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The execution of sentences and measures in Switzerland

An overview of the system and execution of sentences and measures in Switzerland for adults and juveniles

Contents

The execution of sentences and measures for adults in Switzerland

I. Legal basis for the execution of sentences and measures

1. General remarks

Under article 123 of the Federal Constitution (FC), legislation in the field of criminal law is a matter for the federal government. The execution of sentences, however, falls under the responsibilities of the cantons unless the law provides otherwise.

Switzerland has only had a unified body of criminal law since 1942. The Criminal Code (SCC) contains general provisions on the execution of criminal sentences, but federal legislators refrained from drafting a specific law on the execution of sentences.

After a process lasting over twenty years, the revised Criminal Code was adopted in 2002 and entered into force on 1 January 2007.

2. Duties and competences of the cantons

The principle derived from article 123, paragraph 2 FC, whereby responsibility for the execution of sentences rests with the cantons has two inter-related effects: firstly, the cantons are required to execute the decisions of their courts. Secondly, they are required to construct and operate penal institutions and are able to conclude agreements with other cantons on the joint construction, operation and usage of such institutions (inter-cantonal agreements on the execution of sentences). Three provisions of the Criminal Code refer specifically to the tasks assigned to the cantons (art. 372 para. 1, art. 377, art. 378 SCC).

3. Duties and competences of the federal government

Under articles 49, para. 2, and 186, para. 4 FC, the Federal Council has the duty to monitor compliance with federal regulations, including those contained in inter-cantonal agreements.

On the basis of article 123 paras. 1 and 3 FC, the federal government may legislate on the execution of sentences and play an active role, for example, by providing subsidies for the construction of institutions for adults, young adults, children and juveniles, as well as operating subsidies for educational institutions for minors. In addition, the federal government has the possibility of supporting pilot projects in this field (Federal Act on Payments towards the Execution of Sentences and Measures, SR 341).

In 2009, contributions for the construction, renovation or extension of penal institutions and institutions for the execution of measures amounted to CHF 17 millions. The federal government contributed around CHF 1 million for pilot projects for adults and paid operating subsidies totalling CHF 73 millions to 170 educational institutions for minors.

4. Inter-cantonal agreements on the execution of sentences

If each canton were to apply the federal regulations governing the establishment of institutions for the various categories of offenders according to age, sex and type of offence, it would have to build and operate a large number of different institutions. Such an arrangement would stretch the resources of even the larger cantons. For that reason, the cantons established a set of three regional arrangements between 1956 and 1963. These formal inter-cantonal agreements fill the gap that exists between federal legislation and that of the cantons and seek to achieve legal harmonisation in the form of binding directives and recommendations.

The inter-cantonal agreements mainly cover the following areas:

- Reciprocal use of institutions and arrangements relating to costs;
- Directives on harmonising the execution of sentences, particularly with regard to wages paid to inmates for work done in prison, release on temporary licence and special forms of sentence execution.

II. Categories of sanctions: Sentences and measures

1. General remarks

The Criminal Code provides for two main categories of criminal sanction, namely sentences and measures.

2. Sentences

The Criminal Code provides for three types of sentences for felonies or misdemeanours: custodial sentence, monetary penalty and community service. Each of these sentences can be imposed as a conditional or partially conditional sentence for a prescribed period of time. If the offender successfully completes the probationary period, the sentence or the suspended part of the sentence no longer has to be executed. If the conditions of the probationary period are violated the suspension of the sentence can be revoked.

The SCC provides for two types of sentence for infringements (minor offences): fines and community service.

2.1 Custodial sentences

Custodial sentences are sanctions involving the deprivation or restriction of liberty.

Under article 40 ff. SCC, custodial sentences usually last between a minimum of six months and a maximum of 20 years. Where the law makes specific provisions, a custodial sentence can be for life. The court can only impose an enforceable custodial sentence of less than six months when the requirements for a conditional sentence are not fulfilled. Up to 24 months the court can also impose conditional custodial sentences. Custodial sentences ranging from a minimum of one to a maximum of three years may be partially conditional.

2.1.1 Semi-confinement
Semi-confinement is a special form of executing a custodial sentence consisting of a mixture of liberty and imprisonment. It is regularly applied for sentences of up to one year. On commencing the sentence the offender continues his professional activity or training outside the institution and spends rest and recreation time in the institution (see art. 77*b* and 79 SCC).

2.1.2 Serving a sentence in instalments by day
This privileged means of serving a custodial sentence is based on article 79 SCC. It is open to offenders receiving custodial sentences of up to four weeks who may serve their sentence at weekends or during holidays.

2.2 Monetary penalty
In article 34 ff. SCC, short-term custodial sentences have been replaced by new non-custodial sentences: monetary penalties and community service.

Monetary penalties are now imposed by the courts as an alternative to a custodial sentence not exceeding six months. They can also be imposed in place of a custodial sentence between six and 12 months. The court determines the number of daily penalty units depending on the fault of the offender, and the level of the daily penalty unit based on the offenders personal and financial situation, whereby the maximum daily penalty unit is CHF 3'000.

2.3 Community service
As an alternative to a custodial sentence of less than six months, or instead of a monetary penalty, the court can impose a community service order. The offender must, however, agree to this punishment and undertake to perform community service on behalf of social institutions, the public interest or persons in need of assistance. Four hours of community service correspond to one day of custodial sentence or one daily penalty unit.

2.4 Fines and community service for contraventions
Infringements are offences punishable with a fine; the maximum fine is CHF 10'000. If the offender agrees, the court can impose a community service order of up to three months instead of a fine.

3. Measures

The Criminal Code provides for the following measures: therapeutic measures, indefinite detention and other measures.

Measures differ from sentences in that their duration is not based on the fault of the offender, but on the intended purpose of the measure. In principle, measures should only last as long as is necessary to avert the risk of reoffending and only where there are strong prospects of success (art. 56 SCC).

In general, measures are ordered by the courts in addition to a sentence, although they can be ordered by themselves. The court bases its decision to order therapeutic measures or indefinite detention on expert reports.

Article 62*d* of the Criminal Code requires that the relevant authority reviews at least once a year whether and when an offender can be conditionally released from the measure. In serious cases the report of an independent expert and the opinion of a commission consisting of

a psychiatrist and representatives from the prosecuting authorities and the authorities for the execution of sentences and measures is also required. The probationary period for conditional release lasts between one and five years depending on the nature of the measure ordered.

Under article 90 of the Criminal Code, a person subject to a measure may only be held in isolation without interruption under exceptional circumstances. The person also participates in the preparation of his own execution plan. If the person is capable of working he is encouraged to do so. After a certain period, the ordered measure can be executed in the form of day release employment and accommodation outside the institution.

3.1 Therapeutic measures

3.1.1 Treatment of psychiatric disorders (art. 59 SCC)

This measure presupposes that two conditions are fulfilled cumulatively: firstly, the offender has committed a felony or misdemeanour due to his psychiatric disorder; secondly, the risk of further such offences due to this disorder can be reduced with the treatment.

Measures are generally executed in an appropriate psychiatric institution or in an institution for the execution of measures. As long as there is a risk that the offender could escape or commit further offences he is treated in a secure institution.

Under the Criminal Code, the deprivation of liberty associated with the in-patient treatment of psychiatric disorders may last a maximum of five years. If the conditions for release are not met, the court can order the extension of the sentence for a further five years (if necessary for life).

The offender is conditionally released from the measure as soon as his condition justifies that he be granted the opportunity to prove himself in the outside world. The probationary period lasts between one and five years and can be extended as often as necessary. If the probationary period is unsuccessful, the court can end the therapeutic measure and order a new measure.

3.1.2 Treatment of addiction (Art. 60 SCC)

The aim of this measure is to reduce the risk of reoffending of an offender addicted to narcotic drugs or other substances, whose offence was related to this addiction, and of whom it can be said that with treatment the risk of further such acts in connection with this addiction can be reduced.

The treatment is provided in a specialised institution or, if necessary, in a psychiatric clinic.

The deprivation of liberty associated with in-patient treatment usually lasts a maximum of three years. The court can extend the measure once for a further year. In the event of an extension or reactivation of a measure following conditional release the deprivation of liberty associated with this measure may not exceed the maximum duration of six years.

The offender is released conditionally from the measure as soon as his condition justifies that he be granted the opportunity to prove himself in the outside world. The probationary period lasts between one and three years and can be extended by up to three years. If the proba-

tionary period is unsuccessful, the court can end the therapeutic measure and order a new measure.

3.1.3 Measures for young adults (art. 61 SCC)

These measures are intended to serve as age appropriate sanction for criminal acts committed by young adults aged between 18 and 25. Measures for young adults are aimed at offenders who, due to their biological age are no longer subject to juvenile criminal law, but who still need similar support. All institutions for young adults apply recognised social-educational and therapeutic principles. Placement in such an institution is particularly intended to encourage the offender to undertake further vocational education and training.

The offender must have committed a felony or misdemeanour related to a personality disorder and the measure should reduce the likelihood of him committing further acts related to his disorder.

Institutions for young adults must be operated separately from other institutions defined under the Criminal Code. Violent and dangerous young offenders may not be accommodated in an institution for young adults.

The offender is released conditionally from the measure as soon as his condition justifies that he be granted the opportunity to prove himself in the outside world. The probationary period lasts between one and three years and can be extended by up to three years. If the probationary period is unsuccessful, the court can terminate the measure and order a new measure. The measure must be lifted at the latest when the offender reaches the age of 30.

3.1.4 Out-patient treatment (art. 63 to 63b SCC)

Out-patient treatment does not require that the offender has committed a felony or misdemeanour, but can be ordered for any type of offence. The offender must demonstrate motivation to follow the treatment in order to justify the appropriateness of the measure. The court orders out-patient treatment with or without the deferment of the execution of the custodial sentence. In such cases, the out-patient measure is executed at a penal institution. If the court postpone the sentence, the convicted offender can remain at his usual place of residence.

The decision to terminate or extend an out-patient measure is usually taken in accordance with the same principles as those for in-patient measures.

Around half of out-patient measures concern people with an addiction to narcotic drugs. The execution of the custodial sentence is deferred in over three-quarters of such cases.

3.2 Secure care and treatment (art. 64 to 64b SCC)

Secure care and treatment is primarily intended to ensure public safety: The general public should be protected from reoffending of convicted offenders. The secure care and treatment measure allows an indefinite detention. Although secure care and treatment is intended to exclude the offender from society, the principle of social reintegration applicable to all sanctions still applies. The offender concerned has the right to serve his sentence under living conditions that are as normal as possible.

Two conditions must be fulfilled cumulatively in order for a secure care and treatmentmeasure to be imposed: The offence must be a serious felony such as murder or hostage-taking

through which the offender intended to harm the integrity of another person. The second condition relates to the legal assessment regarding the offender, which should indicate that there is a risk that he will commit further similar acts.

Secure care and treatment can be ordered as part of regular proceedings and also retroactively in cases where new facts come to light regarding the offender, which subsequently serve to fulfil the abovementioned conditions (art. 65 para. 2 SCC).

In contrast to therapeutic measures, the execution of a sentence always precedes indefinite detention. Secure care and treatment is served in a secure penal institution.

Secure care and treatment is generally imposed as a lifelong measure. However, reviews are conducted regularly to assess whether the offender can be released conditionally or whether he is entitled to claim in-patient therapeutic treatment.

Release from indefinite detention is always subject to conditions and may be authorised as soon as the offender can be expected to prove once at liberty. The probationary period lasts between two and five years and can be extended.

Following the adoption of the popular initiative for the ‘lifelong incarceration of incurable, highly dangerous sexual and violent offenders (art. 123*a* FC) by the Swiss electorate, articles 64 ff. of the Criminal Code had to be amended in order to enable execution of the sentence of lifelong detention.

Lifelong detention differs from normal indefinite detention in terms of the applicable conditions regarding conditional release, but not with regard to the duration of the execution of the measure.

3.3 Other measures (art. 66 ff. SCC)

In addition to a sentence, therapeutic measure or indefinite detention, the courts can order a further range of measures: prohibition from practising a profession, disqualification from driving, publication of the court’s decision, forfeiture of dangerous objects or of assets, equivalent claim and use for the benefit of the injured party. The court can also resort to a particular instrument known as a good behaviour bond, which does not constitute either a sentence or a measure.

III. Institutions

1. General remarks

Switzerland has 115 institutions that execute sentences and criminal measures. Most of these are only used for pre-trial detention, semi-confinement and the execution of short custodial sentences. There are around thirty medium to large-sized institutions for the execution of longer custodial sentences and measures. Most institutions have fewer than 100 inmates; only four have a capacity of over 200.

According to federal statistics on the execution of sentences from 2009[1], Switzerland's institutions held on the record day (02.09.2009) 6'048 inmates. Of those, 31 % had not been convicted (1'888 people in pre-trial detention, 411 in detention pending deportation or extradition). Only 6,1 % were women.

2. Types of institution

The Criminal Code sets out the two types of institutions that the cantons have to provide: secure and open prisons (art. 76 SCC). Federal legislation does not stipulate that these two types of institution have to be operated independently of one another. A secure prison can also have an open section, just as an open prison can have a secure section. However, therapeutic institutions must be operated separately from those intended for the execution of sentences (art. 58 para. 2 SCC).

The cantons have the possibility of constructing and operating institutions jointly. Furthermore, they are able to charge privately-run institutions with the execution of sentences such as semi-confinement or day release employment, as well as with the execution of therapeutic measures (art. 379 SCC).

The cantons may also, if they so wish, operate separate wings for particular groups of inmates, e.g. women, inmates belonging to certain age groups, inmates serving particularly long or short sentences, or offenders requiring special care (art. 377 para. 2 SCC). In practice there is strict separation of the sexes even though this is not explicitly required by law.

2.1 Secure prisons

An offender is placed in a secure prison or a secure section of an open prison if there is a risk he might seek to abscond or commit further offences. The decisive criterion is the level of security to which the inmate has to be subjected. Secure prisons must ensure through structural, technical and organisational means and through adequate staffing that inmates are unable to escape or commit further offences.

2.2 Open prisons

If there are no grounds to fear that the offender will seek to abscond or commit further offences, he will be placed in an open prison. Simple deterrent measures to prevent inmates from absconding and other procedures are sufficient to ensure inmates remain at the prison.

IV. General principles governing the execution of sentences and measures

1. General remarks

The relevant provisions of the Criminal Code are based on two constitutional principles: the principle of respect for human dignity and the freedom of inmates to exercise their legal rights, as their rights may be limited only to the extent that they are deprived of their liberty and are required to live together in the penal institution (art. 74 SCC).

[1] Federal Statistical Office, Statistics on the Execution of Sentences, 2009.

To these basic principles, the Criminal Code adds the general principles that apply in the execution of sentences (art. 75 para. 1 SCC): preventing reoffending after release, making institutional life as normal as possible, combating the harmful effects of spending time in detention and the duty to provide proper care and to prevent offending while in detention. None of these principles takes priority over any other.

2. General principles

2.1 Preventing reoffending after release

The risk of reoffending can only be permanently reduced if prisoners possess genuine social competences after release that make it possible for them to lead a crime-free life. While in detention, the prisoner must therefore be encouraged to live a crime-free life. The sentence thus has an effect on the prisoner's personality and behaviour.

In addition, the execution of sentences requires measures to be taken that should stabilise the social environment of the prisoner when released (spouse, family, and other social contacts).

2.2 Normalisation of institutional life

Normalisation of institutional life may be described as a generally recognised and essential element of penal policy. This is understood to mean the approximation of conditions in everyday prison life to those outside the institution, in particular, by placing demands on the prisoners which are in conformity with the real world. Everyday life in the institution should therefore serve as an environment for practising social behaviour, thereby creating favourable conditions for release.

2.3 Combating the harmful effects of spending time in detention

This principle takes account of the limits that apply to the normalisation of institution life because the outside world can never be reproduced exactly within a penal institution. Every effort must be made to prevent the prisoner from becoming isolated from the outside world; in particular, the prisoner must be allowed to benefit from advantageous social contacts wherever possible.

2.4 Duty to provide proper care

The prison authorities are required to provide inmates with an equivalent range of services to what would be available to them outside the penal institution. These services include medical care and social, religious, financial and legal counselling.

2.5 Preventing reoffending while in detention

This principle relates to the problems that an inmate may pose to the internal security of the penal institution. Account must be taken of what is required to protect the institution staff and fellow inmates.

3. How the principles are applied

The main methods of guaranteeing the application of the principles mentioned above, and in particular of preventing reoffending, are explained below.

3.1 Sentence management plan

In terms of the Criminal Code, the cantons must provide in their prison regulations that an individual sentence management plan will be drawn up in consultation with the prisoner concerned. This plan will contain details of the supervision and care offered, the opportunities for the prisoner to work and further his education, the reparation he should make for the harm he has caused, relations with the outside world and preparation for release (art. 75 para. 3 SCC).

3.2 Day release employment and external accommodation

If the inmate complies with the requests of the sentence management plan, a more lenient sentence regime will be considered (with gradual implementation), for example an offer of day release employment and accommodation outside the institution (art. 77*a* SCC).

If the prisoner has completed part of his custodial sentence, normally half, and it is not expected that he will abscond or commit further offences, he will be allowed to work outside the institution. Rest and leisure time, however, is spent in the institution.

If the prisoner proves that he can comply with the terms of day release employment, the sentence will continue in the form of day release employment and accommodation outside the institution.

3.3 Conditional release and probation

If the prisoner has served at least two thirds of his sentence, but at least three months, he will normally be released on condition, provided his conduct while in detention justifies this and it is not expected that he will commit any further serious offences (art. 86 para. 1 SCC). For this last stage of the sentence, a probationary period of one to five years will be set, during which time the person on probation may be recalled to the institution if he fails to comply with the terms of his release.

For this period, it is normal to order what is known as protective supervision (art. 87 para. 2 SCC). Protective supervision is designed to prevent the supervised person from re-offending and to help with his reintegration into society (art. 93 para. 1 SCC). Nowadays almost all cantonal probationary services have specialised social services sections that are part of the criminal justice system. The protective supervision programme has the primary task of offering many of the things that form part of everyday life, i.e. finding an apartment and a job and putting a person’s finances in order.

3.4 Work and wages

In view of the basic importance of having a job to any citizen’s social integration, work is one of the mainstays of the penal system in Switzerland. The Criminal Code stipulates that a prisoner is required to work. The work must, wherever possible, be commensurate with his skills, his level of education, his capacities and his interests (art. 81 para. 1 SCC).

All institutions designed to hold long-term prisoners therefore normally have well-equipped, modern workshops, in which inmates can complete basic and advanced vocational training. The workshops are also used to do jobs relating to the upkeep of the institution. Most large institutions also have a farm attached, and many have a market garden. In some cases, there are special programmes for inmates with special educational needs.

In terms of article 83 SCC, prisoners are entitled to a wage for the work that they do, though this will not correspond to the market rate. Article 380 SCC provides that inmates must con-

tribute to the cost of their incarceration, and they do so through the unpaid part of the market wage for the work they perform. In addition, only part of the wage due is actually given to them to spend. The remainder of their earnings is saved for the time following their release.

3.5 Education and training

In accordance with article 82 SCC, inmates must be offered the chance, wherever possible, to benefit from basic and advanced education and training that is commensurate with their abilities. However, this option is rarely taken up, even though large institutions offer the opportunity of the taking a full or basic apprenticeship. The same situation also applies in relation to advanced training for persons who already have qualifications.

3.6 Relations with the outside world (art. 84 SCC)

Switzerland has long recognised that maintaining contact with the outside world is very important for prison inmates. This contact is maintained by reading newspapers, magazines and books, by watching television and listening to the radio, as well as through personal contacts (letters, telephone calls, visits). Inmates are particularly encouraged to maintain relations with their families and friends. However, the basic purpose of imprisonment, the institution rules and security considerations place limits on these contacts.

a) Visits

The Criminal Code stipulates that prisoners are entitled to have visits, especially from family members and friends (art. 84 para. 1 SCC). The conditions that apply to visits from persons outside are laid down in the prison regulations. Normally inmates have the right to a visit of at least one hour a week. In the large penal institutions, visits normally take place in a large communal hall, which may inhibit more intimate personal conversations.

The prison authorities also attempt to integrate the outside world into institutional life by organising sports contests between prisoners and other teams or by allowing prisoners to rehearse and perform plays together with professional actors.

b) Release on temporary licence

Temporary release is the most important way of maintaining contact with the outside world. Article 84 para. 6 SCC sets out the principles, but without providing detailed regulations on granting temporary release. In accordance with this provision, prison inmates have a right to be released on temporary licence provided their conduct in prison does not preclude it and there is no risk that they will abscond or commit further offences.

The conditions for granting release on temporary licence (temporary release to maintain relationships, release for a few hours for a medical appointment, etc., temporary release for a specific purpose, often on compassionate grounds) are normally summarily regulated in cantonal law. The guidelines contained in the inter-cantonal agreements on the execution of sentences and measures also apply. The prison authority always has the final say on whether temporary release is granted. In practice, temporary release from an open institution is generally allowed as a matter of routine. In a secure institution, temporary release is only approved after precise plans have been put in place.

The execution of sentences and measures for juveniles in Switzerland

The Federal Act on the Criminal Law applicable to Juveniles (JCLA) came into force on 1 January 2007 at the same time as the new Criminal Code. In its provisions, the Juvenile Criminal Law Act takes account of social developments over the past few decades; its guiding principle remains the education.

I. Principles and scope

The decisive consideration in the prosecution of juvenile crime is the protection and education of the young people concerned, with living conditions and family relationships along with personal development being given special attention (art. 2 para. 1 JCLA). The criminal law applicable to juveniles is based on the assumption that the personality of a young offender is not fully developed.

The criminal law applicable to juveniles applies to persons who commit an offence when they are between the ages of 10 and 18 (art. 3 para. 1 JCLA). These age limits are fixed and unalterable. If several offences are committed before and after attaining the age of majority, the criminal law applicable to adults applies, unless special criminal proceedings for juveniles have already been instigated.

II. The authorities responsible

The criminal law applicable to juveniles designates the following authorities: the investigating authority, the adjudicating authority and the executive authority.

The procedure and thus the competent authorities differ from canton to canton. Most common are the following two models:

- The juvenile court judge model is prevalent above all in the French-speaking cantons: the investigation, the judgment and the execution of the sentence are subject to the authority of a single judge.
- The model of the juvenile prosecutor is found in the German-speaking cantons: the official responsible for investigating cases and executing sentences and the judge deciding cases are not the same person.

The Federal Act on the Swiss Juvenile Criminal Procedure, which should come into force in 2011, will help to harmonise the various cantonal procedures that currently apply.

III. Categories of sanction: protection measures and sentences

The criminal law applicable to juveniles provides for two forms of sanction: protection measures and sentences. If the young person who has committed an offence has acted with the required criminal intent, the court will impose a sentence in addition to a protection measure (art. 11 para. 1 JCLA).

1. Protection measures

The JCLA provides for four types of protection measure designed to correspond to the various needs of the young person concerned: supervision, personal care, out-patient care and placement at a private person or in an educative institution. In all cases, the competent authority can order a change of measure.

The protection measures end at the latest when the offender reaches the age of 22. However, supervision and personal care can only be extended beyond the age of majority (18 years) with the consent of the person concerned. In every case, the executive authority must conduct an annual review of whether and when the measure can be terminated.

1.1 Supervision and personal care (art. 12 and 13 JCLA)

With these measures, the state has the right to intervene in the family life of the offender (essentially in parental authority) in order to ensure that the normal development, upbringing and education of the young person concerned is monitored. Personal care is conceived as a stricter form of supervision for cases in which simple supervision is not sufficient. The purpose of the measures is primarily to educate the young person, rather than to offer some form of therapy.

1.2 Out-patient treatment (art. 14 JCLA)

This measure is used for minor offenders who are suffering from psychiatric disorders, have personality development problems or who are addicted to narcotic drugs or have other dependencies. The aim is to offer the young people treatment, without having to monitor them constantly.

Out-patient treatment may be combined with any of the three other protection measures.

1.3 Placement (art. 15 ff. JCLA)

Placement in an educative institution is ordered if the care of the young person requires long-term supervision and control. This measure involves placing major restrictions on the freedom of the juvenile concerned and is imposed only if a medical or psychological assessment indicates that it is necessary. The young person is placed in an open institution, or if it is essential for his treatment and protection or the protection of the public safety, in a secure facility.

The executive authority regulates the personal contact that the parents and other persons have with the juvenile for the duration of the placement. Additionally, the juvenile may not be separated from other young people for an uninterrupted period of more than seven days. If the offender is over the age of 17, the measure may be executed in an institution for young adults as defined in art. 61 SCC.

2. Sentences

The criminal law applicable to juveniles provides for four types of sentence: cautions, personal work orders, fines and detention. These sentences are imposed only if the juvenile has acted with the required criminal intent (art. 11 para. 1 JCLA). The imposition of sentences has only been possible since the JCLA came into force. Previously the court ordered protection measures only, regardless of the culpability of the juvenile's conduct.

Each sentence is of limited duration and applies until it has been executed. In every case the sentence ends at the latest when the convicted juvenile reaches the age of 25 (absolute prescription, art. 37 para. 2 JCLA).

The court may dispense with the imposition of a sentence. In this case, art. 21 JCLA sets out the requirements for an exemption from punishment.

2.1 Reprimand (art. 22 JCLA)

The reprimand is the most lenient sentence. A reprimand is a formal censure of the juvenile's conduct and should enable him to realise his guilt and consider his future behaviour.

2.2 Personal work order (art. 23 JCLA)

The personal work order is the counterpart to community service in the criminal law applicable to adults. This is a genuine alternative to a custodial sentence and not only plays a role in the offender's education, but involves making reparation for his conduct.

2.3 Fine (art. 24 JCLA)

The specific characteristic of the fine is that it may be imposed only on juveniles who are aged 15 or over. In comparison with the personal work order, the educational aspect of a fine is minimal.

2.4 Detention (art. 25 ff. JCLA)

A detention sentence is the last resort under the criminal law applicable to juveniles and may be imposed only on young persons who have reached the age of 15. The maximum detentionl sentence for a 15-year-old juvenile is one year, and for persons aged 16 or over it is four years.

Detention sentences are served in an institution for juveniles, in which each young person is given the educative care appropriate to his personality and prepared for his reintroduction into society.

An unsuspended detention sentence of up to a year may be served in the form of semi-detention; a detention sentence of up to a month may be served either day by day or in the form of semi-detention. A detention sentence of up to three months may be converted into a personal work order.

Documentation on the execution of sentences and measures in Switzerland

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