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Presentation of the fourth periodic report of the Principality of Liechtenstein under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (9 and 10 November, Geneva)

**Introductory statement
by Ambassador Martin Frick,
Director of the Office of Foreign Affairs**

Mr. Chairperson,

Liechtenstein welcomes the opportunity to engage for the fourth time now in yet another discussion with the Committee against Torture. This dialogue under Article 19 of the Convention against Torture is highly valuable to us since your Committee assembles great international expertise. We believe that these periodic dialogues add value to our already very well-functioning national mechanisms against torture and other cruel, inhuman or degrading treatment or punishment.

Strengthening the rule of law, protecting human rights and fundamental freedoms are guiding principles in our national and foreign policy. These principles have also been reiterated in our latest Foreign Policy Priority Report, which we have published in October 2015. For Liechtenstein the protection of human rights and fundamental freedoms is not to be mere rhetoric only existing on paper, it has rather been embodied by all sectors in Liechtenstein. Also, a good human rights record has been confirmed to Liechtenstein at our last UPR in 2013.

Let me once again assure you that Liechtenstein pursues a strategy of zero tolerance and advocates for full compliance with human rights standards in international and regional fora. It must be noted that no cases of torture or inhuman or degrading treatment or punishment have ever been recorded in Liechtenstein since its accession to the UN and other international organizations.

As requested by the Committee, let me briefly introduce to you the members of my delegation:

- Mr. Uwe Langenbahn, Head of Division, Executive Support Division, Deputy Chief of National Police
- Mr. Christian Blank, Head of Asylum Division, Migration and Passport Office
- [Ambassador Peter Matt, Permanent Representative of the Principality of Liechtenstein in Geneva to the United Nations]
- [Mr. Pascal Schafhauser, Deputy Permanent Representative of the Principality of Liechtenstein in Geneva to the United Nations]
- Mr. Claudio Nardi, First Secretary, Office for Foreign Affairs

Mr. Chairperson,

We attach great importance to the effective functioning of international and regional human rights treaties. The simplified reporting procedure implemented by your Committee already some time ago is of particular importance to us. Liechtenstein with its limited human resources commends the Committee's pivotal role in reforming not only its own procedures, but also for being a source of inspiration for the reform of the treaty body system. Liechtenstein has been a longstanding supporter of a strong and independent treaty body system which we consider one of the main pillars of the UN human rights system. We hope that our fourth report prepared under the simplified procedure will contribute to the effectiveness of the system. In order to strengthen the system even further, more focussed discussions in line with the mandate of the Committee might lead to the much advocated effectiveness of the system even further.

Mr. Chairperson,

Let me now turn to our national efforts which are of particular importance to us. Also, I would like to provide you with additional information that might be useful for our dialogue.

Since its entry into force on 3 December 2006, Liechtenstein has attached great importance to the OPCAT as a prevention instrument to our domestic legal framework for the protection against torture and other ill-treatment. The Corrections Commission – which is also designated as our National Preventive Mechanism (NPM) with the respective rights and responsibilities pursuant to OPCAT – has added a key instrument for the review of the implementation of our obligations under the Convention. In its regular reports and recommendations, the NPM has already provided the basis for fruitful dialogues between the Commission and the responsible Ministries. In its latest annual report of 2014, the NPM stated that *“the cooperation with the Liechtenstein authorities during the visits of the NPM was again very good this year.”* In 2014 several visits were paid to the Vaduz National Prison and the Schlossgarten Retirement and Nursing Home, largely without prior notice. In this regard it is of particular importance to mention that the NPM stated in its 2014 report that *“no complaints whatsoever of mistreatment or other inhuman treatment were made by detainees in relation to imprisonment. On the contrary, the NPM satisfied itself once again of the predominantly good atmosphere within the prison.”* It is also worthwhile mentioning that Liechtenstein complied with the wish of the NPM to set up a Webpage of the National Prison in 2015, providing information for detainees and visitors and even containing an online shop offering products handcrafted by detainees.

Mr. Chairperson,

With regard to the rights of persons deprived of their liberty, significant legal improvements in accordance with the Convention have been achieved in recent years. As of October 1st 2012 the revised Code of Criminal Procedure expressly stipulates that every suspect and accused person may consult a lawyer prior to every questioning and that a lawyer may attend the questioning. The Code now also provides that - at the express request of the questioned person - an audio and video recording of any questioning can be made. In this regard the Liechtenstein Chamber of Lawyers instituted on December 1st 2012 a legal on-call

service with a number that can be used by suspects even outside regular office hours to exercise their right to contact a defense lawyer.

Significant legal adaptations have also been achieved regarding the protection of victims from domestic violence – which is considered by many as a contemporary form of torture and ill-treatment. For dangerous threats against close relatives, stalking, the commission of rape or sexual coercion in marriage or domestic partnerships as well as forced marriages, prosecution is instigated “ex officio” since the revision of the Liechtenstein Criminal Code in 2011. Since the revision of the Code of Criminal Procedure in 2012, victims of criminal offences must be informed of their rights and notified of the release of the accused from detention and of the case's progress. With a declaration, victims of criminal offences may also join criminal proceedings as private parties with their own rights. With regard to domestic violence, please also note that the revised Foreigners Act of 2009 stipulates that the revocation or non-renewal of a residence permit can be waived when the spouse is a victim of domestic violence.

Gender-specific grounds for asylum are explicitly recognized in the Liechtenstein Asylum Act, which entered into force on June 1st 2012, as a basis for granting asylum. Women and girls who are victims of human trafficking and whose claims to international protection fall within the scope of the definition of refugees [as set out in the 1951 Convention relating to the Status of Refugees] are recognized as refugees in Liechtenstein and are granted asylum. In cases of gender-specific violence, Liechtenstein honors the non-refoulement requirement as stipulated in article 3 of the Asylum Act.

Mr. Chairperson,

Liechtenstein has been an associated member of the Schengen/Dublin area since 19 December 2011. In this regard, Liechtenstein forms part of the European asylum system and the Dublin Rules on determining responsibility for asylum proceedings apply to Liechtenstein. Due to the Dublin Rules and its geographic location, Liechtenstein is in most cases not in charge of asylum proceedings and therefore, the number of persons who were effectively granted asylum is relatively low. It is important to mention that Liechtenstein has a long humanitarian tradition and has repeatedly proven solidarity with people in need. This

is also supported by the fact that Liechtenstein ranks amongst the top donors with its current ODA of 0.75 percent. The numbers are also quite remarkable with regard to hosting asylum seekers and refugees in Liechtenstein: Compared to its small population of 37'000 inhabitants, Liechtenstein has made several commitments to host more than 65 asylum seekers and refugees.

Mr. Chairperson,

We would like to draw the Committee's attention to Liechtenstein's financial contribution to the global fight against torture. Liechtenstein is the largest per capita donor of the OHCHR and has been a longstanding supporter of the UN Voluntary Fund for Victims of Torture since 2008. We believe this fund is a unique and universal humanitarian tool in providing direct assistance to victims of torture. We also believe that civil society plays a crucial role in the fight against torture. In this regard, we have established significant long-term cooperations with the World Organisation Against Torture (OMCT) and the "Association for the Prevention of Torture (APT)", granting specific project contributions in the area of torture prevention. The cooperation between Liechtenstein and OMCT - which is the main coalition of international non-governmental organisations fighting against torture - has been established in 2007 and considerable financial contributions have been granted over the years. As you might know, Liechtenstein has been supporting the regional APT office in Panama as the main donor with a total of CHF 1.4 million since 2008. In particular, the APT office accompanied Latin American countries through the OPCAT ratification process. Since the establishment of the Regional Office in Panama, three additional states ratified the OPCAT. In addition, the number of designated National Preventive Mechanisms (NPMs) quadrupled since the beginning of the program, clearly demonstrating the impact of APT's measures in the region. These broad and strong financial commitments complement Liechtenstein's efforts on the national and international level and underline our full compliance in the fight against torture and other ill-treatment.

Mr. Chairperson, distinguished Members of the Committee,

I hope that these remarks will enrich our dialogue. We will be happy to elaborate on additional aspects as needed and answer questions you may have to the best of our knowledge. In conclusion, let me express our appreciation for the work carried out by the

Committee and assure the continued support of Liechtenstein to the fulfilment of its endeavours.

I thank you!