



# Convention on the Rights of Persons with Disabilities

Distr.: General  
29 October 2019

Original: English  
English, French, Russian and  
Spanish only

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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 harmonize laws and policies through the Conference of Cantonal Governments to adhere to the Convention, including ensuring that the concept of disability is consistent with the Convention and that stigmatizing 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, including persons with disabilities with diverse sexual orientations and gender identities and intersex persons with disabilities, through their representative organizations, regarding the design and monitoring of legislation and policies aimed at implementing the Convention;

(c) Measures taken to ensure that the process of 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, including a corresponding time frame.

#### B. Specific rights (arts. 5–30)

##### Equality and non-discrimination (art. 5)

2. Please provide information on:

(a) Measures taken to ensure that discrimination laws at the federal and cantonal levels adhere to the Convention, taking account of 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 for persons with disabilities, including multiple and intersectional discrimination and the 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 in its study about access to legal protection

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



in 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 (CRPD/C/CHE/1, para. 35).<sup>1</sup>

**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 into international cooperation, and to ensure that all policies and programmes adhere to the Convention and take account of 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 (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 with disabilities, 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 have the right to 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 realize 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 or provided to the public, including transport, buildings, housing, communications and information, and any associated timelines, benchmarks and budget allocations;

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

**Right to life (art. 10)**

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

**Situations of risk and humanitarian emergencies (art. 11)**

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

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<sup>1</sup> Unless otherwise indicated, paragraph numbers in brackets refer to the State party report (CRPD/C/CHE/1).

(a) The disaster risk reduction plan and strategies at the federal, cantonal and municipal levels explicitly provide for accessibility and the inclusion of all persons with disabilities in all situations of risk, to adhere to the Convention and in accordance with the Sendai Framework for Disaster Risk Reduction 2015–2030;

(b) Persons with disabilities are included in humanitarian action and cooperation, and all policies and programmes for asylum seekers and refugees are also accessible to asylum seekers and refugees with disabilities, including accessible housing and 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 practice that deprive persons of their liberty on the basis of disability, including disaggregated statistics for the past five years about the number of persons that have had their liberty restricted “for care purposes” (para. 71);

(b) Oppose the draft additional protocol to the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine (Oviedo Convention), in accordance with the statement by the Committee adopted during its twentieth session, in 2018;<sup>2</sup>

(c) Ensure the liberty and security of children with disabilities, 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 mandate of the National Commission for the Prevention of Torture 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 organizations;

(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

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

organizations of persons with disabilities, in particular persons with intellectual, cognitive or psychosocial disabilities;

(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 with disabilities, who have undergone involuntary sterilization 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 of violence, exploitation and abuse, including complaint mechanisms and recovery services;

(c) Any national strategies to address gender-based violence against women, and whether they include specific measures 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 and rehabilitation and social reintegration of intersex persons who have undergone involuntary procedures, including those who underwent irreversible surgical procedures as children with parental consent, and steps taken 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 the sterilization of adults assessed as “incapable of discernment” (para. 88), including measures taken to review the Sterilization Act to bring it into line with the Convention; and the number of persons with disabilities who are sterilized each year, disaggregated according to whether they are deemed “incapable of discernment” and by sex, age, disability and place of residence;

(b) Measures taken to ensure that no one is subjected to unnecessary 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); and CCPR/C/CHE/CO/4, para. 25), and data on 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)**

15. Please provide information on:

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

(b) Measures taken 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 that they have lived there and the type of residential institution, and what strategy is in place to deinstitutionalize them.

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

16. Please provide information on:

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

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

#### **Respect for privacy (art. 22)**

17. 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 regard to the Federal Act on the General Aspects of Social Security Law.

#### **Respect for home and the family (art. 23)**

18. Please provide information on measures taken to:

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

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

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

#### **Education (art. 24)**

19. Please provide:

(a) Information on 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 of the Committee on the Rights of the Child (CRC/C/CHE/CO/2-4, para. 55);

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

#### **Health (art. 25)**

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

(a) The "Health 2020" strategy and the next national strategy ("Health 2030"), 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 persons with disabilities.

**Work and employment (art. 27)**

21. Please provide information on:

(a) Measures taken to closely consult and actively involve persons with disabilities, through their representative organizations, in the development and review of employment laws and policies and in the development of pathways from education to the open labour market, and to transition persons with disabilities from sheltered workshops and other protected forms of work 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 that employees are 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, para. 37 (f)), and statistics about the number and proportion of women with disabilities who have been covered by disability insurance benefits, including those who have gained employment in the open labour market or have received financial support for self-employment in the context of disability insurance, since the entry into force of the Convention for the State party.

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

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

**Participation in political and public life (art. 29)**

23. Please provide information on:

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

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

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

(d) Measures taken to ensure that 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)**

24. 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 time frame;

- (b) Recognize 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)**

25. 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 steps taken at all levels of government to closely consult and actively involve persons with disabilities, including children with disabilities, through their representative organizations;
- (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)**

26. Please provide information on measures to:

- (a) Ensure that international development programmes recognize the cross-cutting nature of disability 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 into the 2017 Strategy on Gender Equality and Women’s Rights of the Federal Department of Foreign Affairs;
- (c) Closely consult and actively involve organizations of persons with disabilities in the design and implementation of international cooperation initiatives, including in developing the strategy for the dispatch on international cooperation by Switzerland for the period 2021–2024;
- (d) Endorse the Charter on Inclusion of Persons with Disabilities in Humanitarian Action.

#### **National implementation and monitoring (art. 33)**

27. Please provide information on:

- (a) Measures taken to implement and monitor the Convention across all levels of government, including coordination of the 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 and 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 principles relating to the status of national institutions for the promotion and protection of human rights (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 that persons with disabilities, including children with disabilities, and their representative organizations are involved and participate fully in the implementation and monitoring of the Convention.

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