



# 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 2086th meeting\*

Held at the Palais Wilson, Geneva, on Wednesday, 24 April 2024, at 10 a.m.

*Chair:* Mr. Heller

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\* No summary record was issued for the 2085th meeting.

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*The meeting was called to order at 10 a.m.*

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

*Fifth periodic report of Liechtenstein (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**, introducing her country's fifth periodic report (CAT/C/LIE/5), said that Liechtenstein had some 40,000 inhabitants, a very low crime rate and only one prison with six staff members and a capacity of 25. To date, there had been no recorded cases of torture or other cruel, inhuman or degrading treatment or punishment in the country.
3. Liechtenstein was committed to strengthening the rule of law and protecting human rights and freedoms. Accordingly, it had ratified a number of international instruments, including the Convention on the Rights of Persons with Disabilities, the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention) and the Ljubljana-The Hague Convention on International Cooperation in the Investigation and Prosecution of the Crime of Genocide, Crimes against Humanity, War Crimes and Other International Crimes.
4. The Liechtenstein Human Rights Association complied with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and was a member of the European Network of National Human Rights Institutions. In 2019, a working group had been set up to monitor the implementation of recommendations from regional and international human rights bodies and to coordinate data collection and the preparation of reports for those bodies. Over the previous two years, the group had established a database of such recommendations. A national coordination group had been created to ensure the implementation of the Istanbul Convention, and a threat management unit had been set up within the national police force to identify and put a stop to acts of violence at the earliest opportunity and to provide protection to victims.
5. Liechtenstein regularly co-sponsored anti-torture resolutions considered in the Third Committee of the United Nations General Assembly and the Human Rights Council. The crime of torture had been explicitly incorporated into the Criminal Code and defined in line with the Convention against Torture. Since 2018, most of the people given prison sentences by the courts in Liechtenstein had been serving those sentences in Austrian facilities. The entry point for prisoners from Liechtenstein had been changed from Feldkirch Prison to Innsbruck Prison owing to the former's lack of capacity. Innsbruck Prison was the third-largest in Austria and could be reached from Liechtenstein by automobile in around two hours.
6. A qualified pre-release programme had been developed in cooperation with the Canton of St. Gallen in Switzerland to prepare convicts for release. Thanks to the programme, convicts were always held separately from pretrial detainees, and inmates at Saxerriet Prison were provided with various services to facilitate their social reintegration.
7. During the coronavirus disease (COVID-19) pandemic, there had been no restrictions on prison visits other than those strictly necessary to comply with hygiene regulations, and there had been no serious cases of COVID-19 infection among inmates. Reviews of the prison system had been suspended during the pandemic but had resumed in 2022. In accordance with the Optional Protocol to the Convention against Torture, the national preventive mechanism had conducted several visits to the national prison in 2023. In its annual report, the mechanism had noted that it had been granted unrestricted access, that it had detected no significant issues and that persons deprived of their liberty were treated very well.
8. Liechtenstein had increased its financial contribution to support international efforts to combat torture. In 2023, it had devoted 35 million Swiss francs (SwF) to international humanitarian cooperation and development, 12 per cent more than the year before. Its contribution to the Office of the United Nations High Commissioner for Human Rights in 2023 had amounted to SwF 400,000. Since 2008, it had donated SwF 525,000 to the United

Nations Voluntary Fund for Victims of Torture. Furthermore, it had contributed SwF 100,000 to a project run by the World Organization Against Torture (OMCT) with the aim of combating impunity for torture and related crimes perpetrated by forces of the Russian Federation in Ukraine and, since 2017, it had provided financial support in the amount of SwF 500,000 for the OMCT Child Protection Against Torture Programme.

9. Her country was a strong supporter of international criminal justice. In 2016, it had spearheaded efforts in the United Nations General Assembly to adopt resolution A/71/248 establishing 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.

10. Liechtenstein stood in solidarity with Ukraine in the face of the heinous war of aggression waged by the Russian Federation, which had led to unspeakable suffering, including, according to reports, numerous cases of torture. Ukrainian refugees, a third of them children, currently accounted for approximately 1 per cent of the population of Liechtenstein. The Office of the Public Prosecutor had requested the police to investigate the possible commission of war crimes and, in the interests of collecting evidence in that regard, arriving Ukrainian asylum-seekers were asked to fill out a form indicating whether they had been victims of or had witnessed such a crime.

11. **Mr. Iscan** (Country Rapporteur), commending the State party for its role in international efforts to combat torture and for maintaining its standing invitation to the special procedures of the Human Rights Council, said that he wished to know whether it would consider increasing its contribution to the United Nations Voluntary Fund for Victims of Torture and ratifying the core United Nations human rights treaties to which it was not yet a party.

12. While noting the information contained in paragraphs 108 to 110 of the common core document ([HRI/CORE/LIE/2012](#)), he would like to know whether the Constitutional Court had ever ruled that a provision of an international treaty ratified by the State party was unconstitutional. Further clarification as to whether international treaties took precedence over national law would be appreciated.

13. He wondered whether the State party's bilateral agreement on the transfer of prisoners to Austria was compatible with its obligations under the Convention, since that agreement had been signed in 1982 and thus prior to the State party's accession to the Convention. In general, the State party's practice of transferring prisoners to another country was shrouded in legal uncertainty and raised questions regarding compliance with its obligations under international treaties, a matter that had already been addressed by various treaty bodies in their concluding observations. Since no substantive information on the implementation of those recommendations had been provided in the report, the Committee would be grateful if the delegation could respond to the concerns expressed in that regard. It would also be interesting to know whether the State party had made or would consider making plans to strengthen its own prison system to accommodate all persons convicted and sentenced in Liechtenstein.

14. The Committee would welcome further information on any measures taken to ensure that law enforcement personnel and other public officials who worked with persons deprived of their liberty, asylum-seekers and migrants received training on the prohibition of torture. He would also be interested to know whether the State party had established methodologies for assessing the effectiveness of such training. It would be useful to learn of the State party's position with respect to the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) and to find out whether that instrument was a core component of the training provided to medical professionals, law enforcement personnel and other relevant public officials. The Committee would welcome updated information on any new interrogation rules, instructions or practices and any new custodial arrangements that had been introduced since the submission of the report, including the frequency with which they were reviewed.

15. The delegation might wish to confirm whether the State party took the necessary legal and practical measures to ensure that all complaints of torture and ill-treatment were promptly and impartially investigated by an independent body. He wished to know whether the State

party compiled statistics on all such cases to facilitate the systematic review of its interrogation rules. The Committee would also welcome updated information on any disciplinary or criminal proceedings concerning cases of torture that had been brought since the submission of the report, including any sanctions that had been applied. It would be useful to know whether any new legislation relating to investigations into allegations of torture and ill-treatment had been adopted. He would like to know whether the Office of the Public Prosecutor had the power to initiate an *ex officio* investigation when there was reason to believe that acts of torture or ill-treatment had been committed and to have alleged victims undergo a forensic medical examination. Clarification as to whether suspected perpetrators were automatically relieved of their duties and prohibited from making any further contact with alleged victims would also be appreciated.

16. The Committee would welcome updated information on the State party's efforts to reach a bilateral agreement on the placement of patients in psychiatric or social welfare institutions in Switzerland. Those plans raised similar concerns over the State party's compliance with its obligations under the Convention as existed with respect to its transfer of prisoners to Austria. The delegation might therefore wish to respond to those concerns.

17. The Committee would welcome further information on any measures taken to combat gender-based violence that were relevant to the provisions of article 16 of the Convention on the prevention of ill-treatment.

18. He would be interested to know whether the State party had adopted or would consider adopting a national counter-terrorism strategy, including measures to combat radicalization. The delegation might also explain the State party's stance on the Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism, an important component of efforts to combat terrorism that it had not yet signed. Lastly, he wished to know whether all law enforcement officials received operational training on fighting terrorism and, if so, whether the State party had a means of assessing the impact of that training.

19. **Mr. Vedel Kessing** said that the delegation might wish to clarify whether it was still the case that the crime of torture was subject to a statute of limitations of only three years where there were no aggravating circumstances. He failed to see why such an offence had been made subject to such a short statute of limitations and wondered whether the State party would consider abolishing the statute of limitations on torture altogether. On a separate note, it would be interesting to hear whether there had been any cases where a court in Liechtenstein had used universal jurisdiction as the basis for prosecuting a person suspected of torture.

20. He invited the delegation to explain why the police were not legally obliged to make audio or video recordings of their interrogations. Given that no such provision had been incorporated into domestic law, he wondered whether the State party nonetheless considered that all interrogations should be recorded. He would be interested to know to what extent the Office of the Public Prosecutor, as the body responsible for examining allegations of torture and ill-treatment made against police officers, was independent from the police in law and in practice. Furthermore, in the event of the Office ordering a full investigation into such allegations, it would be useful to know whether there were independent police investigators to undertake that task or whether the investigation would be carried out by regular police officers. He would like to know whether the State party had taken any measures to ensure that police investigators observed the Principles on Effective Interviewing for Investigations and Information-Gathering (Méndez Principles). It would also be useful to know whether the State party had considered making it obligatory for suspected young offenders to be provided with a defence counsel.

21. He would be interested to know how many applications for asylum had been submitted to the State party in the previous five years and how many of them had been successful. It would also be helpful to learn whether asylum-seekers, including adolescents, were detained while their applications were processed or whether they remained free to move around the country during that time.

22. The Committee would welcome statistical information on the number of persons who had been detained in the national prison in Vaduz in the previous five years, disaggregated by age and gender. It would be interesting to know how many of them had been held on

remand and how many had been foreign nationals awaiting extradition or deportation. The delegation might like to clarify whether the State party had acted upon the Committee's recommendation to ensure that detained persons were medically screened within 24 hours of their arrival at the prison and whether the members of the Liechtenstein Family Assistance Association who delivered medication to detainees were qualified medical professionals. He would also like to know whether the State party was considering taking measures to ensure that solitary confinement was used for no more than 14 consecutive days, in line with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).

23. Like Mr. Iscan, he had a number of questions about the transfer of prisoners from Liechtenstein to Austria. Firstly, he wished to know how many persons convicted in the State party had served a prison sentence in Austria in the previous five years. From the perspective of international law, it would be helpful to know which of the two States was responsible for ensuring fundamental legal safeguards for those prisoners, including access to a lawyer and a medical doctor and the right to family visits. In the event of an allegation concerning the torture or ill-treatment of a prisoner, it would also be useful to know which State would be responsible for investigating the case, prosecuting the perpetrator and providing the victim with redress. Similarly, it was unclear which State would be the respondent if a prisoner convicted in Liechtenstein submitted an individual communication to the Committee concerning events that had taken place while he or she was detained in Austria. He would like to know what steps were taken to ensure that prisoners transferred to Austria could maintain contact with their close family members and children in Liechtenstein. It would also be interesting to know whether public officials from Liechtenstein carried out regular monitoring visits to prisons in Austria. Moreover, he wished to know whether the State party's national human rights institution and national preventive mechanism were authorized to visit Austrian prisons or whether the equivalent bodies in Austria were responsible for monitoring the detention of inmates who had been transferred from Liechtenstein.

24. He would appreciate clarification on the institutional set-up of the Corrections Commission and wondered whether it was independent from the Government in both law and practice. He would also like to know how many visits it conducted to places of detention in Liechtenstein and Austria each year and to what extent the Commission's recommendations were implemented.

25. He would welcome information on financial assistance provided to the Liechtenstein Human Rights Association, which functioned as an ombudsperson, in 2024 and on the assistance to be provided in the coming years. He was keen to hear more about its progress towards accreditation by the Global Alliance of National Human Rights Institutions, and he wished to know whether it had dealt with any complaints related to the Convention, including on issues such as the treatment of detainees in prisons or psychiatric institutions and the use of force by public officials.

26. **Mr. Tuzmukhamedov**, noting that the delegation had referred to acts of torture allegedly committed by one party to the ongoing armed conflict between the Russian Federation and Ukraine, said that he wished to know whether the State party had availed itself of evidence of acts of torture that could be attributed to the other party.

27. **Mr. Contesse** said that he would like to hear about any concrete steps that the State party planned to take in order to fulfil its pledge, made in December 2023, to advocate strongly for the full respect of international humanitarian law and international human rights law by continuing to explore avenues to bring perpetrators of international criminal law to justice.

28. **Mr. Liu** said that he would like to know whether the State party was considering adopting a national strategy on trafficking in persons in cooperation with other actors working to combat trafficking in persons. He was also curious to know whether the State party had plans to review the procedures and mechanisms in place for reporting and investigating cases of trafficking in persons.

*The meeting was suspended at 11.30 a.m. and resumed at 12.05 p.m.*

29. A representative of Liechtenstein said that there were no plans to increase the capacity of the remand prison in Vaduz. At present, there were 20 beds across 18 cells. Three of those cells, containing four of the beds, were reserved for women.

30. The Government had not received any reports of torture or ill-treatment committed by law enforcement officers or public officials since the submission of its fifth periodic report. Police officers were trained at a police academy in eastern Switzerland, and the topic of torture and the principle of proportionality were covered in basic police training. Training was also provided to the police by visiting trainers from Austria on various aspects of law enforcement in Austria and on subjects such as interrogation techniques. Two suicides had been recorded in detention facilities in the reporting period.

31. Detainees were given the opportunity to speak to counsel during all interrogations, and juveniles had the right to have a trusted person present. Interrogations carried out in a dedicated interrogation room could be recorded using audio or video recording equipment, and while the practice was not mandatory, interrogations of children or young people who were victims of sexual abuse were always recorded.

32. There was no evidence that radicalized individuals had left Liechtenstein for Iraq or the Syrian Arab Republic or that any such individuals had returned to Liechtenstein from conflict-affected areas of those countries. The Government remained alert to the dangers of radicalization; however, Liechtenstein was not the focus of radicalized groups, and the threat of terrorist attacks was very low. There had been no investigations opened into suspected terrorism offences in recent years and therefore no convictions had been handed down. In the absence of a dedicated intelligence agency, the police force was authorized by law to conduct investigations into security matters and worked closely with the intelligence agencies of Austria, Switzerland and Germany. There was no national action plan or strategy on terrorism. Instead, training was based around a series of documents covering topics such as the funding of terrorism through money laundering and organized crime, and information leaflets were disseminated to the public, in particular to people travelling abroad to certain countries.

33. In 2022, 56 men and 2 women had been held in the remand prison in Vaduz; 31 of those persons had been charged with criminal offences. In 2023, 46 men and 2 women had been detained, 32 of whom had been charged with criminal offences; 2 had been charged with offences under the Liechtenstein Police Act, 13 had been charged with offences under the Aliens Act and 1 had been subject to extradition proceedings.

34. In 2023, 16 convicted persons had been transferred to Austrian prisons after sentencing, compared to 22 in 2022. None of them had been women. The Austrian authorities were responsible for all persons transferred to Austrian prisons and for facilitating family visits. The Government of Liechtenstein would open a parallel investigation into any reports of torture or abuse of inmates transferred to Austrian prisons but did not conduct investigations within those prisons. Inmates were transferred to Austrian prisons once convicted of an offence, regardless of the length of their sentences.

35. The investigation of alleged offences by police officers was governed by a directive on corruption issued in 2017, which had provided for the establishment of a dedicated unit for that purpose. Given the country's size, it had been deemed inappropriate to establish an entirely separate office for such investigations. Although the unit was based in the national police force, it operated independently of that body, and any suspicions of police corruption or abuse of office must be reported to the unit and the Office of the Public Prosecutor. However, if it were determined that any of the four members of the unit lacked the requisite independence – for instance, because of a personal connection to the accused officer – the case would be brought directly before the courts. Police officers found to have committed offences in the line of duty received more severe sentences than civilians committing similar offences.

36. A doctor conducted visits at the Vaduz prison at least once weekly, and detainees could be transferred to hospital for treatment of acute conditions. In 2023, detainees had received 159 visits from legal counsel and 65 visits from psychiatric specialists. Detainees requiring acute psychiatric treatment could be transported to Innsbruck, Austria, to receive care.

37. There had been no recent complaints of – and consequently no investigations into – ill-treatment or torture in prisons. Two complaints had been made during the COVID-19 pandemic, the first regarding a detainee’s lack of access to a computer and the second regarding restrictions on family visitation rights that had been introduced in response to the pandemic.

38. **A representative of Liechtenstein** said that no complaints concerning migration-related matters had been received. The Government had organized training sessions on topics such as identifying and assisting victims of trafficking in persons, dealing with individuals of different sexual orientations and preserving the human rights of members of vulnerable groups. No methodologies were in place for assessing the efficacy of the training modules. Most of the sessions had been delivered by experienced external providers, and the responsibility for evaluating such training thus fell upon those providers.

39. A small number of asylum applications had been filed in 2019 and 2020 when borders had been closed in response to the outbreak of the COVID-19 pandemic. In 2021, a total of 97 such applications had been received. There had then been a rise in applications from 2022 onward as a result of the conflict in Ukraine. That year, for instance, 507 of the 584 applications received had been filed by Ukrainians seeking temporary protection status. In 2023, 392 applications, of which 304 were for temporary protection status, had been submitted. In addition, more than 80 of the 130 applications received so far in 2024 had been filed by Ukrainians seeking that status. Processing the large number of applications and accommodating the individuals concerned represented a particular challenge in a country with a population of only around 40,000.

40. Very few ordinary asylum applications had been approved since 2019. Most asylum-seekers who filed an application in Liechtenstein had registered in another European country beforehand, which meant that, pursuant to Regulation (EU) No. 604/2013 of the European Parliament and of the Council of 26 June 2013 (the Dublin III Regulation), the responsibility for handling their asylum applications fell to the authorities of that country. In 2023, four individuals had been granted a form of subsidiary protection status, which was available to those who did not qualify for asylum but who could not be deported to their home country. Each year from 2019 to 2023, between 7 and 14 asylum-seekers and migrants in an irregular situation had been detained ahead of their deportation.

41. While the law provided for the detention of child migrants over the age of 15 years, the delegation was not aware of any cases in which that provision had actually been applied. The Government had received 16 asylum applications from unaccompanied minors, who were free to move around the country while their application was being processed. The minors were assigned a lawyer to represent them in court proceedings and a trusted individual to act as a point of contact with the Office of Social Services. Most of the unaccompanied minors who had filed applications came from Ukraine and had remained in contact with their parents. Accordingly, efforts were made to contact those parents and involve them in decisions concerning their child.

42. **A representative of Liechtenstein** said that his country was the leading contributor to the Office of the United Nations High Commissioner for Human Rights (OHCHR) in per capita terms. The Government had discussed its financial contributions with the High Commissioner in January 2024 and intended to continue those contributions. Any increase in contributions would need to be approved by the Office for Foreign Affairs; he would be happy to ensure that the matter would be given priority in internal discussions.

43. With regard to trafficking in persons, the Government was aware that, as a financial hub, Liechtenstein had a valuable role to play in stopping financial flows that fuelled organized crime. Nonetheless, it could not do so alone; the support and expertise of other actors were required. Steps taken to address the issue included the establishment of a public-private partnership, known as Finance Against Slavery and Trafficking, which was based on three pillars: financial due diligence, victim support and the anti-trafficking policy framework. Work was currently being done to introduce a system that would bring together actors from financial intelligence units in order to investigate potential money-laundering. Due diligence tools developed through the partnership had been made available to financial sector stakeholders so that they could thoroughly investigate supply chains and identify areas

that were vulnerable to exploitation. A fund had been established to provide support to trafficking victims, who were also often victims of money-laundering or identity theft. There was also an initiative to facilitate their access to banking services with a view to fostering their financial recovery.

44. **A representative of Liechtenstein** said that, in recent years, the Government had geared its efforts and resources towards ratifying the Convention on the Rights of Persons with Disabilities and the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) and carrying out the necessary follow-up work. The Government took the ratification process very seriously and ensured that the legal framework and mechanisms required under each convention were in place prior to ratification.

45. The national coordinating body responsible for the implementation of the Istanbul Convention had been operating since its ratification in 2021. As the current holder of the presidency of the Committee of Ministers, Liechtenstein was organizing a conference of national coordinating bodies to be held in May 2024. The Government attached great importance to such exchanges, as they allowed for the creation of synergies between bodies from various countries. In early 2024, Liechtenstein had participated in discussions on torture-related matters held between the Council of Europe and various United Nations stakeholders, including the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.

46. The Government had signed the International Convention for the Protection of All Persons from Enforced Disappearance in 2007 and had recently incorporated the crime of enforced disappearance into the Criminal Code. It was now in a position to focus on the ratification of that convention, as the resources required for that process had been freed up following the completion of the ratification of the Convention on the Rights of Persons with Disabilities. As part of the universal periodic review process in 2023, the Government had conducted a new analysis of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and concluded that it remained unable to ratify that treaty. Consideration would shortly be given to the ratification of the Optional Protocols to the International Covenant on Economic, Social and Cultural Rights and to the Convention on the Rights of Persons with Disabilities. A detailed examination of the Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism was currently under way.

47. **A representative of Liechtenstein** said that prisoners were never held in isolation for more than one week. Information and flyers had been circulated to the population to raise awareness of the fact that the police force had the mandate to investigate complaints of possible war crimes committed in the context of the Russian aggression against Ukraine, regardless of the identity of the perpetrators. While one such investigation had been opened, it was currently on hold. The Government had decided to tackle conflict-related trafficking in persons by setting up a system for individuals worldwide to report cases, either in German or English, linked to the aggression in Ukraine. Additional steps taken to combat trafficking included the establishment within the police force of a fully independent team that specialized in investigating corruption and an anonymous whistle-blower system through which individuals could report evidence of the financing of terrorism or money-laundering.

48. **Mr. Iscan** said that he would like to know whether the State party had handled any cases relating to article 14, on redress for victims of torture, or article 15, on the exclusion of evidence obtained through torture, of the Convention since the submission of its report and, if so, what measures had been taken to address such cases. In the event that such cases had arisen, the delegation might wish to provide information on the outcomes of any investigations and confirm whether the victims had undergone medical examinations, whether appropriate sentences had been handed down to the perpetrators and whether the victims had been provided with redress.

49. **A representative of Liechtenstein** said that no cases of violence or torture or of cases involving evidence obtained through torture had been reported or investigated since the submission of the report under consideration. In the event that torture was suspected, the standard procedure was for the alleged victim to undergo a medical examination. The

findings of that examination would then be documented so that they could be used as evidence in any criminal proceedings.

50. **The Chair** said that the delegation would be given the opportunity to respond to the outstanding questions during the second part of the dialogue.

*The meeting rose at 1 p.m.*