



OFFICE OF THE HIGH COMMISSIONER
FOR HUMAN RIGHTS



**Concluding observations of the Committee against Torture : Switzerland.
12/06/94.**

A/49/44, paras. 128-137. (Concluding Observations/Comments)

Convention Abbreviation: CAT
COMMITTEE AGAINST TORTURE

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 19 OF THE CONVENTION

Conclusions and recommendations of the Committee against Torture

Switzerland

128. The Committee against Torture considered Switzerland's second periodic report (CAT/C/17/Add.12) at its 177th and 178th meetings, held on 20 April 1994 (see CAT/C/SR.177 and 178 and Add.2), and adopted the following conclusions and recommendations:

A. Introduction

129. The Committee against Torture thanks the Government of Switzerland for its second periodic report. It also listened with interest to the oral report and clarifications presented by the Swiss delegation. The Committee wishes to thank the delegation for its replies and for the spirit of open-minded cooperation in which the dialogue was conducted. It considers the report to be in conformity with the Committee's guidelines regarding periodic reports.

B. Positive aspects

130. The Committee appreciates the renewed determination of the Swiss Government to guarantee respect for, and the protection of, human rights through its accession to a number of international and regional instruments for the promotion of such rights and its intention to support the adoption of the draft optional protocol to the Convention against Torture.

131. The Committee notes with satisfaction and sets special store by the fact that no governmental or non-governmental body has affirmed the existence of cases of torture within the meaning of article 1 of the Convention.

C. Subjects of concern

132. However, the Committee, which has heard of cases of ill-treatment suffered by persons arrested by the police, considers that reform of the legislation and practice relating to police custody and pre-trial detention is desirable, particularly the right to get in touch with one's family, immediate access to a lawyer and the right to a medical examination by a doctor of the detained person's choice or drawn from a list of doctors compiled by the Medical Association.

133. The Committee is also concerned about the system of holding persons incommunicado during pre-trial detention and the problem of solitary confinement of prisoners for long periods, which may constitute inhuman treatment.

134. The Committee, while welcoming the delegation's assurances that the Federal Court views the right of non-return as a basic right, none the less fears that certain provisions of the legislation on the right to asylum may authorize return and extradition to States in which the applicant is genuinely at risk of being subjected to torture, in violation of article 3 of the Convention.

D. Recommendations

135. The Committee considers it essential that any asylum-seeker whose case is being considered with a view to return or regularization of his situation should be treated with due consideration for his dignity and should be protected against any measure that deprives him of his liberty.

136. The Committee takes note of the delegation's promise to furnish missing information in writing within six months, in particular certain statistics.

137. The Committee is convinced that the State party will make every effort to introduce the suggested legislative and administrative improvements with a view to ensuring even more satisfactory compliance with the standards laid down by the Convention.



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