

Berne, 26 september 2022

## **No one should languish ad aeternam in prison because of a mental illness. Switzerland must comply with the rule of law!**

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Some 700 people are currently incarcerated in Switzerland for an offense committed in connection with a mental disorder. Once their sentence has been served and for lack of sufficient therapeutic institutions, these patients remain in prison for an average of 5 years and 7 months beyond their sentence. National Counselor Baptiste Hurni is calling on the Federal Council on this matter today. ([22.3973](#))

The article 59 of the Swiss Criminal Code provides for institutional therapeutic measures for perpetrators of offenses committed in connection with a serious mental disorder. Institutional treatment may not, as a general rule, exceed five years, but may be extended several times. In the absence of closed therapeutic institutions, the patients concerned therefore remain incarcerated for years without the prospect of release, often without adequate follow-up or therapeutic treatment. In the canton of Vaud, the [Action Maladie Psychique et Prison \(AMPP-GRAAP\)](#) has long been protesting its practices.

However, during its examination last March, the UN Committee on the Rights of Persons with Disabilities "noted with concern that in Switzerland, medical procedures and treatment, chemical, physical and mechanical restraints and solitary confinement are used in prisons without the consent of the persons concerned, residential care facilities and psychiatric institutions" (Art. 15 CRPD).

In addition, a recent report by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) has just highlighted Switzerland in this regard.

These inhumane practices are not worthy of a democratic country. It is high time for the Federal Council to act. AGILE. CH and its member organisations expect a positive government response.

[Final conclusions of the UN Committee on the Rights of Persons with Disabilities of 14.03.2022](#)

[Report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment \(CPT\)](#)

Excerpt from the RTS program "Mise au point" of June 12, 2022, entitled "[Article 59: a controversial article](#)"