
Advance Unedited Version

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Committee on the Rights of Persons with Disabilities**List of issues in relation to the initial report of Switzerland*****A. Purpose and general obligations (arts. 1-4)**

1. Please provide information on:

(a) Effective mechanisms and practical measures taken to review and harmonise laws and policies through the Conference of Cantonal Governments to adhere to the Convention, including ensuring the concept of disability is consistent with the Convention and that stigmatising language such as ‘invalid’ is removed;

(b) Mechanisms established and the human and financial resources available at the federal, cantonal and municipal levels for meaningful consultation with persons with disabilities through their representative organizations, including persons with disabilities of diverse sexual orientation, gender identity, or sex characteristics, regarding the design and monitoring of legislation and policies aimed at implementing the Convention;

(c) Measures taken to ensure that the implementation of the 2030 Agenda for Sustainable Development in and by the State party is inclusive of persons with disabilities.

(d) Steps taken to ratify the Optional Protocol to the Convention with the timeframe for ratification.

B. Specific rights (arts. 5-30)**Equality and non-discrimination (art. 5)**

2. Please provide information on:

(a) Measures taken to ensure discrimination laws at the federal and cantonal levels adhere to the Convention, taking into account the Committee’s general comment No. 6 (2018) on equality and non-discrimination to provide equal and effective legal protection against all forms of discrimination on all grounds to persons with disabilities, including multiple and intersectional discrimination, and denial of reasonable accommodation, in the public or private sphere;

(b) The types of remedies and redress provided, including any forms of reparation and compensation applied in cantonal and federal courts including the Federal Supreme Court;

(c) Measures taken by the Federal Council to respond to the recommendations of the Swiss Centre of Expertise in Human Rights’ study about access to legal protection in

* Adopted by the pre-sessional working group at its twelfth session (23-27 September 2019).

cases of alleged discrimination, including “gaps in the field of private law and with regard to the rights of lesbian, gay, transgender and intersex persons” (para. 35).¹

Women with disabilities (art. 6)

3. Please provide information on the strategies and measures taken to mainstream the rights of women and girls with disabilities, including in international cooperation, and to ensure that all policies and programmes adhere to the Convention and take into account the Committee’s general comment No. 3 (2016) on women and girls with disabilities, and the Council of Europe Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention).

Children with disabilities (art. 7)

4. Please provide information on:

(a) Mechanisms in place to protect the rights of children with disabilities, including migrant, refugee, asylum seeking and undocumented children, including measures taken in the implementation of the concluding observations of the Committee on the Rights of the Child (CRC/C/CHE/CO/2-4, para. 25);

(b) Measures taken to ensure that children with disabilities can express their views freely on all matters affecting them, with their views being given due weight in accordance with their age and maturity, on an equal basis with other children, and that they are provided with disability and age-appropriate assistance to realise that right.

Awareness-raising (art. 8)

5. Please provide information on specific measures taken and strategies in place to:

(a) Promote awareness of the rights of persons with disabilities under the Convention targeting families, the education system, members of the judiciary and professionals and staff working with persons with disabilities;

(b) Modify and address stereotypes, prejudice and harmful practices against persons with disabilities, particularly persons with intellectual or psychosocial disabilities, in all aspects of life.

Accessibility (art. 9)

6. Please provide information on steps taken to:

(a) Develop a national accessibility plan at all levels of government that includes enforceable accessibility standards for public and private facilities open to or provided to the public including transport, buildings, housing, communications and information as well as any timelines, benchmarks and budget allocations;

(b) Closely consult and actively involve persons with disabilities, including women and children with disabilities, through their representative organisations in the development of a national accessibility plan and indicate the mechanisms in place.

Right to life (art. 10)

7. Please provide the Committee with further information on how measures for assisted suicide impact on persons with disability, particularly persons with psychosocial disabilities, including data on the numbers of persons who utilised assisted suicide, disaggregated by sex, age, disability and the nature of their conditions (para. 56).

Situations of risk and humanitarian emergencies (art. 11)

8. Please provide information on measures taken to ensure:

¹ Unless otherwise indicated, paragraph numbers in brackets refer to the State party report, issued as document CRPD/C/CHE/1.

(a) That the disaster risk reduction plan and strategies at the federal, cantonal and municipal levels explicitly provide for accessibility and inclusion of all persons with disabilities in all situations of risk, to adhere to the Convention and in line with the Sendai Framework for Disaster Risk Reduction;

(b) Inclusion of persons with disabilities in humanitarian action and cooperation, and that all policies and programmes for asylum seekers and refugees are also accessible to asylum seekers and refugees with disabilities, including accessible housing and the provision to learn sign languages.

Equal recognition before the law (art. 12)

9. Please provide information on all measures and steps taken to replace substituted decision-making regimes with nationally consistent supported decision-making mechanisms, including for persons with intellectual or psychosocial disabilities.

Access to justice (art. 13)

10. Please provide information on steps taken to:

(a) Ensure that persons with disabilities, especially persons with intellectual or psychosocial disabilities, have effective access to justice, including through the provision of procedural and age appropriate accommodation;

(b) Train justice system personnel on the rights of persons with disabilities, and on the provisions of the Convention and their implementation in domestic law.

Liberty and security of the person (art. 14)

11. Please provide information on measures taken to:

(a) Revise and repeal all law, policy and practices that deprive persons of their liberty on the basis of disability, and disaggregated statistics for the past five years about the number of persons that have had their liberty restricted ‘for care purposes’ (para. 17);

(b) Oppose the draft Additional Protocol to the Oviedo Convention, in line with the Statement by the Committee on this subject, adopted during its 20th session in 2018;²

(c) Ensure the liberty and security of children with disabilities and to prevent children with disabilities from being placed in psychiatric units and ensure that these children are not arbitrarily deprived of their right to be visited by their parents (CRC/C/CHE/CO/2-4, para. 55(g)).

Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)

12. Please provide information on:

(a) Measures taken to eliminate in law, policy and practice all forms of forced medical procedures and treatment, chemical, physical and mechanical restraints, isolation and seclusion, particularly for persons with intellectual or psychosocial disabilities;

(b) The scope of the National Commission for Prevention of Torture’s mandate in monitoring institutions for persons with disabilities, the human, technical and financial resources available to undertake monitoring, the methods of reporting, and the measures taken to closely consult and actively involve persons with disabilities, including children with disabilities, through their representative organisations;

(c) Measures taken to review and revise the Federal Act on Research Involving Human Beings in order to adhere to the Convention, including steps to closely consult with organisations of persons with disabilities, in particular persons with intellectual, cognitive or psychosocial disabilities;

² <https://www.ohchr.org/EN/HRBodies/CRPD/Pages/CRPDStatements.aspx>

(d) Measures taken to eliminate the practice of ‘packing’ of autistic children (CRC/C/CHE/CO/2-4, para. 55 (f)).

(e) Criminal and civil remedies available to persons with disabilities, including intersex persons, who have undergone involuntary sterilisation or unnecessary and irreversible medical or surgical treatment, procedures to access medical records and whether remedies are subject to any statutes of limitations.

Freedom from exploitation, violence and abuse (art. 16)

13. Please provide information on:

(a) Measures taken at all levels of government to prohibit all forms of violence including hate crimes against persons with disabilities, including women and girls with disabilities;

(b) Measures taken to prevent and protect persons with disabilities from all forms violence, exploitation and abuse, including complaint mechanisms and recovery services;

(c) Any national strategies to address gender-based violence against women, and whether it includes specific measure to address violence experienced by women and girls with disabilities;

(d) Current statistical data on cases of exploitation, violence and abuse, including sexual abuse, against persons with disabilities, disaggregated by sex, age, and place of residence;

(e) Measures taken to promote the physical, cognitive and psychological recovery, rehabilitation and social reintegration for intersex persons who have undergone involuntary procedures, including those who underwent irreversible surgical procedures as children with parental consent, and to ensure that such measures are covered by medical insurance.

Protecting the integrity of the person (art. 17)

14. Please provide information on:

(a) Law and policies related to sterilization of adults assessed as ‘incapable of discernment’ (para. 88), including measures taken to review the Sterilization Act to adhere with the Convention; and the number of persons with disabilities who are sterilized each year, disaggregated by persons deemed ‘incapable of discernment’, sex, age, disability, and place of residence;

(b) Measures taken to ensure that no child is subjected to irreversible medical or surgical treatment during infancy or childhood (CRC/C/CHE/CO/2-4, para. 43(b)), (CAT/C/CHE/CO/7, para. 20(a)), (CEDAW/C/CHE/CO/4-5, para. 25(c)) (CCPR/C/CHE/CO/4, para. 25); and the number of irreversible surgical and other procedures that are performed on intersex children disaggregated by age and geographic location.

Living independently and being included in the community (art. 19)

16. Please provide information on:

(a) Measures taken to end the institutionalization of children, adults with disabilities, including older persons, and persons with intellectual or psychosocial disabilities, across all levels of government, taking into account general comment No. 5 (2017) on living independently and being included in the community, and safeguards against re-institutionalization into smaller institutions;

(b) Measures to establish accessible and affordable housing in the community and a range of community based support to enable adults with disabilities to choose where and with whom they live on an equal basis with others;

(c) The number of children and adults with disabilities currently living in residential institutions, the length of time they have lived there and the type of residential institution, and a strategy to deinstitutionalize them.

Freedom of expression and opinion, and access to information (art. 21)

17. Please provide information on:

(a) Laws, policies and programmes at federal, cantonal and municipal levels that ensure that information provided to the public, including at public events and on television, the radio and the Internet, is accessible for persons with disabilities;

(b) Policies, programmes and funding for facilitating the use of sign language and other accessible means, modes and forms of communication, including Easy Read, by persons with disabilities in official interactions.

Respect for privacy (art. 22)

18. Please provide information on:

(a) Steps taken to ensure the privacy of persons with disabilities in official data collection at all levels of the administration, including through the provision of procedures for complaint and redress;

(b) The monitoring of persons with disabilities by third party actors with regards to the Federal Act on the General Part of Social Insurance Law.

Respect for home and the family (art. 23)

19. Please provide information on measures taken to:

(a) Ensure that the Federal Court's criteria on 'capacity of discernment for marriage' do not discriminate on the basis of disability (para. 126).

(b) Provide equal rights with respect to family life to persons with disabilities, including measures taken to render appropriate assistance to persons with disabilities in the performance of their child-rearing responsibilities, and to provide early and comprehensive information, services and support to children with disabilities and their families;

(c) Ensure families with a family member with disabilities have support to care for their children within the family home.

Education (art. 24)

20. Please provide information on:

(a) Measures taken by the federal government and the Conference of Cantonal Directors of Education to develop a strategy for inclusive education systems as outlined in the Committee's general comment No. 4 (2016) on the right to inclusive education, and to implement the recommendations from the Committee on the Rights of the Child (CRC/C/CHE/CO/2-4, para. 55);

(b) Data on the number of school aged children with disabilities in education, disaggregated by type of education setting, disability, age and sex.

Health (art. 25)

21. Please provide information on measures taken to ensure that:

(a) 'Gesundheit2020' (Health2020) and the next Health2030 national strategy, and any mental health strategies, are inclusive of persons with disabilities;

(b) Persons with disabilities can access supplementary health and life insurance without discrimination;

(c) Public and private health care professionals receive training on the human rights, dignity, autonomy and requirements of person with disabilities.

Work and employment (art. 27)

22. Please provide information on:

(a) Measures taken to closely consult and actively involve persons with disabilities through their representative organisations in the development and review of employment laws and policies, and in developing pathways from education to the open labour market, and to transition persons with disabilities from sheltered workshops and other ‘protected labour market’ enterprises to the open labour market;

(b) Measures taken to prohibit discrimination on the basis of disability, including direct and indirect discrimination and the denial of reasonable accommodation, with regard to all matters concerning all forms of employment, including conditions of recruitment, hiring and employment, continuance of employment, career advancement and safe and healthy working conditions;

(c) All laws, policies and programmes that regulate sheltered workshops, and other ‘protected labour market’ enterprises that employ persons with disabilities, including measures to prevent labour exploitation, and safeguards to ensure employees are being paid equal remuneration for work of equal value;

(d) Steps taken to introduce targeted measures to create employment opportunities for women with disabilities (CEDAW/C/CHE/CO/4-5, 37(f)), and statistics about the number and proportion of women with disabilities that have gained employment in the open labour market from federal disability pensions since the entry into force of the Convention for the State party.

Adequate standard of living and social protection (art. 28)

23. Please provide information on eligibility criteria for social insurance schemes, particularly disability insurance, and the number and proportion of persons with disabilities who are insured and those that are uninsured, disaggregated by sex, age, migration status, disability and place of residence.

Participation in political and public life (art. 29)

24. Please provide information on:

(a) Measures taken to ensure federal, cantonal and municipal elections are accessible for all persons with disabilities;

(b) The number of persons with disabilities who are deemed to lack legal capacity to vote (para. 180);

(c) The progress in the implementation and monitoring of the Federal Council’s E-Accessibility Action Plan (para. 183);

(d) Measures taken to ensure persons with disabilities, particularly women, can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote and be elected.

Participation in cultural life, recreation, leisure and sport (art. 30)

25. Please provide information on measures taken to:

(a) Ratify the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled, including a corresponding timeline;

(b) Recognise the specific cultural and linguistic identity of sign languages and deaf culture;

(c) Ensure that children with disabilities are included in mainstream recreation, leisure and sport.

C. Specific obligations (arts. 31-33)

Statistics and data collection (art. 31)

26. Please provide information on:

(a) Measures taken to develop indicators and benchmarks to enable the formulation of policies to give effect to the Convention, including how all levels of government have closely consulted and actively involved persons with disabilities, including children with disabilities, through their representative organisations;

(b) Mechanisms in place to collect disaggregated data, including in relation to age, sex, disability, ethnic and national origin, migration status, geographic location, place of residence, and socioeconomic status;

(c) Measures taken to disseminate these statistics and ensure their accessibility to persons with disabilities.

International cooperation (art. 32)

27. Please provide information on measures to:

(a) Ensure international development programmes recognise disability as a cross-cutting issue and are inclusive of and accessible to persons with disabilities, including the proportion of international aid budgets allocated to disability inclusive development;

(b) Mainstream the rights of women and girls with disabilities in the 2017 Strategy on Gender Equality and Women's Rights of the Federal Department of Foreign Affairs;

(c) Closely consult and actively involve organisations of persons with disabilities in the design and implementation of international cooperation initiatives, including in developing the strategy for Dispatch on Switzerland's International Cooperation 2021-2024.

(d) Endorse the Charter on Inclusion of Persons with Disabilities in Humanitarian Action.

National implementation and monitoring (art. 33)

28. Please provide information on:

(a) Measures taken to implement and monitor the Convention across all levels of government, including coordination of activities of the Federal Office for the Equality of Disabled Persons, the Conference of Cantonal Social Services Directors, the Conference of Cantonal Directors of Education, the Federal Social Insurance Office, and the development of the 'policy strategy' by the Federal Department of Home Affairs (para. 211);

(b) Measures taken to establish an independent national human rights institution with a broad human rights protection mandate and adequate human, technical and financial resources, in conformity with the Paris Principles, as recommended during the most recent Universal Periodic Review and accepted by the State party (A/HRC/37/12, paras. 146.11-146.14);

(c) Measures to ensure persons with disabilities, including children with disabilities, and their representative organisations are involved and participate fully in the implementation and monitoring of the Convention.