



Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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Committee against Torture

List of issues prior to submission of the ninth periodic report of Switzerland*

Specific information on the implementation of articles 1–16 of the Convention, including with regard to the Committee's previous recommendations

Issues identified for follow-up in the previous concluding observations

1. In its previous concluding observations,¹ the Committee requested the State Party to provide information on follow-up to the Committee's recommendations on the definition of torture, the national preventive mechanism, an independent complaints mechanism and data collection (paras. 10, 18, 36 and 46, respectively). Noting that replies concerning the information sought by the Committee were provided on 25 July 2024,² and with reference to the letter dated 3 January 2025 from the Committee's Rapporteur for follow-up to concluding observations,³ the Committee considers that the recommendations contained in paragraphs 10 and 18 of the previous concluding observations have been partially implemented and that the recommendations contained in paragraphs 36 and 46 have not been implemented. These points are covered in paragraphs 2, 4 and 22 of the present document.

Articles 1 and 4

2. With reference to the Committee's previous concluding observations,⁴ please provide information on the legislative measures taken during the reporting period to define torture as a criminal offence in national law, ensuring that its definition is applicable in all situations and covers all forms of torture as described in the Convention. In this regard, please report on the status of parliamentary initiative No. 20.504 to incorporate torture as a specific crime under Swiss criminal law. Please indicate whether the State Party has taken measures to ensure that acts amounting to torture are not subject to any statute of limitations and that no exceptional circumstances, such as a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture. Please provide specific examples of and statistical data concerning any cases in which the provisions of the Convention have been invoked before the courts.

* Adopted by the Committee at its eighty-fourth session (13 April–1 May 2026).

¹ CAT/C/CHE/CO/8, para. 47.

² See CAT/C/CHE/FCO/8.

³ https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCAT%2FFUL%2FCHE%2F61712&Lang=en.

⁴ CAT/C/CHE/CO/8, paras. 9 and 10; CAT/C/CHE/CO/7, para. 7; CAT/C/CHE/CO/6, para. 5; and CAT/C/CR/34/CHE, paras. 4 (a) and 5 (a).



Article 2⁵

3. In the light of the Committee's previous concluding observations⁶ and the entry into force of the new Criminal Procedure Code in January 2024, please provide updated information on the measures taken and procedures put in place by the State Party to ensure that all persons who are arrested or detained are afforded, in law and in practice, all fundamental legal safeguards against torture and ill-treatment, not only at the time of arrest but from the outset of deprivation of liberty. Describe, in particular, the measures taken to ensure such persons' right to consult a lawyer of their choice and, if necessary, to receive legal aid, their right to request and receive a prompt, free and strictly confidential medical examination by an independent doctor or to pay for an examination by a doctor of their choosing, and their right to notify a relative or any other person of their choosing of their arrest.

4. With reference to the Committee's previous concluding observations,⁷ please provide information on the human and financial resources allocated to the Swiss Human Rights Institution since its establishment. With regard to the National Commission for the Prevention of Torture as a national preventive mechanism, taking into account the information provided by the State Party in its follow-up report⁸ and the letter dated 3 January 2025⁹ from the Rapporteur for follow-up to concluding observations, please describe the measures taken to date to ensure that the Commission can carry out its mandate effectively and independently and can visit all places where persons are or may be deprived of their liberty, and the measures taken to ensure that it has an institutional identity distinct from that of the Federal Department of Justice and Police. Please also provide information on the measures taken to ensure that the recommendations of the National Commission for the Prevention of Torture are fully and properly taken into account by all parties to whom they are addressed and that the confidentiality of its records is safeguarded.

5. Please describe the achievements accomplished and challenges encountered by the State Party in implementing the 2030 Gender Equality Strategy, which is aimed at promoting equality between men and women, and the national action plan on the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence for the period 2022–2026. Please describe the methods in place to monitor the effectiveness of these initiatives. Please also provide updated information on the protection and support services available to victims of gender-based violence in the State Party.

6. In the light of the Committee's previous concluding observations,¹⁰ please indicate the measures taken during the reporting period to revise article 182 of the Criminal Code and incorporate a definition of trafficking in persons that fully complies with international standards. Please provide updated data, disaggregated by the victims' age, sex, national or ethnic origin and nationality, on the number of complaints, investigations, prosecutions, convictions and sentences in cases of trafficking in persons. Please also provide information on support, redress and compensation measures, including rehabilitation measures, ordered by the courts or other State bodies and actually provided to victims of trafficking in persons since the consideration of the State Party's previous periodic report. Please describe the progress made and challenges encountered by the State Party to date in implementing the

⁵ The issues raised under article 2 could also touch on issues raised under other articles of the Convention, including article 16. As stated in paragraph 3 of the Committee's general comment No. 2 (2007) on the implementation of article 2, the obligation to prevent torture in article 2 is wide-ranging. The obligations to prevent torture and other cruel, inhuman or degrading treatment or punishment under article 16 (1) are indivisible, interdependent and interrelated. The obligation to prevent ill-treatment in practice overlaps and is largely congruent with the obligation to prevent torture. In practice, the definitional threshold between ill-treatment and torture is often not clear. See also section V of the same general comment.

⁶ CAT/C/CHE/CO/8, paras. 13 and 14.

⁷ Ibid., paras. 15 and 16. See also CCPR/C/CHE/QPR/5, para. 3.

⁸ CAT/C/CHE/FCO/8, paras. 4–7.

⁹ https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCAT%2FFUL%2FCHE%2F61712&Lang=en.

¹⁰ CAT/C/CHE/CO/8, paras. 39 and 40.

third National Action Plan to Combat Trafficking in Persons, for the period 2023–2027, and the methods put in place to monitor its effectiveness.

7. With reference to the Committee's previous concluding observations,¹¹ please provide information on measures taken to systematically provide training to all law enforcement officers with due regard to the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement. In this regard, please also describe the measures taken to implement the recommendations of the European Commission against Racism and Intolerance concerning the training of law enforcement and security personnel on the issue of racial profiling and the establishment of a body independent of the police and the prosecution authorities to investigate allegations of racial discrimination and racially-motivated abusive conduct by the police. Please provide information on measures taken to ensure that, during police operations and arrests, law enforcement officers make effective use of body cameras and wear visible, legible and distinctive insignias and identification numbers.

Article 3

8. With reference to the Committee's previous concluding observations,¹² please describe the measures taken by the State Party during the reporting period to ensure that no one is returned to a country where there are substantial grounds for believing that he or she would be in danger of being subjected to torture. Please indicate the procedure followed when a person invokes that right. Please also indicate whether individuals facing expulsion, return or extradition are informed that they have the right to seek asylum and to appeal a deportation decision. Please also indicate whether such an appeal has a suspensive effect. Please provide statistical data, disaggregated by sex, age and country of origin or nationality, on the number of persons who were returned, extradited or expelled from the State Party during the period under review. Please provide details of the grounds on which these persons were sent back and a list of the countries to which they were returned. Please provide updated information on the types of appeals mechanisms that exist, any appeals that have been made and the outcome of those appeals. Please specify whether the State Party has adopted an approach, for application during the refugee status determination procedure, that allows for the identification of victims of torture among asylum-seekers with a view to referring them without delay to the appropriate services and ensuring that their needs are taken into consideration and addressed in a timely manner. Please specify whether, under that approach, use is made of the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol), as revised. Please provide up-to-date statistical data, disaggregated by the sex, country of origin or nationality and age group (minors or adults) of the persons seeking asylum, on: (a) the number of asylum applications registered; and (b) the number of successful applications for asylum or other forms of humanitarian protection during the reporting period, specifying, where appropriate, the number of persons whose applications were accepted because they had been or might be tortured if returned to their country of origin.

9. Please indicate the number of returns, extraditions and expulsions, if any, carried out by the State Party during the reporting period on the basis of the acceptance of diplomatic assurances or the equivalent thereof, and any instances in which the State Party has offered such diplomatic assurances or guarantees. Please specify the minimum contents of any such assurances or guarantees, whether given or received, and the measures taken in such cases with regard to subsequent monitoring.

10. In the light of the Committee's previous concluding observations,¹³ please describe the measures taken by the State Party during the reporting period to ensure that, in the context of expulsions and repatriations, force and means of restraint are used only when strictly necessary and in a proportionate manner, for as short a period as possible and in

¹¹ CAT/C/CHE/CO/8, paras. 33 and 34. See also CCPR/C/CHE/QPR/5, paras. 9 and 10.

¹² CAT/C/CHE/CO/8, paras. 19, 20, 23 and 24.

¹³ Ibid., paras. 21 and 22.

accordance with the law, and that use of force or means of restraint in that context is systematically documented and independently monitored.

11. Please provide information on the measures taken by the State Party to combat statelessness, particularly any initiatives taken with a view to becoming a Party to the Convention on the Reduction of Statelessness.

Articles 5–9

12. Please provide updated information on any legislation or measures that have been adopted to implement article 5 of the Convention. Please inform the Committee of any extradition treaties concluded with other States Parties and indicate whether the offences referred to in article 4 of the Convention are included as extraditable offences in such treaties. Please indicate what measures have been adopted by the State Party to comply with its obligation to extradite or prosecute (*aut dedere aut judicare*), and any cases involving torture or related offences where this principle has been applied. Please inform the Committee about the mutual judicial assistance treaties or agreements that the State Party has entered into with other entities, such as countries, international tribunals or international institutions, and whether such treaties or agreements have led in practice to the transfer of any evidence in connection with prosecutions concerning torture or ill-treatment. Please provide examples.

Article 10

13. With reference to the Committee's previous concluding observations,¹⁴ please provide up-to-date information on the training and educational programmes put in place by the State Party to ensure that all public officials involved in the custody, interrogation or treatment of persons deprived of their liberty, including law enforcement personnel, prison staff, border guards and members of the military, are fully aware of the provisions of the Convention and know that breaches will not be tolerated, that allegations of torture and ill-treatment will be investigated and that any offenders will be prosecuted and, if found guilty, duly punished. Please indicate whether the State Party has developed a methodology to assess the effectiveness and impact of training and educational programmes in reducing cases of torture, ill-treatment and excessive use of force and, if so, please describe the methodology. Please provide updated information on training programmes for judges, prosecutors, forensic doctors and medical personnel dealing with detained persons in the detection of the physical and psychological after-effects of torture. Please indicate whether such programmes include specific training on the Istanbul Protocol, as revised.

14. Please provide information on measures taken during the reporting period to give effect to the provisions of article 10 (2) of the Convention. Please explain whether clear instructions concerning the absolute prohibition of torture and ill-treatment are included in the relevant regulations, in particular those intended for personnel in contact with persons deprived of their liberty. Please indicate whether specific information on non-coercive investigation techniques is included in the training of public officials involved in the custody, interrogation or treatment of persons deprived of their liberty and indicate whether the State Party has considered incorporating the Principles on Effective Interviewing for Investigations and Information-Gathering (the Méndez Principles) into such training.

Article 11

15. Please update the Committee on the procedures in place for ensuring compliance with article 11 of the Convention. Please provide information on any interrogation rules, instructions, methods and practices, and arrangements for detention, and indicate the frequency with which they are reviewed.

16. With reference to the Committee's previous concluding observations,¹⁵ please provide up-to-date statistical data, disaggregated by place of detention and the sex, age group (minors or adults), national or ethnic origin and nationality of the persons in detention, on the capacity and occupancy rate of all places of detention, the number of pretrial detainees and the number

¹⁴ Ibid., paras. 41 and 42.

¹⁵ Ibid., paras. 25 and 26. See also [CCPR/C/CHE/QPR/5](#), para. 15.

of convicted prisoners, and the average length of pretrial detention in the State Party. Please indicate the measures taken by the State Party during the reporting period to reduce overcrowding, with particular reference to the Champ-Dollon and Bois-Mermet prisons; to ensure adequate ventilation, heating and light in places of detention; and to ensure compliance with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) more generally. Please also provide information on the existence of alternatives to imprisonment, both before and after trial, in the State Party and updated data on their use.

17. Please provide information on the medical procedures followed when a prisoner is admitted to a prison. Please provide information regarding access to healthcare, including psychological and psychiatric assistance and dental care, in detention. Please update the Committee on the number of medical personnel available at each prison and their training. Please provide information on the availability of addiction treatment services in places of detention. Please provide information on measures taken to prevent and respond to suicide attempts and self-harm in detention, including mechanisms established to investigate potential causal links between conditions of detention and the harm suffered. Please provide information regarding the deaths in custody that occurred during the reporting period, including data disaggregated by year, place of detention and the deceased persons' age, sex, national or ethnic origin and nationality and cause of death. In this regard, please include information on the number and nature of the investigations conducted concerning those deaths, the results of those investigations and the measures taken to prevent similar cases from occurring in the future. Please indicate whether relatives of the deceased received compensation in any of the cases.

18. Please provide information on the disciplinary system applicable in places of detention and specify whether there are procedures and an independent body for reviewing and ensuring the legality of disciplinary measures taken. In the light of the Committee's previous concluding observations,¹⁶ please provide information on current policy regarding the use of solitary confinement of, and means of restraint on, persons in detention, in addition to information on measures taken by the State Party to bring its laws and practices regarding solitary confinement into line with international standards. In particular, please indicate: (a) the maximum duration, in law and in practice, of solitary confinement, particularly in the Cantons of Valais, Fribourg, Vaud, and Neuchâtel; (b) the steps taken to ensure that solitary confinement is not imposed on children or adolescents in conflict with the law or on persons with intellectual disabilities or persons with psychosocial disabilities where this practice could worsen their condition; and (c) whether a register of disciplinary penalties imposed on persons in detention is kept in all places of detention and on whether the proportionality of penalties is monitored under an independent mechanism.

19. Please provide detailed information on treatment in psychiatric care in the State Party. Please provide information regarding any legal provisions or procedures which may result in an individual's involuntary hospitalization, together with information on any procedures for review and appeal of decisions in that regard.¹⁷ Please inform the Committee about any legislation relating to the use of physical or chemical restraints in psychiatric settings.

20. With reference to the Committee's previous concluding observations,¹⁸ please indicate the measures taken by the State Party during the reporting period to ensure that asylum-seekers and migrants in an irregular situation are detained only as a last resort, where justified, reasonable, necessary and proportionate and for as short a period as possible, and to further implement alternatives to detention in practice. Given that administrative detention of children for immigration-related reasons can never protect their best interests, please provide up-to-date information on measures taken to ensure that children and families with children are not subject to detention solely on the basis of their migration status and can benefit from alternatives to detention. Please also provide information on measures taken to ensure that all unaccompanied children receive ongoing care and protection. Please provide up-to-date information on the number of asylum-seekers and migrants in an irregular

¹⁶ CAT/C/CHE/CO/8, para. 25.

¹⁷ CRPD/C/CHE/CO/1, paras. 29–32.

¹⁸ CAT/C/CHE/CO/8, paras. 25–32. See also CCPR/C/CHE/QPR/5, para. 16.

situation apprehended and detained during the reporting period, in addition to information on the average length of their detention, the reasons for their apprehension and the outcomes of the proceedings concerning them. More generally, please provide information on the treatment of foreign nationals in detention, including their access to translation and interpretation services, measures in place to ensure that they can maintain family ties and their access to justice.

21. Please provide updated information regarding existing mechanisms to monitor conditions of detention in the State Party, together with detailed information regarding their independence, the regularity and methodology of their visits, and their mandates, with specific reference to their powers to formulate recommendations, make their reporting publicly available and conduct unannounced and unimpeded visits to all places of deprivation of liberty.

Articles 12 and 13

22. In the light of the Committee's previous recommendations,¹⁹ please provide up-to-date information, disaggregated by type of offence, the victims' sex, age group (minors or adults), national or ethnic origin and nationality and the service to which the persons accused of acts of torture or ill-treatment belong, on the number of complaints filed, investigations opened, prosecutions initiated and convictions secured during the reporting period in relation to acts of torture or ill-treatment, and provide information on the penalties imposed in cases where the alleged perpetrators were found guilty. In the light of the information provided by the State Party in its follow-up report²⁰ and the letter dated 3 January 2025²¹ from the Rapporteur for follow-up to concluding observations, please provide information on the measures taken to establish, throughout the territory of the State Party, independent mechanisms responsible for conducting effective and impartial investigations into allegations of police violence and ill-treatment against persons deprived of their liberty, ensuring that there is no practical, institutional or hierarchical connection between the investigators and the alleged perpetrators and that the latter, if found guilty, are given sentences that are commensurate with the gravity of their offences.

Article 14

23. Please provide information on redress and compensation measures, including means of rehabilitation, ordered by the courts or other State bodies and actually provided to victims of torture or their families during the reporting period. Please indicate the number of applications made for State compensation for torture and ill-treatment, the number of applications granted and the amounts of compensation ordered and those actually provided in each case. Please provide information on any ongoing reparation programmes, including for the treatment of trauma and for other forms of rehabilitation, available to victims of torture and ill-treatment, and on the material, human and financial resources allocated for their effective functioning. Please specify whether legislative or administrative measures have been taken to ensure that civil proceedings for reparation can be initiated by victims of torture or ill-treatment, their families or the person defending them independently of any criminal proceedings that might have been initiated or completed, including in cases in which the perpetrator has not been identified or found guilty of an offence.

Article 15

24. Please provide up-to-date information on specific measures that have been adopted to ensure that the principle of inadmissibility of evidence obtained through torture or ill-treatment is observed in law and in practice. Please provide examples of cases in which judges have refused to admit evidence on the grounds that it was obtained through torture or ill-treatment.

¹⁹ CAT/C/CHE/CO/8, paras. 35 and 36.

²⁰ CAT/C/CHE/FCO/8, paras. 8–11.

²¹ https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCAT%2FFUL%2FCHE%2F61712&Lang=en.

Article 16

25. Please provide updated information on legislative initiatives to explicitly prohibit corporal punishment in all settings, including schools, alternative care settings, early childhood care facilities and day-care centres.²² Please provide information on the revision of article 302 of the Civil Code and the entry into force of the amendment made to the Civil Code on 26 September 2025 concerning education without violence.

26. In the light of the Committee's previous recommendations,²³ please provide information on any steps taken to explicitly prohibit the performance of non-urgent and non-essential medical or surgical treatment on intersex children before they are of sufficient age or maturity to make their own decisions and provide their free, prior and informed consent. Please also inform the Committee of the existence of any independent oversight of decision-making to ensure that medical treatments for children with intersex traits who are unable to consent are necessary and urgent and are the least invasive option. Please provide information regarding the availability of professional counselling services and psychological and social support for intersex children and their families.

Other issues

27. Please provide updated information on the measures taken by the State Party to respond to threats of terrorism and describe whether those measures have affected human rights safeguards in law and in practice and, if so, how they have affected them. Please also describe how the State Party has ensured that those measures are compatible with its obligations under international law, especially the Convention. Furthermore, please provide information on the training given to law enforcement officers in this area; the number of convictions secured under legislation adopted to combat terrorism; the legal remedies and safeguards available in law and in practice to persons subjected to counter-terrorism measures; and whether there have been complaints of the non-observance of international standards in applying measures to combat terrorism and, if so, what the outcome was.

General information on other measures and developments relating to the implementation of the Convention in the State Party

28. Please provide detailed information on any other relevant legislative, administrative, judicial or other measures taken since the consideration of the State Party's previous periodic report to implement the provisions of the Convention or the Committee's recommendations, including institutional developments, plans or programmes. Please indicate the resources allocated and provide statistical data. Please also provide any other information that the State Party considers relevant.

²² [CRC/C/CHE/CO/5-6](#), paras. 26 and 27.

²³ [CAT/C/CHE/CO/8](#), paras. 37 and 38. See also [CRC/C/CHE/CO/5-6](#), para. 29.