



REFERENCE:GH/fup-132

6 August 2021

Excellency,

In my capacity as Special Rapporteur for Follow-up to Concluding Observations of the Human Rights Committee, I have the honour to refer to the follow-up to the recommendations contained in paragraphs 12, 22 and 30 of the concluding observations on the report submitted by Liechtenstein ([CCPR/C/LIE/CO/2](#)), adopted by the Committee at its 120th session in July 2017.

On 26 June 2018, the Committee received the reply of the State party. At its 132nd session (28 June to 23 July 2021), the Committee evaluated this information. The assessment of the Committee and the additional information requested from the State party are reflected in the Addendum 2 ([CCPR/C/132/2/Add.2](#)) to the Report on follow-up to concluding observations (see [CCPR/C/132/2](#)). I hereby include a copy of the Addendum 2 (advance unedited version).

The Committee considered that the recommendations selected for the follow-up procedure have not been fully implemented and decided to request additional information on their implementation. Given that the State party accepted the simplified reporting procedure (LOIPR), the requests for additional information will be included, as appropriate, in the list of issues prior to submission of the third periodic report of the State party.

The Committee looks forward to pursuing its constructive dialogue with the State party on the implementation of the Covenant.

Please accept, Excellency, the assurances of my highest consideration.

Vasilka SANCIN

Special Rapporteur for Follow-up to Concluding Observations
Human Rights Committee

Mr. Patrick Ritter
Minister-Counsellor
Deputy Permanent Representative
liechtenstein.geneva@llv.li



Report on follow-up to the concluding observations of the Human Rights Committee

Addendum

Evaluation of the information on follow-up to the concluding observations on Liechtenstein

Concluding observations (120th session): [CCPR/C/LIE/CO/2](#), 24 July 2017

Follow-up paragraphs: 12, 22 and 30

Follow-up reply: [CCPR/C/LIE/CO/2/Add.1](#), received on 26 June 2018

Committee's evaluation: Additional information required on paragraphs 12[C][B], 22[C][B] and 30[A][B][C]

Paragraph 12: Anti-discrimination legislation

The State party should take all the measures necessary to ensure that its legal framework: (a) comprehensively prohibits all discrimination, including multiple discrimination; and (b) provides for effective remedies in cases of violation. The State party should also provide for training of judges, prosecutors and lawyers in relation to articles 33 (5) and 283 of the Criminal Code and raise awareness of these provisions with the public.

Summary of State party's reply

The State party indicates that its existing legal framework is adequate and does not require amendment. Collectively, the Constitution, the international human rights instruments the State party has ratified, relevant legislation and case law already provide for comprehensive protection from discrimination and for effective remedies in cases of violation.

On 22 May 2018, following up also on a recommendation made during the universal periodic review, similar to that of the Committee in paragraph 12 (b), the State party directed the Ministry of Foreign Affairs, Justice and Culture to organize a training session for members of the national police force, prosecutors and judges on the revised version of article 283 of the Criminal Code and its consequences.

Committee's evaluation

[C]: The Committee takes notes of the information regarding protection from discrimination provided under the State party's existing legal framework. Nevertheless, the Committee regrets that the State party has not taken specific measures to ensure that its legal framework comprehensively prohibits all discrimination, including multiple discrimination, and provides for effective remedies in cases of violation. The Committee reiterates its recommendations.

[B]: The Committee also takes note of the State party's efforts to train law enforcement officers, prosecutors and judges on the revised version of article 283 of the Criminal Code. The Committee requests specific details of this training session, including whether it covered article 33 (5) of the Criminal Code, the number and nature of all awareness-raising and training activities, when they took place, the number of participants and their substantive impact. It also requests information on any measures taken to raise the public's awareness of articles 33 (5) and 283 of the Criminal Code.



Paragraph 22: Sexual and reproductive rights

The State party should:

- (a) Amend its legislation on abortion with a view to providing for additional exceptions to the legal ban on abortion, including cases of fatal fetal impairment, in order to ensure that the life and health of women are adequately protected;**
- (b) Ensure access to clear information on options for voluntary pregnancy termination.**

Summary of State party's reply

- (a) The State party indicates that the life and health of women are adequately protected under the existing legal framework, which does not impose criminal penalties for abortion where it is necessary to avert a serious danger to life or serious damage to the health of the expectant mother that cannot be averted otherwise.
- (b) Information on options for legal pregnancy termination is provided by a competence centre (schwanger.li), which provides advice and support for women and couples facing unwanted pregnancy. It also provides information to the public through presentations, information sessions and on its website. The number of people who have received counselling through the centre has consistently increased since its founding in 2006. In 2017, it provided advice to 113 persons in the State party.

Committee's evaluation

[C]: (a) The Committee regrets that the State party does not intend to take any action with regard to its recommendation to amend its legislation on abortion with a view to providing for additional exceptions to the legal ban on abortion, including cases of fatal fetal impairment. The Committee reiterates its recommendation.

[B]: (b) The Committee notes that the State party has reiterated information provided in its second periodic report (CCPR/C/LIE/2) regarding access to clear information on options for voluntary pregnancy termination and regrets the lack of more specific information on measures taken since the adoption of the concluding observations. The Committee also takes note that the number of people using the competence centre's services is consistently increasing and that in 2017, it provided advice to 113 persons in the State party. The Committee reiterates its recommendation.

Paragraph 30: Prohibition of torture

The State party should:

- (a) Begin the consultation and decision-making processes for revision of the Criminal Code;**
- (b) Enact a prohibition on torture that is compliant with article 7 of the Covenant and with internationally recognized standards, including the removal of any statute of limitations on the prosecution of such crimes;**
- (c) Ensure that there exists an independent mechanism within the normal legal system, but separate from the police, to investigate all allegations of torture and ill-treatment;**
- (d) Ensure that the law adequately provides for the prosecution and conviction of perpetrators and accomplices of such acts before ordinary criminal courts, in accordance with the gravity of the acts, as well as for remedies for victims and their families, including rehabilitation and compensation.**



Summary of State party's reply

(a) The State party held a public consultation on the revision of the Criminal Code and the Criminal Procedure Code from 6 February to 20 April 2018. The Government plans to propose legislation informed by the consultation process before the end of 2018.

(b) The State party plans to revise the Criminal Code to include a definition of torture that is compliant with article 7 of the Covenant. The revised definition will impose criminal penalties of up to 10 years' imprisonment for the act of torture and up to lifelong imprisonment in cases where the victim dies as a result of the act of torture.

(c) The State party does not intend to create an independent mechanism to investigate allegations of torture and ill-treatment. While the topic was discussed at length following the Committee's recommendation, the common position in the State party is that creating such a mechanism would be out of proportion to the current conditions there.

(d) According to the State party, existing law already provides for the prosecution and conviction of perpetrators and accomplices of acts of torture, as well as for remedies for victims and their families. Article 33 (2) of the Constitution prohibits the threat or use of penalties other than those provided by law and the provisions of the Criminal Code prohibit the wilful infliction of bodily harm (sect. 83 (ff)) and harming or neglecting prisoners (sect. 312). In addition, under the Victims' Assistance Act, victims of torture and their families already have access to remedies such as counselling, long-term support, financial assistance for long-term support, compensation and legal aid.

Committee's evaluation

[A] (a): The Committee welcomes the fact that the State party has held a public consultation on the revision of the Criminal Code and plans to propose legislation based on the consultation. It requests updated information on that process.

[B] (b): The Committee also welcomes the fact that the State party plans to enact a prohibition on torture that is compliant with article 7 of the Covenant. The Committee requests updated information on progress made on the revision to the Criminal Code, including if and when the definition of torture was revised, the exact text of that revision and how the new definition complies with article 7 of the Covenant. The Committee regrets the lack of information about the removal of any statute of limitations on the prosecution of crimes involving torture and reiterates its recommendation in this regard.

[C]: (c) and (d)

The Committee regrets that the State party does not intend to ensure the existence of an independent mechanism to investigate allegations of torture and ill-treatment and reiterates its recommendation. The Committee takes note of the State party's existing legal provisions regarding acts of torture and remedies for victims of torture and their families. The Committee requires information on measures taken since the adoption of its concluding observations to comply with its recommendations and requests that the State party demonstrate the adequacy of the existing legal provisions. It requests data on the number of investigations, prosecutions and convictions there have been in cases of torture within the reporting period, as well as details of the sanctions imposed. The Committee also requests more specific details on the remedies provided to victims and their families during the reporting period, including the number of cases covered by the Victims' Assistance Act and the precise nature and scope of the remedies provided in each case. **Recommended action:** A letter should be sent informing the State party of the discontinuation of the follow-up procedure. The information requested should be included in the State party's next periodic report.

Next periodic report due: 2026 (country review in 2027, in accordance with the predictable review cycle. See

www.ohchr.org/EN/HRBodies/CCPR/Pages/PredictableReviewCycle.aspx).
