

**LIECHTENSTEIN**

**List of issues**

**in relation to the report submitted by Liechtenstein under article 12 (1) of the Optional Protocol  
to the Convention on the Rights of the Child on the sale of children, child prostitution and child  
pornography**

Vaduz, 13 June 2023

BNR 2023/1020

1. The State party is requested to submit in writing additional, updated information (10,700 words maximum), if possible before 2 June 2023. The Committee may take up all aspects of children's rights set out in the Optional Protocol during the dialogue with the State party.

2. Please provide statistical data, disaggregated by sex, age, nationality, socioeconomic background and urban or rural residence, for the past three years, on the number of

(a) Reported acts of the sale of children, child prostitution and child pornography, as well as other forms of exploitation, including sexual exploitation of children in the travel and tourism industry and online sexual exploitation, with additional information on the type of action taken as a result, including the prosecution of perpetrators and the sanctions imposed on them;

(b) Children trafficked to or through the State party and children trafficked within the country for the purpose of sale, prostitution, engagement in forced labour, illegal adoptions, organ transfer or pornography as defined in article 3 (1) of the Optional Protocol;

(c) Children offered, delivered or accepted by whatever means for the purpose of prostitution, engagement in forced labour, illegal adoptions, organ transfer, pornography or marriage;

(d) Children who have been victims of such acts who have received assistance with reintegration or received compensation.

(a)

In the past three years, there have been no cases of the sale of children, child prostitution, or other forms of exploitation of children. With respect to child pornography (§ 219 of the Criminal Code, StGB), the National Police recorded 6 offences in 2020, 15 offences in 2021, and 22 offences in 2022.

(b)

No known cases.

(c)

No known cases.

(d)

No known cases.

3. Please provide information on measures taken to establish a centralized system for the compilation of data on child protection under the Optional Protocol. Please also provide information about the resources specifically allocated for implementation of the Optional Protocol.

Liechtenstein does not have a centralised system for the compilation of data on child protection. The National Police compiles all data relating to investigations (crime statistics) and publishes an annual report including these statistics on its website each year ([www.landespolizei.li](http://www.landespolizei.li)). In the past three years, there have been no cases of the sale of children, child prostitution, or other forms of exploitation of children. With respect to child pornography (§ 219 StGB), the National Police recorded 6 offences in 2020, 15 offences in 2021, and 22 offences in 2022.

The website of the National Police ([www.landespolizei.li](http://www.landespolizei.li)) also provides information materials on various areas of crime prevention. These materials include a brochure published by Swiss Crime Prevention entitled "*Pornographie: Alles, was recht ist*", outlining the legal framework governing pornography and with specific information on sexting, child pornography, etc. The brochure has been adapted to the legal situation in Liechtenstein.

4. Please explain measures taken:
- (a) To develop a comprehensive policy and strategy covering areas under the Optional Protocol;
  - (b) To coordinate activities aimed at implementing the Optional Protocol;
  - (c) With reference to para 64 of the State party report, to ensure that the Association for Human Rights in Liechtenstein or the Ombudspersons Office for Children and Young People address offences under the Optional protocol and provide information on the results of their work in this respect;
  - (d) To train professionals working with and for children (social workers, lawyers law-enforcement personnel and judges) about provisions of the Optional protocol and about how to prevent, and how to report cases of sale of children, child prostitution and child pornography to the competent authorities.

(a)  
The Round Table on Human Trafficking was established as a working group in Liechtenstein in 2006 to strengthen cooperation between law enforcement authorities, migration authorities, and institutions for the care of victims on the subject of trafficking in human beings. The Round Table is chaired by the National Police and includes representatives of the Office for Foreign Affairs, the Office of Economic Affairs, the Office of Social Services, the Migration and Passport Office, the Victims Assistance Office, and the Office of the Public Prosecutor. The working group monitors the situation of human trafficking in Liechtenstein on an ongoing basis and takes measures as needed. As part of its work, the Round Table drew up Guidelines against Trafficking in Human Beings – Responsibilities and Procedures, which have been declared binding on all involved authorities and institutions by a Government policy decision.

In October 2015, the Round Table on Human Trafficking also developed a process description for intervention by the National Police when apprehending beggars who are minors, defining the responsibilities of the National Police, the Office of Social Services, the Court of Justice, the Victims Assistance Office, and the Liechtenstein Embassy in Bern. The process description includes procedures, responsibilities, financing of costs incurred –

e.g. for accommodation, interpreter costs, medical care, etc. – as well as legal components.

(b)

See response under (a).

(c)

For the fulfilment of its independent functions, the "Association for Human Rights" (VMR) receives government funding. The VMR supports all victims of human rights violations and informs the public about the human rights situation in the country. As part of these core competencies, children and young people can also turn to the VMR to obtain information on legal proceedings. The legal mandate of the Ombudsperson's Office for Children and Adolescents (OSKJ), which is part of the VMR, includes the operation of a contact and complaints office for child and adolescent issues, which is accessible to adults as well as children and adolescents, the monitoring of the implementation of the UN Convention on the Rights of the Child and its Optional Protocols, as well as public relations work within the scope of these tasks.

(d)

The Expert Group on Protection against Sexual Abuse of Children and Young People, composed of different authorities (Victims Assistance Office, Office of the Public Prosecutor, National Police, Office for Foreign Affairs, Office of Social Services, Office of Education), conducts regular training sessions for professionals on the subject of sexual violence (to the detriment of children and adolescents) as part of implementation of the provisions of the Lanzarote Convention.

Given the overlaps in content between the Lanzarote Convention and the Second Optional Protocol, the content of the Second Optional Protocol is also addressed in the training sessions organised by the Expert Group. Professionals are also provided with information on where and how the professionals themselves, but also the affected children and adolescents, can receive support, assistance, and advice.

5. Please provide information on measures taken, in addition to awareness raising campaigns:

(a) To identify, support and monitor children at risk of falling victim of the offences covered by the Optional Protocol, especially children in vulnerable situations;

(b) To promote child online safety and alert relevant actors/stakeholders to the risks faced by children via the Internet, including through monitoring the Internet for illegal content at the national level and cooperation with other countries in combating child sexual abuse material;

(c) To combat the online sexual exploitation of children and dissemination of child sexual abuse material, including on application of para 219 of the Criminal Code (StGB).

(a)

As a fundamental principle, whenever the best interests of a child are at risk, Article 20 of the Children and Youth Act provides a duty to report or a right to report.

Any person who has a reasonable suspicion or knowledge of a serious violation or endangerment of the best interests of children and adolescents is required to report that suspicion or knowledge to the Office of Social Services. Serious violations or endangerment include, in particular, abuse and other serious uses of violence, sexual abuse, gross neglect, the threat of forced marriage, squalor, and substance addiction.

Anyone who has a well-founded suspicion or knowledge of a less serious violation or endangerment of the best interests of children and adolescents is entitled to report this suspicion or knowledge to the Office of Social Services.

The Child and Youth Service of the Office of Social Services, as the specialist authority responsible for child protection, maintains a regular exchange of expertise with the private specialist organisations in child and youth welfare that are crucial to child protection, the school and education sector, the health sector, and other authorities. Examples include the Socio-Educational Services of the Association for Assisted Living, the Parent-Child Forum, School Social Work, the Counselling Service for Mothers and Fathers, psychotherapists for children and adolescents, the National Police, and the like.

As part of its standard practice, the National Police emails any report of an incident of domestic violence in which a child is directly or indirectly involved to the Child and Youth Service. The Child and Youth Service undertakes necessary clarifications and initiates appropriate measures as necessary.

With respect to sexual abuse of children and adolescents, the Office of Social Services concluded a service agreement on behalf of Liechtenstein with the Institute for Social Services in Vorarlberg, Austria, in 2020. The aim is to provide children, adolescents, parents, educators, and professionals with free, issue-specific, low-threshold counselling while maintaining confidentiality.

In 2022, the Office of Social Services concluded service agreements with the Swiss Pro Juventute foundation to provide free, confidential, and professional counselling services around the clock, 365 days a year, for children and adolescents, for parents and caregivers, and for youth leaders.

The counselling team – consisting of professionals from the fields of psychology, social work, and related professions – answers questions about child-rearing and development, health and body, conflicts and violence, but also family organisation, etc., quickly, straightforwardly, confidentially, and free of charge. This ensures low-threshold access to free and professional counselling by phone, text message, email, or chat.

In 2021, the Parent-Child Forum was mandated to implement a low-threshold "Early Assistance" contact point, providing counselling and support for families with younger children, especially families with multiple burdens and increased need for counselling.

The Office of Social Services is a member of the Round Table in Human Trafficking

working group, which developed interagency guidance for the procedure to be followed when apprehending beggars who are minors in Liechtenstein.

In the case of unaccompanied minor asylum seekers, close cooperation exists between the Office of Social Services, the Refugee Assistance Association, and the Migration and Passport Office. The Office of Social Services serves as the person of trust, assuming overall supervision of the care of unaccompanied minor asylum seekers.

Prior to the placement of a foster child, foster families are assessed according to defined quality standards, and existing foster relationships are supervised.

(b)

The Expert Group for Media Literacy, which is made up of members of various authorities (Data Protection Office, Office of Social Services, Office of Education, Staff Cybersecurity Unit, and Office for Communications), raises awareness of media literacy among different target groups.

For example, the following projects are carried out or funded at regular intervals:

The media prevention performance "angek(l)ickt" ([www.angeklickt.li](http://www.angeklickt.li)) presents important content about dealing with media to children in Cycle 1 (angek(l)ickt KIDS), Cycle 2 (angek(l)ickt JUNIOR), and secondary school (angek(l)ickt), using multimedia, dance, movement, spoken texts, interactive elements, and music. The Expert Group for Media Literacy provides financial support for the media prevention performance.

The Expert Group for Media Literacy has prepared two parent guides entitled "*So surft Ihr Kind sicherer im Internet*", one for parents with children up to the age of 10 and one for parents with children age 10 or older, which show parents how to make navigating the internet safer for their children.

Specialised lectures are organised, including a lecture by Jochen Fasco on 16 October 2022 on everyday media literacy and a lecture by Jan Uwe Rogge on 29 September 2021 on media skills for children.

The members of the Expert Group for Media Literacy hold lectures or workshops on media literacy on request as part of their employment at various agencies (in particular Youth Protection / Data Protection / School Social Work).

Active monitoring for illegal content by law enforcement authorities does not take place at the national level in Liechtenstein. Active monitoring or scanning for child pornography content at the national level is not possible due to a lack of human resources.

The Liechtenstein National Police does receive reports through the National Center for Missing and Exploited Children (NCMEC) when Liechtenstein IP addresses surface in connection with child pornography material. Child pornography material may also be found by the police during house searches or investigations into other offences, which

may in turn trigger child pornography investigations.

(c)

The website of the National Police ([www.landespolizei.li](http://www.landespolizei.li)) provides information materials on various areas of crime prevention. These materials include a brochure published by Swiss Crime Prevention entitled "*Pornographie: Alles, was recht ist*", outlining the legal framework governing pornography and with specific information on sexting, child pornography, etc. The brochure has been adapted to the legal situation in Liechtenstein.

6. Please inform the Committee about measures taken to define and criminalize the sale of children separately from the offence of human trafficking and clarify whether all the offences covered by the Optional Protocol are defined and included in the Criminal Code.

§ 104a StGB governs criminal liability for human trafficking. Offences include the recruitment, accommodation, taking in, transport, passing on, or offering of a person, which become relevant under criminal law if they are committed with the intent that the victim be exploited in certain respects by the perpetrator or a third party.

Under paragraph 3 of that provision, such exploitation may relate to four aspects, namely sexual exploitation, exploitation by unlawful organ removal, exploitation of labour, and exploitation for begging as well as for committing punishable acts. "Exploitation" for the purposes of this provision exists whenever there is extensive and sustained suppression of the vital interests of the victim.

Because victims who are minors are especially worthy of protection, paragraph 5 stipulates that the commission of these acts in and of themselves already suffices, regardless of whether dishonest means are employed (as would otherwise be required under paragraph 2). The element of "passing on" means any form of transfer of a person in which control over that person is transferred in a manner similar to a purchase or barter.

§ 104a StGB is accordingly the applicable penal provision for the sale of children; for the aforementioned reasons, no separate offence has been established in Liechtenstein law.

7. Please inform the Committee about measures taken to remove the requirement of double criminality and implement extraterritorial jurisdiction over all the offences referred to in the Optional Protocol.

§ 64(1)(4a) StGB expressly establishes Liechtenstein jurisdiction over the offences covered by the Optional Protocol (including human trafficking and various sexual offences), even if committed abroad.

8. Please inform the Committee about the criteria established and applied by the State party to implement the child's right to be heard in dealing with offences under the Optional protocol.

Victims' rights in Liechtenstein have been strengthened significantly with the revisions of the Code of Criminal Procedure (StPO) in the years 2004 (LGBI. 2004 No. 236), 2011 (LGBI. 2012 No. 26), and 2022 (LGBI. 2022 No. 223) as well as with the Victims Assistance Act (OHG, LGBI. 2007 No. 228), which entered into force on 1 April 2008, and the establishment of the Victims Assistance Office.

According to § 115a(3) StPO, persons who have not yet reached the age of 18 years at the time of their questioning and whose sexual integrity may have been violated by the offence which the accused is charged with shall always be examined by the court in a gentle and considerate manner. Persons in general who have not turned 18 at the time of their questioning shall be heard in a gentle manner at their request.

According to § 115a(2) StPO, gentle examination means that participation in the examination is limited insofar as the parties and their representatives may follow the questioning of child witnesses using technical equipment for audio and video transmission and may exercise their right to ask questions in that way. The goal is to avoid an encounter between the witness and the accused.

An additional gentle effect in the questioning of minor witnesses arises from the possibility of commissioning experts to carry out the examination (§ 115a(2) StPO) if there is a special need for protection of the victim. A special need for protection is determined in the specific case according to the witness's age, mental state, and state of health, as well as the nature and circumstances of the offence. A special need for protection is assumed if all three conditions are cumulatively met. Victims whose sexual integrity and self-determination have been violated are always deemed to be in special need for protection, without the requirement of determination in the specific case.

By virtue of their training and professional experience, such experts (generally a child or adolescent psychologist) are able to communicate in a child-friendly manner and to carry out the examination in such a way as to minimise the emotional distress of the child victim. Moreover, § 115(3) StPO provides for a person of confidence of the child to be brought in for the examination of minors. Gentle examination is not limited to preliminary proceedings; it can be extended to the trial under § 197(3) StPO.

The exemption from the obligation to testify pursuant to § 107(1)(2) StPO corresponds to the right to a gentle examination for victims of offences who are not yet 18 years of age, provided that the parties had the opportunity to participate in the previous hearing. Accordingly, child victims are questioned only once by the court about the offence, and the psychological burden of repeated questioning can be avoided.

§ 31b StPO sets out a general obligation for law enforcement authorities to inform injured parties, extending to all rights that injured parties may assert in criminal proceedings. Victims who may have been violated in regard to their sexual integrity must additionally be informed (§ 31b(3) StPO) about their relative right to refuse to give testimony in regard to details about the offence if they consider doing so to be unbearable (§ 108(2)(2)



StPO), their right to gentle questioning in investigation proceedings and in the trial (§§ 115a, 197(3) StPO), and their right to exclusion of the public at trial (§ 181a(2) StPO).

The Victims Assistance Act contains an obligation on the National Police, the Court of Justice, and the Office of the Public Prosecutor to provide instruction on the available rights of victims (Article 8 OHG). The instruction must in principle be given in a manner that is understandable to the person concerned, taking into account the age and condition of the victim, such as any trauma suffered (§ 107 (4) StPO).

Victims also have the right to be informed of the subject of the proceedings and the progress of the proceedings (§ 31a(1)(3) and (4) StPO). According to § 141(7) StPO, victims of domestic violence as well as victims whose sexual integrity may have been violated by the offence shall be informed of any release of the accused before the judgment in the first instance has been rendered; other victims shall be informed upon application.

9. Please also inform the Committee on measures taken to duly protect child victims and witnesses of crimes under the Optional protocol, including by providing access to legal aid to all children and other services in one safe space, such as the Barnahus ("children's house") or similar child-friendly and multidisciplinary one-stop centres that are known by and accessible to children.

In Liechtenstein, the competent authorities find case-by-case solutions for children who have been victims of sexual, physical, or psychological violence.

The Expert Group on Protection against Sexual Abuse of Children and Young People is currently discussing the possibility of a variation on the Barnahus model that would be appropriate to the country's size, given that the establishment of a multidisciplinary, centralised safe space for children in Liechtenstein would be welcome – also in light of social change, which has noticeably reduced the availability of foster families.

The Victims Assistance Office offers counselling and support to persons who have been adversely affected by an offence committed in Liechtenstein, regardless of whether criminal charges have been filed. A victim within the meaning of the law is any person whose physical, sexual, or psychological integrity has been immediately and adversely affected by a criminal offence. Not only those directly affected, but also close relatives are considered victims.

In the case of children who are victims of physical, sexual, or psychological violence, the Victims Assistance Office covers the costs of legal representation for the child on a subsidiary basis if the family lacks financial means.

Pursuant to § 105 StPO, every person is under an obligation to testify as a witness. This also applies to children. General restrictions on the obligation to testify are set out in §§ 106-108 StPO. On gentle questioning, see also the response to question 8.