



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

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COMMITTEE AGAINST TORTURE

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**List of issues to be considered during the examination of the
third periodic report of LIECHTENSTEIN (CAT/C/LIE/3)**

Article 1

1. Please clarify under which provision of the Liechtenstein Criminal Code (StGB) acts of torture are defined (paras. 37-38 of the report). Also, please indicate what measures have been taken to bring such definition in full conformity with article 1 of the Convention.

Article 2

2. With regard to the new article 27 bis of the Constitution (para. 15), please explain why “torture” was not included alongside “inhuman or degrading treatment or punishment” as prohibited acts when amending the Constitution in 2005. Please also indicate whether the State party intends to introduce into its Constitution an express clause on the absolute prohibition of torture. Has article 27 bis, as well as the Convention, been directly invoked before domestic courts during the reporting period? If so, please cite specific cases and their outcome.

3. Please provide detailed information on the mandate, functions and main findings of the Corrections Commission, established as the national preventive mechanism of the State party under the Optional Protocol to the Convention, with regard to acts of torture and other forms of ill-treatment. In particular, please clarify whether the Corrections Commission has the authority to visit all places of detention under the jurisdiction and control of the State party (para. 71). Please also inform the Committee on measures taken by the State party to implement the recommendations made by Corrections Commission in its initial report (2009), especially in relation to the supervision of prison officials, as well as the transfer of full responsibility over the prison system to the Ministry of Justice.

4. Please provide information on steps taken by the State party to establish a national human rights institution, in accordance with the Paris Principles, as called for by the Committee on Economic, Social and Cultural Rights (E/C.12/LIE/CO/1, para. 21).

5. Please provide detailed information on the conditions of detention and treatment of detainees in police custody in the State party during the reporting period, in particular steps taken by the authorities to ensure by law the right of all persons deprived of their liberty, including juvenile offenders, refugees and other non-citizens, to have access to a lawyer and to an independent doctor, if possible of their own choice, and to contact a person of their choice, or legal guardian or consular personnel, when appropriate, from the outset of their detention. Please also provide information on measures taken to ensure that persons deprived of their liberty are informed of their rights, in written form, and in a language understandable to them.

Article 3

6. Please provide updated information on:

- (a) The number and nationalities of asylum-seekers who have applied for refugee status in Liechtenstein during the reporting period;
- (b) The number of asylum requests which were based on the applicant's fear of being subject to torture or other forms of ill-treatment and the number of approved requests in those cases;
- (c) The number rejected asylum requests which were appealed, on what basis, and the outcome of such appeals;
- (d) The number of asylum requests and long-term resident permits that were granted on the basis of the Convention.

7. Please provide disaggregated data (by age, gender and nationality) on the number of expulsions and extraditions executed during the reporting period. Please also provide information on:

- (a) The meaning of "preventive expulsion" (para. 35). Under what circumstances are such expulsions executed?
- (b) The review procedures in place to determine that extradited, expelled or returned persons will not be in danger of being subjected to torture or other forms of ill-treatment, despite the strict time frame under which preventive expulsion is decided and executed?
- (c) Do persons subject to preventive expulsion have the right to appeal the decision? If so, does the appeal have suspensive effect?
- (d) Whether a time limit exists for the detention of foreigners against whom an expulsion or extradition order has been issued?

Article 4

8. Please provide information on whether the authorities of Liechtenstein intend to ensure that the penalties with respect to the offences of inflicting physical and emotional injury (two years, § 312 StGB) and serious bodily injury (three and five years, § 84(1) and 85 StGB, respectively) are appropriate penalties as per article 4 (2) of the Convention and which take into account the grave nature of the offences. Please also provide information on the number and nature of cases in which these provisions were applied and the penalties imposed.

9. According to the State party report (para. 39), the statute of limitations with respect to punishments to offences under § 312 StGB is 5 years. Please provide information on the statute of limitations for offences under § 84(1) and 85 StGB and whether the State party intends to review its Criminal Code to ensure that the application of criminal law in torture cases is unlimited in time.

Articles 5 and 7

10. Please provide information on the intention of the State party to introduce legislation providing for universal jurisdiction for acts of torture and/or whether the State party is considering direct application of the Convention to exercise jurisdiction over persons alleged to have committed acts of torture, regardless of where [and by whom] the crime has been committed. If so, please cite specific cases.

11. Have the provisions indicated in para. 42 of the State party report (§ 63, 64 para. 1(2) and 65 StGB) been applied with respect to alleged acts of torture? If so, please provide the details of such cases.

12. Please provide information on the implementation of article 60 of the Mutual Legal Assistance Act (MLAA) concerning the possibility of taking over foreign criminal proceedings in the event that a person is not extradited (para. 49 of the State party report).

Article 8

13. Do the bilateral treaty arrangements concluded with Austria, the Netherlands, and the United Kingdom referred to in the State party report (para. 57) expressly prohibit extradition of persons who may face torture or other forms of ill-treatment in the country to which they would be extradited? Is torture included as an extraditable offence in these treaties? Please cite cases when extradition of persons alleged to have committed an act of torture has been granted on the basis of these treaties. Also, has the State party concluded other extradition treaties with other States? If so, please provide information about such treaties and their practical implementation.

Article 10

14. The State party provided information to the Committee on the Elimination of Discrimination against Women in 2007 that all newly recruited officers of the security and traffic police receive one day of basic training on the problem of violence. Please clarify:

(a) The contents of such training and the intention of the State party to extend the duration of such training and to make it compulsory for all officers of the National Police, especially law enforcement personnel involved in the custody, interrogation and treatment of detained or imprisoned persons;

(b) The contents and duration of human rights training, including on the Convention, for all officers of the National Police.

15. Please provide information on whether the State party intends to review the Police Act (1989) with a view to bringing it into line with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990). Kindly also inform the Committee of the powers

of the special police unit/special weapons and tactics (SWAT) teams and describe the rules and regulations under which they operate.

16. The State party report suggests that, to date, no specific training programmes on the rights, treatment and care of persons deprived of their liberty are provided for medical personnel or prison officials. Please provide information as to whether such programmes are to be introduced in the near future and indicate if such programmes include training on the Istanbul Protocol.

Article 11

17. Please describe the mechanisms and procedures in place to keep under systematic review interrogation rules, instructions, methods, practices and custody arrangements with a view to preventing instances of torture in accordance with article 11 of the Convention. Please also indicate the frequency of this review.

18. Please provide information on the implementation of the recommendation by the Correction Commission concerning access to the court yard of Vaduz prison by female detainees and prisoners and of other recommendations to make available a programme of activities to all inmates of the prison and to organize regular visits by a nurse (CPT/Inf (2008) 20, paras. 35, 36, and 38).

19. Please elaborate on the practice of “imprisonment with restrictions” (CCPR/CO/81/LIE, para. 11) in Vaduz prison.

Articles 12, 13 and 14

20. Please provide information on the number and nature of all complaints of torture and cruel, inhuman and degrading treatment received by the Liechtenstein authorities during the reporting period as well as on the investigations, prosecutions and convictions of perpetrators.

21. With regard to the bilateral treaty of 1982 between Liechtenstein and Austria on the accommodation of prisoners, please provide updated information on the practical implementation of this treaty, in particular:

(a) Disaggregated data (by age, gender and nationality) on the number of persons sentenced to imprisonment by a court in Liechtenstein that served their sentence in Austria during the reporting period;

(b) To which jurisdiction any complaints of torture or other forms of ill-treatment are made, the number and nature of such complaints, and under which jurisdiction such complaints are investigated. Please also provide information on the outcome of such cases and the remedies available, including compensation and rehabilitation for victims of acts of torture or ill-treatment;

(c) The procedures and mechanisms in place to ensure that the rights of persons convicted by the State party are ensured while they are imprisoned in Austrian facilities, including the role of the newly established Corrections Commission in this regard;

(d) Any other relevant information on the mechanisms in place to ensure that the obligations of the State party under the Convention are fulfilled with respect to imprisoned persons in Austria, irrespective of whether they are nationals of the State party or foreigners;

(e) Please provide a copy of the treaty, if possible translated into one of the working languages of the Committee.

22. Please provide information on the new Victims Assistance Office and how it will facilitate the State party in fulfilling its obligations under the Convention.

Article 16

23. Please provide information on the necessary steps taken by the State party authorities to abandon the use of head covering of suspects by the National Police, and other alleged forms of ill-treatment, including excessive use of force and tight-fitting handcuffs, as reported to the European Committee on the Prevention of Torture during its last visit to Liechtenstein (CPT/Inf (2008) 20 and 21).

24. Please provide information on measures adopted by the authorities of Liechtenstein to enhance the rights and protection of juveniles in conflict with the law, notably:

(a) Disaggregated data (by age, gender and nationality) on the number of juveniles sentenced to imprisonment or held in pretrial detention in the State party;

(b) Specific measures in place to prevent ill-treatment of juveniles in places of detention and imprisonment;

(c) Progress in establishing by law a maximum length of pretrial detention for persons under the age of 18, as called for by the Committee on the Rights of the Child (CRC/C/LIE/CO/2, para. 35);

(d) Intention to revise provision §21 of the Juvenile Court Act (JCA) which makes the presence of a confidant during police interrogation dependent on a request by the juvenile (para. 26 of the State party report), rather than a formally guaranteed right of the underaged;

(e) Steps taken by the State party to increase non-custodial measures when sentencing or deciding on pretrial measures for persons under the age of 18, including the intention of the authorities to review the practice provided for under the 1982 treaty with Austria (para. 26) to transfer juveniles to a special facility in Austria, in view of the principle that separation from parents should only be a measure of last resort.

25. According to the interactive dialogue during the consideration of Liechtenstein under the Universal Periodic Review in December 2008, the State party indicated that it does not intend to establish ex officio prosecution of all acts of domestic violence (A/HRC/10/77/Add.1). Please provide information on:

(a) Whether the State party is reconsidering this position, with a view to strengthening the prevention of domestic violence, also recalling Council of Europe recommendation (2002) 5;

(b) The number of investigations into cases of domestic violence and the number and outcome of prosecutions and convictions of perpetrators as well as information on redress and compensation measures ordered by the courts in domestic violence cases, including the requests made, the number granted and the amounts ordered and provided in each case. Please also indicate how many victims have been compensated, despite the perpetrator not being identified, and whether rehabilitation measures have been provided to victims of domestic violence;

(c) Whether the Convention, or equivalent provisions of national legislation (paras. 38-39), has been invoked as a basis, either by the prosecution authorities or by a court of the State party, when establishing that an act of domestic violence has occurred and appropriate penalties identified;

(d) Whether the State party is considering prohibiting by law all forms of corporal punishment, in particular in the family and in private alternative care settings (CRC/C/LIE/CO/2, para. 23).

26. Please provide information, disaggregated by sex, age and origin of victims, on the number of complaints, investigations, prosecution and convictions, including sanctions, that have been applied in cases of human trafficking and commercial sexual exploitation, to the extent that such cases have been investigated by the authorities of Liechtenstein.

Other matters

27. Please provide information on the legislative, administrative and other measures the State party has taken to respond to any threats of terrorism, and indicate if, and how, these measures have affected human rights safeguards under the Convention. What measures have been taken to ensure that they do not affect the rights under the Convention?
