




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

2021

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Impressum

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Foreword by the Chair

Dear Reader

Last year we continued our work on detention facilities, psychiatric institutions, forced return flights and federal asylum centres, while expanding our activities into new areas such as the situation of unaccompanied minor asylum seekers in federal asylum centres. Additional inspection visits were scheduled for this purpose. The Commission also began visiting police stations in various cantons to review the practice of police detention, which revealed major differences among the cantons. Social institutions are the final new focus area; the Commission inspected two retirement homes and nursing homes. We are now in the process of evaluating our initial findings, partially adapting the inspection methodology and defining more specific focal points.

The Commission took on a special mandate from the canton of Bern reviewing the situation of rejected asylum seekers in the canton's return centres. The review showed a significant need for action in the canton of Bern. In particular, the situation of children and young people in the return centres violates their human rights and the UN Convention on the Rights of the Child. The Commission is concerned about this situation and hopes that its report will lead to improvements in the other cantons as well.

The Commission met with the German and Austrian National Preventive Mechanisms (NPMs) in Berlin in October. The exchange was very productive, as all such meetings have been, showing participants where other countries stand, generating momentum and helping to professionalise the Commission's activities.

Dr. iur. Esther Omlin and Professor Thomas Maier have stepped down from the Commission or were unable to stand for re-election. Professor Maier had been a member of the Commission since its founding and helped to establish it. I would like to thank both of them for their great dedication over so many years. The Federal Council appointed Professor Dr. iur. Martina Caroni to the Commission as a specialist for fundamental rights and migration (from August 2021), as well as psychiatrist Dr. Urs Hepp (from January 2022) – we are looking forward to working with you! I would also like to thank the observers assigned to the monitoring of forced returns. This work is very demanding, and it is not always easy to digest these experiences.

We would like to thank our partners for the positive working relationship we have enjoyed this past year. 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

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The NCPT was finally able to expand its focus in the year under review, as it had long been planning. It visited cantonal and regional police stations, as well as making initial visits to retirement and nursing homes. The Commission also worked on migration law issues, with numerous visits to federal asylum centres and the canton of Bern's return centres. It also monitored forced return flights. Three reports were published summarising the observations and recommendations.¹ The Commission's visits to these very different facilities all shared a common focus: to monitor measures restricting or depriving liberty. The legally defined mandate of the Commission – to uphold and improve the fundamental and human rights of people who have been deprived of their liberty – always stands at the centre of its activities.

1.1 Thematic focus

a. Police

Starting in March, the Commission visited several cantonal and, in some cases, regional police stations² in the cantons of Aargau, Graubünden, Lucerne, Ticino and Valais. These unannounced visits went smoothly. The NCPT has up to this point conducted one-off visits to police facilities in the cantons of St Gallen, Vaud and Zurich, focusing on conditions of detention.³ The Commission decided to prioritise visits to police stations and police detention facilities for the year under review and future years, due to the fact that people are often held at these facilities during provisional arrests, police detention and in some cases pre-trial detention.

The NCPT based its review on the international and national guidelines relevant to policing: the International Covenant on Civil and Political Rights (UN Covenant II)⁴, the European Convention on Human Rights

¹ More information can be found in the press release of 18 January 2021, Federal asylum centres: Primary school education makes a positive impact, room for improvement in preventing violence and protecting vulnerable people (reference: 2019–2020 report on federal asylum centres), available at: [2019–2020 report on federal asylum centres](#) as well as the 10 February 2022 press release, Commission concerned about living conditions of children and adolescents in return centres (reference: May–August 2021 report on return centres), available at: [May–August 2021 report on return centres](#). See also the press release of 8 July 2021, NCPT: Report on the monitoring of forced return flights (reference: Summary report on forced returns between April 2020 and March 2021), available at: [2021 summary report on forced returns](#). The April–December 2021 report will be published in summer 2022. All reports only available in German.

² In Valais, the Commission visited cantonal, regional and communal police stations.

³ The report on these activities is available at www.nkvf.admin.ch.

⁴ International Covenant on Civil and Political Rights of 16 December 1966 (SR 0.103.2).

(ECHR)⁵, judgments by the European Court of Human Rights (ECtHR) and relevant standards of the European Committee for the Prevention of Torture (CPT). At national level, the Swiss Criminal Procedure Code (CrimPC) and cantonal policing legislation are of primary importance.⁶

During its visits, the Commission focused on the treatment of vulnerable and/or LGBTIQ+ people who had been deprived of their liberty, and on complaints procedures. Their inspections included detention cells, interview rooms and transport vehicles. However, the Commission found it rather difficult to review the actual police work, in particular measures depriving liberty such as police stops, provisional arrests, and arrests followed by pre-trial detention and interviews. The Commission's visits provide snapshots: policing activities such as stops and interviews often do not happen on inspection days, and can therefore only be reviewed through the inspection of documents. The Commission must consider whether and how it can adapt its methodology to allow for a more holistic review. The Commission therefore also visits people in pre-trial detention at detention centres to obtain information from them about how the police conduct themselves.

b. Retirement and nursing homes

The Commission visited two retirement and nursing homes in autumn for the first time, in the canton of Aargau and in the canton of Geneva. Monitoring compliance with human rights standards in social institutions has long been a major concern for the Commission, and has been announced several times in previous activity reports.⁷ It was finally possible to carry out these visits, thanks to additional funding from the General Secretariat of the Federal Department of Justice and Police (GS- FDJP). The protective measures used during the COVID-19 pandemic, and the ways in which these measures were applied in retirement and nursing homes, have demonstrated the importance of independent monitoring in this area.

The NCPT inspections were guided by the relevant international and national guidelines on accommodation in retirement and nursing homes.

⁵ Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950 (SR 0.101).

⁶ Swiss Criminal Procedure Code (CrimPC) of 5 October 2007 (SR 312.0).

⁷ See e.g. Chapter 1.2 (Strategic development) of the 2018 activity report.

In addition to UN Covenant II and the ECHR, these include in particular the UN Convention on the Rights of Persons with Disabilities (CRPD)⁸, the Convention on Biomedicine⁹ and the relevant CPT standards. At federal level, the provisions of the Civil Code (CC)¹⁰ are most relevant, in particular the provisions on stays in residential and care institutions (Article 382 et seq. CC). Additional concrete requirements exist at cantonal level.

Visits were announced a week in advance because those in charge of the retirement and nursing homes are less familiar with the Commission and its work. From the beginning, the application and documentation of measures restricting freedom of movement were set as the focus of the inspections. While conducting these two visits, the Commission decided that in future it would also inspect complaint management, violence prevention and health care. Further focal points such as infrastructure or daily routines can be taken into account, depending on the facility that the Commission is visiting.

c. Migration

In the area of migration, the Commission's activities included a review of the situation of children and young people. It based its work on the applicable provisions of the UN Convention on the Rights of the Child¹¹ and other relevant international and national provisions.¹²

⁸ Convention of 13 December 2006 on the Rights of Persons with Disabilities SR 0.109 (available in German, French and Italian).

⁹ Convention for the Protection of Human Rights and Dignity of the Human Being with Regard to the Application of Biology and Medicine of the Council of Europe of 4 April 1997 (SR 0.810.2).

¹⁰ Swiss Civil Code of 10 December 1907 (SR 210).

¹¹ Convention on the Rights of the Child of 20 November 1989, SR 0.107.

¹² Other important provisions include the fundamental rights guaranteed in the Federal Constitution (FC), as well as the provisions of UN Covenant I (International Covenant on Economic, Social and Cultural Rights of 16 December 1966, SR 0.103.19) and UN Covenant II, the UN Convention on Women's Rights (UN CEDAW, Convention on the Elimination of All Forms of Discrimination against Women of 18 December 1979, SR 0.108) and the UN Convention on the Rights of Persons with Disabilities. Sources known as soft law instruments also play an important role, in particular various guidelines of the UN High Commissioner for Refugees (UNHCR). At European level, the following regulations are relevant: the ECHR, the CPT standards, the Council of Europe's Istanbul Convention (Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence of 11 May 2011, SR 0.311.35), the EU directives, specifically the EU Reception Conditions Directive (Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast), OJ L 180 of 29 June 2013) and the EU Return Directive (Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals, OJ L 348 of 24 December 2008, pp. 98ff. In force for Switzerland since 13 October 2010: Exchange of notes of 30 January 2009 between Switzerland and the European Community on the adoption of Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (development of the Schengen acquis), SR 0.362.380.042. At federal level, the Asylum Act (AsylA of 26 June 1998, SR 142.31) and the Foreign Nationals and Integration Act (FNIA, Federal Act of 16 December 2006 on Foreign Nationals and Integration, SR 142.20) must be observed.

In January, the Commission began to focus on the accommodation and care of unaccompanied minor asylum seekers during its inspections of federal asylum centres (FACs). In the year under review, SEM received 989 asylum applications from unaccompanied minors, which corresponds to 6.63 per cent of all asylum applications. Girls represented just 6.77 per cent of this 6.63 per cent.¹³ Unaccompanied minor asylum seekers are particularly vulnerable because some of them have had traumatic experiences in their home country or while fleeing to Switzerland, and because they lack the protection of an adult caregiver. They face a range of dangers that vary according to their age and gender, both while fleeing their home country and also once they arrive in Switzerland. Children and young people with disabilities and LGBTIQ+ young people may face additional risks. Federal asylum centres must take into account their young age and lack of an adult caregiver in matters regarding accommodation and, in particular, assistance and care. The Commission is currently evaluating its findings from the visits and will formulate recommendations on the care of unaccompanied minor asylum seekers in a separate report.

Forced return flights also include families with minor children. Last year, 18 children were among the 164 forced returnees.¹⁴ The NCPT always keeps a particularly close watch on how the children and their parents are treated. In general, the Commission finds that children (especially young children) and families are treated appropriately. However, with respect to how children are treated, the Commission criticised the fact that the police often picked families up very early in the morning. It therefore welcomes the regulation in the canton of Vaud that removals of families may not be carried out before 6am. When families are removed, one or both parents are regularly subjected to partial restraints. The Commission is of the opinion that parents should not be restrained. Children can be traumatised by witnessing coercive measures being used against their parents or other persons in cases where the families have been removed along with other forced returnees. The Commission also expressed its criticism on more than one occasion of the fact that children are used as interpreters for their parents during the removals. Forced returns can gener-

¹³ See SEM, *Asylum applications by unaccompanied minors, statistics/comparison table for 2019 to 2021*, 10 March 2022 (in German).

¹⁴ See the summary of the report on forced return monitoring from April 2020–March 2021. The April–December 2021 report will be published in summer 2022.

ally have serious consequences for the children's psychological development.

Between May and August, the Commission visited the return centres in Aarwangen, Biel and Gampelen in the canton of Bern. These return centres are home to persons with a legally binding removal order. The Security Directorate of the Canton of Bern had tasked the NCPT for the first time with inspecting these centres for their compliance with fundamental and human rights, focusing on the situation of children. The canton's decision referred to the experience that the Commission had gained from its review of the federal asylum centres. The Commission published its report alongside the comment of the canton of Bern in February 2022.¹⁵

The Commission particularly highlighted the difficult situation facing children, young people and their families. The Commission found critical issues not only in the cramped conditions – i.e. the fact that children often sleep, eat, play and also do homework in the same room – but also the outdated infrastructure. The situation was judged to be inhumane for children and their families. The centres were generally insufficiently oriented towards the needs of children, despite the fact that they sometimes made up almost one third of residents. The Commission concluded that the conditions violate children's rights under the UN Convention on the Rights of the Child: the right to adequate living conditions (Article 27), and their right to rest and leisure, as well as play and recreational opportunities appropriate to their age (Article 31).

As a national monitoring body, the NCPT hopes that the good as well as the problematic practices identified during these visits in the canton of Bern will receive the necessary attention in Switzerland and thus contribute to any changes necessary in other cantons.

d. Additional thematic focus areas

In the year under review the Commission also conducted numerous visits that focused on the provision of health care in detention facilities. The following chapter provides detailed information on the visits as well as the Commission's findings and recommendations, which were also sum-

¹⁵ See the NCPT report on return centres of May–August 2021.

marised and published in the second final report on health care in detention (2019–2021).¹⁶

Starting in summer, the Commission expanded the focus of its visits to detention facilities to include participation in medical care costs as well as a review of measures taken in custodial facilities to restrict movement during an epidemic or the COVID-19 pandemic.

The Commission also worked on individual cases relevant to fundamental and human rights and held various meetings with the relevant authorities.

1.2 Strategic development

The Commission set up various internal working groups on specific topics in order to prepare for the discussion of the 2022–2025 strategy. The Commission engaged more deeply with the concept of torture at a two-day retreat in September. The Commission also reviewed the status of its work monitoring forced return flights and specifically considered whether it wanted to continue dealing with this difficult area. Observing police stops and escorts and spending time on special flights are lonely tasks that can be emotionally taxing. The Commission's core task is to review the treatment of returnees with respect to the relevant international standards and national provisions. It cannot influence planned returns to destination countries or the selection of persons. For example, there has been some unease in the Commission over the removal of persons with somatic and/or mental illnesses, which in some cases are severe. The Commission is aware of the scope and limits of its mission. Nevertheless, it has concluded that its findings and recommendations, as well as its regular dialogue with relevant stakeholders, have contributed to a better handling during the removal. Compliance with relevant international standards is improving, although there is still room for further improvement.

¹⁶ See press release of 17 February 2022: National Commission for the Prevention of Torture overall report on the national review of health care in detention (2019–2021) (Final report on health care 2019–2021), available in German at: [Final report on health care 2019–2021](#).

Monitoring activities

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Due to the ongoing pandemic, most of the visits in the reporting year were still announced in advance. Every visit, whether or not it is pre-announced, complicates the orderly running of a facility or centre. The Commission would like to thank management and staff for their flexibility.

The visits generally went smoothly: management and staff received the visiting delegations in a friendly and professional manner, and the requested documentation was provided in full.

The Commission would also like to thank the people it visited in detention, in the centres, psychiatric wards and in retirement and nursing homes for their trust in the Commission and the open and interesting discussions that formed such an important part of the visits.

2.1 Overview of monitoring activities

In the year under review, the NCPT carried out a total of 30 inspection visits to facilities in which measures are taken involving the deprivation or restriction of a person's liberty. During these visits, it reviewed practices pertaining to the relevant provisions of criminal procedure, criminal law, civil law and asylum and immigration law.

The Commission inspected five facilities for the enforcement of deprivation of liberty measures under criminal procedural law, two institutions for the enforcement of sentences and measures, ten federal asylum centres, three return centres, two facilities for the retirement and nursing homes, and one psychiatric facility. In January and February, the Commission also visited the Solothurn detention facility and the La Sylvabelle facility one time each, focusing on indefinite carceration. The Commission visited the Pöschwies correctional facility in relation to an individual case.

Following the inspection visits, the Commission also conducted six feedback meetings to provide oral explanations of its findings and recommendations to those responsible. These meetings allow the Commission to engage in a dialogue with the competent authorities in order to make its recommendations more comprehensible.

In addition, the Commission accompanied a total of 44 forced return flights and 59 airport transfers under police escort¹⁷ from 16 different cantons. All forced returns that the Commission accompanied were at enforcement level 4.¹⁸ Twenty-two returns were carried out under the Dublin Association Agreement (DAA).¹⁹ Seven returns were group flights organised jointly with the EU. In 11 cases, the Commission requested written comments from the authorities to clarify the police interventions it had observed. The Commission also accompanied 13 transfers as part of returns at enforcement levels 2 and 3.

2.2 Inspection visits

The Commission's inspection visits involve monitoring living conditions and examining the treatment of detainees from the perspective of quality and fundamental and human rights. 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 the consent of the affected person, 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.²⁰

¹⁷ Arrangements made to pick up one or more persons at their places of stay and accompany them to the airport.

¹⁸ 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.

¹⁹ Agreement of 26 October 2004 between the Swiss Confederation and the European Community on the criteria and procedure for determining the State responsible for examining an application for asylum lodged in a member state or in Switzerland, 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.

²⁰ The reports and comments of the past year are available from the NCPT website: www.nkvf.admin.ch.

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.

a. **Health care monitoring**

i. **Delémont Prison²¹**

During its January visit to the facility in Delémont, the Commission was of the opinion that it should be considered for closure due to its small size and its infrastructure. Pending closure, the Commission recommended limiting the maximum length of stay to one month and improving conditions through measures such as providing improved ventilation and daylight in the cells. The detainees should also be shielded from observation by third parties in the exercise yard and have access to other sporting activities. During its visit in January, the Commission welcomed that pre-trial detainees were able to extend their walk beyond one hour and that cells remained open for an additional hour each day in order for detainees to shower or clean their cells. The Commission nevertheless recommended that additional measures be taken to reduce cell confinement to less than 20 hours. The Commission also expressed the opinion that the facility should no longer accept women, minors or persons in administrative detention, as they are placed in single cells in the basement of the building due to the separation principle, which can be equivalent to solitary confinement. In addition, imprisoned women do not have access to work or leisure opportunities. The Commission recommended that the facility consider introducing identification tags for correctional staff and that partitions be dispensed with during visits as much as possible.

The Commission recommended a health care service supplied with adequate equipment and staff to support the external doctor and issued a reminder that medication must always be dispensed by medical professionals. In addition, health care professionals should conduct a systematic medical interview with new entrants to the facility within 24 hours of their admission.

²¹ Feedback report: NCPT visit to Delémont Prison of 21 January 2021 focussing on health care (report only available in French).

ii. Detention Facility and Appenzell Ausserrhoden Cantonal Prison²²

During its follow-up visit²³ to the Gmünden Detention Facility and the Appenzell Ausserrhoden Cantonal Prison in March, the Commission found that the Epidemic Ordinance²⁴ requirements had largely been implemented. The Commission particularly welcomed the implementation of its recommendation regarding the medical interview upon admission, which a health care professional now conducts within 24 hours by means of a comprehensive admissions form. Although the interview now systematically includes gender-specific questions, the Commission still recommends expanding the form to include questions regarding the timing of the most recent gynaecological examination, family situation and additional questions about reproductive health. The Commission welcomed the fact that it is possible to request a female or a male doctor for examinations and treatment. On the other hand, it expressed regret that female inmates are still charged for feminine hygiene items and issued a strong reminder that these products must be available in unlimited quantities and free of charge. Access must also be convenient and confidential. An annual gynaecological check-up should also be offered proactively.

The Commission received generally positive feedback on the special enforcement unit and took note of the efforts to offer a flexible, individualised care setting that would allow the admission of persons who are unable to cope in the normal structures of the correctional system. It did however suggest structuring this department more clearly and ensuring that detainees receive adequate physical and psychiatric care in accordance with their individual needs. It issued a reminder that a person must be transferred to a psychiatric facility or a special forensic unit when necessary. The Commission also recommended assessing the possibility of establishing a similar department for women in detention.

²² Feedback report: NCPT visit to Gmünden Correctional Facility and the Appenzell Ausserrhoden Cantonal Prison on 22 March 2021 focusing on health care (report only available in German).

²³ Previous visits took place on 20 February 2019 and 25 May 2011.

²⁴ Art. 30 Ordinance on the Control of Communicable Diseases in Humans of 29 April 2015 (Epidemics Ordinance, EpidO), SR 818.101.1.

iii. Zug Prison²⁵

During its visit to Zug Prison in April, the Commission rated the material conditions of detention as generally good. The Commission issued a reminder that detainees have a fundamental right to take a walk, and that even during the COVID-19 pandemic a walk of at least one hour must be allowed every day. Persons entering the facility were housed in the multi-functional cells, which offer no leisure opportunities or distractions. These cells were also used for disciplinary detentions and security measures. The Commission recommended making a clear distinction between the different uses and equipping the cells accordingly. The Commission rated the detention regime for male detainees as good, although the lack of leisure opportunities for detained women and juveniles is problematic. The Commission also suggested that the facility should not be used to house persons in administrative detention under the Foreign Nationals and Integration Act. It also recommended that body searches be conducted consistently in two stages. The Commission welcomed the fact that the use of Skype introduced during the COVID-19 pandemic had been maintained, but recommended that the use of partitions during visits should be avoided whenever possible. The care of detainees at night, which is provided by Securitas staff, should also be reconsidered.

In the Commission's view, the possibility of establishing an internal health service should be examined in order to implement the recommendations on health care, such as introducing an admission assessment that is carried out within 24 hours, dispensing of medication by health care professionals and systematically informing detainees about communicable diseases.

iv. St Gallen Prison and St Gallen Cantonal Remand Prison²⁶

During its follow-up visit to the St Gallen Prison and the St Gallen Cantonal Remand Prison in May, the Commission found that previous recommendations²⁷ had been partially implemented. In view of the outdated

²⁵ Feedback report: NCPT visit to Zug Prison on 27 April 2021 focusing on health care (report only available in German).

²⁶ Feedback report: NCPT visit to the St Gallen Prison and the St Gallen Cantonal Remand Prison on 17 May 2021 focusing on health care (report only available in German).

²⁷ Report to the St Gallen Cantonal Council concerning the visit of the National Commission for the Prevention of Torture to the Cantonal Remand Prison and the St Gallen Prison of 24 May 2011 (report only available in German).

infrastructure of the historic building and the canton's intention to build a new remand prison, the Commission supported the planned closure of the two prisons. The Commission recommended limiting the maximum length of stay to one month in the interim. It suggested reducing cell confinement times and, given the lack of work and leisure opportunities, relaxing the detention regime. As showers were only allowed twice a week, the Commission issued a reminder of the need to provide daily shower access, especially for detainees who are menstruating. It welcomed the fact that disciplinary detentions and security measures are clearly separated, but criticised the sparse cells in the St Gallen Prison where they are carried out.

The Commission recommended that consideration be given to establishing a health service for both prisons with adequate infrastructure and staffing and that gynaecological and psychiatric care be ensured. Detainees are sometimes transported publicly to nearby buildings of the cantonal police on foot and in restraints. The Commission therefore recommended introducing more discreet forms of transport with greater privacy. In view of the restrictive visitation rules (which also apply to children) and the lack of telephone facilities, the Commission issued a reminder that contact with relatives and others must be ensured.

v. Fribourg Detention Centre, Bellechasse²⁸

During its follow-up visit to the Fribourg Detention Centre, Bellechasse in November, the Commission noted that its previous recommendations had only been partially implemented.²⁹ It again recommended limiting disciplinary detention to a maximum of 14 days. There was also room for improvement in security measures: the affected parties did receive oral information about the measures, but the written information was only provided afterwards. The Commission once again recommended that security measures be clearly regulated and that they are ordered before or while they are implemented. Measures should be kept as brief as possible, and the person affected is to be relocated to a facility appropriate to the measure as quickly as possible. Until that time, the health service must be

²⁸ Feedback report: NCPT visit to the Fribourg Detention Centre, Bellechasse on 9 November 2021 focussing on health care (not yet published at the time of the activity report's publication; report will only be available in French).

²⁹ Report to the Fribourg Cantonal Council concerning the National Commission for the Prevention of Torture visit to the Bellechasse facility of 9 and 10 May 2017 (report only available in French).

informed immediately, in order that the affected person can receive medical and psychiatric care. Otherwise the Commission had a very positive overall impression of the health care service, particularly the fact that the service is easily accessible, regularly available and free of charge. Detainees share in the costs of further treatment, and in the case of persons who are not insured, the referring canton will be informed so that the costs can be covered. The Commission was pleased to note that detainees have been kept informed since the start of the pandemic about any measures that have been taken. During the pandemic, the measures restricting freedom of movement have included isolation and quarantine, when persons were only allowed to shower, take walks together or use the telephone for one hour and received 80 per cent of their wages. Particularly vulnerable persons were housed separately at the start of the pandemic. Although this group was allowed to exercise together and use the telephone on a daily basis, the Commission issued a reminder that all measures restricting freedom of movement are to be appropriate to the circumstances and of a limited duration. The Commission welcomed the fact that contact with the outside world was maintained during the pandemic, in particular through visits and increased telephone opportunities (including videoconferencing).

vi. Thun Regional Prison³⁰

When visiting the Thun Regional Prison in December, the Commission welcomed the new structure of the juvenile unit. It was pleased to see that various recommendations had been implemented since its last visit in 2014.³¹ Female detainees are no longer placed there for an extended period, mentally ill persons are no longer sent there from specialist psychiatric facilities, and body searches are conducted in two stages. The facility has already provided accommodation for three transgender juveniles since the juvenile unit has been restructured. In order to ensure their safety, they were never left alone with other young people unsupervised. The Commission also recommended that measures be put in place to allow juveniles to stay in the juvenile unit despite the possibility of collusion. This would avoid solitary confinement. Although the Commission was pleased

³⁰ Feedback report: NCPT visit to Thun Regional Prison of 2 December 2021 focussing on health care (not yet published at the time of the activity report's publication; report will only be available in German).

³¹ Report to the Bern Cantonal Council concerning the National Commission for the Prevention of Torture's visit to Thun Regional Prison on 27 and 28 January 2014 (report only available in German).

to see that the care and detention regime were different for juveniles and adults, the practice of housing juveniles in civil detention in prison was classed as critical due to the inescapable prison-like character of the facility.

The provision of health care on the other hand was found to be generally good: the facility maintains an adequately equipped internal health service and carries out systematic exams upon admission, while health care professionals provide medicines consistently. As a remand prison, the Thun Regional Prison has a high turnover rate. Quarantine and various protection measures were handled consistently. The Commission recommended providing detainees with information on the symptoms and routes of transmission of COVID-19 as well as hygiene measures. The information should be provided regularly, and it should be both easy to access and in a language that detainees understand.

b. Inspection visits to police stations

i. Canton of Ticino³²

The Commission visited police stations in Lugano, Camorino and Mendrisio. The police station in Lugano was the cantonal headquarters at the time of the visit. The police station in Mendrisio, which had recently been built, was not yet fully operational. The police station in Camorino uses holding cells to detain persons before they are transferred to Lugano. The cell wings in the Lugano and Mendrisio police stations have police units exclusively responsible for the care of detainees.

The Commission regarded this division of duties positively, as it enabled a more professional care for detainees. It assessed the material conditions of detention at the Lugano police station as adequate, despite the ageing premises, although the use of the car park as an exercise yard was considered problematic. It recommended that an exercise yard be created in Mendrisio. The Commission saw room for improvement in the provision of health care, for example by creating a suicide prevention strategy and providing regular training opportunities for staff in this area. Transport

³² Report to the Ticino Cantonal Council concerning the National Commission for the Prevention of Torture's visit to the Lugano, Camorino and Mendrisio police stations on 3 and 4 March 2021 (report only available in French).

conditions in cell vehicles were judged to be unacceptable, particularly due to the cramped spaces and lack of an alarm system, while the systematic use of restraints during transport was deemed inappropriate. The Commission's recommendation was not to use restraints when using a cell transporter to transport detainees. And finally, it recommended that police officers at least display their ID number clearly on the outside of their uniforms.

ii. Canton of Aargau³³

The Commission visited several police stations in the canton of Aargau in June, and welcomed the fact that body searches were performed by staff of the same gender when possible. Transgender persons were asked about their preferences regarding the gender of the person who would do the search. Although the management figures who were interviewed showed an awareness of the major challenges involved in detaining vulnerable persons, the Commission nevertheless recommended drafting guidelines or expanding existing documentation on women, juveniles and LGBTIQ+ persons. There was also potential for improvement in transporting detainees, for example installing intercom systems and assessing the need for restraints on a case-by-case basis. The canton of Aargau does not yet have an independent complaints office to investigate current and former detainees' reports of racist incidents or the disproportionate use of force by the police. The Commission recommended that the competent authority in the canton of Aargau create an office of this kind.³⁴

In the area of health care provision, the Commission recommended that the Aargau Cantonal Police raise awareness among staff members of issues such as the shock of confinement, suicide risk, suicide prevention and the duty of care that the police have to the persons in their custody. These topics should be integrated into training and continuing education. A name tag or generic tag (department name) can be put on the new uniforms. The Commission understands the need for anonymity in certain situations, but did recommend that staff members at least wear a clearly

³³ Report to the Aargau Cantonal Council concerning the National Commission for the Prevention of Torture visit to the Aarau Telli Police Command and the Aarau Amtshaus and Schafisheim police stations on 2 June 2021 (report only be available in German).

³⁴ The establishment of such an office is currently debated in the cantonal parliament.

visible identification number on their uniforms (except during special operations).

iii. Canton of Valais³⁵

The Commission noted during its June visit to police stations in the canton of Valais (and saw first-hand in Sitten and Martigny) that the cantonal police do not have cells for detention or holding cells. Detainees are housed at the Les Iles Prison in Sitten or at the Brig Regional Prison. When juveniles are arrested, they are taken to Pramont, a secure educational facility for young offenders. The Commission also visited the regional police stations in Sitten and Siders as well as the Martigny and Visp communal police stations. These stations have sobering-up cells, and a doctor can be called if the person wishes. However, it is the involved police officers who must assess the person's state of health. Depending on their condition and/or blood alcohol level, the person will either be detained or examined by a doctor in order to determine whether they are fit for detention. The Commission issued a reminder that the police must look after the health of detainees. In other words, they must try to prevent any deterioration in the person's psychological or somatic health and involve health care services when necessary.

Transport of detained persons is mainly carried out by Securitas AG, a private security company, except in cases where a person poses a public safety risk. The Commission sees this as a problematic practice and recommended that it be reviewed. Furthermore, the Commission views the conditions in the Securitas AG transporter as unacceptable, and recommended here as well that an identification number be worn visibly on uniforms.

iv. Canton of Lucerne³⁶

In September the Commission visited the Lucerne Police central detention facility and the Kriens police station. The Commission concluded that

³⁵ Report to the Valais Cantonal Council concerning the National Council for the Prevention of Torture's visit to the Martigny and Sion cantonal police stations on 24 and 25 June 2021 (not yet published at the time of the activity report's publication; report will only be available in French).

³⁶ Report to the Lucerne Cantonal Council by the National Commission for the Prevention of Torture about its visit to the Lucerne Police Command and the Kriens police station on 23 September 2021 (report only available in German).

an awareness existed about the possibility of racist behaviour in police work. With respect to body searches carried out on LGBTIQ+ people, the Commission welcomed the fact that those being searched were allowed to choose the gender of the person doing the search. Detained transgender people are held in accordance with their gender identity. Regarding transport, the Commission criticised the lack of an intercom system and the fact that all persons are restrained. The security considerations that would lead the police to use restraints are understandable, but the competent authorities in Lucerne are encouraged to modify their guidelines and practices when it comes to deciding whether and how to restrain detainees. Restraints should be used only after carrying out an individualised risk assessment. With respect to procedural guarantees, the Commission recommended that minors always have a lawyer present when they are questioned, as well as a confidant if they request one. The Commission noted that video recordings are made only when interviewing children (particularly when they are victims) or when interviewing witnesses of serious offences as part of a criminal investigation. From the Commission's point of view, all interviews should be recorded (audio and video) in order to document the interview process completely from beginning to end. Finally, the Commission welcomed the clear and systematic regulations of the Lucerne Cantonal Police for verifying a person's fitness to withstand detention, citing it as best practice.

v. Canton of Graubünden³⁷

The Commission noted during its October visit that it was often the younger police officers who were most knowledgeable about fundamental and human rights. They were familiar with two-stage body searches and were conscious of the unique issues related to detaining LGBTIQ+ persons, women and minors. In this area the NCPT recommended measures such as respecting LGBTIQ+ persons' right to self-determination regarding gender identity during body searches: the stated wish of the person affected takes precedence over what is recorded in their identity documents. Room for improvement also exists with respect to the vehicles used to transport detainees. The Commission recommended that cells be

³⁷ Report to the Graubünden Cantonal Council by the National Commission for the Prevention of Torture about its visit to the Chur Police Command, the Chur search unit, the Davos and Landquart police stations and Criminal Investigation Unit branch offices, the police stations in Flims and Thusis and the roads policing unit in Thusis of 5 to 6 October (not yet published at the time of the activity report's publication; report will only be available in German).

fitted with automatic intercom systems, and that vulnerable persons and minors generally be transported using other police vehicles. The practice of systematically restraining persons during transport and the requirement of wearing a standard tracksuit were viewed by the Commission as problematic. It recommended that in principle all detainees be allowed to wear their own clothing. Regarding health care provision, while it is true that the public medical officer examines fitness to withstand detention, it is the responsibility of the relevant police staff to assess the person and decide whether to contact the public medical officer. The Commission would encourage more systematic and detailed guidelines on examinations of fitness for detention.

c. **Facilities for enforcing restriction of liberty measures under civil law**

i. **Malévoz Psychiatric Hospital³⁸ and St Amé Clinic (geriatric psychiatry department)**

When visiting the Malévoz site in November, the Commission welcomed the large green spaces available to patients. The architecture and infrastructure of the wards, on the other hand, were viewed as outdated. The Commission saw it as positive that restraints and isolation have not been employed at the hospital for several years, but the use of hospital gowns was considered highly problematic. It saw the possibility to make improvements in drafting treatment plans and recording measures that restrict freedom of movement, such as sensor mats, bed rails and pagers. The Commission also criticised the fact that minors can be placed in units for adults because the facility does not have a specialist unit for them. It finds that placing minors in adult accommodation is inappropriate in light of their vulnerability, and it calls on the competent authorities to implement measures to guarantee appropriate accommodation for minors. The use of private security staff to monitor patients should also be reconsidered, or at the very least the concept should be more clearly defined.

³⁸ Report to the Valais Cantonal Council concerning the visit by the National Commission for the Prevention of Torture to the Malévoz Psychiatric Hospital and the St. Amé Clinic of 16 and 17 November 2021 (report only available in French).

ii. Retirement and nursing homes

As described above, in autumn the Commission visited the Senevita Lindenbaum retirement and nursing home in Spreitenbach (AG) and the Maison de Vessy nursing home in Geneva (GE). The Commission must still hold feedback meetings with the facility management to discuss the observations and findings of the visit. Both inspection reports as well as the comment from the competent cantonal authorities are expected to be published in summer 2022.

d. Facilities for administrative detention under the Foreign Nationals and Integration Act

i. Federal asylum centres (FACs)

The Commission visited three federal asylum centres (FACs) with processing facilities during the past year: the Altstetten FAC, the Basel FAC (including the Reinach FAC for unaccompanied minor asylum seekers) and the Boudry FAC. It also visited four FACs without processing facilities: Embrach FAC, Glauenberg FAC, Giffers FAC and Vallorbe FAC. Lastly there were visits to the Sulgen Temporary FAC and the Les Verrières Special Centre. The Commission's observations and findings from these visits will be incorporated into the final report on monitoring federal asylum centres, which is to be published in early 2023. The Commission is in regular contact with SEM and consistently provides information (also in advance of its reports being published) on possible abuses.

ii. Canton of Bern return centres

From May to August the Commission made five visits to the three permanent return centres in the canton of Bern: Aarwangen, Biel and Gampele. It reviewed the location and infrastructure of the centres, everyday emergency assistance practices and residents' daily routines, as well as their access to basic medical and psychiatric care. The Commission focused on the situation of children and juveniles.

2.3 Opinion on Article 72 of the Foreign Nationals and Integration Act (FNIA)

In July the Commission published an opinion on the planned legislative amendment of the Foreign Nationals and Integration Act (FNIA) relating to compulsory COVID-19 testing as part of forced return flights.³⁹ The preliminary draft of Article 72 FNIA will enable the competent authorities to carry out COVID-19 testing against a person's will in order to enforce their deportation. In the view of the Commission, compulsory COVID-19 testing is a serious violation of bodily integrity that risks somatic and psychological damage to the affected person should they physically resist the test. The Commission is therefore of the opinion that compulsory COVID-19 testing is a disproportionate intervention. The preliminary draft did not set a minimum age for compulsory testing. The Commission further stated that children may not be subjected to compulsory measures under any circumstances during returns, and this includes COVID-19 testing. Neither the legal provisions nor the Federal Council's explanatory report provided information on who would carry out these tests; it was only stated that the tests should not be carried out when 'specially trained staff' believe that the test could endanger the health of the affected person. In its opinion paper the Commission stated that only specialists in the health care sector (doctors or nurses) are capable of judging whether the test could endanger a person's health. In addition, these health care specialists must be independent of the authorities, in order that they can provide care without coming under any kind of pressure from the authorities. The Commission pointed out that the right of patients to self-determination is a fundamental principle of medical ethics and doctors can proceed without patient consent only in emergencies. These requirements were not met in the preliminary draft of Article 72. Two aspects of the version of Article 72 currently in force were amended after the preliminary draft. First, compulsory COVID-19 testing may not be carried out on children younger than 15.⁴⁰ Secondly, tests must now be carried out by 'medical personnel who have been specifically trained for the purpose'.⁴¹ Nevertheless, this does not resolve the ethical issue for health care specialists regarding the violation of a patient's right to self-determination.

³⁹ NCPT opinion on COVID-19 testing as part of forced return flights of 7 July, available at: [Opinions \(admin.ch\)](#) (opinion only available in French).

⁴⁰ Art. 72 para. 3 FNIA.

⁴¹ Art. 72 para. 4 FNIA.

Other contacts and activities

3

As described above, the Commission expanded its areas of activity in the past year to include visits to police stations and retirement and nursing homes. While conducting these visits, the Commission informed the relevant experts at these institutions about its core mandate, thematic focus areas and methodology.

Measures to contain the pandemic – especially physical distancing rules – again prevented the Commission from holding the Forum on Migration. The forum thrives on open and direct discussions between all participants, so organisers decided for the second consecutive year not to hold a virtual event.

3.1 Contacts with federal authorities

a. Federal Department of Justice and Police (FDJP)

The Commission continued its meetings with representatives of the FDJP General Secretariat during the reporting year. In March, the Commission met with the FDJP General Secretariat and representatives of the Federal Office of Justice (FOJ) and the Federal Department of Foreign Affairs (FDFA) to discuss the selection procedure for new Commission members. All participants viewed the Commission chair's involvement in interviews as a positive development. Nevertheless, the Commission cannot directly influence which candidates are proposed to the Federal Council for selection.

In the spring the GS-FDJP approved the Commission's request to increase the Commission Secretariat's budget so that inspection visits to social care institutions could be arranged. The Secretariat received funding for a research associate position from 2022 to 2024.⁴² The Commission was able to conduct its first visits in this thematic focus area in the year under review. The Commission would like to thank the GS-FDJP for this additional funding, which has allowed it to expand its monitoring activities.

⁴² The SPT had already requested the staffing increase. See the 2020 activity report, Chapter 1.2 Strategic development.

The Commission was in regular contact with the State Secretary for Migration (SEM) Asylum Directorate as part of its visits to federal asylum centres and talks with SEM representatives. In September the Commission discussed the findings and recommendations it had made within the context of its federal asylum centre monitoring activities. The care of unaccompanied minor asylum seekers and the implementation of the violence prevention concept formed the focus of these discussions. The Secretariat was also in regular contact with the SEM International Affairs Directorate, in particular the Return Division, as part of its monitoring of forced return flights.

b. Federal Department of Home Affairs (FDHA)

The Commission was in contact with the Federal Office of Public Health (FOPH), in particular the Communicable Diseases Division, in connection with visits it made to monitor the provision of health care in detention. They discussed the Commission's final findings and the related recommendations. The Commission's second final report on this topic was published in February 2022.⁴³

c. Federal Department of Foreign Affairs (FDFA)

In June, a meeting was held with the head of the FDFA's Human Rights Diplomacy Section and her staff. She described Switzerland's commitment to the global fight against torture and the Department's action plan in this area. The FDFA enquired whether the Commission might be able to provide support during other NPMs' visits to Switzerland, while the Commission took advantage of the opportunity to bring up certain challenges it faces in connection with the selection procedure for new Commission members as well as with ongoing budget issues. This dialogue will be conducted more regularly in future.

⁴³ See final report on health care 2019–2021.

3.2 Contacts with cantonal and other authorities

a. Intercantonal correctional services associations⁴⁴

In autumn the Commission chair and the head of the Commission Secretariat were invited to the meetings of the three intercantonal correctional services associations: the Eastern Switzerland Correctional Services Association (OSK⁴⁵), the Northwest and Central Switzerland Correctional Services Association (NWI⁴⁶) and the Association of Directors of Departments of Police and Justice of French and Italian-speaking Switzerland (CLCDJ⁴⁷). The NCPT delegation presented the most important observations it had made following visits and meetings relating to detention in Switzerland, along with selected recommendations. A Commission delegation had previously spoken with experts at a meeting of the NWI association working group on conditions of detention in indefinite incarceration.

b. Coordination Conference on Correctional Services

In October the Commission chair and the head of the Commission Secretariat also continued their dialogue with the Coordination Conference on Correctional Services and presented their current priority topics in the area of correctional services. The Coordination Conference pointed out the repetition and intensification of certain recommendations in the second final report on health care provision⁴⁸ and questioned the use of soft law instruments. This feedback will help the Commission to prioritise its recommendations, which in turn should help to improve implementation.

c. Conference of Cantonal Police Commanders of Switzerland (CCPCS)

A Commission delegation met with the chair and other representatives of the Conference of Cantonal Police Commanders of Switzerland (CCPCS) in April. The meeting was set up to discuss the upcoming publi-

⁴⁴ Konkordate Justizvollzug.

⁴⁵ Ostschweizer Vollzugskonkordat.

⁴⁶ Strafvollzugskonkordat Nordwest- und Innerschweiz.

⁴⁷ Conférence latine des chefs de départements de justice et de police.

⁴⁸ See final report on health care 2019–2021.

cation of the Commission's report summarising its observations and recommendations regarding forced return flights as well as the Commission's announcement that it was preparing for visits to police stations in various cantons. The Commission recommended that restraints not be used systematically for transports to medical facilities or consultations, but should rather be considered on a case-by-case basis. Representatives of the Bern Cantonal Police demonstrated a transport belt for the Commission. These belts have been designed for use in forced returns and are regularly used as restraints.

d. Dialogue with the Return and Removal Committee

The Commission met with the FDJP's Return and Removal Committee in May.⁴⁹ Participants discussed the Commission's observations and recommendations in relation to forced returns by air. These are summarised in an annual report.⁵⁰ During the reporting year, the Commission regularly contacted representatives of the Return and Removal Committee to obtain clarification of individual facts in observed returns at enforcement levels 2, 3 and 4.

e. Health Care Provision Working Group

In June, another online meeting was held of the broad-based working group that has been providing technical support to the health care provision project since its inception. The meeting was intended as an opportunity for in-depth discussion with people working in the field regarding the observations and recommendations made in the second final report on the provision of health care in detention (2019–2021).⁵¹ This report continued on from the observations of the first final report (2018–2019), with a focus on psychiatric care, gender-specific health care provision and the implementation of Epidemic Ordinance requirements.⁵² The Commission welcomed the practical knowledge that the experts contributed to the discussion.

⁴⁹ The head of the FDJP has established a commission of experts on forced returns and removals to comment on the reports.

⁵⁰ See the summary of the report on forced return monitoring from April 2020 – March 2021.

⁵¹ See final report on health care 2019–2021.

⁵² Art. 30 Epidemics Ordinance.

f. **Federal Commission on Migration (FCM)**

The Commission chair and the head of the Secretariat held a bilateral discussion with the Federal Commission on Migration (FCM) chair and the head of its Secretariat in September. The meeting was held in connection with the Commission's review of the situation of children in return centres in the canton of Bern. Both commissions also presented an overview of their current focus areas and priorities. This exchange was very valuable. Several areas of common interest were identified and both sides agreed to regular exchanges of this kind. The Commission chair attended the FCM annual conference in November. The conference was themed around the question, 'Switzerland: Do all members of society have (equal) opportunities?'

g. **Swiss Competence Centre for the Execution of Criminal Penalties**

The Commission chair participated in a conference held by the Competence Centre for the Execution of Criminal Penalties, entitled 'Education changes'. As part of a panel discussion on 'Detainees, interventions, supervision', she spoke about the human rights requirements when using trained intervention teams to maintain order and security in detention facilities. The Commission also had contact with representatives of the competence centre when Commission members participated in meetings of the Swiss Competence Centre for the Execution of Criminal Penalties.

h. **Police training**

At training courses for police escorts in Geneva and Kreuzlingen, the Commission presented its methodology and procedures when accompanying forced return flights.

In October, the Commission received its first invitation to attend the annual training sessions for team leaders from the cantonal police agencies' forced return flight teams. These exchanges proved to be useful in allowing in-depth discussion of the Commission's observations and recommendations in this area.

3.3 Other organisations

In February the Commission chair and head of the Secretariat met with representatives of two professional associations: Curaviva (retirement and nursing homes) and Insos (services for people with disabilities). These meetings took place in connection with the announcement and preparation of the Commission's inspection visits to social institutions – initially to retirement and nursing homes and later to facilities for persons with physical disabilities and psychological impairment. Curaviva published an interview with the Commission chair in the November issue of its magazine in which she provided comprehensive information on the NCPT's core mandate, methodology and thematic focus areas.

The Commission also cultivated connections with religious and volunteer organisations, particularly with respect to monitoring the situation of children in the canton of Bern's return centres.

Members of the Commission gave online talks as part of the psychiatry congress in Basel in September, presenting the methodology and process of their inspections of psychiatric institutions.

In November the Commission participated in a conference on women in detention, organised by the University of Geneva.

In her capacity as a member of the Advisory Board of the Swiss Centre of Expertise in Human Rights (SCHR), the Commission chair attended its board meetings.

3.4 International contacts

a. Visit by the European Committee for the Prevention of Torture (CPT)

The European Committee for the Prevention of Torture (CPT) visited Switzerland for the seventh time, from 22 March to 1 April. The Commission held online meetings with the CPT visiting delegation in the run-up to the visit. Discussion topics included measures to fight the COVID-19 pandemic and their impact on the situation of persons in detention, general trends in executing sentences and measures and in police detention, and

coercive measures in psychiatric institutions. This exchange allowed the Commission to inform the CPT about potential problems. At the end of the CPT visit, the chair represented the Commission at the concluding meeting.

b. Participation in the World Health Organisation side event on health in prisons

The chair gave a presentation at a side event – Health in prisons: addressing the public health gap to ensure that no one is left behind – organised as part of the 71st session of the WHO Regional Committee for Europe in September. Speaking from her own experience, the chair explained how NPMs can support significant improvements to the provision of health care in detention facilities.

c. Dialogue with National Preventive Mechanisms

A delegation of the chair and the head of the Secretariat met in Berlin in November for a two-day meeting with the Commission's German and Austrian partner organisations. Priority areas for this year's annual meeting included the three NPMs' work practices during the COVID-19 pandemic, current challenges in forensic psychiatry and the progress, limits and best practices that have emerged from their ten years of experience.

d. European Border and Coast Guard Agency (Frontex)

As part of the Forced Return Monitoring III project, the International Centre for Migration Policy Development (ICMPD) invited the Commission to participate in its annual online discussion of learnings related to forced returns. The two-day exchange focused on the use of violence and coercive measures (risk assessment, communication, use of various measures and de-escalation) as well as monitoring forced returns during the pandemic. The Commission was unable to participate in the project's concluding conference in Ankara in December due to insufficient funding.

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.

Current members of the Commission:

- Regula Mader, Chair
- Corinne Devaud-Cornaz, Vice Chair (since April)
- Leo Näf, Vice Chair
- Maurizio Albisetti Bernasconi
- Daniel Bolomey
- Martina Caroni (since September)
- Philippe Gutmann
- Hanspeter Kiener
- Ursula Klopstein
- Thomas Maier
- Helena Neidhart
- Esther Omlin (until February)
- 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 2021 these observers were:

- Jean-Sébastien Blanc
- Dieter von Blarer
- Joseph Germann
- Magdalena Urrejola

4.3 Secretariat

The Secretariat is responsible for the operational planning and organisation of the Commission's monitoring activities. It handles the organisational and preparatory details of the NCPT's inspection and follow-up visits and prepares 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 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 has six employees filling the equivalent of 4.4 full-time positions, and a graduate intern. The Secretariat is comprised of:

- Livia Hadorn, Head of Secretariat
- Alexandra Kossin, Deputy Head of Secretariat and Research Associate for Monitoring Social Institutions (since November)
- Lukas Heim, Research Associate for Monitoring Federal Asylum Centres
- Tsedön Khangsar, Research Associate for Monitoring Health care Provision in Detention
- Simone Lerch, Administrative Assistant
- Philippe Panizzon, Research Associate for Monitoring Returns (since November)
- Rahel Brunschwiler, graduate intern (until June) and Research Associate (July–August)
- Charlotte Kürten, graduate intern (since July)

4.4 Budget

The Commission's overall budget in 2021 was CHF 1,113,413.

The mandate to inspect the cantonal return centres was funded separately by the canton of Bern.

