



**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

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Committee against Torture

**Fifth periodic report submitted by Liechtenstein
under article 19 of the Convention, due in 2019^{*}, ^{**}**

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* The present document is being issued without formal editing.

** The present document was submitted pursuant to the simplified reporting procedure. It contains the responses of the State party to the Committee's list of issues prior to reporting (CAT/C/LIE/QPR/5).



Abbreviations

APA	Migration and Passport Office (<i>Ausländer- und Passamt</i>)
ASD	Office of Social Services (Amt für Soziale Dienste)
AsylG	Asylum Act (Asylgesetz)
AsylV	Asylum Ordinance (Asylverordnung)
AuG	Foreigners Act (Ausländergesetz)
ECHR	Convention for the Protection of Human Rights and Fundamental Freedoms
ECtHR	European Court of Human Rights
HRA	Liechtenstein Human Rights Association
ICCPR	International Covenant on Civil and Political Rights
JGG	Juvenile Court Act (Jugendgerichtsgesetz)
OHG	Victims Assistance Act (Opferhilfegesetz)
OSCE	Organization for Security and Co-operation in Europe
RHG	Mutual Legal Assistance Act (Rechtshilfegesetz)
SHG	Social Assistance Act (Sozialhilfegesetz)
StGB	Criminal Code (Strafgesetzbuch)
StGHG	Constitutional Court Act (Gesetz über den Staatsgerichtshof)
StPO	Code of Criminal Procedure (Strafprozessordnung)
StVG	Execution of Sentences Act (<i>Strafvollzugsgesetz</i>)
UN	United Nations
VMRG	Liechtenstein Human Rights Association Act (Gesetz über den Verein für Menschenrechte in Liechtenstein)
ZPO	Code of Civil Procedure (<i>Zivilprozessordnung</i>)

Foreword

This report, which was adopted by the Government of the Principality of Liechtenstein on 3 December 2019, is being submitted to the Committee against Torture under Article 19 of the Convention of 10 December 1984 against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. This is the fourth additional report of Liechtenstein covering the period from September 2014 to November 2019. The report was prepared by the Office for Foreign Affairs in cooperation with the competent offices of the National Administration and, for selected questions, in consultation with the Liechtenstein Human Rights Association and the Liechtenstein Chamber of Lawyers. It was drawn up pursuant to the simplified reporting procedure and on the basis of the list of issues adopted by the Committee against Torture in document CAT/C/LIE/QPR/5 of 21 June 2018. It presents the legislative, administrative, and other measures taken to implement the Convention during the reporting period.

All legislative texts and ordinances referred to in the report are available at www.gesetze.li.

Government of the Principality of Liechtenstein

Replies to the list of issues (CAT/C/LIE/QPR/5)

A. Reply to paragraph 2 of the list of issues

1. As an outcome of the activities of the working group appointed by the Ministry for Home Affairs, Justice and Economic Affairs,¹ the crime of torture has now been incorporated into Liechtenstein law as paragraph 312a of the Criminal Code (StGB; LGBl. 1988 No. 37). The provision entered into force on 1 October 2019.

2. The new definition of torture in the StGB is based on the wording of the definition of torture in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UN Convention against Torture). Under paragraph 1 of paragraph 312a StGB, it is a criminal offence, as a public official or at the instigation of a public official or with the consent or acquiescence of a public official, to inflict severe pain or suffering, whether physical or mental, on a person, in particular for the purpose of obtaining from that person or a third person information or a confession, to punish that person for an act committed or suspected to have committed by that person or a third person, or to intimidate or coerce that person or a third person, or for any reason based on discrimination.

3. Under paragraph 2 of paragraph 312a StGB, it is an aggravating cause if the offence results in bodily harm with serious lasting consequences or the death of the harmed party. Paragraph 3 of paragraph 312a StGB sets out that public officials for the purpose of the offence also include persons acting *de facto* as public officials in the absence or default of the official authorities.

4. With respect to criminal liability for all forms of participation in the offence of torture, paragraph 1 of paragraph 312a StGB provides that not only public officials may be criminally liable, but also persons committing acts of torture at the instigation of a public official or with the consent or acquiescence of a public official. paragraph 12 StGB also provides that not only the immediate perpetrator shall be deemed to commit the offence, but also every person who directs another person to carry out the offence or who otherwise contributes to its being carried out.

5. The article on the prohibition of torture therefore contains adequate provisions for the prosecution and conviction of perpetrators and accomplices of such acts before ordinary criminal courts.

6. The sentence under paragraph 312a(1) StGB is imprisonment of one to ten years. If the offence results in bodily harm with serious lasting consequences, the sentence is imprisonment of five to fifteen years; if it results in the death of the harmed party, the sentence is imprisonment of ten to twenty years or for life. The severity of the sentences under the new paragraph 312a StGB is significantly higher than under paragraph 312 StGB (Inflicting agony on or neglecting a prison inmate), which had previously been applied as a penalty for similar fact patterns. Accordingly, offences amounting to torture carry penalties commensurate with the gravity of the crime.

B. Reply to paragraph 3 of the list of issues

7. The new offence of torture has been integrated into the existing system governing limitation periods in the Liechtenstein Criminal Code. In accordance with paragraph 57 StGB, acts of torture resulting in the death of the harmed party are therefore not subject to a limitation period. If the offence results in bodily harm with serious lasting consequences, the limitation period varies between five and ten years, depending on the gravity of the offence. Without aggravating causes, the offence of torture is subject to a limitation period of three to ten years, depending on the gravity of the offence.

¹ From 27 March 2013 to 27 March 2017, the Ministry for Home Affairs, Justice and Economic Affairs was headed by Deputy Prime Minister Dr. Thomas Zwiefelhofer.

8. Providing for sentences so high that the basic offence of torture would not be subject to a limitation period would be systemically incompatible with the Liechtenstein Criminal Code. In the case of torture committed in armed conflicts, paragraph 321b(4) StGB (war crimes against persons) may apply if the perpetrator inflicts physical or psychological agony on a ward or causes serious harm to such person. The offences set out in Section 25 of the StGB (genocide) – like the offences set out in paragraph 321b(4) StGB – are not subject to a limitation period.

C. Reply to paragraph 4 of the list of issues

9. Paragraph 50a(1) of the Code of Criminal Procedure (StPO; LGBl. 1988 No. 62) provides that, following express information to such effect of the person being examined, it shall be admissible to make an audio or video recording of an examination as long as such recording covers the entire examination. Where a witness is being examined, this shall not be done if and as soon as the witness objects to such recording, without prejudice to special legal provisions (paragraphs 69, 115a, 195a, 197(3) StPO). paragraph 50a(1) StPO also applies to interrogation by the criminal police. This provision does not include a legally binding requirement to make audio and video recordings of all police interrogations and questioning.

10. The offence of torture is subject to *ex officio* prosecution, i.e. the Office of the Public Prosecutor is required to institute criminal proceedings on its own initiative if suspicion arises that torture has been committed. Moreover, the person concerned can file a criminal complaint with the Office of the Public Prosecutor for any allegation of ill-treatment (and thus also of torture) pursuant to paragraph 55 StPO (Code of Criminal Procedure). If such an allegation is made against a police officer, the superior of the police officer concerned is also required to submit a report to the Office of the Public Prosecutor. In these cases, the Office of the Public Prosecutor requests provisional inquiries by the investigating judge of the Court of Justice (and not by the police) in order to clarify the validity of the allegations. If an allegation against a police officer is made to the police, the police immediately reports this allegation to the Office of the Public Prosecutor, without investigating the allegation itself. The Office of the Public Prosecutor in turn requests provisional inquiries by the Court of Justice.

D. Reply to paragraph 5 of the list of issues

11. When performing security responsibilities, the police may question any person, including juveniles. If databases are queried in this context, the queries are documented in a journal.

12. In the context of a criminal prosecution, juveniles must not be requested to sign statements without the presence of a lawyer or trusted person. The police is required to notify a legal representative or trusted person and to instruct the juvenile about the right to a defence counsel. Pursuant to paragraph 21a(1) of the Juvenile Court Act (JGG; LGBl. 1988 No. 39), a trusted person must be called in at the request of a juvenile being held by the police for questioning as well as during a formal interrogation by a member of the police or a court, provided that doing so would not unreasonably prolong the time the juvenile is held.

13. Under paragraph 22(1) JGG, the right of the accused juvenile to be heard, to present facts, to ask and answer questions, and to be involved in investigative measures is also afforded to the juvenile's guardian or legal representative. Under paragraph 22(3) JGG, the legal representative of the juvenile has the right to appoint a defence counsel for the juvenile, even against the juvenile's will, and to assert all appeals and other legal remedies. Under paragraph 26(1) StPO, accused persons shall be informed of their right to have a defence counsel in the notification pursuant to paragraph 23(4), but no later than at the first examination. Under paragraph 18 JGG, the preliminary proceedings in juvenile criminal matters should, where possible, be conducted without the involvement of the police. If involvement of the police is necessary, its members must appear without a uniform. In particular, juveniles must not be escorted by police officers in uniform.

14. Liechtenstein has a full-fledged and properly funded system of legal aid for indigent persons. Legal aid is set out in paragraph 63 et seq. of the Code of Civil Procedure (ZPO; LGBI 1912 No. 9/1) for civil proceedings and in paragraphs 26 et seq. StPO for criminal proceedings; attention was paid to making these provisions as consistent as possible. These legal aid provisions recently underwent a comprehensive reform and made more modern and close to practice. The new provisions entered into force on 1 January 2016 and 1 January 2017, respectively.

15. A legal aid defence counsel is provided in criminal matters if accused persons (defendants) are unable to bear all costs of defence without impairment to the maintenance necessary for a simple lifestyle for themselves and for their family which they are obliged to support (indigence). Doing so must be necessary in the interest of the administration of justice, in particular in the interest of an adequate defence. According to paragraph 26(2)(1) to (4) StPO, providing a defence counsel is at any rate considered necessary to elaborate any appeals that have been lodged, and for the public hearing on the appeal; to submit an objection against the bill of indictment; if accused persons (defendants) are blind, deaf, mute, disabled in any other way, or not sufficiently able to speak the court language, and therefore unable to defend themselves; or if the factual or legal situation is a difficult one. The provision applies already for the first interrogation – i.e. also for the first interrogation by the police or the investigating judge. This means that the accused, who at this point is still referred to as a suspect (see paragraph 23 StPO), must already have access to legal aid under the same conditions.

16. As a transitional measure, the National Police maintains a paper custody register. A dedicated electronic custody register is planned and under development. In any case, however, detentions can already be researched electronically within the system, albeit less conveniently than with an electronic register.

E. Reply to paragraph 6 of the list of issues

17. After an initial external review in 2009 by two experts from Austria of the separation of functions between Home Affairs and Justice, the Government saw no advantage in an organisational separation of the National Police and the National Prison and the establishment of an independent penitentiary organisation. The main reasons for this included the proven organisational synergies so far, the clear separation of the National Prison personnel from the operational domains of the National Police in terms of staffing and organisation, and the absence of any complaints to the National Preventive Mechanism regarding abuses. Referring to the recommendation of the UN Committee against Torture and the National Preventive Mechanism on the separation of functions between Home Affairs and Justice, the National Police initiated a new process on 16 February 2016 to determine the future strategic positioning of the penitentiary system in Liechtenstein.

18. In response to the initiative of the National Police, the Government set up the Working Group on the Strategic Realignment of the Penitentiary System in Liechtenstein in 2016. The working group commissioned a further study on the separation of functions between Home Affairs and Justice with regard to the National Prison, this time from a proven Swiss expert on penitentiary law and the execution of sentences. This study reached the following conclusion: Small countries – such as Liechtenstein – are often forced, due to a lack of resources, to apply or implement simple methods and forms of organisation that have proven themselves in practice. The prison system in the Principality of Liechtenstein does not have the necessary size to form an independent organisational unit. There is no indication that the integration of the National Prison within the National Police and the subordination of the prison warden to the chief of staff of the National Police has had a detrimental effect on inmates or the prison system. On the contrary, many synergies with the police exist, especially in terms of training and the procurement of security equipment, as well as in terms of information technology. Moreover, the National Police is used to dealing with personnel who work in shifts 24 hours a day, 365 days a year. Finally, considerable synergies also arise in relation to security and interventions in extraordinary situations. Based on these considerations, the expert recommended maintaining the integration of the National Prison within the National Police and the subordination of the prison warden to the chief of staff of

the National Police. This solution has proven itself in practice for Liechtenstein, and there are no signs of abuse.

19. No changes were made to the premises of the National Prison.

F. Reply to paragraph 7 (a), (b) and (c) of the list of issues

20. The Liechtenstein penitentiary system was realigned in 2018 with the decision to execute all sentences in Austrian penal institutions and to establish a qualified pre-release programme by means of a cooperation agreement with the Canton of St. Gallen. The National Prison became operational in 1991 as a remand prison. To facilitate the social contacts of inmates with local ties, the practice had nevertheless developed that offences with sentences of up to two years were carried out in the National Prison. Because of this, the Government appointed the Working Group on the Strategic Realignment of the Penitentiary System in Liechtenstein as mentioned above.

21. On the basis of the report of this working group, the Government decided to no longer implement sentences of imprisonment in the Liechtenstein National Prison, even not those of less than two years. The legal basis for this decision continues to be the 1983 Agreement between the Principality of Liechtenstein and the Republic of Austria on the Placement of Prisoners. The pre-release programme has also been restructured. The aim of the pre-release programme is to prepare convicts for their anticipated release. On 12 December 2017, the Government decided that, in addition to the pre-release programme in Austrian penitentiaries, a regional pre-release programme as provided for in Articles 127 et seq. of the Execution of Sentences Act (StVG; LGBL 2007 No. 295) would be carried out in the nearby Swiss penal institution Saxerriet. For this purpose, a memorandum of understanding was concluded between the Government and the Security and Justice Department of the Canton of St. Gallen, which contains the details of implementation.

22. The pre-release programme at the Saxerriet penal institution is available to inmates anticipating to live in the region after their release. For all other convicts, the release procedure will be structured according to Austrian law on the basis of the agreement with Austria.

23. The pre-release programme at the Saxerriet penal institution is designed to prepare inmates for a crime-free life in Liechtenstein or the region. Through targeted problem- and resource-oriented support in essential areas of life (life plans, work, housing, coming to terms with their criminal past, relationships, therapy, debt), the goal is to help inmates reintegrate successfully into society. The establishment and structuring of a stable living environment are encouraged. The penal institution has an individual support programme, in particular for filling gaps in basic education. The penal institution offers a wide range of therapies (including animal-supported therapy) as well as its own health service and psychological care, including work with family members. It conducts methadone programmes and develops approaches with the inmates for making amends. Through targeted external contacts and public outreach, the aim is to make the boundaries permeable between a normal life outside the prison and life as a prisoner, in order to promote mutual understanding and achieve a gradual return to normality.

24. A social support service is provided by the Liechtenstein Probation Service as an external organisation in cooperation with the Office of Social Services (ASD). In addition to this social support service, probation assistance is also offered for inmates. The counselling and support services are available to inmates on request and are arranged by the prison staff, and they also serve as an internal and external liaison for all questions. The social support service and probation assistance are available to assist in establishing contacts with other public authorities and offices. Topics include deferment of debt and maintenance obligations. Contacts and relationships with the outside are encouraged. Clarifying talks with family members and life partners are also possible. Other points of reference include the longer-term impact of imprisonment as well as separation and divorce. Talks are offered to prepare for and assist release. These talks primarily concern future prospects and the situation after imprisonment in terms of housing and work. Probation assistance also deals with coming to terms with the releasees' criminal past and prevention of recidivism. As a result of the

realignment of the penitentiary system in 2017, exchange of information and cooperation between the National Prison and probation assistance has been greatly improved. For instance, inmates who will serve their sentences abroad (Austria, Switzerland) are now offered access by telephone and in writing to the social support offerings of the Liechtenstein Probation Service. The pre-release programme for inmates (with and without mandatory probation assistance) in the Saxerriet penal institution is carried out by the social support service of the Liechtenstein Probation Service together with the social service of the Saxerriet penal institution, with a view to preparing the inmate for release and better social integration in Liechtenstein after release.

25. Since the strategic realignment of the penitentiary system, only detention pending trial, extradition, and deportation as well as alternative terms of imprisonment and preventive detention are carried out in the National Prison, and most of these detentions are of short duration. Prisoners have access to courtyards protected from the weather and the sun, so that they can spend enough time outdoors every day and engage in sports. Female prisoners have access to a separate courtyard from the men, and the sports facilities in the fitness room are also separate. Rainproof clothing is available in the courtyards so that the detainees can spend time outside even in bad weather. New seats and a roof to stand under have been added.

26. Under Article 88 StVG, inmates are allowed to conduct telephone conversations for admissible reasons, in particular with family members, counsellors, and social institutions as well as with public authorities, legal advisors, and care and support services (generally twice a week for up to one hour, applicable to all types of detention with the exception of protective detention). Upon approval by the investigating judge, visits by family members are permitted twice a week for one hour each. These visits can also take place outside working hours on Saturdays and public holidays. The inmates have the opportunity to play sports, engage in arts and crafts, read, or play games (card and board games, game consoles, etc.). Outdoors, there are tables for table tennis, chess, and nine men's morris as well as the necessary facilities for ball games. A laptop is offered for use, but without internet access, given that the National Prison serves as a remand prison. The inmates are involved in housework, which consists of kitchen work, floor cleaning, and laundry. Inmates of the National Prison manufacture and package replacement parts for external employers. The National Prison also runs its own small workshop where birdhouses as well as Christmas and Easter cards are produced. Honeycomb frames for the National Prison's apiary are also manufactured in this workshop.

27. Music events are held in the National Prison, generally twice a year, at which participation is voluntary. Joint ecumenical events are offered during the high feasts of the church, which are also voluntary. The ecumenical pastor visits every two weeks. If needed, chaplains of other religious communities can also be contacted. Additionally, the prison's care staff is available for conversations at all times, all of whom have completed thorough basic psychological training at the Swiss Centre of Expertise in Prison and Probation in Fribourg, Switzerland, and attend continuing training on a permanent basis.

28. Due to its small size, the National Prison does not have its own infirmary, and no medical staff is available on site. Basic medical care is provided by a private physician with his own medical practice, who as a rule visits the National Prison every week and can be called upon by any inmate upon request. A medical and psychiatric emergency service is also available, which can be summoned at any time in the event of an emergency. When a person is arrested by the police, the person's classification as "healthy" or "sick" is already recorded on the personal supplementary sheet. If, at that time, the person's health is questionable, the police contacts a physician immediately prior to detention, and the person is presented to the physician for examination. In the case of direct admission to the National Prison, the official in charge inquires as to the prisoner's state of health during the entry interview. If the inmate complains of a health impairment or if such impairment is observed, the corrections officer or emergency physician on duty is summoned. If the inmate claims to be healthy, the health examination is deferred with the inmate's consent until the regular visit of the physician responsible for the National Prison. In all three cases, the National Prison informs the physician in writing. If a patient is sick or if the person requests urgent care, the examination is always performed within 24 hours or considerably sooner.

29. A service agreement to dispense medication was concluded between the National Police and the Liechtenstein Family Assistance Association in March 2016 and is being implemented successfully. Under this agreement, the Family Assistance Association is given the prescription and delivers the medication to the inmate. In the interest of doctor-patient confidentiality, the prison staff does not know what medication the inmates receive.

G. Reply to paragraph 8 of the list of issues

30. The problem of mixing persons detained on remand and convicted prisoners has been solved by transferring the entire execution of sentences of imprisonment to neighbouring countries.

31. The National Prison has a men's wing and a women's wing, in which juveniles can also be accommodated if necessary. The women's wing is usually empty. It has never happened before that the wing had to be occupied simultaneously by a juvenile and a woman.

H. Reply to paragraph 9 of the list of issues

32. The Execution of Sentences Act has not been amended. Solitary confinement for disciplinary reasons lasting longer than one week has never been ordered since the law entered into force. Such cases are extremely rare in Liechtenstein and usually last only a few days. Imprisonment of juveniles is extremely rare and is almost always very brief. Juveniles represent a special case in any event, given that hardly more than one juvenile is ever held in the National Prison at a given time. When a juvenile is in fact being held, special arrangements are made as appropriate to the individual case to alleviate to the extent possible the conditions of solitary confinement arising from the separation of the juvenile from the adult inmates.

I. Reply to paragraph 10 of the list of issues

33. The Liechtenstein authorities are not aware of any allegations of excessive use of force by corrections officers or other law enforcement officials against illegal migrants, whether adults or juveniles. With regard to juveniles, Article 60(2) of the Foreigners Act (AuG; LGBI. 2008 No. 311) prohibits detention for persons under the age of 15. Under foreigners law, detention of a person between the ages of 15 and 18 would be used only as a last resort. In recent years there has been no detention of minors under foreigners law.

34. The Foreigners Act also contains clear specifications for the application of any coercive measures, which must in all cases be appropriate and proportionate. This principle of proportionality is explicitly stated in Article 60 AuG with regard to the ordering of any detention. The detention provisions are clearly set out in both the AuG and the StVG, which applies on a subsidiary basis. A judicial review of any detention ordered is required by law. Persons concerned also have appropriate legal remedies at their disposal against any other coercive measures and acts by corrections officers, as well as the option of contacting the National Preventive Mechanism at any time.

J. Reply to paragraph 11 (a), (b) and (c) of the list of issues

35. In November 2016, Parliament passed the Liechtenstein Human Rights Association Act (VMRG; LGBI. 2016 No. 504), which entered into force on 1 January 2017 and forms the legal basis for the Liechtenstein national human rights institution based on the Paris Principles. Parliament also approved the financial contribution to the institution for the next three years in the amount of CHF 350,000 per year. In order to ensure that the new institution can operate in an independent manner, the legal form of a public-benefit association under the Law on Persons and Companies was chosen.

36. Under the VMRG, the Liechtenstein Human Rights Association (HRA) has both ombuds functions and a broad mandate to protect and promote human rights in Liechtenstein.

Its tasks include advising public authorities and private individuals on human rights issues, assisting victims of human rights violations, informing the public about the human rights situation in Liechtenstein, conducting investigations and recommending appropriate measures to public authorities and private individuals, issuing opinions on draft laws and ordinances and the ratification of international conventions, and promoting dialogue and national and international cooperation with bodies relevant to human rights. Pursuant to Article 5 VMRG, the HRA may, with the consent of a victim of a human rights violation, participate in judicial and administrative proceedings either on behalf of or in support of the victim. In December 2016, the HRA adopted its articles of association and elected its board for the 2017-2020 term of office, consisting of seven competent individuals from Liechtenstein and abroad. The secretariat has been in operation since June 2017, and the association has 1.7 full-time equivalent positions. The HRA currently has adequate personnel and financial resources and the capacity to generate additional funds. In November 2019, Parliament decided to maintain the annual State contribution to the HRA in the amount of CHF 350,000 for the years 2020 to 2023.

37. By its own account, the HRA applied for membership in the European Network of National Human Rights Institutions in the course of 2019. The association received confirmation of its membership on 26 September 2019. The HRA will adapt its structures and processes towards future accreditation with the Global Alliance of National Human Rights Institutions.

K. Reply to paragraph 12 of the list of issues

38. The Liechtenstein Asylum Act (AsylG; LGBl. 2012 No. 29) and the associated Asylum Ordinance (AsylV; LGBl. 2012 No. 153) contain dedicated provisions to take account of gender-specific causes of flight in the context of determining the refugee status and for the conduct of asylum procedures in the case of persons suspected of having been victims of torture and thus of violence. The protection of vulnerable persons and groups of persons is a priority for Liechtenstein, also in the asylum procedure.

39. In the context of the asylum procedure for victims of torture, the Government has adopted supplementary provisions under the Asylum Ordinance which take into account the mental state of the persons concerned. Accordingly, the Migration and Passport Office (APA), which is responsible for conducting the asylum procedure, may for instance involve a psychologist of the Office of Social Services when hearing such asylum seekers. In practice, a broad interpretation of “victim of torture” is used when interviewing such vulnerable persons, so that persons who have been victims of violence more generally may benefit from these special procedural provisions where necessary. This also corresponds to an internal code of conduct for asylum hearings and hearings under foreigners law adopted by the APA in 2019. This code of conduct defines rules for hearings carried out by the APA and is based in part on the recommendations of the Swiss State Secretariat for Migration and the European Asylum Support Office. In addition to the existing internal manuals and guidance, the code of conduct represents a supplementary guideline for the employees of the APA that must be observed and respected when conducting hearings.

40. In the context of the entry interview, questions are asked in particular about the travel route and any involvement of traffickers, also in order to identify victims of violence along the route. As part of the asylum interview, any information put forward regarding experiences of violence along the route or in the home country is collected, and additional clarifications are conducted as necessary. Thanks to the small size of the country and the short channels of communication within the National Administration, victims of violence are quickly referred to the competent authorities, and they also have the opportunity to receive help and counselling as part of the care and accommodation provided to asylum seekers.

41. The APA also ensures that the needs of vulnerable women and girls are addressed during the asylum procedure. The APA staff has sensitised employees with relevant training who deal with such cases in all-female teams when the first indications of gender-specific violence arise. Already during the entry interview, female asylum seekers have the opportunity to draw attention to any gender-specific causes of flight. Women and girls who

have become victims of trafficking and meet the conditions for recognition as refugees under the 1951 Convention Relating to the Status of Refugees are recognised as refugees in Liechtenstein and are granted asylum.

42. The APA also sends a representative to the Round Table on Human Trafficking, which is composed of members from the National Police, the Migration and Passport Office, the Office of Economic Affairs, the Office of the Public Prosecutor, the Office for Foreign Affairs, and the Victims Assistance Office. The members closely monitor developments relating to human trafficking and, where necessary, take measures to prevent and combat human trafficking. In 2017, the Round Table revised the Guidelines for Combating Human Trafficking, originally adopted in 2007, which set out binding responsibilities and procedures for cases of human trafficking. The Government approved the revised guidelines in September 2017. APA employees also attend meetings of relevant organisations, such as FIZ Advocacy and Support for Migrant Women and Victims of Trafficking in Switzerland, and they regularly inform themselves about continuing training opportunities.

43. The officers of the National Police complete their continuing training internally with the involvement of experts or in foreign police training institutions. These training courses cover the topics of human trafficking and gender-specific violence.

L. Reply to paragraph 13 of the list of issues

44. The requirements of Article 5 of the UN Convention against Torture are fully implemented by Liechtenstein legislation.

45. Pursuant to paragraphs 62 und 63 StGB, the Liechtenstein criminal laws apply to all acts committed in Liechtenstein or on a Liechtenstein ship or aircraft, irrespective of where the ship or aircraft is located. With entry into force of the offence of torture on 1 October 2019, these provisions also apply to the prohibition of torture under Liechtenstein criminal law as set out in the StGB.

46. With the reform of the StGB mentioned above, a new subparagraph 4c has also been included in paragraph 64(1) StGB, which explicitly refers to the offence of torture as set out in paragraph 312a StGB. The offence of torture accordingly applies irrespective of the criminal laws of the place where the act is committed, if the perpetrator or the victim is a Liechtenstein citizen; if the act has violated other Liechtenstein interests; or if the perpetrator was, at the time of the act, a foreign national who either has his habitual abode in Liechtenstein or is in Liechtenstein and cannot be extradited.

M. Reply to paragraph 14 of the list of issues

47. Liechtenstein has not concluded any new extradition treaties during the reporting period. The Liechtenstein Mutual Legal Assistance Act (RHG) applies when no other bilateral or multilateral treaty exists. In principle, extradition is possible under Article 11 RHG if the request refers to a wilfully committed act which is punishable under the law of the State making the request by imprisonment of more than one year or with a preventive measure of the same duration and, under Liechtenstein law, with imprisonment of more than one year. Where offences referred to in Article 4 of the Convention against Torture are punishable in both the requesting State and in Liechtenstein by a sentence of that magnitude, extradition is therefore possible. Because the basic penalty for the offence of torture in the Liechtenstein StGB is imprisonment of one to ten years, the preconditions for extradition are always met on the Liechtenstein side.

N. Reply to paragraph 15 of the list of issues

48. For cooperation with the International Criminal Court and other international tribunals, Liechtenstein enacted the Law of 20 October 2004 on Cooperation with the International Criminal Court and other International Tribunals and the Ordinance of 28 November 2017 on Cooperation with the International Criminal Court and other International Tribunals.

49. The Office of Justice is unaware of any requests for mutual legal assistance by foreign jurisdictions or international courts concerning torture and ill-treatment leading to the transfer of evidence by the Court of Justice in connection with criminal proceedings to that effect.

O. Reply to paragraph 16 (a), (b) and (c) of the list of issues

50. All corrections officers of the Liechtenstein National Prison complete the training for corrections officers in Switzerland, which covers the penal provisions relevant to detention. Inflicting agony on or neglecting a prison inmate, torture and forced disappearance of a person, as well as all offences while taking advantage of an official position, abuse of office, etc., are punishable by law and are accordingly part of the training of prison staff. The Swiss training for corrections officers consists of a modern training course that reflects the content of the applicable international conventions and the case law of the courts, including the European Court of Human Rights (ECtHR). To date, there have been no investigation proceedings or convictions of prison officers in this regard.

51. Compliance with the prohibition of torture and the UN Convention against Torture is a top priority for APA employees when interviewing asylum seekers or other persons concerned. In 2019, the APA adopted its own code of conduct for hearings, which forms part of the training of APA employees who conduct hearings and is based on international standards, including the UN Convention against Torture.

52. Liechtenstein judges and prosecutors are required by law to undergo continuing training on an ongoing basis, which also includes human rights issues. Judges and prosecutors have access to the relevant literature, legal databases, and case law of the ECtHR. Individual prosecutors and judges are also active in Council of Europe committees and therefore continuously deal with human rights issues.

53. An integral part of the training of Liechtenstein lawyers is the Convention of 4 November 1950 for the Protection of Human Rights and Fundamental Freedoms (ECHR) and in particular Article 3 thereof. This includes training in the prohibition of torture and the corresponding case law.

54. To date, there have been no allegations against Liechtenstein law enforcement personnel or other public officials involving torture or other cruel, inhuman, or degrading treatment or punishment. The annual reports of the National Preventive Mechanism have likewise never contained any indication to this effect. Against this background, there has so far been no reason to question the effectiveness of training and to evaluate it in this regard.

P. Reply to paragraph 17 of the list of issues

55. As already mentioned in the Third Supplementary Report of Liechtenstein under the UN Convention against Torture, Liechtenstein detainees placed in Austria have access to legal remedies under Austrian law. Austria is a State party to the UN Convention against Torture, the ECHR, and the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. The offence of torture was already introduced into the Austrian Criminal Code in 2012. The possibility has also been available since 2012 to report torture or other forms of ill-treatment to the Austrian Ombudsman Board serving as the National Preventive Mechanism. The Liechtenstein authorities are not aware of any cases in which persons incarcerated in Austria on the basis of the Agreement between the Principality of Liechtenstein and the Republic of Austria on the Placement of Prisoners might have submitted a complaint regarding torture or other forms of ill-treatment (in Austria).

Q. Reply to paragraph 18 of the list of issues

56. Paragraphs 145 to 156 of the Code of Criminal Procedure (StPO) govern the manner in which persons accused of a criminal offence are examined. Pursuant to paragraph 145, examinations are to be carried out by the investigating judge. If the accused is not familiar with the German language, an interpreter must be brought in. The accused is to be instructed

and has the right to consult a defence counsel for the examination (paragraph 147). The National Police has begun to translate all the legal instructions into the major foreign languages, so that the interpreters can convey the instructions on the basis of a text in the target language. Neither promises nor pretences, nor threats nor coercive measures may be used to make the accused state a confession or make other specific statements. Also, the investigation must not be delayed by efforts to obtain a confession (paragraph 151). The accused may refuse to testify, but this will not hinder the investigation (paragraph 152). Statements made by the accused under torture may not be used as evidence and are null and void. Moreover, the accused's testimonies and the testimonies of witnesses and persons also accused may not be used as evidence to the disadvantage of an accused as far as they have otherwise been obtained by unlawful interference with the freedom of self-determination or the free statement of intent or through inadmissible methods of examination (paragraph 155). Confessions of the accused do not release the investigating judge from the duty to ascertain the facts as far as possible (paragraph 156).

57. In accordance with a regulated procedure, all service instructions of the National Police are reviewed either as the occasion arises or on an institutionalised basis every five years and improved as necessary, in particular the service instructions governing arrest, detention, and release (2018), the performance of prisoner transports (2016), and the notification of the Office of the Public Prosecutor in the event of arrests (2018).

R. Reply to paragraph 19 of the list of issues

58. The suicide rate in the National Prison is comparatively very low (two cases in more than 25 years of operation). The investigations carried out by the Liechtenstein Office of the Public Prosecutor in the aforementioned case of the suicide of a prisoner on remand in the National Prison determined that no third party was at fault. The prisoner on remand had been provided with ongoing medical and psychological care. In the context of this care, there had been no indication that the remand prisoner was in acute danger of suicide. Since there was no evidence of third-party responsibility, the investigations against persons unknown were discontinued by the Liechtenstein Office of the Public Prosecutor.

59. Together with the prison physician and the psychologist in whose care the remand prisoner had been, the National Prison debriefed the case in order to ascertain whether the suicide could have been prevented in this case and how future cases might be prevented or how dangers might be detected at an earlier stage. The result of the debriefing was that in this case, the suicide was not predictable by either the psychologist or the attending physician.

60. Neither the National Prison nor the Migration and Passport Office is aware of any incidents of discriminatory treatment of detained migrants.

S. Reply to paragraph 20 of the list of issues

61. There have been no disciplinary proceedings or sanctions on the part of the National Prison or the National Police involving cases of torture or ill-treatment. If a criminal offence is suspected to have been committed, criminal charges are always filed with the Office of the Public Prosecutor and internal disciplinary proceedings are not conducted by the National Police. According to the Office of the Public Prosecutor, there have been no allegations of torture to date and only very few allegations of ill-treatment, although none of these allegations turned out to be justified pursuant to investigations by the Office of the Public Prosecutor.

62. There have been three suspected cases of human trafficking since 2014. In all three cases, investigations as part of preliminary proceedings were carried out by the Liechtenstein Office of the Public Prosecutor; in two cases, the suspicion was not substantiated. One of the cases is still pending, and the investigation into human trafficking has not yet been completed. There have accordingly been no convictions for human trafficking in the reporting period.

T. Reply to paragraph 21 of the list of issues

63. Since there were no cases of torture during the reporting period, no reparation or compensation measures were taken either. Consequently, no information can be provided about any requests, approvals, or volume of such compensation.

64. Any person whose physical, mental or sexual integrity has been directly and adversely affected by a criminal offence is entitled to victims assistance in accordance with the Victims Assistance Act (OHG). Under the OHG, the substantively autonomous Victims Assistance Office supports persons whose physical, mental or sexual integrity has been directly and adversely affected by a criminal offence, and accordingly also victims of torture or other cruel, inhuman, or degrading treatment (victims as defined in Article 1(1) OHG). In addition, family members of victims (Article 1(2) OHG) as well as persons and their family members whose physical or mental integrity has been directly and adversely affected as a result of assistance or attempted assistance to victims (Article 1(3) OHG) are entitled to victims assistance. The Victims Assistance Office provides or – where it is unable to do so itself – arranges the necessary medical, psychological, social, material, and legal assistance in individual cases (Article 14(1) OHG). On the one hand, the Victims Assistance Office provides assistance around the clock for the most urgent needs arising as a result of the criminal offence (urgent assistance), and on the other hand it provides additional assistance until the health condition of the person concerned has stabilised and until the other consequences of the offence have been eliminated or compensated as far as possible (longer-term assistance, Article 13 OHG). Under Article 12 OHG, the Victims Assistance Office or a mandated specialist gives advice to the victim and the victim's family members, assists them in the exercise of their rights, and informs them about the structure of the proceedings and the victim's rights and duties in the proceedings. Where necessary, the Victims Assistance Office arranges for victims to be accompanied or to be represented by authorised persons in court (Article 12(2) OHG; paragraphs 31a(2) and 34 StPO).

65. Victims and their family members are entitled to compensation for damages, which includes compensation for both financial damages and non-material damages. If a victim does not receive compensation for damages from either the perpetrator or third parties (e.g. insurers), the OHG provides that the victim may receive compensation from the State for the material and non-material damages suffered (Article 18-24 OHG). In the interest of comprehensive victim protection, compensation for non-material damages expresses the community's recognition of the victim's difficult situation. This also takes account of the interests of victims of torture who, as a rule, suffer hardly any material damages but usually grave non-material damages. In contrast to compensation for financial damages, non-material compensation is not dependent on the victim's income.

66. The financial support provided by the Victims Assistance Office is funded from the annual victims assistance budget. The amount of the annual expenses depends on the number of victims and their required support and is not limited. If required, a supplementary credit can be requested at any time.

U. Reply to paragraph 22 of the list of issues

67. To date, there have been no cases before Liechtenstein courts in which evidence obtained through torture and/or ill-treatment has been presented. Under paragraph 151 StPO, neither promises nor pretences, nor threats nor coercive measures may be used to make the accused state a confession or make other specific statements.

V. Reply to paragraph 23 of the list of issues

68. Efforts are currently underway to conclude a treaty with Switzerland on the involuntary placement of patients in psychiatric or social welfare institutions. In the case of a placement in Austria, the competent Austrian authorities always initiate their own procedure under the Austrian Federal Law of 1 March 1990 on the Hospitalisation of Mentally Ill Persons, so that no treaty arrangement is currently necessary.

69. Articles 11 to 13 of the Liechtenstein Social Assistance Act (SHG; LGBl. 1985 No. 17) govern the placement or retention of persons against their will in institutions. Under Article 11 SHG, the basic prerequisite is that the person is mentally ill or deficient, suffers from an addictive disorder, or is severely neglected and the necessary help cannot be provided other than through placement in an institution. The procedure for placement or retention is conducted at the Court of Justice in accordance with the Law of 25 November 2010 on Judicial Proceedings in Non-Contentious Legal Matters (AussStrG; LGBl. 2010 No. 454) at the request of the public health officer or the Office of Social Services (Article 12(1) SHG). Under Articles 13(1) and 16(1) AussStrG, official procedures and the investigative principle apply in non-contentious proceedings. The Court of Justice decides on the placement or retention of the person concerned. It ensures the progress of the proceedings of its own motion and organises the proceedings in such a way that an exhaustive examination and thorough assessment of the subject matter and the shortest possible duration of the proceedings are guaranteed (Article 13(1) AussStrG). The court must also ensure of its own motion that all facts relevant to its decision are clarified, and it must take due account of any indications of such facts.

70. Before the Court of Justice decides on placement or retention, it must obtain an expert opinion for mentally ill, mentally deficient, and addicted persons. In addition, the Court of Justice must hear the person to be placed or retained and, if necessary, appoint legal counsel (Article 13(1) and (2) SHG). The Court of Justice may appoint the legal counsel, but the person concerned is free to appoint one instead. The decision on placement or retention must be notified to the person in need of assistance, that person's next of kin, the Government, the Office of Social Services, the public health officer, and the competent mayor. Under Article 29 SHG, the decision of the Court of Justice may be appealed by way of complaint to the Court of Appeal within 14 days of service.

71. In exigent circumstances and by way of derogation from the above procedure, the public health officer or his/her deputy, or the physician on duty, shall order immediate placement and notify the Court of Justice (Article 12(2) SHG). The Court of Justice decides within five days whether the immediate placement ordered by the physician against the will of the person was permissible under the exigent circumstances (Article 12(2) SHG). Under Article 29 SHG, the ruling of the Court of Justice may be appealed by way of complaint to the Court of Appeal within 14 days. If the Court of Justice has issued a final ruling that the placement under exigent circumstances was permissible, it decides on further retention of the person. It must first hear the person and, for mentally ill, mentally deficient, and addicted persons, it must obtain an expert opinion. If the Court of Justice has ruled on further retention, the ruling may again be appealed by way of a complaint to the Court of Appeal within 14 days of service. Rulings of the Court of Appeal affirming the placement are not subject to ordinary legal remedies (Article 62(2) AussStrG). Rulings of the Court of Appeal deviating from rulings of the first instance may be appealed on points of law to the Supreme Court within four weeks of service; the Supreme Court issues a final ruling according to the ordinary stages of appeal (Article 62(1) AussStrG).

W. Reply to paragraph 24 of the list of issues

72. Although Liechtenstein has so far been spared from terrorist acts, international terrorism poses a constant threat to international and also national security. In recent years, Liechtenstein has therefore signed or ratified further international instruments to combat terrorism and terrorist financing and has further strengthened its national legislation in this regard.

73. Since the last report, several legislative adjustments have been made in the area of counterterrorism. In 2015, the offences of "Training for terrorist purposes" and "Instruction to cause the commission of a terrorist offence" were included in the Criminal Code. The Liechtenstein Police Act was amended in 2017. The amendments respond to the needs of practice and serve in particular to improve efforts to combat terrorism and other serious offences. The newly introduced measures include alerts for discreet and specific checks, reporting obligations, and/or temporary seizure of travel documents in the case of persons suspected of committing a serious offence abroad, as well as automatic matching of wanted

persons with the data of cross-border commuters in Liechtenstein. Another offence, “Travel for terrorist purposes”, was added to the Criminal Code in 2019. Additionally, the provisions for preventing terrorist financing were further strengthened.

74. Given that an effective fight against international terrorism can succeed only in cooperation with other states, Liechtenstein participates actively in all relevant multilateral bodies in the field of counterterrorism (UN, Council of Europe, OSCE, and others) and continuously examines possible ratifications of new international instruments. Accordingly, Liechtenstein ratified the Council of Europe Convention on the Prevention of Terrorism in 2016 and signed the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism in 2018. In international bodies, Liechtenstein regularly advocates the principle that fundamental human rights, international humanitarian law, and the fundamental principles of international law must be observed and respected in the fight against terrorism.

75. This foreign policy position is in line with the high level of protection of fundamental and human rights at home. Fundamental and human rights in Liechtenstein are guaranteed by the Constitution and numerous international treaties. The international treaties relevant to the protection of human rights in Liechtenstein include most UN human rights conventions as well as numerous human rights conventions of the Council of Europe such as the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Penalties. It is the consistent practice of the Liechtenstein Government to accede to a convention only after the relevant legal and practical preconditions have been created at the national level. This ensures that all the provisions of the convention in question can actually be applied from the date of entry into force.

76. The Liechtenstein Constitution (LV; LGBl 1921 No. 15) contains a comprehensive catalogue of fundamental rights, including the prohibition of inhuman and degrading treatment and punishment in Article 27bis. Compliance with this prohibition must be ensured when ordinary legislation is enacted, for example for the purpose of combating terrorism. Not only legislation, but all State action must be constitutional and conform to fundamental rights. This also includes international treaties entered into by Liechtenstein. Moreover, the individual rights of the ECHR and its protocols constitute directly applicable law in Liechtenstein. They have *de facto* constitutional status and are binding on all State action. The fundamental rights of the Liechtenstein Constitution are accordingly interpreted by the Constitutional Court in line with the case law of the European Court of Human Rights.

77. According to Article 15 of the Constitutional Court Act (StGHG; LGBl. 2004 No. 32), the Constitutional Court decides on complaints to the extent the complainant claims to be violated by a final decision of the court of last instance or by a decree of a public authority with respect to one of the complainant’s constitutionally guaranteed rights or with respect to one of the complainant’s rights guaranteed by international conventions where the legislative power has expressly recognised an individual right of complaint. The legislative power has recognised such an individual right of complaint under several treaties including for alleged violations of rights set out in the ECHR, the International Covenant of 16 December 1966 on Civil and Political Rights (ICCPR), and the UN Convention against Torture. All three human rights conventions contain the prohibition against torture and cruel, inhuman, or degrading treatment or punishment. After all domestic remedies have been exhausted, individuals (both Liechtenstein and foreign nationals) as well as associations may also lodge individual complaints with the European Court of Human Rights. Given that Liechtenstein has accepted the individual complaints procedure under the ICCPR, individuals can also turn to the Human Rights Committee if they believe their rights under the ICCPR have been violated.

78. The protection of human rights and compliance with the UN Convention against Torture is therefore legally guaranteed in Liechtenstein when measures to prevent or combat terrorism are enacted, and claims of violations can be enforced with legal effect.

79. The National Police has adapted its doctrine and resources to the threat of terrorism and, in close cooperation with foreign authorities, observes potential extremist activities in or against Liechtenstein. To date, no prison inmates have been identified or placed under observation for exhibiting radical tendencies or activities aimed at radicalising other inmates

for the purpose of terrorism. Corrections officers have so far not received specialised training in this regard.

80. According to the Liechtenstein Office of the Public Prosecutor, no one has been convicted on the basis of laws for the prevention and combating of terrorism.

81. Neither the Liechtenstein Office of the Public Prosecutor nor the Human Rights Association is aware of any complaints of the non-observance of international standards in applying measures to combat terrorism.

X. Reply to paragraph 25 of the list of issues

82. In the coming months, no ratifications of UN human rights treaties are planned to which Liechtenstein is not yet a party.

Y. Reply to paragraph 26 of the list of issues

83. In the context of its foreign policy, Liechtenstein has for many years pursued various thematic priorities relating to human rights. Apart from women's and children's rights and the fight against impunity for the most serious crimes, priorities include the prevention and combating of torture and other cruel, inhuman, or degrading treatment or punishment. These priorities are also reflected in Liechtenstein's multilateral development cooperation, one of the focuses of which is to strengthen the Office of the High Commissioner for Human Rights (OHCHR). Liechtenstein is the largest per capita contributor to the OHCHR and an important donor to the OHCHR Fund for Victims of Torture. Through the OHCHR, Liechtenstein recently financed the efforts of Manfred Nowak, an independent expert mandated by the UN General Assembly, who prepared the Global Study on Children Deprived of Liberty. Without Liechtenstein's financial support, it would not have been possible to carry out such a comprehensive research project.

84. Liechtenstein also supports several non-governmental organisations (NGOs) working to combat torture and to protect the rights of people in captivity. One such important partner for many years has been the World Organisation Against Torture (OMCT), the largest international coalition of NGOs against torture, executions, forced disappearances and other forms of cruel, inhuman, or degrading treatment or punishment. Liechtenstein provides thematic support for the OMCT's Child Protection Against Torture Programme. The programme enhances the effectiveness of OMCT's work in combating violence against children, especially those who have been deprived of their liberty. Today, OMCT is the only global anti-torture organisation with a specialised child rights programme advocating a stronger anti-torture approach in the global child rights agenda.

85. For many years, Liechtenstein has also worked with the Association for the Prevention of Torture (APT). Liechtenstein was the main donor of the APT Regional Office for Latin America. In 2010, APT opened that office based in Panama to advance implementation of the Optional Protocol to the UN Convention against Torture (OPCAT). For nearly ten years, Liechtenstein supported the regional office. Liechtenstein is now supporting the execution of APT's strategy for worldwide OPCAT implementation.

86. Liechtenstein also cooperates on a project basis with the NGO Penal Reform International (PRI). The project financed by Liechtenstein investigates law-based approaches to preparing for and responding to the effects of natural disasters on prisons. The research forms the basis for a publication to serve as a guide for law enforcement authorities in cases of natural disasters for the protection of the human rights of detained persons.
