

**OHCHR: Call for inputs by the Special Rapporteur on Torture on the current issues and good practices in prison management**

**Input by AsyLex regarding Switzerland**

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**A. About the Commenting Organization**

AsyLex is an independent non-profit organization based in Switzerland. Our team of volunteers provides free online legal advice to refugees and asylum seekers. AsyLex was founded 6 years ago (2017) and has assisted over 9'000 clients on Swiss asylum law matters up until today. Due to our work as legal representatives in cases of administrative detention we want to voice our concerns and share our experiences regarding the current detention conditions and practices in Switzerland with the Special Rapporteur on Torture.

**B. Responses to Special Rapporteur’s Questions**

**1. Major Challenges and their Causes**

**1.1. Access to Legal Representation**

In Switzerland, the decision to grant legal assistance to a person in administrative detention is a regional responsibility. The differences between the regions are enormous. As a result, very few persons in administrative detention have access to free legal representation, which is highly problematic.[[1]](#footnote-1) In this context it is to be noted that in scope of the Swiss eighth periodic report to the Committee against Torture (hereinafter “**CAT**”), the CAT in its concluding observation acknowledged the lack of systematic access to legal representation in administrative detention. As a result, they recommended to "[g]uarantee administrative detainees access to legal representatives in detention".[[2]](#footnote-2)

Yet, in some cantons such as Aargau and Vaud, among others, legal representation is mandatory. In these cantons a legal representative is contracted by the cantonal migration office to represent the client when administrative detention is ordered. The canton-ordered legal representative is then in charge of evaluating the client's case and choosing at their discretion how to proceed, i.e., whether to request a review of the detention order and whether to file an appeal against the review decision. Based on AsyLex’ experience however, the clients are often unaware that the canton contracted a legal representative on their behalf. In other cantons there is no mandatory legal representation in cases of administrative law.

Noticeably, the canton of Zurich is one of those cantons, where there are no mandatory attorneys in cases of administrative detention ordered under administrative law, leaving administrative detainees unaware of their rights. In addition, in Switzerland, different forms of administrative detention exist that are used prior to deportation and are sometimes applied or upheld without a definitive decision on the person's asylum request. In cases where the person will be deported to their home country or a so-called “safe third country”, the period of administrative detention can last up to 18 months. This is completely disproportionate and highly problematic, particularly in light of the possible lack of access to legal representation.

Although less restrictive measures are often available, they are generally not considered by the courts. While a court does review the detention (extension) requests of the migration offices, without legal representation the detainees cannot adequately appeal to the decision. This causes a heavy imbalance in what should be a fair trial and legal proceeding. Similarly, In Switzerland, there are forms of administrative detention pending deportation that do not systematically reach the hands of a judge. This type of detention is applied for cases under the Dublin procedure (hereinafter “**Dublin detention**”). This is highly problematic because the lack of granting legal representation leads the migration office to order detention for persons with a non-entry asylum decision at their discretion. The detainee would have to request a review by the court, whose language they do not speak. Yet, most of the time the detainees are not adequately aware of their rights and will thus not always request such a review or they may be too intimidated to do so as they may generally want to avoid the involvement of a court.

In one of AsyLex most recent successes before the Federal Tribunal (see [**BGer 2C\_457/2023 of 15. September 2023**](https://www.bger.ch/ext/eurospider/live/de/php/aza/http/index.php?lang=de&type=highlight_simple_query&page=1&from_date=&to_date=&sort=relevance&insertion_date=&top_subcollection_aza=all&query_words=2C_457%2F2023&rank=1&azaclir=aza&highlight_docid=aza%3A%2F%2F15-09-2023-2C_457-2023&number_of_ranks=18)) we challenged the unlawful waiver of detention review (Art. 80a Abs. 3 FNIA)[[3]](#footnote-3). AsyLex appealed the decision by the Court of Appeal of canton Basel, which ruled that the detention review request from our client did not need to be considered as the client previously ticked a box to waive judicial review (“Renonciation au contrôle judiciaire”) on the protocol from a legal hearing at the cantonal migration office. The Federal Tribunal, however, clearly states that every person detained has the right to appeal to a court at any time and thus can determine the time of the review themselves. This is because the judicial review of detention according to [Art. 80a Abs. 3 FNIA](https://www.fedlex.admin.ch/eli/cc/2007/758/en#art_80_a) constitutes a procedural provision that cannot be renounced. The procedural guarantee to review the legality and appropriateness of the Dublin detention was therefore seriously violated. As a result of the verdict by the Federal Tribunal the person was released from detention. If the person had not managed to mandate a legal representative he would likely still be held in administrative detention.

Moreover, if the persons detained manage to receive legal representation, which they have to find themselves from inside the prison, it is often too late to request a review of the lawfulness of the Dublin detention because deportations happen very quickly or it may be

that the person is deported before the decision is reached by the court. Hence, despite the right to legal representation, in cantons where no legal representation is automatically appointed, each detainee is responsible for mandating such representation themselves. This is especially problematic in light of the limited knowledge of the Swiss legal system that detained persons have as well as the language barrier. Additionally, Dublin detention review proceedings have very short deadlines. The review decision by the court is reached within 96 hours and involved parties like the migration office and the legal representative are given a deadline within this time to submit a statement regarding the review. The legal representative must therefore take this into account and ensure that they have sufficient time and flexibility to adequately represent a client.

The canton of Zurich with the Center for Administrative Detention of Foreigners (ZAA), which is the biggest detention center in Switzerland and houses the most detainees, can be considered a unique case for access to legal representation. Here AsyLex has placed forms for legal representation inside the detention center and detainees can mandate AsyLex with the help of the social worker in the detention center or by using the post mail service. However, this remains the exception, and facilitated access to legal representation is largely the result of the efforts of independent organizations rather than institutionalized practices - as exemplified by the recent efforts of AsyLex volunteers to establish such forms in the Frambois and Favra detention centers.

**1.2. Access to Psychological Treatment**

AsyLex has already in previous reports and published work pointed out the serious problems in administrative detention regarding access to psychiatric care. In an article for humanrights.ch[[4]](#footnote-4) AsyLex highlights that administrative detention centers are inappropriate facilities for care and treatment of mentally ill people. Accordingly, Switzerland has been urged by the UN Human Rights Committee (UNHRC) to adapt its national laws and practices to be in accordance with UN practices, specifically that in-patient placement in compulsory detention systems for mentally ill persons should only be used as a last resort.[[5]](#footnote-5) However, people with mental health problems continue to be placed in administrative detention rather than psychiatric care. On top of this, those affected are often denied necessary and appropriate therapy and remain imprisoned even if a lawful order for psychiatric care in a suitable institution has been issued. Unlike in penal institutions, in administrative detention psychiatric therapies are generally not available. If these services are nevertheless accessible, rather than receiving therapy, the persons are often simply offered medication, even if the affected person does not want to be medicated. Furthermore, in Dublin detention persons including victims of mistreatment or sexual and gender-based violence are regularly denied

the possibility of psychological treatment, which, for traumatized persons, amounts to cruel, inhumane and degrading treatment and regularly leads to suicide attempts.[[6]](#footnote-6)

At the ZAA, for example, there is always a psychiatrist present or on call. However, AsyLex also sees a high number of people who are given medication for their psychological problems. The staff's preference for medication may partly be due to the lack of staff for the number of people in need and partly due to the idea that detainees are deported too early to offer genuine assistance. In many case files of clients from AsyLex it is noticeable that they receive a high number of strong medications. Some for their sleeping issues, others for their anxiety or depression. Moreover, many times the person taking these medications does not react well to the drug. This then leads to further medication, which targets the side effects of the initially prescribed medication. Rarely are there casefiles where repeated sessions with a therapist or alternatives to medicinal problem-relief are ordered in the health reports of detained persons. It should be noted that the ZAA is also one of the only detention centers where the detainees have (regular) access to a psychiatrist.

AsyLex has also observed that in cases where persons have attempted suicide in detention, they are repeatedly placed in solitary confinement on the pretext that this is necessary for their protection. This is a clear violation of basic human rights and has been confirmed by several courts in the past.[[7]](#footnote-7) With regard to solitary confinement AsyLex achieved a major success before the Administrative Court of the Canton of Zurich in decision [**VB.2021.00661 of 28 July 2022**](https://vgrzh.djiktzh.ch/cgi-bin/nph-omniscgi.exe?OmnisPlatform=WINDOWS&WebServerUrl=&WebServerScript=/cgi-bin/nph-omniscgi.exe&OmnisLibrary=JURISWEB&OmnisClass=rtFindinfoWebHtmlService&OmnisServer=JURISWEB,127.0.0.1:7000&Parametername=WWW&Schema=ZH_VG_WEB&Source=&Aufruf=getMarkupDocument&cSprache=GER&nF30_KEY=222551&W10_KEY=10877864&nTrefferzeile=1&Template=standard/results/document.fiw), where a client was ordered to be kept in solitary confinement instead of being transferred to a clinic.

In the case of the ZAA AsyLex has been informed that the management of the ZAA tries to keep the use of solitary confinement to a minimum, for as short a time as possible, and only with the agreement of a psychiatrist. According to the ZAA the person is placed in solitary confinement until they can be transferred to a psychiatric facility. However, according to the ZAA staff, the issues with persons who are in administrative detention and need to go to a psychiatric facility, are that they often do not have an accessible or existing medical history and require security supervision during their stay. This means that the psychiatric facility has to invest a higher number of resources to establish a medical history or work with the person without a sufficient medical assessment, which makes the treatment difficult. Moreover, the presence of security can be disruptive to the other psychiatric patients and hence these clients are generally associated with a higher workload. As a result, according to the ZAA staff, this has led to some issues with the willingness of psychiatric facilities to take in persons who are in administrative detention. It is difficult to know how other detention centers besides the ZAA deal with persons in need of psychiatric support, as such information is not publicly available and other detention centers are not as cooperative or willing to share such information as the ZAA.

 **1.3. Conditions and Management of Detention Centers**

Currently the conditions and management of the detention centers in Switzerland are substandard and do not fully comply with the legal requirements[[8]](#footnote-8). Despite the fact that administrative detention should not have a criminal character as it is not a criminal sanction, but a means to ensure the execution of the deportation, the execution of the detention remains similar.[[9]](#footnote-9) As of 1st of June 2019 the national segregation clause (Principe de séparation; [Art. 81 FNIA](https://www.fedlex.admin.ch/eli/cc/2007/758/en#art_81))[[10]](#footnote-10) came into force. This clause requires that criminal prisoners and persons in administrative detention have to be detained in different correctional facilities, except in cases where due to capacity reasons this cannot be upheld. In such exceptional cases the persons in administrative detention and those in criminal or pre-trial detention may be held within the same correctional facility, but separately. This means in cases where the detainee cannot be held in an appropriate detention facility they can be held in a regular penal facility, but in a separated area from the persons in criminal or pre-trial detention. Nonetheless, in Switzerland there is a general lack of detention facilities where only persons in administrative detention are held, so that overall the segregation clause is not yet fully respected.

For instance, the detention facility in the ZAA still housed both administrative and criminal detainees, up until 2022. While the ZAA since spring 2022 exclusively holds persons in administrative detention, the building still resembles a penal correctional facility. Despite there being several court rulings, which demand that administrative detention centers are adapted to no longer resemble penal correctional facilities and that the case law of the European Court of Justice also has to be observed. For example the Federal Supreme Court stated in the ruling [**BGer 2C\_765/2022 of 13. October 2022**](https://www.bger.ch/ext/eurospider/live/de/php/aza/http/index.php?lang=de&type=highlight_simple_query&page=1&from_date=&to_date=&sort=relevance&insertion_date=&top_subcollection_aza=all&query_words=2C_765%2F2022&rank=1&azaclir=aza&highlight_docid=aza%3A%2F%2F13-10-2022-2C_765-2022&number_of_ranks=51),litigated by AsyLex, that structural and staffing conditions are not considered immutable and must be created or adapted as necessary for a prison system that complies with the Constitution and the Directives. In another court ruling won by AsyLex the Federal Tribunal decided that the detention conditions in the prison Bazenheid (canton St. Gallen) were not adequate for administrative detention, which meant the detention conditions were unlawful (see [**BGer 2C\_781/2022 of 08. November 2022**](https://www.bger.ch/ext/eurospider/live/de/php/aza/http/index.php?lang=de&type=highlight_simple_query&page=1&from_date=&to_date=&sort=relevance&insertion_date=&top_subcollection_aza=all&query_words=2C+781%2F2022&rank=1&azaclir=aza&highlight_docid=aza%3A%2F%2F08-11-2022-2C_781-2022&number_of_ranks=29)). Likewise, already in 2021 there was a precedent ruling by the Federal Tribunal litigated by AsyLex, which ruled that the person in administrative detention cannot be held in a pre-trial penal facility and the detention was therefore disproportionate and unlawful (see [**BGer 2C\_278/2021 of 27. July 2021**](https://www.bger.ch/ext/eurospider/live/de/php/aza/http/index.php?lang=de&type=highlight_simple_query&page=1&from_date=&to_date=&sort=relevance&insertion_date=&top_subcollection_aza=all&query_words=2C_278%2F2021&rank=1&azaclir=aza&highlight_docid=aza%3A%2F%2F27-07-2021-2C_278-2021&number_of_ranks=119)). Other institutions like the Realta correctional facility (canton Grisons) or the Solothurn remand prison (canton Solothurn) are also continually criticized for their pronounced prison character and controversial detention conditions. The Frambois prison (canton of Geneva), on the other hand, has a generous approach to detainees. For example, it places great emphasis on guaranteeing privacy through room keys and all-day access to sports activities - it remains the only existing administrative detention center in Switzerland to do so.

 **1.3.1 Access to the Prison Yard and Gender Differences**

The National Commission for the Prevention of Torture (NCPT) has also criticized the conditions of detention for people in administrative detention in Switzerland. In particular, freedom of movement is too severely restricted, as the possibility of taking walks often only exists in small fenced-in walking yards. As outlined above, the structural facility of the ZAA remains prison-like. Especially concerning is the lack of opportunity that detainees have to spend time in the prison yard. The persons in the male detention area cannot access the yard themselves as it is located on the ground floor. They must therefore always be accompanied and are supervised from the inside by prison staff. Moreover, they have access to the yard for a minimum of one and a maximum of three hours a day.[[11]](#footnote-11) On top of this, the yard is fenced in by high cement walls with some glass windows and does not allow for an unobstructed view into the sky as there is a net covering it. This adds another layer of psychological stress to the detainees. It should also be noted that there is a difference between the male and the female detention area. Persons in the female detention area can access the yard at all times as it is a separate one from the male yard and directly located on their floor. However, this yard is much smaller (estimate based on visit = 30m2)[[12]](#footnote-12) and does not allow for the same sport or leisure activities as the male yard.

Gender segregation presents further issues and unequal treatment. Most of the persons in administrative detention are (young) men, rarely are there women. As such the women who are imprisoned are factually in isolation as they are often the only person in the female detention area. The ZAA claims to have a prison worker present during the day in these cases to avoid isolation. In other detention facilities in Switzerland this is unheard of. In fact there have been cases where young women with severe psychological issues were held in administrative detention in the canton of Grisons, before being transported to the ZAA. The detention center in Grisons is not equipped for administrative detention, as has been explained above. Persons in administrative detention already count as an extremely vulnerable group of persons, often suffering from psychological problems and trauma. Isolation only exacerbates these issues and needs to be avoided at all times. The option for lighter coercive measures is not used by migration authorities when the sole reason would be de facto isolation, although it is at their discretion.

**1.3.2 Access to the Internet and Contact with Families**

Since mid-September 2023, the ZAA allows its detainees to access the internet three times per week for 50 minutes. Before, internet access was granted solely twice a week. Additionally, many websites are blocked, including Facebook, which is one of the central online platforms that detainees use to communicate with their families. Skype is also not

possible to use for detainees, except for online court hearings that need to be arranged by the prison management. On top of this the detainees are only allowed out of their cells from 8am until 5pm. This means communication with their families over the internet is not only restricted by the accessibility of websites and apps but also by the time difference between Switzerland and their home country. In other detention centers it is unclear if the persons have access to the internet at all.

**1.3.3 Work and Further Education Opportunities**

Moreover, detainees in the ZAA have the option to carry out work and receive some financial compensation, which they can spend in the prison shop or save and take with them when they are deported. While this opportunity for employment is generally supported, the work they can do is not cognitively stimulating and does not equip them with new skills they could use in their home country to set up their life. Some examples of employment are cloth folding and making cigarettes. There are no opportunities for job training or further education.


Image: ZAA from the outside (Source: ZAA Official Website, zh.ch[[13]](#footnote-13))

**1.3.4 Location and Access to Information of Detention Center**s

Besides that, there is a general problem concerning the location of detention centers. The fact that some centers for administrative detention are located in non-habitable zones is a major problem, as it is the case with the ZAA, which is located directly at the airport. At the ZAA, the location not only leads to extreme noise emissions, but one is also confronted with the problem of regulations for structural measures. Many detainees in the ZAA report sleeping problems and stress due to the proximity to the airport. Even the ZAA staff have noted that persons who were in the ZAA and are then placed in an external psychiatric facility recover very quickly from their stress-related psychological issues - however, this just leads to a short

stay at the psychiatric facility and to a quick return to the ZAA, where the problems return.

In addition, conditions in detention centers are not well documented and information on most centers is limited. This makes it extremely difficult to ensure the proper treatment of detainees, especially as they are often unaware of their rights and general human rights standards and thus, vulnerable to abuse. The ZAA is one of the only detention centers that AsyLex has a significant amount of information on in regards to their prison management. It is also the only detention center that has actively initiated contact with independent organizations to receive input on planned changes in their structural and personal prison conditions. However, it should be noted that these plans are still in the pre-planning phase, meaning the actual change will unlikely be realized before 2027, which is another four years during which persons detained under the Foreign Nationals and Integration Act (FNIA) will be housed in a detention regime that does not conform to the law. The compliance of the (legal) detention requirements of the ZAA must be achieved more quickly than planned and in full compliance with case law. Both the Migration Office of the Canton of Zurich and all migration offices of other cantons, which house persons in detention in the ZAA, are responsible for this. It is nevertheless questionable whether, despite the planned expansion of the ZAA, the legal framework conditions can be adhered to. Because the renovation is restricted by the current building structures designed for pre-trial detention and by the building zone, which requires special measures due to the airport. As such a mere renovation of the ZAA is not sufficient for a legally compliant center for administrative detention.

**1.4 Administrative Detention as a Last Resort**

In its Detention Guidelines, the UNHCR states that administrative detention under migration law may be used as a last resort. In each case, alternatives to detention under aliens law must be examined individually, taking into account factors such as availability, effectiveness and appropriateness. In Switzerland, there are various alternatives to administrative detention according to the Foreign Nationals and Integration Act. These include reporting regularly to authorities, providing adequate financial security, depositing travel documents, and areal inclusion and exclusion mechanisms ([Art. 64e FNIA](https://www.fedlex.admin.ch/eli/cc/2007/758/en#art_64_e) and Art. [74 FNIA](https://www.fedlex.admin.ch/eli/cc/2007/758/en#art_74)).[[14]](#footnote-14) In addition to the alternatives already regulated by law, other alternatives proposed by UNHCR have already been successfully implemented abroad. One example is the assigned residential addresses where affected persons must live and may only move with the consent of the authorities. Or community supervision arrangements, where the persons concerned are supervised by social workers and supported in connection with their housing situation, school or, for example, social security contributions. These alternatives should not only be provided for by law, but should actually be applied in accordance with the principle of proportionality.[[15]](#footnote-15)

A major issue in this regard is that cantonal migration offices often do not sufficiently assess if other measures besides administrative detention could be applied, despite the fact that this is required by law. For example, cantons such as Fribourg and Lucerne frequently detain

rejected asylum seekers several days or even weeks before the scheduled flight (or even if no flight has been scheduled), making it impossible for them to voluntarily return to the respective countries.[[16]](#footnote-16) The CAT has also given recommendations for Swiss authorities, stating that they should limit the use of administrative detention strictly to that for which it is necessary and proportionate. In its recommendation the CAT also notes that alternative measures should be imposed first and that detention should not be used to induce persons to take steps that would jeopardize their rights or interests. However, this is precisely what detention for disobedience (détention pour insoumission; [Art. 78 FNIA](https://www.fedlex.admin.ch/eli/cc/2007/758/en#art_78))[[17]](#footnote-17) is intended to do, i.e. to put further pressure on detainees to voluntarily return to their home country. Moreover, according to the CAT, administrative detention should be ordered consistently across cantons to minimize arbitrary treatment depending on which canton the person is assigned to.[[18]](#footnote-18)

**2. Recommendations on How to Improve Existing Prison Management**

Based on what has been explained above, we find the following recommendations essential:

**2.1. Ensure Access to Legal Representatives in Detention**

* Guarantee legal assistance and representation for persons in administrative detention, which has to be free of charge if the migrants cannot afford it
* Ensure that legal representation is available to persons in administrative detention and that this is also provided for issues related to violence used against them by officials, domestic violence and racial profiling

 **2.2. Ensure Access to Psychological Treatment**

* Ensure a sufficient number of psychiatrists in the administrative detention healthcare system
* Guarantee for all detainees a regular, rapid and low-threshold access to basic psychiatric care by qualified staff with experience in providing care for persons being deprived of liberty
* Guarantee access to psychiatric care beyond medication
* Utterly eliminate the use of solitary confinement for individuals at risk of suicide in administrative detention

**2.3. Improve Conditions of Detention**

* Provide unrestricted contact possibilities with the outside world (provision of telephones, non-removal of cell phones, internet access without blocked websites,

extension of visiting hours)
* Ensuring better leisure opportunities (no restrictions in the form of fixed opening hours or inadequate infrastructure)
* Guarantee the widest possible freedom of movement within detention facilities and ensure access to activities and education
* Ensuring better conditions of detention by setting stricter building regulations for detention centers including the location of detention centers and structural requirements

**2.4. Administrative Detention as a Last Resort**

* Ensure that administrative detention must only be applied as a last resort and must always respect the principle of proportionality
* Systematically examine alternatives to detention under aliens law individually, taking into account factors such as availability, effectiveness and appropriateness. These alternatives should not only be provided for by law, but should actually be applied in accordance with the principle of proportionality[[19]](#footnote-19)

**3. Conclusion and Learnings**

Based on the report it becomes clear that prison management and conditions of administrative detention in Switzerland are not fully compliant with national and international legal standards. We therefore call on the Swiss authorities involved to follow the above listed recommendations and to adequately translate existing law into action.

1. AsyLex's submission on migrants’ rights to liberty and freedom from arbitrary detention from 20 October 2020 [↑](#footnote-ref-1)
2. CAT, “Concluding observations on the eighth periodic report of Switzerland\*”, Published 28. July 2023, Accessed 01. November 2023, p. 07, Link: https://tbinternet.ohchr.org/\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FCHE%2FCO%2F8&Lang=en
 [↑](#footnote-ref-2)
3. Loi fédérale sur les étrangers et l’intégration, https://www.fedlex.admin.ch/eli/cc/2007/758/fr [↑](#footnote-ref-3)
4. humanrights.ch, “Die ausländerrechtliche Administrativhaft – Kritik und Alternativen”, Published 07. October 2020, Accessed 01. November 2023, Link: https://www.humanrights.ch/de/ipf/menschenrechte/migration-asyl/administrativhaft-kritik-alternativen [↑](#footnote-ref-4)
5. humanrights.ch, “Die ausländerrechtliche Administrativhaft – Kritik und Alternativen”, Published 07. October 2020, Accessed 01. November 2023, Link: https://www.humanrights.ch/de/ipf/menschenrechte/migration-asyl/administrativhaft-kritik-alternativen; UNHRC, “Pacte international relatif aux droits civils et politiques”, Published 22. August 2017, Accessed 01. November 2023, Link: https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPRiCAqhKb7yhsr2bAznTIrtkyo4FUNHETCRatPeVQaTXOzHQnnQpdO4U%2Fn4UKD5kngN2k%2FEUoIn6cA1unXLcg2EMLE%2BEAYnnWVHGPXw1x4EY74EDrcEAdtyT
 [↑](#footnote-ref-5)
6. EUAA Report, 2023; AsyLex Submission to the Special Rapporteur on Torture, 2022 [↑](#footnote-ref-6)
7. EUAA Report, 2023; AsyLex Submission to the Special Rapporteur on Torture, 2022 [↑](#footnote-ref-7)
8. humanrights.ch, “Die ausländerrechtliche Administrativhaft – Kritik und Alternativen”, Published 07. October 2020, Accessed 01. November 2023, Link: https://www.humanrights.ch/de/ipf/menschenrechte/migration-asyl/administrativhaft-kritik-alternativen [↑](#footnote-ref-8)
9. SKMR, “Ausländerrechtliche Administrativhaft in der Schweiz Menschenrechtliche Standards und ihre Umsetzung in der Schweiz”, Published 28. May 2020, Accessed 01. November 2023, Link: https://skmr.ch/assets/publications/200819\_Administrativhaft.pdf [↑](#footnote-ref-9)
10. Loi fédérale sur les étrangers et l’intégration, https://www.fedlex.admin.ch/eli/cc/2007/758/fr [↑](#footnote-ref-10)
11. Hausordnung ZAA, 2022, Link: https://www.zh.ch/content/dam/zhweb/bilder-dokumente/organisation/direktion-der-justiz-und-des-innern/juwe/fhg/Hausordnung%20Flughafengef%C3%A4ngnis%20-%20Ausl%C3%A4nderrechtliche%20Administrativhaft.pdf [↑](#footnote-ref-11)
12. The ZAA website states that the total area for all prison yards in the ZAA is ca.1200m2, Link: https://www.zh.ch/de/direktion-der-justiz-und-des-innern/justizvollzug-wiedereingliederung/vollzugseinrichtungen-zuerich/zentrum-fuer-auslaenderrechtliche-administrativhaft.html
 [↑](#footnote-ref-12)
13. https://www.zh.ch/de/direktion-der-justiz-und-des-innern/justizvollzug-wiedereingliederung/vollzugseinrichtungen-zuerich/zentrum-fuer-auslaenderrechtliche-administrativhaft.html#583789084
 [↑](#footnote-ref-13)
14. Loi fédérale sur les étrangers et l’intégration, https://www.fedlex.admin.ch/eli/cc/2007/758/fr [↑](#footnote-ref-14)
15. humanrights.ch, “Die ausländerrechtliche Administrativhaft – Kritik und Alternativen”, Published 07. October 2020, Accessed 01. November 2023, Link: https://www.humanrights.ch/de/ipf/menschenrechte/migration-asyl/administrativhaft-kritik-alternativen; UNHCR, Detention Guidelines
 [↑](#footnote-ref-15)
16. EUAA Report, 2023; AsyLex Submission to the Special Rapporteur on Torture, 2022 [↑](#footnote-ref-16)
17. Loi fédérale sur les étrangers et l’intégration, https://www.fedlex.admin.ch/eli/cc/2007/758/fr
 [↑](#footnote-ref-17)
18. CAT, “Concluding observations on the eighth periodic report of Switzerland\*”, Published 28. July 2023, Accessed 01. November 2023, p. 07, Link: https://tbinternet.ohchr.org/\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FCHE%2FCO%2F8&Lang=en [↑](#footnote-ref-18)
19. humanrights.ch, “Die ausländerrechtliche Administrativhaft – Kritik und Alternativen”, Published 07. October 2020, Accessed 01. November 2023, Link: https://www.humanrights.ch/de/ipf/menschenrechte/migration-asyl/administrativhaft-kritik-alternativen; UNHCR, Detention Guidelines [↑](#footnote-ref-19)