

LIECHTENSTEIN

Third additional report

**pursuant to article 19 of the Convention of 10 December 1984
against Torture and Other Cruel, Inhuman or
Degrading Treatment or Punishment**

Vaduz, 16 September 2014
RA 2014/1168

Foreword

Liechtenstein has a long history of strong commitment to the fight against torture and inhuman or degrading treatment or punishment. This commitment includes Liechtenstein's advocacy of international standards within the framework of multilateral bodies and negotiations. But especially, this also means conscientiously implementing the standards in Liechtenstein itself. We are pleased to report that so far, there have been no cases of torture or inhuman or degrading treatment or punishment in Liechtenstein.

Liechtenstein ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on 2 November 1990; the Convention then entered into force for Liechtenstein on 2 December 1990. The Optional Protocol to the Convention (OPCAT) was ratified by Liechtenstein on 3 November 2006 and entered into force on 3 December 2006. Liechtenstein's initial report was considered by the Committee against Torture (CAT) in November 1994 and the first additional report in May 1999. The second periodic report, which was simultaneously submitted as the third, fourth, and fifth report on the Convention, was considered by the Committee in May 2010.

The following answers to the "list of issues prior to reporting" (LOIPR), which were adopted by the Government of the Principality of Liechtenstein on 16 September 2014, are being submitted pursuant to article 19 of the Convention as the third additional report. Liechtenstein welcomes the innovative working methods of the Convention against Torture and in particular the possibility of submitting a report under the newly created LOIPR mechanism.

The report was compiled by the Office for Foreign Affairs on the basis of information provided by the Ministry for Home Affairs, Justice and Economic Affairs and the Office of Justice in cooperation with the specialized offices responsible for the various areas of the report.

Government of the Principality of Liechtenstein

Articles 1 and 4 (Q1), Article 2 (Q2)

- Question 1: With reference to the Committee's previous concluding observations (paras. 7 and 8), please provide updated information on whether a definition of the crime of torture that covers all the elements contained in article 1 of the Convention has been incorporated into domestic law. Also, please indicate whether acts of torture are punishable by appropriate penalties commensurate to the gravity of the crime, as set out in article 4 of the Convention.*
- Question 2: In the light of the Committee's previous concluding observations (para. 9), please indicate if any amendments have been made to the Criminal Code that remove the statute of limitations for offences that would amount to torture.*

As part of the ongoing consideration of amendments to the Criminal Code, the recommendations of the Committee in paragraphs 7, 8 and 9 of the concluding observations are being examined in detail. The results of this consideration and any inclusion of a separate offence of torture in the Criminal Code as well as adjustments to penalties and statutes of limitations for torture offences will be incorporated into the next revision of the Criminal Code.

It is important to point out that due to Liechtenstein's ratification of the Convention and publication of the Convention in the Liechtenstein Law Gazette on 2 November 1990, the provisions have become an integral part of Liechtenstein's legal order due to the country's monist legal system. The same is true of the European Convention on Human Rights and article 3 thereof, the interpretation of which is covered extensively by case law of the European Court of Human Rights. This interpretation and the wording of the definition of torture in article 1 of the Convention can be drawn upon when applying provisions of criminal law. However, there has never been any need for this so far.

Article 2¹ (Q2-9)

- Question 3: With reference to the Committee's previous concluding observations (para. 10), please indicate whether any amendments have been made to the Public Health Act, the Criminal Code or the Code of Criminal Procedure that explicitly guarantee the access of persons deprived of their liberty to an independent medical doctor, preferably of their own choice, during police custody.*

The House Rules of the Liechtenstein National Police provide that every arrested person – irrespective of the grounds of arrest and irrespective of the nationality of the person – must be informed of numerous rights, facts, and rules. The House Rules (see appendix) are available in the following foreign languages: English, French, Italian, Russian, Albanian, Serbian, Polish, and Turkish. Various fact sheets are also distributed upon entry. The fact sheet on "Initial information" provides information on the right to a medical examination upon admission. This information is also explained orally during the admission interview, where necessary with the help of an interpreter. This approach

¹ The issues raised under article 2 could also involve other articles of the Convention, including but not limited to article 16. As stated in paragraph 3 of the general comment No. 2 (2007) on the implementation of article 2 by States parties: "The obligation to prevent torture in article 2 is wide-ranging. The obligations to prevent torture and other cruel, inhuman or degrading treatment or punishment (hereinafter "ill-treatment") under article 16, paragraph 1, are indivisible, interdependent and interrelated. The obligation to prevent ill-treatment in practice overlaps with and is largely congruent with the obligation to prevent torture ... In practice, the definitional threshold between ill-treatment and torture is often not clear." See further chapter V of the same general comment.

has proven useful, and arrested persons do in fact avail themselves of medical examinations. Naturally, detained persons can always visit doctors when health problems arise. There have never been any complaints in this regard.

For this reason, it was not believed necessary to make adjustments to the Public Health Act, the Criminal Code, or the Code of Criminal Procedure. Please also note that the rules apply not only to sentenced convicts, but also to persons in pre-trial detention (see § 133(4), with a reference to the Execution of Sentences Act).

Question 4: In the light of the Committee's previous concluding observations (paras. 11, 23 and 25), please provide an update on any revisions to the Code of Criminal Procedure that would explicitly give the right to all persons deprived of their liberty to have access to a lawyer, including during the first police investigation. Please indicate whether amendments have been made in the Code of Criminal Procedure that would allow for the use of audio and video equipment in places of deprivation of liberty.

A significant improvement has been achieved in this regard: The revised Code of Criminal Procedure, in force since 1 October 2012, expressly stipulated that every suspect and accused person may consult a lawyer prior to every questioning (including by the police). It is now also expressly stated that the lawyer may attend the questioning (see § 147(2) of the Code of Criminal Procedure). Suspects and accused persons must be informed of this before the questioning. On 1 December 2012, the Liechtenstein Chamber of Lawyers instituted a legal on-call service with an on-call number that can be used by suspects even outside regular office hours to exercise their right to contact a defence lawyer. The on-call defence service includes a personal telephone consultation with a lawyer when requested by the suspect. Where necessary, the lawyer can also be included in the questioning by the police and used to perform other acts necessary for adequate defence (e.g., applying for legal aid). The on-call number is deposited at the operations centre of the National Police and also available from on-call judges.

The Code of Criminal Procedure also provides that at the express request of the questioned person, an audio and video recording of any questioning can be made (see § 50a).

Question 5: With reference to the Committee's previous concluding observations (para. 12), please provide updated information on efforts to ensure the full and exclusive competence of the Ministry of Justice over the penitentiary system, as recommended by the Corrections Commission.

As the Committee recognized in paragraph 12 of the concluding observations, the recommendation of the Corrections Commission to separate powers between the Home Affairs and Justice divisions was examined by two experts from Austria in 2009. In their report, the experts concluded that the organizational separation would require an additional staff of four (in addition to the six existing staff members), since the synergy effects of the less strict separation and organizational allocation of the National Police would be lost. So far, no negative impact whatsoever of the existing structures on prison procedures have been observed. In light of the actually existing conditions (no complaints of abuse by the police or corrections staff) and the existing organizational advantages arising from the current arrangements, namely that numerous tasks in the logistical, legal, and security fields are covered by the National Police, the Government does not believe there is any practical advantage to an organizational separation and establishment of a separate corrections organization.

The staff of the National Prison is strictly separated from the operational areas of the National Police in terms of both personnel and organization. The procedures applicable to arrests and detentions in the National Prison are clearly set out. In recent years, the Corrections Commission as the National Preventive Mechanism has not noted any complaints of physical or emotional abuse.

Question 6: In the light of the Committee's previous concluding observations (para. 13), please provide an update on any amendments to the Execution of Sentences Act that would ensure that the mandate and powers of the Corrections Commission as the national preventive mechanism are clearly specified in law in accordance with articles 17–23 of the Optional Protocol to the Convention. In addition, please inform the Committee of any amendments relating to the composition of the Corrections Commission that would ensure a public, inclusive and transparent process in the appointment of its members, in keeping with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles).

As the Committee itself favourably noted, the Optional Protocol is directly applicable in Liechtenstein. In Liechtenstein, international treaties have at least the rank of statutory law and must therefore be implemented and applied accordingly pursuant to the principle of legality. For this reason, as well as for reasons of legislative drafting, Liechtenstein does not believe it is necessary to set out the direct applicability of the Optional Protocol by duplicating the wording in the Execution of Sentences Act.

The Corrections Commission as the National Preventive Mechanism has always been composed exclusively of independent experts. The Government is aware of how important this fact is for the work of the Commission. This practice will therefore be maintained in the future.

In its 2013 Annual Report, the Liechtenstein National Preventive Mechanism – the Corrections Commission – again stated that it was very satisfied with cooperation with the Liechtenstein authorities during its visits to the National Prison in Vaduz: "The members of the NPM were granted immediate access to all the facilities it wished to visit, and it was possible for them to hold confidential discussions with all the persons with whom they wished to talk. Both the Government officers and the responsible contact persons of the facilities visited were cooperative and most helpful."

The report is available in German and English at the following address:

<http://www.regierung.li/ministerien/ministerium-fuer-inneres-justiz-und-wirtschaft/downloads/>

Question 7: With reference to the Committee's previous concluding observations (paras. 27 and 28), please provide statistical information on the number of juveniles deprived of liberty, including in pretrial detention, in Vaduz National Prison and in Austria. Please report whether the Juvenile Court Act has been amended to reduce further the maximum length of pretrial detention for juveniles, whether juveniles are separated from adults and whether alternative measures are applied to persons under 18. Also, please indicate whether article 21 of the Juvenile Court Act has been amended to ensure the presence of a person of trust, such as a parent or legal guardian, during interrogation or questioning of children under 18, without any request on their part.

During the period 2007-2013, 11 people under the age of 18 were held in the National Prison. No minors were in detention in Austria:

2007: no cases

2008: no cases

2009: - 1 day of administrative detention (detention pending deportation) (born 1992)
- 21 days of pretrial detention (born 1992)

2010: - 121 days of pretrial detention/detention (born 1993)
- 352 days of pretrial detention/detention (born 1993)
- 1 day of administrative detention (born 1994)
- 1 day of administrative detention (born 1995)

2011: - 365 days of administrative detention/detention (born 1993)
- 279 days of administrative detention/detention (born 1993;
turned 18 one month after beginning of detention)
- 1 day of police detention (born 1994)
- 1 day of police detention (born 1994)

2012: no cases

2013: - 1 day of pretrial detention (born 1996)

As this overview shows, most of the juveniles were detained for only a very short period.

§ 19(1) of the Juvenile Court Act stipulates that pretrial detention may be imposed on juveniles only if less severe means are unavailable (e.g., remaining with the juvenile's family, placement with a trustworthy family or in an appropriate facility) and if such detention is proportional to the juvenile's personality development. If the case does not come to trial, § 19(2) governs release from pretrial detention after three months, or after six months in the case of a felony and after one year in the case of a felony punishable by more than five years imprisonment. In this last case, pretrial detention may be extended beyond six months only if the extension is unavoidable given the seriousness of the offence or the scope of the investigation. § 19(4) also provides that juveniles must be kept away from adult convicts to the extent possible.

The Government believes that an amendment of § 21a of the Juvenile Court Act, which stipulates that the juvenile must be informed immediately upon arrest of the possibility of involving a person of trust, is inappropriate, since this concerns a highly personal right of the juvenile. Before questioning, the juvenile must be informed expressly of the possibility of involving a person of trust. The juvenile is free to make use this possibility. If the juvenile does not want to involve anyone, the Government believes this decision must be respected. In this connection, it should be pointed out that, independently of the person of trust, a lawyer may be included for questioning (also for questioning by the police).

Question 8: In the light of the Committee's previous concluding observations (para. 31), please provide updated information on measures taken by the State party to prevent and combat human trafficking during the period under review, including an analysis of the phenomenon of foreign women working as nightclub dancers. Also, please provide information on the establishment of any mechanisms to identify victims of trafficking and efforts to provide temporary residence permits, protection and support to all victims of trafficking (CEDAW/C/LIE/CO/4, para. 27).

The Liechtenstein authorities pursue every indication or suspicion of human trafficking as soon as they learn thereof. So far, one case of human trafficking has been investigated and reported to the Office of the Public Prosecutor. The case is pending before the Court of Justice. There has not been any final judgement in Liechtenstein so far. Human trafficking is included as an ex officio offence in the Liechtenstein Criminal Code. Since 2008, Liechtenstein has been a State party to the Convention against Transnational Organized Crime (Palermo Convention) and its Protocols against the Smuggling of Migrants and to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children. The definition of human trafficking in the Liechtenstein Criminal Code (§104a StGB) is in conformity with the protocol's definition.

In regard to the statement by the Committee against Torture that a high number of foreign women work in the nightclubs in Liechtenstein, it should be noted that the women working as dancers in Liechtenstein hold a short-term permit to stay in Liechtenstein, which generally is valid for only one month. Besides that in the last years five nightclubs closed and there remain only two. Accordingly, on average only 12 women work in nightclubs each month.

A "Round Table on Human Trafficking" has existed in Liechtenstein since 2006, bringing together various authorities, victim support organizations and other involved offices. The Round Table pursues the goal of uncovering any cases of human trafficking and raising awareness on the topic. When this Round Table was formed in 2006, a study on the working and living conditions of nightclub dancers in Switzerland provided the starting point for the body's work and projects. The study commissioned in 2006 by the NGO "FIZ Advocacy and Support for Migrant Women and Victims of Trafficking" illuminated the context, the origin of the women, the recruitment process, and the problems and grievances relating to nightclub dancers in Switzerland. Since the Liechtenstein nightclub industry is closely linked to its counterpart in Switzerland, the study also reflects the situation in the Liechtenstein nightclubs. The conditions relating to permits to stay and work in Liechtenstein are equivalent to those in Switzerland. The visa issued by Switzerland also is valid for entry to Liechtenstein. As a protective measure, the permits are also made dependent on the dancers having worked in Switzerland immediately before they begin their work in Liechtenstein. The study provided indications of problematic areas to the Liechtenstein authorities and formed the basis for the measures initiated and implemented by the Round Table on Human Trafficking.

Additionally, the impact and results of the prevention project "Magdalena" were evaluated by the Round Table on Human Trafficking. In 2009, the Government further expanded its efforts to combat human trafficking in Liechtenstein on a preventive basis by way of the Magdalena project, which was initiated by the Round Table on Human Trafficking: The dancers employed in Liechtenstein bars and nightclubs have been obligated since spring 2009 to participate in an information event at which official representatives and the Victims Assistance Office brief the women on their legal situation. This event is intended to contribute to the reduction of exploitative situations in the scene and to provide potential victims of human trafficking with access to counselling and victims assistance services. Because of the high fluctuation rate in this industry, the events take place on a monthly basis. The results of the pilot project were evaluated at the end of 2009. The project was shown to

have had an impact. The women dealt more thoroughly with their legal situation and inquired about labour and social insurance issues at the various contact offices. This is an important indication of the positive impact of the information events with respect to reduction of exploitation and manipulation of the women. The National Police also states that the inspections of the scene have been significantly more efficient, due to the fact that the criminal police officers participating in the information events were recognized by the dancers and in light of the purpose of the inspections (protection of the dancers from exploitation). Accordingly, the dancers also cooperated more openly with the police officers. Mistrust of the police was largely eliminated. This is an important precondition for potential victims of human trafficking to get in touch with the authorities in the first place. Because of the positive results of the pilot project, the Government decided at the end of 2009 to continue the project. Monthly information events thus continue to take place. In 2014, 46 women have participated in the information events so far (as of the end of April 2014).

The following can be said about the possibilities of compensation and rehabilitation for victims of human trafficking: Like other persons whose physical, mental or sexual integrity has been directly affected by a criminal offense, victims of human trafficking are entitled to victims assistance in accordance with article 1 of the Victims Assistance Act (OHG). Victims assistance may encompass the following five forms (article 2 OHG): counselling and immediate support, long-term support by the Victims Assistance Office, cost contributions for long-term support by third parties, compensation for damages, and legal aid. With respect to human trafficking, it should also be emphasized that this assistance is not dependent on the willingness of the victim to cooperate with the Liechtenstein authorities in connection with any criminal proceedings. Every victim of a criminal offense is entitled to support by the Victims Assistance Office (article 1 OHG). As already set out in the Liechtenstein Government's guidelines on combating human trafficking in 2007, potential victims of human trafficking receive support and counselling by specialized institutions. They are granted a time for consideration of 30 days. This allows the potential victim to recover and make a considered decision concerning cooperation with the competent authorities. During this period, no enforcement measures are taken pursuant to immigration law. If the victim decides to work together with the authorities, a short-term stay permit or stay permit may be granted to the victim in accordance with article 21 of the Foreigners Act and article 16(d) of the associated Ordinance on the Admission and Stay of Foreigners. Return, rehabilitation and reintegration assistance are made available to the victim in cooperation with the specialized institutions.

Question 9: Please provide information on any consideration given to the introduction of ex officio prosecution for all acts of domestic, sexual and other forms of violence. In addition, please provide an update regarding the adoption of the National Action Plan on Violence against Women that was drafted in 2008 (CEDAW/C/LIE/CO/4, para. 21). Please indicate whether women from other countries, who are alleged victims of domestic, including spousal violence, have access to legal aid and protection that enables them to prove their victim status and retain their residence permit upon dissolution of their marriage (ibid., para. 23). Please indicate whether any proactive measures, including temporary special measures, have been adopted to protect migrant women from violence and abuse (ibid., para. 41).

Violence against women and domestic violence

With the revision of the Criminal Code (StGB) that entered into force in 2011, significant progress was achieved in the protection of victims from domestic violence. In cases of dangerous threats against close relatives, stalking, the commission of rape or sexual coercion in marriage or domestic partnerships as well as forced marriages, the victim's consent to prosecution has been eliminated; prosecution is now ex officio. This means prosecution of the various forms of domestic and sexual violence is no longer tied to any restrictive conditions. The stronger protection of victims of violence is also reflected in the explicit codification of the offence of female genital mutilation, which has also been in force since 1 June 2011.

In 2012, a revision of the Code of Criminal Procedure (Liechtenstein Law Gazette, LGBl. 2012 No. 26) entered into force that strengthened the rights of victims in criminal procedure. Victims of criminal offences must be informed of their rights and notified of the release of the accused from detention and on the case's progress. Victims of physical, psychological, or sexual violence who are suffering from severe emotional strain due to the offence may assert special rights to gentle treatment. With a declaration, victims of criminal offences may also join criminal proceedings as private parties with their own rights.

In 2013, measures to combat domestic violence were again carried out. In addition to the annual dispatch of emergency cards in eight languages to public authorities, containing information on domestic violence and contact offices for affected persons, the Equal Opportunities Unit conducted a two-week awareness-raising campaign against domestic violence in cooperation with the Liechtenstein Women's Home – an NGO offering shelter, protection, and counselling to victims of domestic violence – and the Association for a Safe Liechtenstein. During these two weeks, bakeries sold their bread in bags imprinted with "No room for domestic violence" that contained information on domestic violence and contact offices.

Female migrants

With regard to residence permits for foreigners after the dissolution of a marriage, the Foreigners Act that entered into force on 1 January 2009 stipulates that the revocation or non-renewal of the residence permit can be waived on important personal grounds. These grounds exist especially when the spouse is shown to be a victim of domestic violence, so that continuation of the marriage would be unconscionable, or if the welfare of the joint underage children with whom an actual and intact relationship exists would be substantially endangered by revoking the permit of a parent.

In 2012/2013, a working group consisting of the Equal Opportunities Unit, the Migration and Passport Office, the Victims Assistance Office, and two NGOs (the Liechtenstein Women's Home and infra – the Information and Contact Office for Women) analysed the need for action regarding domestic violence and female migrants in Liechtenstein and pursued the development of practical

solutions as well as professionalization of cooperation between public authorities and the involved specialized offices. In 2013, the working group adopted a paper containing basic principles intended to support the counselling offices and the authorities in their work with victims of domestic violence, reflecting the consensus of the working group in regard to the evaluation and treatment of domestic violence.

Infra (the Information and Contact Office for Women), a national NGO, has offered special counselling and information for migrants since 2009. The integra project first started with a moderated discussion group for migrants. Since 2012, integra has offered two services: information events on topics of special interest to migrants, and individual counselling on issues relating to integration in the migrants' native language. For female migrants, these services are free of charge. The project receives financial support from the Government. The information events deal with topics such as work, marital law, finances, and health, but also personal strengths and weaknesses and dealing with conflicts. The main language at the events is German, with translation available in Spanish, Portuguese, Serbian, English, and Turkish. Individual counselling in the migrant's native language is offered by counsellors who are from a migrant background themselves. Currently, infra offers counselling in Turkish, Serbian, and Spanish. The goal is to advise and accompany female migrants on issues and problems relating to integration. Additionally, infra offers free legal advice to both Liechtenstein and foreign women.

Infra has published a special brochure on the topic of "Protection for female migrants – residence rights in the event of separation/divorce" in six languages. The brochure provides information to female migrants on their legal options in the event of separation/divorce and on protection from domestic violence. The brochure can be obtained free of charge from infra or downloaded from the infra website.

Article 3 (Q10-13)

Question 10: With reference to the Committee's previous concluding observations (para. 14), please indicate:

a) Whether all asylum applications submitted during the period under review have been assessed and reviewed on merit;

b) Whether the time limit for asylum seekers under "preventive expulsion" to apply for restoration of the suspensive effect has been extended;

c) If asylum seekers under "preventive expulsion", whose requests for suspensive effect have been rejected, are guaranteed a proper hearing before the Administrative Court enabling them to appeal;

d) Whether the authorities which decide on the return of asylum seekers to "safe third countries" pursuant to "preventive expulsion" verify, through a proper hearing, that those asylum seekers are guaranteed access to asylum procedures in those States.

a) Liechtenstein has been an associated member of the Schengen/Dublin area since 19 December 2011. Accordingly, the Dublin rules on determining responsibility for asylum proceedings apply to Liechtenstein as they do to any other Dublin country.² Liechtenstein applies these rules when processing asylum application.

Liechtenstein has neither an airport nor a port and can be reached only by land, i.e., via Switzerland or Austria, both of which are also Dublin countries. For this reason, Liechtenstein is in most cases not responsible for the consideration of an asylum application on its merits. In cases where, according to the Dublin criteria, a different Dublin country is responsible for the asylum proceedings, the person in question is transferred to the responsible Dublin country. In cases where Liechtenstein is responsible for the proceedings, all asylum applications are considered on their merits.

b) In the course of Liechtenstein's association with the Schengen/Dublin area, the old Refugee Act was replaced by a new Asylum Act. The term "preventive expulsion" no longer exists in the new Asylum Act; only the term "expulsion" is now used. The deadline for submitting an application for restoration of the suspensive effect of an appeal against a denied asylum application was extended from one day to five days in 2010. This is set out in article 81(2)-(4) of the Asylum Act.

c) Applications for restoration of the suspensive effect must be submitted to the Government, which decides on the application. The Government's decision may in turn be appealed to the Administrative Court. The possibility of judicial review of denied applications for restoration of the suspensive effect is thus ensured.

d) Home countries and countries of origin considered safe by Liechtenstein are set out in the Asylum Ordinance. According to article 25 of the Asylum Ordinance, the following countries are considered safe:

- the Member States of the European Union (EU);
- the Contracting Parties of the European Free Trade Association (EFTA);
- Albania;
- Bahamas;
- Benin;
- Bosnia and Herzegovina;
- Burkina Faso;
- Croatia;
- Ghana;
- India;
- Kosovo;
- Macedonia;
- Moldova (without Transnistria);
- Mongolia;
- Montenegro;
- Senegal;
- Serbia;
- St. Kitts and Nevis;
- Ukraine.

² See Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast); OJ L 180/31 of 29.6.2013; Dublin III Regulation

This list is defined by the Government and, in addition to the EU and EFTA countries, essentially includes those countries deemed safe by Switzerland. In light of its limited resources, it is impossible for Liechtenstein to verify on site in each country of origin whether access to asylum proceedings is ensured. In the case of EU and EFTA countries, it can be assumed that this is the case, since all these countries are parties to the applicable international conventions.

Question 11: With further reference to the Committee's previous concluding observations (para. 15 (d)), please indicate, disaggregated by country of origin, the number and outcome of appeals of rejected requests and the number of approved asylum and long-term resident requests granted on the basis of the Convention. Please provide the number of those who have been returned, extradited or deported since the consideration of the previous report and the grounds on which they were sent back, including a list of countries to which individuals were returned.

The number of asylum applications has risen in Liechtenstein in recent years. While a total of 74 asylum applications were submitted in 2012, this number rose to 93 in 2013. 37 of the asylum-seekers were citizens of an EU Member State or had the right to stay there. 12 applicants were transferred to the European country responsible for their asylum proceedings pursuant to the Dublin rules, 23 persons withdrew their application, and 35 disappeared. 18 people exited Liechtenstein with valid travel documents. One person was granted asylum in Liechtenstein.

Asylum applications by country of origin and year

Country	2010	2011	2012	2013	TOTAL
Afghanistan		3	3	1	7
Albania			1	3	4
Algeria		1	2	2	5
Armenia		1	5	4	10
Azerbaijan		1			1
Bangladesh				1	1
Belarus	4			2	6
Benin		1			1
Bosnia and Herzegovina		1	14		15
Cameroon	1				1
China		1		4	5
Croatia			2	3	5
Czech Republic	2				2
Egypt	2				2
France	1				1
Gambia	1				1
Georgia		2	1		3
Germany				1	1
Hungary	2	1			3
Iran	1	4			5
Iraq	3		1	1	5
Kosovo	3	20	2	6	31
Kyrgyzstan		3		5	8

Lebanon				2	2
Liberia	1				1
Lithuania				1	1
Macedonia	38		2		40
Mongolia			1		1
Morocco				3	3
Netherlands			1		1
Nicaragua	1				1
Niger				1	1
Nigeria	11	3	1		15
Pakistan			1		1
Poland		1			1
Romania			1	35	36
Russia	32	14	12	9	67
Serbia	3	11	12		26
Slovenia				1	1
Somalia	3	2		2	7
Syria	2		1	2	5
Tunisia				1	1
Turkey			1		1
Turkmenistan		2			2
Ukraine		1	9	1	11
Uzbekistan	2				2
Others				1	1
Stateless		2	1	1	4
Total	113	75	74	93	355

Asylum exits 2010-2013

Grant of residence permit	22
Applications by mail	2
Dublin cases (since December 2011)	22
Exit with valid travel documents	74
Readmission by European countries (prior to Dublin)	44
Withdrawal of asylum application	79
Disappeared	110
Airport delivery	13
Total	366³

³ Includes applications submitted before 2010 that were processed in 2010

Grant of permits to stay 2010 - 2013 according to nationality (recognition of refugee status)

China	4
Eritrea	5
Ethiopia	1
Iraq	3
Somalia	9
	22

Question 12: In the light of the Committee's previous concluding observations (paras. 16 and 17), please indicate whether asylum seekers, including minors, are placed in administrative detention, what is the average duration of such detention pending deportation, whether they have access to a lawyer and whether it is used only as a last resort.

The Asylum Act and Foreigners Act specify the maximum possible duration of administrative detentions of asylum-seekers. For adults, the duration is six months. In practice, detention generally lasts about 18 hours. For durations of 96 hours or more, review of the detention by a judge of the Court of Justice is mandatory. Access to a lawyer is guaranteed for asylum-seekers already before any administrative detention.

In the case of minors between 15 and 18 years of age, the maximum duration is three months. Younger persons may not be placed in administrative detention. In Liechtenstein's view, the maximum possible duration of administrative detention meets international standards and is not excessively long. However, Liechtenstein is conscious of the special vulnerability of children (as expressed in the UN Convention on the Rights of the Child) and points out that where possible, Liechtenstein avoids placing minors in administrative detention in practice. It happens very rarely that persons under the age of 18 are placed in administrative detention (see response to question 7). For this reason, Liechtenstein does not currently see any need for action.

Question 13: Please provide information on whether the State party has adopted a standard procedure for identifying victims of sexual or gender-based violence when considering the admissibility of asylum applications on formal grounds or with regard to the return of applicants. Please indicate whether a gender-sensitive approach is applied throughout the refugee status determination procedure which includes special rights such as counselling services for female asylum seekers (CEDAW/C/LIE/CO/4, para. 25). In addition, please give information about the existence of referral mechanisms to ensure a gender-sensitive response to asylum claims of women and girls who are victims of trafficking and guarantee protection against refoulement (ibid., para. 27).

Gender-specific grounds for asylum are explicitly recognized in the Liechtenstein Asylum Act, which entered into force on 1 June 2012, as a basis for granting refugee status (article 2(1)(a) and 2(2))⁴ – as they already were in the Refugee Act, the predecessor to the Asylum Act.

⁴ 1) For the purposes of this Act:

a) "Refugee" shall mean a foreign person who:

1. owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, **gender**, or political opinion, is outside the country of nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country; or (...)

Liechtenstein is conscious of its responsibility in this regard – particularly as a member of the Schengen/Dublin area – and it treats the issue of gender-specific violence with the necessary care. The Migration and Passport Office includes trained and sensitized staff which, when the first indications of gender-specific violence arise, deal with such cases using teams composed entirely of women. Already when being interviewed upon entry, female asylum-seekers have the opportunity to draw attention to their reasons for fleeing in this regard. Women and girls who were victims of human trafficking and whose claims to international protection fall within the scope of the definition of refugee set out in the 1951 Convention relating to the Status of Refugees are recognized as refugees in Liechtenstein and are granted asylum.

The provisions of the Dublin III Regulation serve as the basis for determining whether Liechtenstein considers itself responsible for asylum proceedings. Furthermore, Liechtenstein considers an asylum application to be inadmissible pursuant to article 20(1)(d) of the Asylum Act if the person seeking asylum in Liechtenstein has already gone through asylum proceedings or has withdrawn the asylum application or if the application has been written off due to an extended disappearance or if the person has returned to his or her home country or country of origin during the ongoing proceedings. If an asylum-seeker submits another application after returning to the home country or country of origin, however, it is always evaluated on a case-by-case basis whether new grounds for asylum apply.

Naturally, Liechtenstein honours the non-refoulement requirement also in cases of gender-specific violence, as stipulated in article 3 of the Asylum Act. This requirement includes consideration of the situation in the home country or country of origin and is dealt with in every asylum decision accordingly.

During the proceedings, asylum-seekers also receive – in addition to medical care for any physical consequences of gender-specific violence – access to professional psychological or psychiatric care. This care is provided by specialists of the Children and Youth Service Division of the Office of Social Services in the case of minors and/or in general by practicing female psychiatrists or psychologists from Liechtenstein and the region. Moreover, all asylum-seekers are provided with legal and opportunity counselling at all stages of the asylum proceedings free of charge; the counselling may, where appropriate, indicate further counselling options for victims of gender-specific violence. The Liechtenstein Refugee Service, which is entrusted with care for asylum-seekers, also provides counselling.

Articles 5, 7 and 8 (Q14)

Question 14: Please provide information on whether the State party has rejected, for any reason, requests for extradition by another State of an individual suspected of having committed an offence of torture, and has started prosecution proceedings as a result. Please provide information on any new cases that have reached trial and with what result.

During the period under review, there were no cases relating to extradition or cases before Liechtenstein courts in which article 27bis or the Convention against Torture were invoked as a basis

2) Well-founded fear of being persecuted as referred to in paragraph 1(a) exists in particular if endangerment of life, physical integrity or freedom can be claimed or if there is a threat of measures that exert intolerable psychological pressure; **motives for seeking asylum specific to women must be taken into account.** Well-founded fear of being persecuted may also be based on events that occurred after the asylum-seeker has left his or her home country or country of origin (objective post-flight grounds).

for the complaint. There has in fact never been a complaint or court case involving torture or other cruel, inhuman or degrading treatment or punishment in Liechtenstein.

No cases of torture within the definition of the Convention have been instituted in Liechtenstein. For this reason, no penalties imposed can be mentioned for such cases.

Article 10 (Q15-16)

Question 15: With reference to the Committee's previous concluding observations (paras. 20 and 21), please provide updated information on whether the mandatory training and supervisory courses for prison officers at Vaduz National Prison were effectively carried out during the period under review. In addition, please indicate whether judges, prosecutors, forensic doctors and medical personnel, including those educated abroad, receive training on the absolute prohibition of torture as well as on the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol) and whether the impact and effectiveness of this training are assessed.

During the period under review, staff members of the National Prison carried out a supervisory course. Additionally, the staff members of the National Prison continue to have the possibility to avail themselves of supervisory courses as needed. This possibility is in fact used.

Currently, a male psychologist and a female psychiatrist are available for these purposes. Since the Office of the Public Prosecutor is not involved in the execution of sentences and also does not carry out interrogations of suspects, there is no special training offered in this area for prosecutors. Judges receive continuing training every year in various areas of the law, including human rights; the current case law of the European Court of Human Rights is also made available to them. Individual judges are active on committees of the Council of Europe. Due to the small size of judicial operations in Liechtenstein and the small number of judges, the transmission of important decisions in this area is ensured. The fact that individual judges are active on committees of the Council of Europe entails an especially high level of sensitivity to respect for human rights. Whenever a court case reaches the European Court of Human Rights, the case and the judgment reached receive an exceptionally high degree of attention among the judiciary, given its small size compared to other countries.

Question 16: Please provide information on any training and awareness-raising campaigns on domestic violence and violence against women provided to judges, prosecutors, lawyers, law enforcement officials and social workers. Please indicate whether judges, prosecutors and the police receive training on the strict application of criminal law provisions concerning violence against women (CEDAW/C/LIE/CO/4, para. 21). Also please give information about any efforts to raise awareness among asylum seekers and train police and immigration officers on the increased risk of asylum seekers becoming victims of trafficking (ibid., para. 27).

Violence against women and domestic violence

The violence protection law, which entered into force in 2001, and its core provisions, namely the right to expel the perpetrator on a preventive basis, constitute the foundation for combating domestic violence. The power to expel perpetrators and to prohibit entry into the dwelling in the event of domestic violence is set out explicitly in the Police Act. Since dealing with such situations places high demands on the National Police, new police officer candidates are instructed in the subject of domestic violence at the police academy. Domestic violence is a subject tested in the professional examination. Additionally, the Liechtenstein Women's Home carries out awareness-raising events and workshops. With regard to general sensitization projects, see the response to question 9.

Human trafficking and asylum-seekers

A "Round Table on Human Rights" has existed in Liechtenstein since 2006, bringing together various public authorities, facilities for the care of victims, and other involved entities that pursue the goal of exposing as many cases of human trafficking as possible and promoting awareness of the issue. This cooperation over many years has also led to greater know-how and greater sensitization among the competent authorities regarding the problem and the various forms of human trafficking, so that there is now awareness of the especially vulnerable situation of asylum-seekers. See also the response to question 8.

Article 11 (Q17-18)

Question 17: In the light of the Committee's previous concluding observations (para. 18), please provide updated information on whether the reception capacity of the Liechtenstein Centre for Refugees has been increased and whether some asylum seekers continue to be accommodated in underground shelters/bunkers with no daylight. Also, please provide information on measures taken to ensure adequate reception conditions for asylum seekers, including for families and separated children, with full consideration for the specific needs of women and girls (CEDAW/C/LIE/CO/4, para. 41).

The Centre for Refugees in Vaduz has a reception capacity of 60 persons. The average occupancy over many years has been about 20 to 30 people. Although in some years, there has been a very high number of asylum applications on an exceptional basis (e.g., in 2009) that exceeded the capacities of the refugee centre, Liechtenstein does not see any need to expand the capacities. The average across many years indicates that the existing capacities are sufficient.

When, in the past, the number of asylum-seekers exceeded the capacities of the refugee centre, existing civil defence shelters for emergencies were used as accommodation for asylum-seekers. These civil defence shelters are intended for the entire population during emergencies and provide a sufficient number of beds and sanitary installations. Liechtenstein therefore believes these facilities are also reasonable for the accommodation of asylum-seekers in exceptional situations. Currently, no asylum-seekers are housed in civil defence shelters.

Question 18: With reference to the Committee's previous concluding observations (para. 22), please indicate whether the space, holding capacity and staffing levels at the Vaduz National Prison have been improved and extended during the period under review. Also, please indicate whether interrogations of prisoners always take place in the presence of a corrections officer and whether steps have been taken to ensure better separation of detainees.

No changes have occurred during the period under review in regard to the limited space and capacity levels. A planned expansion of the National Prison was cancelled due to the rejection of a credit for that purpose by a popular vote in 2004. Consequently, better separation of detainees – in particular in regard to convicts, pretrial detainees, and detainees awaiting deportation – is practically not possible. The authorities are very well aware of this problem, however, and are trying to bring about improvements within the existing premises.

There have also been no changes to the staffing levels in the National Prison. Supervision and care are ensured throughout the year in shifts around the clock. Six permanent positions are available for this purpose, and additional corrections personnel are employed on an hourly basis. In this way, the existing personnel resources can be used to ensure smooth operations.

With regard to interrogation of detainees by the police, a separate interrogation room has meanwhile been established within the National Prison. If no staff member of the National Prison attends the interrogation, the interrogation is in any event transmitted by video to the office of the corrections personal, where the interrogation is monitored. Removal of a detainee from the prison for the purpose of interrogation is possible only in exhaustively enumerated exceptional cases upon written request.

Articles 12, 13 and 14 (Q19-22)

Question 19: With reference to the Committee's previous concluding observations (para. 19), please indicate whether persons incarcerated in Austria under the 1982 Treaty on Accommodation of Prisoners have the right to complain to an independent body regarding torture and ill-treatment by prison officers and have their complaints promptly investigated. Please provide statistical data on allegations of torture and ill-treatment, the results of any investigations undertaken in connection with the allegations, disciplinary and criminal proceedings, convictions and the sanctions applied, and any compensation provided to the victims.

In such cases, the legal remedies available in Austria would apply. Firstly, Austria has included a separate criminal offence of torture in § 312a of its Criminal Code. Moreover, Austria is a State party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment as well as the European Convention on Human Rights. The possibility has also existed in Austria since July 2012 to report torture or other forms of ill-treatment to the Austrian Ombudsman Board serving as the National Preventive Mechanism. So far, the Liechtenstein authorities are unaware of any cases in which persons incarcerated in Austria on the basis of this treaty might have submitted a complaint regarding torture or other forms of ill-treatment (in Austria).

Question 20: In the light of the Committee's previous concluding observations (para. 26), please provide information on steps taken to ensure that all allegations of ill-treatment by po-

lice are investigated promptly and impartially by independent bodies and not other members of the police force.

Allegations of ill-treatment by police officers are immediately reported to the Office of the Public Prosecutor and investigated by the justice authorities (Office of the Public Prosecutor/Court of Justice). If police measures are necessary to support the justice authorities in these investigations, they are carried out by specially designated investigators or directly as mandated by the justice authorities, circumventing the usual channels. This approach is also set out in the applicable Government instruction of December 2007.

Question 21: With reference to the Committee's previous concluding observations (para. 31), please provide statistical data on any investigations of suspected cases of trafficking, disaggregated by age and ethnicity of the victims, and prosecution and conviction of those responsible and indicate whether adequate compensation and full rehabilitation has been provided to victims.

So far, one case of human trafficking has been investigated and reported to the Office of the Public Prosecutor. The case is pending before the Court of Justice. There has not been any final judgement in Liechtenstein so far.

Question 22: In the light of the Committee's previous concluding observations (para. 30), please provide statistical data, disaggregated by age and ethnicity of the victims, on the number of complaints investigations, prosecutions, convictions of perpetrators and sentences handed down in cases of domestic and gender-based violence, including spousal abuse, during the period under review. Also, please provide information on any redress, including compensation and rehabilitation, awarded by courts during the period under review regarding cases of domestic and gender-based violence, including spousal abuse.

In regard to the statistics on domestic violence, the number of interventions by the National Police in this area declined by 25% in 2010 compared with the previous year. While 32 interventions were necessary in 2009, the National Police had to intervene in only 24 cases in 2010. After a slight increase of cases in 2011, the number of interventions declined strikingly in the two following years, falling to 17 cases in 2013, 14 of which resulted in a mediation discussion or counselling by the National Police. In one case, expulsion was necessary, and in two cases, a prohibition of entry was imposed.

The conflicts occurred both in partnerships and in families (juveniles against parents). The network in this area consisting of the Office of Social Services, the crisis intervention team, the Women's Home, and Probation Assistance is very important to the National Police and is frequently drawn upon during interventions.

Domestic violence	2013	2012	2011	2010	2009
Total number of interventions	17	20	27	24	32
of which mediation discussions/police counselling	14	12	17	17	20
of which expulsions	1	7	9	6	9
of which prohibitions of entry	2	1	1	1	3

In addition to the activities of the Victims Assistance Office, the mechanism of "out-of-court offence resolution" should also be mentioned in connection with domestic violence. This mechanism has been implemented by Liechtenstein Probation Assistance since 2007. It may also be applied as an option in cases of domestic violence in accordance with § 22g of the Code of Criminal Procedure (StPO) if the legal preconditions in accordance with § 22a(2) StPO and the psychosocial preconditions are met (i.e., if the victim agrees and the perpetrator assumes personal responsibility). In the case of out-of-court offence resolution in connection with domestic violence, the focus is on preventive aspects. The mechanism is intended to bring an end to and deal with violence in existing or former partner relationships. Out-of-court offence resolution is carried out by specialists in man/woman teams. In individual and mediation talks, the attempt is made to achieve an end to the violence, to network and strengthen the victim, and to bring about a change in the perpetrator in a way that can be monitored as needed or desired even after the written agreement. Emotional and material restitution are the goal of the process. Out-of-court offence resolution is the only mechanism that addresses not only the offence, but also the conflict itself, and that addresses the needs of the victim without absolving the perpetrator of responsibility. What is unique in this regard is that women are strengthened as victims and that a change in the behaviour of men as perpetrators is brought about.

Between 2011 and 2013, out-of-court offence resolution was offered in 15 cases of domestic violence in partners relationships. Of these, 13 cases were referred by the Office of the Public Prosecutor and two by the Court of Justice. In 12 cases, there were 12 male perpetrators, no female perpetrators, 13 female victims, and two male victims. In another three cases, three men and two women were considered both suspects and injured parties. Of the total of 15 cases, 13 were brought to a positive conclusion; two negative conclusions were referred to the Court of Justice, and one was discontinued through the arrangement of community service in accordance with § 22d StPO.

With respect to measures for the effective compensation and rehabilitation of victims of domestic violence, these victims – like other persons whose physical, psychological, or sexual integrity has been directly affected by a criminal offence – have the right to victims assistance in accordance with article 1 of the Victims Assistance Act (OHG). Victims assistance may encompass the following five forms (article 2 OHG): counselling and urgent assistance, long-term assistance by the Victims Assistance Office, cost contributions to long-term assistance by third parties, compensation for damages, legal aid. It should be emphasized that this assistance does not depend on the willingness of the victim to cooperate with the Liechtenstein authorities in a criminal prosecution. Every victim of a criminal offence has the right to assistance by the Victims Assistance Office (article 1 OHG). As the Committee notes, this office plays an important role in this connection. In 2010, the Victims Assistance Office counselled and took care of nine victims of domestic violence. In 2011, four persons availed themselves of help, and in 2012 two persons sought assistance. In 2013, four victims of domestic violence received counselling and care. The support provided by victims assistance included counselling, financial aid, accompanied court visits for filing reports and giving testimony, administrative aids, and placement with specialists.

Other issues (Q23)

Question 23: Please provide updated information on the measures taken by the State party to respond to any threats of terrorism and please describe if, and how, these anti-terrorism measures have affected human rights safeguards in law and practice and how it has ensured that those measures comply with all its obligations under international law, especially the Convention, in accordance with relevant Security Council resolutions, in particular resolution 1624 (2005).⁵ Please describe the relevant training given to law enforcement officers; the number of persons convicted under such legislation; the legal safeguards and remedies available to persons subjected to anti-terrorist measures in law and in practice; whether there are complaints of non-observance of international standards; and the outcome of these complaints.

Liechtenstein condemns all forms of terrorism. Though Liechtenstein has so far been spared from violent terrorist acts within its borders, the devastating effects of terrorist attacks that many other states have suffered highlight a continuous threat to international and national security and to the freedom of peoples.

Convinced that the key to an efficient banning of international terrorist activities consists of adopting a multilateral approach, Liechtenstein actively participates in all relevant political actions taken in the framework of the UN, the Council of Europe, the FATF, the OSCE and other international organisations. Particular political emphasis is put on the fact that a successful fight against terrorism, aiming at sustainable security, demands full compliance with fundamental human rights laws, international humanitarian law and other fundamental rights of vulnerable groups.

Any measure taken in the course of the fight against terrorism must respect fundamental values of justice, human dignity and cultural tolerance, which form the basis of the peaceful co-existence of all peoples. It is Liechtenstein's conviction that the fight against international terrorism is first and foremost a judiciary battle against criminal behaviour and intention on the basis of laws and within the strict borders delineated by fundamental human rights and international law.

Liechtenstein's legislation and judicial practice provide all guarantees of due process required under international law. All the relevant standards of the European Convention on Human Rights, in particular its articles 5 and 6, are part and parcel of the Liechtenstein criminal procedure, and their implementation is ultimately subject to the monitoring of the European Court of Human Rights.

Liechtenstein is also a State Party to the International Covenant on Civil and Political Rights and fully implements the due process related rights contained therein

⁵ Reports of Cambodia to the Counter-Terrorism Committee: S/2001/1253; S/2002/788; S/2003/273; S/2004/254; S/2006/312.

General information on the national human rights situation, including new measures and developments relating to the implementation of the Convention (Q24-26)

Question 24: Please provide detailed information on the relevant new developments on the legal and institutional framework within which human rights are promoted and protected at the national level, that have occurred since the previous report, including any relevant jurisprudential decisions.

Question 25: Please provide detailed relevant information on the new political, administrative or other measures taken to promote and protect human rights at the national level, that have occurred since the previous report, including on any national human rights plans or programmes, and the resources allocated thereto, its means, objectives and results.

Question 26: Please provide any other information on new measures and developments undertaken to implement the Convention and the Committee's recommendations since the consideration of the previous report, including the necessary statistical data, as well as on any event that occurred in the State party and are relevant under the Convention.

In 2012, the provisions of the Civic Rights Act concerning the right of convicts to vote were amended. Article 2(1)(c) now clearly defines criminal offences and strict criteria for the courts to exclude voting rights in light of the circumstances of the individual case. These amendments entered into force on 1 December 2012.

Also relevant in this regard are Liechtenstein's national report and presentation as part of the Universal Periodic Review by the UN Human Rights Council of 30 January 2013 (A/HRC/WG.6/15/LIE/1), the national reports that Liechtenstein submits as a State party to the various UN human rights conventions, and the core document for the national reports. All reports are available in both German and English and can be accessed on the website of the Office for Foreign Affairs (www.llv.li/menschenrechte; "Berichterstattungen").

As mentioned at the outset, Liechtenstein's foreign policy attaches great importance to the fight against torture and inhuman or degrading treatment or punishment. This field is one of the thematic focuses of Liechtenstein's international human rights policy. And within the context of Liechtenstein's International Humanitarian Cooperation and Development (IHCD), Liechtenstein maintains several projects to combat torture. Of special note in this regard is a programme of the NGO Association for the Prevention of Torture (APT) on torture prevention in Latin America, which Liechtenstein has supported for several years now with an annual contribution of 200,000 Swiss francs.