



**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

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COMMITTEE AGAINST TORTURE

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

**Comments by the Government of SWITZERLAND* ** on the conclusions and
recommendations of the Committee against Torture (CAT/C/CR/34/CHE)**

[15 May 2007]

* Previous replies to the conclusions and recommendations of the Committee are available in document CAT/C/CHE/CO/4/Add.1.

** In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

1. We refer to your letter of 5 April 2007 inviting us to respond to the recommendations made by the Committee against Torture following its report on Switzerland.
2. Having checked our files, we can inform you that Switzerland has already responded to recommendations 5 (f), 5 (g) and 5 (i) in its letter dated 15 June 2005 but that it did omit to reply to question 5 (b), for which we apologize.
3. In response to that question, we can now inform you that the Federal Council submitted to the Chambers a federal bill on the use of coercion and police measures in spheres within the jurisdiction of the Confederation (LUc) on 18 January 2006. The bill is designed, in particular:
 - (a) To regulate in a uniform manner, to the extent possible, the use of coercion and police measures by the authorities;
 - (b) To ensure respect for the principles of the rule of law (equality, public interest, proportionality, respect for international law);
 - (c) To ensure respect for fundamental rights (equality, prohibition of discrimination, protection from arbitrary interference, right to life and personal freedom, general procedural guarantees).
4. The bill governs authorized means of coercion and police measures. Stun guns (tasers) are not permitted weapons. Moreover, techniques using physical force that might cause significant harm to the persons concerned are prohibited, in particular techniques that could obstruct the respiratory tract. Article 24 of the bill regulates the medical surveillance of persons being held or transported, while article 25 thereof provides that medicines may not be used in place of auxiliary means and may be prescribed only for medical reasons by persons authorized to do so under the legislation on medicines.
5. The bill also regulates training for persons who might be called upon to use coercion and police measures.
6. The Council of States enacted the bill on 9 June 2006. The National Council should deal with the Act at its summer session of 2007 and, in the event that it is accepted by the Chambers, the Act could enter into force in January 2008.
7. In addition to the information provided above in response to your question 5 (b), we would like to inform you that the Federal Office of Justice is currently in the process of compiling the necessary information from the cantons to supplement the fourth periodic report of Switzerland. This supplementary information should reach you during the summer of 2007.
