

Switzerland as Gatekeeper: The Impact of Visa Application Processes on Global South Civil Society Representation at the United Nations

Shadow Report to the 83rd Session of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)



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IWRAP Asia Pacific is an international women's rights, feminist organisation committed to the full realisation of women's human rights through the pursuit of equality. It supports the CEDAW Committee and OHCHR in facilitating participation of women's rights organisations in the CEDAW review process. Its programme 'Interrogating Borders and their Impact on Women's Human Rights' examines the human rights violations incurred through border controls and how intersectional forms of oppression are compounded by the presence of borders.

Introduction

Switzerland occupies a unique position due to the presence of the United Nations, particularly the human rights treaty bodies, in Geneva. As such, it is regularly a destination for women's human rights activists from around the world who seek to engage with UN processes in order to influence policy and bring about positive change for women in their home countries.

However, entering the United Nations is a luxury disproportionately extended to nationals of Global North countries. While Swiss citizens enjoy the privilege of visa-free or visa-on-arrival access to 186 countries,¹ prospective visitors to Switzerland from the Global South face a visa application process which can be costly, time-consuming, intrusive and humiliating. Among nationals requiring a visa to enter Switzerland, notably those from Armenia, Azerbaijan, Bosnia and Herzegovina, Georgia, Moldova, Russia, Serbia and Ukraine pay a non-refundable USD 35 for each application, while all others pay more than double, at USD 80.² This falls far short of any semblance of equality, particularly for those in the lowest-income countries.

The imbalance in visa requirements tends to be normalised, and is embedded into NGOs' expectations when planning engagement. It is a simple fact that activists from certain countries will need more time to navigate the demands placed on them by Swiss and other European embassies handling Schengen visas; and that money spent on visa applications, flight bookings, accommodation bookings, transport to embassies and so on may all, ultimately, be wasted due to either rejections or delays.

The issue of border controls and visa processes, therefore, is a significant one in the context of UN engagement, determining who can attend the UN in person.

Switzerland's Obligations under CEDAW

Since 2017, Switzerland's Federal Department of Foreign Affairs has adopted a strategy which aims "to systematically place gender equality and women's rights at the heart of bilateral and multilateral action."³ In the context of conflict resolution and peace processes, Switzerland asserts that "[i]n order to achieve equal representation of women and men in negotiating delegations, women are encouraged to participate at the multilateral level as well

¹ Henley Passport Index, Q3 2022, available at https://cdn.henlyglobal.com/storage/app/media/HPI/HENLEY_PASSPORT_INDEX_2022_Q3_INFO_GRAPHIC_GLOBAL_RANKING_220705_1.pdf (accessed 5 September 2022).

² Swiss Confederation, "Schengen Visa Fees", available at <https://www.eda.admin.ch/countries/usa/en/home/visa/entry-ch/up-90-days/fees-schengen.html> (accessed 7 September 2022).

³ Sixth Periodic Report Submitted by Switzerland under Article 18 of the Convention, 2020, available at <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsoVqDbaslinb8oXgzpEhivhN%2fIAFSiz0zq8ciwRuUeft3lR36%2bnWf4NigW3evuTjIWDifN14JqOUmM2KkJoziW4zJzHf%2fCStzEqEssgjizio> (accessed 7 September 2022).

as in conflict situations.” Regrettably, these aspirations do not seem to fully extend to women from the Global South.

Due to discriminatory measures in visa requirements, particularly regarding access to capital, Switzerland falls short of its obligations under CEDAW Article 15, which promises equal rights to men and women with regard to the law relating to the movement of persons. This has a spillover effect on other articles of the Convention, impeding women’s human rights activists from making interventions in multilateral spaces to demand action on the issues affecting their constituencies.

CEDAW General Recommendation No. 23 on women in political and public life notes that “While democratic systems have improved women’s opportunities for involvement in political life, the many economic, social and cultural barriers they continue to face have seriously limited their participation.” Switzerland has a particular responsibility in this context to provide women with “the encouragement and support of all sectors of society to achieve full and effective participation, encouragement which must be led by States parties to the Convention, as well as by political parties and public officials.”

The opportunity to participate in the work of international organisations is threatened by Schengen visa processes which hinder and block access to the United Nations in Geneva. This barrier is implemented both by Switzerland itself and by other EU countries which handle visa applications in the absence of a Swiss embassy. As well as remedying its own discriminatory procedures, Switzerland should, in compliance with its extraterritorial obligations, ensure that other countries acting on its behalf refrain from engaging in discrimination.

Virtual access to the United Nations is not a solution to discrimination

At its 45th session, the CEDAW Committee adopted a statement on the importance of its close cooperation with NGOs working on women’s human rights.⁴ Since the COVID-19 pandemic began, it has become regular practice to enable the virtual participation in CEDAW sessions of NGOs from around the world. This has been a welcome development, although it came too late for many activists who had been denied physical access to previous sessions.

While the option to engage virtually solves a range of problems, including pandemic-related restrictions on in-person attendance and high costs of travel from certain regions, it should not be presented as a solution to discrimination in visa access. Virtual participation has its own pitfalls and drawbacks, including disparities in connectivity and technical knowledge, platforms which exclude participants with disabilities, and, simply, a reduced sense of the personal connection that can enhance in-person participation. These limitations threaten to reduce the efficacy of the engagement, with the potential that some activists’ voices may not be heard at all.

⁴ CEDAW Committee, 2010, available at <https://www.ohchr.org/sites/default/files/Documents/HRBodies/CEDAW/Statements/NGO.pdf> (accessed 5 September 2022).

Case studies

Among women's human rights activists whose presence in Geneva was impeded by visa issues, we share the following case studies:

- Activists from the Democratic Republic of Congo were told to go to the Swiss embassy in Kinshasa, but when they travelled there, they found that their visa applications were rejected without any officials even talking to them. They had to call on contacts at UNAIDS and UN Women to try to help their case. However, although this enabled them to secure a visa appointment, their applications were again denied, based on an assumption that they would not return to their country. They also reported disrespectful and discriminatory remarks by the embassy official in interview.⁵ The visa denials meant that there was no sex worker representation at DR Congo's review during the 73rd CEDAW session.⁶
- An activist from Ethiopia attended a visa interview at the Swiss embassy in Addis Ababa, whereupon she was requested to attend a second time with letters of support from organisations based in Geneva. On doing so, she was further requested to attend a third time with a bank statement from the international organisation which had invited her to attend the CEDAW session and which would cover her costs. Having already provided ample documentation, including evidence of money in her bank account, evidence of salary, evidence of property ownership, and evidence of her registration at the CEDAW session, she objected strongly to what she viewed as an unreasonable demand and withdrew her application rather than risk wasting her time and resources any further.
- An activist from Zimbabwe was denied a visa by the French embassy because her profession as a teacher and corresponding financial status were considered to prejudice her against returning after the session. These were considered to carry more weight than her family commitments. On reapplying, she had to prove other sources of income and declare properties under her name. She was then granted the visa on condition that she present herself at the French embassy in person again upon her return. The total costs incurred by her two applications, including visits to the embassy, came to USD 654.
- "Since it was my first time doing this process, I had no idea on how I would obtain a travel insurance therefore I went to the French embassy with all the required documents for visa application except for the travel insurance and I was turned away by a rude receptionist/representative who threw back my documents at me asking me to stop wasting her time and go and book another appointment to submit all the required documents. Despite having explained to her that I was worried that I could

⁵ Global Network of Sex Work Projects, 2019, *Policy Brief: Sex Workers and Travel Restrictions*, page 7, available at: https://www.nswp.org/sites/default/files/sex_workers_and_travel_restrictions_-_nswp_2019_0.pdf (accessed 6 September 2022)

⁶ Global Network of Sex Work Projects, 2019, *Policy Brief: Sex Workers and Travel Restrictions*, page 10, available at: https://www.nswp.org/sites/default/files/sex_workers_and_travel_restrictions_-_nswp_2019_0.pdf (accessed 6 September 2022)

miss my booked flight and CEDAW Session if the appointment delays but I was told that rules were rules and I was not too special to change them. This resulted in me missing my booked flight since the date that I was expected to travel and deliver my oral statement before being contacted for the second attempt of the visa application process. Due to the rudeness of the French embassy representative that led to my failure to travel Geneva for CEDAW in February 2020, the whole experience left me demotivated and depressed since I felt discriminated by the French embassy.” - Intersex activist, Zimbabwe

Financial implications for women’s human rights defenders from the Global South

Whether intentional or not, the message is sent that in order to go to the UN in Geneva, Global South activists must have access to a high income and/or own property. In addition, they are expected to have the spare time and money required to attend relevant embassies and visa processing centres, sometimes at a great distance from their homes and even in a neighbouring country, sometimes on more than one occasion, and always with the understanding that they will not see that money again if their application is rejected.

Lower average incomes and higher burdens of unpaid care work points towards women losing a greater proportion of their funds to such applications. Physical visits to distant embassies may be further impeded by inadequate infrastructure presenting additional challenges for people with disabilities. While in-person attendance at embassies may be impossible to rule out altogether, consideration should be given to mitigating these obstacles.

This focus on capital as a measure of eligibility for admission perpetuates inequality and impedes the presence at the UN of working-class and low-income activists, reducing the likelihood that their communities’ issues will be sufficiently represented.

Those working in informal economies and/or without access to formal banking are among the groups at risk of exclusion. These include sex workers, Indigenous people, and nationals of states targeted for economic sanctions. A disproportionate burden is placed by Schengen countries, including Switzerland, on small, resource-poor organisations, impeding international advocacy by groups whose voices may already be sidelined in their home countries.⁷ If property ownership is considered to be eligibility criteria for access to the UN, this additionally raises questions about the inclusion of women and marginalised groups affected by unequal property laws and practices.

Compounding the impact on Global South activists of discriminatory visa processes is the potential for one visa denial to have a spillover effect, becoming the basis for future refusals by other European and Global North countries regardless of merit.

⁷ Global Network of Sex Work Projects, 2019, *Policy Brief: Sex Workers and Travel Restrictions*, page 9, available at: https://www.nswp.org/sites/default/files/sex_workers_and_travel_restrictions_-_nswp_2019_0.pdf (accessed 6 September 2022)

Recommendations

- Data should be made public regarding numbers of visa applications made for travel to the United Nations in Geneva, along with numbers of rejections with breakdown by gender, nationality, and location of embassy.
- Measures should be taken to expedite visa applications to attend upcoming meetings at the United Nations in Geneva, including through liaison with other European embassies handling Schengen visas on Switzerland's behalf.
- Measures should be taken to standardise the documentation required for visa applications, so that an applicant of one nationality or in one jurisdiction does not face a greater burden than an applicant of another nationality or in another jurisdiction.
- Measures should be taken in all jurisdictions to minimise the financial burden shouldered by Global South visa applicants. These should include:
 - reducing the cost of all visa applications to USD 35 in line with the fee paid by visa nationals from Europe
 - reducing the number of times an applicant must attend physical interview for a single application, by permitting online submission of any additional documentation requested, and providing the option for virtual interviews if follow-up is needed
 - removing requirements for applicants to provide a copy of flight reservations, given the higher cost of refundable tickets and the potential to lose money should the application be rejected
 - reducing the requirement for proof of sufficient financial resources from the non-student rate of USD 100 per day to the student rate of USD 30 per day, recognising that non-students can also get by on this budget and that for some activists, it is the only way to afford UN access.
- Greater flexibility should be implemented in terms of documentation required to support visa applications, taking into account that some self-employed persons, including sex workers, may encounter barriers to obtaining a business licence; and that some retired persons may encounter barriers to accessing a pension or documenting other financial support.
- Staff of Swiss embassies, and of other embassies handling Schengen visa applications on Switzerland's behalf, should receive anti-discrimination training, especially if they are liable to have any direct contact with visa applicants. Such training should challenge discrimination on the grounds of gender, race, nationality, class, income, profession (including sex work), sexual orientation, gender identity and sex characteristics.
- Information should be shared with all visa applicants on how to submit a complaint, along with a guarantee that submission of a complaint will not lead to reprisals in the form of future visa denials.