



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 2018th meeting

Held at the Palais Wilson, Geneva, on Thursday, 13 July 2023, at 3 p.m.

Chair: Mr. Heller

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The meeting was called to order at 3 p.m.

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

Eighth periodic report of Switzerland (continued) (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), resuming his delegation's replies to the questions raised at the previous meeting, said that, in 2022, the National Council and the Council of States had endorsed a parliamentary initiative aimed at having the crime of torture defined as an offence in its own right in the Criminal Code. The drafting procedure would be finalized by 29 March 2024.
3. Torture was prohibited under article 264 (a) and (c) of the Criminal Code in the context of crimes against humanity and war crimes. The minimum custodial sentence of 5 years could be increased in particularly serious cases. In addition, such crimes were not subject to the statute of limitations. Article 264 (k) addressed the issue of hierarchical responsibility for the commission of crimes under international law by superiors and subordinates in both civilian and military contexts. Penalties were prescribed for superiors who failed to prevent subordinates from committing a criminal offence or who failed to ensure their prosecution. The subsequent articles prescribed penalties for crimes committed by superiors themselves.
4. **A representative of Switzerland** said that, if an application for asylum was rejected, the authorities determined whether the applicant's expulsion was lawful, reasonable and possible; if not, provisional admission to the country was granted. Applicants could not be returned to their country of origin or provenance if they would be jeopardized by a state of war, civil war or widespread violence, if there was a risk of being subjected to torture or ill-treatment, or in the event of a medical emergency. The State Secretariat for Migration had established an independent analysis unit tasked with monitoring the situation in countries of origin. Refugee status could also be granted in cases where the refusal to perform military service could entail unduly severe and politically motivated punishment.
5. Most States signatories to the Dublin III Regulation complied with the relevant European Union directives and all had ratified the 1951 Convention relating to the Status of Refugees and the 1967 Protocol thereto. Nevertheless, if asylum-seekers could demonstrate that the Dublin III Regulation was not applicable in their specific case, the Government could then invoke the Regulation's sovereignty clause, which permitted States to process the case themselves, for instance on behalf of particularly vulnerable persons such as unaccompanied minors, families, single parents or persons with serious health problems.
6. The staff of the State Secretariat for Migration had been trained in the application of the Istanbul Protocol since 2019 and could, if necessary and in exceptional cases, request expert legal and medical evidence regarding asylum claims. The Secretariat would cover all the costs of the reports. With regard to persons who had submitted complaints to the Committee or the European Court of Human Rights regarding their situation in Switzerland, it was stipulated in article 82 (2) of the Asylum Act that persons subject to a removal decision could benefit from emergency aid during the extraordinary appeal procedure, including where enforcement of the removal order was suspended.
7. **A representative of Switzerland** said that persons required to leave the country were encouraged to do so voluntarily, and coercion was used only if they failed to comply with the deadline. In cases of deportation, the cantons could issue an order for administrative detention based on articles 75 to 78 of the Federal Act on Foreign Nationals and Integration. Article 79 prescribed a maximum period of detention of 18 months, or of 12 months for minors aged between 15 to 18 years, but, in practice, the persons concerned were rarely detained for more than one month. Article 76 (a) stipulated that detention might be ordered where there was a risk of evasion, if the measure was proportionate and if less coercive measures could not be applied effectively. Alternatives to detention included the obligation to report regularly to an

authority, provision of financial security, submission of travel documents, assignment to a place of residence and prohibition on entering a certain region.

8. In the rare cases in which administrative detention was conducted in prisons, the detainees were strictly separated from other inmates. If the Federal Administrative Court decided that a detention facility failed to meet the requirements of administrative detention, the canton concerned was required to transfer the detainees to a more appropriate establishment. The administrative detention centre at Zurich airport provided facilities for 17 cantons, and a number of other construction, reassignment and rehabilitation projects were being implemented.

9. Under the Federal Act on Foreign Nationals and Integration, the administrative detention of minors under the age of 15 years was prohibited. However, in exceptional cases and in order to avoid the adverse impact of separation, some minors had been detained with their parents, as a measure of last resort and for the shortest possible period, in specially equipped cells, generally for a single night before being repatriated. The Federal Council had nevertheless stated in September 2018 that there was no legal justification for the measure and minors under the age of 15 were thus no longer placed in administrative detention.

10. Administrative detention had been ordered in 6,505 cases between 2020 and 2022, with an average duration of 23 days. During the same period, administrative detention had been ordered for 17 minors who had not applied for asylum, with an average duration of 22 days.

11. **A representative of Switzerland** said that the Violence Prevention and Security Plan, which encompassed sexual violence, was implemented in all federal asylum centres. In addition, the Asylum Act had been amended to ensure that comprehensive and transparent regulations guaranteed the safety of asylum-seekers and personnel. The State Secretariat for Migration had appointed security and violence prevention officers in all regions. Independent reporting offices had been opened in Zurich and Basel as part of a pilot project, and asylum-seekers, as well as internal and external collaborators, had used them to report incidents and share their concerns. The number of security-related incidents was currently at its lowest level since early 2020. The staff of the federal asylum centres had been reorganized in a manner that enabled them to take more vigorous action to prevent violence. Since 2021, the State Secretariat had also taken various measures against so-called recalcitrant asylum-seekers in order to improve the situation in federal asylum centres. For instance, they were currently accommodated in a separate centre and medical specialists dealt with cases of addiction and provided psychiatric care.

12. Since the amendment of the Asylum Act in 2019, unaccompanied minor asylum-seekers had the right to legal representatives and were accommodated in federal asylum centres for a maximum period of 140 days. They were then assigned to a particular canton for long-term accommodation. A guidance manual required that they be accommodated in different sections or buildings from adults and have access to social pedagogues.

13. Minors had accounted for 21,574 of the 50,480 asylum applications during the period from 2020 to 2022. An emergency support plan for unaccompanied minors had been adopted in November 2022 to address problems related to the lack of space and resources. They were divided into two groups, namely older and more independent minors and younger and more vulnerable minors. Members of the first group were placed in dedicated centres in facilities provided by the army, and the more vulnerable minors were accommodated in specially designed facilities and benefited from appropriate supervision. The number of unaccompanied minors in federal asylum centres had fallen below 1,000 in recent months. However, some were deemed to be more independent and were housed elsewhere. Although funds had been allocated, it was still difficult to recruit qualified supporting staff, such as social pedagogues.

14. With a view to ensuring that girls were not isolated in federal asylum centres, they had been brought together in three centres and could participate in an array of specially designed activities.

15. **A representative of Switzerland** said that, in relation to extradition, his Government divided States into three categories: democratic countries bound by the rule of law, countries

with human rights problems, and States with which his Government had no extradition relationship. Diplomatic assurances were sought only in respect of extradition requests from those falling into the second category, except in very specific circumstances, when assurances might be required from States in the first category. The categories were not rigid, and States could be moved according to circumstances: for example, the Russian Federation had been moved into the third category since its full-scale invasion of Ukraine, while Romania and Bulgaria had been moved from category one into category two, owing to detention conditions in those countries.

16. The assurances sought varied, but almost always included assurances of a fair trial, respect for relevant international treaties and the physical integrity of the extradited person; and, if pertinent, that the death penalty would not be pursued, imposed or carried out. In most cases, assurances on the conditions of detention were also sought. If Switzerland had no extradition treaty with the State in question, assurances were sought that the person in question would not be extradited to a third country.

17. **A representative of Switzerland** said that some of the 27 measures included in the first National Plan of Action to Combat Radicalization and Violent Extremism, for the period 2017–2022, for instance training and awareness-raising for staff and enhanced risk assessment and management, had pertained to prisons. Another element of the Plan had been a reference catalogue of 32 disengagement and reintegration measures, focused on helping radicalized inmates to overcome mental health problems, to stabilize their sense of self and to think more critically, among other things. Constructive work, training and individualized therapy and support during incarceration were among the key elements in preventing radicalization. Prison and probation officers were given training on such measures, with dynamic security considered a key element and incorporated into the day-to-day running of many prisons. The Centre of Expertise in Prison and Probation had produced a handbook on dynamic security, together with an e-learning course, for prison governors and staff. Implementation of the second National Plan had started in early 2023, with violent extremism, prevention of radicalization and critical use of the Internet and social media as its central themes.

18. Suicide prevention was the subject of one of the five days devoted to mental health during prison officers' basic training and was included in training on the assessment of new inmates. In addition, the Centre of Expertise offered an e-learning course on suicide prevention, accessible in three languages, for all prison staff. A simulation tool allowed officers to practise conversations with virtual inmates in order to decide what suicide-prevention measures would be appropriate for the inmate in question. The Centre also produced a health dossier for prisons, which placed particular emphasis on suicide prevention.

19. **A representative of Switzerland** said that the Conference of Cantonal Justice and Police Directors was drawing up a series of proposals, expected to be approved by early 2024, aimed at establishing a harmonized approach to pretrial and preventive detention that respected fundamental and human rights. They included different types of detention, depending on the progress of the criminal investigation: the admission regime would entail isolation while detainees were familiarized with the facility's rules and processes, and the threat they posed, to themselves or others, was assessed; the standard regime would see detainees held in groups and released from their cells for longer periods, provided that they were deemed to pose little risk of collusion or evidence-tampering; and, under the detention with additional mitigations regime, detainees would be allowed to play sport, receive education and have social contact with the outside world. The proposals were designed in such a way that the prosecutor or court, as applicable, would have the final word on decisions about individual detainees' contact with the outside world.

20. Prison occupancy in the French- and Italian-speaking cantons had recently fallen below 100 per cent for the first time in over a decade. The Geneva Cantonal Parliament had rejected plans for the new Dardelles prison and had recently adopted the Prison Planning Act, which provided for a Prisons Strategy and a Prison Infrastructure Master Plan. In addition, Champ-Dollon prison was to be demolished; and overall capacity would be increased with a new preventive detention centre for 300 men and the expansion of La Brenaz prison by 352 places. Female convicts would be held separately from women in preventive detention. In

the Canton of Vaud, the future Grands Marais prison would house 410 inmates from 2030 onward. Prison capacity would be similarly expanded in other cantons, through refurbishments and a number of new constructions to house convicted prisoners, with separate provision for persons in preventive detention. It was difficult for the cantonal authorities to encourage the use of alternative forms of detention, because of conditions set out in the Criminal Code and Federal Supreme Court rulings that restricted the circumstances in which electronic tagging could be used.

21. **A representative of Switzerland** said that new capacity had been created for persons suffering severe mental illness and sentenced to the inpatient therapeutic measures, and a number of other similar projects were under consideration. On completion, they would accommodate more than 500 additional persons in specially designed facilities. In 2022, the Centre of Expertise in Prison and Probation had published a guide on psychiatric care for persons deprived of their liberty, intended to standardize practice and improve support; the Committee would be provided with a copy. In addition, recommendations were currently being prepared to improve interactions between forensic psychiatry specialists and the prisons and probation services.

22. **A representative of Switzerland** said that, under the Criminal Procedure Code, a criminal complaint could be made to the Public Prosecutor's Office, which was independent of the executive, or to the police. Geneva was one of several cantons where criminal complaints against the police were handled exclusively by the Prosecutor General; in others, one or a small number of persons handled such complaints. In Geneva, the Prosecutor General tasked an independent body, the Inspectorate General of Services, with investigating criminal complaints against police officers or prison guards, as well as deaths and suicide attempts in prison. The officers of the Inspectorate followed a code of ethics defined by independence from the police, impartiality, integrity and confidentiality.

23. In 2022, 78 cases had been brought against the Geneva police, most relating to officers, but some to administrative staff. Of those, 36 concerned wrongful use of force or unlawful restraint, mostly during questioning; 4 related to violent acts committed by officers during transportation to the police station. Over two thirds of them had been sent directly to the Public Prosecutor's Office.

24. In addition to external complaints bodies, measures to prevent police deviance included stringent requirements for applicants, who, on recruitment, had to follow a two-year diploma programme covering subjects such as police psychology, police ethics and human rights. Subsequent career development included in-service training in behaviour and ethics and regular discussion of racial profiling and treatment of persons belonging to minority groups. In terms of technology, bodycams were already in use in Vaud and Zurich and were being introduced in Geneva. Police stations in Geneva were currently equipped with 271 security cameras; that number would be doubled by 2024. Managers monitored their staff for early warning signs of risk factors, such as the use of inappropriate language. Where police officers employed force or coercion, incident reports were assessed by senior staff and complaints lodged where necessary. A specialized unit in Geneva acted as mediator between members of the public and the municipal and cantonal police. In 2022, the police in Geneva had handled 195,000 emergency calls, made around 5,700 arrests and recorded a total of 950 instances of the use of force.

25. In 2022, 1,883 authorized demonstrations had taken place in Geneva, 405 of which had a police presence. The statistics for Zurich, Bern and Basel were comparable. The primary goals of the police at demonstrations were to be visible, approachable and reassuring. Officers were briefed on the nature, context and sensitivity of the demonstration, as well as the risks, threats and tactical options. Any coercion must be prefaced by verbal warnings, disruptive individuals must be identified and any use of coercion must be documented; the engagement would be evaluated and feedback provided. She noted that the most problematic demonstrations were often not political but, rather, sporting events, in particular football.

26. **Mr. Buchwald** (Country Rapporteur) said that he would like to know whether a person exercising the right to challenge a return to a State signatory to the Dublin III Regulation had the right to legal representation paid for by the State party and how the need for a medical examination of an asylum-seeker in an extradition case, which should be paid

for by the State, was determined. Noting the detailed information about the budget for the national human rights institution, he said he would welcome the delegation's assessment of whether that budget was sufficient.

27. As to federal asylum centres, he wished to know more about the role of private security providers and whether the State party might consider reassessing that role. He also wished to hear whether the older minors who were moved out of the centres to provide more room for younger minors were receiving the care that they needed. He was particularly concerned about the level of care received by the girls and wished to know the current ratio of staff members to girls.

28. He wondered if an Eritrean national who was to be returned, but had refused to complete an administrative step to be admitted by the Eritrean authorities, could be detained, for how long and on what legal grounds.

29. Concerned by reports that the right to legal representation from the outset of deprivation of liberty was not clearly provided for under federal law for either adults or minors and that, where a lawyer was provided, that lawyer was chosen by the police, he wished to know what steps the State party was taking to ensure that that right was fully respected in practice.

30. Recalling that, in its previous concluding observations ([CAT/C/CHE/CO/7](#)), the Committee had expressed concern about the high number of prosecutions in domestic violence cases being dropped, in some cases because they were suspended by the competent authority with the tacit agreement of the victim, and the excessively high "level of violence" that must be endured by victims of domestic violence who were foreign nationals in order to leave a violent spouse without losing their residence permit, he would be grateful to receive updated information on those issues.

31. Lastly, he was concerned that asylum-seekers might not, in practice, be able to fully enjoy their rights under the Asylum Act. Asylum-seekers staying in a federal asylum centre who wished to submit an appeal were entitled to free legal representation only if the claim was considered by a legal representative to have a prospect of success. Legal representatives were paid the same, whether they submitted an appeal or not. The Committee had received information indicating that, of the cases where an asylum-seeker's appeal had initially been declared as having no prospect of success by a free legal representative, but had been subsequently submitted by another non-State-provided legal representative, almost a third had been successful. He would be grateful for the delegation's comments in that regard.

32. **Mr. Liu** (Country Rapporteur) said that the Committee had received reports that the low rates of prosecution, conviction and sentencing of perpetrators of human trafficking crimes were caused in part by a lack of awareness about human trafficking among the police, representatives of the Public Prosecutor's Office and the judicial authorities. It was also reported that investigations into cases of women forced into criminal activities, such as begging or theft, because of their asylum status had been adversely affected by the insufficiently clear definition of labour exploitation in national legislation. Furthermore, there was no comprehensive victim programme that might provide accommodation, rehabilitation and reintegration support, medical treatment, counselling and compensation. It was reported too that victims of trafficking who were foreign nationals without a residence permit were not entitled to temporary residence permits unless they cooperated with the police and judicial authorities. Against that backdrop, he wished to know about the measures being taken by the State party to raise awareness about human trafficking among the relevant authorities.

33. He would welcome the delegation's comments on the concerns expressed by several special procedure mandate holders about the implications for the respect of numerous human rights of the expanded definition of terrorism under draft anti-terrorism legislation in the State party. In addition, he would be interested to learn whether the State party was intending to amend its legal provisions governing life imprisonment sentences, which currently allowed little prospect for release and, as such, could be in non-compliance with the Convention.

34. The Committee remained seriously concerned by the lack of a central system in the State party for collecting classified data on victims of torture, disaggregated by race and

nationality. He therefore wished to know about any measures the State party had taken to establish a comprehensive and standardized data collection and management system that was in full compliance with the Convention, and to ensure that data and indicators were shared among Government departments and civil society and used to formulate, monitor and evaluate policies, programmes and projects. In the light of reports that specialized mental health units had been provided in detention facilities for men but not those for women, he wished to recall the importance of gender equality.

35. **A representative of Switzerland** said that all defendants accused of a serious crime under article 307 of the Criminal Code or for whom the Office of the Public Prosecutor had ordered the mandatory appointment of a defence lawyer must have a lawyer present at their hearing. The defendant could designate a lawyer, whom the police would attempt to contact in the first instance. However, where the lawyer could not be reached or the defendant had no lawyer, the police would request that the defendant be assigned one of four on-call lawyers, one of whom was specialized in the defence of minors. The police could not decide which lawyer from the roster was appointed.

36. **A representative of Switzerland** said that Switzerland, along with a number of other European countries, had adopted guidelines on diagnosing and treating persons with intersex variation that had been produced by the United Kingdom and revised in 2015. In individual cases, indications were determined by the patient's doctor in line with the latest scientific developments. The Federal Office of Public Health did not issue recommendations regarding treatment; that lay within the remit of medical associations, which were also responsible for drafting up-to-date guidance.

37. Any child born with an intersex variation was examined by an interdisciplinary medical team composed of professionals specializing in all relevant medical fields, including psychology and medical ethics, which assisted the parents in determining the appropriate medical care and support for their child. Such teams existed in seven of the eight major children's hospitals in Switzerland. Parents could not consent to sex assignment surgery on their child's behalf, except where the child's life was in danger or where there was a serious risk to his or her physical or mental health. Comprehensive support was provided to the family in line with international guidelines; however, as a wide range of free services was already available, in part owing to a directive on congenital disorders, the Federal Council deemed additional free psychosocial support to be unnecessary.

38. Legislation banning sex assignment interventions on children whose sex could not be determined was already in force. In view of the wide range of possible medical diagnoses, the best course of treatment was decided on the basis of the latest science, the highly individual needs of the child and taking account of the medium- and long-term consequences of an absence of treatment. The State party had no plans to introduce a blanket ban on all surgical and hormonal treatments, as it would make such tailored treatment impossible.

39. Non-essential sex assignment surgery performed without consent constituted grievous bodily harm under article 122 of the Criminal Code, and the victims could lodge criminal complaints before they reached 25 years of age. Civil claims for compensation could be filed within three years after the victim became aware of the harm caused, and in any case within 20 years of the surgery. If the claim was made against the person responsible for causing grievous bodily harm, the time limit for criminal action applied. The Federal Department of Justice and Police was unaware of any such cases having been brought.

40. Victims of criminal offences in general could bring claims for compensation under article 25 of the Federal Victim Support Act within five years of the offence or, if the offence had been committed before the victim's sixteenth birthday, before he or she reached 25 years of age. In addition to financial compensation, victims and their relatives were offered medical, psychological, social and legal assistance.

41. Regulations on legal representation differed depending on whether the person requiring assistance was a suspect, plaintiff or victim. Under article 132 of the Criminal Procedure Code, suspects who had been charged with offences that carried a prison sentence exceeding 4 months or a financial penalty exceeding 120 day-fines and who could not afford a lawyer were assigned a public defender, free of charge, when the case presented difficulties that the suspect would be unable to overcome alone. Plaintiffs who lacked sufficient financial

means were entitled to free legal aid if the civil action had a prospect of success and if they required legal counsel to defend their interests. Victims' legal fees were covered by cantonal victim counselling centres.

42. **A representative of Switzerland** said that, under article 86 (4) of the Criminal Code, prisoners who had been sentenced to life imprisonment could be released on parole after they had served 15 years. Ordinary and life internment, which were measures provided for in article 64 of the Criminal Code that were applied in the event of serious crimes, were intended to ensure public safety and provide treatment for offenders with psychological disorders. Such measures were rarely used; currently only one person was subject to a life internment measure, and he had not appealed against it. All other life internment measures that had been imposed had been struck down by the Federal Supreme Court. Article 64 (c) of the Criminal Code established a mechanism for release on parole whereby the competent authorities consulted, ex officio or at the request of the person subject to the measure, a federal commission comprising approximately 10 experts to determine whether new scientific knowledge allowed the person in question to be treated so that he or she no longer posed a threat to the general public. In cases of ordinary internment, the possibility of parole must be considered every year, and the competent authorities must conduct an assessment every two years to determine whether the person concerned could be placed in a psychiatric institution.

43. Solitary confinement was used as a punishment only as a last resort. It was restricted to between 10 and 20 days in most cantons. The authorities in two cantons, Vaud and Neuchâtel, where solitary confinement for periods of more than 20 days was permitted, were taking steps to amend their legislation to conform to international standards. Solitary confinement was used, on rare occasions and in accordance with the principle of proportionality, to restrain individuals who were likely to cause injury to themselves or to others. In such cases, medical care was guaranteed, as was one hour of exercise in the open air every day.

44. **A representative of Switzerland** said that the prisoner mentioned by Mr. Liu, Brian K., had been imprisoned for several years owing to numerous offences committed between January 2017 and June 2022. He had behaved very aggressively from the beginning of his incarceration and, in August 2018, had caused significant material damage. Pöschwies prison, where he was being detained, had contacted the National Commission for the Prevention of Torture in order to find a solution and de-escalate the situation. In an order of 3 December 2021, the Federal Supreme Court had ruled that, while the conditions of detention were justified, given the particular and specific circumstances of the case and the behaviour of Mr. K., the security measures to which he was subject must be relaxed without delay. In January 2022, Mr. K. had been transferred by the cantonal authorities to another prison in Zurich with less stringent detention conditions. A case on the matter was currently pending before the European Court of Human Rights, and Switzerland had recently submitted its observations. In June 2023, the Federal Court had overturned the acquittal of three doctors responsible for restraining Mr. K. for several days.

45. **A representative of Switzerland** said that the Government had ratified several international conventions on combating trafficking in persons. Such offences were punishable under article 182 of the Criminal Code. Switzerland took a multidisciplinary approach to combating human trafficking based on prevention, prosecution of perpetrators, protection of victims and cooperation with the relevant actors. Since 2011, the Government had developed national action plans in line with international best practice and all levels of government were responsible for their implementation. In December 2022, the Federal Council had adopted the National Action Plan to Combat Human Trafficking for the period 2023–2027, which set out seven strategic objectives, including the harmonization of national legislation with international standards on combating human trafficking for the purpose of labour exploitation. To that end, the Federal Office of Justice would consider establishing specific provisions on combating labour exploitation and was expected to release a report on the matter by 2025.

46. **Mr. Stadelmann** (Switzerland) said that, in December 2018, the Swiss Parliament had adopted an amendment to article 55 (a) of the Criminal Code to address cases where victims dropped domestic violence cases owing to pressure from family members. Under the amendment, which had entered into force in July 2020, the Public Prosecutor's Office was

empowered to continue the case if it believed that the victim had not withdrawn the complaint of his or her own free will.

47. **A representative of Switzerland** said that a legal framework had been established governing the outsourcing of security-related tasks in federal asylum centres. Security personnel at the centres required very specific skills and recruitment processes were ongoing. While staff shortages within the State Secretariat for Migration and its external contractors continued to pose a serious problem, the situation was improving.

48. Since the latter half of 2022, there had been insufficient capacity in federal asylum centres to accommodate all unaccompanied asylum-seeking children and it had been impossible to recruit the necessary staff in a very short time frame. The State Secretariat for Migration had had no choice but to separate groups of migrants in order to manage the situation. Recruiting qualified staff was a complex process, but progress was being made and it was a matter of time before the issue would be resolved.

49. In the case of persons who had entered the country illegally or had violated the conditions of entry, appeals against removal orders had no suspensive effect under articles 64 and 65 of the Foreign Nationals and Integration Act. However, appellants could apply, within the relevant deadline, to the cantonal courts or the Federal Administrative Court for the order to be suspended, based on criteria that included violation of the rights enshrined in the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights), health problems suffered by the person concerned and the complexity of the case. The courts rendered decisions in such cases in line with settled case law, which ensured consistency throughout the country. Authorities issuing removal decisions maintained constant contact with the persons concerned. While the period for processing deportation orders in airports was shorter, persons subject to removal who were not subject to detention orders were permitted to remain in the airport's transit area for up to two weeks in order to prepare for deportation. If persons subject to removal applied for asylum, their deportation was suspended while their application was considered.

50. Persons whose deportation to Afghanistan had been suspended were granted category S residency status, which allowed them to remain in Switzerland for 12 months, subject to extension by the cantonal authorities for further 12-month periods, and to work anywhere in the country simply by declaring their employment to the competent cantonal authority. They could receive full residency status after five years, in accordance with article 74 of the Foreign Nationals and Integration Act. More than 80,000 category S permits had been issued as of 1 June 2023. The potential impact of such permits on the asylum procedure was as yet unknown.

51. **A representative of Switzerland** said that the use of restraints could not be prohibited entirely since it would make the enforcement of removal decisions almost impossible. However, restraints were used only when the persons concerned physically resisted removal, and those who offered strong physical resistance were removed on board special flights. The principle of proportionality was always followed, full restraints being used for the duration of the flight only in extremely rare cases where the persons concerned posed, or were believed to pose, a threat to themselves or to others.

52. The Government considered the routine use of interpreters during deportation to be unnecessary, and children should never be used as interpreters. Deportees were informed, during a preparatory meeting, of the reasons for their removal in a language that they understood. The majority of deportees had at least basic knowledge of a Swiss national language or English and were thus able to communicate with their police escorts. Given the diverse backgrounds of persons deported to States party to the Dublin III Regulation, interpretation services could not be offered for organizational reasons.

53. Eritrean nationals were not subject to involuntary deportation, since the Eritrean authorities did not accept persons who had been forcibly deported. Approximately 300 Eritrean citizens had been ordered to leave Switzerland but had refused to cooperate. They received urgent assistance in the form of accommodation, food, clothing and medical insurance, and were not generally placed in administrative detention.

54. **A representative of Switzerland** said that individuals subject to removal under the Dublin III Regulation and the national deportation procedure had access to legal representation, the costs of which were covered by the State Secretariat for Migration. Victims and witnesses of trafficking in persons were issued with residency permits on humanitarian grounds through a procedure that was uniformly applied by the cantonal authorities, regardless of whether the victims were prepared to cooperate in the investigation. In asylum procedures, potential trafficking victims were given time for recovery and rehabilitation.

55. **A representative of Switzerland** said that the Swiss Parliament had allocated 4 million Swiss francs to the national human rights institution, currently being established, for the period 2023–2026. The institution would decide independently how to use its budget and, if necessary, request an increased allocation during the following legislative session. It could also raise its own funds by providing services to government authorities or private entities.

56. **Mr. Stadelmann** (Switzerland) said that the Criminal Code and the Criminal Procedure Code applied to men and women equally, since both codes had been drafted using gender-neutral language. Although men and women were held in separate detention centres, they received the same treatment under the same rules.

57. **The Chair**, thanking the delegation for the open and frank manner in which they had provided their highly detailed answers, said that he looked forward to ongoing cooperation with the State party.

58. **Mr. Stadelmann** (Switzerland) said that he wished to thank the Committee members for the constructive dialogue. The Federal Council would inform the cantonal authorities of the Committee's recommendations without delay. Regular exchanges with the Committee contributed significantly to the enhancement of his country's measures to prevent torture and ensure the protection of human rights in general.

The meeting rose at 5.55 p.m.