Switzerland

Joint NGO Submission to the Committee against Torture for the List of Issues Prior to Reporting

84th session

February, 2026

Swiss NGO Platform for Human Rights

Edited by:

ACAT-Switzerland

Contributing organisations:

ACAT-Switzerland, AsyLex, Amnesty International, humanrights.ch

Contacts:

- Etienne Cottier, Legal Officer, ACAT-Switzerland, e.cottier@acat.ch
- Lena Schulthess, Project Coordinator, AsyLex, lena.schulthess@asylex.ch (contact for asylum-related issues)

Table of Contents

Methodology and Attribution ... 3
Definition and criminalization of torture ... 4
National Preventive Mechanism ... 5
Non-refoulement ... 6
Use of force in conducting expulsions ... 8
Legal assistance for asylum seekers ... 10
Conditions of detention ... 11
Administrative detention of undocumented migrants ... 13
Accommodation in asylum centres ... 14
Unaccompanied asylum-seeking children ... 14
Excessive use of force, including racially motivated violence ... 16
Independent Complaints Mechanism ... 18
Intersex Persons ... 19
Trafficking in persons ... 20
Data collection ... 22
Other issues ... 23
    Coordination and dissemination of treaty-body recommendations ... 23
    Age Assessments ... 23

Methodology and Attribution

This submission has been prepared by a coalition of NGOs within the Swiss NGO Platform for Human Rights. The content and analysis draw on the research and monitoring work conducted by individual member organisations of the Platform. The submission reflects the expertise and monitoring work of the contributing organisations.

More specifically, the following sections are based on the research and monitoring of the organisations indicated below:

- The sections addressing the definition of torture, institutional aspects, conditions of detention, the excessive use of force and independent complaint mechanisms are based on research and monitoring conducted by ACAT-Switzerland, with consultative input from humanrights.ch on issues relating to conditions of detention.
- The sections concerning asylum-related issues are based on research carried out by AsyLex.
- The sections addressing the right to peaceful assembly and conditions of accommodation in federal asylum centres are based on research and monitoring conducted by Amnesty International.

The coalition invites the Committee against Torture to consider the following issues in the preparation of the List of Issues Prior to Reporting for Switzerland:

Definition and criminalization of torture Concluding observations (paras. 10-12, 2023)	
Background Parliamentary initiative 20.504, which aims to introduce a specific offence of torture into the Swiss Criminal Code, was submitted in 2020. While this development was welcomed in the Committee's 2023 concluding observations, the legislative process has since experienced significant delays. In 2024, the competent parliamentary commission extended the drafting deadline by two years. A further extension will be required in 2026 if no draft is transmitted to Parliament, which, at the time of writing, appears likely. The consultation procedure revealed substantial opposition from a majority of cantons. The federal administration was subsequently tasked with continuing preparatory work on the basis of a variant that would criminalize acts committed both by public officials and by private individuals acting without any official capacity. In the absence of a specific offence, conduct amounting to torture must still be prosecuted under a combination of dispersed criminal provisions. This fragmentation complicates criminal proceedings, raises concerns regarding statutes of limitation, weakens the exercise of universal jurisdiction, and fails to reflect the particular gravity of such acts.	Suggested questions Please provide detailed information on the measures taken by the federal authorities, within the mandate set by the competent parliamentary committee, to support and advance the legislative process aimed at introducing a specific offence of torture into the Swiss Criminal Code, including steps undertaken since the extension of the drafting deadline in 2024. Please explain how the federal authorities seek to ensure that the legislative draft submitted to Parliament is fully compatible with the Convention, including with respect to the definition of torture, its applicability, the non-applicability of statutes of limitation, and the exercise of universal jurisdiction.
National Human Rights Institution Concluding observations (para.16, 2023)	
Background The former Swiss Centre of Expertise in Human Rights (SCHR) was replaced in 2023 by the Swiss Institution for Human Rights (SIHR). Despite this important institutional step, the SIHR has publicly expressed concern that its funding is inadequate and unsustainable. Under the current four-year payment framework, it receives only CHF 1 million per year – the same amount previously allocated to the SCHR, even though the SIHR has a significantly broader mandate. Expert assessments indicate that a minimum	Suggested questions Please provide information on whether Switzerland is considering measures to secure sufficient, sustainable and diversified funding for the SIHR, so as to ensure its structural independence, enable it to fulfil its mandate, and meet the conditions for "A status" accreditation under the Paris Principles.

annual budget of around CHF 5.1 million would be required for the institution to operate credibly and in line with the Paris Principles. Roughly 75% of the current funding comes from the Federal Department of Foreign Affairs (FDFA). Given the combination of insufficient resources and the SIHR's structural financial dependence on a single federal department, it is highly unlikely that the institution meets the conditions required to obtain "A status" accreditation – the international recognition of full compliance with the Paris Principles.	
The SIHR does not have a mandate to receive or examine individual complaints. As a result, it plays no role in receiving complaints, facilitating access to remedies, or monitoring how allegations of torture or ill-treatment are handled by federal and cantonal authorities. Although such a mandate is not required under the Paris Principles, this gap remains concerning given the general absence of independent complaint mechanisms at the cantonal level and the fragmented and limited nature of existing avenues for reporting misconduct by State agents.	Please explain why the SIHR was not entrusted with an ombudsman-type mandate and whether Switzerland intends to strengthen the institution's role in monitoring how allegations of torture or ill-treatment are handled by the competent authorities.
National Preventive Mechanism Concluding observations (para. 18, 2023)	
<u>Background</u> The National Commission for the Prevention of Torture (NCPT) remains administratively integrated within the Federal Department of Justice and Police (FDJP), without its own legal personality or budgetary autonomy. Its resources remain limited, with no planned increases. In 2024, the NCPT operated with a budget of approximately CHF 1.19 million and carried out 24 visits, a low number compared with the more than 700 facilities falling under article 4 of the Optional Protocol to the Convention, as previously estimated by the NCPT.	<u>Suggested questions</u> Please explain how the State party ensures that the NCPT is able to conduct a sufficient and regular number of visits to places of deprivation of liberty, as required by the Optional Protocol to the Convention, in light of the number of facilities concerned, the number of visits carried out, and the need to guarantee the confidentiality of information gathered during such visits. Please provide information on measures taken since 2023 to strengthen the institutional, operational and financial independence of the NCPT, including sufficient resources to carry out its mandate effectively.
In its 2023 concluding observations, the Committee raised concerns regarding the confidentiality of NCPT records, including private interviews, which may be subject to	Please describe the measures taken to ensure the confidentiality of information gathered by the NCPT, including private interviews, and to prevent such information

disclosure under the federal law on freedom of information.	from being disclosed under the federal law on freedom of information.
Non-refoulement Concluding observations (para. 20, 2023)	
Background	Suggested questions
Switzerland remains among the States most actively enforcing removals under the Dublin and safe third country (STC) frameworks,[1] while still not carrying out systematic individualized risk assessments in these procedures. Decisions frequently rely on presumptions that other European States are "safe" and provide adequate reception and treatment, even when (1) systematic human rights violations (e.g. obstructed access to asylum; inadequate reception conditions; *chain-refoulement*) of asylum seekers in the country in question are extensively documented, and where (2) applicants have personally experienced torture, inhuman or degrading treatment, destitution or denial of protection. These shortcomings are particularly alarming in transfers to Croatia and Greece, where monitoring bodies and NGOs document serious violence, neglect, arbitrary detention and obstacles to accessing asylum and basic services; nevertheless, Swiss practice on Dublin and STC returns is consistent. In numerous Dublin and STC cases concerning Croatia and Greece, UN human rights treaty bodies have granted interim measures at AsyLex's request, indicating a real risk of human rights violations. The cases involve individuals in particularly vulnerable situations – including families with children, victims of sexual and gender-based violence (SGBV), and torture survivors – whose removal was ordered without an adequate individualized risk assessment, despite evidence of prior ill-treatment and the risk of chain refoulement. This demonstrates that reliance on "safe system" presumptions, rather than individualized assessments, is incompatible with the principle of non-refoulement.	Considering the Committee's previous concluding observations, what concrete measures does Switzerland take to ensure that all asylum seekers have the opportunity of an individual review and are effectively protected from any removals to situations of personal and foreseeable risk of torture or other ill-treatment? How does Switzerland ensure that reports of systemic human rights abuses of asylum seekers in countries considered safe under the Dublin or STC framework are adequately taken into consideration in removal decisions? How does Switzerland translate the interim measures issued by the CAT and other UN treaty bodies in individual cases into structural amendments to ensure systematic individual risk assessments? What mechanisms are in place to detect and correct cases where no individual review has been conducted leading to wrongful removal decisions?

[1] See AIDA, *Country Report: Switzerland – Dublin*, 2024 update, available at: https://asylumineurope.org/reports/country/switzerland/asylum-procedure/procedures/dublin/. SEM monthly statistics for 2025 indicate that outgoing Dublin requests and transfers remain at a similarly high level; see State Secretariat for Migration (SEM), *Asylstatistik November 2025* (Table 7-50), available at: https://www.sem.admin.ch/sem/de/home/publiservice/statistik/asylstatistik/archiv/2025/11.html.

In 2025, the CEDAW Committee, in *Z.E. and A.E. v. Switzerland*[2] and *K.J. v. Switzerland*,[3] found that returning Afghan women survivors of sexual and gender-based violence to Greece under the Dublin and STC frameworks, without an individualized, trauma-informed and gender-sensitive risk assessment, violated articles 2, 3 and 12 CEDAW. The Committee recommended that Switzerland ensure victims of gender-based violence are not returned without a thorough assessment of their individual risk of irreparable harm. In *K.J. v. Switzerland*, it further clarified that late disclosure of SGBV cannot in itself undermine credibility, as survivors may need time to report such violence.	What measures ensure that procedures involving persons in particularly vulnerable situations – including survivors of torture or sexual and gender-based violence, and children – are conducted in a trauma-, gender- and child-sensitive manner? How does Switzerland ensure that late disclosure of torture or sexual and gender-based violence, especially by women and children, is assessed in a trauma-informed way and does not automatically undermine credibility or access to protection? How does the State party intend to implement the CEDAW Committee's recommendations in *Z.E. and A.E. v. Switzerland* and *K.J. v. Switzerland*?
Concerns regarding insufficient assessments of refoulement risks extend beyond the Dublin and STC context, including in relation to deportations to Burundi and Türkiye. An increasing number of cases indicate that evidence submitted by asylum seekers to substantiate a risk of torture or ill-treatment upon return is dismissed on credibility grounds. In 2025, several deported individuals were reportedly detained immediately upon arrival in Türkiye after their claims had been rejected as unreliable or insufficiently substantiated. Similarly, recent reporting documents arbitrary arrest, torture, enforced disappearance and repression of opposition members and returnees in Burundi. However, country assessments appear to characterize the situation as stabilized. Concerns have also been raised regarding changes in practice affecting Afghan men and contacts with representatives of the de facto authorities in Afghanistan in the context of return procedures.	How does the State party ensure that structurally limited access to documentation and the documented use of State institutions as instruments of repression are duly taken into account in removal procedures, so that credibility findings do not result in removals exposing individuals to a real risk of refoulement? In light of documented cases, how does the State party ensure that changes in asylum and removal practice remain consistent with up-to-date country of origin information, so as to avoid removals exposing individuals to refoulement?
Medical and psychological assessments conducted in accordance with the Istanbul Protocol remain rarely funded and, although recognized by the Federal Administrative Court (FAC) as scientifically valuable, they	Considering the Committee's previous concluding observations, how many Istanbul Protocol-based expert reports have been commissioned or financed by the authorities since the last review, and what

[2] CEDAW/C/91/D/171/2021, available at: https://share.google/16eDCs8S4tVbKe34u.
[3] CEDAW/C/91/D/169/2021, available at: https://share.google/58OuC4I2PiuGF3SWj.

are subject to free assessment of evidence and are not treated as decisive.[4] Even detailed reports documenting serious physical or mental-health conditions do not systematically prompt enhanced scrutiny of non-refoulement risks. As a result, torture survivors and other persons in particularly vulnerable situations risk removal without a thorough and individualized assessment of their protection needs. Practice since 2023 therefore remains inconsistent with the individualized, evidence-based non-refoulement assessment required by the Committee.	guidance governs how their findings are assessed by the State Secretariat for Migration (SEM) and the FAC? What concrete measures has Switzerland taken to ensure that Istanbul Protocol-compliant medical and psychological assessments are effectively accessible in practice, adequately funded, and given appropriate evidentiary weight?
In practice, migration authorities regularly fail to sufficiently consider the child's best interests in asylum decisions, which includes insufficient consideration of children's mental health challenges; deportation of children to countries in which they do not have access to urgently needed medical care; and separation of children from adult siblings, even when they are their de facto primary caregivers. Despite the Committee on the Rights of the Child (CRC)'s reprimands,[5] Switzerland fails to systematically hear children during the asylum procedure. Particularly accompanied children below the age of 14 are often not heard due to the assumption that their reasons for asylum coincide with their parents'. This practice risks leaving accompanied children's personal experiences and mental health challenges unexamined, which may result in refoulement due to an incomplete best interest assessment.	Which mechanisms are in place to ensure that children's best interests are a primary consideration in all actions concerning them, including removal decisions for asylum seeking children? Which measures are taken to ensure that all children are heard in an age-appropriate manner throughout the asylum procedure?
Use of force in conducting expulsions Concluding observations (para. 22, 2023)	
<u>Background</u> Despite the Committee's 2023 recommendations and repeated warnings from the National Commission for the Prevention of Torture (NCPT), removal authorities continue to use far-reaching coercive measures in Level II–IV removals, including shackling, full immobilization with multi-point restraints and helmets, and	<u>Suggested questions</u> What measures does Switzerland take to ensure that force and other coercive measures in Level II–IV removals remain strictly necessary and proportionate, including by sharply limiting the duration of complete immobilization and using restraints only as a last resort?

[4] FAC, judgment D-2112/2022 of 10 November 2023, in particular para. 6.3 ff., available at: https://bvger.weblaw.ch/pdf/D-2112-2022_2023-11-10_dc9d1581-27c4-47a6-a3c9-8475221f89d5.pdf.
[5] CRC/C/CHE/CO/5-6, https://documents.un.org/doc/undoc/gen/g21/293/54/pdf/g2129354.pdf.

prolonged restraint during transfers and flights – even when individuals do not resist or present significant vulnerabilities. Documented cases include the Level IV removal of an underweight nine-year-old and his father by eight armed officers, with flight medical staff unaware of the child's condition after his medical file was shredded; and an NCPT-observed case in which a family was brought to the airport barefoot and in nightclothes, while the father was fully immobilized and sedated for a long-haul flight – a situation the Commission deemed degrading. The NCPT further reports that only a minority of Level IV "special flights" occur without restraints; that parents continue to be shackled or fully immobilized in front of their children; that minors are used as interpreters; that professional interpreters are not systematically present; and that masked officers still carry out arrests, contrary to principles of necessity and proportionality.[6] AsyLex and the Swiss NGO Platform have also documented Level IV family removals in which parents are strapped to wheelchairs while children are separated and handed to police, and note that Dublin returns to Croatia are carried out almost exclusively via Level IV flights – meaning that even cooperative persons or persons in highly vulnerable situations are subjected to the most restrictive form of removal.	What measures are in place to end the shackling or full immobilization of parents in front of their children during removals, and to discontinue the use of masked officers in arrest and removal operations? How does the State party ensure the systematic presence of professional interpreters during removal procedures so that minor children are no longer required to interpret for their parents?
Multiple investigations document the continued practice of removals directly from hospitals and psychiatric institutions, including of children and persons with severe PTSD, major depression or acute suicidality, who are taken from inpatient care on the basis of paper-based or outdated "fitness to travel" certificates that do not reflect their current condition. In one recent case, a young woman survivor of torture and SGBV was deported directly from a psychiatric clinic where she had been hospitalized repeatedly for suicidality. Hand-cuffed and removed at night, she	Given the persistent practice of removals from hospitals and mental health institutions, what binding rules and safeguards has the State party adopted to prevent the interruption or premature termination of hospital or psychiatric treatment for the purpose of removal? How does the State party ensure that "fitness to travel" assessments are carried out independently and with due diligence, including a clear separation of roles between SEM-mandated companies and removal authorities?

[6] NCPT, *Bericht an das Eidgenössische Justiz- und Polizeidepartement (EJPD) und die Kantonale Konferenz der Justiz- und Polizeidirektorinnen und -direktoren (KKJPD) betreffend das ausländerrechtliche Vollzugsmonitoring von Januar bis Dezember 2024*, Bern, 1 April 2025, available at: https://www.nkvf.admin.ch/dam/de/sd-web/6chuQ89Fc5VI/Bericht-Vollzugsmonitoring-2024-d.pdf.

collapsed at the airport and lost consciousness; instead of receiving medical assistance, officers touched her and told her to "stop the act". Upon arrival, she was handed to the Red Cross without adequate information on her medical history, despite being pre-registered by the SEM as a medical special case. Removals have also taken place directly from hospitals. In one case, a child undergoing treatment for chronic sickle-cell anaemia was removed straight from a children's hospital without the clinic being informed of the transfer to Croatia; the child had to be returned to Switzerland shortly afterwards because adequate treatment could not be ensured in the country of removal.	What measures does the State party take to guarantee continuity of care upon arrival in the State of return for persons removed while undergoing medical or psychiatric treatment, and how does it monitor these safeguards in practice?
Legal assistance for asylum seekers Concluding observations (para. 24, 2023)	
Background State-mandated legal representation throughout the asylum proceeding is remunerated via a lump-sum model. In practice, this model disincentivizes state-mandated legal representatives to pursue appeals against negative asylum decisions, including in cases where there is prospect for success. Indeed, a large share of successful appeals continue to be lodged by private counsel or by asylum seekers themselves, after state-appointed representatives terminate their mandate.	Suggested questions What measures does the State party intend to take to ensure that free legal representation is effectively available to all asylum seekers who wish to appeal negative decisions? What safeguards does the State party employ to ensure that the premature termination of state-funded legal mandates does not in practice prevent the preparation of effective appeals?
In accelerated and non-entry/Dublin procedures, appeal deadlines of five and seven working days severely limit the ability of applicants and their representatives to gather evidence, obtain medical or expert reports, and effectively challenge removal orders. In some cases, state-appointed representatives contact applicants only after several days or lack specific expertise in asylum and detention law, further undermining the effectiveness of legal assistance. Since November 2023, the SEM has introduced a 24-hour asylum procedure at the Zurich federal asylum centre for applicants from countries with very low recognition rates, further reducing the time available to consult a lawyer and prepare appeals. In one such case, an applicant with	How does the State party ensure that applicants have sufficient time to collect and submit relevant medical and other evidence in Dublin procedures, accelerated procedures and the new 24-hour procedures?

clear indicators of trauma received a negative decision the day after registration, before she could obtain a psychological report or fully consult her lawyer.	
State-funded legal representation remains limited to the asylum procedure and does not cover complaints or legal action concerning violence or other ill-treatment by officials or private security staff, racial profiling, domestic violence, administrative detention, or other asylum-related procedures such as hardship applications or family reunification. As a result, asylum seekers face significant financial and practical barriers to accessing legal aid, with NGOs increasingly having to take on such cases outside the federal mandate, often without funding and under growing pressure.	Considering the Committee's previous concluding observations, what steps does the State party intend to take to expand the scope of state-funded legal representation?
Significant disparities regarding access to free legal assistance in administrative detention persist between cantons: while some cantons systematically appoint counsel, others do not, so many detainees – including those held in Dublin detention under article 80a (3) FNIA without automatic judicial review – have no legal representative to challenge the lawfulness or conditions of their detention or to seek remedies for ill-treatment. Without counsel, detainees often do not know their rights, are unaware of the possibility of judicial review, or are afraid to approach authorities, which is particularly problematic given that detention under the Dublin procedure is only reviewed upon a written request by the detainee.	What measures has Switzerland taken to reduce cantonal disparities in access to free legal assistance in administrative detention, and to ensure that all detainees are informed of their rights and able to challenge unlawful detention, inadequate conditions or ill-treatment?
Conditions of detention Concluding observations (para. 26, 2023)	
Background Nationally, the average occupancy rate reached 96% in 2024, the highest level in a decade. As of early 2026, 26 of 90 facilities operate at or above full capacity, with extreme overcrowding in several cantons (e.g. Vaud 166%, Geneva 122%, Bern up to 124%). Both pre-trial detention and sentence execution facilities are affected. The Swiss Competence Centre for the Execution of Criminal Sentences (SKJV) indicates that the problem now spans all	Suggested questions What measures have been taken at both cantonal and federal levels to address persistent overcrowding in detention facilities, particularly in the cantons where occupancy rates significantly exceed capacity? What steps are being taken to reduce reliance on detention, including pre-trial detention, and to expand the use of non-custodial measures such as electronic

regions and reflects a structural imbalance: while the population has grown by 25%, detention capacity has increased by only 11%. Civil society organisations further note that substitute custodial sentences represented 55% of prison admissions in 2024.[7] Such sentences are imposed when individuals are unable to pay fines or monetary penalties. This suggests that detention functions to a considerable extent as an enforcement mechanism for unpaid financial sanctions and that a substantial proportion of custodial sentences is linked to economic hardship. Persistent overcrowding has reportedly contributed to heightened tensions within detention facilities. In Bellechasse prison (canton of Fribourg), detainees recently protested restrictive visitation rules, high costs for basic necessities and inadequate healthcare. Staff shortages further reduce supervision capacity, leading to prolonged lock-up times and increased frustration and aggression. Despite ongoing construction projects, authorities indicate that immediate solutions are difficult to implement and that no short-term improvement is expected. Several cantons have resorted to emergency measures such as folding beds, additional bunk beds, temporary container-based units and the temporary placement of male detainees in women's prisons, raising concerns regarding compliance with international standards on detention conditions, separation requirements and access to appropriate care.	monitoring, community sanctions and other alternatives? In light of the high proportion of substitute custodial sentences resulting from the non-payment of fines or monetary penalties (55% of prison admissions in 2024), what measures are in place to ensure that deprivation of liberty is not imposed due to inability to pay and to promote alternative enforcement mechanisms that take into account individuals' financial circumstances? What safeguards have been implemented to prevent ill-treatment arising from overcrowded conditions, including increased tensions, inter-detainee violence and the excessive use of coercive measures? How does Switzerland assess the compatibility of container-based detention units and other emergency accommodation measures adopted in response to overcrowding with its obligations under the Convention, particularly regarding dignity and adequate living space? In the context of overcrowding and temporary transfers between facilities, including the placement of male detainees in women's prisons, what safeguards ensure compliance with international standards on the separation of detainees and access to gender-sensitive and specialised care?
Excessive use of pre-trial detention raises serious concerns regarding detention conditions. In the canton of Vaud, a parliamentary oversight report found that police holding cells designed for a maximum stay of 48 hours were used to detain individuals for up to 62 days, well beyond the legal limit, in facilities that are not adapted for prolonged detention. Many detainees reportedly spent most of their time confined alone, with limited access to natural light, activities or meaningful contact	What is the legal basis for detaining individuals in police holding cells beyond the 48-hour limit, and what safeguards, including judicial oversight, are in place to prevent prolonged detention in facilities not designed for extended stays? What measures have been taken to ensure that all detainees, including those held in police or temporary custody, are detained in conditions compatible with international standards, including access to natural light,

[7] Federal Statistical Office, BFS Nummer je-d-19.04.02.32, 04.11.2025, available at: https://www.bfs.admin.ch/bfs/rm/home.assetdetail.36199318.html.

with the outside world, and access to adequate healthcare – including psychiatric care – was insufficient. Additional incidents illustrate broader systemic failures: in Lugano a detainee reportedly spent a full week without access to basic hygiene facilities in a police facility, highlighting the variability and inadequacy of temporary detention infrastructure across cantons. Information from individual cases also indicates that access to work and structured activities in detention may in some instances be severely restricted or non-existent, limiting opportunities for meaningful daily engagement and preparation for reintegration. Concerns also arise from the placement of women in men's prisons for remand and preventive detention, a practice that often results in social isolation and raises questions regarding gender-sensitive detention conditions as well as access to specialised care.	adequate hygiene facilities and appropriate medical and psychological care? Please provide information on access to work, education and other structured activities in places of detention across cantons, including during pre-trial detention, and on the measures taken to ensure that detainees have meaningful daily activities conducive to their mental well-being and social reintegration. What safeguards are in place to ensure that women held in remand or preventive detention are not placed in conditions that result in social isolation or fail to meet gender-sensitive detention standards?
Concerns regarding access to mental health care in detention remain acute. In February 2024, the ECtHR found a violation of article 3 of the Convention after a person subject to an institutional therapeutic measure under article 59 of the Swiss Criminal Code was held for more than three years in an ordinary prison without adequate psychiatric treatment and was repeatedly placed in solitary confinement, partly due to the lack of available places in specialized clinics.	What measures have been taken by Switzerland to ensure that persons subject to therapeutic measures under article 59 of the Swiss Criminal Code are no longer held in ordinary prisons due to the lack of places in specialized psychiatric institutions, and that they receive timely and adequate psychiatric treatment in conditions compatible with article 3 of the Convention?
Administrative detention of undocumented migrants Concluding observations (para. 28, 2023)	
<u>Background</u> Detention is still frequently ordered, including in Dublin cases, without a systematic assessment of less intrusive alternatives, and is regularly used as "detention for disobedience" to pressure individuals to cooperate with return – despite clear prohibitions on using detention to induce conduct that may jeopardize rights or interests.	<u>Suggested questions</u> What measures has Switzerland taken to ensure that administrative detention is used only when strictly necessary and proportionate, is subject to systematic review, and is no longer applied as "detention for disobedience" to pressure individuals to cooperate with return procedures?
By law, persons in administrative detention must be held separately from criminal detainees and under non-punitive	What measures has Switzerland adopted to reform the prison-like environment of administrative detention facilities so that

conditions. Yet, asylum seekers are still placed in prison-like facilities with restrictive regimes, limited outdoor access and significant cantonal disparities. Minors and other persons in particularly vulnerable situations can still be detained for migration-related purposes, with maximum detention periods of up to 18 months (12 months for minors).	regimes reflect the non-punitive nature of detention and the needs of persons in particularly vulnerable situations? What concrete steps have been taken to avoid the detention of children, to reduce in practice the maximum detention periods, and to systematically apply alternatives to detention?
In Dublin detention, judicial review is only carried out upon request, so only around one fifth of detention orders are ever reviewed by a court. A significant share of those reviews find the detention unlawful, exposing detainees to a heightened risk of arbitrary detention.	How does Switzerland explain the very low proportion of Dublin detention orders that are challenged, given that a significant share of reviewed cases are found unlawful, and what measures does it consider to ensure that all detainees can effectively exercise their right to judicial review?
Several suicides and suicide attempts in administrative detention in 2025, including the deaths of a 22-year-old and a 62-year-old in the Zurich Airport detention facility (ZAA), combined with the continued placement of suicidal detainees in isolation “security cells” in Zurich despite a 2022 ruling finding this practice disproportionate, raise serious concerns under article 16 of the Convention.	In light of recent suicides and suicide attempts in administrative detention and the continued placement of suicidal detainees in isolation, what measures has Switzerland taken to end such practices and to ensure access to appropriate psychiatric care instead of solitary confinement?
Accommodation in asylum centres Concluding observations (para. 30, 2023)	
<u>Background</u> In 2021 Amnesty International raised alarm about ill-treatment against asylum seekers, including children, at the hands of private security guards in Federal Asylum Centres (FACs). The same year, a former federal judge investigated and issued a series of recommendations to the authorities regarding shortcomings. In 2024, Amnesty International documented new incidents of violence against unaccompanied minors at the “Les Rochat” Federal Asylum Centre, pointing to ongoing problems, and evaluated the implementation of the recommended measures.	<u>Suggested questions</u> What concrete measures have been taken to implement the former federal judge’s recommendations regarding FACs? How does the State ensure effective oversight and accountability of private security personnel in FACs? How does Switzerland ensure that victims of violence in FACs have access to independent complaints mechanisms and remedies? Please provide updated data on complaints, investigations, prosecutions and sanctions related to ill-treatment in FACs since 2021.
Unaccompanied asylum-seeking children Concluding observations (para. 32, 2023)	
<u>Background</u> Age assessments appear to be conducted exclusively on the basis of physiological criteria and seem to be increasing in frequency. Socio-emotional aspects of	<u>Suggested questions</u> What safeguards are in place to ensure that age assessments are not based exclusively on physiological criteria and that socio-

development are reportedly not taken into consideration, neither during the administrative procedure nor in judicial review. There appears to be a growing tendency in recent months to classify unaccompanied minors as adults despite existing indications supporting their minority. This reportedly occurs even where copies of identity documents are available and where age assessment reports indicate a minimum age that would still allow for the possibility of minority – for example, where the minimum age determined is only one to three months below the declared age. This practice appears to occur particularly frequently in Dublin cases. Age reclassification decisions have immediate and often severe consequences. Children concerned are transferred without delay to adult facilities, which may lead to further disruption in already highly vulnerable situations and, in particular for girls, may result in reduced levels of protection and care, including loss of access to schooling and child-specific support. These consequences occur within FACs before legal representatives receive a formally appealable decision, while the formal notification is reportedly issued only weeks later, together with the asylum decision. In practice, legal representatives must actively request an interim decision in order to lodge an appeal prior to formal notification. Concerns also arise regarding the regular use of the term “Person mit unklarem Minderjährigenalter” (PUMA) – referring to a “person with an unclear minor age status” – by the State Secretariat for Migration (SEM) and care staff. The determination that a person qualifies as “PUMA” does not always appear to be made by qualified specialists. Such categorization may indirectly influence age assessment procedures in the asylum process.	emotional aspects of development are duly taken into account? How is it ensured that, where age assessment reports establish only a minimum age that remains compatible with minority, this uncertainty is appropriately reflected in decision-making? What safeguards ensure that the practical consequences of age reclassification are not implemented before formal notification of the decision and the effective possibility to challenge it? What criteria govern the classification of individuals as “Person mit unklarem Minderjährigenalter” (PUMA), which authorities or professionals are competent to make such determinations, and how is it ensured that these classifications do not influence age assessment procedures?
Suicidal ideation and suicide attempts among unaccompanied asylum-seeking minors continue to constitute a serious and recurring concern in FACs. Timely access to specialized psychological care is limited.	What preventive suicide strategies are implemented in FACs, and how are staff trained to identify and respond to mental health risks? What measures are in place to ensure that psychological consultation services in FACs

Individuals up to the age of 25 who were initially considered minors but later reclassified as adults may not be systematically included in vulnerability-based data collection, although unaccompanied young persons up to 25 years of age may be considered particularly vulnerable under domestic child and youth legislation. In Zurich, psychological consultation hours have been introduced; however, access is often constrained by long waiting periods, and prioritization on acute situations. This may result in delayed identification and treatment of non-acute but nevertheless serious psychological conditions.	are sufficient in terms of consultation hours and waiting times to meet existing needs? How does the State party ensure early identification of mental health challenges among unaccompanied asylum-seeking minors upon arrival? What measures have been adopted to ensure that all unaccompanied asylum-seeking children and young adults up to the age of 25 in vulnerable situations have timely access to adequate psychological and psychiatric care? How does the State party ensure continuity of mental health support when individuals are reclassified as adults?
Information received indicates that unaccompanied asylum-seeking children who may be victims of female genital mutilation (FGM), trafficking in human beings or forced marriage are not always systematically identified or provided with specialized accommodation and sustained protection measures. It is further alleged that these highly vulnerable situations are not consistently or adequately taken into account during asylum procedures, partly due to time constraints and insufficient specialized training among legal representatives.	What procedures are in place to ensure early and systematic identification of unaccompanied asylum-seeking children who may be victims of FGM, trafficking in human beings or forced marriage? What specialized accommodation, protection measures and long-term support are provided to such children once identified? How are these specific vulnerabilities formally taken into account in credibility assessments and asylum determinations involving children? What specialized training is provided to asylum officials and legal representatives to ensure adequate handling of gender-based and exploitation-related claims involving children?
Concerns have been raised that credibility assessments in asylum procedures continue to rely on outdated concepts of trauma developed in the 1990s. Modern scientific research on trauma in children and adolescents is reportedly not sufficiently reflected in asylum interviews and decision-making. It is further alleged that asylum hearings involving children are not conducted in a child-sensitive manner, including the use of complex language and insufficient breaks.	What measures have been taken to ensure that asylum procedures involving children are grounded in contemporary trauma research and child development science? What specialized training is provided to decision-makers and interviewers regarding trauma-informed and child-sensitive interviewing techniques? What procedural safeguards ensure that hearings involving children are conducted in a language and format appropriate to their age and psychological condition?
Excessive use of force, including racially motivated violence Concluding observations (para. 34, 2023)	
Background	Suggested questions

In its 2023 concluding observations, the Committee expressed concern about allegations of excessive use of force, racially motivated police misconduct and deaths following police interventions, particularly affecting persons belonging to racial and ethnic minorities. Subsequent incidents indicate that these issues remain unresolved and reflect broader structural challenges.	What measures have been taken by the Confederation and the cantonal authorities to ensure that all allegations of excessive use of force and racially motivated misconduct by law enforcement officers are investigated promptly, thoroughly and impartially, and that perpetrators are effectively held accountable?
In 2025, another person of African descent died following a police intervention in Lausanne, bringing to four the number of such deaths in the Canton of Vaud since 2016 (Hervé Mandundu, 2016; Lamin Fatty, 2017; Mike Ben Peter, 2018; Roger « Nzoy » Wilhelm, 2021; Michael Ekemezie, 2025).	What measures have been taken at federal, cantonal and communal levels to ensure clear operational guidelines and consistent training for law enforcement officers on the proportionate use of force, including the use of firearms, and to strengthen preventive and supervisory oversight mechanisms?
In 2025, racist, sexist and otherwise discriminatory WhatsApp messages exchanged among members of the Lausanne police revealed deep-rooted cultural and structural problems within the municipal police force. The municipal authorities publicly acknowledged the existence of “systemic racism”, and two independent assessments confirmed discriminatory biases and organizational shortcomings, leading to the launch of a multi-year reform process. Available analyses suggest that Lausanne is not an isolated case. A police expert has publicly indicated that he has been consulted by approximately twenty other police forces in Switzerland concerning issues related to racism and discriminatory practices.	What concrete measures, timelines and oversight mechanisms have been established to implement and independently monitor the police reform process launched by the Municipality of Lausanne in 2026? What disciplinary or other legal sanctions have been taken against police officers found responsible for discriminatory practices? What measures have been taken to reassess police interventions involving individuals belonging to racial or ethnic minorities when officers involved have been found responsible for discriminatory conduct? What measures have been adopted at federal, cantonal and communal levels to systematically detect, document and address discriminatory practices and structural deficiencies within police forces across Switzerland, including through independent oversight, training and harmonized standards of accountability?
A persistent concern underlying racially motivated police violence is the absence of an explicit prohibition of racial profiling in federal legislation, as recommended to Switzerland by the Committee on the Elimination of Racial Discrimination.[8] From AsyLex’ experience in legally representing	What efforts are made to incorporate an explicit prohibition of racial profiling into federal legislation?

[8] CERD/C/CHE/CO/10-12, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD/C/CHE/CO/10-12&Lang=En

asylum seekers it is apparent that racially motivated checks persist, which may lead to criminal proceedings on the basis of inadmissible evidence collection.	
Over the past five years, Amnesty International has documented several instances of excessive and potentially unlawful use of force by police in Switzerland in the context of peaceful public demonstrations. Amnesty's findings relate in particular to the policing of peaceful protests, where law enforcement authorities used tear gas, rubber bullets, batons, water cannons and kettling tactics in ways that were assessed as unlawful, unnecessary or disproportionate. Amnesty criticized police interventions in cities including Basel, Lausanne, Bern and Geneva, concluding that peaceful demonstrators and bystanders were injured, that force was sometimes deployed without adequate warnings or communication, and that containment strategies prevented dispersal and exposed individuals, including persons in vulnerable situations, to serious risk and harm. Amnesty has further called for independent investigations into police operations and warned that the lack of prompt, impartial scrutiny of alleged abuses contributes to impunity.	How does Switzerland ensure that the use of force by police during peaceful demonstrations complies with the principles of legality, necessity and proportionality, including when using tear gas, rubber bullets, water cannons, batons and kettling tactics? What safeguards are in place to ensure effective communication and the possibility to disperse before force is used during public assemblies? What safeguards are in place to prevent harm to peaceful protesters and by-standers? How are allegations of unlawful or excessive use of force by police during peaceful demonstrations investigated in a prompt, independent and impartial manner? What measures are taken to prevent recurrence of excessive use of force during peaceful demonstrations, including through training and oversight?
Independent Complaints Mechanism Concluding observations (para. 36, 2023)	
Background The Committee's previous recommendations to establish independent and accessible mechanisms to investigate allegations of police violence remain largely unimplemented. Geneva remains the only canton to have established a dedicated unit – the *Inspection Générale des Services* (IGS) – formally mandated to investigate police misconduct, although it remains administratively attached to the cantonal police and therefore lacks full structural independence. In the 25 other cantons, no independent investigative mechanism exists. While some cantons have mediation or ombudsman structures, these bodies are not mandated to investigate alleged police misconduct. Complaints are therefore generally handled by internal administrative units within the	Suggested questions What measures have been taken at the cantonal level to establish independent and impartial mechanisms competent to receive and investigate complaints concerning alleged ill-treatment or excessive use of force by law enforcement officers? What steps does the Confederation consider to support and promote the establishment of such mechanisms in all cantons?

same police corps, raising serious concerns regarding impartiality, independence and public confidence in the complaint process.	
In December 2025, the Committee of Ministers of the Council of Europe, in the context of its supervision of the execution of the *Wa Baile* judgment[9] – which found a violation of the prohibition of discrimination in police identity checks – urged Switzerland to adopt additional measures to ensure the effective examination of discrimination complaints. The Committee requested that Switzerland provide information on the measures taken by June 2026, including improvements to complaint mechanisms and the establishment of adequate legal and administrative safeguards at both cantonal and federal levels.	In light of the Committee of Ministers' recent request, made in the context of its supervision of the execution of the *Wa Baile v. Switzerland* judgment, that Switzerland strengthen the examination of discrimination complaints – including through improved complaint mechanisms and adequate legal and administrative safeguards at both cantonal and federal levels – what measures have been taken or are being considered to ensure that independent, accessible and effective mechanisms exist to receive and examine allegations of discriminatory identity checks and other forms of police misconduct across all cantons?
In several cases involving suspected excessive use of force, the lack of institutional and functional independence has been reflected in premature closures of investigations, significant delays, repeated acquittals, and procedural obstacles that have undermined victims' access to justice and contributed to a perception of impunity.	What measures have been taken at the cantonal level to ensure that criminal investigations into allegations of excessive use of force or ill-treatment by law enforcement officers are conducted by authorities that are institutionally and functionally independent from the police, and what steps does the Confederation envisage to promote the adoption of such safeguards across all cantons?
In the Canton of Vaud, since 2020, cases of potential police misconduct have been entrusted to the *Détachement d'Investigations Spéciales Policières* (DISPO), an internal police mechanism relying on officers from the same force to conduct investigations. This arrangement raises concerns regarding structural independence and public confidence in the process.	What measures are being taken in the Canton of Vaud to ensure that the DISPO operates with full institutional and functional independence from the police force it is mandated to investigate, and how does Switzerland assess the compatibility of this model with international standards on independent investigations into police misconduct?
Intersex Persons Concluding observations (para. 38, 2023)	
<u>Background</u> Despite repeated recommendations from UN treaty bodies and regional human rights mechanisms, Switzerland still lacks explicit, legally binding protection for children with innate variations of sex characteristics. International bodies – including the	<u>Suggested questions</u> Comparable to the criminal prohibition of female genital mutilation under Art. 124 of the Swiss Criminal Code, shouldn't criminal sanctions apply to disproportionate and irreversible interventions affecting the physical integrity and autonomy of children

[9] Wa Baile v. Switzerland, nos. 43868/18 and 25883/21, judgment (Third Section), 20 February 2024, final 20 May 2024.

Committee against Torture, the Committee on the Rights of the Child, CEDAW, the Human Rights Council and the Council of Europe – have called for a prohibition of irreversible and medically deferrable interventions on intersex children, in some cases with criminal sanctions.[10] Yet Switzerland has not adopted such legal protections. Motion 23.3967, heavily promoted by medical institutions, was adopted by both chambers and has been transmitted to the Federal Council, confirming the political choice to delegate regulation to the Swiss Academy of Medical Sciences (SAMS), a private-law organization, with the opportunity of developing medical guidelines (which already exist) rather than establishing a statutory framework. This approach raises significant concerns: – Delegating the regulation of fundamental aspects of bodily integrity to a private organization lacks democratic legitimacy and contradicts legal principles requiring the State to regulate core human rights protections. – Medical guidelines – including those already developed in other countries – do not provide sufficient protection, particularly regarding interventions such as hypospadias surgery or procedures related to Congenital Adrenal Hyperplasia (CAH). – Guidelines issued by a powerful medical body risk weakening existing legal protections, including the constitutional requirement to prioritize the best interests of the child. – Children with intersex variations would receive a lower level of protection than children protected under criminal law provisions, such as those concerning female genital mutilation/cutting (Art. 124 Swiss Criminal Code).	with innate variations of sex characteristics, especially given that no investigations or sanctions have been undertaken to date? From a human rights perspective, is it acceptable that irreversible and medically deferrable interventions on the sex characteristics or genitalia of a child with an innate variation remain a private matter between parents and doctors, reinforced by medical guidelines that risk weakening the level of legal protection? Is it acceptable that the Swiss authorities continue to treat intersex variations primarily as a medical issue, despite repeated recommendations to adopt explicit legal protections? Is it appropriate that medical guidelines are expected to replace legislative measures?
Trafficking in persons Concluding observations (para. 40, 2023)	
Background	Suggested questions

[10] E.g. CEDAW/C/CHE/CO/6, para. 56(d) recommending criminalizing surgical interventions; CRC/C/CHE/CO/5-6, para. 29; ECRI, 6th report on Switzerland (2019), Rec. 5.

<table>
<tr><td>Article 182 of the Swiss Criminal Code still does not fully align with the international definition of trafficking in human beings, and the irrelevance of a victim’s consent under coercive or exploitative conditions is not clearly codified. Prosecution and conviction numbers remain low, particularly for labour exploitation, and significant shortcomings persist in the identification of victims.</td><td>What legislative steps does Switzerland take to bring article 182 of the Swiss Criminal Code fully into line with international standards, including by explicitly codifying the irrelevance of the victim’s consent under coercive or exploitative conditions?

What concrete measures has Switzerland taken to increase the number of investigations, prosecutions and convictions in trafficking cases, and how does it assess the impact of these measures, including any specialized training?</td></tr>
<tr><td>In asylum hearings, the SEM is only required to ask about possible trafficking indicators on an optional basis under article 26 of the Asylum Act (AsylA). Although specialized interviews for potential victims were introduced in 2021, since a 2024 change in practice they are now applied only to asylum seekers from selected countries of origin or Dublin countries considered to have a high prevalence of trafficking. Even when indicators are disclosed, authorities often limit their response to providing a flyer with contact details of support organizations.

During medical checks under articles 26 and 26a AsylA, gynaecological issues, sexually transmitted infections and psychological conditions are not systematically assessed by trained professionals, and long waiting times for psychological support further hinder identification. Children are not routinely asked about exploitation in an age-appropriate manner, disclosed indicators are often not followed up ex officio, and specialized identification procedures and referrals are rarely triggered.

In a recent case handled by AsyLex, a boy trafficked and severely exploited in Romania was registered under a false identity as the “son” of his traffickers and granted asylum there. Despite the SEM later acknowledging indicators of trafficking, Switzerland declined to examine his asylum claim and ordered his return to Romania, where he remains wrongly registered as his traffickers’ child.</td><td>What steps has the State party taken, or does it intend to take, to ensure systematic and proactive screening for trafficking indicators in all asylum and migration procedures, in particular by making questions under articles 26 and 26a AsylA mandatory for all applicants, and by ensuring that medical examinations systematically assess trafficking-related indicators through trained professionals?

When trafficking indicators arise, what binding instructions or protocols require the SEM and cantonal authorities to initiate a formal identification and referral procedure ex officio, and how is compliance with these protocols monitored?

What measures ensure that unaccompanied minors and other children in asylum and migration procedures are systematically screened for trafficking and exploitation in an age-appropriate manner, and that disclosed indicators trigger immediate identification, protection and referral procedures?</td></tr>
</table>

Access to publicly funded victim support (*Opferhilfe*) is limited to persons who experienced abuse on Swiss territory or who hold a residence status in Switzerland, meaning that most victims exploited abroad are in practice ineligible. Around 90 per cent of trafficking victims in the asylum sector are not entitled to victim aid, leaving them in highly precarious situations. At the same time, Switzerland criminalizes irregular entry and stay as continuing offences, exposing undocumented migrants to repeated imprisonment and discouraging them from approaching authorities.	Does Switzerland intend to amend the Victim Aid Act or related practice so that victims of trafficking exploited abroad can access support? What safeguards ensure that law-enforcement, prosecutorial and judicial authorities systematically assess whether trafficking or exploitation are underlying causes in cases of irregular entry and stay, and that identified or potential victims of trafficking are diverted to protection and support rather than subjected to repeated punishment?
Data collection Concluding observation (para. 46, 2023)	
Background No recent information indicates that Switzerland has taken steps to harmonize data collection or to establish a coordinated national system covering complaints, investigations, prosecutions, convictions and remedies related to torture, ill-treatment, trafficking, gender-based violence and acts of violence motivated by racial discrimination.	Suggested questions How does Switzerland ensure the coordinated and disaggregated collection of data relevant to the monitoring of the Convention – including complaints, investigations, prosecutions, convictions and remedies in cases of torture, ill-treatment, trafficking, gender-based violence and racially motivated violence – and what measures are planned to establish a centralized and harmonized system?
At a more specific level, there is no comprehensive, centralized data collection on suicides, suicide attempts or other deaths in detention – including administrative detention – limiting transparency and the ability to prevent future incidents.	How does the State party ensure comprehensive, centralized collection and publication of data on suicides, suicide attempts and other deaths in detention, including administrative detention, and use this information to adapt practices and prevent future incidents?
It remains unclear whether systematic quantitative data collection and monitoring mechanisms exist with regard to age assessments and age reclassifications of unaccompanied asylum-seeking children. In the absence of such mechanisms, the establishment of transparent data collection and oversight procedures would be essential to ensure accountability and consistency of practice.	What statistical data are collected at federal level regarding age assessments and age reclassifications of unaccompanied asylum-seeking children, including the number of reclassifications and subsequent appeals?
Switzerland further lacks a centralized, disaggregated and publicly accessible database on complaints, investigations, prosecutions and convictions related to police misconduct, including cases involving	What measures is Switzerland considering at the federal level to centralize and harmonize the collection of data on complaints, investigations, prosecutions and convictions related to cases of police

alleged racially motivated violence, hindering effective monitoring, transparency and assessment of progress since the Committee's previous recommendations.	violence – including alleged racially motivated violence – and to ensure that such data are disaggregated and made publicly accessible in a transparent manner?
Follow-up procedure Concluding observation (para. 47, 2023)	
<u>Background</u> Aside from the ongoing legislative process to introduce a specific offence of torture into the Swiss Criminal Code, no significant developments have been reported in relation to strengthening the national preventive mechanism, establishing an independent complaints body for persons deprived of liberty, or creating a comprehensive and harmonized data collection system.	<u>Suggested questions</u> What steps is Switzerland taking to address the lack of progress on the priority recommendations identified for follow-up, in particular the strengthening of the national preventive mechanism, the establishment of an independent complaints mechanism and the development of a comprehensive data-collection system, and what is the expected timeline for their implementation?
Other issues Concluding observation (para. 48, 2023)	
Coordination and dissemination of treaty-body recommendations	
<u>Background</u> Although Switzerland has established a coordination structure through the *Kerngruppe Internationale Menschenrechtspolitik* (KIM), which brings together federal authorities, inter-cantonal conferences and advisory bodies, little up-to-date information is available on how treaty-body recommendations are actually disseminated and followed up in practice. The KIM meets only twice a year and operates under a "light" coordination model, with the Federal Office of Justice (FOJ) acting as focal point. While the authorities indicate that recommendations are formally transmitted to the cantons, it remains unclear how systematically they are shared within the competent authorities or how responsibilities for implementation are allocated. Limited coordination resources further raise concerns that recommendations may not be effectively communicated to, or acted upon by, the authorities responsible for their execution.	<u>Suggested questions</u> How does Switzerland, through the KIM, ensure the systematic dissemination of treaty-body recommendations to the competent cantonal authorities, the allocation of responsibilities for their implementation and the effective monitoring of follow-up?
Age Assessments	
<u>Background</u> Authorities continue to make use of intrusive and potentially re-traumatizing medical examinations.	<u>Suggested questions</u> Which measures does Switzerland take to terminate the use of intrusive and traumatizing age assessment methods?

AsyLex and other civil-society organizations providing assistance to asylum seeking children continue to observe that, as a rule, children are determined to be adults in case of doubt.	Which safeguards are in place to ensure that, in cases where the minority of an asylum seeker can neither be proven nor dismissed, the benefit of the doubt is applied, so as to ensure that children are not wrongfully registered as adults?