

SWITZERLAND

National procedures for the supervision of offenders

Updated on 23 February 2026

Switzerland has not ratified the Convention ETS 051

Information about national law and procedures on supervision of offenders To be filled out by all member states of the Council of Europe

Types of decisions available under the national system

- ☒ **conditional release** (*release of a sentenced person after part of the custodial sentence or measure involving deprivation of liberty has been served*)
- ☐ **early release** (*preceding conditional release, e.g. for minors or due to good behaviour*)
- ☒ **conditional sentence:**
 - ☐ the imposition of a sentence has been conditionally deferred by imposing one or more probation measures
 - ☒ one or more probation measures have been imposed instead of a custodial sentence or measure involving deprivation of liberty
- ☒ **suspended sentence** (*custodial sentence or measure involving deprivation of liberty, the execution of which is conditionally suspended, wholly or in part, either at the time of the sentence or subsequently*);
- ☒ **alternative sanction** (*sanction, other than a custodial sentence or a measure involving deprivation of liberty, imposing an obligation or instruction*):
 - ☒ the judgment contains a custodial sentence or measure involving deprivation of liberty to be enforced in case of non-compliance with the obligation(s) or instruction(s) concerned
 - ☐ the judgment does not contain a custodial sentence or measure involving deprivation of liberty to be enforced in case of non-compliance with the obligation(s) or instruction(s) concerned

Probation or alternative sanctions available under national law

*Note: the Swiss law does not provide a **numerus clausus** of probation or alternative sanctions. The Swiss penal code provides the abstract legal basis to impose probation or alternative sanctions but the cantonal authorities (regional authorities) are competent to decide the measure(s) to be imposed. The cantons have a quite broad discretionary power on the measure they chose (with the exception of abuse of rights). All probation or alternative sanctions hereunder are therefore authorized under the Swiss legal system but not expressly stated in the law.*

	- x obligation to inform a specific authority of any change of residence or working place; - x obligation not to enter certain localities, places or defined areas in the requesting or requested state; - x obligation to present at specified times before a specific authority (police, probation services); - x obligation to avoid contact with specific persons; - x obligation to avoid contact with specific objects, which have been used or are likely to be used by the offender with a view to committing a criminal offence; - x obligation containing limitations on leaving the territory of the requesting/requested state; - x obligation to compensate financially for the prejudice caused by the offence; - x obligation to provide proof of compliance with the obligation to compensate financially for the prejudice caused by the offence; - x obligation to carry out community service; - x obligation to cooperate with a probation officer or with a representative of a social service having responsibilities in respect of offenders; - x obligation to undergo therapeutic treatment or treatment for addiction; - x obligation relating to behaviour (e.g. obligation to stop the consumption of alcohol), residence, education and training, leisure activities (e.g. obligation to cease playing or attending a certain sport), or containing limitations on or modalities of carrying out a professional activity¹; ☐ restorative justice - note: restorative justice is not yet enshrined in the Swiss law, but there are some pilot projects led by institutions or associations in some institutions taking place. - x other measures (please include them below) <u>Art. 94 para. 1 Swiss Criminal Code</u> does not limit ("in particular") the probation measures (conduct orders): "The conduct orders that the court or the executive authority may impose on the offender for duration of the probationary period relate in particular to the practice of a profession, place of residence, driving motor vehicles, reparation and medical and psychological therapy. - In the field of juvenile justice, it is possible, in certain cases, to suspend proceedings and initiate mediation proceedings (<u>art. 17 of the Juvenile Criminal Procedure Code</u>).
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¹ This obligation does not include the supervision of compliance with any professional disqualifications imposed on the person as part of the sanction applied to the offender

Where provided by the national law, duration of each obligation imposed	<i>It is not possible to answer this question. Duration depends on the measure ordered and the situation of the person. The various measures are set out in the following articles, though not necessarily in this specific form: Art. 56 ff. Swiss Criminal Code (SCC) (therapeutic measures), Art. 66 ff. SCC (other measures including mandatory bond, expulsion, and prohibition measures), Art. 93 SCC (probation assistance), Art. 94 SCC (conduct orders), Art. 237 Swiss Criminal Procedure Code (alternative measures for persons not yet convicted). Alternative forms of custodial sentences such as semi-detention, community service or electronic monitoring are not penalties imposed by the judge but forms of execution decided, under certain conditions, by the competent executive authority (Art. 77b, 79a, 79b SCC).</i> <i>Swiss law provides for framework periods of between one and five years for ordering probation or suspended sentences (probationary periods), but these may be extended if necessary in certain cases.</i>
Duration of the total probation period (if different from the duration mentioned above)	<i>It is not possible to answer this question, see above.</i>
National authorities or bodies responsible for supervising and assisting the offenders	<i>In Switzerland, the execution of penalties and measures falls within the competence of the cantons, not the Confederation. Not all cantons are organized in the same way, so it is not possible to answer this question. However, in most cantons, an administrative authority is responsible for decisions relating to the execution of sanctions and the supervision of convicted persons (probation).</i>
National authorities competent to monitor compliance with the probation measures or alternative sanctions.	<i>Same answer as above.</i>
Criteria to supervise probation measures imposed by foreign authorities	Switzerland has no legal basis to supervise probation measures imposed by foreign authorities, therefore, the following questions cannot be answered. ☐ The offender has his/her lawful and ordinary residence in the requested state; ☐ The offender is a family member of a lawful and ordinary resident person of the requested state; ☐ The offender follows a study or training in the requested state; ☐ The offender is granted with an employment contract and moves to the requested state.

National law and procedures for supervision of the probation measures or alternative sanctions	<i>Please provide a brief description of the supervision process and/or include links to the national legislation, procedures and/or other information relevant</i>
EU and international instruments applicable within this matter	☐ Council Framework Decision 2008/947/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments and probation decisions with a view to the supervision of probation measures and alternative sanctions ☐ Multilateral treaties [<i>please specify with one</i>] ☐ Bilateral treaties [<i>please specify with which country</i>] ☐ Uniform legislation applicable at the bilateral level [<i>please specify with which country</i>]