



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

Distr.: General
16 January 2013

Original: English

Committee against Torture

List of issues prior to the submission of the fourth periodic report of Liechtenstein,* adopted by the Committee at its forty-ninth session (29 October–23 November 2012)

Specific information on the implementation of articles 1 to 16 of the Convention, including with regard to the Committee's previous recommendations

Articles 1 and 4

1. With reference to the Committee's previous concluding observations (paras. 7 and 8),¹ please provide updated information on whether a definition of the crime of torture that covers all the elements contained in article 1 of the Convention has been incorporated into domestic law. Also, please indicate whether acts of torture are punishable by appropriate penalties commensurate to the gravity of the crime, as set out in article 4 of the Convention.

Article 2²

2. In the light of the Committee's previous concluding observations (para. 9), please indicate if any amendments have been made to the Criminal Code that remove the statute of limitations for offences that would amount to torture.

* The present list of issues was adopted according to the new optional procedure established by the Committee at its thirty-eighth session, which consists in the preparation and adoption of lists of issues to be transmitted to States parties prior to the submission of their respective periodic report. The replies of the State party to this list of issues will constitute its report under article 19 of the Convention.

¹ Unless otherwise indicated, paragraph numbers in brackets refer to the previous concluding observations adopted by the Committee, published under symbol CAT/C/LIE/CO/3.

² The issues raised under article 2 could also involve other articles of the Convention, including but not limited to article 16. As stated in paragraph 3 of the general comment No. 2 (2007) on the implementation of article 2 by States parties: "The obligation to prevent torture in article 2 is wide-ranging. The obligations to prevent torture and other cruel, inhuman or degrading treatment or punishment (hereinafter "ill-treatment") under article 16, paragraph 1, are indivisible, interdependent and interrelated. The obligation to prevent ill-treatment in practice overlaps with and is largely congruent with the obligation to prevent torture ... In practice, the definitional threshold between ill-treatment and torture is often not clear." See further chapter V of the same general comment.

3. With reference to the Committee's previous concluding observations (para. 10), please indicate whether any amendments have been made to the Public Health Act, the Criminal Code or the Code of Criminal Procedure that explicitly guarantee the access of persons deprived of their liberty to an independent medical doctor, preferably of their own choice, during police custody.
4. In the light of the Committee's previous concluding observations (paras. 11, 23 and 25), please provide an update on any revisions to the Code of Criminal Procedure that would explicitly give the right to all persons deprived of their liberty to have access to a lawyer, including during the first police investigation. Please indicate whether amendments have been made in the Code of Criminal Procedure that would allow for the use of audio and video equipment in places of deprivation of liberty.
5. With reference to the Committee's previous concluding observations (para. 12), please provide updated information on efforts to ensure the full and exclusive competence of the Ministry of Justice over the penitentiary system, as recommended by the Corrections Commission.
6. In the light of the Committee's previous concluding observations (para. 13), please provide an update on any amendments to the Execution of Sentences Act that would ensure that the mandate and powers of the Corrections Commission as the national preventive mechanism are clearly specified in law in accordance with articles 17–23 of the Optional Protocol to the Convention. In addition, please inform the Committee of any amendments relating to the composition of the Corrections Commission that would ensure a public, inclusive and transparent process in the appointment of its members, in keeping with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles).
7. With reference to the Committee's previous concluding observations (paras. 27 and 28), please provide statistical information on the number of juveniles deprived of liberty, including in pretrial detention, in Vaduz National Prison and in Austria. Please report whether the Juvenile Court Act has been amended to reduce further the maximum length of pretrial detention for juveniles, whether juveniles are separated from adults and whether alternative measures are applied to persons under 18. Also, please indicate whether article 21 of the Juvenile Court Act has been amended to ensure the presence of a person of trust, such as a parent or legal guardian, during interrogation or questioning of children under 18, without any request on their part.
8. In the light of the Committee's previous concluding observations (para. 31), please provide updated information on measures taken by the State party to prevent and combat human trafficking during the period under review, including an analysis of the phenomenon of foreign women working as nightclub dancers. Also, please provide information on the establishment of any mechanisms to identify victims of trafficking and efforts to provide temporary residence permits, protection and support to all victims of trafficking (CEDAW/C/LIE/CO/4, para. 27).
9. Please provide information on any consideration given to the introduction of ex officio prosecution for all acts of domestic, sexual and other forms of violence. In addition, please provide an update regarding the adoption of the National Action Plan on Violence against Women that was drafted in 2008 (CEDAW/C/LIE/CO/4, para. 21). Please indicate whether women from other countries, who are alleged victims of domestic, including spousal violence, have access to legal aid and protection that enables them to prove their victim status and retain their residence permit upon dissolution of their marriage (*ibid.*, para. 23). Please indicate whether any proactive measures, including temporary special measures, have been adopted to protect migrant women from violence and abuse (*ibid.*, para. 41).

Article 3

10. With reference to the Committee's previous concluding observations (para. 14), please indicate:

(a) Whether all asylum applications submitted during the period under review have been assessed and reviewed on merit;

(b) Whether the time limit for asylum seekers under "preventive expulsion" to apply for restoration of the suspensive effect has been extended;

(c) If asylum seekers under "preventive expulsion", whose requests for suspensive effect have been rejected, are guaranteed a proper hearing before the Administrative Court enabling them to appeal;

(d) Whether the authorities which decide on the return of asylum seekers to "safe third countries" pursuant to "preventive expulsion" verify, through a proper hearing, that those asylum seekers are guaranteed access to asylum procedures in those States.

11. With further reference to the Committee's previous concluding observations (para. 15 (d)), please indicate, disaggregated by country of origin, the number and outcome of appeals of rejected requests and the number of approved asylum and long-term resident requests granted on the basis of the Convention. Please provide the number of those who have been returned, extradited or deported since the consideration of the previous report and the grounds on which they were sent back, including a list of countries to which individuals were returned.

12. In the light of the Committee's previous concluding observations (paras. 16 and 17), please indicate whether asylum seekers, including minors, are placed in administrative detention, what is the average duration of such detention pending deportation, whether they have access to a lawyer and whether it is used only as a last resort.

13. Please provide information on whether the State party has adopted a standard procedure for identifying victims of sexual or gender-based violence when considering the admissibility of asylum applications on formal grounds or with regard to the return of applicants. Please indicate whether a gender-sensitive approach is applied throughout the refugee status determination procedure which includes special rights such as counselling services for female asylum seekers (CEDAW/C/LIE/CO/4, para. 25). In addition, please give information about the existence of referral mechanisms to ensure a gender-sensitive response to asylum claims of women and girls who are victims of trafficking and guarantee protection against refoulement (*ibid.*, para. 27).

Articles 5, 7 and 8

14. Please provide information on whether the State party has rejected, for any reason, requests for extradition by another State of an individual suspected of having committed an offence of torture, and has started prosecution proceedings as a result. Please provide information on any new cases that have reached trial and with what result.

Article 10

15. With reference to the Committee's previous concluding observations (paras. 20 and 21), please provide updated information on whether the mandatory training and supervisory courses for prison officers at Vaduz National Prison were effectively carried out during the period under review. In addition, please indicate whether judges, prosecutors, forensic doctors and medical personnel, including those educated abroad, receive training on the absolute prohibition of torture as well as on the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or

Punishment (the Istanbul Protocol) and whether the impact and effectiveness of this training are assessed.

16. Please provide information on any training and awareness-raising campaigns on domestic violence and violence against women provided to judges, prosecutors, lawyers, law enforcement officials and social workers. Please indicate whether judges, prosecutors and the police receive training on the strict application of criminal law provisions concerning violence against women (CEDAW/C/LIE/CO/4, para. 21). Also please give information about any efforts to raise awareness among asylum seekers and train police and immigration officers on the increased risk of asylum seekers becoming victims of trafficking (*ibid.*, para. 27).

Article 11

17. In the light of the Committee's previous concluding observations (para. 18), please provide updated information on whether the reception capacity of the Liechtenstein Centre for Refugees has been increased and whether some asylum seekers continue to be accommodated in underground shelters/bunkers with no daylight. Also, please provide information on measures taken to ensure adequate reception conditions for asylum seekers, including for families and separated children, with full consideration for the specific needs of women and girls (CEDAW/C/LIE/CO/4, para. 41).

18. With reference to the Committee's previous concluding observations (para. 22), please indicate whether the space, holding capacity and staffing levels at the Vaduz National Prison have been improved and extended during the period under review. Also, please indicate whether interrogations of prisoners always take place in the presence of a corrections officer and whether steps have been taken to ensure better separation of detainees.

Articles 12, 13 and 14

19. With reference to the Committee's previous concluding observations (para. 19), please indicate whether persons incarcerated in Austria under the 1982 Treaty on Accommodation of Prisoners have the right to complain to an independent body regarding torture and ill-treatment by prison officers and have their complaints promptly investigated. Please provide statistical data on allegations of torture and ill-treatment, the results of any investigations undertaken in connection with the allegations, disciplinary and criminal proceedings, convictions and the sanctions applied, and any compensation provided to the victims.

20. In the light of the Committee's previous concluding observations (para. 26), please provide information on steps taken to ensure that all allegations of ill-treatment by police are investigated promptly and impartially by independent bodies and not other members of the police force.

21. With reference to the Committee's previous concluding observations (para. 31), please provide statistical data on any investigations of suspected cases of trafficking, disaggregated by age and ethnicity of the victims, and prosecution and conviction of those responsible and indicate whether adequate compensation and full rehabilitation has been provided to victims.

22. In the light of the Committee's previous concluding observations (para. 30), please provide statistical data, disaggregated by age and ethnicity of the victims, on the number of complaints investigations, prosecutions, convictions of perpetrators and sentences handed down in cases of domestic and gender-based violence, including spousal abuse, during the period under review. Also, please provide information on any redress, including

compensation and rehabilitation, awarded by courts during the period under review regarding cases of domestic and gender-based violence, including spousal abuse.

Other issues

23. Please provide updated information on the measures taken by the State party to respond to any threats of terrorism and please describe if, and how, these anti-terrorism measures have affected human rights safeguards in law and practice and how it has ensured that those measures comply with all its obligations under international law, especially the Convention, in accordance with relevant Security Council resolutions, in particular resolution 1624 (2005).³ Please describe the relevant training given to law enforcement officers; the number of persons convicted under such legislation; the legal safeguards and remedies available to persons subjected to anti-terrorist measures in law and in practice; whether there are complaints of non-observance of international standards; and the outcome of these complaints.

General information on the national human rights situation, including new measures and developments relating to the implementation of the Convention

24. Please provide detailed information on the relevant new developments on the legal and institutional framework within which human rights are promoted and protected at the national level, that have occurred since the previous report, including any relevant jurisprudential decisions.

25. Please provide detailed relevant information on the new political, administrative or other measures taken to promote and protect human rights at the national level, that have occurred since the previous report, including on any national human rights plans or programmes, and the resources allocated thereto, its means, objectives and results.

26. Please provide any other information on new measures and developments undertaken to implement the Convention and the Committee's recommendations since the consideration of the previous report, including the necessary statistical data, as well as on any event that occurred in the State party and are relevant under the Convention.

³ Reports of Cambodia to the Counter-Terrorism Committee: S/2001/1253; S/2002/788; S/2003/273; S/2004/254; S/2006/312.