



Solitary confinement in Switzerland

Submitted by: Thierry Urwyler, Professor of Criminal Law and Criminal Procedure Law, University of Zurich / CrimeLab of the University of Zurich*

Cite as: Urwyler, T. (2026) Solitary Confinement in Switzerland. In Shalev, S. Mapping Solitary Confinement (online). <https://www.solitaryconfinement.org/mapping-solitary-confinement>

***Note:** This report revises the 2022 Switzerland Mapping text in light of a recent study (Urwyler, Thierry, Iris Alexandra J. Weidmann, Thomas Noll, und Nina Schnyder. Einzelhaft im Straf- und Massnahmenvollzug. Schriften zum Straf- und Massnahmenvollzug. Helbing & Lichtenhahn, Basel 2026).¹

1. Country general Criminal Justice System facts & numbers

Switzerland is a federal state composed of 26 cantons. Responsibility for the execution of criminal sanctions is principally cantonal, although federal law sets requirements in some areas that are binding on all cantons. On 31 January 2026, 7,119 persons were detained in Swiss custodial institutions. Of these, 63% were serving a custodial sentence or measure, 31% were in pre-trial or security detention, and 6% were detained on other legal grounds. Women represented 5.6% and foreign nationals 73.6% of the prison population. The country had 90 custodial institutions with 7,373 places and a nationwide occupancy rate of 96.6%.

2. Legislative and administrative bases for use of solitary confinement

The Federal Supreme Court characterizes solitary confinement as a serious interference with personal liberty under Art. 10 of the Swiss Federal Constitution (SFC). Solitary confinement therefore requires a sufficiently precise basis in statutory law, a legitimate public interest, proportionality and respect for the core (“Kerngehalt”) of fundamental rights (see also Art. 36 SFC). Constitutional jurisprudence confirms that solitary confinement must be the last remaining suitable option and may not be more restrictive in its substance, space, duration or personal scope than necessary. The longer and harsher the regime, the more demanding the justification and compensatory measures must become.²

¹Open Access (available 2027) at: researchgate.net/publication/405391112_Einzelhaft_im_Straf-_und_Massnahmenvollzug_Empirische_Befunde_-_Rechtlicher_Rahmen_-_Entwicklungsmoglichkeiten

² See for example: BGE 134 I 221 E. 3; BGer, 12.6.2022, 1B_235/2022, E. 3.1; 12.6.2022, 1B_235/2022, E. 3.1; 24.6.2021, 6B_587/2021, E. 2.3.4. BGE 147 IV 259 E. 3.2, 3.7 f.; BGer, 3.12.2021, 1B_574/2021, E. 5.5 f.; 12.11.2020, 6B_988/2020, E. 5.1..



At statutory level, solitary confinement in the execution of criminal sanctions is primarily governed by federal law. Article 78 of the Swiss Criminal Code (SCC) governs the uninterrupted separation of prisoners serving custodial sentences. By its wording, Article 90(1) SCC applies to persons undergoing a measure under Articles 59-61 SCC; legal scholarship also treats the provision as applicable to preventive detention (Verwahrung) under Article 64 SCC. The common federal grounds are protection of the detained person or third parties from a sufficiently serious danger, disciplinary solitary confinement ("Arrest"), and prevention of the influencing other detained persons with terrorist ideology. Article 78(a) SCC additionally permits up to one week of solitary confinement at the start of sentence execution for admission-related purposes, while Article 90(1)(a) SCC provides for temporary therapeutic separate accommodation (vorübergehende therapeutische Massnahme),³ although the law does not specify clear time limits. Some cantonal provisions refer to additional grounds such as escape risk or institutional order.

Cantonal law determines important procedural matters, including the competent ordering and reviewing authorities, remedies and review intervals. Given the 26 cantons, a complete account is beyond the scope of this Mapping exercise. We would note here, however, that there is considerable heterogeneity, which is problematic from the perspective of equality before the law.

3. Reasons for use, process, and administrative regulations for each 'type' of solitary confinement.

a. Disciplinary solitary confinement ("Arrest")

Disciplinary solitary confinement is authorised by current federal law (Arts. 78(c), 90(1)(c) and 91 SCC), while cantonal law specifies disciplinary offences, sanctions, sentencing and procedure. The resulting regimes vary between cantons. In the Canton of Zurich, for example, the current disciplinary catalogue provides for solitary confinement up to 20 days (Section 23c(1)(i) StJVG-ZH) although a directive by the Office of Corrections and Rehabilitation currently sets lower limits (14 days). In juvenile criminal law, there is a homogenous legal standard: The law permits uninterrupted disciplinary separation only exceptionally and for a maximum of seven days (Article 16(2) of the Swiss Juvenile Criminal Code).

b. Protection, self-harm and danger to others

Articles 78(b) and 90(1)(b) SCC permit separation to protect the detained person or third parties. This is intended as a purely preventive measure. Relevant situations include acute risk of suicide or self-injury, a serious threat to the person by other prisoners, or an immediate and sufficiently

³ We note that separate accommodation for health reasons would be a more fitting term since separation can hardly be understood as being part of treatment.



serious danger posed to others by the person in solitary confinement. Mere difficult behaviour, insults or concerns regarding "incompatibility with group detention" are insufficient grounds.

Neither the Constitution nor federal statutory law set an absolute maximum duration for solitary confinement based on the person's own protection or protections from others. The measure may continue only as long as it remains necessary and proportionate. The Federal Supreme Court has not adopted the 15-day maximum of the Nelson Mandela Rules and has, in exceptional cases, upheld much longer periods. At the same time, the required justification becomes more demanding over time, and the authorities must actively pursue alternatives, relaxation and a return to a less restrictive regime (BGE 147 IV 259 E. 3.8). In a 2023 judgment, the District Court of Dielsdorf (Canton of Zurich) referred, in qualified terms, to the 15 consecutive day limit, while also emphasising the absence of meaningful human contact in the case before it (BezG-Dielsdorf, 8.11.2023, DG230005, E. 5.2.3.1, 5.2.3.6, 5.2.4.5). To date, however, the Federal Supreme Court has not adopted such a limit (Urwyler et al. 2026, pp. 92-95).

c. Separation on admission to prison, and 'therapeutic separation'

The one-week entry ground under Article 78(a) SCC has no independent practical importance today because prisons have specialised entry units. The temporary therapeutic ground in Article 90(1)(a) SCC is intended for short-term sensory reduction in an emerging mental health crisis. It should be noted, however, that this provision is largely redundant considering the danger to self/others ground.

d. Terrorism-related influence

The terrorism-related ground in Articles 78(d) and 90(1)(d) SCC, introduced in 2022, requires concrete indications of influence on other detained persons by ideology that may promote terrorist activities.

d. Pre-trial detention and immigration detention

Solitary confinement can also arise in pre-trial detention (Articles 220 ff. Criminal Procedure Law "StPO"), particularly to prevent collusion (for example BGer, 11.12.2025, 7B_1181/2025, 7B_1182/2025, E. 7.4.), and the aforementioned considerations on proportionality, conditions, health and review apply mutatis mutandis. Federal criminal procedure does not set a separate absolute maximum specifically for solitary-confinement conditions; their duration remains subject to necessity and proportionality.

Immigration detention is outside the substantive scope of this discussion. We would note though that solitary confinement can be used in immigration detention as a disciplinary or security measure under cantonal rules, with differing maximum periods in different cantons.



4. Procedural safeguards, protections for people in situation of vulnerability, health care and material conditions

Decision and review. Depending on the legal basis and institutional setting, solitary confinement may be ordered by the prison or by the authority responsible for sentence execution. In psychiatric settings, cantonal health legislation may separately regulate coercive or seclusion measures and assign the authority to order such measures to medical professionals (for example under the Zurich Patient Act = “Patientengesetz”).

The order, reasons, implementation, regular review and lifting of solitary confinement must be documented and made accessible to the detained person in an understandable form. In general, under Swiss case law, reasoning duties for public agencies and courts become more demanding as time passes. Long-term cases require qualified fact-finding, genuine judicial scrutiny and a concrete, individualised concept for relaxation and return to a less restrictive regime.

The competent authority, available remedy, filing deadline and suspensive effect depend on the applicable cantonal and sector-specific procedural law and therefore vary across Switzerland; no uniform nationwide appeal period can be stated. For example, in Zurich, legal remedies usually have a 30 day time limit whereas appeals against disciplinary decisions must be lodged within ten days and generally have no suspensive effect (Section 23d StJVG-ZH).

Special protections for people in situations of vulnerability. The law does not explicitly exclude vulnerable groups such as women, young people, people with disabilities or LGBTQI+ people.

Health care. The health status of the person must be monitored both before and during solitary confinement (BGer, 24.6.2021, 6B_587/2021, E. 2.7; 18.10.2018, 6B_976/2018, E. 1.5).

International soft law and the Swiss National Commission for the Prevention of Torture (NKVF) call for daily visits by medical personnel in solitary confinement (Nationale Kommission zur Verhütung von Folter der Schweizerischen Eidgenossenschaft, Bericht an den Regierungsrat des Kantons Zürich betreffend den Besuch der Nationalen Kommission zur Verhütung von Folter (NKVF) in der Justizvollzugsanstalt Pöschwies am 22. und 23. September und 6. November 2024, Berne, 1.8.2025). If deterioration occurs or is reasonably expected, the regime should be suspended, modified or replaced by a less restrictive alternative.

Material conditions and daily life. The legality of solitary confinement also depends on the actual conditions: cell size and infrastructure, daylight and ventilation, hygiene, access to open air and physical exercise, and the availability of books, education, work and other purposeful activity. Swiss case law treats outdoor exercise as part of the constitutional minimum (BGE 99 Ia 262; 106 Ia 293 E. 8a; 102 Ia 292; 118 Ia 360 E. 3c), subject only to narrow temporary exceptions (BGer, 17.11.2020, 1B_492/2020, E. 1.2).

Meaningful human contact. Recent case law has explicitly referred to the concept of meaningful human contact (Bezirksgericht Dielsdorf, DG230005, 8 November 2023, E. IV.C.3.3.3 f. An indirect



reference can also be found in BGer 6B_587/2021,24. June 2021, E. 2.1). Contact cannot be reduced to functional encounters such as food delivery or an escort to the exercise yard. Meaningful contact with staff, health professionals, chaplains, family and, where safely possible, other detained persons is a central safeguard. Telephone and video calls, family visits, group exercise or fitness and access to programmes can reduce social deprivation. (see further references to relevant jurisprudence in Urwyler et al. 2026, pp. 88 ff.).

5. Statistical data on use of solitary confinement

There is no harmonised nationwide evidence base on the use of solitary confinement. Prisons and forensic psychiatric institutions document restrictive measures for legal and operational purposes, but neither the cantons nor the Confederation systematically collect and publish harmonised data on the frequency, grounds and duration of solitary confinement.

6. Reform priorities for Switzerland

Academic and international debates range from calls for a general ban to more targeted restrictions, particularly for vulnerable groups. The reform agenda calls for a substantial reduction in use and intensity. Central proposals include abolition or at least reduction of disciplinary solitary confinement (also due to its ineffectiveness in terms of prison security); legal and operational time limits for preventive solitary confinement; a low threshold for returning a stabilised person to a less restrictive regime; and an individual solitary-confinement execution plan with measurable criteria and staged relaxation, initiated early in any prolonged case (Urwyler et al. 2026, pp. 97-104).

Organisational reforms are equally important. Therapeutic or resource-oriented secure units are needed: with substantially more time out of cell, multidisciplinary staffing, tailored treatment and preparation for reintegration; stronger pre-placement screening and continuous health monitoring; expanded meaningful social contact where possible, without bars or separating screens; sufficient staffing and specialised training in de-escalation, mental illness, procedural justice and communication; and, where appropriate, peer-support workers with lived experience of solitary confinement. The international evidence on such programmes is encouraging in parts but still limited, so reforms should be evaluated from the outset and include the perspectives of detained persons (Urwyler et al. 2026, pp. 104-114).

Switzerland needs a harmonised empirical monitoring system. Without reliable national data on who is placed in solitary confinement, for what reason, for how long, under which conditions and with what outcomes, neither proportionality nor reform effectiveness can be assessed adequately.



7.Key references and monitoring material

Urwyler, T.; Weidmann, I. A. J.; Noll, T.; Schnyder, N. (2026), Einzelhaft im Straf- und Massnahmenvollzug: Empirische Befunde - Rechtlicher Rahmen - Entwicklungsmöglichkeiten, Basel: Helbing Lichtenhahn.

Shalev, S. (2022), Mapping Solitary Confinement: Switzerland country report (original text revised by this update).

Relevant observations from oversight bodies:

**NCPT,
Tätigkeitsbericht
NKVF 2013** <https://www.nkvf.admin.ch/dam/de/sd-web/r3B4eabo-LDm/taetigkeitsbericht-2013-d.pdf>

**NCPT, JVA
Pöschwies –
Besuch 2024** <https://www.nkvf.admin.ch/dam/de/sd-web/dRvbGO2vru37/bericht-iva-poeschwies-250401.pdf>

**NCPT, Bostadel –
Nachfolgebesuch
2018** <https://www.nkvf.admin.ch/dam/de/sd-web/C-WQKGszOclM/190806-zg-bostadel.pdf>

**NCPT, JVA
Lenzburg –
Nachfolgebesuch
2017** <https://www.nkvf.admin.ch/dam/de/sd-web/vmfvlAjPKL5R/200706-ag-lenzburg.pdf>

**NCPT,
Hindelbank –
Nachfolgebesuch
2016** <https://www.nkvf.admin.ch/dam/de/sd-web/Jv3Isu2QlIfz/160704-be-hindelbank.pdf>

**NCPT,
Tätigkeitsbericht
NKVF 2017 /
Thorberg** <https://www.nkvf.admin.ch/dam/nkvf/de/data/Berichte/taetigkeitsberichte/2017/taetigkeitsbericht-2017-d.pdf.download.pdf/taetigkeitsbericht-2017-d.pdf>

**CPT, Switzerland
visit 2024,
CPT/Inf (2025) 01** <https://rm.coe.int/1680b35522>



CPT, Switzerland

visit 2021, <https://rm.coe.int/1680a6d051>

CPT/Inf (2022) 9

Vaud,

Commission des

visiteurs, Annual <https://sieldocs.vd.ch/ecm/app18/service/siel/getContent?ID=2349806>

Report 2024–

2025

Geneva,

Commission des

visiteurs officiels, https://ge.ch/grandconseil/data/doc_cvo/RD01608.pdf

RD 1608