

## EXECUTIVE SUMMARY

During the ad hoc visit to Switzerland in March 2024, the CPT examined the treatment of persons deprived of their liberty by the police and held in pre-trial detention in four Swiss cantons (Geneva, Fribourg, Valais and Vaud).

Throughout the visit, the delegation enjoyed excellent cooperation both from the competent federal and cantonal authorities and from the staff of the establishments visited. However, the Committee remains concerned that several of its recommendations, some of them long-standing, have still not been implemented by the Swiss authorities, who should take concrete steps to this end.

### Persons deprived of their liberty by law enforcement agencies

The delegation once again received several allegations of physical ill-treatment and excessive use of force by foreign nationals recently arrested by the police, particularly at the time of their apprehension in the cantons of Geneva, Valais and Vaud. The alleged ill-treatment consisted of bites by police dogs, truncheon blows, head-butts, slaps, and punches and kicks to various parts of the body. Those arrested also reported being violently tackled to the ground, having their heads squashed by feet, and having their necks kneeled upon by police officers, even though they had allegedly been brought under control. In most cases, these allegations were supported by medical evidence. In addition, the delegation received several allegations of excessive handcuffing, insults, including of a xenophobic and racist nature, and threats by police officers.

The alarming proportion of consistent and credible allegations of deliberate ill-treatment or excessive use of force, particularly in the canton of Geneva, suggests that police violence is a persistent practice. The Swiss authorities should take immediate measures to increase their efforts to combat such violence effectively.

The CPT also makes recommendations to prevent ethnic or racial profiling in policing and render the wearing of legible means of identification and body cameras in the context of police operations and/or apprehensions mandatory. In addition, the system of complaints about ill-treatment, as well as the prosecution and punishment of law enforcement officials, is not effective.

As regards safeguards against ill-treatment, the CPT regrets that, despite long-standing recommendations, the rights of notification of a third person and access to a lawyer and a doctor continue to not be granted to all persons at the time of their apprehension by the police. In practice, notification of a third person was very regularly delayed, by a police officer's decision, on the grounds of 'risk of collusion'. A large number of persons detained by the police did not have a lawyer present during police interviews, particularly in Geneva, Lausanne and Sion. In addition, several people detained by the police in the canton of Geneva stated that their requests to be examined by a doctor had not been granted. The Swiss authorities should amend the legislative provisions to formally extend the application of these guarantees from the very outset of deprivation of liberty.

Measures should also be taken to ensure that all minors deprived of their liberty can benefit from the presence of a lawyer and, in principle, a trusted adult person to assist them during police interviews. In addition, information on rights and detention registers should be improved, and audio-visual recording of all police interviews should be made systematic.

Conditions of detention in the police establishments visited were generally acceptable for periods not exceeding 24 hours. However, the size of some cells was inadequate, and there was often insufficient ventilation, no natural light and no outdoor exercise yard. Cantonal authorities should take into account the CPT's minimum standards in terms of cell size and access to natural light and fresh air when designing new police detention facilities.

The two carceral zones at the municipal police headquarters in Lausanne and at the Blécherette cantonal police centre in Mont-sur-Lausanne are still being used for periods exceeding the legal time-limit of 48 hours to detain remand and convicted prisoners. These persons continue to be held without access to daylight or fresh air and without any activities for periods that can regularly last several weeks. The Vaud authorities should take the necessary measures without further delay to put an end to this illegal and unacceptable practice.

The Committee also makes recommendations concerning security measures, such as the removal of clothing or essential items like glasses, and full-body searches. In addition, the conditions under which detainees were transported in police or private security company cellular vans were often inadequate. Most of the cabins inspected were inadequate in size – both in terms of floor space and height – and were not equipped with appropriate safety devices which meet basic road safety standards.

In the CPT's view, means of restraint (handcuffs and shackles) are applied disproportionately in most of the cantons visited. The authorities should review their policy in this area and put an end to their systematic use. The Committee is also critical of the presence of restraint rings in the tables in the interview rooms of several Fribourg cantonal police stations, which should be removed, and of the use of the so-called 'holding cell' measuring barely 3 m<sup>2</sup> in the Cantonal Police Intervention Centre in Granges-Paccot, which should be taken out of service.

The CPT also found that mechanical restraint chairs and beds had not been removed and were still being used in several police establishments, including in Zurich (chairs) and in the carceral zone of the Blécherette Centre (stretcher with metal shackles for the hands and feet). The use of such means should be prohibited in a non-medical context.

The CPT also examined two deaths which took place a few weeks apart (in January and February 2024) in the cells (known as 'violons') of the Old Police Headquarters in Geneva. It appears that persons in vulnerable situations or at increased risk may be held for several hours in a cell without appropriate supervision or regular checks. The CPT considers that police stations are not appropriate places to detain such persons and recommends measures to improve their treatment at the Old Police Headquarters as regards identification, supervision and checks.

### Persons held in remand detention

The significant increase in the prison population and in the number of remand prisoners once again raises the issue of prison overcrowding in French-speaking Switzerland, particularly in the cantons of Geneva and Vaud. At the time of the visit, the occupancy rate of Champ-Dollon Prison was 132% and that of Bois-Mermet Prison had reached 166%. This has had a deplorable impact on the conditions of detention of remand prisoners and the working conditions of staff. The Committee notes the efforts made by the Geneva authorities to gradually reduce overcrowding at Champ-Dollon Prison since 2014. In the canton of Vaud, efforts are still insufficient and are mainly focused on increasing the prison estate. An overall strategy for reducing the prison population needs to be implemented at cantonal level, or even at concordat level, which requires the involvement of all the parties concerned, including the judicial and prosecutorial authorities.

The delegation received several allegations of physical ill-treatment or excessive use of force against remand prisoners by certain prison officers in the Bois-Mermet, Sion and particularly Champ-Dollon Prisons. The allegations concerned kicks, punches, blows with the knee and slaps, as well as violent tackling to the ground, particularly during searches. At Champ-Dollon Prison, the delegation also received two allegations of anal penetration by fingering during searches by prison officers wearing latex gloves; a third remand prisoner said he had been threatened with the same treatment. The authorities should take action to put an end to ill-treatment. In addition, efforts should be redoubled at Champ-Dollon Prison to prevent acts of intimidation and violence between inmates.

The Committee notes once again that the regime of activities of most remand prisoners remain extremely restricted. A large number of remand prisoners continued to spend between 21 and 23 hours a day in their cells. The CPT once again calls on all Swiss cantonal authorities to change their approach and follow the example of the pilot projects underway in the cantons of Berne and Zurich aimed at significantly increasing the amount of time spent out of cells.

As far as healthcare is concerned, the independence of nursing staff should be guaranteed and the weekly presence of General Practitioners at Fribourg Central Prison increased. Measures should also be taken to stabilise the health care team at Bois-Mermet Prison. In most of the prisons visited, except for Champ-Dollon Prison, newly admitted prisoners were not given a clinical examination on admission, and the initial examination by a doctor was often carried out too late. In addition, a centralised register of traumatic injuries should be kept in all prisons. The Committee also recommended measures concerning the distribution of medicines and respect for medical confidentiality and called on the cantonal authorities to put an end to the systematic use of means of restraint during medical extractions, which in some cases might amount to inhuman or degrading treatment.

In most of the prisons visited, psychiatric treatment was mainly limited to psychotropic medication and a few interviews. Several persons subject to institutional therapeutic treatment under Article 59 of the Criminal Code complained that they had not been able to benefit from adequate psychiatric care and therapeutic activities. The persons concerned continued to be incarcerated in prison and were generally placed under the ordinary regime, without considering their specific needs. Continued efforts should be made to transfer prisoners with severe psychiatric disorders without delay to a suitable environment, which is properly equipped and has a full multidisciplinary care team to provide them with the necessary assistance.

The vast majority of remand prisoners continued to be subject to drastic restrictions on their contact with the outside world. They were often deprived of all contact for periods ranging from several weeks to several months. The CPT calls upon the Swiss authorities to review the rules, including the legislation, governing contact between remand prisoners and the outside world. Further, the systematic recording of all telephone calls, including telephone conversations with lawyers, as practised at Bois-Mermet Prison, should be discontinued.

The maximum duration of placement in disciplinary solitary confinement provided for by cantonal legislation was still 20 days in the prisons of the cantons of Fribourg and Valais and 30 days in the prisons of the canton of Vaud. In the CPT's view, such a placement should not exceed 14 days. In addition, the regulations in the cantons of Vaud and Valais provided for the possibility of temporary withdrawal of contact with the outside world. Given the potentially harmful effects of prolonged isolation, these rules should be reviewed.