



# Convention on the Rights of Persons with Disabilities

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## Committee on the Rights of Persons with Disabilities

### Concluding observations on the initial report of Switzerland\*

#### I. Introduction

1. The Committee considered the initial report of Switzerland<sup>1</sup> at its 563rd, 565th and 567th meetings,<sup>2</sup> held in a hybrid format on 14, 15 and 16 March 2022. It adopted the present concluding observations at its 577th meeting, held in a hybrid mode on 23 March 2022.
2. The Committee welcomes the initial report of Switzerland, which was prepared in accordance with the Committee's reporting guidelines, and thanks the State party for its written replies<sup>3</sup> to the list of issues prepared by the Committee.<sup>4</sup>
3. The Committee commends the State party for its agreement to have its initial report reviewed in hybrid format, given the extraordinary circumstances of the coronavirus disease (COVID-19) pandemic. The Committee appreciates the fruitful and sincere dialogue held with the State party's delegation, in Geneva and online from the capital, which was diverse and multisectoral and included representatives of the relevant government ministries.

#### II. Positive aspects

4. The Committee welcomes the measures taken by the State party to promote the rights of persons with disabilities and to implement the Convention since accession in 2014, including the following:
  - (a) Approval of a bill on the establishment of a national human rights institution;
  - (b) Signature of the Charter on Inclusion of Persons with Disabilities in Humanitarian Action;
  - (c) Ratification of the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled;
  - (d) Adoption of the 2020–2030 Sustainable Development Strategy.

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\* Adopted by the Committee at its twenty-sixth session (7–25 March 2022).

<sup>1</sup> [CRPD/C/CHE/1](#).

<sup>2</sup> See [CRPD/C/SR.563](#), [CRPD/C/SR.565](#) and [CRPD/C/SR.567](#).

<sup>3</sup> [CRPD/C/CHE/RQ/1](#).

<sup>4</sup> [CRPD/C/CHE/Q/1](#).



### III. Principal areas of concern and recommendations

#### A. General principles and obligations (arts. 1–4)

5. The Committee is concerned that the State party has not ratified the Optional Protocol to the Convention.

6. **The Committee recommends that the State party ratify the Optional Protocol to the Convention.**

7. The Committee is concerned about:

(a) The lack of harmonization of the legislation and policy framework with the Convention, including the human rights model of disability;

(b) The use of language that devalues persons with disabilities, such as “invalidity” and “helplessness”, in the legislative and policy framework, including in the Federal Constitution, and the invalidity insurance and disability entitlements systems;

(c) The absence of an overall strategy for implementing the Convention in all areas of life.

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

(a) **Harmonize its legal and policy framework on disability with the Convention at the federal, cantonal and municipal levels, by integrating the human rights model of disability in its laws, regulations and practices, including the invalidity insurance and disability entitlements systems;**

(b) **Eliminate from its legislation and policy framework, at the federal, cantonal and municipal levels, all devaluing language with reference to persons with disabilities, and replace it with terminology that respects the dignity of persons with disabilities;**

(c) **Adopt a comprehensive disability strategy and action plan for implementing all Convention rights at all levels of government, and strengthen coordination and cooperation among entities at the federal, cantonal and municipal levels.**

9. The Committee notes with concern:

(a) The lack of involvement of persons with disabilities through their representative organizations, including diverse organizations of persons with disabilities, in decision-making processes concerning laws, policies and programmes, including in the implementation of the 2030 Agenda for Sustainable Development and efforts to achieve the Sustainable Development Goals;

(b) The lack of financial and other resources available to the diversity of organizations of persons with disabilities to promote the effective participation and inclusion of persons with disabilities in all aspects of society;

(c) The lack of accessibility of information about public policy and decision-making processes, and limited opportunities to participate at all stages of these processes.

10. **Recalling its general comment No. 7 (2018), the Committee recommends that the State party:**

(a) **Strengthen mechanisms at the federal, cantonal and municipal levels to ensure effective support and consultations with diverse organizations of persons with disabilities – including organizations of persons with intellectual disabilities, autistic persons, persons with psychosocial disabilities, women with disabilities, children with disabilities and lesbian, gay, bisexual, transgender and intersex persons with disabilities – in design, reporting and monitoring with respect to legislation and policies aimed at implementing the Convention and achieving the Sustainable Development Goals;**

(b) **Ensure that adequate financial and other necessary resources are available for the diversity of organizations of persons with disabilities, and that such organizations have access to independent and self-managed funding to strengthen their capacity to independently promote the effective participation of persons with disabilities and their inclusion in society;**

(c) **Provide organizations of persons with disabilities with accessible information, including information in Easy Read and sign languages, and ensure an adequate time frame for their participation at all stages of legislative, policy and decision-making processes.**

## **B. Specific rights (arts. 5–30)**

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

11. The Committee notes with concern that provisions on equality across the federal, cantonal and municipal levels are not harmonized with each other or with the Convention, in particular regarding protection from direct, indirect, multiple and intersecting forms of discrimination and the denial of reasonable accommodation by State and non-State actors in all areas of public life, and the lack of a right of action and access to a remedy.

12. **Recalling its general comment No. 6 (2018), the Committee recommends that the State party adopt measures to harmonize legislation at the federal, cantonal and municipal levels to ensure comprehensive, uniform protection for all persons with disabilities, to ensure that all the elements of the Convention’s standard of non-discrimination are included, and to ensure a right of action and access to a remedy.**

### **Women with disabilities (art. 6)**

13. The Committee notes with concern:

(a) The lack of measures taken to promote gender equality in disability-related legislation and policies and to promote the rights of women and girls with disabilities in gender equality legislation and policies;

(b) The lack of effective consultations with and involvement of women and girls with disabilities in legislation and policies on gender equality and international cooperation.

14. **Recalling its general comment No. 3 (2016), the Committee recommends that the State party:**

(a) **Mainstream the rights of women and girls with disabilities into all gender equality- and disability-related legislation and policies, including the 2030 Gender Equality Strategy and its action plan, and into international cooperation and humanitarian initiatives aimed at promoting gender equality;**

(b) **Ensure close consultation and active involvement of women and girls with disabilities in order to comprehensively include their rights in the national action plan for implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention);**

(c) **Promote the effective participation of women and girls with disabilities, through their representative organizations, in the design, implementation and monitoring of all gender equality strategies and programmes on international cooperation, including in the review of the 2017 Strategy on Gender Equality and Women’s Rights;**

(d) **In close cooperation with the Federal Office for the Equality of Persons with Disabilities and the Federal Office for Gender Equality, establish and adequately resource a federal mandate to ensure implementation of the rights of women and girls with disabilities.**

**Children with disabilities (art. 7)**

15. The Committee notes with concern:

(a) That the scope and application of the concept in the State party's legislation of "the good of the child" does not adhere to the principle and standard of the best interests of the child contained in the Convention, leading to inadequate decisions in matters concerning children with disabilities;

(b) That children with disabilities face multiple and intersecting forms of discrimination;

(c) The lack of accessible complaints and redress mechanisms for children with disabilities who have experienced discrimination, and that the planned ombudsman's office for children's rights, when established, may not have a mandate to receive and investigate complaints from children;

(d) The insufficient measures to ensure that the views of children with disabilities are heard in all decisions affecting them, including in criminal and asylum proceedings.

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

(a) **Strengthen the concept of "the good of the child" to ensure that it adheres to the standard of the best interests of the child under international law, develop guidelines for its application, and ensure that, in matters concerning children with disabilities, its application is in line with the human rights model of disability;**

(b) **Ensure that law and policy on children's rights are inclusive of and protect all children with disabilities, including children with intellectual or psychosocial disabilities, autistic children, undocumented children with disabilities and migrant, refugee and asylum-seeking children with disabilities, from all forms of discrimination;**

(c) **Adopt a strategy to ensure the inclusion of children with disabilities in all areas of life, and to foster a safe and nurturing environment that is respectful of the life and dignity of children with disabilities, on an equal basis with other children;**

(d) **Establish the planned ombudsman's office for children's rights, and ensure that it is accessible to and inclusive of all children with disabilities and that it has a mandate to regularly monitor and evaluate progress at the federal, cantonal and municipal levels in the fulfilment of the rights of children with disabilities under the Convention and to receive, investigate and address complaints from children with disabilities;**

(e) **Establish mechanisms that respect the evolving capacities of children with disabilities to ensure that they can form their own views and express them freely in all matters affecting them, including in criminal and asylum proceedings, and ensure that their views are given due weight in accordance with their age and maturity; and ensure that they receive disability- and age-appropriate support to realize their right to be heard.**

**Awareness-raising (art. 8)**

17. The Committee notes with concern:

(a) The lack of awareness about the dignity and rights of persons with disabilities in society and in the media, and the widespread negative media portrayal of persons with disabilities;

(b) The overreliance on civil society organizations to conduct awareness-raising activities on the rights of persons with disabilities;

(c) Discriminatory attitudes, negative stereotypes and prejudices towards persons with disabilities, including autistic persons and persons with intellectual or psychosocial disabilities.

18. **The Committee recommends that the State party, in close consultation with and with the active involvement of persons with disabilities:**

(a) **Adopt a national strategy, applicable at the federal, cantonal and municipal levels, to eliminate negative stereotypes, prejudices and harmful practices against persons with disabilities;**

(b) **Implement comprehensive awareness-raising programmes, including training, on the rights of persons with disabilities and the human rights model of disability for policymakers, the judiciary, law enforcement officers, the media, educators, professionals working with and for persons with disabilities, the general public and families of children with disabilities;**

(c) **Introduce training and awareness-raising modules about the rights of persons with disabilities at all levels of education and in all accessible formats in order to foster respect for the dignity and rights of all persons with disabilities.**

#### **Accessibility (art. 9)**

19. The Committee notes with concern:

(a) The lack of a comprehensive accessibility strategy to harmonize accessibility obligations at the federal, cantonal and municipal levels, to embed universal design standards and to encompass all domains, including public transport, buildings, facilities, public spaces, services, and physical, information, communications and digital access, and including at the design and construction phases;

(b) The narrow scope of the Disability Discrimination Act, which sets a lower standard than that required under Convention obligations and which does not cover facilities and services provided to the public by private entities;

(c) That the increased application of European Union standards has established less stringent requirements for accessibility than those under the Convention, reducing the capacity of persons with disabilities and organizations of persons with disabilities to advocate the higher standard required under Convention obligations.

20. **Recalling its general comment No. 2 (2014), the Committee recommends that the State party:**

(a) **Adopt an accessibility strategy, in close consultation with organizations of persons with disabilities, to harmonize accessibility across all levels of government, to embed universal design standards and to ensure access to all domains;**

(b) **Amend the Disability Discrimination Act to extend its scope to cover all buildings irrespective of the need for renovation, all residential buildings regardless of the number of residential units, and all facilities and services that are open or provided to the public by private entities;**

(c) **Address the inconsistency between European Union accessibility standards, Swiss legislation on the equality of persons with disabilities and the State party's obligations under the Convention.**

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

21. The Committee notes with concern that the guidelines issued by the Swiss Academy of Medical Sciences on decisions regarding resuscitation do not sufficiently protect the right to life of persons with disabilities.

22. **The Committee recommends that the State party develop human rights-based decision-making guidelines, in consultation with organizations of persons with disabilities, to ensure that decisions regarding resuscitation do not discriminate on the basis of disability.**

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

23. The Committee notes with concern:

(a) The lack of inclusion of the specific needs of persons with disabilities in disaster risk reduction plans and strategies to protect persons with disabilities in situations of

risk and humanitarian emergencies, and the insufficient measures to involve persons with disabilities in the formulation of such plans and strategies;

(b) The lack of an action plan to implement the Charter on Inclusion of Persons with Disabilities in Humanitarian Action;

(c) The lack of a proactive response to the specific needs of persons with disabilities in regard to COVID-19, including the lack of information for the public, transport authorities and the media regarding mask exemptions, which has resulted in the constant vilification of autistic persons with exemptions.

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

(a) **Ensure that disaster risk reduction plans and strategies at the federal, cantonal and municipal levels are formulated with persons with disabilities and explicitly respond to their specific needs in all situations of risk, in accordance with the Convention and with the Sendai Framework for Disaster Risk Reduction 2015–2030;**

(b) **Adopt an action plan to implement the Charter on Inclusion of Persons with Disabilities in Humanitarian Action with clear and measurable objectives and indicators, including for disaster risk reduction, in close consultation with and with the active involvement of organizations of persons with disabilities, and in accordance with the Guidelines on the Inclusion of Persons with Disabilities in Humanitarian Action issued by the Inter-Agency Standing Committee;**

(c) **Ensure disability-inclusive COVID-19 response and recovery plans, strengthen cooperation with organizations of persons with disabilities and ensure that information on pandemic measures, including mask exemptions, is provided to the public, the relevant authorities and the media.**

**Equal recognition before the law (art. 12)**

25. The Committee notes with concern:

(a) The lack of recognition of the right of persons with disabilities to equality before the law, including the existence of laws denying or restricting the legal capacity of persons with disabilities and placing them under guardianship;

(b) The absence of measures to support persons with disabilities to exercise their legal capacity on an equal basis with others.

26. **Recalling its general comment No. 1 (2014), the Committee recommends that the State party:**

(a) **Amend the Civil Code and the Act on the Protection of Adults and repeal any laws and associated policies and practices that have the purpose or effect of denying or diminishing the recognition of any person with disabilities as a person before the law;**

(b) **Develop and implement, in close consultation with and with the active involvement of persons with disabilities and their representative organizations, a nationally consistent framework for supported decision-making that respects the will, preferences and individual choices of persons with disabilities.**

**Access to justice (art. 13)**

27. The Committee notes with concern:

(a) Barriers to access to justice for persons with disabilities, including the accessibility of administrative tribunals and courts, the financial risks of taking action, the lack of availability of accessible information and communications and the lack of procedural accommodation to facilitate effective participation in legal proceedings;

(b) The lack of understanding and application of the standards and principles of the Convention in judicial and administrative procedures;

(c) That persons with disabilities deemed “incapable of discernment” are not provided with procedural and reasonable accommodation in order to facilitate their effective role as participants in legal proceedings on an equal basis with others.

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

(a) **Ensure access to judicial and administrative facilities, including through universal design, and the provision of alternative and augmentative means of information and communication for use throughout legal proceedings, such as Braille, sign language, accessible digital formats, Easy Read, audio description and video transcription;**

(b) **Strengthen federal and cantonal procedural regulations to ensure the provision of procedural and age-appropriate accommodation at all levels of the justice system;**

(c) **Develop professional development programmes for the judiciary, judicial and administrative professionals and other relevant government officials on the provisions of the Convention and the human rights model of disability and their implementation in domestic law;**

(d) **Repeal legislation that restricts the legal capacity of persons with disabilities, and guarantee their access to justice on an equal basis with others, including throughout judicial proceedings.**

#### **Liberty and security of the person (art. 14)**

29. The Committee notes with concern:

(a) The legal provisions that allow for the involuntary detention and treatment of persons with intellectual or psychosocial disabilities, and the increase in the number of persons under care-related hospitalization;

(b) The placement of children in institutions by child protection authorities and their placement in psychiatric facilities through adult protection provisions;

(c) The lack of a clear position opposing 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.

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

(a) **Review and repeal all legal provisions, policies and practices that allow for the involuntary deprivation of liberty on the basis of disability;**

(b) **Prevent the placement of children with disabilities in institutions, psychiatric facilities or care-related hospitalization, and cease the application of adult protection provisions for children;**

(c) **Be guided by its obligations under article 14 of the Convention and the Committee’s guidelines on the right to liberty and security of persons with disabilities,<sup>5</sup> and oppose the adoption of 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. The State party should implement its obligations under the Convention on Human Rights and Biomedicine in a manner compatible with the human rights model of disability.**

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

31. The Committee notes with concern the use of forced medical procedures and treatment, chemical, physical and mechanical restraints, isolation and seclusion in prisons, residential care facilities and psychiatric institutions.

<sup>5</sup> [A/72/55](#), annex.

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

(a) **Eliminate in law, policy and practice all forms of forced medical procedures and treatment, and the use of chemical, physical and mechanical restraints, isolation and seclusion;**

(b) **Ensure that the National Commission for the Prevention of Torture has sufficient human, technical and financial resources and monitoring mechanisms based on Convention standards and principles, and that it actively involves persons with disabilities, including children with disabilities, through their representative organizations.**

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

33. The Committee notes with concern:

(a) The reported high incidence of exploitation, violence and abuse against persons with disabilities, including in institutions, and in particular against women and children with disabilities;

(b) The lack of a rigorous evidence base and comprehensive data on the prevalence of exploitation, violence and abuse against all persons with disabilities, including older women, children and refugees with disabilities; and the omission of women with disabilities from the prevalence study on violence against women and domestic violence under the 2030 Gender Equality Strategy and its action plan;

(c) The lack of accessible victim support services, the lack of accessible information on support services and reporting mechanisms, the lack of accessible reporting mechanisms, including independent reporting systems in institutions, and the lack of expertise, accessibility and reasonable accommodation provided by judicial authorities.

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

(a) **Strengthen measures to prevent and combat all forms of violence, including stigmatization and stereotypes, against persons with disabilities and provide them with accessible, age-appropriate information about forms of violence and about the complaints and redress mechanisms available to them;**

(b) **Develop a robust evidence base on exploitation, violence and abuse against adults and children with disabilities, including through comprehensive disability-inclusive research and prevalence studies, and include women and girls with disabilities in the prevalence study on violence against women and domestic violence;**

(c) **Develop strategies at the federal and cantonal levels to ensure the accessibility of victim support services, information on support services and reporting mechanisms, to ensure the accessibility and independence of reporting mechanisms, including in institutions, and to provide professional development programmes for the relevant judicial and administrative officers on the human rights model of disability, accessibility and reasonable accommodation;**

(d) **Ensure that all persons with disabilities, including older women, children and refugees with disabilities and persons with disabilities living in institutions, have access to confidential mechanisms for reporting violence, that reports of exploitation, violence and abuse, including in institutions, are promptly investigated, that perpetrators are prosecuted and punished, and that remedies are provided for victims of violence, including redress, reparations and recovery.**

**Protecting the integrity of the person (art. 17)**

35. The Committee notes with concern:

(a) That persons over 16 years of age deemed “incapable of discernment” can be sterilized under legal provisions that authorize sterilisation procedures; and the lack of data on and redress for such procedures;



(b) The lack of uniform cantonal protection against the practice of “packing” that is applied to autistic children, whereby the child is wrapped in cold, wet sheets;

(c) That intersex persons can be subjected to unnecessary and irreversible medical and/or surgical interventions, including during infancy or childhood; and that there is a lack of ongoing health care, psychosocial support and social reintegration for intersex persons who have been subjected to intersex genital mutilation and a lack of access to redress.

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

(a) **Prohibit the sterilization of persons with disabilities without their consent, repeal legal provisions that allow substituted consent by third parties for sterilization procedures, collect disaggregated data on sterilization procedures, and take measures to provide redress and support to persons with disabilities who are victims of forced sterilization;**

(b) **Prohibit in all cantons the practice of “packing” children, and take measures ensure the recovery of and redress for children who have been subjected to such treatment;**

(c) **Adopt clear legislative provisions that explicitly prohibit the performance of unnecessary and irreversible medical interventions, including surgical, hormonal or other medical procedures, on intersex infants and children; provide adequate counselling and support for families of intersex children; extend the statute of limitations to enable criminal and civil remedies; and provide health care and psychosocial support to intersex persons who have been subjected to intersex genital mutilation.**

#### **Liberty of movement and nationality (art. 18)**

37. The Committee notes with concern:

(a) The lack of access to specialized medical care, infrastructure and facilities, communications, reasonable accommodation and qualified personnel to provide support for asylum seekers with disabilities in federal asylum centres, and the disproportionate use of force by security personnel;

(b) The lack of accessible information and procedural accommodation during asylum procedures;

(c) The requirements for financial independence under federal migration law that affects the ability of persons with disabilities to obtain and maintain residence permits or seek family reunification.

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

(a) **Establish, as a matter of priority and in consultation with organizations of persons with disabilities, the proposed single point of contact for asylum seekers with disabilities in federal asylum centres; ensure that asylum seekers with disabilities have access to specialized medical care, infrastructure and facilities, accessible communications, reasonable accommodation and qualified support personnel; and prevent the use of force by security personnel in federal asylum centres;**

(b) **Finalize the guidelines for persons with “special needs” and ensure that these guidelines are based on the standards and principles of the Convention, including in the areas of access to information and the provision of procedural accommodation;**

(c) **Review the impact of the requirements for financial independence under federal migration law on persons with disabilities, including how disability is understood and recognized by the courts, with the aim of removing or amending this requirement.**

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

39. The Committee notes with concern:

(a) The institutionalization of adults and children with disabilities, including persons with intellectual or psychosocial disabilities and autistic persons, and reports of violence and abuse in these institutions;

(b) The lack of a comprehensive system to provide individualized support and personal assistance for living independently in the community, and the shortage of affordable and accessible housing in the community for persons with disabilities.

**40. Recalling its general comment No. 5 (2017), the Committee recommends that the State party, in close consultation with organizations of persons with disabilities, including women with disabilities:**

(a) **Develop a strategy and action plan to end, as a matter of priority, the institutionalization of all persons with disabilities, including in small residential homes, with measures to prevent transinstitutionalization and to support the transition from institutions to life in the community, with specific time frames, sufficient human, technical and financial resources, and clear responsibilities for implementation and independent monitoring;**

(b) **Strengthen personal assistance support and services for persons with disabilities for living independently in the community, and ensure access for persons with disabilities to affordable and accessible housing in the community on the basis of individual choice.**

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

41. The Committee notes with concern:

(a) The lack of recognition of the three Swiss sign languages as official languages;

(b) Barriers faced by persons with disabilities in gaining access to public information and communications, including on websites and media services.

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

(a) **Recognize the three Swiss sign languages as official languages at both the federal and the cantonal levels, promote access to and the use of sign languages in all areas of life, ensure the availability of qualified sign language interpreters, and ensure close consultation and engagement with the deaf community, especially in schools, universities and other settings;**

(b) **Develop legally binding information and communications standards at the federal, cantonal and municipal levels to ensure the accessibility of information provided to the public, including at public events and on websites, television and media services;**

(c) **Allocate sufficient funding for the development, promotion and use of accessible communication formats, such as Braille, deafblind interpretation, sign language, Easy Read, plain language, audio description, video transcription, captioning and tactile, augmentative and alternative means of communication.**

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

43. The Committee notes with concern:

(a) The unnecessarily large amount of personal data required from persons with disabilities who apply for social insurance and other entitlements;

(b) The lack of a right of action, given that the Disability Discrimination Act does not apply to services provided by cantons and municipalities.

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

(a) **Ensure, through legislation and policy at the federal and cantonal levels, that data collection is limited to data that are specifically relevant, that personal data are disclosed with the consent of the individual only, and that data protection covers the personal data of those living in institutions;**

(b) **Ensure that the privacy of the personal data of persons with disabilities is comprehensively protected by data protection laws across all cantons, including a right of action and access to remedy.**

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

45. The Committee notes with concern:

(a) The insufficient support available for children with disabilities and their families to ensure the enjoyment by children with disabilities, on an equal basis with others, of their rights with respect to family life, and to prevent institutionalization;

(b) The lack of measures to support parents with disabilities to carry out parental responsibilities, to prevent the separation of children from their parents on the basis of the disability of the parents or the child, and to ensure that alternative care is provided by the wider family or an alternative family instead of placement in institutions.

46. **Recalling its joint statement with the Committee on the Rights of the Child on the rights of children with disabilities (2022), the Committee recommends that the State party:**

(a) **Ensure the enjoyment by children with disabilities, on an equal basis with others, of their rights with respect to family life, including by providing appropriate support and assistance to children with disabilities and their families to prevent institutionalization;**

(b) **Provide specific support services to parents with disabilities, prohibit the separation of children from their parents on the basis of the disability of either the child or one or both of the parents, and ensure that alternative care is only provided within the extended family or an alternative family instead of placement in institutions, including group homes.**

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

47. The Committee notes with concern:

(a) The high number of children in segregated educational settings, and the application of the inter-cantonal agreement on special education to stream children with disabilities into special education;

(b) The lack of resources in mainstream schools to support inclusive education, including lack of sign language interpretation, reasonable accommodation and teachers with specialist qualifications in inclusive education in mainstream schools;

(c) The barriers in gaining access to vocational training and higher education faced by students with disabilities, particularly those with intellectual or psychosocial disabilities.

48. **Recalling its general comment No. 4 (2016), the Committee recommends that the State party:**

(a) **Introduce a constitutional right to inclusive education and develop a comprehensive strategy for implementing high-quality inclusive education for all children with disabilities, including those with intellectual or psychosocial disabilities and autistic children, with specific targets, time frames, budgets, the transfer of resources from special schools, and inclusive education curricula and teaching qualifications at the federal and cantonal levels;**

(b) **Ensure that the application of the inter-cantonal agreement on special education and cantonal policies does not result in the streaming of children with disabilities into special education, and upholds their right to inclusive education;**

(c) **Ensure that persons with disabilities are able to participate in accessible and inclusive higher education, including through the provision of reasonable accommodation, and that they have access to inclusive programmes for certified basic vocational and professional training.**

**Health (art. 25)**

49. The Committee notes with concern:

(a) The barriers faced by persons with disabilities in gaining access to gender-sensitive, accessible health care, including accessibility in primary and specialist health services, the lack of reasonable accommodation, prejudices about persons with disabilities across medical specialities, and fee restrictions that prevent compensation for additional disability-related expenses;

(b) The lack of sufficient community-based, non-coercive mental health services and support, and the fact that 400 new places are being established in mental health institutions;

(c) The insufficient measures to ensure access, on an equal basis with others, to high-quality, age-appropriate sexual and reproductive health services and sex education for all persons with disabilities, particularly women and girls with disabilities.

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

(a) **Ensure that persons with disabilities have access to high-quality, gender-sensitive and affordable health-care services at the federal and cantonal levels without discrimination, including by ensuring the implementation of accessibility standards and the provision of reasonable accommodation by public and private health providers;**

(b) **Develop professional training and continuing education for public and private health professionals on the human rights of persons with disabilities and the requirement for accessibility and reasonable accommodation in all aspects of health-care provision;**

(c) **Take effective measures to eliminate fee restrictions that prevent compensation for additional disability-related expenses;**

(d) **Develop, in close consultation with organizations of persons with psychosocial disabilities, non-coercive, community-based mental health support, in all cantons, that is based on the principles and standards of the Convention;**

(e) **Ensure that high-quality, age-appropriate sexual and reproductive health services and sex education are inclusive of and accessible to all persons with disabilities, in particular women and girls with disabilities and those still in institutions.**

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

51. The Committee notes with concern:

(a) The segregation of persons with disabilities in the “protected labour market”, with very low wages and limited opportunities to transition to the open labour market;

(b) Barriers faced by persons with disabilities in gaining access to employment in the open labour market, resulting in high unemployment rates, in particular among women with disabilities.

52. **The Committee recommends that the State party, in close consultation with and with the active involvement of organizations of persons with disabilities:**

(a) **Develop and implement a comprehensive action plan to harmonize the competencies required at the federal and cantonal levels for participation in the labour market, and enable the transition of persons with disabilities from the “protected labour market” to the open labour market in the private and public sectors, with equal remuneration for work of equal value, in an inclusive work environment and with opportunities for professional development;**

(b) **Take measures at the federal, cantonal and municipal levels to ensure that persons with disabilities have access, without discrimination, to employment in an inclusive open labour market in the public and private sectors;**

(c) **Develop and implement measures to increase the employment of persons with disabilities in the open labour market, including in the private sector, through**

appropriate policies, such as targets, affirmative action programmes and incentives, including policies specifically aimed at increasing employment of women with disabilities.

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

53. The Committee notes with concern:

(a) The disproportionately high risk of poverty among persons with disabilities and the insufficient support for disability-related expenses, the lack of recognition of the relationship between poverty and disability and the absence of specific measures for persons with disabilities in the implementation plan for the National Platform to Prevent and Combat Poverty (2019–2024);

(b) The barriers for persons with disabilities, including for adults with autism that is diagnosed late and for persons whose disabilities are deemed not to meet eligibility criteria for invalidity insurance and other social security schemes.

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

(a) **Mainstream the specific needs of persons with disabilities into the implementation plan of the National Platform to Prevent and Combat Poverty and ensure that poverty reduction measures are taken at the federal, cantonal and municipal levels;**

(b) **Review eligibility criteria and assessment provisions concerning invalidity insurance and other social security benefits and schemes to ensure coverage for all persons with disabilities.**

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

55. The Committee notes with concern:

(a) That persons with disabilities deemed “permanently incapable of discernment” are excluded from exercising their right to vote at the federal and cantonal levels;

(b) The underrepresentation of persons with disabilities in political and public life, including in decision-making positions;

(c) Reports of persons with disabilities having lost their social insurance benefits owing to their participation in political and public life, which the authorities deemed proof that they were able to work.

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

(a) **Repeal all legal provisions at the federal and cantonal levels that result in persons with disabilities, in particular those with intellectual or psychosocial disabilities, being denied their right to vote;**

(b) **Ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives, including by ensuring the accessibility of the voting process to all persons with disabilities, including those in institutions, and by providing opportunities and support for persons with disabilities to be politically active and stand for election in all cantons and at the federal level;**

(c) **Establish mechanisms to ensure the right of all persons with disabilities to participate in political and public life, including through advocacy, without incurring penalties or reprisals, such as disqualification for social insurance benefits and other entitlements.**

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

57. The Committee notes with concern the insufficient measures to implement the Marrakesh Treaty and to recognize the specific cultural and linguistic identity of deaf persons.

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

- (a) **Strengthen measures to implement the Marrakesh Treaty and to increase the availability of accessible published works;**
- (b) **Recognize the specific cultural and linguistic identity of deaf persons, including sign languages and deaf culture.**

### **C. Specific obligations (arts. 31–33)**

#### **Statistics and data collection (art. 31)**

59. The Committee notes with concern:

- (a) That there is no comprehensive disability data framework across all levels of government to collect, analyse and disseminate disaggregated data on the situation of persons with disabilities in all areas of life;
- (b) The lack of collection of disaggregated data in the context of international cooperation.

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

- (a) **Develop a comprehensive disability data framework at the federal, cantonal and municipal levels for the collection, analysis and dissemination of disaggregated data on persons with disabilities in all areas of life;**
- (b) **Promote independent and inclusive research, in partnership with persons with disabilities, to provide an evidence base to inform disability-related policies and programmes;**
- (c) **Collect disaggregated data on disability in all humanitarian and development programmes.**

#### **International cooperation (art. 32)**

61. The Committee notes with concern that strategies and programmes on international cooperation do not recognize the cross-cutting nature of disability, and are not developed in close consultation with and with active involvement of organizations of persons with disabilities in accordance with the Committee's general comment No. 7 (2018).

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

- (a) **Adopt guidelines to ensure that all international cooperation programmes are disability-inclusive and harmonized with the Convention, and do not result in the segregation of persons with disabilities;**
- (b) **Take measures to ensure that persons with disabilities, including women with disabilities, through their representative organizations, are closely consulted and actively involved in the design, development, monitoring and evaluation of strategies and programmes on international cooperation;**
- (c) **Consistently apply the disability marker developed by the Development Assistance Committee of the Organisation for Economic Co-operation and Development in all humanitarian and development projects and ensure training in its application.**

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

63. The Committee notes with concern:

- (a) That the current coordination mechanism within the Government lacks the capacity to mainstream the Convention into all sectors and levels of government, particularly at the cantonal level, and that only four cantons have disability focal points;
- (b) The limited scope of the planned national human rights institution;

(c) The lack of information about formal mechanisms to ensure the participation of persons with disabilities and their representative organizations in monitoring of implementation of the Convention.

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

(a) **Strengthen the government mechanism for coordinating and monitoring the implementation of the Convention at the federal and cantonal levels, designate disability focal points in all cantons to implement the Convention, and build the capacity to mainstream the rights of persons with disabilities into all sectors and levels of government;**

(b) **Ensure that the national human rights institution is independent and has a broad mandate on the protection of human rights 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);**

(c) **Ensure that persons with disabilities, including children with disabilities, through their representative organizations, are effectively involved and participate fully in monitoring of implementation of the Convention.**

## **IV. Follow-up**

### **Dissemination of information**

65. The Committee emphasizes the importance of all the recommendations contained in the present concluding observations. With regard to urgent measures that must be taken, the Committee would like to draw the State party's attention to the recommendations contained in paragraphs 12, on equality and non-discrimination, 26, on equal recognition before the law, and 40, on living independently and being included in the community.

66. The Committee requests the State party to implement the recommendations contained in the present concluding observations. It recommends that the State party transmit the concluding observations for consideration and action to members of the Government and parliament, officials in relevant ministries, local authorities and members of relevant professional groups, such as education, medical and legal professionals, as well as to the media, using modern social communication strategies.

67. The Committee strongly encourages the State party to involve civil society organizations, in particular organizations of persons with disabilities, in the preparation of its periodic report.

68. The Committee requests the State party to disseminate the present concluding observations widely, including to non-governmental organizations and organizations of persons with disabilities, and to persons with disabilities themselves and members of their families, in national and minority languages, including sign language, and in accessible formats, including Easy Read, and to make them available on the government website on human rights.

### **Next periodic report**

69. The Committee requests the State party to submit its combined second to fourth periodic reports by 15 May 2028 and to include in them information on the implementation of the recommendations made in the present concluding observations. The Committee also requests the State party to consider submitting the above-mentioned reports under the Committee's simplified reporting procedure, according to which the Committee prepares a list of issues at least one year prior to the due date set for the report of a State party. The replies of a State party to such a list of issues constitute its report.