United Nations CAT/C/SR.2015

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

Distr.: General
24 July 2023

Original: English

Committee against Torture
Seventy-seventh session

Summary record of the 2015th meeting*
Held at the Palais des Nations, Geneva, on Wednesday, 12 July 2023, at 10 a.m.

Chair: Mr. Heller

Contents

* No summary record was issued for the 2014th meeting.

The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by States parties under article 19 of the Convention

Eighth periodic report of Switzerland (CAT/C/CHE/8; CAT/C/CHE/QPR/8)

1. *At the invitation of the Chair, the delegation of Switzerland joined the meeting*.

2. **Mr. Stadelmann** (Switzerland) said that, following a 20-year political process and pursuant to the recommendation made by the Committee in its previous concluding observations (CAT/C/CHE/CO/7), the Swiss national human rights institution had been created in May 2023; a board of directors had been elected during the institution's constitutive assembly to ensure that it was fully compliant with the Paris Principles. The institution would provide information, documentation and advice, carry out research and awareness-raising and determine how to best use its resources to carry out its mandate. Although conduct amounting to torture was already punishable in Switzerland, in line with articles 1 and 4 of the Convention, legislation to introduce torture as a specific crime was currently being drafted.

3. Since its inauguration in 2018, the Swiss Centre of Expertise in Prison and Probation had published a number of documents with a view to improving current practices, including guidelines on the provision of psychiatric care during detention. Pretrial detention conditions had been improved through measures such as increasing the time detainees spent outside of their cells, a pilot project in the canton of Solothurn was underway to improve conditions for prisoners and there were plans to build new detention centres in the cantons of Vaud and Geneva. Since 2022, data on penitentiary centres throughout the country, including their occupation levels, had been published regularly. Both basic and in-service police training addressed the topics of human rights, protection against discrimination and diversity management, and police forces in several cantons had begun hiring employees of non-Swiss backgrounds to improve public perception of the police. Criminal procedure in Switzerland required that any complaint of violence or ill-treatment by members of the law enforcement services must be investigated.

4. In March 2019, as part of restructuring to shorten asylum procedures, free legal protection had been granted to all asylum-seekers. An investigation into allegations of excessive use of violence by security services in federal asylum centres had concluded that fundamental and human rights were respected, a conclusion that was shared by the National Commission for the Prevention of Torture; nevertheless, in response to the investigation, guiding principles for a holistic approach to violence prevention had been drafted and implemented, additional supervisors had been hired in asylum centres to prevent conflicts and an independent and external complaints mechanism had been established. The rate of incidents of violence had decreased significantly as a result.

5. To ensure that deportation procedures were followed, the National Commission for the Prevention of Torture was present throughout deportations by sea and an administrative detention centre had been opened in Zurich airport. Following an examination requested by Parliament, the Federal Council had determined that electronic tagging was not an appropriate alternative to administrative detention and that existing measures were sufficient; however, by the end of 2023, the Council would submit draft legislation to Parliament to allow persons in administrative detention to instead be required to remain in assigned accommodation at certain times of the day.

6. **Mr. Buchwald** (Country Rapporteur) said that he wished to know the projected timeline for the draft legislation introducing a definition of torture as a specific offence. He wondered whether that definition would take into account the special nature of the offence of torture, including its non-derogable nature, the requirement that States should establish criminal jurisdiction over torturers found within their territory and rules regarding the acquiescence of a State official in acts of torture. He wished to know why torture as a crime against humanity and as a war crime – the only ways in which torture was explicitly penalized in the State party's Criminal Code – carried minimum sentences of only 5 years and 1 year respectively, whether acts tantamount to torture that were deemed to be less serious carried even lower minimum sentences and whether minimum sentences would be envisaged in the

new definition of torture. He was eager to learn how the variable statute of limitations, set out in articles 97 and 98 of the Criminal Code, worked in general and how it applied in practice to the different criminal provisions under which torture was currently prosecuted. He wished to know what the criteria were for inclusion on the list of offences set out in article 101 of the Criminal Code, to which the statute of limitations did not apply and why torture had not been included on that list.

7. He invited the delegation to comment on the fact that superior officers who were aware that a subordinate was carrying out an act of torture and failed to take appropriate measures could only be punished if the act was classified as a crime against humanity or a war crime and that such cases carried a maximum sentence of just 5 years, with no minimum sentence specified. He wished to know how article 264 (l) of the Criminal Code, which provided that a subordinate who committed an act of torture that was classified as a crime against humanity or a war crime was criminally liable only if he or she was aware that such an act was an offence, was in line with article 3 of the Convention. He wondered whether, in line with article 2 (2) of the Convention, there was any legal provision to ensure that no extraordinary circumstances could be invoked to justify the offences under which torture was currently prosecuted.

8. He wished to know whether any problems arose because the national human rights institution was funded exclusively by the Federal Department of Foreign Affairs. He wondered whether the annual funding of 1 million Swiss Francs allocated for the first four years of the institution's operation would be sufficient, how that budget had been determined and would be determined in the future, what government approval would be required for the institution to submit its own budget proposals to Parliament and whether the funding from the Federal Department of Foreign Affairs was mandatory. He would also like to know whether the institution was competent to receive individual complaints.

9. He wished to know what plans there were to increase the budget and resources of the National Commission for the Prevention of Torture to ensure that its needs were met and to provide a stable basis for its future planning, as recommended by the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

10. The Subcommittee had expressed concern that the National Commission lacked sufficient independence to fulfil its responsibilities under the Optional Protocol to the Convention; information on steps taken to address the issue, including to sever the links between the Commission and the Federal Department of Justice and Police so as to promote both independence and the appearance thereof, would be welcome. The statement in the eighth periodic report to the effect that responsibility for implementing the Commission's recommendations lay with the cantonal authorities, while useful, did not answer the question of which recommendations had yet to be implemented and why. Information was also needed on the process for ensuring that implementation was monitored. The apparent requirement for access to be provided to the Commission's records, including to journalists, was difficult to align with the need for it to be able to hold confidential conversations with witnesses and others. The Committee would also welcome information on mechanisms in place to follow up its own recommendations, especially in view of the highly decentralized nature of the State party's administration.

11. Encouraging steps had been taken by the State party to strengthen its migration policy and improve its asylum system. Given the importance the Committee attached to the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol), it would be useful to know whether the Protocol was taken into account in assessing claims by asylum-seekers that they had been victims of torture and whether any further medical reports had been made pursuant to the Protocol since submission of the eighth periodic report. The State party was also invited to comment on reports that there were no known cases of it agreeing to cover the costs of medical examinations in disputed cases of torture, despite the possibility existing, and that relatively little weight was given to such reports when provided. The Federal Administrative Court had stated that there was no legal requirement for the State party to cover the costs of medical examinations under the Istanbul Protocol, but was there anything to prohibit it from doing so?

12. The State party had explained that, for the purposes of extradition, it categorized requests based on the risk of human rights violations occurring in the requesting State and the extent to which that risk could be eliminated or reduced by obtaining diplomatic assurances from the State concerned. The Committee would appreciate further information on which countries fell into which category of risk and how those risks were assessed and reviewed, particularly for the highest risk level; the nature of the diplomatic assurances sought; how the binding character of the obligations created by such assurances was reflected; and whether and how account was taken of potentially elevated risk to specific groups of people, such as members of ethnic groups. Further details of the number of complaints submitted by extradited persons and the number of violations of assurances identified in such cases would be welcome, along with information on the extent to which, and the circumstances in which, the State party had sought to rely on diplomatic assurances in asylum cases.

13. With regard to non-refoulement, the State party's practice of requiring persons whose extradition was requested to demonstrate the probability of a serious and objective risk of a grave violation of human rights in the requesting State that was likely to affect them in a tangible manner in order to trigger protection under article 3 of the Convention raised the question of whether the concept of "probability" – especially if understood as an occurrence being more likely than not – was consistent with the standard of "substantial grounds" set forth therein. If a removal order pursuant to the Foreign Nationals and Integration Act was issued, he wondered how, given the provisions of the Act and the fact that a pending appeal had no suspensive effect, it could be ensured that removal was not carried out before the appellate authority had decided whether to grant suspensive effect or not. In the case of persons deemed to threaten the State party's national security, in respect of whom expulsion orders could be enforced immediately, how could the right to secure review be protected? Moreover, was there any provision in the State party's domestic law to ensure that the relevant authorities – including cantonal authorities – respected the absolute prohibition on refoulement under article 3 of the Convention, notwithstanding the fact that persons presenting a danger to national security could not claim protection under article 33 of the 1951 Convention Relating to the Status of Refugees? Information would be welcome on the criteria to be applied by appellate authorities in deciding whether to suspend removal orders and on how uniformity and consistency among cantonal authorities was ensured. The State party should also clarify whether and how the provisions of article 3 (3) and (4) of the Federal Asylum Act were compatible with the principle that the prohibition in article 3 of the Convention was absolute.

14. With regard to article 22 of the Convention, the Committee wished to know how its decisions under that article were handled as a matter of the State party's domestic law and how applicants were treated while such decisions were pending, including any restrictions placed upon them. It would also welcome information on the State party's policy of not forcibly returning people to certain countries, such as Eritrea, even if it had been determined that they were not entitled to asylum or similar protection, and the status and treatment of such individuals while they remained in the State party; similarly, the status of those having left or seeking to leave Afghanistan as asylum-seekers was a matter of interest.

15. Clarification was needed as to whether representatives of the National Commission for the Prevention of Torture or the Subcommittee were permitted to observe only forced repatriation flights involving the highest level of risk and most extensive use of restraint or if they could observe any flights transporting persons who had not given their consent to be removed and who were therefore in a position of temporary deprivation of liberty. Furthermore, the State party should provide additional information on the use of shackling or similar restraint, including whether it was compulsory or simply authorized; whether it agreed with the relevant recommendations of the National Commission; and what, if anything, it had done to implement them.

16. A report by Amnesty International contained allegations of violence and ill-treatment at federal asylum centres. The National Commission had also raised concerns about conditions in such centres and recommended various measures to improve the situation, especially in terms of suicide prevention. A report prepared by Niklaus Oberholzer on behalf of the State Secretariat for Migration, while more guarded, had identified some shortcomings

and made a number of important recommendations. The State party's comments on the follow-up to those reports, including changes made, lessons learned, and the availability of safe and secure complaint mechanisms and effective means of informing people of their rights, would be appreciated. Were there any plans to reconsider the use of private contractors at asylum centres, particularly in security-sensitive roles, or to introduce special measures governing their use? Would additional budgetary resources be allocated, in line with the recommendation of the National Commission?

17. The Committee would welcome information on the implementation of recommendations to ensure separation of unaccompanied minors from adult male asylum-seekers, to eliminate the detention of minors between 15 and 18 years old and to cease using exclusion from the premises or from employment programmes as a disciplinary measure. In particular, it wished to know what had been done to respond to the concern expressed by Amnesty International regarding xenophobic and racist attitudes, which could serve to incubate a culture of abuse. Specific allegations of inaccurate reporting of asylum hearings, if true, would undermine the credibility of the entire process, and should be followed up. Lastly, information on efforts to provide mental health care for asylum-seekers and provide relevant staff with specialized training in identifying persons at risk of suicide and responding appropriately, especially in view of the increase in the maximum time people could be detained in federal asylum centres, would be welcome.

18. **Mr. Liu** (Country Rapporteur) said that he would like to know more about any measures the State party was taking to ensure that the principle of proportionality always applied when decisions were taken regarding the detention of migrants and that administrative detention was used only as a last resort. Similarly, it would be useful to know whether the State party took any specific action to ensure that the principles of necessity and proportionality were being applied consistently by the different cantons in the context of administrative detention decisions. Further information on the alternative measures to detention that could be ordered for asylum-seekers would also be of interest. Since the Committee understood that the conditions at reception centres for asylum-seekers varied somewhat from canton to canton, he would be eager to learn whether the State party had taken any measures to ensure that minimum standards applied at all reception centres throughout the country and that the specific needs of all refugees and asylum-seekers, including unaccompanied and separated children, were being addressed.

19. The Committee was concerned by reports that migrants in administrative detention were held in similar conditions to those imposed on convicted criminals. He would welcome updated information on the average period of administrative detention ordered for irregular migrants under the law on foreign nationals. It would also be interesting to know whether the recommendations issued by the Conference of Cantonal Directors of Social Services concerning the acceptance of certain groups of asylum-seekers, including unaccompanied asylum-seeking children, had been agreed to. If so, he would appreciate further information about the steps taken to implement those recommendations. He also wished to know whether the projects mentioned in the State party's report concerning the construction, conversion and renovation of prison buildings had been completed and, in particular, whether the canton of Zurich had fully implemented its plans to use the airport prison solely as an administrative detention facility. In general, it would be helpful to hear what steps the State party was taking to ensure that the administrative detention regime imposed on irregular migrants was different to the detention regime for convicted criminals; migration was not a crime in itself and detained migrants should not be subject to limitations on visitation rights or the confiscation of personal belongings. The Committee would also welcome updated figures on the number of administrative detentions ordered under legislation on foreign nationals since 2020.

20. It appeared that no practical steps had been taken to ensure that the cantons complied with the request of the State Secretariat for Migration not to place minors under the age of 15 in administrative detention facilities and to consider alternative options for enforcing deportation orders against families. He therefore wondered what measures the State party was taking to ensure that children could only be separated from their families if it was in their best interests and if their case had been reviewed by a court. It would be helpful to learn how many cantons were complying with the Confederation's request not to detain minors under

the age of 15. Updated statistics on the administrative detention of minors would also be of interest in that regard, as would information on the specific action being taken by the State party to end child detention and explore alternatives to detention.

21. The Committee was disturbed by reports that authorities at the Swiss border were following the same procedures to deal with both minors and adults suspected of being in violation of the Foreign Nationals and Integration Act. It would be helpful to know what measures, if any, had been taken to ensure that the best interests of unaccompanied children were taken into account in repatriation procedures. He was also eager to know what steps the State party took to investigate reports of children who had gone missing during asylum procedures, to determine their whereabouts and, where applicable, to prosecute those responsible for any related crimes. According to the State party's report, missing asylum-seeking children were the responsibility of the cantons. It would therefore also be helpful to know what measures the cantons were currently taking, whether any cases of missing children were being actively investigated and whether any standard procedures or protocols were being developed to guide the cantonal authorities in their efforts. Bearing in mind that the Committee on the Rights of the Child had declared in 2021 that children in federal asylum centres were subjected to inhuman treatment or punishment, he wished to hear more about current conditions at the centres and learn what measures were taken to ensure that allegations of cruel, inhuman or degrading treatment or punishment of asylum-seeking and refugee children in facilities were fully investigated. Further information on the ways in which children were able to report such incidents would also be appreciated, and it would be useful to hear what measures were taken to ensure that victims received adequate remedies and that perpetrators were punished in a manner commensurate with the severity of their offences.

22. He would like to receive updated information about the Dardelles prison in Geneva, which had been expected to open in 2022, and about any progress made with the plans to enlarge forensic clinics and institutions to accommodate prisoners serving sentences. The Committee would welcome information about any efforts made to develop alternative sentences and measures to detention and to build and expand prison facilities as ways of reducing prison overcrowding. Specific details about the steps taken to improve conditions at the Champ-Dollon prison in Geneva would be of particular interest. He also wished to know whether it was true that there were no doctors at federal reception centres for asylum-seekers and, if so, whether any plans had been made to address that situation.

23. He wished to know what measures the State party had taken to ensure that detainees with psychosocial disabilities were placed in specialized facilities and, where they were held in regular prisons, to ensure that they received appropriate treatment. In that regard, it would also be useful to know what action was being taken to guarantee that detention in psychiatric institutions was used only as a last resort for such individuals, the primary aim being to aid their individual rehabilitation and social reintegration, and that alternative methods of detention were always given due consideration. He wondered whether the State party intended to create additional specialized places in psychiatric institutions so that people with a psychological disorder presenting a high risk of harming others could be accommodated in secure psychiatric wards and not in solitary confinement in prisons.

24. He would be interested to hear more about any measures taken by the cantons to ensure that prisoners were not placed in isolated detention as a disciplinary measure for more than 14 days. In that connection, he would welcome information on the case, raised by the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, of an individual who had been held in almost total isolation, without any outside contact and allowed to exercise only when shackled, since August 2018. He also wondered whether any cantons had considered introducing new rules to extend the time frame within which it was permitted for prisoners to appeal against such disciplinary measures. On a related note, the Committee would welcome information on the measures taken by the State party to ensure that each case of solitary confinement was reassessed at least once every three months and that any decision to extend solitary confinement was supported by appropriate evidence. He would also appreciate further details concerning the implementation and effectiveness of the measures taken by the State party to address inter-prisoner violence, referred to in paragraph 127 of its report. Clarification as to why the suicide rate was so much higher among individuals held in pretrial detention than prison inmates would be welcome,

and it would also be useful to know whether any action was being taken to introduce standardized measures or internal programmes for suicide prevention at all places of deprivation of liberty and to provide appropriate training for staff members.

25. He welcomed the adoption of a violence prevention plan for federal asylum centres and the establishment of an internal complaint system. He noted, however, that the police continued to apply discriminatory criteria when exercising their functions, and that systemic racism – in particular against people of African descent – persisted in the State party. He therefore wished to hear about measures taken to ensure the prompt, thorough and impartial investigation of cases of racism committed by, or involving, the police to ensure that those responsible could be prosecuted and punished and adequate remedies could be provided to victims and their families. He would also appreciate clarification as to whether malpractice had occurred during the violent dispersal of demonstrations by the police.

26. The Committee remained concerned by the lack of an independent, universally accessible mechanism for filing complaints against the police and of centralized data at federal level on such complaints, related prosecutions and punishments. It would be useful to know whether the State party had considered establishing an independent mechanism to receive, investigate and prosecute such complaints effectively and impartially, and to retain the relevant updated, centralized and disaggregated statistical data.

27. He would welcome clarification on measures taken to ensure adequate compensation for survivors of torture and to strengthen the related statistical work.

28. Other treaty bodies had expressed concern that intersex persons continued to undergo unnecessary and irreversible genital operations carried out for cosmetic reasons. Although the Federal Council and the National Advisory Commission on Biomedical Ethics had denounced such procedures, parents of intersex children often felt pressured to give their consent. The Committee remained concerned that such procedures were not strictly regulated and that the conduct of such surgery without consent had not given rise to any inquiries, penalties or reparation. The State party should take all necessary measures to ensure that children did not undergo unnecessary gender assignment surgeries.

29. He wished to learn how many non-urgent, irreversible procedures had been undertaken on intersex children before they reached an age at which they could provide informed consent and what measures were envisaged to stop that practice, including plans for legislation prohibiting the genital mutilation of intersex children. Details on measures to ensure free psychosocial support to all persons affected, as well as their parents, would be welcomed. It would be interesting to hear of any criminal or civil remedies available to intersex persons who had undergone involuntary sterilization or unnecessary, irreversible medical or surgical treatment as children and whether the statute of limitations applied in such cases. He would like to know whether the State party ensured that medical records could be consulted, and investigations initiated, in all cases in which intersex persons had received treatment or undergone operations without their effective consent, and whether the State party provided assistance and compensation to victims of unnecessary surgeries. In addition, he would be grateful to hear whether the State party provided training to relevant professionals on the rights of intersex persons and promoted awareness-raising among the general public. Lastly, he wished to know whether consideration had been given to the adoption of an action plan to improve the rights of intersex persons through a systematic approach.

30. **Ms. Racu** said that she would be interested in receiving details of the detention regime in maximum security institutions. The delegation might also wish to provide information on measures taken to prevent and combat radicalization and religious extremism in prison facilities and on specific risk assessment and prisoner rehabilitation and reintegration programmes implemented in the country.

31. **The Chair** asked whether the special status granted to Ukrainian refugees allowing them to bypass the cumbersome asylum-seeking process had also been applied in other situations.

The meeting was suspended at 12.15 p.m. and resumed at 12.30 p.m.

32. **A representative of Switzerland** said that the Federal Government and cantonal authorities were responsible for funding the work of the national human rights institution, which was currently transforming the positive experiences of its pilot phase into sustainable solutions. To maintain its independence, the institution did not have a mandate specifying its main activities. The Federal Council had allocated a maximum of 1 million Swiss francs per year to the institution for the period 2023 to 2026 from the budget for civil peacebuilding and human rights strengthening of the Federal Department of Foreign Affairs. The institution would also receive support from the cantonal authorities in the form of infrastructure, although that contribution was currently the subject of discussions between the institution's board of directors and the cantonal authorities. The institution could raise additional resources by providing paid services to authorities and individuals. Every four years, following consultations with the cantonal authorities, the Federal Council would make a proposal to the Federal Assembly on the maximum funding to be allocated to support the institution's work. The institution could later request an increase in its budget if necessary.

33. The institution's activities would include training, documentation services, research, advice, education and awareness-raising on human rights, as well as international exchanges and implementation of the country's human rights obligations. The institution would decide for itself how to carry out that work and use its resources; however, the consideration of individual cases did not currently fall under its remit.

34. **A representative of Switzerland** said that the Federal Council had originally envisaged that the National Commission for the Prevention of Torture would carry out 20 to 30 visits each year to places where people were deprived of liberty, at a maximum cost of around 180,000 Swiss francs. That budget had been increased in subsequent years as the Commission had been assigned additional responsibilities, including the monitoring of deportations, federal asylum reception centres, human rights standards and medical care provided to detainees. Its budget had since risen to 1,227,000 Swiss francs, staffing levels had increased nearly fourfold and the Government was covering the costs of an internship. The Commission was also exempted from paying rent and information technology support expenses, and its budget had not been affected by the Government's cost-saving programme. Federal law provided for the Commission to have full autonomy in implementing its activities and determining its structure and for it to have a permanent secretariat. The law also stipulated that it must have the financial resources needed to carry out its work. Additional tasks were set out in regulations designed by the Commission itself.

35. Several improvements had been made in recent years in the Government's follow-up to the Committee's recommendations in areas such as health, care for LGBTQ persons and pretrial detention. However, it was important to bear in mind that the responsibility for enforcing criminal penalties and administrative detention remained with the cantonal authorities, which were therefore also responsible for implementing the recommendations of the National Commission for the Prevention of Torture. The Swiss Centre of Expertise in Human Rights supported the cantonal authorities in harmonizing and improving existing practices. The Government could also allocate construction grants to cantons.

36. **A representative of Switzerland** said that the National Commission for the Prevention of Torture observed all special flights scheduled for level four repatriations and occasionally airport pick-ups and drop-offs. Those observations were submitted to team leads, and an annual report was published so that the authorities could formulate a position on the matter. Both the report and the position of the authorities were then made public. In level one repatriations, in which individuals had agreed to an autonomous return, they were escorted by the police to the point of departure but continued their journey alone, meaning that no restraints were applied during the flight. In such cases, an escort was deemed unnecessary and potentially stigmatizing. The Commission was free to decide whether or not to observe a flight, and the authorities responsible for repatriation were prepared to accept its requests to observe any given flight.

37. The systematic use of partial immobilization on special flights had been abolished in 2016. Proportional restraint could still be used in certain circumstances, depending on the behaviour of the individual concerned. Banning the use of shackles in such cases was unfeasible as it would hinder the enforcement of deportation orders and allow deportees to resist their removal.

38. **A representative of Switzerland** said that a use-of-force continuum was employed by the police to determine the appropriate means of restraint to apply on a case-by-case basis and now applied to special flights following the abolition of the systematic use of partial immobilization. Where individuals were cooperative, police officers could rely on verbal communication and avoid the need for restraints; however, restraints must be used in cases of passive or active resistance or aggression that could result in bodily harm, to protect primarily the returnee but also the police officer concerned. Officers involved in such operations had undergone at least two years of police training. In addition, dedicated training was provided under the auspices of the Swiss Police Institute, the national police training body, ensuring the uniformity of training on the use of restraint in deportation cases throughout the country.

39. The Government was responsible for the organization of ground operations in Geneva and Zurich and had made efforts to address problems stemming from differences in approaches taken to the removal of individuals residing in different cantons. It was important to identify and address issues as soon as an individual left their canton of residence to take flights leaving from Geneva or Zurich, in particular by engaging the individual in dialogue. In some cases, that approach had made it easier for the police to facilitate the return of individuals who had initially been reluctant to leave voluntarily, avoiding the need to use restraints during the removal process. Furthermore, in Geneva, the Prisons Supervisory Commission of the Cantonal Parliament could observe ground operations and submit recommendations to the Government.

40. **Mr. Stadelmann** (Switzerland) said that domestic legislation on freedom of information explicitly provided for the ability of torture prevention and control mechanisms to conduct confidential interviews and obtain access to information during visits and inspections. The federal authorities had informed all institutions likely to receive unannounced visits that they must ensure access to all information and records and allow interviews to be conducted with all individuals deprived of liberty.

41. **A representative of Switzerland** said that international law was an integral part of the Swiss legal system and was directly applicable at the national level, except where it was non-self-executing, in which case action needed to be taken by Parliament. The Government's compliance with the Committee's decisions was therefore not dependent on explicit provisions in domestic law. Compliance with provisional measures in particular was based on long-standing, unwritten administrative practice, which was aligned with the Committee's practice in that regard. While the Committee's decisions were not binding, they provided a supplementary analysis of the risk of torture and could thus be used to justify the re-examination of a case without the need for specific domestic legal provisions.

The meeting rose at 12:55 p.m.