contributed to his or her own dismissal. With regard to the application of these provisions in practice, which was addressed in the Committee's previous direct request, the Government's report refers to the ruling of the Federal Tribunal, Court of Social Law No. 8C 804/2009 of 19 February 2010, which takes into account the requirement of *Article 20(b)* of the Convention when assessing the content and scope of section 30(1) of the LACI. ***The Committee would be grateful if the Government would continue to inform it of administrative and court decisions specifying the concepts of slight fault or negligence by the insured person, as well as blameworthy or incorrect behaviour liable to result in the suspension of benefits, under section 30(1)(a) of the LACI and section 44(1)(a) of its implementing Ordinance (OACI) in relation to the cases of suspension covered by the Convention***