



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

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## Committee against Torture

### Concluding observations on the eighth periodic report of Switzerland\*

1. The Committee considered the eighth periodic report of Switzerland<sup>1</sup> at its 2015th and 2018th meetings, held on 12 and 13 July 2023,<sup>2</sup> and adopted the present concluding observations at its 2030th meeting, held on 24 July 2023.

#### A. Introduction

2. The Committee expresses its appreciation to the State party for accepting the simplified reporting procedure and submitting its periodic report thereunder, as this improves the cooperation between the State party and the Committee and focuses the examination of the report and the dialogue with the delegation.

3. The Committee also expresses its appreciation for the quality of its dialogue with the State party's delegation and the responses provided orally and in writing to questions and concerns raised during the consideration of the report.

#### B. Positive aspects

4. The Committee welcomes the State party's accession to or ratification of the following international instruments:

(a) The International Convention for the Protection of All Persons from Enforced Disappearance, in December 2016;

(b) The Optional Protocol to the Convention on the Rights of the Child on a communications procedure, in April 2017;

(c) The Protocol of 2014 to the Forced Labour Convention, 1930 (No. 29), of the International Labour Organization, in September 2017;

(d) The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, in December 2017.

5. The Committee also welcomes the State party's initiatives to revise its legislation in areas of relevance to the Convention, including:

(a) The amendments made to the naturalization procedure for third-generation foreign nationals, in 2018;

(b) The amendments made to the Asylum Act concerning the asylum procedure, in March 2019, and the State party's aim of establishing a fast-track procedure;

\* Adopted by the Committee at its seventy-seventh session (10–28 July 2023).

<sup>1</sup> CAT/C/CHE/8.

<sup>2</sup> See CAT/C/SR.2015 and CAT/C/SR.2018.



(c) The amendments made to the Federal Act on Foreign Nationals and Integration, in June 2019;

(d) The adoption of a law on the establishment of a national human rights institution, in October 2021;

(e) The amendments made to the Civil Code concerning the recognition of same-sex marriage, in July 2022.

6. The Committee further welcomes the State party's initiatives to amend its policies, programmes and administrative measures to give effect to the Convention, including:

(a) The adoption of a national action plan on suicide prevention, in November 2016;

(b) The commencement of the activities of the Swiss Competence Centre for the Execution of Criminal Penalties, in 2018;

(c) The adoption of the Plan for the Prevention of Violence in Federal Asylum Centres and the establishment of an internal complaints mechanism, in April 2021;

(d) The adoption of the 2030 Gender Equality Strategy, in April 2021;

(e) The adoption of 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, in June 2022;

(f) The adoption of the third National Action Plan to Combat Trafficking in Persons, for the period 2023–2027, in December 2022;

(g) The adoption of the National Action Plans to Combat Radicalization and Violent Extremism for the periods 2018–2022 and 2023–2027;

(h) The establishment of the Swiss Institution for Human Rights, in May 2023.

7. The Committee commends the State party's commitment to the United Nations Voluntary Fund for Victims of Torture and encourages it to continue to contribute to the Fund and to consider increasing its contributions.

## C. Principal subjects of concern and recommendations

### Pending follow-up issues from the previous reporting cycle

8. In its previous concluding observations,<sup>3</sup> the Committee requested the State party to provide information on its implementation of the Committee's recommendations on: police violence, in particular the need to send medical reports of injuries indicating ill-treatment to the independent mechanism responsible for examining them; the principle of non-refoulement; unaccompanied asylum-seeking minors; and prison conditions, in particular the need for inquiries into all acts of violence committed in prison facilities. In the light of the information received from the State party on follow-up to those concluding observations,<sup>4</sup> the State party's eighth periodic report and the additional information provided by the delegation during the dialogue, the Committee is of the view that the recommendations in question, as set out in paragraphs 10, 13, 16 and 19 of its previous concluding observations, have been partially implemented. The issues addressed in those recommendations are covered in paragraphs 19, 25, 31 and 33 of the present concluding observations.

### Definition of torture

9. The Committee reiterates its long-standing concern that torture has not yet been integrated into domestic legislation as a specific crime with a generally applicable definition that corresponds to the definition of torture enshrined in article 1 of the Convention. The Committee thus welcomes the legislative initiative aimed at filling that gap through a

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<sup>3</sup> CAT/C/CHE/CO/7, para. 22.

<sup>4</sup> CAT/C/CHE/CO/7/Add.1.

two-year process, to be concluded on 29 March 2024, to address the absence of a definition and specific crime of torture under the Criminal Code. The Committee underscores the importance of investigating and prosecuting as torture any act that falls under the definition of that crime as set out in the Convention, rather than, for example, as abuse of authority or some other more general crime, as would be required under current law, at least for acts of torture that do not qualify as war crimes or crimes against humanity, thereby signalling the cardinal importance of the prohibition of torture, the special opprobrium attached to it and a steadfast commitment to treating torture as a crime for which impunity will not be tolerated (arts. 1 and 4).

**10. The Committee strongly encourages the State party to take all appropriate steps to ensure the adoption, by no later than 29 March 2024, of legislation providing for a definition of torture that is applicable in all situations and to ensure that the legislation ultimately adopted covers all forms of torture as described in the Convention.**

#### **Incorporation of other Convention obligations into domestic law**

11. The Committee underscores that the Convention establishes a series of other elements that States parties are required to address with respect to any conduct that qualifies as torture in order to be in conformity with the Convention.

**12. The State party should ensure that the legislation referred to in paragraph 10 above complies with all relevant provisions of the Convention, including by ensuring:**

**(a) That the prohibition of torture is established as absolute and non-derogable in national legislation and that no exceptional circumstances, including a state of emergency or threat of war, can be used to justify the use of torture;**

**(b) That an order from a superior officer or public authority may not be invoked as a justification for torture and that there is no exception to the rule that an accused person may not claim that he or she was not aware that an act of torture was an offence;**

**(c) Minimum penalties for those responsible for the crime of torture that are commensurate with the gravity of the crime, as set out in article 4 (2) of the Convention, including by increasing the penalties imposed on superiors who are aware that a subordinate is carrying out or may carry out an act of torture but fails to take appropriate measures to prevent the act and for acts of torture that qualify as war crimes or crimes against humanity;**

**(d) That, since the prohibition of torture is absolute, there is no statute of limitations for acts of torture, such that persons who commit or are complicit in such crimes can be effectively investigated, prosecuted and punished;**

**(e) The application of criminal penalties not only to officials who directly perpetrate torture but also to those who act with the consent or acquiescence of a public official or other person acting in an official capacity, and the application of such penalties not only in respect of the direct perpetration of torture but also in respect of any acts that constitute complicity or participation in torture;**

**(f) The establishment of jurisdiction over the offence of torture in any situation in which the alleged offender is present in its territory, even if the conduct in question occurred outside the territory of the State party and neither the perpetrator nor any of the victims were nationals of the State party, and the adoption of provisions to ensure that, in any case in which a person alleged to have committed torture is found in its jurisdiction, the State party, if it does not extradite the person, is to submit the case to its competent authorities for the purpose of prosecution;**

**(g) That victims of acts of torture can obtain redress and have an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible.**

### Fundamental legal safeguards

13. The Committee remains concerned about reports that the right to have access to a lawyer from the outset of the deprivation of liberty is not being upheld at the cantonal level and that the right is not sufficiently protected under article 215 of the Criminal Procedure Code (art. 2).

**14. Recalling the recommendation contained in its previous concluding observations,<sup>5</sup> the Committee calls upon the State party to take appropriate steps to ensure that persons who are deprived of their liberty have the benefit of all fundamental legal safeguards from the very outset of the deprivation of liberty, including the right to be assisted by an independent lawyer of their choice and the right to have access to qualified, independent and free legal aid.**

### National human rights institution

15. The Committee welcomes the establishment of the Swiss Institution for Human Rights, in May 2023, as the State party's national human rights institution. However, the Committee is concerned that the Institution is not provided with sufficient human and financial resources to fulfil its mandate in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). The Committee notes the information provided by the State party regarding the Institution's ability to gain access to additional funding by taking on paid-for-service arrangements, but any such funding will necessarily be directed towards a specific project rather than the activities that the Institution itself defines as its highest priorities. The Committee is concerned that the Institution does not have a mandate to receive, consider and/or resolve individual complaints alleging violations of human rights, including acts of torture or ill-treatment (art. 2).

**16. The State party should provide the Swiss Institution for Human Rights with the human, technical and financial resources necessary to discharge its mandate effectively and with full independence, in accordance with the Paris Principles, and strengthen the mandate of the Institution to ensure that is able to receive and deal with individual complaints, including allegations of torture or ill-treatment.**

### National preventive mechanism

17. The Committee is concerned about reports indicating that the National Commission for the Prevention of Torture lacks sufficient independence to fulfil its responsibilities as a national preventive mechanism under the Optional Protocol to the Convention, namely to visit all places in the territory of the State party in which persons are or may be deprived of their liberty, including psychiatric institutions and social care facilities, and about reports that the Commission lacks an independent legal personality and budgetary autonomy.<sup>6</sup> The Committee is also concerned about the limited budget allocated to the Commission and the absence of plans to increase its budget in the near future. According to the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Commission's lack of financial resources constitutes a major obstacle to its effective and efficient operation, as demonstrated by the low number of visits conducted in relation to the number of places of deprivation of liberty.<sup>7</sup> The Committee is further concerned about the insufficient information available regarding the specific measures taken by the State party to ensure due implementation of the recommendations issued by the Commission.<sup>8</sup> Lastly, the Committee expresses particular alarm regarding reports that the Commission's records, potentially including records of private interviews with persons deprived of their liberty, many of whom may not be willing to candidly provide information to the Commission in the absence of assurances that their conversations will remain private, are subject to public

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<sup>5</sup> CAT/C/CHE/CO/7, para. 8.

<sup>6</sup> CAT/OP/CHE/ROSP/1, paras. 17–27.

<sup>7</sup> Ibid., para. 31.

<sup>8</sup> CAT/C/CHE/QPR/8, para. 5.

disclosure upon request by journalists or other members of the public under the Federal Act on Freedom of Information (art. 2).

**18. The State party should:**

(a) **Take all appropriate steps to ensure that sufficient funding and other resources are allocated to the National Commission for the Prevention of Torture for the effective and independent fulfilment of its mandate, in accordance with article 18 (1) and (3) of the Optional Protocol;**

(b) **Ensure that effective mechanisms are put in place to ensure that the Commission's recommendations are fully and properly addressed by all recipients and make any revisions to law and policy necessary to ensure that the appropriate level of confidentiality will be maintained for the Commission's records.**

**Non-refoulement**

19. While taking note of the information provided by the State party during the dialogue on the restructuring of its asylum system, the Committee remains concerned that, instead of conducting individualized assessments focused on the situation of the persons involved, the State party reportedly relies on the fact that the States to which they are to be removed, as determined under Regulation (EU) No. 604/2013 of the European Parliament and of the Council of 26 June 2013 (the Dublin III Regulation), have formal legal obligations to provide appropriate treatment. In this connection, the Committee notes that, according to reports that it has received, the State party's authorities, in the course of their consideration of asylum claims, have rarely, if ever, offered or agreed to cover the costs of assessments drawn up according to the standards of the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol) and give insufficient weight to such assessments even in cases where they are submitted (art. 3).

**20. The State party should:**

(a) **Ensure that no person may be expelled, returned or extradited to another State where there are substantial grounds for believing that the individual concerned would face a personal and foreseeable risk of being subjected to torture;**

(b) **Guarantee that all asylum-seekers have the opportunity for an individual review and are effectively protected against any such expulsion, return or extradition;**

(c) **Ensure the consistent and full use of the Istanbul Protocol in asylum evaluations.**

**Use of force in conducting expulsions**

21. While noting that, according to the information provided by the State party's delegation, the National Commission for the Prevention of Torture monitors all "special flights" and some flights chartered for repatriations, the Committee remains concerned about reports that individuals have been shackled or tied to wheelchairs with multiple restraints and that a mother was forced to breastfeed her child while handcuffed. The Committee notes the importance of the Commission's recommendations regarding the persistent practice of shackling parents in the presence of their minor children, the use of minor children as interpreters for their parents, the fact that police escorts who come into contact with forcibly returned persons carry weapons, the handcuffing of persons who are cooperative and the handcuffing of persons in cells (art. 3).

**22. The State party should eliminate practices involving the use of force that are not strictly necessary and proportionate, including the shackling of parents in the presence of their minor children, make interpreters available to ensure that minor children are not in a position of needing to interpret for their parents, limit the use of force and constraints to cases in which there is an imminent threat to the safety of officers or other persons, limit the use of complete immobilization to the shortest possible time and renounce the practice of handcuffing pregnant women and breastfeeding mothers, in**

**accordance with the recommendations of the National Commission for the Prevention of Torture.****Legal assistance for asylum-seekers**

23. The Committee is concerned that the provisions of its legislation under which free legal representation for asylum-seekers is terminated if the assigned lawyer concludes that an appeal has no prospect of success, combined with provisions under which lawyers are paid the same fee regardless of whether they pursue an appeal, disincentivize lawyers from pursuing appeals. In this regard, the Committee notes that, according to the information that it has received, nearly one third of the appeals filed without the assistance of a legal aid lawyer are ultimately successful, which casts significant doubt on the objectivity of the assessment that appeals have no prospect of success. The Committee notes with concern that, under article 102k of the Asylum Act, the purposes for which a legal aid lawyer can represent an asylum-seeker are strictly limited and do not include taking legal action following such serious yet frequent occurrences as the use of violence against them by officials, domestic violence and racial profiling (arts. 2, 3 and 13).

**24. The State party should ensure that free legal representation is available to asylum-seekers who need to appeal decisions made against them and that such representation is also provided for the purpose of taking legal action following such serious yet frequent occurrences as the use of violence against them by officials, domestic violence and racial profiling.**

**Conditions of detention**

25. The Committee takes note of the efforts made by the State party to improve detention conditions, including the renovation and expansion of detention facilities. Nevertheless, it remains concerned about chronic prison overcrowding, in particular in the Cantons of Geneva and Vaud. The Committee takes note of the statement made by the State party's delegation that Champ-Dollon Prison will close by 2030 but notes with concern that, despite calls for its closure before that date, it remains in use. Furthermore, the lack of access to mental health care in detention facilities and the insufficient number of psychiatrists in the prison system, even though mental health conditions are widespread, remain serious problems. The Committee notes with concern reports indicating gaps in suicide prevention strategies in custodial settings. It is concerned about the reportedly limited access to social, educational and recreational activities and outdoor space. The Committee has received reports of detainees being held for several days in security cells owing to a lack of space at psychiatric clinics and reports that the distinction between disciplinary measures and security measures is not always clearly established in practice. According to the information before the Committee, the Cantons of Bern and Zurich have placed minors under the age of 15 in custodial facilities alongside their families, even though, under article 80 (4) of the Federal Act on Foreign Nationals and Integration, cantons may not detain minors under the age of 15. Lastly, the Committee expresses concern that, in the Cantons of Vaud and Neuchâtel, the maximum duration of solitary confinement is more than 20 days, which is not in line with international standards (arts. 2, 11 and 16).

**26. The State party should:**

(a) **Continue to ensure that conditions of detention are in full compliance with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and seek to eliminate overcrowding at penitentiary institutions and other detention facilities, in particular in the Cantons of Geneva and Vaud, including through the application of non-custodial measures. In that connection, the Committee draws the State party's attention to the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules);**

(b) **Ensure that all cantons have a sufficient number of psychiatrists in the prison health-care system and that detainees are guaranteed regular, rapid and**

**low-threshold access to basic psychiatric care provided by qualified staff with experience in caring for persons deprived of their liberty;**

**(c) Bring its legislation and practices regarding solitary confinement into line with international standards, in particular rules 43 to 46 of the Nelson Mandela Rules.**

#### **Administrative detention of undocumented migrants**

27. The Committee is concerned that the State party's standards and procedures for making detention decisions regarding migrants do not comply with the principle of proportionality. Migrants in administrative detention are commonly placed in prison or pretrial detention facilities, and stark differences are reported to exist between cantons with regard to administrative detention practices and facilities. The Committee is concerned about reports that only some persons in administrative detention have access to free legal representation, that the maximum length of administrative detention is 18 months for adults and 12 months for minors, that conditions in such facilities are harsh and that children between the ages of 15 and 18 continue to be detained for immigration-related purposes. The Committee notes with concern the conditions of detention at the Favra administrative detention facility in the Canton of Geneva, which was assessed as non-compliant with national and international provisions (arts. 2, 11–13 and 16).

28. **The State party should:**

**(a) Strictly limit the use of administrative detention to that which is necessary and proportionate, including by reducing the maximum length of administrative detention of asylum-seekers under the Asylum Act to as short a period as possible, taking all measures necessary to avoid the detention of children placed in migration detention facilities, including by using alternatives to detention, and in no case imposing measures or conditions designed to induce persons at the facilities to take any steps that would jeopardize their rights or interests;**

**(b) Ensure the reform of the reportedly prison-like environment of administrative detention facilities, which includes limitations on visitation rights and confiscation of personal belongings;**

**(c) Guarantee that administrative detainees have access to legal representatives while in detention;**

**(d) Ensure consistency in the application of administrative detention by all cantons.**

#### **Federal asylum centres**

29. The Committee takes note of the information provided by the State party regarding the investigation undertaken following reports of excessive use of force and abusive treatment at federal asylum centres and the various measures that were taken or are being considered by the authorities in response. At the same time, the Committee remains concerned about reports that individuals at federal asylum centres continue to experience ill-treatment, for example beatings by security guards, confinement in small container rooms ("reflection rooms"), including in the case of minors, the unrestrained use of disciplinary measures by guards, the routine use of racist terms, the routine misreporting or non-reporting of events, a lack of clarity regarding opportunities for lodging complaints or the absence of such opportunities and obstacles in access to justice for victims. The Committee is concerned about reports of sexual violence, including rape. Lastly, the use of private contractors as security providers, in particular without adequate training, is another matter of concern (arts. 2, 10, 11 and 16).

30. **The State party should:**

**(a) Ensure that all instances of alleged ill-treatment at federal asylum centres are promptly investigated in an independent and impartial manner and that the suspected perpetrators are duly tried and, if found guilty, punished in a manner commensurate with the gravity of their acts and that victims obtain adequate redress and compensation;**

- (b) **Enhance and strengthen independent safeguarding and proactive monitoring at federal asylum centres;**
- (c) **Establish independent, confidential and effective complaints mechanisms at all federal asylum centres;**
- (d) **Review the practice of locking individuals held at federal asylum centres in “reflection rooms”, including by prohibiting the placement of minors in isolation;**
- (e) **Ensure that, if it is intended that private security contractors are to continue to play a role at federal asylum centres, they do not carry out sensitive security tasks, integrate stricter requirements concerning quality standards and training into their contracts and ensure that security contractors recruit experienced and skilled security personnel and that they train them specifically for assignments at federal asylum centres.**

#### **Unaccompanied asylum-seeking children**

31. The Committee is concerned about reports regarding the situation of unaccompanied children, including reports of inadequate reception conditions and protection measures. In particular, it is concerned about reports that the ratio of staff to children is deficient at federal asylum centres, which consequently results in unaccompanied children, in particular girls, receiving insufficient care and protection. Some reports indicate that, owing to a lack of staff and an increased number of unaccompanied children, one staff member supervises 70 to 100 minors. According to the information before the Committee, the protection and care provided to unaccompanied asylum-seeking children is differentiated on the basis of age, as children aged 16 years or over are considered to require less care and are reportedly treated as adults. The Committee is further concerned about reports of children absconding from asylum reception facilities and other centres. Other matters of concern include acts of violence, inadequate accommodation, barriers in access to education and the low quality of the food provided. Lastly, the Committee is concerned about reports that, in practice, no distinction is made between minors and adults in the context of border procedures, in violation of national law (arts. 3, 11 and 16).

32. **The State party should uphold the principle of the best interests of the child in repatriation procedures and ensure that all unaccompanied minors, in particular girls, receive ongoing care and protection and that reports of child disappearances during the asylum procedure are investigated.**

#### **Excessive use of force, including racially motivated violence**

33. While encouraged by the State party’s efforts to address police violence, the Committee is concerned about allegations of excessive use of force and other abuse by the police, in particular against persons belonging to certain racial and ethnic groups, and allegations of deaths occurring as a result of police action.<sup>9</sup> The Committee is also concerned about allegations of racial profiling and the use of racial epithets (arts. 2, 12, 13 and 16).<sup>10</sup>

34. **The State party should:**

- (a) **Ensure that all allegations of excessive use of force and racially motivated misconduct by the police are investigated promptly, thoroughly and impartially and that perpetrators are duly tried and, if found guilty, punished in a manner commensurate with the gravity of their acts;**
- (b) **Increase efforts to systematically provide training to all law enforcement officers on the use of force, taking into account the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.**

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<sup>9</sup> CERD/C/CHE/CO/10-12, para. 17.

<sup>10</sup> A/HRC/51/54/Add.1, paras. 35–43.



### **Independent complaints mechanism**

35. The Committee is concerned about the lack of an independent and universally accessible mechanism for filing complaints against police officers and other officials involved in the treatment of persons deprived of their liberty. The Committee welcomes the establishment of the Inspectorate General of Services in the Canton of Geneva but expresses regret that the institution is administratively attached to the Geneva Cantonal Police and the lack of similar institutions in other cantons (arts. 12 and 13).

**36. The State party should consider establishing, in all cantons, investigative mechanisms that carry out independent and effective criminal investigations and prosecutions of allegations of police violence and violence against persons deprived of their liberty and that operate independently, without any institutional or hierarchical relationship between their investigators and the suspected perpetrators of such acts. The Committee recommends that the State party ensure the collection of updated, centralized and disaggregated statistical data on all complaints, prosecutions and convictions related to police violence and violence against persons deprived of their liberty.**

### **Intersex persons**

37. The Committee remains concerned about reports of unnecessary and irreversible surgery and other medical treatment to which intersex children have been subjected without their informed consent and impartial counselling. The Committee is concerned that such procedures, which can cause long-term physical and psychological suffering, have not been the object of inquiry, sanction or reparation and that there are no specific legal provisions for providing redress to the victims. The Committee takes note of motion No. 22.3355 on the criminal prohibition of interventions to change the biological sex of intersex children (arts. 2, 12, 14 and 16).

38. **The State party should ensure that:**

(a) **Children are not subjected without their consent, during infancy or childhood, to unnecessary medical or surgical procedures intended to decide their sex;**

(b) **The parents or guardians of intersex children receive professional counselling services and psychological and social support, including information on the possibility of deferring any decision on unnecessary medical or surgical treatment until such treatment can be carried out with the full, free and informed consent of the person concerned;**

(c) **Medical records can be consulted and investigations initiated in all cases in which intersex persons were treated or operated on without their effective consent;**

(d) **Adequate redress is provided for the physical and psychological suffering caused by such practices to intersex persons;**

(e) **Legislative and policy measures are taken to protect the rights of intersex persons, in particular children;**

(f) **Training is provided to persons working with or for intersex persons, in particular children.**

### **Trafficking in persons**

39. While the Committee notes the efforts made by the State party to eliminate trafficking in persons, it is concerned that the definition of trafficking in persons provided in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, has not been fully incorporated into domestic law. Furthermore, the irrelevance of consent in the context of the exploitation of victims of trafficking in persons is not explicitly mentioned in article 182 of the Criminal Code. The Committee is concerned about the low rates of prosecutions and convictions for trafficking in persons, in particular in cases of labour exploitation, and the insufficient measures taken to identify victims of trafficking (arts. 2, 12–14 and 16).

40. **The Committee recommends that the State party enhance its efforts to combat trafficking in persons by taking legislative steps to ensure that the definition of trafficking in persons is fully in accordance with international standards and by prosecuting and punishing perpetrators and providing adequate protection and redress, including compensation and rehabilitation, to the victims. The Committee also recommends that the State party provide ongoing capacity-building on the prevention of trafficking in persons and the identification of victims, including for judicial and law enforcement officials and immigration and border control officers. Lastly, the State party should promote and conduct nationwide awareness-raising campaigns with a particular focus on victim identification.**

#### **Training**

41. The Committee acknowledges the efforts made by the State party to develop, implement and allocate resources for training programmes for law enforcement staff and personnel employed at federal asylum centres. Nonetheless, the Committee expresses regret that the limited information received on the training provided to other public officials in contact with asylum-seekers and persons deprived of their liberty, including immigration and border control officers, security guards contracted to work at federal asylum centres and medical staff employed at prisons and asylum centres. The Committee remains concerned about the lack of information on evaluations of the impact of those programmes (art. 10).

42. **The Committee reiterates its previous recommendations,<sup>11</sup> namely that the State party strengthen its efforts to provide training for all officials concerned on its obligations under the Convention and systematic training and practice in applying the Istanbul Protocol and develop specific methodologies to evaluate the training programmes provided on the absolute prohibition of torture and ill-treatment to police and prison staff.**

#### **Redress**

43. The Committee regrets that the delegation was not able to provide updated information on redress, including compensation measures ordered by the courts or other State bodies and actually provided to victims of torture or their families since the consideration of the State party's previous periodic report. It notes with concern that the State party has presented no information on reparation programmes or measures taken to support and facilitate the work of non-governmental organizations that seek to provide rehabilitation to victims of torture and ill-treatment. The Committee draws the attention of the State party to its general comment No. 3 (2012) on the implementation of article 14, in which the Committee explains the content and scope of the obligations of States parties to provide full redress to victims of torture (art. 14).

44. **The State party should ensure the implementation of measures to uphold the right of all victims of torture and ill-treatment to obtain redress, including an enforceable right to fair and adequate compensation and the means for as full rehabilitation as possible. The State party should encourage, support and facilitate the involvement of non-governmental organizations in and their contribution to the rehabilitation of victims. The State party should compile and provide the Committee with information on redress and on compensation measures, including means of rehabilitation, ordered by the courts or other State bodies and actually provided to victims of torture or ill-treatment.**

#### **Data collection**

45. The Committee remains concerned about the scattered and inconsistent collection of data on torture and ill-treatment in various cantons, the absence of a central system for collecting relevant statistical data and the lack of disaggregated data on victims, including data disaggregated by age, gender, nationality and racial and ethnic origin (arts. 2, 12–14 and 16).

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<sup>11</sup> [CAT/C/CHE/CO/7](#), para. 21.

46. The State party should intensify its efforts to strengthen its capacity to compile, disaggregate and analyse, in a more targeted and coordinated manner, statistical data relevant to the monitoring of the implementation of the Convention, including data on complaints filed, investigations and prosecutions conducted and convictions handed down in cases of torture and ill-treatment, trafficking in persons and gender-based violence, on remedies, including compensation and rehabilitation, provided to victims and on other matters as requested by the Committee in its list of issues prior to reporting.

#### **Follow-up procedure**

47. The Committee requests the State party to provide, by 28 July 2024, 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 (see paras. 10, 18, 36 and 46 above). In that context, the State party is invited to inform the Committee about its plans for implementing, within the coming reporting period, some or all of the remaining recommendations in the present concluding observations.

#### **Other issues**

48. The State party is requested to widely disseminate the report submitted to the Committee and the present concluding observations, in appropriate languages, through official websites, the media and non-governmental organizations and to inform the Committee about its dissemination activities.

49. The Committee requests the State party to submit its next periodic report, which will be its ninth, by 28 July 2027. For that purpose, and in view of the fact that the State party has agreed to report to the Committee under the simplified reporting procedure, the Committee will, in due course, transmit to the State party a list of issues prior to reporting. The State party's replies to that list of issues will constitute its ninth periodic report under article 19 of the Convention.

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