



Comments on Liechtenstein's fifth country report of 2019 under the Convention against Torture (CAT) submitted to the 79th session of the Committee against Torture from 15 April - 10 May 2024

Written information for the examination of the State party's report: The written information submitted by NGOs, NHRIs or NPMs to the Committee for its consideration during the examination of a State party's report, must be received in an electronic format (see contacts below) no later than four weeks before the opening of the session. The Committee will not accept any written information after this deadline. For the 79th session (April-May 2024), the deadline is 18 March 2024. Written submissions should be sent in Word format to the following e-mail address: ohchr-cat@un.org

Article 1 and 4

Re 7) *"According to Section 57 StGB, the statute of limitations for the offence of torture depends on the severity of the offence. Only if the torture results in the death of the victim is the offence not time-barred."*

There should be no statute of limitations for torture.

Article 2

Re 9) *"Section 50a (1) of the Code of Criminal Procedure (StPO; LGBl. 1988 No. 62) does not contain a legally binding obligation to make audio and video recordings of all police questioning and interrogations."*

There should be a legally binding obligation to make audio and video recordings of police interviews. It should be ensured that all reports are received by two police officers and that all police interviews are conducted by two officers, at least one of whom is of the same gender as the person being interviewed.

Re 11) *"In the context of averting danger, the police can question any person, including young people."*

There should be protective measures for children and young people here.

Re 12) *"Pursuant to Section 21a (1) of the Juvenile Courts Act (JGG; LGBl. 1988 No. 39), when a juvenile who has been detained is questioned on the matter and formally questioned by a police body or the court, a trusted person must be present at the juvenile's request, provided that this would not result in an unreasonable prolongation of the detention."* In the case of children and juveniles, the involvement of a trusted person should be mandatory.

Re 15) *"The addition of a legal aid lawyer in criminal cases is granted if the accused (defendant) is not in a position to bear the entire costs of the defence without this affecting the means of subsistence necessary for him and his family to lead a simple life (so-called indigence). Furthermore, the contribution must be necessary in the interests of the administration of justice, in particular in the interests of an appropriate defence."*

In the case of children and juveniles, a legal aid lawyer should be provided by law. An overarching study should be carried out with the aim of implementing child-friendly justice in line with the Council of Europe's Strategy on the Rights of the Child (2022-2027) and the Council of Europe's Committee of Ministers' Guidelines on Child-Friendly Justice.



Re 16) *"As a transitional measure, the state police maintain a paper detention register. A separate electronic detention register is planned and is currently being developed. In any case, detentions can already be searched electronically in the system, albeit less easily than with an electronic register."*

The electronic prison register was introduced.

Re 17 - 18) *"In response to the initiative of the National Police, the government set up the working group 'Strategic reorganisation of the penitentiary system in Liechtenstein' in 2016. It commissioned a further study on the issue of the separation of competences between the Home Affairs and Justice departments in relation to the national prison from a recognised Swiss expert in penitentiary and prison law. [...] Based on these considerations, the expert opinion recommended retaining the integration of the National Prison into the National Police and the subordination of the prison director to the Chief of Staff of the National Police. The chosen solution has proven itself in practice for Liechtenstein and there are no signs of abuse."*

The Liechtenstein HR Association is not aware of any signs of abuse.

Re 19 - 31) *"No changes were made to the spatial conditions of the national prison. [On the basis of the reorganisation of the prison system in 2018], the government decided to refrain from executing all prison sentences, including those of up to two years, in Liechtenstein's national prison in future. [...] In the case of juveniles, the situation is special in that usually no more than one juvenile is imprisoned in the national prison anyway. In this case, a special regime adapted to the individual case is organised in order to alleviate the conditions of solitary confinement caused by separation from adult detainees as far as possible."*

The space available in the state prison is very cramped and no longer up to date. Even after the implementation of the reorganisation of the prison system in 2018, the prison is reaching its limits. As imprisonment in Austria is often carried out in distant institutions, prisoners want to remain in Liechtenstein prison for as long as possible, as otherwise they will lose their social contact. No solution has yet been found for maintaining social contact while serving time abroad.

Administrative detention continues to be carried out. However, as a remand prison, Liechtenstein's prison has hardly any employment opportunities and no comprehensive range of accompanying measures (e.g. therapy for drug use, psychological support, etc.). As the coronavirus pandemic has shown, the prison is not sufficiently equipped to deal with medical challenges. Prisoners with medical problems that cannot be treated in Liechtenstein pose a challenge. The number of inmates with mental illnesses and drug use has increased and also poses major challenges for the prison. An agreement with Innsbruck Prison has brought relief in this regard. However, the practice still needs to be tested in the longer term. For years, the Liechtenstein HR Association has recommended the introduction of a state-funded employment programme for all prisoners, including those on remand. There is no juvenile detention centre in Liechtenstein. Juveniles have to be transferred to foreign detention centres. There is often not enough space there. The special regimes adapted to individual cases are reaching their limits.

Re 37) *"According to its own information, the Liechtenstein Human Rights Association applied for membership of the European Network of National Human Rights Institutions in the course of 2019."*

The Liechtenstein HR Association has been a member of the European network ENNHRI since 2019. Following approval by the General Assembly, the organisation will apply for membership of the global alliance GANHRI in the first half of 2024.

Article 10

Liechtenstein acceded to the Istanbul Convention in 2021. The recommendations of the first report have not yet been adopted by the Conference of the Parties and are not available to the MIR. The



implementation work is to be carried out with the involvement of civil society. Based on the recommendations of the Council of Europe Group of Experts against Corruption GRECO, the Judges Appointment Act and the Public Prosecutor's Office Act were revised in 2022.

Article 12 - 13

Re 62) *"There have been three suspected cases of human trafficking since 2014. Since 2023, a national reporting centre for human trafficking has been set up at the national police force. Reports of suspected human trafficking can be submitted worldwide and around the clock. They can communicate with the national police about their suspicions anonymously."*

No suspected cases of human trafficking were reported to the VTR during the reporting period. The IMAC welcomes the new reporting centre, but its location within the national police force is not ideal, as victims and witnesses may have a reluctance to approach the police. The Liechtenstein HR Association would favour cooperation with the Swiss Human Trafficking Reporting Office Act212 . The reporting centre has a lower threshold.

Article 16

Re 68) *"Efforts are currently underway to conclude a treaty with Switzerland on the involuntary placement of patients in psychiatric or welfare facilities."*

Negotiations are still ongoing. According to the responsible ministry, they should be finalised in 2024.

Re 69 - 71) *"The Liechtenstein Social Assistance Act (SHG; LGBl. 1985 No. 17) regulates in Articles 11 - 13 the placement or detention of persons against their will in institutions."*

Liechtenstein acceded to the UN Convention on the Rights of Persons with Disabilities in November 2023. In 2020, the provisions on involuntary placement and institutionalisation in the Social Assistance Act were revised. The protection of the persons concerned was improved.

Schaan, March 2024