



# **G R E T A**

Group of Experts on Action  
against Trafficking in Human Beings

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## **Questionnaire for the evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Parties**

### **Third evaluation round**

**Thematic focus: Access to justice and effective remedies for  
victims of trafficking in human beings**

Replies should be sent to: [Trafficking@coe.int](mailto:Trafficking@coe.int)

Secretariat of the Council of Europe Convention  
on Action against Trafficking in Human Beings  
(GRETA and Committee of the Parties)  
Council of Europe  
F-67075 Strasbourg Cedex  
France

[trafficking@coe.int](mailto:trafficking@coe.int)

[www.coe.int/en/web/anti-human-trafficking](http://www.coe.int/en/web/anti-human-trafficking)

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## Introduction

In accordance with Article 38, paragraph 1, of the Convention on Action against Trafficking in Human Beings ("the Convention"), GRETA evaluates the implementation of the Convention following a procedure divided into rounds. At the beginning of each round, GRETA selects the specific provisions on which the evaluation procedure is based.

The first round of monitoring of the Convention provided an overview of its implementation by State Parties. The second evaluation round of the Convention examined the impact of legislative, policy and practical measures on the prevention of trafficking in human beings (THB), the protection of the rights of victims of trafficking, and the prosecution of traffickers, paying particular attention to measures taken to address new trends in human trafficking and the vulnerability of children to trafficking.

GRETA has decided that the third evaluation round of the Convention will focus on trafficking victims' **access to justice and effective remedies**, which is essential for victims' rehabilitation and reinstatement of rights and reflects a victim-centred and human-rights based approach to the fight against human trafficking. A number of provisions of the Convention establishing substantive and procedural obligations are relevant to this topic. Moreover, victims of trafficking, by virtue of their status as victims of human rights violations, are entitled to effective remedies under the European Convention on Human Rights. Access to justice and effective remedies must be guaranteed, in a gender- and age-sensitive manner, to all victims of trafficking subject to the jurisdiction of State Parties, irrespective of their immigration status or presence on the national territory and notwithstanding their capacity or willingness to co-operate in any criminal investigation.

Access to justice and effective remedies is contingent on the fulfilment of a number of preconditions, including prompt and accurate identification of victims of trafficking, the provision of a recovery and reflection period, the availability of material, psychological, medical and legal assistance, regularisation of the victim's stay, the right to seek and enjoy asylum, and the application of the principle of *non-refoulement*. These preconditions, corresponding to different provisions of the Convention, have been examined at length during the first and second evaluation rounds of monitoring of the Convention. Consequently, GRETA has decided to ask each State Party for an update on the implementation of GRETA's previous recommendations on selected topics, through a separate country-specific part of the questionnaire, rather than including once again questions related to the same provisions in the general questionnaire for the third evaluation round.

States Parties are requested to transmit to GRETA a reply to this questionnaire **within four months** from the date it was sent. The reply to the questionnaire should be submitted in one of the official languages of the Council of Europe (English and French), and preferably also in the original language. Where appropriate, in order to avoid unnecessary repetition, the reply may refer to information contained in the report submitted by the national authorities on measures taken to comply with the Committee of the Parties' recommendation concerning the implementation of the proposals made in GRETA's second evaluation report. States Parties should provide links, copies or extracts of relevant legislation, regulations, national action plans and case law mentioned in the reply to the questionnaire, in the original language and, wherever possible, also in one of the official languages of the Council of Europe.

A variety of stakeholders and civil society representatives should be effectively consulted in the preparation of the reply to the questionnaire, to ensure that the information provided is as comprehensive as possible.

## Part I - Access to justice and effective remedies

### 1. Right to information (Articles 12 and 15)

- 1.1 How, at what stage and by whom are presumed victims and victims of THB informed of their rights, the relevant judicial and administrative proceedings, and the legal possibilities for obtaining compensation and other remedies, in a language that they can understand? Please provide copies of any information materials developed to inform victims of THB, including any materials specifically developed for child victims, in the languages in which they exist.

Victims of trafficking in human beings are entitled to all assistance referred to in Article 12 of the Convention. The Office of Social Services (ASD) ensures subsistence and access to emergency medical care. Translation and interpretation services are provided by the Victims Assistance Office (OHS), the National Police and the Princely Court (legal basis in articles 31a and 31b Code of Criminal Procedure CCP). Assistance in criminal proceedings is the responsibility of the OHS and the National Police, while the Office of Social Services and the Office of Education ensure children's access to education.

The Victims Assistance Office informs all victims about the possibility of compensation. The application form is available on its website. Further information can be obtained from lawyers or from the Victims Assistance Office. An interpreter is provided as necessary. In the case of police questioning, victims are automatically informed under Article 8 of the Victims Assistance Act (OHG). In addition, an information sheet from the Victims Assistance Office is provided (legal basis in articles 18 to 24 OHG).

Victims can claim compensation from the perpetrator, either in a criminal procedure or a separate civil procedure. Compensation claims can be made for pecuniary loss (e.g. loss of wages due to inability to work as a result of injuries caused by the perpetrator) and non-pecuniary damage (e.g. pain and suffering).

Furthermore, the Round Table compiled a fact sheet (in different languages) for foreign dancers and disc jockeys with important information on their rights and obligations, as well as contact information of public authorities.

- 1.2 How is the obligation to provide translation and interpretation services, when appropriate, met at different stages of the legal and administrative proceedings by different agencies?

Translation and interpretation services are provided by the Victims Assistance Office, the National Police or the Princely Court.

Victims have the option of having an interpreter present at the questioning by the Police or a Judge (§ 116 Code of Criminal Procedure). Victims whose sexual integrity may have been violated must also be informed that they have the right to demand that interpretation services are provided by a person of the same sex (§ 31a in connection with § 34 Code of Criminal Procedure and articles 2,5 and 25 OHG).

### 2. Legal assistance and free legal aid (Article 15)

- 2.1 How, by whom and from what moment is legal assistance provided to victims of trafficking? How is legal assistance provided to children?

Assistance to all victims of crime, including THB, is regulated by the Victims Assistance Act. Further, the Guidelines against Trafficking in Human Beings stipulate that victims of trafficking are to be given counselling and care.

- 2.2 Do all presumed victims of THB have access to legal assistance, irrespective of immigration status or type of exploitation?

All presumed victims of THB (no matter if they are children or adults) are entitled to assistance measures, regardless of their migration status or country of origin. Asylum seekers in Liechtenstein are covered by the same provisions of the Liechtenstein justice system as all other persons residing in Liechtenstein.

2.3 What are the conditions for access to free legal aid for victims of THB, including children? For which types of proceedings is free legal aid available? Is free legal aid available to help victims claim compensation and execute compensation orders? Please provide the text of the relevant provisions.

The Victims Assistance Office may request a staff member of the Office of Justice to provide legal advice to victims and, if need be, a private lawyer can be contacted at the expense of the Victims Assistance Office. The Victims Assistance Office will cover the costs of up to four hours of initial legal counselling. Further, the Court of Justice (first instance court) may, based on an application from a victim and depending on the victim's income, decide to appoint a lawyer to represent victims at court hearings (legal basis in article 25 OHG; concerning every victim according to article 10 OHG).

The Victims Assistance Office arranges therapeutic support and can cover costs on a subsidiary basis, also in regard to legal aid provided as emergency assistance.

2.4 Are there lawyers specialised to provide legal aid and represent victims of THB in court? What regulations, if any, are applicable to the provision of such legal aid/representation?

On the list of lawyers ([www.rak.li](http://www.rak.li)), each lawyer has a section "fields of activity" from which the preferred fields of law can be seen.

2.5 How is the provision of legal assistance and free legal aid for victims of THB funded? Do victims have to pay a fee to obtain legal assistance or start a procedure, or are there other financial barriers in place? If yes, please specify the amount(s).

Assistance measures are financed by the general budget of the Victims Assistance Office.

### **3. Compensation from the perpetrators (Article 15)**

3.1 What measures are in place to enable courts to award compensation to victims of THB, including children, from the perpetrators as part of criminal proceedings? What is the role of prosecutors in this respect?

A victim may join the proceedings as a private party and thus claim damages. For this purpose, it has the right to legal representation by a lawyer. Participation in the proceedings is required and a corresponding application must be filed. Legal basis: §§ 31-34 CCP. The Public Prosecutor is not a party in the proceedings concerning private law claims of the victim against the perpetrator.

Subsidiary, there is the possibility of compensation by the state (art. 18-24 Victims Assistance Act).

3.2 How is the amount of compensation calculated and are there specific criteria or models for calculating it? What types of injury/damage and costs are covered? Are there any circumstances/conditions that would lead to a reduction of the amount of compensation?

Material Damages: must be proven and result directly from the crime (i.e., not consequential damages such as attorney's fees or other expenses).

Compensation for pain and suffering: Assessment according to case law in light - medium - heavy pain (Daily rates: CHF 200-CHF 400-CHF 600).

Satisfaction: according to the assessment of the court.

3.3 How are compensation orders/verdicts enforced? What measures are in place to guarantee and ensure effective payment of compensation?

Pursuant to Article 3(1) of the Victims Assistance Act (OHG), victims of crime may claim benefits under the OHG if the offence was committed in Liechtenstein. If an award is made to the private party in the judgment, this judgment shall constitute an execution title. If the guilty part does not pay, the judgment must be enforced by means of a civil action.

3.4 When foreign victims of THB are removed from or choose to leave the country where the exploitation took place, what measures are in place to enable them to obtain compensation and other remedies?

The private party must participate in the proceedings at least through its legal representative.

3.5 What procedures are in place to ensure effective access to compensation for victims of THB for the purpose of labour exploitation? Can such victims bring civil claims for compensation and/or recovery of unpaid wages and social contributions on the basis of tort, labour, employment or other laws? Please specify the relevant measures. Can victims of THB working in irregular employment or without a contract claim unpaid wages and other compensation and if yes, how is the amount of unpaid wages and other compensation established?

Special compensation provisions for victims of crime are included in the OHG. Furthermore, wage claims are to be asserted before the ordinary courts under civil law (§ 1173a Art. 71 ABGB). The Liechtenstein Employees' Association (LANV) can represent employees or act as a party to the proceedings. Social contributions are payable on the basis of various legal foundations. These include contributions to social insurance schemes such as old-age and survivors' insurance (AHV), disability insurance (IV), family compensation fund (FAK) and unemployment insurance (ALV). In addition, contributions must be paid to health and accident insurance as well as to the company pension scheme. The scope and amount of social insurance contributions as well as their reclaim depend on the respective legal basis.

No distinction is made between employees with or without a contract or in irregular employment relationships. The decisive factor in each case is whether an employment relationship has been concluded or is assumed. According to § 1173a Art. 2 ABGB an employment relationship is established – whether it has been expressly concluded or not - if work is accepted on a temporary basis, the performance of which, according to the circumstances, can only be expected in return for wages. The wage level results from agreement, customary or from a not mandatory standard employment contract (NAV) or collective agreement (GAV). The customary wage may result from local, sectoral or company practice. The GAV is often used as a basis. If no customary wage can be established, the judge must determine it at his or her reasonable discretion.

3.6 What training is provided to build the capacity of relevant professionals, such as lawyers, law enforcement officers, prosecutors and judges, to enable victims of THB to obtain compensation and other remedies?

The Government, the National Administration, the Office of the Public Prosecutor and the Courts are aware of the importance of ongoing training. With regard to training on trafficking in human beings, the Government has mandated the Round Table on Human Trafficking and the Office of Economic Affairs to plan and implement relevant training. In addition, individual specialists take part in a range of training options, also virtually, and inform their colleagues about the essential contents.

The Round Table on Human Trafficking in cooperation with the Swiss Human Trafficking Reporting Center (ACT212) has organized a special training for labor inspectors on labor exploitation in May 2023.

#### **4. State compensation (Article 15)**

4.1 Do the eligibility criteria for State compensation schemes for victims of crimes exclude some victims of THB (e.g. due to irregular residence status, nationality, nature of the offence)? Does access to State

compensation depend on the outcome of the criminal case and on failure to obtain compensation from the offenders?

All presumed victims of THB are entitled to the same assistance measures, regardless of their migration status or country of origin. The Victims Assistance Office informs all victims about the possibility of compensation. Access to compensation does not depend on the outcome of the criminal case.

4.2 How is the amount of State compensation calculated so as to address the gravity of the harm endured by the victim?

For the assessment and limitation of compensation for pecuniary damage, reference is made to Art. 19 OHG. For compensation of nonpecuniary damage, reference is made to Art. 21 OHG. The procedure for claiming damages and jurisdiction is governed by Art. 23 OHG.

4.3 Is it possible for foreign victims of trafficking to submit claims for State compensation in your country after being returned or repatriated to their countries of origin? Please provide examples of any such cases and indicate the measures stipulating such a possibility.

Victim assistance is granted if the crime was committed in Liechtenstein (Art. 3 para 1 OHG). Compensation for non-material damages may be reduced if the person entitled to compensation is domiciled abroad and the amount of compensation would be disproportionate due to the cost of living at the place of domicile (Art. 22 para 3 OHG). Furthermore, no such cases are known so far.

4.4 Are victims seeking State compensation liable for lawyers' costs and fees? Are State compensation awards subject to taxation? Does the receipt of compensation have consequences for access to social security or other benefits?

The victims and his or her relatives are entitled to assistance in accordance with §§ 63 ff. ZPO in administrative court proceedings pursuant to para 1 and in criminal and administrative court follow-up proceedings pursuant to para 2, they shall also be entitled to the assistance of a procedural assistant (Art. 25 OHG).

Pursuant to Article 15(2) of the Law of 23 September 2010 on National and Local Taxes, payments made in compensation for damage suffered and the payment of compensation sums are deemed to be tax-exempt.

By providing compensation to victims, the community recognizes the difficult situation of the victim and his or her relatives. The award of compensation is a symbol of this recognition. It is a form of solidarity contribution. The compensation granted by the state in the case of a crime is capped. Satisfaction under victim assistance law amounts to a maximum of CHF 70,000 for the victim and CHF 35,000 for relatives (Art. 21 para. 2 OHG). The claim for non-material damages is not hereditary (Art. 18 para. 4 OHG). Third-party benefits as compensation for non-material damages are deducted (Art. 21 para. 3 OHG).

With regard to the subject of the duty of restitution, a distinction must be made as to whether the compensation is due during ongoing social assistance or thereafter:

1. in the case of ongoing social assistance, the asset exemption limits must be observed when crediting the satisfaction. According to the guidelines of the Swiss Conference for Social Welfare (SKOS D.3.1.), benefits from satisfaction (compensation for pain and suffering) are only to be credited to the extent that they exceed CHF 30,000 for individuals, CHF 50,000 for married couples and CHF 15,000 for each minor child. This considers the fact that the persons concerned have suffered non-material damage and must be granted a certain compensation.

2. in the case of a satisfaction accruing after the end of the social assistance receipt, an obligation of restitution should be waived. The victim cannot be obliged to assign a claim for satisfaction, because

otherwise the purpose of satisfaction cannot be achieved. The victim should be able to afford something special with the money. This is intended to make the mental suffering they have endured more bearable (compensation for pain and suffering).

From the point of view of social assistance, it does not matter whether the satisfaction has a causal connection to a crime.

## **5. Sanctions and measures (Article 23)**

5.1 Please describe the legislative and other measures adopted by your country which allow to: i) confiscate or otherwise deprive perpetrators of the proceeds of criminal offences, or property of an equivalent value to those proceeds; and ii) identify, trace, freeze or seize rapidly property which is liable to confiscation, in order to facilitate the enforcement of a later confiscation. Do these measures allow the identification, tracing and seizure of property into which the proceeds of illicit activities have been converted?

Pursuant to article 20 para 1 Criminal Code (forfeiture/seizure), the court must declare assets that were obtained for or through the commission of a punishable act to be forfeited.

Insofar as the assets subject to forfeiture no longer exist or forfeiture is no longer possible for another reason, the court shall declare forfeited a sum of money corresponding to these assets (article 20 para 3 Criminal Code). Furthermore, assets that are subject to the control of a criminal organisation or a terrorist organisation or have been provided or collected as a means of terrorist financing can be declared forfeited (article 20b para 1 Criminal Code). Finally, assets obtained in connection with a crime are also subject to forfeiture if it can be assumed that they originate from an unlawful act and their lawful origin cannot be substantiated (article 20b para 2 Criminal Code). Under article 97a para 1 and 3 CCP, the disposition of credit balances or other assets may be prohibited by court order if it is feared that collection of the assets would otherwise be endangered or considerably impeded. However, prohibitions of disposition (article 97a CCP) are only permissible for the purpose of securing forfeiture, not for injured parties. However, forfeiture does not apply if the money is used to settle civil debts, e.g. to the victim. Otherwise, the seized money is declared forfeited in favour of the state. Victim compensation is paid from the state treasury and is independent of the amount declared forfeited.

Pursuant to Article 3(1) of the Victims Assistance Act (OHG), victims of crime may claim benefits under the OHG if the offence was committed in Liechtenstein. However, due to the lack of cases of trafficking in human beings, there are no examples of this in practice.

5.2 In what way do victims of THB benefit from seized and confiscated assets of perpetrators of THB? Do the confiscated assets go directly to victims, to a compensation fund or scheme for victims of trafficking or to other programmes for the assistance or support of victims of THB? Please provide information on seizures and confiscations of assets in THB cases and how they were used.

Pursuant to Article 3(1) of the Victims Assistance Act (OHG), victims of crime may claim benefits under the OHG if the offence was committed in Liechtenstein. However, due to the lack of cases of trafficking in human beings, there are no examples of this in practice.

5.3 Is it possible to use plea bargaining or some other form of settlement in cases of THB? If yes, please provide the relevant provisions. What protections are in place for victims of THB to ensure that their right of access to justice and effective remedies is not compromised by the plea bargaining or settlement in the legal process?

There are no regulations regarding plea bargaining in the Code of Criminal Procedure.



5.4 What is the average duration of court proceedings in THB cases? In which circumstances are such cases given priority? Do you have a system to fast-track human trafficking-related prosecutions in order to improve the trial process and reduce the burden on victims and witnesses, including children? What safeguards are in place to ensure that judges deal with cases of THB without undue delay?

As a matter of principle, all proceedings must be expedited and completed without unnecessary delay. Priority is given in particular to detention cases. There is no rule that cases concerning certain offences are to be given special acceleration.

5.5 How do you ensure that sanctions for THB offences are effective, proportionate and dissuasive?

The assessment of punishment is regulated in §§ 32 – 41a Criminal Code. The basis is the culpability of the offender. The aggravating and mitigating factors are to be weighed against each other.

## **6. Ex parte and ex officio applications (Article 27)**

6.1 What is the procedural position of a victim of THB in criminal proceedings? What steps are taken to assist victims of THB, including children, to enable their rights, interests and views to be presented and considered during the criminal proceedings against offenders? Who is entitled to assist victims of THB in court? Can victims of THB be represented by NGOs in criminal proceedings?

The procedural position and rights of victims in criminal proceedings are comprehensively set out in articles 10, 31a and 31b CCP. Furthermore, the victim has the role of a witness as well as a private party if he or she has joined the criminal proceedings with a civil claim (article 32 CCP). Legal remedies against judgments are provided (appeal to the OG/OHG, individual appeal to the StGH). The victim has the right to file a subsidiary application against the prosecution's dismissal of the case (§ 32 (4) CCP).

No legal status for NGOs or other groups supporting victims is provided for in criminal proceedings.

6.2 If the authorities fail to discharge their obligation to effectively investigate and prosecute suspected cases of trafficking, what possibilities for redress exist for victims of THB and their families? To what extent have victims of trafficking, including children, access to complaint mechanisms, such as Ombudsman institutions and other national human rights institutions?

Prosecution is in principle initiated ex officio by the Office of the Public Prosecutor, but it can also be initiated based on a complaint by a victim. The victim has the right to file a subsidiary application against the prosecution's dismissal of the case (§ 32 (4) CCP). If an official offense (ex officio) is not investigated by an authority, this would be a crime (misuse of official power according § 302 Criminal Code). There is an Ombudsman for Children who is integrated into the structure of Liechtenstein's National Human Rights Institution.

6.3 What reporting and complaint mechanisms are in place for victims of trafficking who are in an irregular migration situation and/or in detention?

All presumed victims of THB are entitled to the same assistance measures, regardless of their migration status or country of origin. The National Police informs the Migration and Passport Office as early as possible about a suspected case of THB and applies for the appropriate measures under the Foreigners Act (reflection period and temporary stay of the victim). If a case of THB would arise during the asylum procedure or the procedure regarding illegal stay in Liechtenstein, the Migration and Passport Office informs the National Police and other relevant partners immediately.

6.4 Can victims of THB bring claims against the State or its officials for: i) direct involvement in THB; ii) failure to prevent THB or protect them from THB? Have there been cases where State agents or persons acting on behalf, or at the direction, of the State were found responsible for engagement in THB and/or

failure to prevent it or protect victims from THB by third parties? Please provide information on any prosecutions against diplomatic and consular staff for alleged involvement in THB.

No such cases are known and victims of THB could bring claims against state officials for direct involvement in THB.

6.5 What steps have been taken to strengthen and maintain the capacity of prosecutors to effectively prosecute trafficking cases?

The Government, the National Administration, the Office of the Public Prosecutors and the Courts are aware of the importance of ongoing training. With regard to training on trafficking in human beings, the Government has mandated the Round Table on Human Trafficking and the Office of Economic Affairs to plan and implement relevant training. In addition, individual specialists take part in a range of training options, also virtually, and inform their colleagues about the essential contents. Furthermore, Prosecutors are required to undergo regular training in all specialised areas, including THB. In addition, the Public Prosecutor's Office is represented at the Round Table on Human Trafficking, which raises awareness of such issues. The Round Table on Human Trafficking in cooperation with the Swiss Human Trafficking Reporting Center (ACT212) has organized a special training for labor inspectors on labor exploitation in May 2023.

## **7. Non-punishment provision (Article 26)**

7.1 Please indicate what measures are taken to ensure that victims of THB, including children, are not punished for their involvement in unlawful activities (criminal, civil, administrative offences), to the extent they were compelled to do so, providing any concrete examples of their implementation.

Since Liechtenstein's criminal law is conceived as criminal law based on culpability, under § 4 Criminal Code (no punishment without culpability), no person may be punished unless such person acts culpably, which would not be the case if the person is being compelled. Under § 10 Criminal Code (exculpatory situation of necessity), a victim of trafficking in human beings is also excused from a punishable offence if he or she acted to avert an immediately imminent, substantial disadvantage from himself or herself or another person shall be exculpated if the damage threatened by the act is not disproportionately more severe than the disadvantage the act is meant to avert, and if a person in the perpetrator's situation who is committed to the legally protected values could not be expected to behave differently. If these requirements are not met, the application of the provisions on the withdrawal of the prosecution (diversion) according to §§ 22a ff. StPO must be considered. In addition, there is the possibility of discontinuing the proceedings because the offence is not punishable (§ 42 StGB). Furthermore, the age of criminal responsibility is 14 years (§5 in connection with § 2 Z. 1 Juvenile Justice Act). Without exception, younger children cannot be punished. This principle also applies to the provisions on illegal entry and stay according to the Foreigners Act.

7.2 Can persons who have breached national laws in the course, or as a consequence, of being trafficked have access to remedies for victims of trafficking, including State compensation?

The non-punishment principle is to be applied to victims if they were encouraged to commit unlawful acts during the period of exploitation.

## **8. Protection of victims and witnesses (Articles 28 and 30)**

8.1 How are victims of THB protected in practice against potential retaliation or intimidation before, during and after legal proceedings? How is the assessment of the needs for protection performed and who recommends the application of the protection measures? Who is responsible of the implementation of the protection measures?

The rights of victims in criminal proceedings are set out in Articles 31a and 31b of the CCP. These provisions refer to the support victims are entitled to receive from the Victims Assistance Office and the obligation of all authorities involved in the criminal procedures to inform victims about their rights at all stages of the process. The National police protects persons who are involved in criminal proceedings relating to a serious criminal offence and are therefore particularly endangered, as well as any endangered relatives of such persons. The witness protection is regulated in Art. 30d of the Police Act. To date there has been no cases of witness protection in Liechtenstein.

8.2 How do you ensure that victims are provided with realistic and practical information about the progress of the case and whether the perpetrator has been detained or released?

The victims must actively participate in the proceedings, usually they are represented by the victim assistance and/or the lawyer.

8.3 How do you ensure respect for the victims' right to safety, privacy and confidentiality during court proceedings?

The National Police is responsible for ensuring the protection of victims of THB. The police could also apply to the government to grant extrajudicial witness protection to a victim of THB, pursuant to Article 30d of the Police Act.

8.4 In how many cases were witness protection measures used for the protection of victims and witnesses of THB, including children? If witness protection measures/programmes are not applied to victims of trafficking, what are the reasons?

There have been no cases so far in which witness protection had to be provided to victims of THB.

8.5 When victim protection is provided by NGOs, how are NGOs resourced and supported to perform this function and how do the police and the prosecution co-operate with NGOs?

The protection of the victim is a duty of the National Police. NGO's can provide additional support.

8.6 How do you ensure that child victims of THB are treated in a child-sensitive way and are provided with protection before, during and after judicial proceedings in accordance with the Council of Europe Guidelines on Child Friendly Justice? Are interviews with children conducted in specially designated and adapted spaces by professionals trained to interview children? What measures are taken in order to ensure a limited number of interviews?

§ 115a(2) CCP expressly stipulates that an encounter between the victim and the accused should be avoided if possible. It is the responsibility of the investigating judge to ensure that no encounter takes place, especially by way of appropriate and sensitive management of the summonses. Especially if there is a special need for protection, which is the case with children and adolescents, an expert (e.g. child psychologist) should be commissioned with the questioning if possible. According to § 115a(3) CCP, persons who at the time of questioning have not yet reached the age of 18 must necessarily be questioned in a gentle manner and only once if they have been injured in their sexual sphere by an offence. Other minors must be questioned gently if they or the Office of the Public Prosecutor so request, or if the judge believes that gentle questioning is necessary, especially in consideration of the victim's young age or the victim's emotional state or health. According to § 115a(2) CCP, gentle questioning means that the parties and their representatives follow the interview of the child witness by means of technical equipment for audio and video transmission and are able to exercise their right to question in that way. Gentle questioning is not limited to the preliminary proceedings; according to § 197(3) CCP, it can be extended to the trial as well. After gentle questioning, the questioned person is released from the obligation to give testimony for the remainder of the proceedings (§ 107(1)(2) CCP).

Victims who may have had their sexual integrity violated must also be informed, at the latest before their first interrogation, of the right to demand to be questioned by a person of the same sex in the investigative proceedings, if possible (§31b (3) CCP).

## **9. Specialised authorities and co-ordinating bodies (Article 29)**

9.1 What budget, staff and resources, including technical means, are put at the disposal of law enforcement bodies specialised in combating and investigating THB?

The National Police has the necessary resources and technology to investigate cases of THB.

9.2 If your country has specialised units for financial investigations, financial intelligence units and asset and recovery units, please describe whether and how are they used in investigating and prosecuting THB cases. Which special investigation techniques do these units use? Which public and/or private bodies do these specialised financial investigation units co-operate with in relation to THB cases?

THB is a predicate offence to money-laundering and the specialized authorities in Liechtenstein have the capacity to investigate and prosecute these crimes. Since the launch of the Finance Against Slavery and Trafficking Initiative (FAST), FAST has been actively engaging financial institutions, financial intelligence units, and anti-trafficking coordinators, in particular on the use of financial indicators, scenarios and red flags pertinent to trafficking in human beings and slavery.

## **10. International co-operation (Article 32)**

10.1 How does your country co-operate with other countries to enable victims of THB to realise their right to redress and compensation, including recovery and transfer of unpaid wages after they leave the country in which the exploitation occurred?

No cases.

In general, it can be affirmed that legal aid does not end when the victim leaves the country, but is provided for all proceedings under the OHG, including criminal proceedings and compensation for damages. The appointed lawyer continues to exercise the rights and duties of the victim. However, contact between the lawyer and the victim must continue to be possible so that the lawyer can perform his/her duties. If a (supplementary) questioning of the victim is necessary and if the victim does not want to travel for this, a questioning by way of legal assistance is necessary. In principle, this is possible under the Criminal Procedure Act and various international treaties, but in practice it has its limits, depending on the country. Therefore, the participation of the victim is of great importance in the realisation of his or her rights.

10.2 Has your country co-operated with other countries in the investigation and prosecution of THB cases through financial investigations and/or Joint Investigation Teams? Please provide statistics on such cases and examples from practice.

No cases.

In general, reference can be made to the good cooperation within the framework of Eurojust (EJ) and the European Judicial Network (EJN). Through these channels, requests for mutual legal assistance can sometimes be expedited quickly, contacts can be established for more expeditious processing, and in some cases information can be transmitted directly. This cooperation has proven to be very helpful in other areas of law.

10.3 How many mutual legal assistance requests and/or European Investigation Order have you made in THB cases and what was their outcome?

In 2 cases letters rogatory were sent for the purpose of questioning the victims as witnesses, but in both cases the witnesses were not available or their whereabouts were not known, so that the questioning could not yet be carried out.

10.4 What forms of international co-operation have proven to be particularly helpful in upholding the rights of victims of trafficking, including children, and prosecuting alleged traffickers?

No cases.

In general, it can be said that the cooperation with Eurojust or the EJM is very helpful to speed up requests for mutual legal assistance and to establish direct contact with competent persons. These channels could also be used for THB cases.

10.5 What international co-operation measures are in place to ensure protection and assistance to victims on return from your country to their countries of origin following their participation in criminal proceedings?

No cases.

10.6 What international co-operation measures are in place to protect and assist victims of THB for the purpose of sexual exploitation through online streaming where the perpetrator is a national or habitual resident of your country and elements of the crime have occurred in your country's jurisdiction?

Even if the victim was abused abroad or online, but the offence took place in Liechtenstein, there is domestic jurisdiction. The questioning of the victim and any further investigations abroad are carried out through the usual channels of mutual legal assistance in accordance with the general legal and intergovernmental guidelines or agreements.

## **11. Cross-cutting questions**

11.1 What steps are taken to ensure that victims of THB have equal access to justice and effective remedies, irrespective of their immigration status and the form of exploitation?

All presumed victims of THB are entitled to the same assistance measures, regardless of their migration status or country of origin. Assistance measures are financed by the general budget of the Victims Assistance Office, including expenses such as return flights for victims. The law makes no distinction between domestic and foreign victims. The only connecting factor is the definition of "victim" in Art. 1 OHG.

11.2 What steps are taken to ensure that criminal, civil, labour and administrative proceedings concerning victims of THB are gender-sensitive?

There are various provisions that materially require gender equality or prohibit discrimination. For example, the Equality Act, which ensures equality between women and men in the world of work and in access to and supply of goods and services. Regarding civil law § 1173a Art. 8a f. ABGB also states a prohibition of discrimination for employers. Employees may not be discriminated against on the basis of gender.

The principle of non-discrimination must also be observed in administrative proceedings. In practice, sensitive action is taken in specific situations. For example, at the monthly information events for female dancers on the part of the authorities, only women were used for the presentations and the translations. Also in the asylum procedure gender sensitive interviews will be carried out regarding victims of THB as provided for in the Asylum Act and the Asylum Ordinance.

The law makes no distinction between female and male victims. The only connecting factor is the definition of "victim" in Art. 1 OHG.

11.3 What steps are taken to ensure that procedures for obtaining access to justice and remedies are child-sensitive, readily accessible to children and their representatives, and give weight to the child's views?

The Children and Youth Act (KJG) does contain the right of children to have their well-being taken into account as a priority in regard to all measures implemented on the basis of the KJG or the associated ordinance. Minors who have been violated in regard to trafficking in human beings and who come forth as witnesses must be questioned in a manner so that the parties and their representatives can follow the interview using technical facilities and are able to exercise their right to question the witness without being physically present (§ 115a(2) and 3 CCP). Especially in the case of minors, the interview must be carried out by specialists. Care must also be taken that the victim does not encounter the accused.

11.4 What steps are taken to ensure that private entities take steps to prevent and eradicate trafficking from their business or supply chains and to support the rehabilitation and recovery of victims? What options exist for victims of trafficking to access effective remedies from businesses implicated in human trafficking?

The call for working closely with the private sector in line with the Guiding Principles on Business and Human Rights is implemented by Liechtenstein through FAST. Two goals of the blueprint of measures expressly take up the elements and approaches of the UN Guiding Principles. In Goal 2, "Knowing and showing risks", the blueprint describes it as problematic that market participants can undertake transactions and investments in businesses that are linked to modern slavery and trafficking. For this reason, the blueprint offers two practical tools to actors in the global financial sector: the Risk Mapping Starter Workflow and the Connection Diagnostic Tool. The former helps financial actors to identify risks in the context of their business activities and business relationships. The latter helps actors to better understand the nature of their links to such harmful practices. Under Goal 4, "Providing and enabling effective remedy", access to adequate and effective complaints mechanisms for victims of modern slavery and trafficking is addressed. The blueprint identifies ways in which global financial sector actors can create effective complaints mechanisms or work together with existing complaints mechanisms when their business activities cause modern slavery and trafficking or when they contribute to such harmful practices.

11.5 What legal, policy and practical measures are taken in your country to prevent and detect situations where corruption facilitates human trafficking and infringes the right of victims of THB of access to justice and effective remedies? Please provide information on any known or proven cases of corruption or related misconduct of public officials in THB cases and any sanctions issued.

There were no such cases in Liechtenstein. However, Liechtenstein has been working with UNDP's anti-corruption programme for many years. Liechtenstein financed a UNDP study to enhance understanding of the links between corruption and modern slavery and to develop policy recommendations. The findings and recommendations from the research project were channelled into UNDP's policy and programme work in anti-corruption and human rights.

## **Part II – Country-specific follow-up questions**

12. Please provide information on new developments in your country since GRETA's second evaluation report concerning:

- emerging trends of trafficking in human beings (new forms of exploitation, new recruitment methods, vulnerable groups, gender-specific aspects of trafficking, child trafficking);

No emerging trends known.

- the legislation and regulations relevant to action against THB (e.g. criminalisation of THB, identification and assistance of victims of THB, recovery and reflection period, residence permit, supply chains, public procurement);

Various legislative changes have taken place:

Criminal Code:

LGBI 2019.122, in force since 01.07.2019

- Amendment to Section 165: predicate offence no longer has to be a felony, but can also be a misdemeanour punishable by more than one year's imprisonment.

LGBI 2019.124, in force since 01.10.2019

- Introduction of further aggravating grounds in section 33(1)(10), (2) and (3): in particular (2) in the case of the use of violence or dangerous threats against underage persons and (3)(2) in the case of criminal offences against vulnerable persons.
- Introduction of § 39a: Amendment of the threat of punishment for criminal acts against underage persons.
- § Section 64 para 1 subpara 4c: Introduction of domestic jurisdiction e.g. in cases of disappearance of a person under section 312b.
- Reformulation of section 104a Trafficking in Human Beings, in particular increase of the range of punishment (in the case of an adult victim imprisonment up to 5 years, in the case of a minor victim imprisonment up to 10 years), inclusion of gross negligence in subsection 4, the forms of exploitation are listed exhaustively, no unfair means is required for committing an offence against minors and a higher threat of punishment applies.
- Regarding the criminal liability of the victim, the following is stated in BuA 2018/90: For victims, there is the possibility of immunity from prosecution according to Section 10 of the Criminal Code (excusable state of necessity). If a victim of human trafficking commits an act punishable by law in order to avert an imminent disadvantage from himself or another, he is excused if the damage threatened by the act is not disproportionately more serious than the disadvantage it is intended to avert and no other conduct can be expected in his situation from a person connected with the legally protected values. If the requirements of § 10 are not met, the application of the provisions on the withdrawal of the prosecution (diversion) according to §§ 22c ff. CCP must be considered. In the case of the latter possibility, it should probably read §§ 22a ff. CCP. In addition, there is the possibility of discontinuing the proceedings because the offence is not punishable (§ 42).

LGBI 2023.048, in force since 01.03.2023

- Amendment in § 19: increase of the minimum single daily sentence to CHF 15.
- Amendment to § 43: in the case of rape, full conditional leniency is excluded.
- General increase in the range of penalties for sexual offences.

Code of Criminal Procedure:

LGBI 2022.223, in force since 01.10.2022

- Amendment § 15 para. 2a: In sexual offences, the criminal court must include at least one judge of the gender of the person whose sexual integrity may have been violated by the offence.

- Amendment § 31b par. 3: Obligation to provide information to the victim who might have been violated in his/her sexual integrity (questioning by person of the same sex, interpreter of the same sex, right to refuse to testify in case of unreasonable circumstances/details, gentle questioning, exclusion of the public).
  - Amendment of § 95a par. 5 1st half-sentence: every physical examination is to be carried out by a doctor or a medical expert.
  - Amendment of § 115a par. 2: adversarial gentle examination of witnesses: "Especially in case of special need for protection, an expert shall be commissioned with the questioning if possible". (previously: The investigating judge may commission an expert to conduct such questioning, in particular if the witness has not yet reached the age of eighteen).
- the institutional and policy framework for action against THB (bodies responsible for co-ordinating national action against THB, entities specialised in the fight against THB, national rapporteur or equivalent mechanism, involvement of civil society, public-private partnerships);

The Round Table on Human Trafficking in cooperation with the Swiss Human Trafficking Reporting Center (ACT212) has organized a special training for labor inspectors on labor exploitation in May 2023.

- the current national strategy and/or action plan for combating trafficking in human beings (objectives and main activities, bodies responsible for its implementation, budget, monitoring and evaluation of results);

Liechtenstein recognises the utility of action plans in principle and takes a pragmatic position on the development of such plans. Liechtenstein has drawn up guidelines on combating trafficking in human beings. Liechtenstein does not consider it useful to summarise these policy documents, also in light of the limited human resources in the National Administration.

- recent case law concerning THB for different forms of exploitation.  
No recent case law.

13. Please provide information on measures taken in your country in respect to the following recommendations made in GRETA's second evaluation report:

- Adopt an action plan or other policy document which addresses all aspects of the fight against trafficking in human beings, including prevention and the provision of training to relevant professionals;

Liechtenstein recognises the utility of action plans in principle and takes a pragmatic position on the development of such plans. Liechtenstein has drawn up guidelines on combating trafficking in human beings. Liechtenstein does not consider it useful to summarise these policy documents, also in light of the limited human resources in the National Administration.

- Set up and maintain a comprehensive and coherent statistical system on THB by compiling reliable statistical data from all main actors, including specialised NGOs, on measures to protect and promote the rights of victims as well as on investigations, prosecutions, convictions and compensations in human trafficking cases;

The National Police publishes an annual report with statistics on their website ([www.landespolizei.li](http://www.landespolizei.li)).

- Strengthen the prevention of THB for the purpose of labour exploitation;



The Round Table on Human Trafficking in cooperation with the Swiss Human Trafficking Reporting Center (ACT212) has organized a special training for labor inspectors on labor exploitation in May 2023.

- Improve the identification of victims of THB, including by disconnecting the formal identification of victims of THB from the criminal investigation and the presumed victim's co-operation in it, and by giving a formal role in the identification process to frontline actors such as NGOs, labour inspectors and social workers;

The National Police, the Migration and Passport Office and the Public Prosecutor's Office are sensitized to the issue of THB. The relevant KSMM checklist is used for victim identification.

- Develop a procedure for identifying children, which takes account of the situation and specific needs of child victims of trafficking and uses the best interests of the child as the prime consideration;

The National Police, the Passport and Migration and Passport Office and the Public Prosecutor's Office are sensitized to the issue of THB. The relevant KSMM checklist is used for victim identification.

- Formally provide in internal law a recovery and reflection period and ensure that all victims of trafficking, including foreign citizens and persons exploited abroad but identified in Liechtenstein, are offered such a period and all the measures of protection and assistance, envisaged in the Convention.

The Migration and Passport Office, in consultation with the National Police, usually sets a recovery and reflection period of 30 days. If necessary, the Migration and Passport Office will issue a written confirmation that the person is staying in Liechtenstein legally. During this stabilization period, the victim is supported by the FIZ and victim assistance.

### Part III - Statistics on THB

14. Please provide the following statistics, **per year starting with 2015**, where available disaggregated as indicated below:

- Number of presumed victims and identified victims of THB in the sense of having been recognised by a state institution or mandated NGO as bearers of rights to services provided for by the Convention (with breakdown by sex, age, nationality, form of exploitation, internal or transnational trafficking, and body which identified them).

In the last five years (2018 – 2022) there were the following cases:

- 2018: 1 case of THB, exploitation of labor, four female victims (41, 42, 44 and 46 years old), citizenship Thailand
- 2019: 1 case of THB, exploitation of labor, one male victim (22 years old), citizenship Macedonia
- 2021: 1 case of THB, sexual exploitation, four female victims (31 and 32 years old), citizenship Brazil

- Number of victims of THB identified as part of the asylum procedure (disaggregated by sex, age, nationality, form of exploitation).

2019: 1 asylum applicant identified by FIZ as a victim of THB (sexual exploitation in other European Countries before 2018, 33 years old, citizenship Nigeria)

- Number of victims of THB who received assistance (disaggregated by sex, age, nationality, form of exploitation, internal or transnational trafficking).

No cases.

- Number of child victims of THB who were appointed legal guardians.  
No cases.
- Number of victims of THB granted a recovery and reflection period (disaggregated by sex, age, nationality, form of exploitation).  
Only in 2017 was a reflection period granted for one male (born 1988; citizen of Thailand; sexual exploitation) at the request of the FIZ. It is noted that there have also been no further cases to consider the granting of such a reflection period to date.
- Number of victims of THB granted a residence permit, with an indication of the type of the permit and its duration (disaggregated by sex, age, nationality, form of exploitation).  
Neither short stay nor residence permits have been granted for such cases so far. It is noted that there have also been no cases to consider the granting of such permits to date.
- Number of persons given refugee status or subsidiary/complementary protection on the grounds of beings victims of THB (disaggregated by sex, age, nationality, form of exploitation).  
So far, neither refugee status nor subsidiary/complementary protection has been granted for such cases. It is pointed out that there have been no cases for the examination of the residence titles mentioned so far.  
Regarding the above mentioned victim of THB from Nigeria in 2019, the woman was granted a residence permit by the Migration and Passport Office on humanitarian grounds because of a severe illness of her child.
- Number of victims of THB who claimed compensation, who were granted compensation and who effectively received compensation (disaggregated by sex, age, nationality, form of exploitation, with an indication of whether the compensation was provided by the perpetrator or the State, and the amount awarded).  
No cases.
- Number of victims of THB who received another form of financial support from the State, with the indication of the amount received.  
No cases.
- Number of victims of THB who received free legal aid.  
No cases.
- Number of victims of THB who were returned or repatriated to/from your country (disaggregated by sex, age, country of destination, form of exploitation).  
No cases.
- Number of investigations into THB cases (disaggregated by type of exploitation, with an indication of the number of victims concerned).  
In the last five years (2018 – 2022) there were the following cases:
  - 2018: 1 case of THB, exploitation of labor, four female victims (41, 42, 44 and 46 years old), citizenship Thailand
  - 2019: 1 case of THB, exploitation of labor, one male victim (22 years old), citizenship Macedonia
  - 2021: 1 case of THB, sexual exploitation, four female victims (31 and 32 years old), citizenship Brazil
- Number of prosecutions in THB cases (disaggregated by type of exploitation, with an indication of the number of victims and defendants concerned).  
No indictments.

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- Number of convicted perpetrators of THB (disaggregated by sex, age, nationality, form of exploitation).  
No convictions.
  - Number of convictions for THB, with an indication of the form of exploitation, whether the victim was adult or child, the type and duration of the penalties, and whether they were effectively enforced or suspended.  
No convictions.
  - Number of judgments in THB cases resulting in the confiscation of assets.  
No judgments.
  - Number of convictions of legal entities for THB.  
No convictions.