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Promoción y protección de todos los derechos humanos, civiles, políticos, económicos, sociales y culturales, incluido el derecho al desarrollo

Visita a Suiza

Informe del Relator Especial sobre el derecho al desarrollo*

Resumen

El Relator Especial sobre el derecho al desarrollo, Saad Alfarargi, visitó Suiza del 23 de septiembre al 2 de octubre de 2019. El principal objetivo de la visita fue evaluar el avance del derecho al desarrollo en Suiza y determinar los problemas que persisten al respecto, con miras a formular recomendaciones al Gobierno y a otras partes interesadas que trabajan para cumplir los Objetivos de Desarrollo Sostenible.

En ese sentido, el presente informe contiene las observaciones del Relator Especial en relación con los marcos jurídico, normativo e institucional; el derecho al desarrollo en el contexto de determinadas esferas de desarrollo; y cuestiones que preocupan y recomendaciones en relación con la inclusión y la participación.

* El resumen del presente informe se distribuye en todos los idiomas oficiales. El informe propiamente dicho, que figura en el anexo, se distribuye únicamente en el idioma en que se presentó y en francés.



Annex

Report of the Special Rapporteur on the right to development on his mission to Switzerland

I. Introduction

1. The Special Rapporteur on the right to development, Saad Alfarargi, visited Switzerland from 23 September to 2 October 2019, at the invitation of the Government. The main objective of the visit was to assess the advancement of the realization of the right to development in Switzerland and to identify remaining challenges, with a view to formulating recommendations to the Government and other stakeholders who are working towards implementing the Sustainable Development Goals.

2. During his 10-day visit, the Special Rapporteur visited the capital and the cantons of Bern, Ticino and Zug and was able to meet with a large number of government representatives, civil society organizations and academics.

3. The Special Rapporteur expresses his gratitude to the Government for its excellent cooperation and to the civil society organizations, academics and other stakeholders for their valuable input.¹

4. The visit to Switzerland was the second country visit conducted by the Special Rapporteur since the creation of the mandate in 2016 and his appointment in 2017.

5. The mandate given to the Special Rapporteur by the Human Rights Council is extremely broad. As the time frame of a country visit is short, it was necessary to limit the scope of the visit, focusing on the implementation of the right to development in only a few areas of human development. The Special Rapporteur regrets that time constraints did not permit him to assess the full spectrum of the promotion, protection and fulfilment of the right to development in the context of the implementation of the 2030 Agenda for Sustainable Development, the Sendai Framework for Disaster Risk Reduction 2015–2030, the Addis Ababa Action Agenda of the Third International Conference on Financing for Development and the Paris Agreement on climate change. Nevertheless, the Special Rapporteur believes that fruitful lessons can be drawn from the areas that he was able to look into and that his conclusions and recommendations will serve to assist the Government and other stakeholders with improving their work in implementing the Sustainable Development Goals and the rest of the post-2015 development framework, as set out in the above-mentioned policy documents, in a manner compliant with human rights, including, in particular, the right to development. The Special Rapporteur paid special attention to the gender dimension, considering the developmental challenges that women and girls face. He also focused on the situation of the most disadvantaged parts of society and, mindful of article 1 of the Declaration on the Right to Development, paid particular attention to the problems that persons with disabilities are facing in participating in and enjoying economic, social, cultural and political development in the country.

II. General context

6. Switzerland is a federal country that has long pursued a policy of neutrality. It became a Member of the United Nations in 2002, and is active in many United Nations and international entities.

7. The executive branch consists of the Federal Council. The seven members of the Council and the Federal Chancellor are elected by the United Federal Assembly (National

¹ The submissions will be available at www.ohchr.org/EN/Issues/Development/SRDevelopment/Pages/SRDevelopmentIndex.aspx.

Council and Council of States) for a four-year term of office. The United Federal Assembly elects the Federal President from among the members of the Federal Council for a one-year term. The Federal Council is the supreme governing and executive authority of Switzerland. The Federal Chancellor heads the Federal Council's general staff office, the Federal Chancellery.

8. Each member of the Federal Council heads one of the seven departments of the federal administration: the Federal Department of Foreign Affairs, the Federal Department of Home Affairs, the Federal Department of Justice and Police, the Federal Department of Defence, Civil Protection and Sport, the Federal Department of Finance, the Federal Department of Economic Affairs, Education and Research and the Federal Department of the Environment, Transport, Energy and Communications.

9. The legislative branch consists of a bicameral Federal Assembly, comprising the Council of States, with 46 seats, and the National Council, with 200 seats.

10. Switzerland comprises 26 cantons, which vary widely by population and size. The cantonal governments – the cantonal executive branches – are elected by the people in the respective cantons. The cantonal government is elected for four years in most cantons, and for five years in four cantons (Fribourg, Geneva, Jura, Vaud). Cantonal governments comprise five to seven members, depending on the canton. All cantonal administrations are active in the areas of construction and the environment, education, finance, justice, security, social affairs, health and economics. The cantonal governments are the governing and highest executive authorities in the cantons.²

11. The cantonal parliaments – the cantonal legislative branches – are elected by the people for four years. The number of members currently ranges from 50 members in the canton of Appenzell Innerrhoden to 180 members in the canton of Zurich. In most cantons members are elected by proportional representation. In addition to adopting laws and ordinances, the cantonal parliaments supervise the cantonal government and the administration and the management of the cantonal courts.³

12. The executives of municipalities (communes) are elected by the eligible voters in the municipality, and generally comprise three to nine members. The municipal council is generally led by a municipal president. Around one fifth of all municipalities have their own parliament. In the others, the eligible voters in the municipality are responsible for decisions on municipal affairs, which they vote on at a municipal assembly.

13. The complex government structure and the division of competencies result in particular challenges in implementing State obligations under international human rights instruments. The federal structure results also in different levels of government being responsible for different aspects of human rights implementation, on the one hand, and for development issues, on the other. Projects and regulations, and a variety of mechanisms for their implementation, exist at the federal, cantonal and municipal levels, with federal authorities not always coordinating approaches and outcomes.

14. Switzerland is distinct among modern democratic nations, in that it operates as a semi-direct democracy: that is, within a framework of direct democracy in parallel with representative democracy. Any citizen is allowed to challenge any law approved by the parliament or propose a modification to the federal Constitution. At the federal level, voting can be organized for: the election of the Federal Assembly; mandatory referendums (on amendments to the Constitution made by the Federal Assembly); optional referendums (on laws accepted by the Federal Assembly); and federal popular initiatives (on modifications of the Constitution proposed by citizens). Votes are held several times a year, including for initiatives and referendums, where voters vote directly on policies, and for elections of officials. Federal, cantonal and municipal issues are polled simultaneously, and a majority of votes are cast by mail. The Swiss governance system is also characterized by a high level of local autonomy, where many issues are within the competencies of the cantons. This

² See https://eacea.ec.europa.eu/national-policies/eurydice/content/main-executive-and-legislative-bodies-115_en.

³ Ibid.

governance system constitutes a remarkable practice from the point of view of the right to development, which is defined in article 1 of the Declaration on the Right to Development as an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized.

15. During his visit, the Special Rapporteur learned of the mandate and work of the Swiss Centre of Expertise in Human Rights and of the long-standing discussion on the creation of a national human rights institution in Switzerland. The Centre was conceived as a pilot project of the federal Government, with the aim of promoting the implementation of international human rights obligations in Switzerland and advising and supporting the authorities, civil society and the economy.⁴ The Centre's mandate, initially covering from 2011 to 2015, was extended by the Federal Council on 1 July 2015 to enable the Centre to continue its activities until the establishment of a successor institution. The Special Rapporteur notes that national human rights institutions are particularly well placed to look into issues and review complaints regarding issues related to the practical implementation of the right to development, and to promote participatory decision-making related to the promotion and fulfilment of economic and social rights and to development policies and projects.

16. Switzerland is a party to most human rights treaties, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. Article 54 (2) of the Constitution provides that Switzerland is to assist in the alleviation of need and poverty in the world and promote respect for human rights and democracy, the peaceful coexistence of peoples and the conservation of natural resources.

III. Selected areas of development and the right to development

A. International cooperation policy

17. In accordance with the federal Constitution and relevant legislation, every four years the Federal Council and the parliament define the strategic approach for the State's international cooperation, which helps to alleviate hardship and poverty in the world. In 2019, the Federal Department of Foreign Affairs and the Federal Department of Economic Affairs, Education and Research prepared a draft international cooperation strategy for 2021 to 2024, and made it available for public consultation between 2 May and 23 August 2019.⁵ The draft elicited 249 inputs from various segments of the society. The draft strategy includes the following thematic priorities: creating local jobs, combating climate change, reducing the causes of irregular migration and forced displacement, and promoting peace and the rule of law. It defines four priority regions for bilateral development cooperation: North Africa and the Middle East; sub-Saharan Africa; Asia; and Eastern Europe. The Federal Department of Economic Affairs, Education and Research will continue its economic development work in a limited number of countries within the four regions and its engagement in certain emerging countries in Latin America.

18. The draft strategy clarifies that, in the context of international cooperation, Switzerland will maintain a focus on humanitarian aid, the promotion of peace and human rights, and action to tackle global challenges relating to climate and the environment, water, migration and development, food security and health. In the dispatch on the draft strategy, continued close cooperation with multilateral organizations such as the United Nations and multilateral development banks is reaffirmed. Criteria that need to be considered in the State's strategic approach to international cooperation are set out in the draft strategy, namely: the needs of affected populations in developing countries (in particular high poverty levels and sustainable development challenges); the State's long-term interests (in terms of a just and peaceful international order, the business environment, migration and

⁴ See www.skmr.ch/en/about/index.html.

⁵ See www.eda.admin.ch/deza/en/home/news/dossiers/alle-dossiers/iza-2021-2024.html.

global sustainable development); and the added value the State's international cooperation can offer (for example in terms of expertise, competencies and innovation).

19. At the time of the visit, maximum funding of SwF 11.25 billion had been planned for the 2021–2024 period (compared to SwF 11.11 billion for the 2017–2020 period). The relevant funding is determined by the parliament during the annual budget debates. The latest projections, suggested that the State's official development assistance would amount to 0.46 per cent of gross national income. This is below the 0.5 per cent target that was approved by the parliament in 2011 and below the 0.7 per cent target set in the 2030 Agenda. The parliament was to debate the 2021–2024 international cooperation strategy in the summer and autumn sessions of 2020.

20. The Special Rapporteur is concerned about the stagnation of official development assistance for the period 2021–2024, and at the fact that the costs of assistance provided to asylum seekers within the country is included in this number, which further reduces the actual amount of funds going to developing countries to about 0.4 per cent of the gross national income.⁶

21. Looking at the international dimension of the right to development, the Special Rapporteur notes that the international cooperation approach taken by Switzerland has long enjoyed an excellent reputation, since it has always been oriented towards assisting the poorest populations in the poorest countries, has alleviated much suffering and has brought about positive changes in societies in which it has engaged. The 1976 federal law on international development cooperation and humanitarian aid includes combating poverty as its main objective, and the law has been implemented with long-term commitment and impartiality. Given this background, he was concerned to learn that the draft international cooperation strategy for 2021–2024 includes a proposal for explicit criteria for deploying any action undertaken in relation to humanitarian aid, development cooperation, peacebuilding and human security: the need to address the long-term interests of Switzerland (see para. 18 above). This emphasis on the long-term interests of Switzerland has raised a number of concerns among civil society, since it appears to be in contrast with the previous approach, and has the potential to weaken the State's commitments under the 2030 Agenda, among others.

22. The Special Rapporteur was encouraged to learn that Switzerland operated a generalized system of preferences for developing countries, meaning that the agricultural products of those countries can be imported at a lower rate of duty. Goods from least developed countries can be imported duty-free. However, only 1 per cent of the country's imports originate from such countries. Generalized systems of trade preferences are not enough in themselves to encourage imports from least developed countries. In particular, it is difficult for small-scale producers to obtain the necessary certificate of origin. Switzerland reported that it was seeking to further simplify the use of generalized systems of trade preferences.

23. During his visit, the Special Rapporteur met with civil society organizations working on issues relating to international cooperation, who raised various concerns. One of the topics discussed was that, despite recommendations made by United Nations treaty bodies and special procedure mandate holders,⁷ Switzerland did not carry out human rights impact assessments of trade and investment agreements.

24. Another issue raised was that the sustainable development chapter in free trade agreements between Switzerland and other countries was often limited and in scope and did not touch upon human rights in general, but only labour rights. Further, the sustainable development chapter of the agreements does not provide for sanctions for any violations.

⁶ During the past several years, the percentage of official development assistance was as follows: 0.46 per cent in 2013; 0.49 per cent in 2014; 0.51 per cent in 2015; 0.53 per cent in 2016; 0.47 per cent in 2017; 0.44 per cent in 2018; and 0.44 per cent in 2019. Information provided by Switzerland.

⁷ See, most recently, E/C.12/CHE/CO/4, paras. 14–15 and A/HRC/37/54/Add.3, para. 38.

The implementation of trade agreements is monitored by mixed committees consisting of representatives of the two Governments only, further limiting accountability options.⁸

25. Another concern raised by civil society during the visit was the absence of a strategy on the inclusion of persons with disabilities in the State's international cooperation.

B. Implementation of the 2030 Agenda and integration of the right to development

26. In Switzerland, the culture of participation in decision-making in relation to economic, political, social and cultural issues is well established and institutionalized. Numerous participatory consultation processes exist and are utilized by both government and a vibrant civil society, as well as the private sector. One positive example is the 2018 voluntary national review on the implementation of the 2030 Agenda, presented by Switzerland to the high-level political forum on sustainable development. A wide range of stakeholders participated in the preparation of the report, in addition to government authorities at the federal and cantonal levels.

27. The Special Rapporteur welcomes the prominent role that Switzerland played during the preparation and negotiations leading to the adoption of the 2030 Agenda. Switzerland contributed to a great extent to the inclusion of human rights and participation language and objectives in the 2030 Agenda. With regard to the implementation of the 17 Sustainable Development Goals and their targets, the Special Rapporteur recognizes that the federal structure of the State, with responsibilities for different sectors divided between the federal and the cantonal levels, and between the different sectoral government structures, makes the development of an all-encompassing and coherent strategy a challenge. Several stakeholders have raised concerns regarding the need for coherent policy for the implementation of the 2030 Agenda, and the lack of a clear centralized institutional mechanism responsible for its implementation.⁹

28. The lead in implementing the 2030 Agenda in Switzerland is jointly undertaken by the Federal Office for Spatial Development and the Federal Department of Foreign Affairs. The 2030 Agenda Steering Committee was established, bringing together federal agencies from all departments, as well as the Federal Chancellery; the Committee coordinates the implementation of the 2030 Agenda at the federal level.¹⁰ The Special Rapporteur welcomes the creation of this Committee, on which government departments are represented by senior management figures from key agencies.

C. Social security

29. The social security system in Switzerland is complex. Responsibilities for different aspects of it are in the competencies of three federal services (the Federal Office of Public Health, the Federal Social Insurance Office and the State Secretariat for Economic Affairs) and of the cantons.¹¹ The system provides a variety of benefits.

30. The old-age, survivors and disability coverage is divided into three pillars, as described below.

31. The basic pension system (first pillar) is an insurance designed to cover basic needs and is compulsory for the entire working and/or residing population.¹² The system is funded

⁸ Switzerland informed the Special Rapporteur that it offered a dedicated platform for civil society representatives to provide input concerning the implementation of free trade agreements, without providing further details.

⁹ The Special Rapporteur was informed that a national strategy for implementing the 2030 Agenda was under preparation; no timeline for its finalization was specified.

¹⁰ See www.eda.admin.ch/agenda2030/en/home/organisation/direktionskomitee-agenda-2030.html.

¹¹ Switzerland, Federal Department of Home Affairs, "Overview of Swiss social security", p. 2.

¹² The system is regulated by the federal act on old-age and survivors' insurance of 20 December 1946, the federal act on invalidity insurance of 19 June 1959 and the federal act on general provisions concerning legislation on social insurances of 6 October 2000.

by contributions based on income (approximately 10 per cent of the individual's income) and participation by public authorities; employees and employers pay an equal percentage of income without any upper limit; those who are self-employed pay a percentage of their income. Persons not in paid employment pay a fixed amount according to their social conditions (a minimum of SwF 461 in 2019). The resulting pensions are between SwF 1,185 and SwF 2,370 per month. Individuals covered under this system are also eligible for supplementary benefits,¹³ which are non-contributory and correspond to the excess of expenses over income. These benefits are supposed to cover the basic needs for a person living at home: at the time of the visit, this was estimated at SwF 19,450 per year, in addition to the rent of an apartment up to a maximum of SwF 13,200 per year. Old-age pensions are disbursed at the age of 65 for men and 64 for women; to qualify, the individual must have at least one complete year of contributions. Foreign nationals must be domiciled in Switzerland. An individual would also be entitled to a widower's or widow's pension, if he or she has one or more children; a widow who has no children is also entitled to a widow's pension if she is over 45 years of age and had been married for at least five years. Children are entitled to an orphan's pension if the mother or father is deceased, and to two orphan's pensions if both parents are deceased. Persons with an incapacity to engage in paid work or to perform housework are entitled to an invalidity pension, which corresponds to one quarter, one half or three quarters of a pension, or a full pension, according to the rate of the incapacity (between 40 and 70 per cent incapacity). To qualify, individuals need to have made contributions for three years; if they are foreign nationals, they must be domiciled in Switzerland.

32. The occupational benefit plans system (second pillar) is a compulsory insurance for employees with an annual income of over SwF 21,330.¹⁴ The aim of this pillar is to enable persons to maintain their previous standard of living after retiring. An employer who employs persons subject to compulsory insurance must be affiliated with a registered provider of occupational benefit plans. Contributions are calculated in accordance with the regulations governing second-pillar institutions. Pensions are calculated as a percentage of the retirement assets that the insured person has accumulated.

33. So-called linked individual provident measures (third pillar) provide optional additional coverage.¹⁵ Individuals may make payments to a blocked bank account or a blocked insurance policy; a maximum of SwF 6,826 per year can be deducted from taxable income for that purpose. The amounts are blocked until the insured event (old age, invalidity or death) occurs.

34. Health insurance is compulsory for all persons domiciled in Switzerland.¹⁶ Individuals are free to choose among about 50 insurance companies. The companies fix individual premiums, but these must be approved by the authorities. Premiums must be lower for children and young adults (under the age of 25 years) and may be graded according to different regional costs. A wide range of health and maternity benefits is covered. Exceptions, however, include dental care, as well as occupational and non-occupational accidents and occupational illnesses covered by accident insurance, and rehabilitation services covered by invalidity insurance.

¹³ Regulated by the federal act on benefits supplementary to old-age and survivors' insurance and invalidity insurance of 6 October 2006 and the federal act on general provisions concerning legislation on social insurances.

¹⁴ Regulated by the federal act on occupational benefit plans concerning old age, survivors and invalidity of 25 June 1982; the federal act on vested benefits in occupational benefit plans concerning old age, survivors and invalidity of 17 December 1993; and the federal act on the encouragement of home ownership through occupational benefit plans of 17 December 1993.

¹⁵ Regulated under the federal act on occupational benefit plans concerning old age, survivors and invalidity, art. 82, para. 2, and the ordinance on tax relief allowed for contributions paid to recognized pension plans of 13 November 1985.

¹⁶ Regulated by the federal act on sickness insurance of 18 March 1994; the federal law on sickness insurance supervision of 26 September 2014; and the federal act on general provisions concerning legislation on social insurances.

35. Accident and occupational illness insurance is compulsory for all employed persons.¹⁷ It covers occupational as well as non-occupational accidents and occupational illnesses. The benefits include medical care, daily cash benefits, an invalidity pension (80 per cent of the insured salary in the event of full incapacity), and a survivors' pension.

36. There are also income compensation allowances covering military or civil service and maternity.¹⁸ Persons fulfilling their service in the Swiss Armed Forces or carrying out civil service are entitled to an allowance amounting to 80 per cent of the former average income (up to a maximum of SwF 245 per day). Employed and self-employed women are entitled to a maternity allowance for 14 weeks amounting to 80 per cent of their former average income (up to a maximum of SwF 196 per day). In addition, federal legislation fixes minimum child allowances at SwF 200 per month and vocational training allowances at SwF 250 per month. Cantons may provide higher allowances. The Special Rapporteur was also informed of a discussion, ongoing at the time of the visit, on introducing a one-month paternity leave.¹⁹ He is however concerned at the absence of parental leave that can be shared between the two parents and that would improve the equal sharing of responsibilities within the family and in society.

37. Unemployment insurance in Switzerland is compulsory for all employees subject to the basic pension insurance.²⁰ To qualify for unemployment benefits, individuals must have 12 months of contributions, must be unemployed or partially unemployed and must be domiciled in Switzerland. In principle, the insurance covers up to 400 daily unemployment allowances, amounting to 70 or 80 per cent of the insured person's salary (the maximum insured salary is SwF 12,350 per month). Total unemployment is defined as not being under work contract and seeking a full-time job. Partial unemployment is defined as not being under work contract and seeking a part-time job or having a part-time job and seeking to replace it with a full-time job or to supplement it with another part-time job. All employees who are subject to compulsory insurance, who are under the age of entitlement to an old-age pension and who do not benefit from early receipt of an old-age pension are subject to this type of insurance. The benefits that may be availed of include an unemployment allowance and allowances for reduced working hours, for bad weather and in cases of insolvency of an employer.

D. Education

38. During his visit, the Special Rapporteur also focused on the Swiss education system, because access to adequate education, in addition to being a right itself, is a precondition for every human person to participate in, contribute to and enjoy economic, social, cultural and political development. He learned much about the Swiss education system, in particular about the widely developed vocational training opportunities, and saw many positive examples of how the system provides young people with the tools necessary for their economic empowerment and effective participation in all aspects of society. One such example was a two-year transitional programme for young refugees in the Canton of Bern, which allows young people between the ages of 15 and 24 years of age who have arrived recently in the country to fill in gaps in their knowledge and join the mainstream education programme to obtain qualifications and compete successfully in the labour market.²¹ He

¹⁷ Regulated by the federal act on accident insurance of 20 March 1981 and the federal act on general provisions concerning legislation on social insurances.

¹⁸ Regulated by the federal act on income compensation allowances in case of service and in case of maternity of 25 September 1952, and the federal act on general provisions concerning legislation on social insurances.

¹⁹ In September 2019 a law providing for a two-week paternity leave was adopted, but it is yet to enter into force (a popular vote will be held in September 2020).

²⁰ Regulated by the federal law on compulsory unemployment insurance and allowances in case of insolvency of 25 June 1982 and the federal act on general provisions concerning legislation on social insurances.

²¹ See, for example, the Centre de Formation Professionnelle Biel-Bienne, presentation for the Special Rapporteur, 26 September 2019 (in French). See also I-B-A-20+, "A bridge to integration into the

will continue to study this and other good practices that can be promoted and implemented in other countries.

39. The Special Rapporteur was encouraged to hear of the efforts made to give effect to the right to education for children from Yenish, Sinti/Manush and Roma communities while taking into consideration the itinerant way of life of these communities.²² He was also encouraged to hear about plans to facilitate the integration of young asylum seekers by providing them with coaching and language training and giving them access to the labour market, and about the programmes providing integration coaching and training to older refugees and other long-term residents of foreign origin that existed in some cantons.²³

40. The Special Rapporteur is, however, concerned at information received regarding the situation of children with disabilities in education. Switzerland informed the Special Rapporteur that 53.2 per cent of children receiving special educational support were taught in school classes with all other children. Of the children receiving special educational support, 6 per cent were taught in separate classes in mainstream schools and 40.8 per cent attended special schools. According to organizations of persons with disabilities, however, in numerous cantons, the school authorities decide on any additional resources as well as on the “main support location” for the children concerned. In particular, those with an intellectual disability, autistic spectrum disorders or psychosocial disabilities are still regularly channelled into separate education at special schools. Within integrative settings, children and young persons with disabilities are frequently separated in the classroom, and the necessary individual professional support is not systematically assured, including during the transition to vocational training. Appropriate accommodations (including, in particular, the so-called disadvantage compensation) or their financing are frequently refused at all levels of the education system. In addition, some disability advocates have raised the issue of a lack of accessible teaching resources. Within both regular and special schools, the provision of support to children and young persons with an intellectual disability is often regarded as inadequate by parents, in particular with regard to cognitive learning goals. The constitutional right of those children to sufficient special schooling up to age 20 is often curtailed. Deaf children, for example, are more often than not educated by teachers who are not able to sign, resulting in lower than average reading and writing skills among those children.

41. The Special Rapporteur was encouraged by the example of the Canton of Ticino, where a large majority of children with disabilities are integrated in mainstream schools and are provided with support in that environment.²⁴ The Special Rapporteur recalls that the Committee on the Rights of Persons with Disabilities maintains that only inclusive education can provide both quality education and social development for persons with disabilities, and a guarantee of universality and non-discrimination in the right to education.²⁵

IV. Right to development, and the implementation of the commitment to leave no one behind

42. In the implementation of his mandate, the Special Rapporteur pays special attention to the inclusion of the most disadvantaged groups in all decision-making and related sustainable development processes. He also pays special attention to the gender dimensions of his work, considering the developmental challenges that women and girls face in most societies. Thus, in the present section he shares observations on the situations of women,

Swiss labour market for adults”, presentation, 30 September 2019; and Commercial-Industrial Education Centre Zug, presentation on a training programme for kitchen employees.

²² See Centre de Formation Professionnelle Biel-Bienne, presentation of 26 September 2019, slide 9.

²³ *Ibid.*, slides 11–16. See also Switzerland, State Secretariat for Migration, “Dépôt pour le programme pilote d’encouragement précoce de la langue” (27 March 2017).

²⁴ Presentation of the Director of the School Division and Coordinator of the Department of Education, Culture and Sport of the Canton of Ticino, Emanuele Berger, on the canton’s education system and inclusion, 27 September 2019.

²⁵ General comment No. 4 (2016) on the right to inclusive education, para. 2.

persons with disabilities, persons living in poverty and other vulnerable parts of the population.

A. Women and the right to development

43. Switzerland is a party to several international instruments containing provisions on equality between women and men. It has been a party to the Convention on the Elimination of All Forms of Discrimination against Women since 1997 and a party to the Optional Protocol thereto since 2008. It is also a party to the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), which has been in force in the country since 1 April 2018; the International Convention on the Elimination of All Forms of Racial Discrimination (since 1994); and the Convention on the Rights of the Child (since 1997).

44. Article 8.3 of the federal Constitution states that men and women have equal rights, that the law is to ensure their equality, both in law and in practice, most particularly in the family, in education and in the workplace, and that men and women have the right to equal pay for work of equal value. The Gender Equality Act, which entered into force in July 1996, is aimed at furthering true equality between women and men and guaranteeing access to justice in employment discrimination cases. It is focused on equality in employment relationships and applies to all private and public employment relationships, regardless of the size of the employer or number of employees; private households; multinational companies; municipalities; public institutions, such as hospitals and schools; and the federal administration and large public entities. The Act prohibits direct and indirect discrimination and explicitly states that sexual harassment is a form of discrimination based on sex.

45. The Gender Equality Act was amended in 2018 to introduce measures to address pay discrimination. The amendment entered into force on 1 July 2020 and introduces a mandatory pay equality analysis for all companies with 100 or more employees, to be conducted every four years. The Federal Office for Gender Equality has developed Logib, software that provides companies with a self-assessment pay calculator. The tool, which is free of charge, can be used to help fight the unexplained, unjustified part of the pay gap. The analysis must be reviewed by an independent third party, such as an audit firm, and the results must be communicated to the employees and, where applicable, shareholders.

46. Other relevant legislation and measures include: the reform of the law on marriage, in 1988; the introduction of a bonus for raising children in the calculation of the old-age pension in the basic pension system, in 1997; the reform of the divorce law in 2000; the introduction of the right to have access to legal abortion within the first 12 weeks of pregnancy, in 2002; the prosecution *ex officio* of cases of domestic violence, as of 2004; maternity leave of 14 weeks, as of 2005; the protection against violence, threats and harassment, established under civil law in 2007; the prohibition, in the Criminal Code, of female genital mutilation, in 2012; the revision of the law on names and citizenship, in 2013,²⁶ the prohibition of forced marriage in the Criminal Code and the adoption of measures to combat such marriage, in 2013; and the introduction of joint legal custody of children as the legal standard following the divorce of the parents as well as for unmarried parents, in 2014.

47. Provisions relating to gender equality and women's rights are included in the legislative plan for 2019–2023 and the annual objectives of the Federal Council; the Sustainable Development Strategy for 2016–2019; and the Foreign Policy Strategy for 2016–2019. The main institution in charge is the Federal Office for Gender Equality, the responsibilities of which are outlined in the Gender Equality Act. The Office operates within the federal administration as a centre of recognized expertise on matters of equality, works at the policy level and seeks structural changes. The Office does not act at the

²⁶ Upon its ratification of the Convention on the Elimination of All Forms of Discrimination against Women, Switzerland entered a reservation regarding article 16 (1) (g), since Swiss legislation required women to take the family name of the husband. The Swiss Civil Code was amended in 2013 and the reservation was withdrawn. Currently each spouse can keep his or her name and citizenship rights (CEDAW/C/CHE/4-5, para. 171).

individual level, but rather works with a wide range of stakeholders: other federal agencies, gender equality offices, men's and women's organizations, social partners and companies.

48. Gender Equality Delegate offices have been established by most cantons and some municipalities. They deal primarily with issues such as violence against women, equality in the labour market and in education, reconciling work and private life, and the integration of immigrant women, advising individuals as well as acting at the policy level. There are currently 23 gender equality offices at the federal, cantonal and municipal levels. Civil society organizations have, however, raised concerns that various institutions that promote gender equality at the national or cantonal level have been downgraded or even disbanded and that the Federal Office for Gender Equality is not sufficiently funded.

49. Another key institution is the Federal Commission for Women's Issues. As an extra-parliamentary permanent commission, its role is to address current gender equality issues and advise the federal Government, with a focus on women's participation and equal representation in politics and the economy.

50. The information the Special Rapporteur received regarding the employment situation of women in Switzerland revealed an absence of equality.²⁷ About 88 per cent of men and 80 per cent of women are employed or looking for a job. In 2017, almost 45 per cent of all women employed in Switzerland, compared with only 11.2 per cent of men, worked 30 hours or less per week.²⁸ Civil society organizations have raised concerns regarding professional segregation, either horizontal (between professions) or vertical (within a particular profession), maintaining that women are underrepresented at the managerial level and overrepresented in low-skilled, low-income jobs.

51. The participation of women in decision-making in business in Switzerland is another area where improvement is needed. In the 100 largest companies in Switzerland, only 9 per cent of the executive board members are female and 51 per cent of these companies do not have a single female on their executive board; only 21 per cent of the members of boards of directors in these companies were women. Both chambers of the federal parliament accepted a legislative draft in June 2019 establishing a 30 per cent benchmark for women membership in boards of directors and a 20 per cent benchmark for executive boards, to be achieved by 2030. Companies are required to comply or explain the absence of compliance. It remains to be seen whether the draft will be adopted and whether the measures provided for will offer sufficient incentives to improve the situation.

52. The gender pay gap remains considerable: in 2016, women's salaries were, on average, SwF 1,455 per month less than those of men. About 56 per cent of the difference could be explained by objective factors such as professional status, years of experience or levels of qualifications. However, about 44 per cent of the pay gap remained unexplained and might be a result of gender-related pay discrimination. Even though the pay gap has been slowly decreasing since the 1970s, in 2016 the gap amounted to 16.7 per cent in the public sector; in the private sector it was 19.6 per cent.²⁹

53. Signatories of a charter for equal pay in the public sector, launched in September 2016, agreed to carry out regular checks to ensure the respect of equal pay within the public administration, within corporations close to the public administration and within companies receiving public procurement or subsidies. As at September 2019, the federal Government, 16 cantons and 79 communes had signed the charter.

54. The Special Rapporteur was encouraged to hear about the above-mentioned measures and plans for measures to address the pay gap. He believes that those measures have the potential to give positive results, and he will follow with great interest their implementation.

²⁷ The information in paragraphs 49 to 53 is taken largely from the presentation made by the Director of the Federal Office for Gender Equality in Bern on 24 September 2019, entitled "Gender equality in Switzerland: exchange with Special Rapporteur on the right to development".

²⁸ Statistics from the Organization for Economic Cooperation and Development, cited at www.swissinfo.ch/eng/mind-the-gap_inequality-in-the-swiss-workplace--by-the-numbers/44809274.

²⁹ See www.ebg.admin.ch/ebg/fr/home/themes/travail/egalite-salariale/bases/chiffres-et-faits.html and www.bfs.admin.ch/bfsstatic/dam/assets/8266035/master.

55. During the visit, civil society organizations raised with the Special Rapporteur gender-based concerns, indicating that disadvantages and discrimination continued to affect people's everyday lives and presented legal and structural problems. Switzerland does not yet have a national equal opportunities strategy, and gender-role stereotyping remains widespread in Switzerland.

56. The Special Rapporteur was informed that career choice was another area that continued to be heavily influenced by socially established norms. Although the Vocational and Professional Education and Training Act, which sets out equal opportunities as one of its stated objectives, has been in force for many years, the federal Government has yet to launch a project that specifically promotes the achievement of gender equality at every education level. Similarly, many cantons have still not embedded the issue in their education laws.

57. One of the obstacles to women's equal participation in the labour market is the lack of sufficient early childhood care and its substantial cost. According to OECD, public-sector spending on early childhood education and care in Switzerland is just 0.2 per cent of gross domestic product,³⁰ while the average in OECD countries is 0.6 per cent. According to one organization, parents pay between 38 and 66 per cent of childcare costs themselves. Some women find it more expensive to work than to stay home and care for their children.

58. In addition, more than half of all women are employed part-time, putting them at a disadvantage in terms of further education, training and social security, and ultimately leading to the reception of lower pensions at the end of their working lives. While the opportunity to work part-time can help support a balance between family life and work, it is concerning that it is almost exclusively women who avail themselves of such opportunities, thus perpetuating harmful gender stereotypes regarding women's role in economic life. Further, many women work low-wage jobs in sectors that lack security. This is particularly true of women affected by multiple discrimination and of women with disabilities.

59. Some organizations have raised the concern that female migrants more often than not find themselves employed in low-skilled and low-paid jobs, because skills or qualifications obtained in their countries of origin are not being recognized. Migrant women often face legal problems, in relation to domestic violence and/or their residence status. Unlike the costs of abortion, the costs of contraceptives and of reproductive health care are not covered by mandatory health insurance – a fact that makes female migrants an especially vulnerable group. A low level of education, stressful work situations and a possibly irregular or unclear residence status are all factors that can contribute to a deterioration in the health of mothers and children from a migrant background.

B. Persons living in poverty, and other vulnerable parts of the population

60. On a positive note, social protection has a very strong legal foundation in Switzerland. The Constitution establishes the basis for strong social security, fair working conditions, support and protection for families and children, suitable accommodation on reasonable terms, and rights to education, assistance and care. The social protection institutions are well developed and functional.

61. Nevertheless, according to the Federal Statistical Office, in 2018 about 7.9 per cent of the population lived under the poverty rate, and 13.9 per cent were at risk of poverty.³¹ Many of those affected by poverty are single parents, families with three or more children and people with little education or training. The high cost of health insurance and housing contribute to their dire situation. Furthermore, the Special Rapporteur was informed that over the past 15 years, unemployment benefits have been reduced.

62. The Special Rapporteur was informed that following a number of parliamentary requests and a conference on poverty, the federal Government launched the National

³⁰ See www.oecd.org/education/school/44975840.pdf.

³¹ See www.bfs.admin.ch/bfs/en/home/statistics/economic-social-situation-population/economic-and-social-situation-of-the-population/poverty-and-material-deprivation.html.

Programme for the Prevention and Eradication of Poverty, to be implemented jointly with cantons, cities, municipalities and private-sector organizations between 2013 and 2018. Under the programme, innovative approaches to fighting poverty were tested, studies and practical instruments were made available and actors in the field were encouraged to exchange their views and experiences. The Government committed SwF 9 million in funding over five years. In April 2018 the Federal Council decided to continue its commitment to poverty prevention until 2024 through a national platform against poverty, but reduced the funding to SwF 500,000 per year. Some organizations expressed concern that there were still no binding targets for eradicating poverty.

63. The Special Rapporteur was also informed that the low-tax policy in numerous cantons resulted in lower tax revenues and in cost-cutting measures, which placed more and more pressure on social assistance. Organizations working with the poor raised concerns that in recent years material support had been reduced, that young adults and families in particular received less money to meet their everyday needs, frequently leaving them unable to participate in society at even a minimal level. Social assistance comes under the responsibility of the cantons and its implementation is generally delegated to the municipalities. Accordingly, the rules on social assistance vary from canton to canton and people affected by poverty receive different levels of support depending on where they live. Health-insurance premiums are reported to have taken a larger and larger share of household budgets: premiums have more than doubled over the past 20 years and families just above the poverty line find themselves in an increasingly difficult situation.

C. Persons with disabilities

64. Switzerland became a party to the Convention on the Rights of Persons with Disabilities relatively recently – in 2014. Switzerland has not ratified the Optional Protocol to the Convention, thus precluding the possibility of individuals sending petitions concerning alleged violations of the Convention to the Committee on the Rights of Persons with Disabilities.

65. At the institutional level, the main federal body responsible for ensuring the rights of persons with disabilities is the Federal Office for the Equality of Persons with Disabilities, which was founded in 2004, upon the entry into force of the Federal Act on the Elimination of Discrimination against People with Disabilities, also known as the Disability Discrimination Act. The Office's mandate is to promote equality for persons with disabilities and to take action to eliminate discrimination against them. It is a service of the Federal Department of Home Affairs and is attached to the General Secretariat.

66. On 9 May 2018, the Federal Council published a report on the national disability policy.³² In the report, the Council focuses on promoting coordination at the federal level and cooperation between the federal Government and the cantons, providing an impetus in three priority areas (equality and work; living independently; and accessibility and digitalization), on the preparation of a country report and on monitoring.

67. Despite these positive new developments, organizations of persons with disabilities have raised a concern that Switzerland still does not have a comprehensive policy for persons with disabilities, nor a comprehensive plan for implementing obligations under the Convention on the Rights of Persons with Disabilities. The disability policy continues to be based largely on a medical understanding of disability that is focused on deficits. As a result, disability as an issue is addressed, on both a substantive level and an institutional level, primarily through social policy and benefits, and in particular using the instrument of social insurance. The federal Constitution refers not only to disability and disabilities (art. 8, paras. 2 and 4) but also to invalidity (art. 41, para. 2). Switzerland informed the Special Rapporteur that when referring to the risks covered by social security, its legislation uses the term "invalidity", in line with the Social Security (Minimum Standards) Convention, 1952 (No. 102) and Invalidity, Old-Age and Survivors' Benefits Convention, 1967 (No.

³² Available from www.edi.admin.ch/edi/fr/home/fachstellen/bfeh/politique-nationale-du-handicap.html (in French, German and Italian).

128) of the International Labour Organization. Organizations of persons with disabilities have argued, however, that the term “invalidity” is based on a medical understanding of disability that is focused on deficits. Another example is that in the federal act of 1946 on old age and survivor’s insurance (art. 43 bis), the term “helplessness allowance” is used in relation to persons with disabilities.³³ The Special Rapporteur notes that Switzerland has an obligation under article 4 of the Convention on the Rights of Persons with Disabilities to eliminate any discriminatory terminology from its laws.

68. Civil society organizations have also expressed concern that the concept of inclusion has not been systematically embraced and implemented at the federal, cantonal or municipal levels. The federal Constitution has, since it came into force in 2000, required that both federal and cantonal lawmakers take action to eradicate any inequalities that affect persons with disabilities (art. 8, para. 4). Stakeholders have raised concerns that, nevertheless, most laws and political strategies are enacted and revised at all levels without any involvement of persons with disabilities and without any consideration for their concerns and needs. Switzerland informed the Special Rapporteur that a programme entitled “Self-determined life”, jointly led by the Confederation and the cantons, will increasingly address the issue of participation, including political participation, of people with disabilities and of organizations of persons with disabilities over the course of the coming years.

69. Article 5, paragraph 1, of the Disability Discrimination Act states that the Confederation and the cantons are to take measures to prevent, reduce or eliminate discrimination and are to take account of the specific needs of women with disabilities. Organizations of persons with disabilities, however, have expressed concern that there has not been any further development of the State’s obligation to take account of the specific needs of women with disabilities, and that neither the Federal Office for Gender Equality nor the Federal Office for the Equality of Persons with Disabilities have a clear and institutionalized mandate concerning the rights of women with disabilities.

70. Women and girls with disabilities in particular frequently experience multiple forms of discrimination, as evidenced by the following: their disadvantaged situation as regards social security; stereotyping in the public consciousness and in relation to career choices; lower levels of employment and more precarious work as compared with women and men without a disability; the greater likelihood of their being affected by violence; discrimination with regard to sexuality and family planning; and a lack of opportunities for empowerment and participation in the political process. According to disability advocates, women and girls with disabilities are confronted with particular challenges as regards their rights to social security, to employment, to health, to freedom from violence and to participation in political and public life. They maintain that only 46 per cent of women with disabilities have a full-time job compared to 81 per cent of men with disabilities, that women with disabilities receive much lower levels of financial support for vocational training and that they also have to combat a particularly large number of stereotypes.

71. Organizations of persons with disabilities have also expressed concern that, since 2010, no separate statistics have been published at the federal level on children with disabilities. They noted, however, that the numbers of children and young persons under the age of 19 who are housed in residential institutions for persons with disabilities have been on the increase since 2012 and appear to be disproportionately high. There is a lack of meaningful statistics on the schooling of children and young persons with disabilities throughout Switzerland.³⁴ It is clear, however, that the proportion of compulsory schooling taking place in segregated settings varies from canton to canton. There is practically no research on violence against children and young persons with disabilities. Other problematic issues raised include a lack of participation, of guidance on inclusive preschools, of resources for early recognition and support, of psychiatric and

³³ See www.admin.ch/opc/fr/classified-compilation/19460217/index.html (in French).

³⁴ Switzerland reported that, according to statistics from 2017, there were approximately 54,000 children with disabilities in the country; one in five of these children was impaired in their ability to live like other children of the same age; 6,992 received a helplessness allowance from their insurance; 1,622 lived in a specialized institution for all or part of the year.

psychotherapeutic care and of a systematic adoption of pedagogical rather than pharmaceutical approaches to support children with disorders such as attention deficit hyperactivity disorder.

72. The Special Rapporteur believes that disaggregated data is needed in order to accurately assess a situation, to make inequalities visible and to identify those who have been left behind. Only with such data can we develop evidence-based policies that specifically target those most in need. Disaggregated data is also important for the implementation, monitoring and evaluation of development policies and programmes, and for the overall tracking of progress in the implementation of the right to development on an equal basis for all segments of society. National statistics agencies need to be properly equipped to collect such data, through the development of their capacity to use qualitative and quantitative human rights indicators when analysing inequalities. The Special Rapporteur recalls that disability is recognized in the 2030 Agenda as a cross-cutting issue, to be considered in the implementation of all of the Sustainable Development Goals. The 2030 Agenda includes 7 targets and 11 indicators that make explicit reference to persons with disabilities, covering access to education and employment, inclusive education that is sensitive to students with disabilities, the inclusion and empowerment of persons with disabilities, and building the capacity of countries to disaggregate data by disability. Furthermore, States are to systematically and coherently assess their progress towards implementing Sustainable Development Goals 5 and 10, and other targets related to progressing towards equality.

73. Organizations of persons with disabilities have also expressed concern that Switzerland has neither a comprehensive strategy for implementing the obligations under article 27 of the Convention on the Rights of Persons with Disabilities nor the necessary legal basis for ensuring inclusion in vocational training and the workplace. Furthermore, persons with disabilities are, in some cases, confronted with serious disadvantages. In 2017, the employment rate among the general population was 84 per cent. Among persons with disabilities, the employment rate was 68.1 per cent, and among those with severe disabilities it was 42 per cent.³⁵ Furthermore, according to one source, the number of persons with disabilities working in sheltered workshops (currently about 25,000) has steadily increased between 2007 and 2013.³⁶ The source also states that those workers are paid a few hundred Swiss francs per month, and receive a number of social insurance benefits. Transitions from the sheltered labour market to the open labour market are rare. Existing federal invalidity insurance mechanisms (job coaching for a fixed period, limited assistance services and job placement) do not provide the support necessary for a job in the open labour market to be guaranteed. Disincentives within social insurance law further complicate the situation.

74. In addition, persons with disabilities who work in the open labour market face issues concerning the financing of reasonable accommodation. Persons with disabilities have expressed concern that if they work more than a certain number of hours, they will lose their invalidity pension. Since they often work for minimum wage, that fear becomes a disincentive to seek work. The Special Rapporteur is further concerned that the federal non-discrimination law does not adequately protect persons with disabilities against discrimination by private persons in the areas of employment relations and of publicly accessible services.

75. Persons with disabilities working in the open labour market are also frequently confronted with disadvantages, such as in the application process and in the event of dismissals, due to such things as refusals to make reasonable accommodations at work. The Disability Discrimination Act is not applicable to employment relationships governed by

³⁵ See www.bfs.admin.ch/bfs/en/home/statistics/economic-social-situation-population/equality-people-disabilities.html.

³⁶ Inclusion Handicap, submission to the Committee on the Rights of Persons with Disabilities, p. 23. Available at https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCRPD%2fICO%2fCHE%2f35844&Lang=en.

private law and thus does not provide persons with disabilities with a judicial remedy against discrimination.³⁷

76. The Special Rapporteur was informed that there were few or no incentives for employers to hire persons with disabilities, such as quotas in the private sector or tax incentives, and that only the federal administration as an employer needed to meet certain targets concerning the level of employment of persons with disabilities.

77. The Special Rapporteur learned of the commitment made by Switzerland to implement the marker for the inclusion and empowerment of persons with disabilities introduced by the OECD Development Assistance Committee.³⁸

V. Conclusions and recommendations

78. **The Special Rapporteur recalls that the right to development is defined in article 1 of the Declaration on the Right to Development as an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized. Under article 2 (3) of the Declaration, States are required to formulate appropriate national development policies that aim at the constant improvement of the well-being of the entire population and of all individuals, on the basis of their active, free and meaningful participation in development and in the fair distribution of the benefits resulting therefrom. In article 3, the Declaration invokes the duty of States to cooperate with each other in ensuring development and eliminating obstacles to development. These underlying principles were reaffirmed throughout the 2030 Agenda, which recognizes the need to build peaceful, just and inclusive societies that provide equal access to justice and that are based on respect for human rights (including the right to development), on effective rule of law and good governance at all levels and on transparent, effective and accountable institutions.**

79. The Special Rapporteur has assessed selected aspects of the laws, policies and practices of Switzerland, relying on the above principles. As noted in the present report, he found many good practices that could be useful to other States in striving to achieve sustainable development based on human rights. Notably, the country's traditions of participatory, consultative and decision-making processes are in line with the spirit of the Declaration on the Right to Development.

80. The Special Rapporteur has identified some remaining challenges and presents his recommendations on addressing these challenges to the Government and all relevant stakeholders.

81. The Special Rapporteur appeals to Switzerland to honour its commitment to allocate 0.7 per cent of its gross national income to official development assistance, as provided for in the Addis Ababa Action Agenda of the Third International Conference on Financing for Development and the 2030 Agenda. The Special Rapporteur recommends expanding the scope of the sustainable development chapters of trade agreements to include a broader range of human rights issues and to strengthen the enforcement clauses for these provisions within the agreements. He also recommends that the Government of Switzerland conduct human rights impact assessments parallel to the negotiation process, to ensure that the concluded trade agreements do not have adverse impacts on human rights.

82. In relation to the practical implementation of development assistance in various parts of the developing world, the Special Rapporteur urges the Swiss authorities to consider using human rights impact assessments to evaluate the potential impact of the programmes and projects it finances. Such assessments are not aimed at imposing

³⁷ Ibid., pp. 23–24.

³⁸ See [www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?cote=DCD/DAC/STAT/RD\(2019\)1/RD1&docLanguage=En](http://www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?cote=DCD/DAC/STAT/RD(2019)1/RD1&docLanguage=En).

conditionalities on the receiving partners, but rather are geared towards ensuring that the programmes do not have an adverse impact on human rights, including the right to development.

83. With regard to the institutional mechanisms created to facilitate the implementation of the 2030 Agenda, the Special Rapporteur encourages the creation of a centralized operational unit tasked to support and coordinate in a coherent manner the drafting of specific implementation plans for the different sectors at the federal level and to support the cantons and municipalities in implementing their own 2030 Agenda action plans.

84. The Special Rapporteur recommends that Switzerland systematically develop and apply disability-specific indicators when setting and measuring development targets, and to factor in the Inter-Agency and Expert Group on Sustainable Development Goal Indicators related to disability³⁹ and the Washington Group short set of questions on disability.⁴⁰ He urges the Government to actively include people with disabilities, and their organizations, in all political and other relevant strategy, planning, implementation and monitoring processes.

85. The Special Rapporteur urges the Government to implement the marker for the inclusion and empowerment of persons with disabilities as soon as possible to enable it to track its spending related to persons with disabilities in supported countries.

86. The Special Rapporteur also recommends that the implementation of the international cooperation strategy for 2021–2024 systematically include persons with disabilities. Additionally, he urges the agencies responsible for the implementation of the international cooperation programmes on the ground (the Swiss Agency for Development and Cooperation and the State Secretariat for Economic Affairs) to revise their operational guidelines in order to consult in a meaningful way with persons with disabilities and their respective organizations in the respective countries.

87. The Special Rapporteur recommends developing a specific strategy to include people with disabilities in international cooperation and humanitarian aid work, including disaster risk reduction, and ensure that disability is integrated into all other Federal Department of Foreign Affairs strategies in this area.

88. The Special Rapporteur recommends that Switzerland consider ratifying the Optional Protocol to the Convention on the Rights of Persons with Disabilities, recognizing the competence of the Committee on the Rights of Persons with Disabilities to receive and consider communications from or on behalf of individuals or groups of individuals subject to its jurisdiction who claim to be victims of a violation of the provisions of the Convention.

89. The Special Rapporteur encourages the Swiss education authorities at the federal and cantonal levels to consult with and actively involve persons with disabilities, including children with disabilities, through their representative organizations, in all aspects of planning, implementation, monitoring and evaluation of inclusive education policies and programmes.

90. The Special Rapporteur urges the federal and cantonal authorities to take concrete measures to combat the perception of traditional gender roles in the family and in society, with a view to promoting equality of opportunity in employment. He further urges the authorities to continue to promote increased women's representation at all levels of public administration, particularly in decision-making positions, and promote their participation in management roles in the private sector.

³⁹ See www.un.org/development/desa/disabilities/news/news/disability-indicators-in-proposed-for-the-sdgs.html.

⁴⁰ See www.washingtongroup-disability.com/washington-group-question-sets/short-set-of-disability-questions/.

91. The Special Rapporteur recommends the introduction of shared parental leave in order to improve the equal sharing of responsibilities within the family and in society.

92. The Special Rapporteur encourages cantonal authorities to expand the existing early-childhood facilities and the provision of a childcare allowance and to make full use of the federal programmes and funding that can be provided in that regard, particularly in rural areas.

93. The Special Rapporteur recommends strengthening the existing equality offices and commissions at the cantonal level and ensuring that they, along with the Federal Office for Gender Equality, are provided with the human and financial resources necessary for their functioning. He encourages the governments at the federal and cantonal levels to develop and implement measures aimed at achieving the substantive equality of women and men in all areas through the creation of incentives, targeted recruitment and the setting of time-bound goals and quotas in areas in which women are underrepresented or disadvantaged and in both the public and private sectors.

94. The Special Rapporteur, reiterating recommendations of the Committee on Economic, Social and Cultural Rights, recommended that Switzerland adopt a national strategy to prevent and combat poverty, ensuring that it focuses on the individuals and groups most affected and is implemented in accordance with a human rights-based approach and with the participation of the persons concerned, that sufficient resources are allocated to its implementation and that effective coordination mechanisms are established at the federal level in order to prevent disparities across cantons.

95. The Special Rapporteur urges Switzerland to establish as soon as possible an independent national human rights institution with a broad human rights protection mandate and adequate human 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).
