



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

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Committee against Torture

Concluding observations on the fifth periodic report of Liechtenstein*

1. The Committee considered the fifth periodic report of Liechtenstein¹ at its 2086th and 2089th meetings,² held on 24 and 25 April 2024, and adopted the present concluding observations at its 2104th meeting, held on 7 May 2024.

A. Introduction

2. The Committee expresses its appreciation to the State party for accepting the simplified reporting procedure and submitting its periodic report under thereunder, as this improves the cooperation between the State party and the Committee and focuses the examination of the report and the dialogue with the delegation.

3. The Committee welcomes the dialogue conducted with the delegation of the State party and the responses provided to the questions and concerns raised during the consideration of the report.

B. Positive aspects

4. The Committee welcomes the ratification of or accession to the following international instruments by the State party:

(a) The Council of Europe Convention on the Prevention of Terrorism, on 22 November 2016;

(b) The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), on 17 June 2021;

(c) The Convention on the Rights of Persons with Disabilities, on 18 December 2023.

5. The Committee also welcomes the State party's initiatives to revise its legislation in areas of relevance to the Convention in order to give effect to the Committee's recommendations and to enhance the implementation of the Convention, including:

(a) The adoption of the Ordinance of 28 November 2017 on cooperation with the International Criminal Court and other international tribunals;

(b) Revisions made to the Social Assistance Act in 2020, with entry into force on 1 September 2021, relating to involuntary placement and institutionalization, in preparation for ratification of the Convention on the Rights of Persons with Disabilities;

* Adopted by the Committee at its seventy-ninth session (15 April–10 May 2024).

¹ CAT/C/LIE/5.

² See CAT/C/SR.2086 and CAT/C/SR.2089.



(c) Revisions made to the Judges Appointment Act and the Public Prosecutor's Office Act, in 2022, in response to recommendations of the Council of Europe Group of States against Corruption;

6. The Committee welcomes other efforts of the State party to give effect to the Convention, including:

(a) Its initiation of General Assembly resolution 71/248 of 21 December 2016, by which the Assembly established the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011;

(b) The launch, in 2018, of the Initiative for a Financial Sector Commission on Modern Slavery and Human Trafficking and the subsequent work under the Finance Against Slavery and Trafficking initiative;

(c) The establishment, in 2019, of an internal working group on human rights to monitor the implementation of recommendations made by international human rights mechanisms;

(d) The creation, in 2019, of a specialized unit for threat management within the National Police, to identify and put a stop to acts of violence at the earliest opportunity and to protect and provide support for those affected;

(e) The provision of support for specialized civil society work in the area of torture prevention and promotion of the ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

(f) The maintenance of a standing invitation for all special procedure mandate holders of the Human Rights Council to visit the country.

7. The Committee also welcomes the State party's commitment to supporting the United Nations Voluntary Fund for Victims of Torture and encourages it to continue to contribute to the Fund and to consider increasing its contributions.

C. Principal subjects of concern and recommendations

Pending follow-up issues from the previous reporting cycle

8. In its previous concluding observations, the Committee requested the State party to provide information on the action taken pursuant to its recommendations on the definition of torture and statute of limitations; the treatment of persons deprived of their liberty; violence against women; and training.³ In the light of the information provided in the follow-up report submitted by the State party on 21 December 2016,⁴ as well as that contained in its fifth periodic report, the Committee considers that these recommendations have not yet been fully implemented.⁵ These pending issues are covered in paragraphs 10, 12, 16, 24 and 32 of the present concluding observations.

Definition and criminalization of torture

9. While noting the efforts by the State party to amend the Criminal Code to include the criminal offence of torture modelled largely on the definition contained in article 1 of the Convention, with the relevant new provision having entered into force on 1 October 2019, the Committee notes with concern that perpetrators of acts of torture can be subject to

³ CAT/C/LIE/CO/4.

⁴ CAT/C/LIE/CO/4/Add.1.

⁵ See the letter dated 10 May 2018 from the Committee's Rapporteur for follow-up to concluding observations addressed to the Permanent Mission of Liechtenstein to the United Nations Office and other international organizations in Geneva. Available from https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCAT%2FFUL%2FLIE%2F31198&Lang=en.

sentences of as little as one year of imprisonment. The Committee considers that this penalty is not commensurate with the grave nature of the crime (arts. 1 and 4).

10. In order to preclude any risk of impunity in relation to the investigation of acts of torture and the prosecution and punishment of perpetrators, the State party should ensure that torture is punishable by appropriate penalties that are commensurate with the grave nature of the crime, in accordance with article 4 (2) of the Convention.

Statute of limitations

11. The Committee is concerned that the offence of torture is subject to a statute of limitations of between 3 and 10 years, depending on the presence of aggravating circumstances. The only circumstances in which acts of torture are not subject to a limitation period are when they result in the death of the victim (Criminal Code, sect. 57) or if a perpetrator inflicts great physical or mental pain on a person to be protected in the course of armed conflict (Criminal Code, sect. 321b (4)).

12. Reiterating its previous concluding observations,⁶ the Committee recommends that the State party aim to adopt the legislative measures necessary to ensure that the offence of torture is not subject to any statute of limitations, even in cases not resulting in the death of the victim or not committed during armed conflict.

Fundamental legal safeguards

13. The Committee is concerned that the State party does not systematically require audio and video recording of police questioning, that juveniles can be questioned without the presence of a trusted person or lawyer, and that while juveniles have the right to request a trusted person, the onus rests on the juvenile to make that request (art. 2).

14. The State party should ensure that all fundamental legal safeguards against torture and ill-treatment are guaranteed, in law and in practice, for all detained persons from the very outset of their deprivation of liberty, in accordance with international standards. In particular, the State party should make the audio and video recording of all interrogations of persons a standard procedure, and should keep the recordings in secure facilities and make them available to investigators, detainees and lawyers. It should also ensure that juveniles have access to a trusted person and legal aid as a matter of course during questioning, and that the onus is not on the juvenile to make this request.

Conditions of detention

15. While noting the small capacity of Vaduz national prison, and the State party's efforts to update facilities in the prison, the Committee remains concerned at the shortage of space for prisoners and at reports of limited opportunities for employment integration. Moreover, it is of concern to the Committee that owing to the low numbers of detainees, women detained in Vaduz national prison may face circumstances similar to solitary confinement. Noting efforts made by the State party in engaging the Liechtenstein family assistance association in the delivery of medications, the Committee is concerned by the absence of medical personnel assigned to work in the prison and reports of insufficient psychological support for inmates, and that detainees are not examined by an independent medical doctor within 24 hours of arrival (arts. 2, 11 and 16).

16. Recalling the recommendations set out in its previous concluding observations,⁷ the State party should:

- (a) Increase access to vocational training and education, and to recreational and cultural activities, in places of detention, particularly for women;**
- (b) Continue to take measures to ensure meaningful social contact for women detainees;**

⁶ CAT/C/LIE/CO/4, para. 11.

⁷ Ibid., para. 16.

(c) **Ensure the allocation of the human and material resources necessary for the proper medical and health care of prisoners, in accordance with rules 24 to 35 of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules);**

(d) **Ensure that detainees have access to a medical examination upon admission to prison and as often as necessary thereafter so that health needs, infectious diseases and possible cases of ill-treatment can be identified.**

Solitary confinement

17. The Committee is concerned that, although in practice solitary confinement is not imposed for more than one week, the Execution of Sentences Act allows such confinement for up to four weeks for adults and for up to two weeks for juveniles (arts. 2, 11 and 16).

18. **The State party should bring its legislation on solitary confinement into line with international standards, particularly rules 43 to 46 of the Nelson Mandela Rules, and use solitary confinement only in exceptional cases as a last resort, for the shortest duration possible and subject to independent review, only upon authorization by a competent official. The State party should amend its legislation to ensure that solitary confinement is not used as a disciplinary measure against juveniles, in accordance with rule 67 of the United Nations Rules for the Protection of Juveniles Deprived of their Liberty.**

Extraterritorial incarceration

19. The Committee notes with concern the expansion of the State party's practice of transferring prisoners to Austria and Switzerland, previously to serve sentences for longer than two years and, since 2018, for all sentences regardless of length, as well as its plans to conclude an agreement with Switzerland on the involuntary placement of patients in psychiatric or social welfare institutions. Recalling concerns raised by the Human Rights Committee,⁸ the Committee is concerned that the State party lacks oversight of the conditions of places of deprivation of liberty in Austria and Switzerland. Moreover, it is concerned about the ramifications of this practice with regard to detainees' unimpeded access to lawyers, as well as visitation rights and the ability of detainees to maintain social connections in Liechtenstein, particularly with their children and parents. Finally, it is concerned that the practice may lead to legal uncertainties regarding the State party's responsibilities under the Convention (arts. 2, 11–14, 16 and 22).

20. **The State party should:**

(a) **Review the arrangements under the bilateral treaty between Liechtenstein and Austria of 1982 on accommodation of prisoners, and ensure that the fundamental legal safeguards against torture and ill-treatment are guaranteed for detainees from Liechtenstein held abroad, including by taking steps to enable State party authorities and the national preventive mechanism under the Optional Protocol to the Convention to visit detainees held abroad, and to ensure that detainees held abroad have unimpeded access to independent lawyers of their choice and the ability to maintain social connections in Liechtenstein, especially with their children, parents, other close relatives and partners;**

(b) **Take steps to clarify the legal uncertainties regarding the State party's responsibilities under the Convention in respect of detainees held abroad, in relation to investigating allegations of torture under article 12, receiving complaints under article 13, ensuring redress under article 14 and responding to individual communications under article 22;**

(c) **Consider expanding the capacity of the State penitentiary system in Liechtenstein to enable sentenced prisoners to remain in Liechtenstein for the duration of their sentence.**

⁸ [CCPR/C/LIE/CO/2](#), para. 23.

Investigation and prosecution of acts of torture and ill-treatment

21. While noting the absence of allegations of torture during the reporting period, the Committee is concerned that the State party has not established an independent mechanism for the investigation of cases of torture and ill-treatment.⁹ It is further concerned that the State party's 2017 directive to create a group within the National Police for the investigation of torture would reinforce institutional or hierarchical relationships that could have an impact on the independence of the investigation (arts. 12 and 13).

22. **The State party should ensure that:**

(a) **All alleged acts of torture or ill-treatment are investigated promptly, effectively and impartially, by establishing an independent body within which there is no institutional or hierarchical relationship between the investigators and the suspected perpetrators of such acts;**

(b) **Authorities open an investigation ex officio whenever there are reasonable grounds for believing that an act of torture or ill-treatment has been committed;**

(c) **In cases of torture and ill-treatment, the suspected perpetrators are immediately suspended from duty for the duration of the investigation, particularly when there is a risk that they might otherwise be in a position to repeat the alleged act, engage in reprisals against the alleged victim or obstruct the investigation;**

(d) **Suspected perpetrators of acts of torture and ill-treatment and the superior officers responsible for ordering or tolerating such acts are duly tried and, if found guilty, punished in a manner that is commensurate with the gravity of those acts.**

Gender-based violence

23. While the Committee notes the steps taken by the State party to address gender-based inequality and violence against women with a view to ensuring the implementation of the Istanbul Convention, and the information provided by the delegation indicating that the State party is currently developing a national strategy for equality, the Committee remains concerned that the State party has not yet adopted a comprehensive national action plan to combat all forms of violence against women (arts. 2 and 16).

24. **The State party should ensure that all acts of gender-based violence, especially those involving actions and omissions by State authorities and other entities that engage the international responsibility of the State party under the Convention, are thoroughly investigated, and that the alleged perpetrators are prosecuted and, if convicted, punished appropriately. The State party should also ensure that victims or their families receive redress, including appropriate compensation and rehabilitation, and have access to legal assistance, safe shelters and necessary medical care and psychosocial support. The Committee urges the State party to draft a new national action plan with the aim of eliminating violence against women, and ensure that the plan receives adequate funding.**

Trafficking in persons

25. The Committee appreciates the efforts made by the State party to combat trafficking in persons, including the introduction by the National Police in 2023 of a whistle-blower platform to report instances of trafficking in persons. The Committee is concerned by the absence of a national plan to address trafficking in persons, and notes that the low number of trafficking in persons offences investigated by the State party during the reporting period may indicate issues with the identification of victims (arts. 2, 12, 13 and 16).

26. **The State party should continue to strengthen its efforts to combat trafficking in persons, ensuring that such cases are thoroughly investigated, including in the absence of complaints, that suspected perpetrators are prosecuted and, if convicted, punished with appropriate sanctions, and that victims obtain redress. The State party should ensure access to adequate protection and support, including temporary residence**

⁹ Ibid., para. 30 (c), and [CCPR/C/LIE/CO/2/Add.1](#), para. 8.

permits of an adequate duration, for all victims of trafficking, irrespective of their willingness to cooperate with authorities, including in the context of legal proceedings against the perpetrators. The State party should take steps to adopt a national plan aimed at combating trafficking in persons. Furthermore, the State party should continue to encourage reporting by raising awareness of the risks of trafficking among vulnerable communities, and train judges, law enforcement officials and immigration and border control officers in the early identification of victims of trafficking and their referral to appropriate social and legal services.

Asylum-seekers

27. While noting the support provided by the State party to unaccompanied minors, and that the State party does not detain minors in practice, the Committee is concerned that article 60 (2) of the Foreigners Act does not prohibit the detention of minors over the age of 15, and that immigration detainees are not separated from other detainees held on remand in Vaduz national prison (arts. 2, 3 and 16).

28. The Committee recommends that the State party review its national legislation in order to continue providing for the protection of children in situations of migration, ensure that children and families with children are not detained solely because of their immigration status and seek alternative accommodation for such individuals. It should also continue its efforts to provide appropriate accommodation for unaccompanied and separated children in situations of migration, develop a multidisciplinary system of care based on the best interests of such children and individualized needs assessments, and provide sufficient protection safeguards. Furthermore, the State party should enhance its efforts to ensure the separation of detainees in Vaduz national prison.

National human rights institution

29. The Committee welcomes the establishment of the Liechtenstein Human Rights Association in 2017 as the State party's national human rights institution, and the information provided by the delegation that funding for the Association is being incorporated into the national budget. However, the Committee is concerned that the Association has not yet applied for accreditation with the Global Alliance of National Human Rights Institutions, and by reports that the Association is not provided with sufficient resources to fulfil its mandate in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) (art. 2).

30. The State party should take the steps necessary to ensure that the Liechtenstein Human Rights Association applies for accreditation with the Global Alliance of National Human Rights Institutions and to provide the Association with the human, technical and financial resources necessary to discharge its mandate effectively in accordance with the Paris Principles.

Training

31. The Committee is concerned at the absence of specific methodologies for evaluating the effectiveness of training conducted in Switzerland by members of the National Police and corrections officers of the national prison. In addition, it regrets not having received information on whether training on the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment of Punishment (Istanbul Protocol), as revised, is provided to all relevant staff dealing with persons deprived of liberty, including medical professionals (art. 10).

32. The Committee, recalling its previous recommendations,¹⁰ requests that the State party develop and implement specific methodologies to assess the effectiveness and impact of training and educational programmes provided to law enforcement and other public officials. It also requests that the State party strengthen the training programmes for all relevant staff, including medical and psychological personnel, prosecutors and

¹⁰ CAT/C/LIE/CO/4, para. 27.

judges, on the identification, documentation and investigation of cases of torture and ill-treatment, in accordance with the revised version of the Istanbul Protocol.

Follow-up procedure

33. The Committee requests the State party to provide, by 10 May 2025, information on follow-up to the Committee's recommendations on fundamental legal safeguards, conditions of detention and extraterritorial incarceration (see paras. 14, 16 (d) and 20 (a)). In that context, the State party is invited to inform the Committee about its plans for implementing, within the coming reporting period, the remaining recommendations in the concluding observations.

Other issues

34. The State party is requested to widely disseminate the report submitted to the Committee and the present concluding observations, in appropriate languages, through official websites, the media and non-governmental organizations and to inform the Committee about its dissemination activities.

35. The State party is invited to submit its next report, which will be its sixth, by 10 May 2028. For that purpose, and in view of the fact that the State party has agreed to report to the Committee under the simplified reporting procedure, the Committee will, in due course, transmit to the State party a list of issues prior to reporting. The State party's replies to that list of issues will constitute its sixth periodic report under article 19 of the Convention.
