

Committee against Torture

Concluding observations on the eighth periodic report of Switzerland*

1. The Committee against Torture considered the eighth periodic report of Switzerland¹ at its 2015th and 2018th meetings, held on 12 and 13 July 2023,² 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 optional reporting procedure and for submitting its eighth periodic report as well as the comprehensive written replies provided to the Committee.

3. The Committee appreciates 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 and ratification of the following international instruments:

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

(d) The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), in April 2018.

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

(a) Amendments to the naturalisation procedures for third-generation foreign nationals, in 2018;

(b) Amendments to the Asylum Act procedure and its aim of establishing a fast-track procedure, in March 2019;

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

¹ CAT/C/CHE/8.

² CAT/C/SR.2015 and CAT/C/SR.2018.

-
- (c) Amendments of the Federal Act on Foreign Nationals and Integration, in June 2019;
- (d) Adoption of a law on the establishment of a national human rights institution, in October 2021;
- (e) Amendments of the Civil Code on recognising same-sex marriage, in July 2022.
6. The Committee also welcomes the initiatives of the State party to amend its policies, programmes and administrative measures to give effect to the Convention, including:
- (a) Adoption of an Action Plan on Suicide Prevention, in November 2016;
- (b) The commencement of the Swiss Center of Competence in the Execution of Criminal Sanctions, in 2018;
- (c) Adoption of the Federal Shelter Centre Violence Prevention Plan and the establishment of an internal complaint mechanism, in April 2021;
- (d) Adoption of the 2030 Gender Equality Strategy, in April 2021;
- (e) Adoption of the National Action Plan for the implementation of the Istanbul Convention (NAP IC) 2022-2026, in June 2022;
- (f) Adoption of the third National Action Plan to Combat Human Trafficking (2023 – 2027), in December 2022;
- (g) Adoption of the National Action Plan against radicalization and violent extremism for the years 2018 – 2022 and 2023 – 2027;
- (h) The establishment of the Swiss Institution for Human Rights (SIHR), 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, the Committee requested the State party to provide information on its implementation of the Committee's recommendations on: police violence and particularly on 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, particularly on the need to make inquiries into all acts of violence committed in prison facilities. In the light of the information contained in the State party's follow-up replies,³ 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 set out in paragraphs 10, 13, 16, and 19 of the previous concluding observations have been partially implemented. Those issues are covered in paragraphs 19, 25, and 31 of the present concluding observations.

Definition of torture

9. The Committee reiterates its longstanding 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 this gap within a two-year process that will conclude on 29 March 2024, addressing the absence of definition and criminalization of torture under the Criminal Code. The Committee underscores the importance of investigating and prosecuting acts that fall under the Convention as "torture"

³ CAT/C/CHE/CO/7/Add.1.

-- rather than, for example, as the crime of “abuse of authority” or as 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 – in signaling the cardinal importance of the prohibition against torture, the special opprobrium attached to it, and the steadfast commitment to treat 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 adoption, no later than 29 March 2024, of legislation providing a definition of torture that is applicable in all situations, and that the legislation as ultimately adopted covers all forms of torture as described in the Convention.**

Incorporation of Other Convention Obligations into Domestic Laws

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 includes provisions to ensure compliance with all relevant provisions in 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 of torture, and that there is no exception to this rule under which the accused person can claim that he was not aware that the act was an offense;**

(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 for 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, as well as for acts of torture that qualify as war crimes or crimes against humanity;**

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

(e) **The application of the criminal penalties not just 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 not just to direct perpetration of torture but also to any acts which 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 provisions to ensure that, in any case in which a person alleged to have committed torture is found in the jurisdiction of the State party, the State party shall, if it does not extradite the person, submit the case to its competent authorities for the purpose of prosecution;**

(g) **That victims of acts of torture can obtain redress, and have enforceable rights 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 a lawyer from the outset of the deprivation of liberty is not being ensured at the cantonal level and that the right is not sufficiently assured under article 215 of the Criminal Procedure Code (art. 2).

14. **Recalling the recommendation contained in its previous concluding observations,⁴ the Committee calls on 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 to have access to qualified, independent and free legal aid, if needed.**

National Human Rights Institution

15. The Committee welcomes the establishment of the Swiss Institution for Human Rights (SIHR) in May 2023 as the State party's national human rights institution. However, the Committee is concerned that the SIHR is not being provided 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 appreciates the information provided by the State Party regarding the ability of the SIHR to gain access to additional funding by taking on "paid-for-service arrangements, but any such funding must of course be directed toward the particular project being paid for, and is not available for activities that the SIHR itself defines as its highest priorities. The Committee is also concerned that the SIHR 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 also ensure that the human, technical and financial resources necessary to enable the SIHR to discharge its mandate effectively and with full independence, in accordance with the Paris Principles, and strengthen the mandate of the SIHR 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 at reports indicating that the National Commission for the Prevention of Torture lacks sufficient independence to fulfil its responsibilities as national preventive mechanism under the Optional Protocol to the Convention, to visit all places throughout the territory of the State party where persons are or may be deprived of liberty, including psychological institutions and social care facilities, as well as reports that it lacks an independent legal personality and an budgetary autonomy.⁵ The Committee is also concerned about the limited budget that has been allocated to it and the absence of plans to increase the budget in the near-future, which the Subcommittee for the Prevention of Torture has indicated constitutes a major obstacle to the Commission's effective and efficient operation, as demonstrated by the low number of visits conducted in relation to the number of places of deprivation of liberty.⁶ It is further concerned about the insufficient information available regarding concrete measures taken by the State party to ensure appropriate implementation of the recommendations issued by the National Commission⁷. Finally, the Committee expresses its particular alarm regarding reports that the Commission's records -- including potentially records of private interviews by the Commission with persons deprived of their liberty, many of whom may not be willing to candidly provide information to the Commission absent assurances that their conversations will remain private -- can be subject to public disclosure upon request by journalists or other members of the public under the federal law 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 ensure that the National Commission for the Prevention of Torture can effectively and independently fulfil its mandate, in accordance with article 18 (1) and (3) of the Optional Protocol;**

⁴ *Ibid*, para. 8.

⁵ CAT/OP/CHE/ROSP/1, paras. 18-27.

⁶ *Id.* at 31.

⁷ CAT/C/CHE/QPR/8, para 5.

(b) Ensure that effective mechanisms are put in place to ensure that recommendations of the National Commission are fully and properly addressed by all relevant recipients of those recommendations; and ensure that any needed revisions are made to law and policy to assure appropriate 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 restructuring its asylum system, the Committee remains concerned at reports that the State party relies on the formal legal obligations for appropriate treatment of Dublin states to which a person is to be removed, at the expense of conducting individualized assessments focused on the situation of the persons involved. In this connection, the Committee also notes reports that it has received that authorities of the State Party, in the course of assessing asylum claims, rarely or never have 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 even in cases where such reports 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 run a personal and foreseeable risk of being subjected to torture;

(b) Guarantee that all asylum seekers have the opportunity of an individual review and are effectively protected from any such return;

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

Use of Force in Conducting Expulsions

21. While taking note of the information provided by the State party's delegation that the National Commission for the Prevention of Torture observes all 'special flights' and some charter flights for repatriations, the Committee remains concerned at reports of shackling, tying individuals to wheelchairs with multiple restraints, or the case of a pregnant mother who had to breastfeed her child while handcuffed. The Committee notes the importance of the recommendation of the National Commission for the Prevention of Torture in relation to: the persistent practice of shackling parents in the presence of their minor children; using minor children as interpreters for their parents; carrying weapons by police escorts who come into contact with forcibly returned persons; the use of handcuffs when people are cooperative and; handcuffing persons in a cell (art. 3).

22. The State party should eliminate any uses of force or other practices beyond those that are strictly necessary and proportionate, including shackling of parents in the presence of their minor children, provide interpreters to ensure that minor children are not in a position of needing to interpret for their parents, clearly limit the use of force or use of constraints to cases where there is an imminent threat to the safety of the officer or other persons, sharply limit the use of complete immobilization to the shortest possible time, and renounce the use of handcuffing of pregnant women and breast-feeding 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 an asylum seeker is terminated if the assigned lawyer concludes that an appeal would have "no prospect of success" – combined with provisions under which the lawyer gets paid the same set amount regardless of whether he or she pursues an appeal – disincentivizes the lawyer from pursuing appeals. In this regard, the Committee notes information it received that nearly one-third of the appeals that move forward without such a legal aid lawyer end up being successful, thus casting significant doubt on the objectivity

of the assessments that the appeals had no prospect of success. The Committee also notes with concern that, according to article 102k of the Asylum Act, the purposes for which the legal aid lawyer can represent the person are strictly limited, and do not include important matters that asylum seekers may frequently encounter, such as issues related to violence used 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 important matters that asylum seekers may frequently encounter, such as issues related to violence used 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 new detention facilities. Nevertheless, it remains concerned about the chronic prison overcrowding, particularly in the cantons of Geneva and Vaud. The Committee takes note of the statement made by the State party's delegation that les Champ-Dollon prison will be closed by 2030, but notes with concern that, despite calls for the closure of this detention centre, the facility continues to be used. 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 disorders are widespread, remain serious problems in the prison system. The Committee notes with concern the reports indicating gaps in suicide prevention strategies in custodial settings. It is also concerned at the reported limited access to social, education and recreational activities and limited outdoor access. The Committee has received reports of detainees being held for several days in the security cells for lack of space in psychiatric clinics in and that the distinction between disciplinary measures and security measures is not always clearly established in practice. According to information before the Committee, the cantons of Bern and Zurich had placed minors under the age of 15 jointly with their families in custodial facilities, although it notes that the State party has requested the cantons not to detain minors under the age of 15 under FNIA article 80(4). Finally, the Committee expresses concern that, in the cantons of Vaud and Neuchâtel, the maximum duration for 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 in penitentiary institutions and other detention facilities, especially 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 a sufficient number of psychiatrists in the prison health care system in all cantons and that detainees are guaranteed regular, rapid and low-threshold access to basic psychiatric care by qualified staff with experience in providing care for persons being deprived of liberty;

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

Administrative detention of undocumented migrants

27. The Committee is concerned that the standards and procedures for making detention decisions on immigrants do not comply with the principle of proportionality. Migrants in administrative detention are commonly placed in prison, or pre-trial detention facilities, and stark differences were reported to exist in administrative detention practices and facilities across different cantons. The Committee is also concerned about reports that only some persons in administrative detention have access to free legal representation, that 18 months

for adults and 12 months for minors is the maximum time length for administrative detention, 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 also notes with concern the conditions of detention in the Favra administrative detention facility located in the canton of Geneva, which was assessed to be 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 length of administrative detention of asylum seekers authorized under the Asylum Act for as short a period as possible, taking all the measures to avoid the detention of children placed in migration detention facilities, including by using alternative measures to detention and in no case imposing measures or conditions designed to induce persons at the centres from taking any steps that would jeopardize their rights or interests;**

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

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

(d) **Ensure consistent application by all cantons when ordering administrative detention.**

Federal Asylum Centres

29. The Committee takes note of the information provided by the State regarding the investigation undertaken following reports of excessive use of force and abusive treatment at federal asylum centres and the various measures taken, or that are being considered to be taken, by the authorities in response. At the same time, the Committee remains concerned about reports that individuals in federal asylum centres continue to be subjected to ill-treatment, e.g. beatings by security guards, being locked in small container rooms ('reflection rooms'), including minors, unrestrained use of disciplinary measures by guards, routine use of racist terms, routine misreporting or non-reporting of events, unclear or no opportunity to lodge a complaint, and obstacles in access to justice for the victims. The Committee is also concerned about reports of sexual violence, including rapes. Lastly, the use of private contractors as security providers, particularly without sufficient appropriate 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 in 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 of federal asylum centres;**

(c) **Establish independent, confidential and effective complaints mechanisms in all federal asylum centres;**

(d) **Review the practice of locking individuals held in federal asylum centres in 'reflection rooms', including by prohibiting the placing of minors in isolation;**

(e) **If the State party intends for private security contractors to continue to play a role in federal asylum centres, eliminate their use in sensitive security tasks, integrate stricter requirements concerning quality standards and training into their contracts and ensure that the security contractors recruit experienced and skilled security personnel and train them specifically for assignments in the federal asylum centres.**

Unaccompanied asylum-seeking children

31. The Committee is concerned about reports regarding the situation of unaccompanied children, including inadequate reception conditions and protection measures. In particular, it notes reports that the staff-to-girl ratio is deficient in the federal asylum centres, which consequently results in unaccompanied children, especially girls, receiving insufficient care and protection. Some reports indicate that due to a lack of staff and an increased number of unaccompanied children, one staff member supervises 70-100 minors instead of 15. According to the information before the Committee, the protection and care provided to unaccompanied asylum-seeking children is differentiated based on age, as children who are 16 years and older are considered to require less care and are allegedly primarily treated as adults. The Committee is further concerned at reports that children abscond from asylum reception facilities and other centres. Other matters of concern include acts of violence, inadequate accommodation, barriers in access to education, and low quality of the food. Finally, the Committee is also concerned about reports that, in practice, border procedures do not distinguish between minors and adults, which is in violation of Swiss law (arts. 3, 11, and 16).

32. The State party should ensure the best interest of the child in repatriation procedures; that all unaccompanied minors, especially girls, receive continuous care and protection; and, that reports of alleged disappearance of children during the asylum procedure are investigated.

Excessive use of force, including racially motivated violence

33. While encouraged by efforts made by the State party to address police violence, the Committee is concerned about allegations of excessive use of force and other police abuse, in particular against persons belonging to certain racial and ethnic groups, and deaths that are a result of police action.⁸ The Committee is also concerned about allegations of racial profiling and use of racial epithets⁹ (arts. 2, 12–13 and 16).

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 UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

Independent Complaints Mechanism

35. The Committee is concerned about the lack of an independent and universally accessible mechanism for filing complaints against the police and other officials involved in the treatment of persons deprived of liberty. The Committee welcomes the establishment of the Inspection Générale des Services (IGS) in the Canton of Geneva but regrets 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 the establishment in all cantons of investigative mechanism that carry out independent and effective criminal investigations and prosecutions of allegations of police violence, and violence against persons deprived of their liberty, and operates independently, without any institutional or hierarchical relationship between that body's investigators and the suspected perpetrators of such acts. The Committee also recommends ensuring updated, centralized and disaggregated statistical data on all complaints, prosecutions and convictions related to police violence and violence against persons deprived of liberty.

⁸ CERD/C/CHE/CO/10-12, para. 17.

⁹ A/HRC/51/54/Add.1, paras. 35-39, and 40-43.

Intersex Persons

37. The Committee remains concerned about reports of unnecessary and irreversible surgery and other medical treatments 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 legislative process motion 22.3355 to criminally prohibit interventions to change the biological sex of intersex children (arts. 2, 12, 14 and 16).

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

(a) No one is subjected during infancy or childhood to unnecessary medical or surgical procedures intended to decide the sex of the child without the informed consent;

(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 they 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 where intersex persons were treated or operated on without 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 the intersex persons, especially children; and

(f) Trainings are provided to persons working with or for the intersex persons, especially 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 Palermo Protocol has not been fully incorporated into domestic law. Furthermore, article 182 of the Criminal Code does not explicitly mention the irrelevance of trafficking victims' consent to exploitation. The Committee is also concerned about the low rates of prosecutions and convictions in trafficking, especially labour exploitation cases, and the insufficient measures taken to identify victims of trafficking (arts. 2, 12–14 and 16).

40. The Committee recommends 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 to the victims, including compensation and rehabilitation. The Committee also recommends providing continuous capacity building on the prevention and identification of trafficking, including judicial and law enforcement officials and immigration and border control officers. Finally, the State party should also 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, and implement and allocate resources for training programmes for law enforcement staff and personnel employed in federal asylum centres. Nonetheless, the Committee regrets receiving limited information about the training provided to other public officials in contact with asylum seekers and persons deprived of their liberty, including immigration and border control officers, contracted security guards in the federal asylum centres and medical staff employed in prisons and asylum centres. The Committee also remains concerned by the lack of information on evaluations of the impact of those programmes (art. 10).

42. **The Committee reiterates its previous recommendation¹⁰ to continue to strengthen its efforts to provide training for all officials concerned on its obligations under the Convention, as well as systematic training and practice in applying the Istanbul Protocol (as revised). It should also develop specific methodologies to evaluate the training programmes provided on the absolute prohibition of torture and ill-treatment to police, prison and staff in federal asylum centres.**

Redress

43. The Committee regrets that the delegation was not able to provide updated information concerning redress, including compensation measures ordered by the courts or other State bodies and actually provided to the victims of torture or their families since the consideration of the previous periodic report. It also notes with concern that the State party has presented no information on reparation programmes or on 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 general comment No. 3 (2012) on article 14 of the Convention, 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 implementation of measures to ensure the right of all victims of torture and ill-treatment 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 and contribution from non-governmental organizations for rehabilitation of the victims. The State party should compile and provide to the Committee 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 data collection concerning 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 age, gender, nationality, and racial and ethnic origin (arts. 2, 12–14 and 16).

46. **The State party should intensify its efforts to strengthen its capacity to compile, disaggregate and analyse statistical data relevant to the monitoring of the implementation of the Convention in a more targeted and coordinated manner, including with regard to complaints filed, investigations and prosecutions conducted and convictions handed down in cases of torture and ill-treatment, trafficking in persons and gender-based violence, as well as on remedies, including compensation and rehabilitation, provided to victims, and other matters on which such data were 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. 9, 17, 35 and 45 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

¹⁰ CAT/C/CHE/CO/7, para.21.

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 the ninth, by 28 July 2027. For that purpose, and in view that the State 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.
