



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

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Committee against Torture Seventy-ninth session

Summary record of the 2089th meeting

Held at the Palais Wilson, Geneva, on Thursday, 25 April 2024, at 3 p.m.

Chair: Mr. Heller

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 19 of the Convention *(continued)*

Fifth periodic report of Liechtenstein (continued) ([CAT/C/LIE/5](#);
[CAT/C/LIE/QPR/5](#))

1. *At the invitation of the Chair, the delegation of Liechtenstein joined the meeting.*
2. **A representative of Liechtenstein**, responding to questions posed at the previous meeting, said that the Government offered only basic mental health services, so patients requiring more advanced care generally received treatment in Austria or Switzerland. Those patients were treated in medical institutions that had signed agreements with the Government and had been vetted to ensure that they were able to provide suitable care. The Social Assistance Act contained all the necessary provisions governing involuntary placements of persons with severe mental health problems. The Act had been reviewed in 2021 with the aim of further standardizing the procedures for the protection of such individuals. Such persons were guaranteed access to any necessary medical services, and the institutions responsible for overseeing their treatment had to meet due diligence obligations. The Government worked with the Swiss authorities to guarantee the optimal protection of patients treated in Switzerland and to ensure that they were cared for in line with all legal requirements.
3. There was an ordinary procedure and an emergency procedure for the detention of individuals in medical institutions against their will. Under the ordinary procedure, the Office of Social Services submitted an application to the courts, which was then reviewed by an expert. The initiation of court proceedings was subsequently notified to the Office and the relevant institution. Where necessary, the person concerned was granted access to legal counsel and also had the right to consult a trusted person. Individuals were released as soon as their detention was no longer justified. They could also apply to the courts to request their own release. The Social Assistance Act established that a review of the detention measure had to be conducted within six months of a person's admission to a medical institution. That same review was repeated after a further six months and at least once per year thereafter.
4. The emergency procedure was followed when individuals were in danger and immediate intervention was required. In such cases, the individual was examined by a doctor, who then decided whether he or she should be detained. The doctor's decision was communicated to the courts, the individual and his or her next of kin or trusted person. Detention then began within five days. The Office of Social Services remained in contact with the institution concerned to ensure that the person had access to all necessary services. The maximum period of emergency detention was six weeks. If that period was deemed insufficient, an application for extension had to be submitted no later than 15 days before the end of the initial period. That application was reviewed by the courts in the presence of the individual concerned, his or her legal counsel and an expert. The courts' decision could be appealed before the Court of Appeal or the Supreme Court.
5. The fundamental rights of the persons concerned were upheld under both the ordinary and emergency procedures, in which neighbouring countries, such as Switzerland, were often involved. Cooperation with Switzerland was very good and governed by a legal framework that was free of loopholes. The authorities of both countries attached the utmost importance to ensuring that the best possible protection was afforded to the persons concerned.
6. In recent decades, a number of measures had been taken to ensure that men and women were equal before the law. Significant progress had been made in terms of material equality. There had been an increase in women's political participation, in particular since the general election of 2017. Women accounted for around 30 per cent of the members of the legislature and 60 per cent of government employees. The Government was working on a national gender equality strategy, in line with the recommendations made to it by the Committee on the Elimination of Discrimination against Women ([CEDAW/C/LIE/CO/5/Rev.1](#), para. 16 (a)).

7. Combating domestic violence and violence against women was a priority for the Government and would be a key aspect of the national gender equality strategy. The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) had entered into force in Liechtenstein on 1 October 2021. The national coordinating body responsible for the implementation of that convention had been established one month earlier. The body was tasked with coordinating the efforts of government actors and non-governmental organizations (NGOs) working to tackle violence against women and domestic violence. It had held nine meetings with such stakeholders, in addition to two meetings specifically for NGOs. In 2022, the coordinating body had sent a questionnaire to stakeholders in order to gain a fuller understanding of the programmes and projects they ran and the key challenges and areas for action. Other bodies responsible for implementing the Istanbul Convention included the Office of Social Services, the Office for Foreign Affairs, the National Police and the Victims Assistance Office.

8. The Government provided financing to NGOs working to prevent violence against women and domestic violence in line with its obligations under the Istanbul Convention. The Group of Experts on Action against Violence against Women and Domestic Violence of the Council of Europe had visited Liechtenstein in February 2023; the recommendations issued following that visit would be officially adopted in May 2024. The national coordinating body had also made its own recommendations for improving the implementation of the Istanbul Convention. The first recommendation concerned the creation of a mandatory training programme for individuals who had been violent towards others. A programme of that nature had been approved by the Government in December 2023, and steps would be taken to amend national laws to establish the legal basis for such training. The objective of that training would be to encourage participants to reflect on their conduct, take responsibility for their actions and seek counselling. The second recommendation related to the establishment of alternatives to the detention of perpetrators of violence. Such measures could involve perpetrators being prevented from contacting victims, banned from consuming alcohol and/or drugs or ordered to attend training sessions.

9. **A representative of Liechtenstein** said that, for years, the Government had been promoting efforts to ensure that violations of international law were punished. It supported the work of the International Criminal Court, contributed to the Court's budget and was party to the Rome Statute. It was also a supporter of 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. Accountability was a key principle. Accordingly, the Government made an annual contribution of 300,000 Swiss francs (SwF) to the efforts of the Office of the United Nations High Commissioner for Human Rights (OHCHR) to promote accountability for all crimes and atrocities, regardless of where they had been committed. The Government was a long-term supporter of Justice Rapid Response, which was a Geneva-based NGO that sought to ensure accountability for international crimes and other violations of international law, including torture.

10. While the Agreement between the Principality of Liechtenstein and the Republic of Austria on the Placement of Prisoners predated the Convention against Torture, it was consistent with both the Convention and the Optional Protocol. The Agreement did not contain provisions regulating the execution of sentences; it simply set out the conditions under which the responsibility for executing sentences could be transferred from the authorities of Liechtenstein to those of Austria. Both countries were party to the Convention and the Optional Protocol, which meant that their national laws governing the execution of sentences were compliant therewith and that prisoners transferred to Austria would receive the same level of protection as they would have done in Liechtenstein.

11. While the Office of the Public Prosecutor formed part of the national administration, the Office of the Public Prosecutor Act provided for the Office's legal independence. The Office had the power to initiate *ex officio* investigations into suspected cases of torture, bodily harm and sexual abuse. The right of victims to receive medical support was established under the Victims Assistance Act. Victims were entitled to immediate and long-term assistance, social, material and legal support, counselling, compensation and, where necessary, emergency accommodation. That support was provided by the authorities of

Liechtenstein and, in some cases, those of neighbouring countries. Individuals who lived abroad and who became a victim of crime in Liechtenstein had the right to claim contributions to the cost of their treatment in their country of residence.

12. The crime of torture was established as a specific offence under article 312 (a) of the Criminal Code. Cases of torture that had led to the death of an individual were not subject to any statute of limitations. The same applied to cases of bodily or psychological pain or harm inflicted in the context of armed conflict. The statute of limitations for other cases of torture ranged from 3 to 10 years depending on the severity of the offence. The total abolishment of the statute of limitations for a given crime would run counter to the country's legal order. As for the question of universal jurisdiction, article 64 of the Criminal Code established that, under certain circumstances, acts of torture that had been committed outside Liechtenstein could be brought before the country's courts. Those circumstances were detailed in the report under consideration ([CAT/C/LIE/5](#), para. 46).

13. The Government had designated the Liechtenstein Corrections Commission as the national preventive mechanism. The mechanism was fully independent. It held regular dialogues with the Government and produced an annual report in which it made recommendations and provided an overview of the visits it had conducted. In 2019, 2022 and 2023, it had made four unannounced visits to places of deprivation of liberty. No visits had been conducted in 2020 or 2021 owing to the COVID-19 pandemic. Between 2019 and 2022, it had also conducted a limited number of visits to homes for older persons. Each year, the mechanism's report was published on the home page of the Office of Justice. The mechanism met with the Office and the National Police to discuss the report, which was carefully examined by the Government. The Government subsequently published a document outlining what recommendations it had decided to implement and what recommendations it had chosen to disregard and why.

14. **A representative of Liechtenstein** said that, before ratifying an international agreement, the Government examined whether the country's Constitution and legal framework were compatible with the provisions of that agreement. During that process, the Government held consultations with citizens and other stakeholders to ensure that all interested parties had the opportunity to put forward their views. Once that process had been completed, the legislature would either proceed with the ratification of the agreement or would take steps to amend relevant national laws in order to eliminate any inconsistencies with it. In the event that further inconsistencies were identified after the ratification of the agreement, the Supreme Court had the power to invalidate national laws. The Court had previously ruled that international agreements had at least the same status as national laws and, in May 2021, had repealed certain provisions of a law that had been found to be incompatible with the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights).

15. The Criminal Code had been amended in order to bring it into line with the Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism, which effectively meant that that instrument was already being implemented in Liechtenstein. Nonetheless, an official decision on whether to ratify the Additional Protocol had not yet been made; the results of the relevant review were due shortly.

16. Article 283 of the Criminal Code prohibited hate speech and discrimination on the basis of race, language, nationality, ethnic origin, religion or ideology, sex, gender, disability, age or sexual orientation, and there were legal provisions on equal rights for women and men and for persons with disabilities. The Government was therefore of the view that there was no need to adopt a comprehensive anti-discrimination law. In August 2021, training had been provided to police officers and justice officials to raise their awareness of anti-discrimination norms. In 2023, the Violence Protection Commission had organized a campaign to raise public awareness of the prohibition of discrimination and the right to tolerance.

17. During the fourth cycle of the universal periodic review, Liechtenstein had accepted a recommendation to apply the Principles on Effective Interviewing for Investigations and Information-Gathering (the Méndez Principles). The working group set up in 2019 to monitor the implementation of recommendations from regional and international human rights bodies was exploring how best to incorporate the Principles into domestic legislation and policies.

18. The Liechtenstein Human Rights Association had customarily received SwF 350,000 in State funding each year. From 2024 onward, it would be financed directly from the State budget. National legislation had been amended in response to the ratification of the Convention on the Rights of Persons with Disabilities. An independent mechanism with an annual budget of SwF 60,000 had been tasked with monitoring the Convention's implementation. The Association had expressed an interest in seeking accreditation from the Global Alliance of National Human Rights Institutions but it was for the Association, as an independent body, to decide when it wished to initiate that process. Since its inception, the Association had received no complaints of ill-treatment from patients in psychiatric facilities or prisoners in the country.

19. **Mr. Iscan** (Country Rapporteur), referring to the arrangement whereby prison sentences handed down in Liechtenstein were executed in Austria, said that the State party's continuing policy and practice of outsourcing the fulfilment of its obligations under international law gave rise to legal uncertainties and was thus a matter of growing concern. He therefore wished to reiterate his appeal for the State party to review that arrangement and consider alternative approaches, including, in due course, the possibility of improving and expanding the capacity of its prison system.

20. **Mr. Vedel Kessing** (Country Rapporteur) said that it would be useful to know whether the Government was considering making audio and video recording of police interrogations mandatory in order to provide an important legal safeguard for the persons involved. He also wished to know what would be done, in the event that there were only one female inmate at the sole national prison in Vaduz, to avoid the possibility of such a person being held in isolation for a protracted period of time. He would also like to learn whether individual assessments of the risk of ill-treatment were carried out for all prisoners transferred to Austria, in accordance with article 3 of the Convention, and whether the national preventive mechanism had the mandate and authority to inspect prison facilities in Austria.

21. **The Chair** said that the actions of Liechtenstein provided proof that even the smallest of States could make a substantial contribution to the promotion of human rights and international justice. He would be grateful for a description of the main public safety challenges and an indication of the crimes for which prison sentences had been imposed in the country.

22. **Mr. Buchwald** asked whether it was the responsibility of the authorities in Liechtenstein to consider applications for early release on compassionate grounds submitted by or on behalf of inmates sentenced in the country but imprisoned in Austria.

23. **Mr. Contesse** said that he would appreciate an explanation of the criteria applied by Liechtenstein in deciding whether or not to file a declaration of intervention in proceedings before the International Court of Justice, as he had noted that, for instance, it had filed a declaration in a case concerning climate change but not in *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar)*, which had concerned torture.

The meeting was suspended at 4.05 p.m. and resumed at 4.20 p.m.

24. **A representative of Liechtenstein** said that, if the situation should arise where there was only one female inmate at the prison in Vaduz, she would be transferred to an Austrian detention facility as quickly as possible to prevent prolonged custody in isolation, would be entitled to receive more visits in the meantime and would have her case closely monitored by the Office of Social Services. Audio and video recordings of police interrogations, while not mandatory, were used to protect particularly vulnerable individuals in order, for example, to save them from having to repeat their testimony. All post-trial criminal proceedings, such as parole hearings, concerning inmates convicted in Liechtenstein but serving their sentences in Austria fell within the remit of the authorities of Liechtenstein, with only practical matters being handled by their Austrian counterparts. Prison sentences were imposed in Liechtenstein mainly for financial crimes and, to a lesser extent, burglaries and robberies, although the rate of cybercrimes was on the rise.

25. **A representative of Liechtenstein** said that, in view of its size and the resources at its disposal, including the fact that its diplomatic corps consisted of only 35 persons,

Liechtenstein had to be selective in determining what contributions it could make in the realm of international law. Following the alleged genocide against the Rohingya in Myanmar, it had worked to ensure accountability in the framework of the Human Rights Council by playing an active role in the establishment of the Independent Investigative Mechanism for Myanmar.

26. **A representative of Liechtenstein** said that all the concerns and recommendations of Committee members, including those expressed in relation to the statute of limitations for torture and the arrangement whereby prison sentences handed down in Liechtenstein were executed in Austria, would be given careful consideration by the national authorities. There was a human rights argument for transferring prisoners to Austria, where the prison system had more resources and inmates had access to the services of highly specialized experts. Additional replies would be provided in writing within the 48-hour deadline.

The meeting rose at 4.40 p.m.