



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

2022



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Foreword by the Chair

Dear Reader

In April 2023, I took over the presidency of the National Commission for the Prevention of Torture (NCPT). Regula Mader had chaired the NCPT since the beginning of 2020 and left the Commission at the end of March 2023 to take up a new professional challenge. I would like to thank Regula Mader for her tireless and committed work in support of the Commission's goals. Taking over the presidency of the NCPT is an honour, a pleasure and a challenge for me at the same time. The work of the Commission will remain important in the coming years, because central problems of persons who are restricted or deprived of their liberty, which have been repeatedly criticised by the NCPT but also by the CPT or the SPT, can only be solved in the medium term and in dialogue between all those involved. I am thinking, for example, of the systemic overcrowding of prisons in some Swiss cantons or the psychiatric care of persons in detention.

In 2022, the NCPT added a new focus on retirement and nursing homes to its existing focus areas (health care monitoring in places of detention, police custody and migration). In 2022, we visited six retirement and nursing homes throughout Switzerland, paying particular attention to measures restricting freedom of movement of the residents. Since special questions arise during visits to retirement and nursing homes – for example with regard to hidden measures that restrict movement – the NCPT has ex-

changed information intensively with the Ombudsman Board in Austria (Volksanwaltschaft), which has been visiting retirement and nursing homes for several years. A delegation of the Commission also participated in a visit by the Ombudsman Board to a nursing home in Austria and gained valuable experience.

The Commission also published two thematic reports in 2022: report on the 2019–2021 study of health care provision during deprivation of liberty in Switzerland and the report on the fundamental-rights compatibility of the execution of indefinite incarceration in Switzerland from 2019 to 2021.

I would like to thank my colleagues in the Commission for their committed work and the factual and constructive discussions, even on controversial issues. I would also like to thank all the staff of the NCPT Secretariat for their dedicated, essential and professional support of the Commission's work. My thanks also go to all our dialogue partners at the federal level and in the cantons, who deal openly and constructively with the criticism and recommendations of the NCPT.



Martina Caroni
NCPT Chair

Annual review

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The reporting year marked the beginning of the 2022–2025 strategy period for the National Commission for the Prevention of Torture (NCPT). This period will include a focus on visits to retirement and nursing homes, which are now carried out on a regular basis, with a particular interest in the use of measures restricting freedom of movement. Since the summer, rising numbers of people seeking asylum have impacted the Commission's visits to federal asylum centres. The Commission further held five plenary meetings to discuss relevant issues and adopt visit reports.

1.1 Introductory remarks

This 2022 annual report of the National Commission for the Prevention of Torture (NCPT) summarises the Commission's major activities and publications last year. The Commission published two thematic reports: the report on the 2019–2021 study of health care provision during deprivation of liberty in Switzerland in February and the report on the fundamental-rights compatibility of the execution of indefinite incarceration in Switzerland from 2019 to 2021 in October. In September the annual report on the monitoring of forced return flights was published.

In 2022, the NCPT carried out regular visits to retirement and nursing homes (see chapter 2.5.2) as well as detention facilities and cantonal police stations (see chapters 2.3 and 2.4). Issues regarding immigration law were also in focus, with numerous visits to federal asylum centres and monitoring of forced return flights (see chapter 2.6). When visiting these very diverse facilities, the Commission remained focused on its core issue: measures depriving or restricting liberty.

There were five NCPT plenary meetings in 2022, and a working meeting was held in June. The new 2022–2025 strategy maintains the Commission's focus on measures depriving or restricting liberty as its central concern (Art. 2 of the federal act on the NCPT; available in German, French and Italian). In addition to its established core topics, the NCPT currently works on day-to-day matters regarding human rights and migration policy proposals.

1.2 2022–2025 strategy

The Commission adopted its 2022–2025 strategy in April. This document sets out the Commission’s core areas of activity, its strategic goals and the measures required to achieve these goals within the time available. The NCPT is working towards eliminating human rights abuses in Switzerland in connection with the situation of detainees or others whose liberty has been restricted. To this end, the Commission carries out inspections in the following areas:

- a. deprivation of liberty in criminal procedure, in particular stops and arrests by police
- b. deprivation of liberty under criminal law
- c. measures restricting liberty under immigration law, in particular regarding administrative detention under the Foreign Nationals and Integration Act (FNIA) and forced return flights
- d. the treatment of people in the migration system (federal asylum centres)
- e. the deprivation of liberty under civil law and measures restricting liberty in psychiatric institutions
- f. measures restricting freedom of movement in retirement and nursing homes.

Visits to retirement and nursing homes were added as a new core activity. The Commission can make a positive impact by formulating sector-specific recommendations on preventing violence and mistreatment, as well as on harmonising procedures to enact and document measures that limit freedom of movement, handling complaints and preventing violence.

In June, the Commission opened the new strategy period by taking a more in-depth look at current human rights issues. The working meeting was held in Geneva in order to benefit from the human rights organisations based in the area. The event began with a discussion with Professor Andrew Clapham on the history of human rights and current challenges in the field. Jean-Sébastien Blanc from the Swiss Competence Centre for the Execution of Criminal Penalties helped the Commission to expand its understanding of the vulnerability of LGBTIQ+ people and the challenges and conditions they face in custody. Finally, the Association for the Prevention of Torture (APT) presented the principles of effective interviewing. Formulated by UN Special Rapporteur on torture Juan E. Méndez – and thus also

known as the Méndez Principles – the guidelines aim to steer police interviews away from violence and coercion in favour of more efficient interviewing methods.

1.3 Thematic focus

a. Execution of indefinite incarceration in Switzerland

Begun in 2019, the comprehensive report on the execution of indefinite incarceration in Switzerland was completed in October and published as an assessment of the fundamental-rights compatibility of the execution of indefinite incarceration in Switzerland from 2019 to 2021 (Art. 64 Swiss Criminal Code, SCC). In connection with the report's publication, the NCPT gave a number of interviews elaborating its position on the execution of indefinite incarceration and detailing the actionable areas identified in the report. The Commission undertook its investigation of indefinite incarceration in order to show that the rights of people who are indefinitely incarcerated should only be limited to the extent necessary to protect the public (i. e. to prevent subsequent offences) and uphold prison rules. Indefinite incarceration is not penal in nature and must therefore be distinguished from the sentence of detention that the incarcerated person has already served before entering indefinite incarceration. The Commission is therefore of the opinion that the execution of indefinite incarceration must differ materially from that of sentences, and focus solely on securing the person concerned.

In its report, the Commission concludes that staff show sensitivity when interacting with indefinitely incarcerated people and try to make incarceration less restrictive than normal detention, despite the challenges posed by infrastructure and the incarceration system. Nevertheless, the Commission views it as essential that special facilities or units are created within existing facilities in order to align conditions with human rights standards and the basic concept of incarceration. Some of the detention facilities the Commission visited have already started or have planned projects in this area.

The execution of indefinite incarceration in Switzerland does not fully meet human rights standards in the opinion of the Commission, because there is (still) a general lack of required special units. This is largely a sys-

temic matter, as most people are housed in locked detention facilities while their incarceration is executed. These facilities make it impossible to create more relaxed conditions that are distinct from the execution of a sentence and reflect the purely precautionary nature of incarceration.

There were differences among cantons in how incarceration was executed, the Commission noted, for example in allowing the execution of a sentence to be relaxed or drawing up a sentence management plan. Cantonal differences are to be avoided in order to uphold fundamental rights. In the Commission's view, the need for action is particularly acute regarding the lack of individualised psychiatric reports and sentence management plans and the review of how incarceration is being executed. The report therefore emphasises the need for multidisciplinary approaches to risk assessment and creating sentence management plans, including the urgent necessity of individual and specific plans regarding sentence management.

Finally, the Commission criticised the restrictive approach to relaxing the execution of sentences. It issued a reminder that such relaxation is to be considered on a case-by-case basis and granted by law, as long as security can be maintained.

The NCPT's review of indefinite incarceration execution involved an in-depth analysis of records as well as conversations with affected people in various detention facilities, institutions for the execution of measures, and a social care institution. The Commission was supported in this work by constructive working relationships with the cantonal authorities, the institutions that it visited and the people who were incarcerated.

The authorities mostly responded positively to the Commission's report and the areas it identified as requiring action. The recommendation concerning psychiatric reports was criticised as unrealistic due to the current lack of qualified staff.

More information is available from the NCPT website (in German, French and Italian): [Verwahrungsvollzug \(admin.ch\)](#), [Exécution de l'internement \(admin.ch\)](#), [Esecuzione dell'internamento \(admin.ch\)](#)

b. Retirement and nursing homes

The Commission has visited eight retirement and nursing homes around Switzerland since autumn 2021, with six visits taking place in 2022. Homes were visited in the cantons of Aargau, Basel-Landschaft, Bern, Fribourg, Jura, Geneva, Neuchâtel and Zug. During the visits, there was a particular interest in measures used to restrict residents' freedom of movement. The Commission visited various facilities in order to gain a sense of potentially challenging situations and the circumstances that may lead to human rights abuses. The Commission deliberately selected both public and private homes, and homes that had 80 to 200 residents.

At the opening meetings, the management at every facility expressed discomfort with the term 'torture' – which is part of the Commission's name. The visiting delegation clarified that 'torture' has a particular definition in the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT), which Switzerland has ratified. The NCPT's mandate therefore includes preventing torture – in particular inhumane and degrading treatment – through regular visits to retirement and nursing homes. The Commission focused on the most vulnerable people during its visits, in particular those who live in closed units for dementia patients and those who are not capable of judgement or are bedridden. It is of the opinion that its remit in principle allows it to visit all age-related care facilities, whether or not they have a closed unit. There is an unequal power dynamic between retirement and nursing home residents and the home's staff and management. Older people and people who require nursing care face particular risks (e.g. violence, abuse, mistreatment) and are therefore within the NCPT's prevention mandate.

The NCPT inspections were guided by the relevant international and national guidelines on accommodation in retirement and nursing homes. In addition to UN Covenant II and the ECHR, these include in particular the UN Convention on the Rights of Persons with Disabilities (CRPD), the Convention on Biomedicine and the relevant standards of the European Committee for the Prevention of Torture (CPT). At federal level, the provisions of the Civil Code (CC) are most relevant, in particular the provisions on stays in residential and care institutions (Art. 382 ff. CC). Additional concrete requirements exist at cantonal level.

The application and documentation of measures to restrict freedom of movement are particularly important from a human rights point of view. The Commission also focused on complaint management, violence prevention and the provision of medical and nursing care as well as residents' opportunities to participate in decision-making. Living conditions and daily routines at the homes were also assessed. The relative importance of these factors varied depending upon the facility being inspected.

The Commission had an overall positive impression after its eight visits, while nevertheless formulating actionable areas for all of the facilities. One area that can be improved at all facilities is the documentation of measures restricting freedom of movement. The most common methods of restricting freedom of movement were mechanical and electronic, such as bed rails, low beds, securing someone in a wheelchair using a belt or table, sensor mats or other sensors, and alarm wrist bands. The majority of homes that the Commission visited also used architectural design to restrict freedom of movement or maintained a closed unit for residents with dementia. Documentation was in some cases notably disorganised, due to factors such as parallel structures (records being kept on paper and electronically), which made it impossible for the Commission to determine who had ordered a certain measure, and for what purpose. Documentation often lacked detailed information regarding preventative measures that may have been taken, and in some cases there was no information indicating whether and when authorised representatives or relatives had been informed of a measure being taken. The regular reviews of measures restricting freedom of movement as required by law (Art. 383 CC) were often not clearly documented. The Commission issued a reminder that when measures are taken to restrict freedom of movement, the Civil Code requires that factors such as the reasoning and decision-making process are fully documented and transparent. In cases where the affected person is incapable of judgement, or there are signs that they are incapable of judgement, international standards require that measures to restrict freedom of movement are ordered by a doctor. This includes the use of sensor mats. The Commission's inspections revealed differences in how the various homes handled this in practice. Although the nursing care teams at all of the homes discussed measures to be used, not all of these measures were ordered by a doctor. Furthermore, not all measures included formal instructions on legal remedies and/or were communicated to the person affected or their authorised representative. The Commission would like to emphasise the positive finding that these facilities show an awareness of the importance of this sensitive issue.

A need for action was identified regarding complaint management. There are often forms available to submit complaints, which can be submitted anonymously via letter boxes in the facility. However, the way these complaints are handled differs significantly among the various facilities and information on internal and external complaint possibilities was not always clear or easy to access.

Visits to the facilities led the Commission to conclude that the prevention of violence and mistreatment is discussed more openly in French-speaking Switzerland than in the German-speaking part of the country. The cantonal supervisory authorities there have also implemented certain preventative measures in local homes, for example introducing internal specialists on preventing violence or external bodies where complaints can be addressed. During its inspections, the Commission verified whether there was a violence-prevention concept in place that staff were familiar with. It also investigated whether preventative measures existed, for example a residents' council or regular, formal discussions with residents. Regular contact with relatives and including them in certain activities at the home also facilitates better communication and collective efforts to find mutually agreeable solutions, particularly in challenging situations. The Commission looked into whether staff had opportunities to discuss incidents among residents or between residents and staff. It also looked for signs that the homes cultivated a positive error culture and enabled staff to undertake regular training, particularly in the field of violence prevention.

The Commission also looked at the issue of structural violence. Retirement and nursing homes provide nursing care and support to large numbers of people with different needs and habits. Many functional processes serve as a support for providing residents with appropriate care, but at the same time they also place severe restrictions on residents' individuality. The people in need of care must adjust (or are made to adjust) to the home rather than the other way around. The Commission noted examples such as fixed days for showering and universal quiet times. It was more difficult to judge how these concepts are implemented in everyday life at the homes and whether staff are given the working conditions necessary to put these rules into practice properly.

Monitoring the provision of medical and nursing care can also be challenging. Retirement and nursing home residents are allowed to choose their own doctors, which has led to some homes having more than 30

different doctors responsible for providing residents' health care. The Commission therefore contacted only the homes' own doctors. The Commission considered several times whether this specific aspect of healthcare falls within its remit, and identified key areas such as pain assessment, palliative care and dementia care.

Entering into a new area of activity with retirement and nursing home visits has been labour-intensive for the Commission. It was able to consult with the Austrian Ombudsman Board (AOB, *Volksanwaltschaft*), which has extensive experience in this field, including a visit where the Commission was accompanied by a nursing expert from the AOB. The NCPT found these exchanges very valuable. They helped to formulate its questions regarding concealed measures to restrict freedom of movement (e.g. concealed lift doors) more clearly. The Commission also found it interesting to discuss differences in how Austria deals with certain issues. For example, there are almost no closed units for residents suffering from dementia in Austria. Finally, an NCPT delegation had the opportunity to join the AOB on a nursing home visit in Scharnstein (Austria), which provided valuable experience.

More information is available from the NCPT website (in German, French and Italian): [Berichte der Kontrollbesuche \(admin.ch\)](#), [Rapports de visite \(admin.ch\)](#), [Rapporti delle visite \(admin.ch\)](#)

c. Additional thematic focus areas

Provision of health care in detention facilities

It is essential to conduct independent inspections of detention facilities on a regular basis in order to determine whether health care provision at these facilities is in line with international and national standards. Access to health care must be assessed, along with any other factors that may influence the health of detainees, including infrastructure, daily routines and contact with the outside world.

In 2017 the Commission began to engage more deeply with the issue of international and national human rights standards relating to health care provision at detention facilities in Switzerland. It has established a number of related thematic focus areas: the implementation of requirements under legislation on epidemics (Federal Act on Combating Communicable Hu-

man Diseases (Epidemics Act, EpiA) and the related ordinance (EpiD), such as medical interviews and examinations upon admission, provision of information related to communicable diseases, and access to appropriate medical treatment; gender-specific health care provision; and basic psychiatric care. Starting in summer 2021, the Commission expanded the focus of its visits to correctional facilities to include participation in medical care costs and a review of measures taken in custodial facilities to restrict movement during an epidemic or the COVID-19 pandemic (as well as the proportionality of such measures).

In February 2022, the Commission published its second report on health care provision in detention facilities in Switzerland. Opinions from the cantons were mixed. The canton of St Gallen, for example, found that the NCPT's suggestions and guidance prompted the cantonal authority responsible for executing sentences and measures to take a critical look at its activities and make improvements. This was said to be particularly useful with regard to health care provision in detention. However, the same canton also criticised the NCPT for setting standards that actually fall within the mandate of the cantons and the Swiss Competence Centre for the Execution of Criminal Penalties. The Commission would like to point out that the organisations involved each have various tasks and roles.

The NCPT's focused assessment of health care provision in detention facilities, which began in 2017, has undoubtedly raised awareness of the issue among the authorities responsible for these activities. It is important to note that the Commission's targeted interviews with staff and authorities have also highlighted additional issues such as meeting the particular needs of LGBTIQ+ people, leading to a greater awareness and sensitivity regarding these topics.

Additional thematic reports on health care provision in detention facilities will be published throughout 2023.

More information is available from the NCPT website (in German, French and Italian): [Gesundheitsversorgung in Einrichtungen des Freiheitsentzugs \(admin.ch\)](#), [Prise en charge médicale dans les établissements de privation de liberté \(admin.ch\)](#), [Assistenza sanitaria nei penitenziari \(admin.ch\)](#)

Police

In the reporting year, the Commission visited several police stations in the cantons of Basel-Stadt, Bern und Neuchâtel. These unannounced visits went smoothly. The Commission also spoke with people being held in pre-trial detention at detention centres in order to gain an insight into the work of the police. During its visits, the Commission viewed detention cells, interrogation rooms and transport vehicles. One focus of these visits was interactions during police stops and police arrests as well as possibilities for complaints. The Commission's conclusions following these visits are described in more detail in chapter 2.

More information is available on the NCPT website (in German, French and Italian): [Berichte der Kontrollbesuche \(admin.ch\)](#), [Rapports de visite \(admin.ch\)](#), [Rapporti delle visite \(admin.ch\)](#)

Migration

On behalf of the State Secretariat for Migration (SEM), the Commission regularly carries out unannounced visits to the federal asylum centres (FACs) to inspect the care and accommodation available to people seeking asylum. During its visits, the Commission looked particularly closely at the care and accommodation provided for people with special needs. This was also a continuation of the assessment started in 2021 of the situation of unaccompanied minor asylum seekers (UMAs). The Commission focused on how to prevent violence (including sexual violence) in the FACs against people seeking asylum, and also what to do when violence does occur. The FACs' security measures were evaluated, in particular the use of physical force, temporary detention in security areas and body searches by security staff. Other topics of concern included the prevention of addiction and suicide, suicide attempts and self-harm. The Commission's findings and the areas identified as in need of action were part of the April 2023 report on FAC inspections in 2021 and 2022.

The NCPT carries out another important migration-related task: it assesses the treatment of people subject to forced return, guided by relevant international standards and national provisions as part of enforcement monitoring under the Foreign National and Integration Act. Its findings and recommendation for improvements are submitted annually as a report to the head of the Federal Department of Justice and Police (FDJP). Last year

the Commission regretted to see that 14 of its 15 recommendations had already been made in earlier reports.

More information is available on the NCPT website (in German, French and Italian): [Rückführungen auf dem Luftweg \(admin.ch\)](#), [Renvois par la voie aérienne \(admin.ch\)](#), [Rinvii coatti per via aera \(admin.ch\)](#)

Monitoring activities

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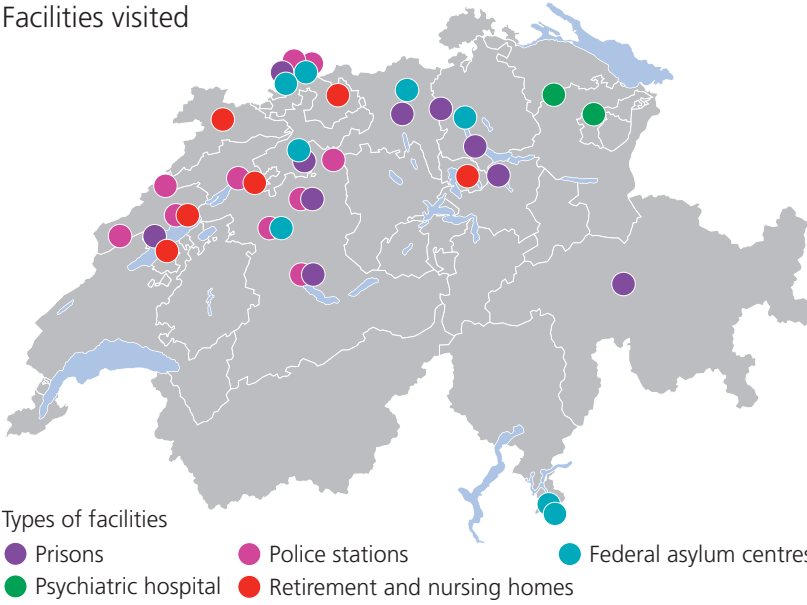
The NCPT carried out a total of 28 one- or two-day visits across Switzerland. In spring the Commission visited the federal asylum centres (FACs) in Basel and Zurich for just a short time, due to persons in need of protection arriving from Ukraine. It also drafted an opinion on changes to legislation planned at cantonal and federal levels.

2.1 Overview

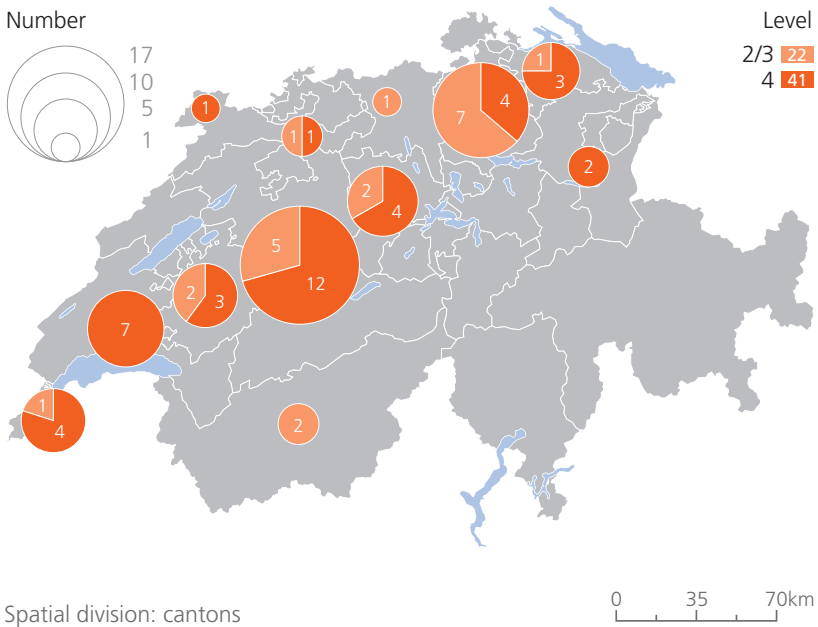
In the year under review, the NCPT carried out a total of 28 monitoring visits to facilities in which measures are taken involving the deprivation or restriction of a person's liberty. During these visits, it reviewed practices pertaining to the relevant provisions of criminal procedure, criminal law, civil law and asylum and immigration law. The Commission inspected three facilities for the enforcement of deprivation of liberty measures under criminal procedural law, seven institutions for the execution of sentences and measures, two psychiatric facilities, six retirement and nursing homes and nine federal asylum centres.

In addition, the Commission accompanied a total of 28 forced return flights at enforcement level 4 (Art. 28 Use of Force Ordinance, UFO), including the observation of 41 airport transfers under police escort. Returnees came from ten cantons: Bern, Fribourg, Geneva, Jura, Luzern, Solothurn, St Gallen, Thurgau, Vaud und Zurich. Fifteen of the 28 returns were carried out under the Dublin Association Agreement in accordance with the Foreign Nationals and Integration Act (Art. 64 FNIA); people are returned to the Dublin State responsible for their original asylum application. The remainder of the return flights were to countries of origin or home countries. Three of the returns were group flights organised jointly with the EU. The Commission also accompanied 22 transfers as part of returns at enforcement levels 2 and 3 (Art. 28 UFO), which originated in nine cantons: Aargau, Bern, Fribourg, Geneva, Lucerne, Solothurn, Thurgau, Wallis und Zurich. In some cases, the Commission requested written comments from the authorities to clarify the police interventions it had observed.

Facilities visited



Forced returns by air



2.2 Monitoring visits

The Commission's monitoring visits involve monitoring living conditions and examining the treatment of detainees from the perspective of quality and fundamental and human rights. Some visits are announced, others are not. 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.

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 situation of deprivation of liberty – in the federal asylum centres, psychiatric institutions and now also in the 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.

Following each monitoring 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. Visits to federal asylum centres do not follow this procedure. The Commission has thus far only provided oral feedback, while summarising its recommendations for action in general reports. The present summary of the Commission's observations and findings regarding FAC visits (chapter 2.6) is therefore brief in comparison with other sections because it does not go into detail on individual visits.

Below is a summary of the Commission's main observations and findings, as well as its action recommendations based on the past year's inspections.

2.3 Visits to correctional facilities

As mentioned above, in the year under review, the Commission focused on inspecting the provision of health care in facilities for the deprivation of liberty. It carried out ten visits to nine facilities.

a. Limmattal and Horgen Prisons

The Commission visited the canton of Zurich's Limmattal Prison in February and Horgen Prison in July, where it identified a need for action to improve light and air quality in cells. It encouraged the Horgen Prison management to adopt further measures to counteract the negative effects of the current infrastructure problems, such as increasing time out of cells, improving leisure opportunities and making infrastructure changes where possible. At the Limmattal Prison it was also recommended to ensure that underage detainees receive social–educational support. The Commission highlighted the Crisis Intervention Unit at Limmattal Prison as a positive factor. The unit supports people in pre-trial detention who have mental health issues.

Both prisons have an internal health service, and a system where health care professionals conduct a medical review with new entrants within 24 hours of admission. The Commission learned that medications are prepared by the health care service and dispensed by prison staff. In addition, when linguistic difficulties arise during medical examinations, prison staff with relevant language skills are sometimes brought in to assist with communication. The Commission recommends that prescription medication be dispensed by health care staff as a rule, and that confidentiality must be ensured. It recommends the use of telephone interpreting services.

b. Lenzburg Prison

In March the Commission visited the Lenzburg Prison, where they were informed that prison staff were largely friendly and respectful in their interactions with detainees. The Commission also saw that a fitness room

had been set up, which detainees were allowed to use on a daily basis. On the other hand, the Commission saw a need to improve the exercise yards, which are small, barren spaces surrounded by concrete walls. The Commission also called for visits to take place without partitions whenever possible, and for easier access to telephone communication, in order to respect detainees' right to contact with the outside world. Finally, the Commission saw in the documentation provided that there have been ten cases since 2019 of juveniles serving their disciplinary sanction in Lenzburg Prison disciplinary cells, despite the fact that it is a facility for adults. The Commission considers this to be a critical problem and recommended that juveniles generally not be given detention sentences. However, should such a sentence prove necessary, it should be appropriate to the circumstances, of a short duration and not executed in a prison.

The Lenzburg Prison health care service was found to have good infrastructure and committed staff. Doctor's consultations are provided exclusively via telemedicine, which allows for easy access to advice on specific questions. On its own, however, this service is insufficient. The Commission recommended that regularly scheduled on-site doctor's visits be introduced. It also issued a reminder that an examination of fitness to withstand detention does not replace a proper medical interview, which should be conducted systematically within 24 hours of admission. The Commission issued an urgent reminder that when detainees are a danger to themselves or others, their time in a crisis intervention cell should be as brief as possible and they should receive daily medical and psychiatric care. They should then be transferred to an appropriate facility or psychiatric institution as quickly as possible.

c. Solothurn Prison

On its visit to the Solothurn Prison in April, the Commission was pleased to find that the cells it saw on the integration unit (preparation for regular detention) were bright and well ventilated. The Commission took a positive view on the large outdoor area between the buildings, which included an area for sport as well as a large garden with jobs cultivating vegetables. It also welcomed the implementation of its prior recommendation to distinguish disciplinary from security measures. On this visit it made an additional recommendation to maintain a register recording the disciplinary and security measures that are ordered. The Commission also noted that the Solothurn Prison uses a security cell that can be viewed through a glass

wall and video monitored. It recommended better protection of detainees' privacy and to shield the cell's toilet area from view.

The health care service at Solothurn Prison made a positive impression on the Commission overall. The internal health service maintains an infrastructure that is appropriate for its size and ensures ease of access. The Committee also appreciated the integration unit for people with special needs (usually medical in nature). As in other facilities, the Commission noted that detainees' hands, and sometimes their feet, are restrained during transport to external medical examinations. It is of the opinion that these restraints should be avoided except in cases of flight risk. Finally, the Commission recommended expanding basic psychiatric care and ensuring this care is easy to access for detainees.

d. Cazis Tigneze Prison

Visits to the Cazis Tigneze Prison in May and July showed the Commission that the new site took into account many essential requirements for a correctional facility, for example bright spaces with direct sunlight, good ventilation and controlled acoustics. Recreational spaces were also inviting. The Commission nevertheless saw it as unfortunate that the potential of the facility's infrastructure could not be maximised due to the emphasis on security concerns. This led to regular body searches of detainees and all staff carrying pepper spray. In light of this, the Commission recommended relaxing detention conditions and stopping the practice of carrying pepper spray. The use of chemical irritants is linked to health risks, and having all staff carrying pepper spray works against the cultivation of a constructive and respectful environment. The Commission also noted that the daily walk is limited to two half-hour periods during breaks from work, and that there are no training programmes available. It therefore recommended a daily walk of one hour in addition to breaks at work, as well as providing access to apprenticeships and training opportunities.

Health care provision at the Cazis Tigneze Prison made a generally good impression on the Commission. It has an internal health service which is staffed every day. A psychiatrist from the Graubünden Psychiatric Service (PDGR) provides basic psychiatric care for detainees once a week. Particularly on the special unit where the majority of detainees have serious mental illnesses, there is still insufficient provision of psychiatric services and the staff in this area face very heavy workloads. The Commission urgently

recommended expanding basic psychiatric services and placing people in psychiatric institution when necessary. Furthermore, it emphasised that disciplinary measures for people with mental illnesses should only be used very sparingly. The Commission also learned that in some cases, detainees who do not have health insurance will only receive authorisation for treatment by external specialists if the detainees pay for the treatment out of pocket. The Commission is of the opinion that health care should be free of charge for all detainees.

e. Biberbrugg Cantonal Prison

During its visit in September, the Commission learned that the Biberbrugg Cantonal Prison in the canton of Schwyz is expected to be expanded into a police and justice centre by the end of 2027. The Commission welcomed the fact that the school and work spaces are to be made more pleasant during the planned renovation, but it also recommended that the remodelling provide more light in the cells for pre-trial detention. In addition, the Commission noted that since its last visit in 2013, longer cell opening hours have been in effect for people serving sentences. In addition, it suggested expanding the scarce range of recreational activities and equipping the exercise yards with weather protection, sports equipment and seating.

The Biberbrugg facility did not have an internal health service at the time of the Commission's visit. Health care was provided during a weekly visit by an external doctor. The Commission recommended that a health service be established with adequate personnel and infrastructure. Without an internal health service, there was also no systematic medical interview within 24 hours of admission. Moreover, the confidentiality of medical information cannot be guaranteed; the Commission recommended that appropriate adjustments be made.

f. Burgdorf Regional Prison

During its October visit to the Burgdorf Regional Prison in the canton of Bern, the Commission welcomed the fact that four learning groups were being offered as part of the education in prison project (Bildung im Strafvollzug, BiST). In reviewing documentation, the Commission noted that poor natural light conditions in the cells are leading to increased vitamin D deficiency among detainees and recommended appropriate improvement

measures be taken. The Commission also recommended that women and juveniles be placed in other, more suitable facilities and that trans people be placed on a unit that corresponds to their gender identity. In addition, work and recreational opportunities should be expanded.

The Commission received a positive impression of health care provision at the Burgdorf Regional Prison. The facility has an internal health service with a total of seven health care professionals and adequately equipped rooms. There is a systematic medical entrance examination within the first 24 hours after admission, and medication is dispensed exclusively by health care professionals. However, the Commission suggested that contraception should be made more easily accessible and that the introduction of sterile injection equipment should be considered. Finally, the Commission recommended that detainees be given access to appropriate therapeutic treatment.

g. Bellevue Prison

At the end of October, the Commission visited the Bellevue Prison in the canton of Neuchâtel. During its visit, the Commission received a fundamentally positive impression of the infrastructure. It welcomed the wide range of employment opportunities and recreational activities. However, the Commission noted that access to the internet had been suspended since its last visit in 2014 and recommended that it be reinstated. It also noted that not all detainees have a sentence management plan and issued a reminder that this is required by law for all detainees. Finally, the Commission recommended that a clear distinction be made between security and disciplinary measures.

The facility has an internal health service with adequate staff and infrastructure that is independent of the management. Health care is easily accessible and the confidentiality of medical information is given high priority. In view of the large number of detainees with dental problems, the Commission recommended that an internal dental service be established. Again, the Commission suggested that restraints should not be used during transport to external medical examinations and treatment. Finally, the Commission recommended expanding basic psychiatric care and providing detainees with access to appropriate therapeutic treatment even in the normal prison setting.

2.4 Visits to facilities for the enforcement of deprivation of liberty under criminal procedural law

a. Basel-Stadt Cantonal Police

In March the Commission visited the Kleinbasel (Clara) and Grossbasel (Kannenfeld) police stations, the Waaghof police central detention facility (Security and Transport Department) and the Riehen and Basel SBB train station police stations. The Commission noted the positive effect of the systematic and detailed digital documentation system used by the cantonal police for the detention and care of persons in police cells. The Commission also welcomed the fact that fact sheets on the rights and obligations of the people deprived of their liberty were readily available to all. Finally, the Commission noted an awareness of discrimination issues and the policing of trans persons deprived of their liberty. The Commission was critical of the placement of minors in holding cells (small cells without daylight) instead of the larger and better equipped regular cells with daylight. The Commission also found that the regulation on searching persons left room for body searches with complete undressing in a single phase, and recommended that the service regulation be amended. The Commission also recommended that detainees should only be restrained during transport after an individual risk assessment, that restraining detainees on their back should be avoided, and that prison transport vehicles should be equipped with an automatic intercom system. Furthermore, the Commission suggested that the existing requirements for verifying a person's fitness to withstand detention should be more clearly regulated, and that efforts should be made to raise awareness among staff members of issues such as the shock of confinement, suicide risk and suicide prevention. Finally, the Commission recommended that affected persons be actively informed about the various complaint's procedures and that statistics on complaints be published.

b. Neuchâtel Cantonal Police

In May, the Commission visited the main police station in Neuchâtel and the police stations in La Chaux-de-Fonds and Fleurier. The Commission welcomed the fact that the cell blocks of the Neuchâtel and La Chaux-de-Fonds police stations are managed by a dedicated police department, which enabled more professional care for detainees. The Commission

noted an awareness at the management and executive levels of the problem of social profiling, but recommended that all employees continue to be sensitised and that ethnic profiling be clearly prohibited in police practices. In addition, the material conditions of detention in the cells of the Neuchâtel and Fleurier police stations (including dark cells and no wash-basin) were viewed by the Commission as inadequate. It further noted that there were no instructions for the care of women in custody and pointed out that women should be cared for by female police officers during stays in police cells. The Commission also issued a reminder that the placement of minors in police cells should be avoided and that minors should be accommodated in a suitable environment. Although the service instructions on the search of persons require that body searches be carried out in two phases, detainees reported that they had to strip completely naked. The Commission therefore reminded police forces that they were required to conduct body searches in two phases. The Commission also pointed out that restraining detainees on their backs during transport should be avoided, that detainees should never be restrained during transport in a secured vehicle and that vulnerable persons should not be transported in police vans.

c. Bern Cantonal Police

In the second half of the year, the Commission visited the police stations in Biel, Burgdorf, Langenthal, Thun, the Bern railway station, Bern Neufeld and Bern Waisenhaus. During these visits, the Commission found there was a sensitisation and a natural handling of issues related to LGBTIQ+ persons in policing. According to the Commission, there was also an awareness of the prohibition of ethnic profiling and racial discrimination. However, several detainees reported discriminatory behaviour by the police. In addition, the Commission noticed pictures at one police station that it considered to be derogatory and discriminatory. Against this background, it recommended that the cantonal police take additional measures to counteract racially discriminatory behaviour by employees.

During its visit to the Biel police station, the Commission also found that the cells did not have mattresses at the time of the visit and for at least several weeks prior to it. It passed its critical assessment on to the on-site management, which immediately took appropriate action. Furthermore, the Commission pointed out the necessity of informing family members and other persons of trust immediately about the detainee's deprivation of

liberty, if so desired by the detainee. Finally, the Commission recommended that the existing requirements for the examinations of fitness to withstand detention be regulated more clearly and systematically and that cells at police stations without an exercise yard only be used for the deprivation of liberty of less than 24 hours.

2.5 Visits to facilities for enforcing measures restricting liberty under civil law

2.5.1 Psychiatric facilities

a. Psychiatric Institution St Gallen North, in Wil

In February, the Commission visited the psychiatric institution in Wil, St Gallen, where it found that somatic care for patients is guaranteed and that a wide range of therapies is available. In addition, the Commission welcomed the objective of reducing the measures that limit freedom of movement. Furthermore, it noted with satisfaction that the medical staff of the psychiatric institution of St Gallen North itself does not order any forced institutionalisations and thus takes into account the principle of the independent nature of the expert. In view of the sparse and unfriendly rooms and the lack of orientation aids on the unit for patients suffering from dementia, the Commission suggested that the spatial design be re-considered. In addition, it recommended against accommodating minors and adult patients together and to look for alternative placement options for adolescents under 18 years of age and for people with cognitive impairments. Finally, the Commission advised against restricting freedom of movement and to instead use alternative methods for de-escalation. The Commission issued an urgent reminder that staff shortages can never justify the use of measures restricting freedom of movement.

b. Psychiatric Institution of Appenzell Ausserrhoden

During its visit to the psychiatric centre of Appenzell Ausserrhoden in November, the Commission noted with satisfaction that the institution has various internal documents for ordering measures restricting freedom of movement. It also welcomed the institution's objective of taking fewer measures restricting freedom of movement, namely mechanical restraint

and isolation measures. However, the Commission suggested that the internal information system be adapted to lend transparency to the duration and purpose of measures restricting freedom of movement, that patients' freedom of movement should not be restricted nor should patients be isolated, and that alternative methods of de-escalation be used. It also recommended that minors and adults be housed separately and that alternative placement options for minors be sought from the outset. Furthermore, the Commission recommended one-time orders of confinement to a room or detention in the isolation area for a period of four weeks be abolished, pointing out that coercive measures must be regularly reviewed for their legality and formally imposed.

2.5.2 Retirement and nursing homes

a. Les Charmettes retirement and nursing home

In April, the Commission visited the Les Charmettes retirement and nursing home in the canton of Neuchâtel, and was left with a generally positive impression of the infrastructure and the staff's interaction with the residents. In addition, the Commission regarded the low-threshold access to health care and the close contact between the responsible physician and the nursing staff positively. The Commission also welcomed the existence of a concept for measures restricting freedom of movement and the fact that measures restricting freedom of movement are only ordered after reflection within the team. The Commission approves of the fact that Les Charmettes refrains from using Zewi blankets. However, the Commission pointed out that all measures restricting freedom of movement must be designated as such; they should be ordered in writing and with instructions on how to appeal, and they should be approved by a physician, at least retroactively. The Commission also focussed on the prevention of violence and welcomed the abuse-prevention programme sponsored by the cantonal health department. In accordance with cantonal requirements, four female staff members were trained with the goal of promoting care and preventing abuse. The role and tasks of these staff members, as well as the reporting procedure, were specified in several documents. However, the Commission advised that procedures and responsibilities be reviewed in the event of serious cases and that these be reported immediately to the competent authorities.

b. Mülimatt nursing and care centre

In May, the Commission visited the Mülimatt centre for care and nursing in the canton of Basel-Landschaft. The Commission noted that no health inspection by the cantonal medical service had yet taken place at the Mülimatt centre since the cantonal law had come into force on care for the elderly and nursing care prior to its visit. The Commission observed respectful and friendly interaction between the staff and the residents. It noted that the residents have the opportunity to discuss their concerns by participating in discussion groups. The centre runs a closed unit for residents suffering from dementia, which requires entry and exit access codes. The Commission was unable to understand exactly how residents' placement on or transfer to the dementia unit is regulated. However, it was pleased to note that a policy was being drawn up to establish criteria for care of dementia patients. Furthermore, the Commission welcomed the existence of guidelines on measures for restricting patients' freedom of movement. However, it noted many measures restricting freedom of movement were ordered at the same time, as well as some concealed measures restricting freedom of movement, especially in the closed unit. In addition, the Commission criticised the fact that the removal of the patient bell was potentially used as a measure restricting freedom of movement. Against this background, the Commission recommended working towards the reduction of measures restricting freedom of movement, documenting them fully and comprehensibly in cases of application, and ordering them in writing with instructions on how to appeal. Finally, it recommended that violence prevention guidelines be developed and that employees receive regular training on following the guidelines.

c. Tertianum Waldhof and Rägeboge residential and care centre

In June, the Commission visited the Tertianum Waldhof und Rägeboge residential and care centre in the canton of Bern. It noted that the cantonal supervisory authority had not yet carried out any supervisory visits before the visit by the NCPT. During its visit, the Commission had an overall favourable impression of the infrastructure and the staff's interaction with the residents. In addition, it rated the medical and nursing care as good overall and positively assessed the close contact between nursing and medical staff. The Commission identified a polypharmacy issue, but welcomed the fact that the centre is aware of the issue and is making efforts to address it. Finally, it welcomed the existence of guidelines on measures re-

stricting freedom of movement. However, the Commission noted that measures restricting freedom of movement are inconsistently documented and that Zewi blankets are used, which the Commission advises against. In addition, it pointed out that measures restricting freedom of movement must be reviewed regularly for their legality. Finally, the Commission advised that violence prevention guidelines be developed and that employees receive regular training in aggression and de-escalation management.

d. Les Mouettes retirement and nursing home

In September, the Commission visited the Les Mouettes retirement and nursing home in the canton of Fribourg. It noted that the office of the cantonal medical officer carries out an inspection of all nursing homes in the canton every five years. In parallel, the Office has introduced controls related to the work with relatives. The last visit of the cantonal medical officer to Les Mouettes retirement and nursing home took place in 2018. The Commission noted friendly interaction between the staff and the residents. The Commission welcomed the fact that residents can help shape life in the home by participating in the regular residents' council meetings. It also took a positive view of the regular interaction with the relatives and the fact that they can also participate in cultural activities. As far as measures restricting freedom of movement are concerned, the Commission found that Les Mouettes retirement and nursing home does not run a closed unit for residents suffering from dementia. Individual measures restricting freedom of movement are applied, although the facility does not have guidelines for these measures. The Commission recommended that guidelines on measures restricting freedom of movement be developed, describing, among other things, the home's policy on measures restricting freedom of movement, as well as the decision-making process, possible preventive measures, implementation and documentation of these measures. The Commission noted that Zewi blankets are sometimes used, and advised against their use. It also recommended that violence prevention guidelines be developed and that employees be regularly trained to follow the guidelines. Furthermore, it recommended that regular dental checks be included in medical and nursing care for all residents.

e. Frauensteinmatt centre

In November, the Commission visited the Frauensteinmatt centre in the canton of Zug. The centre has a closed unit for residents suffering from

dementia and an open special psychiatric unit for elderly patients, which is intended for persons in need of care and/or assistance who require residential or care options after discharge from the psychiatric institution. The Commission welcomed the existence of guidelines on measures restricting freedom of movement, which include 'trick' measures such as covering doors and locks within their definition of measures restricting freedom of movement. The Commission also recommended against the use of Zewi blankets. However, the Commission emphasised that measures restricting freedom of movement must be ordered by a physician and be fully documented and transparent. With the exception of the specific geriatric visits by a specialist, the Commission found that the dementia unit had little specialised knowledge and guidelines. The Commission recommended that the dementia unit be staffed with specifically trained personnel in order to be able to offer specific services. The Commission recommended developing the social psychiatric services in the open special psychiatric unit for elderly patients, developing guidelines for falls and systematically implementing pain-management guidelines. The Commission identified polypharmacy, some of which was severe, particularly in the special psychiatric unit for elderly patients. It recommended coordinating somatic and psychiatric prescriptions in a bid to reduce polypharmacy and the related risks of undesirable side effects and interactions. The Commission also recommended the centre develop violence prevention guidelines, regularly inform employees about the guidelines and encourage an exchange of ideas on the topic.

f. Foyer St Ursanne retirement and nursing home

In December, the Commission visited the Foyer St Ursanne retirement and nursing home in the canton of Jura. It found that the staff treated the residents in a respectful and friendly manner. The premises and garden were clean and well-maintained, but the building is outdated. However, the Commission learned that a major renovation is pending. As far as measures restricting freedom of movement are concerned, the Commission recommended that appropriate guidelines be developed and that all measures be documented in a comprehensible manner. In addition, the Commission recommended that complaints should be made easy to submit and systematically recorded, and that regular and institutionalised exchange should be organised with residents and relatives. The commission also suggested the home develop guidelines for falls and palliative care, and offer regular training for employees in the implementation of these

guidelines. Finally, the Commission recommended that regular dental check-ups be scheduled for all residents. The Commission identified a poly-pharmacy issue, but welcomed the fact that the home is aware of the issue and that a discussion group has been set up to address the topic. The Commission also recommended the home develop violence prevention guidelines and provide regular training for all staff.

2.6 Visits to facilities for administrative detention under the Foreign Nationals and Integration Act

The situation in the federal asylum centres underwent constant change during the past year; this was mainly due to three developments: (1) the arrival of numerous persons from Ukraine seeking protection from the end of February 2022, (2) the sharp increase in the number of mainly unaccompanied young male asylum seekers from Afghanistan and (3) from autumn 2022, the sharp increase in the number of asylum seekers with mostly Afghan or Turkish nationality. In order to accommodate the higher number of asylum seekers and vulnerable persons, the SEM also opened several temporary accommodation sites, for example in military buildings or civil defence facilities.

In 2022, the Commission carried out monitoring visits at the following eight federal asylum centres (FACs): Bern (BE), Zurich (ZH; two visits), Basel (BS), Balerna and Chiasso (both TI), Allschwil (BL), Flumenthal (SO) and Brugg (AG). In April, the Commission visited the FACs in Basel and Zurich, in order to get an idea of how the accommodation of persons from Ukraine seeking protection in the federal asylum centres affected the care and accommodation of persons from other countries seeking asylum. Asylum seekers from other countries showed great understanding for the situation of the protection seekers from Ukraine. However, they were also aware of the difference in treatment. Many indicated that their situation was more uncertain due to the open outcome of the asylum process than that of persons who would almost certainly be granted S protection status. Many asylum seekers also pointed out that, unlike the persons from Ukraine seeking protection at the time, they could not use public transportation free of charge and had not been allowed to bring pets to the FACs. The cramped conditions and the lack of common rooms due to the need for additional beds in the FACs also were noticeable. The SEM had placed additional beds in the existing dormitories and converted common rooms

into dormitories. In the second half of the year, the Commission also made targeted visits to temporary shelters.

2.7 Opinions

The Commission commented on various cantonal and federal legislative amendments during consultations.

During the fourth Universal Periodic Review (UPR) of the human rights situation in Switzerland by the UN Human Rights Council, the Commission commented on the recommendations addressed to Switzerland and drew attention to a number of problem areas that were not addressed in the report of the UN Human Rights Council. For example, the Commission pointed out that the physical conditions in Swiss administrative detention and police custody systems are not in conformity with human rights, and that living conditions in Swiss return centres are in some cases inhumane. In addition, the Commission was critical of the compulsory COVID testing allowed in the context of forced returns, and of the Federal Law on Police Counterterrorism Measures (PCTA) that entered into force in June 2022.

Furthermore, the Commission provided an opinion on the draft amendment to the FDJP Ordinance on the Operation of Federal Centres and Accommodation at Airports. It commented on the physical searches and the temporary detention of asylum seekers in 'security areas' by private security personnel and held a critical view of the delegation of police measures and police coercion to private security personnel.

Finally, the Commission commented on the draft act on deprivation of liberty and supporting measures (*projet de loi sur la privation de liberté et les mesures d'encadrement*) of the Canton of Geneva.

More information is available on the website of the NCPT (in German and French): [Stellungnahmen \(admin.ch\)](#), [Prises de position \(admin.ch\)](#)

Contacts

3

Ongoing dialogue with the authorities is an essential part of the preventive approach set out in the Optional Protocol to the UN Convention for the Prevention of Torture (OPCAT) and thus underpins the work of the NCPT. The NCPT is in direct exchange with relevant institutional, cantonal and national stakeholders, as well as with civil society. The NCPT was received by a member of the Federal Council. The NCPT has also met with other National Preventive Mechanisms (NPMs) in multi- and bilateral exchanges over the past year.

3.1 Introductory remarks

In June, an NCPT delegation was received by a member of the Federal Council. The NCPT spoke with Federal Councillor Karin Keller-Sutter about the NCPT's permanently tight financial and staffing conditions as well as the results of its monitoring activities in the areas of detention and migration.

Also for the first time, the NCPT was heard by a parliamentary commission in March. The FDJP/FCH sub-committee of the National Council's Control Committee (CC-N) was interested in the NCPT's assessment of the situation in the federal asylum centres and the current situation in the administrative detention of foreign nationals.

3.2 Detention in general and provision of health care during deprivation of liberty in particular

In September, the Commission chair and the head of Secretariat participated in the first roundtable on health care in the correctional system. This is organised by the Conference of Cantonal Justice and Police Directors (CCJPD) and the Swiss Competence Centre for the Execution of Criminal Penalties. The need for a more regular and institutionalised exchange among the various interest groups came to light during discussions in the advisory group that the NCPT had organised for the thematic reports on health care during deprivation of liberty. That gap is now being closed by the roundtable.

During the visits to review health care during deprivation of liberty, the Commission had exchanges with the Federal Office of Public Health (FOPH),

in particular with the Communicable Diseases Division of the Prevention and Public Health Services Directorate. In the fall, the Commission presented the results of its monitoring activities in a bilateral meeting.

The Commission's work in the area of health care also received international attention. In June, for example, the head of Secretariat gave a presentation on the work of the NCPT as a national preventive mechanism in the field of health care during deprivation of liberty in Switzerland at the Conference on Health in Detention organised by the International Committee of the Red Cross (ICRC).

Over the course of the year, the Commission exchanged views several times with the Swiss Competence Centre for the Execution of Criminal Penalties on current issues relating to detention. The participation of Commission members in the annual conference of the Swiss Competence Centre for the Execution of Criminal Penalties on 'Creating security together' in November led to further contacts with representatives of the Centre.

In October, the Geneva authorities invited human rights organisations to discuss current issues relating to detention affecting the Canton of Geneva at a meeting hosted by the *Commission consultative sur les droits humains*. The NCPT also participated in the meeting.

3.3 Retirement and nursing homes

In April, a delegation of the Commission and the Secretariat visited the Oberried Domicil Dementia Competence Centre in the canton of Bern as part of an internal training programme. This centre specialises in providing care for people suffering from dementia and is run as a closed facility. The Commission was given a detailed tour of the centre and spoke with the management about measures restricting freedom of movement used for persons suffering from dementia.

The NCPT also increasingly exchanged information with the cantonal supervisory authorities in the course of visits to retirement and nursing homes. Depending on the canton, the supervisory authorities have different responsibilities. In one such exchange, the Commission interacted with the GRESI (*Groupe risque pour l'état de santé et inspectorat*), a department of the Office of the Cantonal Medical Officer of the Canton of Geneva. The

GRESI carries out numerous unannounced or announced supervisory inspections in retirement and nursing homes each year to monitor the application of the legal and regulatory framework and thus ensure the quality of care provided to residents. The canton of Vaud has also created a supervisory body for retirement homes, the CIVESS (*Contrôle inter-disciplinaire des visites en établissements sanitaires et sociaux*). The aim of the exchanges was to learn from each other's experiences and to avoid overlaps with regard to visits.

In order to discuss the results of the visits, the Commission has set up an advisory group composed of experts from the fields of retirement homes, institutions for the disabled, the complaints office for residents, and the field of ethics. The advisory group acts as a sounding board for the Commission and is central to ensuring that the Commission's recommendations are pragmatic and implementable. The group met online twice in 2022 to exchange ideas. The participants as well as the NCPT welcome this practice-oriented discussion among experts.

3.4 Migration

As far as migration is concerned, the Commission and the Secretariat regularly interacted with representatives of the SEM, and through its visits to the federal asylum centres has maintained regular contact with the Asylum Directorate of the SEM. In December, the Commission discussed the findings of the monitoring of the federal asylum centres and the need for action identified. One focus of the discussion was the care of unaccompanied young asylum seekers and the implementation of violence-prevention guidelines in the federal asylum centres. In this context, the Secretariat was also in regular contact with the United Nations High Commissioner for Refugees (UNHCR) and with Swiss Refugee Aid. It also participated in the regular meetings organised by the association to support civil society in the federal asylum centres. These meetings provide the Commission with important complementary information for its monitoring activities.

In September, the Commission chair and the head of the Secretariat gave a presentation at the working meeting of the Federal Commission on Migration (FCM) on the situation of children in the canton of Bern return centres. The NCPT had published a report on this subject in 2021. The two Commissions were in contact throughout the year to exchange information on current migration policy issues.

In the context of the monitoring of forced return flights, the Commission was in regular contact with the International Affairs Directorate of the SEM, in particular the Returns Section. In June, a Commission delegation met with the Committee on Repatriation and Expulsion Enforcement of the FDJP. This committee was mandated by the head of the FDJP to comment on the reports of the NCPT concerning forced return flights. Those present discussed the individual findings and recommendations of the NCPT regarding forced return flights, which the NCPT summarises in an annual report. During the course of the year, the Secretariat was in regular contact with representatives of the Committee on Repatriation and Expulsion Enforcement or the cantonal police departments concerned in order to clarify individual issues relating to observed forced returns at enforcement levels 2, 3 and 4. The Commission also met bilaterally with the responsible staff of the ground organisation of the Zurich Cantonal Police, OSEARA AG and AsyLex.

In October, a delegation of the Commission met with the chair and the managing director of the Conference of Cantonal Police Commanders (CCPCS). The discussion was prompted by the best practices drawn up by the CCPCS concerning forced return flights. The Commission commented orally on the best practices. It also informed the representatives of the CCPCS about the initial findings and recommendations from the visits to the police stations that had been made in the cantons already visited. As in other years, the Commission lectured at further training courses for police escorts in Geneva and Kreuzlingen and presented its methodology and procedures for escorting forced return flights. In the year under review, the Commission was again invited to participate in the annual further training of the cantonal police corps' team leaders of forced return flights. As in the previous year, this direct exchange proved to be constructive and rewarding, as the Commission's findings and recommendations could be discussed and explained in-depth.

3.5 Contacts with human rights bodies

a. National Human Rights Institution (NHRI)

In view of the establishment of the National Human Rights Institution (NHRI) in Switzerland, the Commission chair actively participated in the numerous meetings of the working group for the creation of this institution. In September, the Commission chair and the head of Secretariat met

with the management of the Swiss Centre of Expertise in Human Rights (SCHR), to discuss the status of the NHRI as well as other issues such as the possibility of further legal opinions by the University of Bern. The SCHR's mandate expired at the end of December 2022.

In October, the deputy head of the Secretariat participated in a multi-lateral exchange with the Director of the Office for Democratic Institutions and Human Rights (ODIHR) of the Organization for Security and Cooperation of Europe (OSCE) in Bern. The focus of the exchange was the creation of an NHRI in Switzerland in accordance with the Paris Principles. Lastly, the mandate, main topics and results of the work of the NCPT were also discussed.

b. Cantonal and National Preventive Mechanisms (NPMs)

The Commission also met during the year with other National Preventive Mechanisms or cantonal commissions that have a similar mandate. During the working meeting in Geneva, the entire Commission and Secretariat met with the Commission of official visitors of the Cantonal Parliament of Vaud. The two Commissions discussed their working methods, best practices and existing challenges.

Meetings with other National Preventive Mechanisms took place both multilaterally and bilaterally. The Commission chair participated in two meetings of European NPMs; in August, she and another Commission member travelled to Warsaw to attend the fifth annual meeting for National Preventive Mechanisms and civil society organisations in the OSCE region on reducing the risk of torture and ill-treatment by law enforcement officials. In October, she attended the two-day NPM conference organised by the Council of Europe on 'Monitoring the rights of specific groups of people deprived of their liberty' in Strasbourg.

In November, a delegation of the Commission and the Secretariat attended a two-day meeting in Vienna with their partner organisations from Germany, Luxembourg, Liechtenstein and Austria. Discussions focussed on measures restricting freedom of movement in retirement and nursing homes, visits to youth institutions and observation of police operations.

The NCPT received delegations from NPMs in Bern on three occasions. In June, it exchanged views with the Tunisian NPM (Instance Nationale pour

la Prévention de la Torture et autres peines ou traitements cruels, inhumains ou dégradants). Discussions focused on women deprived of their liberty and forced return flights. In October, a half-day meeting took place with a delegation from South Africa. The South African NPM is currently composed of various institutions such as the Judicial Inspectorate of Correctional Services (JICS), the Independent Police Investigation Directorate (IPID) and the Military Ombudsman. The South African Human Rights Commission (SAHRC) is charged with the task of coordinating an effective NPM that meets the required provisions of the OPCAT. The NCPT presented its mandate, organisation, and visit methodology. Finally, an in-depth exchange on forced return flights took place in November with the French NPM (Contrôleur général des lieux de privation de liberté).

The exchange with other NPMs is enriching for the NCPT. On the one hand, critical questions motivate re-examination of certain procedures the NCPT has established, and on the other hand, it is interesting to exchange ideas on how to overcome obstacles and defensive attitudes, for example on the part of the authorities. Even though the political and social context is very different, the challenges NPMs face are similar, including core problems such as funding, the imbalance of the workload and the lack of staff resources (to properly fulfil the mandate), as well as the difficulty of having an up-to-date overview of the status of implementation of the recommendations.

c. The United Nations (UN)

Finally, the NCPT met with two UN bodies in the first half of the year. In June, the Commission vice chair and the deputy head of the Secretariat presented the NCPT's work in an informal meeting at the 47th session of the Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (SPT) Palais Wilson in Geneva. The main topics discussed were the status of implementation of the recommendations and the development of the Commission's work since the SPT's visit to Switzerland in 2019 or the publication of the report on the visit in 2020 (CAT/OP/CHE/RONPM/R.1).

In January, a delegation of the UN expert group People of African Descent visited Switzerland. This group of experts was established in 2002 by the UN Commission on Human Rights (Resolution E/CN.4/RES/2002/68) as a special procedure with the mandate to investigate the problems of racial

discrimination faced by people of African descent living in the diaspora. A delegation from the Commission and the Secretariat exchanged views with the UN representatives online at the beginning of the visit. The UN expert group submitted its report (A/HRC/51/54/Add.1) to the Swiss authorities in October.

3.6 Further contacts

In February, the Commission chair spoke at an event organised by the Bern Association of Social Psychiatry on WHO guidance and human rights in psychiatry.

In addition, the Commission dealt with individual cases relevant to fundamental and human rights and wrote letters or held discussions with the relevant authorities.

Overview of the NCPT

4

4.1 Commission

The 12 members of the NCPT determine the Commission's strategy, annual planning, and position on human rights issues. The numerous subject areas of the NCPT discussed in this report reflect the broad professional expertise of the Commission members in the fields of human rights, law, correctional and administrative detention, medicine, psychiatry, child and adult protection and police work. The Commission members are elected by the Federal Council.

Current members of the Commission:

- [Regula Mader](#), Chair until 31 March 2023
- [Corinne Devaud-Cornaz](#), Vice Chair
- [Martina Caroni](#), Vice Chair and Chair since 18 April 2023
- [Maurizio Albisetti Bernasconi](#)
- [Daniel Bolomey](#)
- [Philippe Gutmann](#)
- [Urs Hepp](#) (since January 2022)
- [Hanspeter Kiener](#)
- [Ursula Klopstein-Bichsel](#)
- [Leo Näf](#)
- [Helena Neidhart](#)
- [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 2022 these observers were:

- [Myriam Bitschy](#) (since October)
- [Jean-Sébastien Blanc](#)
- [Fabrizio Comandini](#) (since October)
- [Nadia Fuchser](#) (since October)
- [Joseph Germann](#)
- [David Lerch](#) (since October)
- [Dieter von Blarer](#)
- [Magdalena Urrejola](#) (until May)

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 monitoring 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.

The Secretariat currently has six employees and a graduate intern. The Secretariat underwent some restructuring in 2022:

- [Livia Hadorn](#), Head of Secretariat
- [Alexandra Kossin](#), Deputy Head of Secretariat and Research Associate for Monitoring Social Institutions
- [Lukas Heim](#), Research Associate for Monitoring Federal Asylum Centres
- [Tsedön Khangsar](#), Research Associate for Monitoring health care provision in detention
- [Philippe Panizzon](#), Research Associate for Monitoring Returns (until August)
- [Valentina Stefanović](#), Research Associate for Monitoring Returns (since December)
- [Simone Lerch](#), Administrative Assistant (until February)
- [Maya Ketterer](#), Research Expert (since December)
- [Maya Schärer](#), Administrative Assistant (September–November)
- [Charlotte Kürten](#), graduate intern (until June)
- [Sandrine Nüssli](#), graduate intern (since July)

4.4 Budget

The Commission's overall budget in 2022 was CHF 1,228,400.

