



Activity report
National Commission for the
Prevention of Torture (NCPT)

2020



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National commission for the prevention of torture (NCPT)

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Impressum

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| | |
|----------------------------------|----|
| Foreword by the Chair | 1 |
| 1. Annual review | 3 |
| 2. Detention monitoring | 9 |
| 3. Other contacts and activities | 21 |
| 4. Overview of the NCPT | 27 |

Foreword by the Chair

Dear Reader

2020 was a challenging year for the NCPT as its activities were affected by the COVID-19-pandemic. However, once the necessary protective measures were in place, the Commission was able to resume its normal inspection visits in the summer after a brief break. NCPT inspections focused on the main categories covered previously: detention facilities, psychiatric institutions, monitoring of forced return flights and federal asylum centres. Starting from 2021, monitoring of federal asylum centres will be expanded to include unaccompanied minor asylum seekers; preparations for this were already under way in the reporting year. The Commission also expanded cooperation with the Federal Office of Public Health (FOPH) and took initial steps to develop other monitoring activities, particularly relating to police custody, nursing homes and institutions for persons with disabilities.

I took over as Chair of the Commission in early 2020 and was pleased to note that both the Commission and its Secretariat work together in a dedicated and professional manner. I wish to extend my heartfelt gratitude to the Commission members and to the staff of the Secretariat for their hard work!

Giorgio Battaglioni, second Vice Chair with Leo Näf, resigned from the Commission at the end of 2020. The Commission's work has been shaped by his involvement, both as a representative of the canton of Ticino and due to his extensive expertise: your contribution has been invaluable! The Federal Council recently appointed Maurizio Albisetti Bernasconi from the canton of Ticino to join our panel of experts; he has extensive experience in enforcement of sentences and measures. I would also like to thank the observers assigned to the monitoring of forced returns. Your input makes the Commission's work so much more effective.

Sandra Imhof, who served as head of the Secretariat since the Commission was set up 10 years ago, stepped down in the summer. We would like to thank her once again for her dedication, which enabled both the Secretariat and the NCPT to grow. Livia Hadorn took over as head of the Secretariat on 1 July 2020.

During the reporting year, targeted action was taken to intensify cooperation with current partners and explore options with prospective partners. Many thanks go to these partners for their constructive and meaningful cooperation.

The Commission is not running out of work. We look forward to continuing our efforts to improve the human rights situation of detainees or others whose liberty has been restricted. We remain committed to ensuring a high degree of professionalism, while at the same time achieving the necessary flexibility and partnership dynamics.



Regula Mader
NCPT Chair

Annual review

1

1.1 Inspection visits during the pandemic

The rapid spread of COVID-19 triggered a global health crisis. Based on the Epidemics Act¹, the Federal Council responded by ordering a series of far-reaching measures that restricted the personal freedom of all Swiss inhabitants. These measures also affected the fundamental rights of persons deprived of their liberty whose day-to-day lives are already restricted.

These people are considered particularly vulnerable in the context of COVID-19, as they are often confined in large numbers in a small space where infectious diseases can therefore spread more quickly. They also have a limited ability to take preventive measures to protect themselves from infection and are thus reliant upon the measures taken by the facility. Likewise, they suffer more from pre-existing conditions and are often of poorer health compared to persons outside of such contexts.

Preventing the spread of COVID-19 posed several new challenges for detention facilities. On the one hand, they had to take preventive measures to stop the spread of COVID-19 within their facilities. On the other hand, they were required to respect human and fundamental rights as set out in the Nelson Mandela Rules². Every restriction required a careful balancing act between necessary health measures and the fundamental rights of those under their care and supervision. Protective measures therefore had to be proportionate and never result in inhuman or degrading treatment of persons deprived of their liberty.

The Optional Protocol to the Convention against Torture does not allow for any restrictions to be placed on the visiting mandates of national preventive mechanisms (NPMs). The World Health Organization (WHO) has specifically highlighted the importance of independent monitoring in prisons and other detention centres in its guidelines to states on COVID-19 and detention.³

¹ Federal Act of 28 September 2012 on Combating Communicable Human Diseases (Epidemics Act, EpidA), SR 818.101.

² Resolution A/RES/70/175 adopted by the UN General Assembly of 17 December 2015 (Nelson Mandela Rules).

³ Inter-Agency Standing Committee (IASC), OHCHR and WHO, Interim Guidance COVID-19: Focus on persons deprived of their liberty, March 2020.

During the first wave of the pandemic in the spring of 2020, the Commission nevertheless decided to temporarily refrain from visiting facilities where persons are or may be deprived of their liberty. Among other things, this decision was taken to avoid placing an even greater burden on these facilities. The Commission did, however, write to the FOPH Director and the Director of the Conference of Cantonal Justice and Police Directors (CCJPD) in March, emphasising the need for measures to reduce overcrowding in prisons and to ensure hygiene and cleanliness in the facilities. The Commission also pointed out that early releases of persons held in administrative detention under the Foreign Nationals and Integration Act (FNIA) should be examined. The Commission emphasised that proportionate restrictive measures are permissible if there is a corresponding legal basis and if the measures are limited in time.

In order to effectively continue its mandate during COVID-19, the Commission was in regular contact with representatives of the CCJPD and the FOPH to gain an overview of the situation in detention facilities. The Commission deliberately refrained from bilateral discussions and correspondence with the individual facilities in order to avoid duplicating the efforts of the CCJPD.

To keep risks to a minimum, the Commission drafted its own preventive hygiene and protection guidance and gave advanced notice to cantonal officers of health and directors of the institutions to be visited. Thus, the Commission carried out numerous visits to detention facilities and federal asylum centres in the second half of the year. It did not encounter any resistance, whether it be from the directors of the institutions in question or from cantonal officers of health. The Commission is aware of this privilege, as many other national preventive mechanisms (NPMs) have been denied access to detention facilities in their respective countries. Only in one case did the Commission decide to postpone a visit to a federal asylum centre due to the epidemiological situation in the canton concerned.

By the end of 2020, detention facilities in Switzerland managed to avoid any surge of COVID-19 cases among inmates. One widely adopted measure to curb the potential spread of the virus was to isolate new arrivals. It is important to understand that such measures are more restrictive than 'stay at home' recommendations or

self-isolation in one's own home. At the same time, however, detention facilities also found innovative ways to compensate for certain restrictive measures such as a ban on visits. For example, outside contact was secured by giving inmates more time to use telephones or by installing video call terminals. The Commission intends to monitor the necessity and expediency of restrictive measures in light of human and fundamental rights concerns.

1.2 Thematic focus

When inspection visits resumed in the summer, the Commission decided to direct its attention to three main areas of focus for the remainder of the year.

1. Health care provision: the Commission's final report on the inspection visits conducted in 2019-2021 will be released in autumn 2021. In addition to these visits, the Commission's working group responsible for assessing health care provision also organised two online meetings with experts and relevant contact persons to discuss the challenges and experiences associated with COVID-19 in Swiss detention facilities.
2. Indefinite incarceration: the Commission also visited detention facilities to assess conditions of detainees, many of whom are considered vulnerable due to various factors such as age and state of health. The Commission's internal working group studied the files of inmates in Switzerland and visited several facilities where persons are either already incarcerated or are in pre-trial detention. The Commission plans to publish a report in the second half of 2021.
3. Federal asylum centres: here the Commission examined not only living conditions and health care provision, but also supervision and disciplinary measures as well as special measures to protect particularly vulnerable persons such as women, children and unaccompanied minor asylum seekers (UMA). During its visits to federal asylum centres, the Commission repeatedly found that conflicts occur routinely. It

therefore paid particular attention to how conflicts and violence are handled and whether and what preventive measures are taken. The Commission's findings and recommendations on federal asylum centres were summarised in the final report⁴ published in January 2021.

NCPT observers accompanied forced return flights (enforcement level 4)⁵. They occasionally also observed police-escorted returns to the airport as well as the organisational measures taken at airports to accompany returnees to their scheduled flights (enforcement levels 2 and 3). Due to the presence of regular passengers on board, the police deliberately refrained from escorting returnees on flights.

In addition, the Commission handled individual cases involving fundamental rights and held various discussions with the relevant contact persons.

1.3 Strategic development

In May, the Commission received the report from the UN Subcommittee on Prevention of Torture (SPT)⁶ concerning its visit to Switzerland in February 2019. During this visit, an NCPT delegation met twice with the foreign experts to discuss both technical and methodological concerns. Based on these discussions and on the jointly conducted follow-up visit to the Bern Regional Prison, the SPT submitted a detailed report to the Commission and another report to the Federal Council. In its reports, the SPT calls for additional financial and human resources to be allocated to the Commission. The Commission Chair subsequently held various discussions with the General Secretariat of the Federal Department of Justice and Police (GS-FDJP) to increase resources for the Commission and in particular for the Secretariat.

⁴ NCPT report concerning the review of federal asylum centres by the (2019-2020), available [here](#) (PDF, 1 MB, 18.01.2021) (admin.ch)

⁵ Art. 28 para. 1 of the Ordinance of 12 November 2008 on the Use of Police Control and Restraint Techniques and Police Measures under Federal Jurisdiction (Use of Force Ordinance, UFO), SR 364.3.

⁶ United Nations Subcommittee on Prevention on Torture (SPT). The report and statement are published on the NCPT website.

For some time, the Commission has wanted to extend its activities to the residential care sector, in particular retirement homes, in order to examine measures taken to restrict the freedom of occupants more closely. This was not possible due to a lack of resources. However, the outbreak of the pandemic and the restrictive measures taken at social care institutions, e.g. preventing anyone from visiting occupants, preventing occupants from leaving the facility or other restrictions, have highlighted the necessity of independent inspections by the Commission.

The UN Sub-Committee has also made various recommendations to improve the functioning and methodology of the NCPT. Although the Commission appreciates the advisory support of the UN Sub-Committee, not all recommendations can be implemented. For example, the Commission disagrees with the recommendation that members of the Commission hold professional qualifications and finds the Swiss militia system more appropriate for the work of the Commission. Other SPT recommendations, however, prompted the Commission to adjust the methodology used to prepare, carry out and follow up on inspection visits.

Monitoring activities

2

2.1 Overview of monitoring activities

The Commission decided to temporarily postpone its initially scheduled visits in March to detention facilities. As described in the previous section, the Commission devoted its attention primarily to inspection of health care provision in detention facilities, indefinite incarceration conditions and federal asylum centres, starting in July.

Despite this self-imposed short-term restriction, the Commission conducted a total of 19 visits to various detention facilities and, in this context, reviewed the implementation of the relevant provisions of criminal procedure law, criminal law, civil law as well as legislation on asylum and foreign nationals. It is worth mentioning here that despite the difficult epidemiological situation and the protective measures taken by the facilities, the Commission was able to carry out all the planned inspection visits without any hindrances. The Commission would like to thank the management of the institutions visited for their cooperation during this extraordinary period.

The Commission accompanied a total of 19 forced return flights at enforcement level 4⁷ as well as 25 airport transfers under police escort⁸ of returnees from 14 different cantons. Of these, six returns⁹ were carried under the terms of the Dublin Association Agreement (DAA). The Commission also accompanied a special flight for voluntary returnees.

The Commission observed 17 police-escorted returns (at enforcement level 2 and 3) on scheduled flights, the respective transport from the canton to the airport, as well as organisational measures taken at the airport. The Commission's aim was to gain a clearer picture of coercive measures applied to enforcement levels 2 and 3 pursuant to Article 28 let. b and c of the Use of Force Ordinance (UFO). In four cases, the Commission requested written

⁷ Art. 28 para. 1 of Ordinance of 12 November 2008 on the Use of Police Control and Restraint Techniques and Police Measures under Federal Jurisdiction (Use of Force Ordinance, UFO) of 12 November 2008, SR 364.3.

⁸ Arrangements made to pick-up of one or more persons at their places of stay and accompany them to the airport.

⁹ Agreement between the European Community and the Swiss Confederation concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Switzerland of 26 October 2004, SR 0.142.392.68. These returns are carried out on the basis of Art. 64a of the Federal Act of 16 December 2006 on Foreign Nationals and Integration (FNIA), SR 142.20.

comments from the authorities to clarify the police interventions it had observed. The Commission's observations are summarised in a report and submitted to the Return and Removal Committee¹⁰ for comment.

2.2 Inspection visits

The Commission's inspection visits comprise the qualitative monitoring of living conditions and an examination of the treatment of detainees from a fundamental and human rights perspective. The inspections are carried out with or without prior notice. The composition of the visiting delegation differs from visit to visit, with members being chosen according to their area of expertise. In the course of the visit, they conduct interviews with the detainees, the management and the staff of the respective institution. They also inspect all records and documents that are relevant to their monitoring mandate, including house rules and internal regulations, orders relating to disciplinary and security measures, orders concerning treatment without consent, or measures restricting freedom of movement. Furthermore, they review plans for the enforcement of correctional, administrative or treatment measures.

Following each inspection visit, the management of the institution receives oral feedback in which the delegation summarises its initial findings and provides the institution with a first opportunity to respond. The delegation's observations and findings are then summarised in a written report, and the recommendations are submitted to the relevant authorities for comment.¹¹

Below is a summary of the Commission's main observations and findings from its inspections in the past year. The institutions are listed according to the focus of the visit.

¹⁰ The Head of the Federal Department of Justice and Police (FDJP) and the President of the Conference of the Directors of the Cantonal Justice and Police Departments (CCJPD) instruct the Committee of Experts on Repatriation and the enforcement of expulsions.

¹¹ The reports, letters and statements of the reporting year 2020 are published on the website of the NCPT and can be accessed under the following link: [Reports by year \(admin.ch\)](#).

a. Inspections to assess anti-COVID 19 measures

The Commission visited the Champ-Dollon Prison and the Favra Administrative Detention Centre in December 2020. The purpose of these two visits was to assess anti-COVID 19 measures and their impact on the freedom of movement of inmates at these two detention facilities.

i. Champ-Dollon Prison (GE)¹²

The Commission was pleased to note that all inmates were regularly informed by various means and in different languages of the health risks and the measures that needed to be taken to prevent the spread of virus. After only a short interruption, daily open-air walks and visits were resumed. However, the containment measures exacerbated three persistent problems at the Champ-Dollon Prison, namely: chronic overcrowding, insufficient number of phone booths, which made regular contact with the outside world much more difficult, and confinement lasting 23 hours per day. The Commission considers the latter to be inadequate, notwithstanding the measures needed to contain the pandemic (e.g. isolation orders). Furthermore, the Commission is concerned that, given the postponement of numerous short sentences, overcrowding in Champ-Dollon Prison will increase again after the crisis period has passed. The Commission feels that this alarming situation must be taken into account in policymaking discussions on the Geneva cantonal correctional system and courts.

ii. Favra Administrative Detention Centre (GE)

The facility was temporarily closed from 22 March to 1 July 2020 due to COVID-related travel restrictions and the corresponding suspension of return flights. During this time, renovation work was carried out at the detention centre. The Commission was pleased to note that inmates can now receive calls from outside in the phone booths located on each floor. In light of recent Federal Supreme Court rulings, the Commission reiterated its finding that

¹² Letter to the Geneva Cantonal Council concerning the NCPT's inspection visit to the Champ-Dollon and Favra facilities on 17 December 2020.

the existing infrastructure and detention regime at Favra are not suitable for administrative detention under the Foreign Nationals and Integration Act (FNIA). The Commission again urged the authorities to cease using the Favra facility for administrative detention under the FNIA and to transfer the persons currently detained there to a facility better suited for this purpose.

b. Health care monitoring

The Commission conducted eight visits to assess health care provision in pre-trial detention facilities and prisons. The focus of these visits was on gender-specific health care, psychiatric care and the implementation of epidemiological requirements.¹³

i. Hindelbank Correctional Facility (BE)¹⁴

During its visit to the Hindelbank Correctional Facility (JVA) in January, the Commission found the quality of health care provision to be good. In particular, it welcomed the availability of health care geared to the needs of female inmates and effective implementation of legal epidemiological requirements. The activities of internal prevention officer, who regularly and actively visits the detained women, are also worth mentioning. The Commission recommended that in cases of self-endangerment and suicidal tendencies, admission to a solitary confinement cell should generally only be considered as a short, temporary measure and that the women affected should be transferred to a psychiatric institution as soon as possible. The Commission suggested a corresponding addition to the otherwise detailed 'Guidelines on Suicidal Tendencies' of the Hindelbank Correctional Facility. In order to ensure closer health care provision, the Commission also suggested increasing medical staff or providing greater access to the health service. The Commission furthermore supported the management's plan to regularly and systematically organise the recommended preventive medical check-ups, particularly for inmates serving long prison sentences.

¹³ Art. 30 Ordinance on the Control of Communicable Diseases in Humans of 29 April 2015 (Epidemics Ordinance, EpidO), SR 818.101.1.

¹⁴ Letter to the Bern Cantonal Council regarding the NCPT's visit to the Hindelbank Correctional Facility on 31 January 2020.

ii. Schaffhausen Cantonal Prison (SH)¹⁵

During its visit to the Schaffhausen Cantonal Prison in February, the Commission found that inmates are only allowed a 30-minute walk for organisational reasons. It referred to the fundamental right of inmates to be able to walk for at least one hour a day. The Commission also recommended a separate cell wing for female inmates, as they are currently only separated from male inmates on a cell-by-cell basis. In addition, female inmates should have daily access to showers due to their special hygiene needs. The Commission again found that due to the lack of a health service, requirements under epidemiological law, such as a systematic medical interview upon admission by health personnel, are not being implemented. It therefore recommended the establishment of a health service with adequate materials, equipment and personnel. The Commission welcomed the fact that health care is free of charge and that gynaecological examinations and psychiatric assessments are organised promptly and expediently when required.

iii. Frauenfeld Cantonal Prison (TG)¹⁶

In July, the Commission visited the Frauenfeld Cantonal Prison. Overall, it was satisfied with the quality of health care. The Commission particularly welcomed the open interaction between cantonal prison staff and inmates, as well as the systematically conducted medical interview upon admission. In this regard, however, the Commission recommended that gender-specific questions, such as reproductive health history, be systematically asked and that the admission roster be supplemented accordingly. The 'Santé Prison Suisse' brochure should also be systematically distributed. The Commission recommended that the authorities allow access to health services on weekends and recalled that placement in a solitary confinement cell should be as short as possible, should be closely monitored medically and must always be formally ordered. The Commission furthermore considers that, in order to ensure accessibility and the systematic transfer of medical data when a

¹⁵ Letter to the Schaffhausen Cantonal Council regarding the NCPT's inspection visit to the Schaffhausen Cantonal Prison on 11 February 2020.

¹⁶ Letter to the Thurgau Cantonal Council concerning the NCPT's inspection visit to Frauenfeld Cantonal Prison on 9 July 2020.

person is transferred, a standardised internal system for recording such data should be established.

iv. Brig Remand Prison (VS)¹⁷

In November 2019, the Commission visited the Brig Remand Prison. It conducted another short visit in August 2020 and found that most of its recommendations¹⁸ from previous visits had not been implemented. With regard to inmate health care provision, the Commission criticised the lack of a systematic medical interview upon admission and the infrequent referral of inmates with clinical psychiatric profiles to appropriate psychiatric specialists. Most of the Commission's recommendations concerned general material conditions. The Commission is aware that structural considerations prevent meaningful changes. However, it is of the opinion that more effective action can be taken in those areas where change is feasible. The Commission emphasised that it considers the living conditions to be an issue. It criticised in particular the long periods of confinement and the lack of employment and sports opportunities. The Commission was particularly critical of the accommodation provided to women in detention at the facility.

v. Tuilière Prison (VD)¹⁹

During its visit to the Tuilière facility in August, the Commission was pleased to note that the quality of health care provision was good. In particular, it welcomed the fact that the special needs of female inmates were taken into account. Gender-specific questions such as reproductive health history were also asked during the medical examination performed upon arrival. At the time of the visit, psychiatric care in the internal psychiatric unit was only provided for male inmates. As most female inmates experience mental health issues, the Commission recommended that the necessary resources be made available for appropriate care for female inmates.. With regard to material conditions, the Commission reiterated its recommendation to refrain from placing five women in a triple cell.

¹⁷ Letter to the Valais Cantonal Council regarding the NCPT's follow-up visit to the Brig Remand Prison on 26 November 2019 and 14 August 2020.

¹⁸ The NCPT visited the Brig Remand Prison on 28 May 2010 and 15 and 16 June 2015.

¹⁹ Letter to the Vaud Cantonal Council concerning the NCPT's inspection visit to the Tuilière Prison on 21 August 2020.

vi. Canton Basel-Stadt Remand Prison (Waaghof) (BS)²⁰

In August, the Commission found that the quality of health care provision at the Basel-Stadt Remand Prison was good, particularly with regard to the detailed documentation of various aspects of health care. The Commission noted that there had been no changes regarding the supply of light and air quality since its last visit²¹. The Commission criticised the fact that safety and security measures sometimes last longer than seven days and referred to the relevant requirements that a person at risk of suicide must be transferred to an appropriate psychiatric facility. During its visit, the Commission inspected the special ward for mentally ill persons within the facility, where daily supervision is adapted to the needs of the persons detained there. To ensure that the detention regime in the special ward can also be maintained on weekends, the Commission recommended that the necessary personnel measures be introduced. It also recommended that the psychiatric care options in the special ward be expanded and that transfers to suitable psychiatric facilities be ordered if necessary. Because detained women do not have access to the special ward due to the need to keep male and female inmates apart, the Commission recommended that consideration be given to establishing a special setting with a suitable detention regime for female inmates who are mentally ill. Finally, the Commission feels that female juvenile delinquents should not be placed or kept for extended periods of time in the facility wherever possible.

vii. La Promenade Detention Centre (NE)²²

During its inspection visit in September, the Commission was pleased to note the quality of the medical care at the La Promenade Detention Centre. Because the health service currently works outside the facility in container units, the Commission recommended

²⁰ Letter to the Basel-Stadt Cantonal Council regarding the NCPT's follow-up visit to the Canton of Basel-Stadt Remand Prison on 18 September 2020.

²¹ See Report to the Basel-Stadt Cantonal Council concerning the NCPT's inspection visit to the Basel-Stadt Remand Prison (Waaghof) on 23 and 24 October 2014.

²² Letter to the Neuchâtel Cantonal Council concerning the NCPT's inspection visit to the La Promenade Detention Centre on 29 September 2020.

that the planned new premises for the health service be set up quickly. Furthermore, the Commission suggested that health care provision could be coordinated more effectively through regular interaction between the physicians in charge. The Commission also recommended that measures be taken to prevent sexually transmitted diseases, in particular to ensure access to condoms, sterile injection equipment and information on communicable diseases. The Commission is also of the opinion that cell confinement times exceeding 20 hours per day are inappropriate.

viii. Biel Regional Prison (BE)²³

During its visit to the Biel Regional Prison in December, the Commission welcomed the implementation of Epidemic Act requirements such as the systematic medical interview upon admission and the preparation of medication by outpatient healthcare professionals. However, the Commission recommended that the outpatient healthcare professionals should spend more time on site. The inmate admission form should also be supplemented with gender-specific questions and all answers should be fully documented. The Commission sees an urgent need for action with regards to access to psychiatric care as well as to gynaecological, dental and ophthalmological care.

c. Visits with focus on indefinite incarceration

In the interests of assessing conditions of indefinite incarceration, the Commission visited the Etablissements de la plaine de l'Orbe (EPO) in the canton of Vaud and the Pöschwies correctional facility in the canton of Zurich in September and the Bostadel correctional facility in the canton of Zug in October. During these inspection visits, confidential discussions took place with inmates regarding their placement, the content of their correctional plans, their exit options as well as their somatic and psychiatric care.

²³ Letter to the Bern Cantonal Council regarding the NCPT's inspection visit to the Biel Regional Prison on 17 December 2020.

d. Follow-up visit

i. **Glarus Prison (GL)**²⁴

After its first visit in 2013, the Commission again visited Glarus Prison in September. The Commission noted that some of its recommendations, namely those regarding the disciplinary system and the ventilation in the cells, had been implemented since its last visit. It also welcomed the efforts of the prison administration to improve the recreational and employment opportunities of inmates, taking into account existing structural conditions. On the other hand, the Commission was critical of the restrictive detention regime of the various forms of incarceration, since the outdated infrastructure and the cramped conditions continue to pose a challenge. Due to only cell-by-cell separation of persons detained under the Foreign Nationals and Integration Act from persons detained under criminal procedure and criminal law, the Commission is of the opinion that Glarus Prison is unsuitable for housing persons in administrative detention under the Foreign Nationals and Integration Act. Moreover, insufficient consideration is given to the needs of detained women and juveniles, which is why the Commission urged the authorities to immediately place these two groups of persons in a purpose-built facility.

e. Visits to federal asylum centres

In July, the Commission visited the Chiasso federal asylum centre in the Canton of Ticino, which has a procedural function and the Balerna (Pasture) and 'Via Motta' federal asylum centres, which do not have a procedural function. In the Canton of Geneva, it visited the Geneva Airport federal asylum centre and in the Canton of Zurich the Zurich federal asylum centre, which has a procedural function. The findings from the visits to the federal asylum centres in the Canton of Ticino and the findings from the visit to the facility at Geneva Airport were included in the report on the review of federal asylum centres for the period from 2019 to 2020, which

²⁴ Letter to the Glarus Cantonal Council regarding the NCPT's follow-up inspection visit to the Glarus Prison on 18 September 2020.

was released in January 2021.²⁵ The Commission's recommendations set out in the report focus in particular on improving the resolution of conflicts, preventing violence and handling complaints. The Commission also sees a need for improvement when it comes to identifying vulnerable persons, providing access to basic psychiatric care, applying disciplinary measures and, in some cases, the infrastructure of the individual federal asylum centre in question.

²⁵ NCPT report concerning the review of federal asylum centres (2019-2020), available [here](#) (PDF, 1 MB, 18.01.2021) (admin.ch).

Other contacts and activities

3

As described above, the pandemic only briefly affected the Commission's visits, but it significantly hampered personal and regular interaction with relevant contact persons and other planned activities of the Commission. For example, the Forum on Migration had to be postponed due to the temporary cantonal ban on holding events. The forum thrives on open and direct discussions between all participants. A virtual event could not do justice to this.

Similarly, the planned meeting with the German and Austrian national preventive mechanisms (NPM) had to be postponed.

3.1 Contacts with federal authorities

a. Federal Department of Justice and Police (FDJP)

The Commission met with representatives of the FDJP General Secretariat and the Federal Office of Justice (FOJ) on various occasions during the reporting year. These discussions were held to clarify issues surrounding the selection procedure for new Commission members. The primary aim of these discussions was to find suitable solutions to involve the Commission Chair more closely in the selection process. Based on the recommendations of the SPT²⁶, the Commission requested the General Secretariat of the FDJP to increase Commission Secretariat's budget so that inspection visits to social care institutions could be arranged.

The Commission maintained regular contacts with the State Secretariat for Migration (SEM), in particular with the Asylum Directorate, and in August discussed the findings and recommendations made while monitoring federal asylum centres.

b. Federal Department of Home Affairs (FDHA)

The Commission was in contact with the Federal Office of Public Health (FOPH), particularly the Communicable Diseases Division, on several occasions and discussed the findings from its project to

²⁶ See Section 1.3 Strategic development.

assess health care provision. The FOPH approved continuation of the project until 2023. From the summer of 2021, greater attention will be placed on preventive measures provided for in the Epidemics Ordinance²⁷ in detention facilities as well as (for the first time) on implementation of the recommendation on the sharing of health care costs. Another focus will be the review of health care provision as well as measures taken to restrict movement at detention facilities during an epidemic or pandemic (COVID-19).²⁸

3.2 Contacts with cantonal and other authorities

a. Coordination Conference on Correctional Services

The new Commission Chair introduced herself in August at a meeting of the Swiss Coordination Conference on Correctional Services and presented the Commission's current priority topics to the three General Secretaries, the representative of the General Secretariat of the CCJPD, the Swiss Conference of Heads of Correctional Services, the Swiss Competence Centre for the Execution of Criminal Penalties and the Federal Office of Justice. The Coordination Conference pointed out that it would take time to implement Commission recommendations, especially in the area of health care, as these would have to be incorporated into the legal bases of the corresponding intercantonal agreements. Those who attended the meeting agreed on the need for greater cooperation in order to avoid duplication of efforts in priority areas and to enable available resources to be used in a more targeted manner.

b. Dialogue with the Return and Removal Committee

The Commission met with representatives of the Return and Removal Committee in May and discussed its observations and recommendations resulting from its monitoring of forced returns by air. During the reporting year, the Commission regularly contacted representatives of the Return and Removal Committee to obtain

²⁷ Art. 30 EpidO.

²⁸ Art. 30 and Art. 31 EpidA.

clarification of individual facts in observed returns. The Commission summarised its assessments and recommendations on returns by air in its annual report.²⁹

c. Health Care Provision Working Group

In June, another meeting was held of the broad-based working group that has been providing technical support to the health care provision project since its inception. Due to the outbreak of the pandemic in Switzerland, the representatives of the FOPH, the Conference of Directors of Public Health, prison coordination bodies and the prison system discussed the various COVID-related challenges and opportunities for the prison system. The participants welcomed this practical exchange among experts and expressed a desire for further discussion of the topic. A follow-up meeting was finally held in November 2020.

d. Swiss Competence Centre for the Execution of Criminal Penalties

In December, the new Commission Chair and the new head of the Secretariat introduced themselves to the Director of the Competence Centre for the Execution of Criminal Penalties. Their presentation of the main topics of interest to the Commission was followed by a discussion on the necessary changes in Swiss prisons and on the specific issues of somatic and psychiatric health care of detainees. The Commission Secretariat also took part in the Centre's conference on 'Digital change in the correctional system' in November.

e. Other contacts

In September, the Commission was invited to a discussion with the project manager of the Bern Cantonal Police and the architect responsible for the planned new construction of the police centre in Niederwangen near Bern and the expansion of the police detention facility in Biel. The Commission pointed out the requirement to

²⁹ Summary of NCPT Report on monitoring of removals under the Foreign Nationals and Integration Act (German) (PDF, 174 kB, 21.07.2020) available [here](#).

segregate inmates by gender and detention regime in the cell corridor and highlighted the importance of cell monitoring. Enquiries such as these will in the future enable the Commission to contribute to an infrastructure that safeguards human and fundamental rights already in the planning phase.

f. Police trainings

The Commission presented its methodology and procedures in connection with the accompaniment of forced returns by air at two police training sessions held by the Zurich Cantonal Police.

3.3 Other organisations

The new Commission Chair as well as the new head of Secretariat took the opportunity to contact various civil society organisations and individuals active in the promotion of human and fundamental rights as well as in migration in Switzerland and to exchange views on current key issues.

3.4 International contacts

a. European Border and Coast Guard Agency Frontex

In November, the International Centre for Migration Policy Development (ICMPD) invited the Commission to attend a virtual workshop on 'Children in Returns' as part of the 'Forced Return Monitoring III' project. The aim of the one-day workshop was to improve the child protection awareness of those responsible for monitoring forced returns where children are present. Children require special protection during returns.

Overview of the NCPT

4

4.1 Organisation

The Commission is composed of 12 experts, who are appointed by the Federal Council and chosen for their professional expertise in the fields of human rights, law, correctional and administrative detention, medicine, psychiatry, child and adult protection and police work.

Members of the Commission:

- Regula Mader, Chair
- Leo Näf, Vice Chair
- Giorgio Battaglioni, Vice Chair
- Daniel Bolomey
- Corinne Devaud-Cornaz
- Philippe Gutmann
- Hanspeter Kiener
- Ursula Klopstein
- Thomas Maier
- Helena Neidhart
- Esther Omlin
- Erika Steinmann

4.2 Observers

For the regular observation of police escorted transports and forced return flights, the Commission, in addition to deploying its own staff, calls upon external observers. In 2020 these observers were:

- Jean-Sébastien Blanc (since July)
- Dieter von Blarer
- Martina Caroni (until June)
- Joseph Germann
- Alfred Hodel (until June)
- Thomas Maurer (until June)
- Magdalena Urrejola
- Hans Studer (until June)
- Barbara Yurkina-Zingg (until June)

4.3 Secretariat

The NCPT Secretariat is responsible for organising the NCPT's monitoring activities. It handles the organisational and conceptual details of the NCPT's inspection and follow-up visits and drafts reports and position papers submitted to the federal and cantonal authorities. It maintains regular contact with other human rights bodies at both the UN and Council of Europe level as well as with other national preventive mechanisms (NPMs) abroad. Within Switzerland, it maintains contacts with federal and cantonal authorities and other relevant organisations.

For administrative purposes, the Secretariat is assigned to the General Secretariat of the Federal Department of Justice and Police (GS-FDJP) and uses its personnel, financial, IT and translation services. It currently employs five part-time employees, who fill the equivalent of 3.3 full-time positions, and a graduate intern. During the 2020 reporting year, there were several staff changes.

- Sandra Imhof, Head of Secretariat (until May)
- Livia Hadorn, Head of Secretariat (since July)
- Alexandra Kossin, Deputy Head of Secretariat and Research Associate for Monitoring Removals
- Lukas Heim, Research Associate for Monitoring Federal Asylum Centres
- Tsedön Khangsar, Research Associate, Health Care Project
- Agnes Meister, Administrative Assistant (until June)
- Simone Lerch, Administrative Assistant (since September)
- Céline Egli, graduate intern (until June)
- Rahel Brunschwiler, graduate intern (since July)

4.4 Budget

The Commission's overall annual budget in 2020 was CHF 900 600.

One-third of its budget was used for monitoring activities by the NCPT's panel of experts and the observers and external experts brought in to assist them. The personnel costs of the Secretariat account for nearly two-thirds of the total budget.

