

TABLE OF CONTENTS

Foreword	9
ADMINISTRATIVE DETENTION IN SWITZERLAND 1930–1981 SYNTHESIS REPORT	13
URS GERMAN, LORRAINE ODIER WITH THE ASSISTANCE OF NOEMI DISSLER AND LAURA SCHNEIDER	
1 Introduction	15
1.1 Historical injustice as a challenge for today	16
1.2 Mandate of the IEC, research priorities and methodology	24
1.3 Objectives and structure	32
2 A rule-of-law “monster”: Development, criticism and repeal of the laws on coercive welfare measures	37
2.1 Opening considerations: The place of administrative detention in the Swiss legal order	38
2.2 Between inertia and transition: The origins and development of administrative detention law	44
2.3 Problematic law: Undefined legal terminology, wide discretionary powers and absence of legal remedies	61
2.4 Persistent, but marginal: Public criticism of administrative detention law	67
2.5 New alternatives: From administrative detention to involuntary commitment	74
2.6 Interim conclusion: Special laws as gap fillers	87
SOURCE 1: Maintaining social order	91
SOURCE 2: Success against the arbitrariness of office	94
3 The “defenceless”: The individuals targeted by administrative detention	101

3.1	Temporal and cantonal variations in the use of administrative detention	102
3.2	The risk factors of administrative detention	107
3.3	An instrument for imposing sanctions on men	115
3.4	Survival artists	119
3.5	Interim conclusion: Administrative detention measures always targeted the disaffiliated	124
4	The pathways to detention are many: Social stigmatisation and official intervention	127
4.1	Administrative detention procedure: Numerous actors and many imponderabilities	128
4.2	Pushed to the margins: Social exclusion and stigmatisation as preludes to official interventions	137
4.3	The authorities intervene: Rationales and rationalisations	143
4.4	Living with detention: Between impotence and resistance	163
4.5	Interim conclusion: Unpredictability as structural violence	169
	SOURCE 3: Disregard of procedure	172
	SOURCE 4: Expert opinion with far-reaching consequences	175
5	Locked away: Theory and reality in the enforcement of administrative detention measures	179
5.1	The Swiss institutional landscape: Structures and evolution	180
5.2	Daily life in closed detention: Isolation, discipline and forced labour	204
5.3	Release and surveillance: The path to freedom?	220
5.4	Interim conclusion: Insufficient funds and lack of social recognition	230
	SOURCE 5: Work for no wage?	234
	SOURCE 6: Freedom through abstinence	239
	SOURCE 7: Violence in closed facilities	242

6	Marked for life: Consequences of administrative detention for the later lives of detainees	247
6.1	Heightened risk of poverty	249
6.2	Problems in social and family life	256
6.3	Tactics for defending against the risk of poverty	261
6.4	Resisting stigma	266
6.5	Fighting for the future: Never again!	270
6.6	Interim conclusion: From detention to recognition – a lifelong obstacle course	281
	SOURCE 8: Freedom under surveillance	285
	SOURCE 9: Coerced into adoption	289
7	Conclusion	293
8	Bibliography	315

TEXTS BY PERSONS AFFECTED BY COMPULSORY

SOCIAL MEASURES

329

URS ALLEMANN-CAFLISCH	332
ERNA AMSLER-SOOM	335
URSULA BIONDI	337
ROBERT BLASER	342
DANIEL CEVEY	345
SERGIO DEVECCHI	348
PHILIPPE FRILOUD	352
HUBERT MEYER	358
CAROLINE MONTANDON	361
GIANNI MORA	365
GABRIELA PEREIRA	369
FOURTH WORLD	373
M. STEINER	377
USCHI WASER	379

RECOMMENDATIONS OF THE INDEPENDENT EXPERT COMMISSION (IEC) ON ADMINISTRATIVE DETENTION	383
1 General introduction	385
2 Recommendations	393
2.1 Rehabilitation of CSM victims through additional financial benefits	393
2.2 Rehabilitation of CSM victims through support for citizen action	394
2.3 Rehabilitation of CSM victims through facilitated access to knowledge and culture	396
2.4 Rehabilitation of CSM victims through the production and dissemination of knowledge	397
3 <i>House of the Other Switzerland</i> project	401
4 Conclusion: Basic human rights – an issue that remains open?	403
Authors	405