



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

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## Committee against Torture

Forty-fourth session

26 April–14 May 2010

### Consideration of reports submitted by States parties under article 19 of the Convention

#### Concluding observations of the Committee against Torture

#### Liechtenstein

1. The Committee against Torture considered the third periodic report of Liechtenstein (CAT/C/LIE/3) at its 938th and 941st meetings (CAT/C/SR.938 and 941), held on 4 and 5 May 2010, and adopted, at its 948th meeting (CAT/C/SR.948), the following concluding observations as set out below.

#### A. Introduction

2. The Committee welcomes the third periodic report of Liechtenstein which was submitted, with some delay, and which follows in general terms the Committee's guidelines on the form and content of periodic reports. The Committee expresses its appreciation for the comprehensive written replies to the list of issues which provided important additional information and for with the provision of a translation of the 2009 annual report of the national preventive mechanism in due time for the consideration of the report.

3. The Committee expresses its appreciation for the frank, constructive and fruitful dialogue held with the delegation of the State party, as well as for their extensive and precise replies provided orally and in writing in response to the questions and concerns expressed by the Committee.

#### B. Positive aspects

4. The Committee takes note with satisfaction the ratification by the State party of the following international human rights instruments during the reporting period:

(a) Optional Protocol to the Convention against Torture in 2006;

(b) International Convention on the Elimination of All Forms of Racial Discrimination in 2000;

(c) Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women in 2001;

(d) 1954 Convention relating to the Status of Stateless Persons in 2009;

(e) 1961 Convention on the Reduction of Statelessness in 2009.

5. The Committee notes with satisfaction:

(a) The complete revision of the Execution of Sentences Act of 20 September 2007, which, inter alia, strengthens the legal safeguards relating to the right of sentenced prisoners to have access to a medical doctor;

(b) The establishment, under the revised Execution of Sentences Act (2007), in December 2007 of the Corrections Commission, which is also designated as the national preventive mechanism of the State party pursuant to its ratification of the Optional Protocol, and the active role of the State party in the drafting of the Protocol;

(c) The entry into force of the amended Code of Criminal Procedure on 1 January 2008 which, inter alia, guarantees the rights of all apprehended persons to inform a relative or another person of trust and a defence lawyer of their arrest and to remain silent.

6. The Committee further notes with satisfaction:

(a) The establishment of the Equal Opportunities Commission with its operational Office of Equal Opportunities, the Ombuds Office for Children and Young People and the Victims Assistance Office;

(b) The support by the State party to United Nations mechanisms established to prevent and eradicate torture and other forms of ill-treatment, including its increased contribution to the United Nations Voluntary Fund for Victims of Torture and its support to the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.

## **C. Principal subjects of concern and recommendations**

### **Definition and offence of torture**

7. The Committee notes with satisfaction the constitutional amendments of 2003, according to which the prohibition of torture and inhuman treatment is an absolute prohibition and may not be undermined either by law or by emergency decree (art. 10, para. 2, of the Constitution) and of 2005, which prohibits “inhuman or degrading treatment or punishment” (27bis of the Constitution). The Committee also recognizes that, according to the monist legal system of the State party, the provisions of the Convention have become part of the domestic law as from the date of ratification. Notwithstanding these provisions, the Committee firmly believes that the incorporation into the domestic law of the State party of a distinct crime of torture based on the definition of article 1 of the Convention would directly advance the Convention’s overarching aim of preventing torture or ill-treatment (arts. 1 and 4).

**The Committee recommends that the State party incorporate into its domestic criminal law a distinct crime of torture in strict conformity with article 1 of the Convention. By naming and defining the offence of torture in accordance with articles 1 and 4 of the Convention and distinct from other crimes, the Committee considers that States parties will directly advance the Convention’s overarching aim of preventing torture, inter alia, by alerting everyone, including perpetrators, victims, and the public, to the special gravity of the crime of torture and by improving the deterrent effect of the prohibition of torture.**

### **Appropriate penalties**

8. The Committee, recalling that penalties that are commensurate with the gravity of the crime of torture are indispensable in order to have a successful deterrent effect, considers that the current criminal provisions of the State party under which acts of torture are prosecuted (two years' imprisonment in the case of torment and neglect of a prisoner, (art. 312 of the Criminal Code) and up to five years in the case of bodily injury (arts. 83–85 of the Criminal Code) provide for very lenient punishment. The Committee reminds the State party that, in accordance with the Convention, each State party should make these offences punishable by appropriate penalties which take into account their grave nature (art. 4).

**The State party should make the offences that amount to acts of torture punishable by appropriate penalties which take into account their grave nature, in accordance with article 4 of the Convention.**

### **Statute of limitations**

9. The Committee is also concerned that, as a result of criminalizing acts of torture pursuant to articles 83–85 and 312 of the Criminal Code, the statute of limitations with respect to offences that would amount to torture is limited to five years. In this respect, the Committee is concerned that the State party does not intend to amend the Criminal Code “so as to eliminate the statute of limitations applicable to cases of torture”. No justification for imposing time limits on the obligation of the State party to investigate and prosecute crimes of torture, including the lack of court decisions as referred to in the State party’s written reply, is acceptable (arts. 2, 4 and 12).

**The State party should ensure that acts amounting to torture are not subject to any statute of limitations.**

### **Fundamental safeguards**

#### **The right to have access to a medical doctor**

10. The Committee welcomes the new Execution of Sentences Act which, inter alia, guarantees the right of sentenced prisoners to be examined by a doctor upon admission or as soon as possible thereafter. The Committee is concerned, however, that the same right is not legally guaranteed to all persons deprived of their liberty as from the very outset of their detention. In this context, the Committee regrets that the new Public Health Act no longer contains an explicit provision regarding access to a doctor during police custody (former section 7a, para. 3 (b)) and that it is not clearly guaranteed by either the Criminal Code or the Code of Criminal Procedure. Also, while appreciating that the handouts of legal instructions on legal safeguards provided by the National Police to persons deprived of their liberty provide for the exercise of the right to access to a doctor as from the very outset of their detention, the Committee is concerned that the legal handouts to foreign nationals do not explicitly provide this right (arts. 2 and 11).

**The State party should ensure that the right of all persons deprived of their liberty, including foreign nationals, to have access to an independent doctor, if possible of their own choice, as from the very outset of their detention, is explicitly guaranteed in its domestic law.**

#### **Right to have access to a lawyer and to inform relatives**

11. The Committee notes with appreciation that, pursuant to the revision of the Code of Criminal Procedures, “all apprehended persons” are legally guaranteed the right to have access to a defence lawyer and to inform a relative or another person of trust of their arrest

“at the time of apprehension or immediately thereafter” (art. 128a). Noting its restrictions during interrogations, the Committee welcomes information by the State party that the Code of Criminal Procedure is under complete revision and will stipulate that any person being interviewed or interrogated by the police will have the right to have a lawyer present during the first police investigation. However, the Committee is concerned that, at present, the legal instructions handed out to foreign nationals provide the arrested person with the choice between the right to inform either a family member or a lawyer (arts. 2, 11 and 12)

**The State party should ensure the inclusion in the revised Code of Criminal Procedure the right of all persons deprived of their liberty to have access to a lawyer as from the very outset of their deprivation of liberty, without any restrictions. The legal instructions handed out to foreign nationals upon their arrest should be redrafted so as to guarantee in practice both the right to have access to a lawyer and to inform a family member.**

#### **Separation of responsibilities between corrections and investigations authorities**

12. The Committee notes with concern the lack of separation of competencies between the Ministry of Justice and the Ministry of Home Affairs in the correctional system of the State party, and, as noted by the Corrections Commission, “the continuing competence and organizational influence of the police authorities with regard to the field of corrections”. The Committee notes with appreciation, however, that the recommendation of the Corrections Commission to this effect is currently examined in the light of expert advice from Austria (art. 2).

**The State party should ensure full and exclusive competence by the Ministry of Justice over the correctional system of the State party, as recommended by the Corrections Commission in 2008 and 2009.**

#### **Legal status, mandate and composition of the national preventive mechanism**

13. The Committee welcomes the establishment of the Corrections Commission as the national preventive mechanism of the State party, which became operational in 2008. The Committee notes with appreciation reports on the existence of very good collaboration between the authorities and the Corrections Commission during its visits to Vaduz National Prison in 2009, the State party’s efforts to follow up and make public its recommendations, including the translation of its Annual Report 2009 into English. While noting the direct applicability of the Optional Protocol in the State party, the Committee is nevertheless concerned that the mandate of the Corrections Commission as the State party’s national preventive mechanism is not specified in the Execution of Sentences Act which still determines the number of visits that the Corrections Commission can carry out on an annual basis without notice. In addition, the Committee is concerned that article 17, paragraph 3, of the Execution of Sentences Act relating to the composition of the Corrections Commission, according to which at least two out of the five members should not be in the service of the National Public Administration, may compromise its independence (art. 2).

**The State party should amend the Execution of Sentences Act with a view to ensuring that the mandate and powers of the Corrections Commission as the national preventive mechanism of the State party are clearly specified in law in accordance with articles 17 to 23 of the Optional Protocol to the Convention. In this respect, attention should be paid to article 18, paragraph 4, of the Optional Protocol which calls upon States parties to give due consideration to the Paris Principles relating to the Status of National Institutions for the Promotion and Protection of Human Rights and to the importance of a public, inclusive and transparent process in the appointment of its members.**

### **Non-refoulement, rights of refugees and asylum-seekers**

14. The Committee notes the significant increase in the number of asylum applications in the State party during recent years, from an annual average of 66 applications (2004–2008) to 294 applicants in 2009. The Committee is particularly concerned about information received that asylum-seekers may not always have an opportunity to have their claim examined in substance. In this respect, the Committee notes with particular concern that the majority of asylum applications rejected, or otherwise closed, in 2009 concern two States where the risk of torture or other forms of ill-treatment can be considered substantial. The Committee is also concerned at reports that Government officials exert pressure on asylum-seekers to leave voluntarily the State party, including by offering monetary rewards (art. 3).

15. Noting that “preventive expulsion” to a “safe third country” is contingent, inter alia, on that State’s treaty obligation to consider the asylum request and the principle of non-refoulement, the Committee is concerned at reports that not all persons that have applied for asylum in Liechtenstein have had the opportunity to apply for asylum in the third State concerned (usually Switzerland and Austria), thus leaving such persons without sufficient safeguards against refoulement. In this respect, the Committee notes with concern the very short time period (24 hours) within which asylum-seekers “under preventive expulsion” may submit a request for restoration of the suspensive effect to competent authorities (art. 3).

**In order to fulfil its obligations under article 3 of the Convention, the Committee recommends that the State party:**

**(a) Ensure a substantive assessment and review on the merits of all asylum applications, including those submitted in 2009;**

**(b) Increase the time limit within which asylum-seekers under “preventive expulsion” may apply for restoration of the suspensive effect of the order and also guarantees their right to a proper hearing before the Administrative Court in cases of appeals on rejected requests for suspensive effect so as to ensure that those who are returned to “safe third countries” pursuant to “preventive expulsion” are guaranteed access to the asylum procedure in these States;**

**(c) Investigate allegations of payments by Government officials to asylum-seekers to persuade them to leave the State party in order to avoid having to undertake an in-depth assessment of the respective asylum application;**

**(d) Establish an effective data collection system which identifies: (i) the grounds for asylum requests, including requests that were based on the applicant’s fear of being subjected to torture or other forms of ill-treatment, and the number of approved requests in those cases; (ii) the number and outcome of appeals of rejected requests; and (iii) the number of approved asylum and long-term resident requests that were granted on the basis of the Convention.**

16. While noting information from the State party that asylum-seekers are detained while undergoing deportation proceedings if they absconded in another country during pending proceedings and/or if they claim a false identity, the Committee is concerned at information that asylum-seekers have been held in detention solely on the basis of their illegal entry into the State party. While appreciating information that asylum-seekers held in administrative detention are offered legal counsel by the State party free of charge, the Committee is concerned at information received that such persons have had difficulties in contacting a lawyer and receiving legal aid (arts. 3, 11 and 16).

**The State party should ensure that detention of asylum-seekers is only used as a last resort for as short a time as possible in accordance with article 31 of the 1951**

**Convention relating to the Status of Refugees and that all asylum-seekers held in administrative detention have access to a lawyer and free legal aid.**

17. The Committee notes with concern that the period of administrative detention to prepare or ensure deportation may be extended up to nine months and, in the case of minors between 15 and 18, up to six months (arts. 3, 11 and 16).

**The State party should consider reducing the permissible length of administrative detention in preparation for deportation, in particular for children under the age of 18 years. The State party is strongly recommended to do so in the framework of its revision of the Asylum Act and the Foreigners Act.**

#### **Asylum-seekers' accommodation**

18. The Committee is concerned at information that, due to limited reception capacity (60 persons) of the Liechtenstein Centre for Refugees coupled with the sudden increase of asylum-seekers in 2009, asylum-seekers have been accommodated in underground shelters/bunkers deprived of daylight (arts. 3, 11 and 16).

**The State party should increase the reception capacity of the Refugee Centre, where asylum-seekers can benefit from health care, language classes, food coupons and pocket money, and draw up contingency plans to ensure that alternative accommodation that respects the dignity and rights of all asylum-seekers is made available in future emergency situations.**

#### **Jurisdiction over acts of torture**

19. The Committee takes note of the bilateral treaty of 1982 between Liechtenstein and Austria on the accommodation of prisoners, according to which sentences longer than two years of imprisonment are executed in Austria. The Committee further notes that the treaty also applies to "persons who have committed a criminal offence under the influence of a mental disorder" against whom orders of preventive measures are issued and, where necessary, persons under the age of 18 years. While noting the application of Austrian law to such detainees, the Committee is concerned that the 1982 bilateral treaty does not contain any express safeguards for the prevention of torture and other forms of ill-treatment. Furthermore, the Committee expresses serious concern at information by the State party that there are "no procedures or mechanisms in place to ensure that the rights of persons imprisoned in Austria are upheld" with respect to the implementation of the treaty. The Committee takes note of the information that, in principle, the Austrian Corrections Commission is competent also in relation to Liechtenstein prisoners serving their sentence in Austria (arts. 2, 5, 12, 13 and 14).

**The Committee recommends that the State party re-negotiates the 1982 Treaty On Accommodation of Prisoners so as to ensure that the rights of persons deprived of their liberty under the Convention are guaranteed, through the monitoring of their implementation by the Corrections Commission of the State party or by another independent monitoring mechanism. The State party should also ensure that persons detained in Austria have the right to complain to an independent body regarding torture and ill-treatment by prison officers and have their complaints promptly and impartially investigated and prosecuted, and receive redress according to article 14 of the Convention.**

#### **Training and education**

20. While noting with appreciation the information provided by the State party on initial and continuing training for prison staff, the Committee notes that, according to the report by the Corrections Commission, the training and supervisory courses for prison officers

employed at Vaduz National Prison were not used in actual fact in 2009. The Committee also notes with appreciation that programmes of supervision, as recommended by the Corrections Commission, and the possibility of making them mandatory, are currently under discussion (art. 10).

**The State party should ensure that the mandatory initial and continuous training programmes, as well as programmes of supervision, for prison officers are effectively implemented and attended so that they are fully aware of the rights of persons deprived of their liberty.**

21. The Committee is concerned that no special training programme on the prohibition of torture and other forms of ill-treatment exists for medical personnel who receive their training abroad, whereby a “certain dependency therefore exists on the manner in which content of medical training is defined abroad”. The Committee furthermore notes that it has no information with respect to training of members of the judiciary and prosecutors in the State party on the Convention and the Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol) (art. 10).

**The State party should take measures to ensure that all medical personnel dealing with persons deprived of their liberty receive complementary training, in addition to education received abroad, on the prohibition and prevention of torture. The Committee recommends that the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (“Istanbul Protocol”) is integrated into such training programmes and into the training of those involved in the investigation of torture, such as judges and prosecutors, in addition to their training on the Convention against Torture. These programmes should be subject to regular assessment and evaluation.**

#### **Detention conditions**

22. The Committee notes the limited holding capacity and the shortage of space and personnel resources of Vaduz National Prison. In particular, the Committee is concerned that the space restrictions and personnel limitations, has resulted, on occasions, in the removal of prisoners from the prison by police for interrogation without the presence of a corrections officer, contrary to applicable domestic law (art. 89 of the Execution of Sentences Act). The Committee is furthermore concerned at the fact that the national prison holds different categories of detainees, including convicted prisoners, prisoners on remand, detainees awaiting deportation and juveniles. While appreciating information on arrangements for separation between men and women and juveniles and adults, the Committee is concerned that separation between pretrial prisoners, persons detained for expulsion and convicted prisoners is not always possible. In this regard, the Committee notes with regret the discontinuation of a project initiated in 2002 aimed at better ensuring separation and infrastructure of the Vaduz National Prison subsequent to the result of a referendum (arts. 11 and 16).

**The State party should undertake an assessment of the detention facilities in Vaduz National Prison with a view to ensuring adequate personnel and space so as to conform to relevant international human rights standards. Immediate measures should also be taken to ensure that interrogations of prisoners by police always take place in the presence of a corrections officer. The Committee strongly recommends that the project initiated in 2002 to improve infrastructure and ensure better separation of detainees in Vaduz National Prison be reintroduced and completed.**

**Treatment of persons deprived of their liberty**

23. The Committee is concerned with the practice by the National Police of covering the eyes of apprehended persons considered extremely dangerous and violent with black goggles and, until 2007, of covering the heads of such apprehended persons with a bag, and that such practices are justified on grounds of protecting the identity of the suspect and protecting the law enforcement officers. While appreciating that the practice of black goggles has been used only once in 2007 and once in 2008 by the State party officials, the Committee notes that the practice is still allowed by law and that it may still be used on exceptional occasions. The Committee remains concerned that such a practice often makes the prosecution of torture virtually impossible (arts. 2, 11 and 16).

**The State party should ensure that the practice of covering the head or eyes of suspects by the National Police is abolished in law and in practice. The State party should introduce alternative measures which respect the inherent dignity of suspects while ensuring the safety and protection of police officers.**

24. The Committee notes with appreciation that the practice of ensuring psychological care for inmates at the Vaduz National Prison through visits by staff of the Therapeutic Services Division of the Office of Social Affairs has been reintroduced as of 2010, pursuant to the recommendation by the Corrections Commission. In view of the absence of a full-time nurse or other medical personnel in the prison, the Committee furthermore expresses appreciation that the State party has initiated a process of assessing and evaluating the possibility of ensuring that medicaments are provided solely by medical personnel and not by corrections officers (arts. 11 and 16).

**The Committee recommends that State party considers the appointment of a part-time nurse or other medical staff member at Vaduz National Prison, with a view to ensuring that medicaments are provided by medical personnel only.**

**Interrogations**

25. While the Committee notes that all police interrogations have to be documented in writing, it is concerned that, at present, police interrogations are neither audio nor video recorded, with the exception of interviews with victims of sexual crimes (arts. 2, 11, 12 and 16).

**The State party should further improve interrogation rules and procedures of the National Police by amending the Code of Criminal Procedure with a view to introducing audio- and, preferably, video-recording of all police interrogations and questioning as part of the State's parties efforts to prevent torture and ill-treatment.**

**Investigations into allegations of ill-treatment**

26. The Committee notes with concern that some allegations of excessive use of force, tight-fitting handcuffs and verbal abuse by police at the time of apprehension were reported in 2007 by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment of the Council of Europe. In this respect, while noting the establishment in the same year of a special unit in the National Police tasked with investigating allegations in respect of certain serious criminal offences against police officers and other State officials, the Committee emphasizes the importance of the independence of the body carrying out such investigations (arts. 11, 12 and 16).

**The Committee strongly recommends that all allegations of ill-treatment by police should be investigated promptly and impartially by independent bodies and not by other members of the police force.**



### Juvenile justice

27. Recalling information by the State party that Vaduz National Prison was not designed for the detention of juveniles, the Committee notes with concern information in the Annual Report 2009 of the Corrections Commission that, during the last quarter of 2009, juveniles, including one female person, were held in Vaduz National Prison, contrary to the principle of separation between adults and juveniles in accordance with international human rights standards. Also, while appreciating the reduction of the maximum length of pretrial detention for children under the age of 18 (art. 19, para. 2, of Juvenile Court Act), the Committee is concerned that it remains high (one year). The Committee is furthermore concerned that some juveniles sentenced to imprisonment serve their sentences in Austria according to the 1982 bilateral treaty, which does not contain any safeguards for special protection for persons under the age of 18 years. The Committee reminds the State party that deprivation of liberty, and in particular pretrial detention, of juveniles should be used only as a measure of last resort and for the shortest appropriate period of time (arts. 11 and 16).

**The Committee recommends that the State party expands and reinforces alternative measures other than deprivation of liberty for children below the age of 18 in pretrial detention and in prison. In particular, in upholding the principle of separation of juveniles from adults, the State party should ensure that alternative measures are applied for persons under the age of 18 currently held in Vaduz National Prison and for the juvenile currently serving a sentence in Austria. It is recommended that the State party further reduce the maximum length of pretrial detention of juveniles by amending the Juvenile Court Act.**

28. The Committee notes with concern that the State party does not intend to amend the Juvenile Court Act (sect. 21a, of the Juvenile Court Act), according to which a person of trust is present during the questioning of a juvenile by the police (or a judge) only if the juvenile so requests. The Committee believes that the presence of legal or other appropriate assistance should not be limited to the trial before the court or other judicial body, but also apply to all other stages of the process, beginning with the interviewing (interrogation) of the child by the police as is stated in general comment No. 10 (2007) on children's rights in juvenile justice of the Committee on the Rights of the Child (para. 52) (arts. 11 and 16).

**The State party is urged to change its position and amend article 21 of the Juvenile Court Act with a view to ensuring the presence of a person of trust during interrogation or questioning by police of children under the age of 18 without any request of the juvenile.**

### Involuntary civil placement

29. The Committee is concerned that the right of persons under involuntary placement to give their consent to treatment and the right to request at any time their own discharge from a psychiatric or social welfare establishment are not explicitly guaranteed by law. In this respect, the Committee notes with appreciation that the State party is considering a formulation regarding the right to request at any time one's own discharge as part of a future revision of the Social Welfare Act and that the courts interpret the provisions of article 13, paragraph 2, of the Social Welfare Act as empowering such persons to request their own discharge (arts. 2 and 16).

**It is strongly recommended that the State party amend the Social Welfare Act so as to expressly provide for the right of persons deprived of their liberty in involuntary civil placements to request at any time their discharge.**

### **Domestic violence**

30. The Committee notes with appreciation that the State party has approved the proposal for a revision of its sexual criminal law which will include domestic violence as an ex officio prosecution. The Committee is concerned, however, that offences of domestic violence are not statistically recorded as such in the crime statistics of the State party, since domestic violence is a collective term for several offences that may also be committed in another environment. Therefore, the State party is unable to provide any information on the number of cases of domestic violence and on the number of investigations, prosecutions and convictions as well as on the number of cases where redress was awarded by the courts. The Committee is also concerned at reports of allegations of violence against women, including spousal abuse. According to the police, there were 32 police interventions in cases of domestic violence during 2009. Regrettably, there has been no information as to any investigations, prosecutions and convictions of the perpetrators undertaken by the appropriate authorities of the State party (arts. 1, 2, 12 and 16).

**The State party should ensure ex officio prosecution for all forms of domestic violence in its revised sexual criminal law. The State party should also ensure prompt and impartial investigation of all allegations of domestic violence and should prosecute and punish perpetrators. The Committee urges the State party to take all necessary measures to ensure that victims are effectively compensated and rehabilitated, noting the important role of the Victims Assistance Office in this regard. The State party should also strengthen its efforts in respect of research and data collection on the extent of domestic violence and is requested to provide the Committee with statistical data on complaints, prosecution and sentences, as well as on compensation, including full rehabilitation, awarded to victims in its next periodic report.**

### **Trafficking in persons**

31. The Committee notes the high number of foreign women engaged as dancers in seven nightclubs operating in the State party and that many of them originate from “origin countries” that top the list of human trafficking. While noting that no cases of human trafficking were recorded, the Committee is concerned at information that suggests that trafficking in women have occurred but was not reported. While welcoming the measures taken by the State party to prevent human trafficking and sexual exploitation in such settings, including mandatory information sessions for new dancers on their rights and duties, and the regular inspections of night clubs by the National Police and the Immigration and Passport Office, the Committee is concerned that the State party has not initiated any ex officio investigations into suspected cases of trafficking or undertaken a comprehensive analysis to fully assess the situation of this group of women who remain vulnerable to abuse and violations. This is particularly important in view of reports that, while prostitution is illegal in the State party, it was “tolerated” in nightclubs by the law enforcement agencies as it did not cause public offence (arts. 2, 14 and 16).

**The State party should initiate an analysis on the phenomenon of foreign women working as dancers in nightclubs and strengthen its efforts to prevent and combat human trafficking, including by investigating any allegation of suspected cases of human trafficking and provide victims with an effective remedy for fair and adequate compensation, including the means for as full rehabilitation as possible.**

32. The Committee recommends that the State party ratify the core United Nations human rights treaties to which it is not yet party, namely, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of Persons with Disabilities and its Optional Protocol, and the

Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

33. The Committee invites the State party to submit a core document in accordance with the requirements for the preparation of a common core document established in the new harmonized guidelines for the submission of reports approved by the international human rights treaties bodies (HRI/GEN/2/Rev.6).

34. The State party is urged to ensure wide circulation of the report submitted to the Committee and of the Committee's concluding observations through official websites, the media and non-governmental organizations.

35. The Committee requests the State party to provide information, within one year (by 14 May 2011), in response to the Committee's recommendations in paragraphs 14, 15 (a), 30 and 31 of the present document.

36. The State party is invited to submit its forth periodic report by 14 May 2014.

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