

Committee against Torture

REFERENCE: CAT/Follow-up - Liechtenstein

25 August 2025

Excellency,

In my capacity as Rapporteur for Follow-up to Concluding Observations of the Committee against Torture, I have the honour to refer to the follow-up to the examination of the fifth periodic report of Liechtenstein, in accordance with the Guidelines for follow-up to concluding observations (CAT/C/55/3).

At the end of its 79th session, held from 15 April to 10 May 2024, the Committee transmitted its concluding observations to your Permanent Mission. The Committee's concluding observations (CAT/C/LIE/CO/5, para. 33) requested the State Party to provide within one year further information on the specific areas of concern identified in paragraphs 14, 16 (d), and 20 (a) of the concluding observations.

On behalf of the Committee, allow me to express appreciation for your letter of 27 May 2025 providing your Government's response to the above-mentioned paragraphs (CAT/C/LIE/FCO/5) and to make the following comments:

Fundamental legal safeguards (para. 14 of the Committee's concluding observations)

The Committee takes note of the information provided by the State Party with regard to the relevant provisions of the Liechtenstein Code of Criminal Procedure, which permit the audio and video recording of interviews, including the power of the investigating judge to order such recordings to be made. However, the Committee regrets that no information has been provided indicating that steps have been taken to make audio and video recording a standard procedure for all interrogations in line with international best practices, including the Principles on Effective Interviewing for Investigations and Information Gathering (the Méndez Principles).

The Committee also takes note of the information provided by the State Party regarding relevant provisions of the Juvenile Court Act and the Liechtenstein Code of Criminal Procedure as they pertain to the right of juveniles to be accompanied by a trusted person during their interview and to access legal counsel. While recognizing that, according to the information received from the State Party, there are no legislative impediments to the enjoyment by juveniles of these rights, the Committee expresses its continued concern that juveniles may choose not to avail of these rights, inter alia due to lack of information or understanding of the process and against their better interests, and that the onus remains on the juvenile to make such requests, formal or otherwise (3/C).

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H.E. Mr. Frank Büchel
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Liechtenstein
to the United Nations Office and other international organizations in Geneva
Email: liechtenstein.geneva@llv.li

Conditions of detention (para. 16 (d) of the Committee's concluding observations)

The Committee notes the information provided by the State Party with regard to the availability of an external contract doctor for individuals detained in the national prison, both on a regular and needs basis. The Committee also notes the information provided by the State Party indicating that the prison doctor undertakes his best efforts in order to examine persons arriving in the national prison as soon as possible. However, taking into account the information provided by the State Party, and subsequent to the recommendations of the Committee, it is concerned that the State Party has not taken any additional measures to ensure that detainees receive a medical examination upon their admission to prison within 24 hours, in line with international standards (3/B2).

Extraterritorial incarceration (para. 20 (a) of the Committee's concluding observations)

The Committee takes note of the State Party's signature, on 12 March 2025, of an interpretative declaration with Austria on the bilateral treaty of 1982 on the accommodation of prisoners, clarifying that detainees from Liechtenstein who are held in Austria according to Article 1 of the treaty enjoy the same rights and legal protection as all detainees in Austria, and that Article 5 (3) of the treaty guarantees the application of Austrian law to these prisoners in its entirety. The Committee also takes note of the information provided by the State Party regarding the location of prisons in Austria and Switzerland, and the limited distances that family members or legal counsel may be required to travel for visits. However, the Committee is concerned that no information was provided as regards the ability of the authorities of the State Party and the State Party's national preventive mechanism under the Optional Protocol to the Convention to visit detainees convicted in Liechtenstein but imprisoned abroad (2/B1).

Implementation plan

Lastly, the Committee regrets that the State Party has not provided information about its plans for implementing, within the coming reporting period, the recommendations included in its concluding observations (C).

The Government of Liechtenstein is encouraged to provide additional information, if there is any, which would further contribute to the Committee's analysis of the progress made regarding the specific issues of concern cited above. This additional information may be provided in any subsequent report by the State Party pursuant to the Committee's request in its concluding observations on the fifth periodic report of Liechtenstein or other future periodic reports.

The Committee looks forward to a continued constructive dialogue with the authorities of Liechtenstein on the implementation of the Convention.

Accept, Excellency, the assurances of my highest consideration.



Bakhtiyar Tuzmukhamedov
Rapporteur for Follow-up to Concluding Observations
Committee against Torture