

Concluding Observations, CRPD Review of Switzerland

SDDC Analysis on International Cooperation

April 2022

Switzerland was reviewed under the Convention on the Rights of Persons with Disabilities between March 14-16, 2022, in Geneva, Switzerland. The independent experts of the Committee posed questions to Switzerland on progress made on its implementation of the Convention.

Following the review, the Committee released recommendations, also known as 'Concluding Observations', which the Swiss Government must now implement and present progress on during the next review in 2028.

The Swiss Disability and Development Consortium (SDDC) encourages a disability inclusive Swiss international cooperation that is in line with the principles and obligations set forth in the CRPD. The Committee asked numerous questions to the Swiss government on its implementation of the Convention in Swiss international cooperation, and as a result, released several key recommendations for Switzerland.

Overall, SDDC is pleased with the recommendations made by the Committee. They reflect the remaining gaps for achieving a disability inclusive Swiss development cooperation and reinforce what the SDDC has been calling for time and time again. They demonstrate that Switzerland still has some basic steps to take, notably the adoption of guidelines to ensure that all international cooperation programmes are disability inclusive. The guidelines should serve as a baseline for disability inclusion across all of Switzerland's development and humanitarian work.

The following is a summary of the recommendations made for disability inclusion in Swiss international cooperation and humanitarian action with a brief analysis.

The Committee made recommendations to the Swiss government on the following areas with explicit reference to implementation within Swiss international cooperation and humanitarian action:

1. Ensuring the participation of persons with disabilities in strategies and programmes as well as the SDGs (Concluding Observation no. 10a, 62b);
2. Mainstreaming the rights of women with disabilities across international cooperation strategies and programmes and ensuring their effective participation (14a, 14b);
3. Adopting an action plan to implement the Charter on the Inclusion of Persons with Disabilities in Humanitarian Action (24b);
4. Collecting and disaggregating data on disability in all humanitarian and development programmes (60c);
5. Adopting guidelines to ensure that all international cooperation programmes are disability-inclusive (62a);
6. Consistently applying the OECD DAC disability marker (62c).

On the participation of persons with disabilities (Article 32 and Articles 1-4)

The Committee makes the following Concluding Observation:

Implement 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 (Concluding Observation 62b)

This recommendation under Article 32 also links to Concluding Observations made under articles 1 to 4, which call for the availability of adequate financial and other necessary resources for the diversity of organizations of persons with disabilities. The Committee also highlights the need for providing organizations of persons with disabilities with accessible information.

The Committee's General Comment No. 7 provides detailed guidance participation of persons with disabilities through their representative organizations, in the implementation and monitoring of the Convention.

Meaningful participation of persons with disabilities as a guiding principle and main objective of the CRPD should take place across all departments and all agencies of the Swiss government, which at the federal level also includes the Swiss Agency for Development and Cooperation (SDC) and therefore also for external affairs. Effective participation is essential both by Swiss OPDs and OPDs in SDC project countries, as persons with disabilities are the experts on matters affecting them.

In its Concluding Observations under Articles 1-4 (specifically 10a, 10b and 10c), the Committee also recommends Switzerland to strengthen mechanisms at all levels to consult with OPDs, including for the implementation of the Sustainable Development Goals. Switzerland set up an advisory group for the implementation of the 2030 Agenda, consisting of representatives from civil society, the private sector as well as science. This group still does not include persons with disabilities and their representative organizations.

On women and girls with disabilities (Article 6)

The Committee makes the following Concluding Observations:

Mainstream the rights of women and girls with disabilities into all gender equality and disability-related legislation and policies, including the action plan for gender equality 2030, as well as international cooperation and humanitarian initiatives aimed at promoting gender equality (Concluding Observation 14a)

The rights of women and girls with disabilities should be mainstreamed across all international cooperation strategies, adopting a twin-track approach ensuring that Switzerland's international cooperation efforts reach all persons including women and girls with disabilities both by mainstreaming their concerns and by targeting them.

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
(Concluding Observation 14b)

As gender equality is a priority for Swiss international cooperation, this recommendation highlights the fact that all gender equality strategies and programmes need to ensure an intersectional approach and include the concerns of women and girls with disabilities. Currently, this group is left out of the 2017 Foreign Affairs strategy on gender equality. At country level, organizations of persons and women with disabilities in particular are not yet regularly consulted on gender strategies and projects.

To ensure an intersectional approach internally, the Swiss Agency for Development and Cooperation should create more synergies between the focal points working on gender and disability.

Organizations of women with disabilities must be involved throughout all strategy, policy and programme processes regarding Switzerland's international cooperation. In line with the Committee's General Comment 7, Switzerland must also provide capacity-building, funding and reasonable accommodation to organizations of women with disabilities so they can meaningfully participate in such consultations.

On situations of risk and humanitarian emergencies (Article 11)

The Committee makes the following Concluding Observation:

Adopt an action plan to implement the Charter on the Inclusion of Persons with Disabilities in Humanitarian Action with clear and measurable objectives and indicators including for Disaster Risk Reduction, in close consultation and active involvement of organizations of persons with disabilities, and in line with the IASC Guidelines on the Inclusion of Persons with Disabilities in Humanitarian Action
(Concluding Observation 24b)

This recommendation refers to the fact that Switzerland adopted the Charter in July 2020, but to date, has not presented any evidence of how it is being implemented. The call for an action plan is essential. Furthermore, the implementation of the Charter must have clear and measurable objectives and indicators, including for DRR, and be adequately resourced with personnel and budget. It must be developed in close consultation with organizations of persons with disabilities. These measures need to take place on a policy level and be operationalized on the ground.

On statistics and data collection (Article 31)

The Committee makes the following Concluding Observation:

Collect and disaggregate data on disability in all humanitarian and development programmes
(Concluding Observation 60c)

Currently, there is no requirement for disability disaggregated data in Swiss international cooperation programmes. All programmes and projects in international cooperation, in all contexts, must collect data on disability and disaggregate along disability in order to track their quality and impact, and to make sure persons with disabilities in general and specific groups of persons with disabilities are not left behind.

Furthermore, the Committee recommends the following on independent research:

*Promote independent and inclusive research, in partnership with persons with disabilities, to provide an evidence-base to inform disability-related policies and programmes **(Concluding Observation 60b)***

Independent research is key to ensuring accountability and evidence-based interventions. Switzerland must ensure that regular external evaluations are conducted on its development and humanitarian programmes to assess disability inclusion.

On international cooperation (Article 32 and Articles 1-4)

The Committee makes the following Concluding Observations:

*Adopt a comprehensive disability strategy and action plan for implementing all Convention rights across all levels of government, and strengthen coordination and cooperation among entities at the federal, cantonal and municipal levels **(Concluding Observation 8c)***

This comprehensive disability strategy would need to ensure the inclusion of the Swiss Agency and Development Cooperation at the federal level, and link with the guidelines in the subsequent recommendation under international cooperation.

*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 **(Concluding Observation 62a)***

This recommendation stems from the fact that there is no consistent approach to disability across Switzerland's work internationally. There are isolated projects on disability inclusion, but not a comprehensive approach to ensure all international programmes are disability inclusive. Such a consistent approach would also help ensure that Switzerland does not fund development projects that further the segregation of persons with disabilities. There is currently no mechanism in place to ensure that this does not happen.

*Consistently apply the OECD DAC disability marker in all humanitarian and development projects and ensure training in its application **(Concluding Observation 62c)***

Switzerland started applying the disability marker for data in 2018. However, as this Concluding Observation highlights, consistency in the marking of projects using disability marker must be improved. In 2019, only 13% of all projects from allocable funding were marked using the disability marker. SDC must invest in capacity building for staff members for the proper and quality marking of projects

for disability inclusion. According to 2019 data, only 3% of all projects aimed to be disability inclusive.

There is also inconsistency in the marking of development and humanitarian projects between the federal and the cantonal level, suggesting a review needs to take place on whether the criteria for marking the projects are interpreted the same and correctly across the SDC and cantons.

On awareness-raising (Article 8)

The Committee makes the following Concluding Observation:

*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 (**Concluding Observation 18b**)*

The Committee highlights the need for trainings on the rights of persons with disabilities and the human rights model of disability. This recommendation also applies to the Swiss Agency for Development and Cooperation, as they continue to train their staff. First steps have been taken via a mandate between CBM and SDC for capacity-building measures for SDC staff.

SDC must continue to ensure that dedicated workshops on disability inclusive development are provided and that existing trainings (for example, the Project Cycle Management training) ensure the inclusion of a disability perspective.

On accessibility (Article 9)

The Committee makes the following Concluding Observation:

*Adopt an accessibility strategy, in close consultation with organizations of persons with disabilities, to harmonise accessibility across all levels of government, to embed universal design standards and to ensure access to all domains (**Concluding Observation 20a**)*

The Committee draws attention to the needs for accessibility across all levels of government (Concluding Observation 20a). This also applies to Swiss development cooperation, as they are required to ensure accessibility both internally and within their programmes abroad.

On the implementation and monitoring of the Convention (Article 33)

The Committee makes the following Concluding Observation:

Strengthen the government mechanism for coordinating and monitoring the implementation of the Convention at federal and cantonal levels, designate disability focal points in all cantons to implement the Convention, and build their

capacity to mainstream the rights of persons with disabilities across all sectors and levels of government (Concluding Observation 64a)

The Committee recommends that the Swiss government strengthen the government mechanism for coordinating and monitoring the implementation of the Convention at federal and cantonal levels. At the federal level, this de facto includes external affairs and therefore international cooperation.

Ensure the national human rights institution is independent 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 (Paris Principles) (Concluding Observation 64b)

Ensure that persons with disabilities, including children with disabilities, through their representative organizations are effectively involved and participate fully in monitoring the implementation of the Convention (Concluding Observation 64c)

The Committee also recommends that the new national human rights institution is independent with a broad human rights protection mandate and adequate human, technical and financial resources, and that persons with disabilities, through their representative organizations participate fully in monitoring the implementation of the Convention.

It is crucial that in its mandate, the NHRI addresses and evaluates the rights of persons with disabilities in its entirety and in an intersectional manner, including with regards to Swiss international cooperation.