



CPT/Inf (2026) 16

Response

of the Government of Liechtenstein to the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on its visit to Liechtenstein

from 7 to 11 April 2025

The Government of Liechtenstein has requested the publication of this response. The CPT's report on the 2025 visit to Liechtenstein is set out in document CPT/Inf (2026) 15.

Strasbourg, 3 June 2026

Vaduz, 12 March 2026

Introduction:

The promotion and the protection of human rights and the rule of law are priorities for Liechtenstein's domestic and foreign policy. In this conjunction, good cooperation with inter-national monitoring and prevention mechanisms is of central importance.

Ever since the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment came into force for the Principality of Liechtenstein on 1 January 1992, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) visited Liechtenstein on five occasions (1993, 1999, 2007 2016, 2025). The reports on the visits were published together with the respective Govern-ment responses on the CPT website.¹

The most recent visit made by the CPT to Liechtenstein took place from 7 to 11 April 2025. The CPT adopted its report at the 118th meeting held from 3 to 7 November 2025, and then forwarded the report with the accompanying letter of 18 November 2025 to the Liechtenstein authorities. In addition, the CPT asked the Liechtenstein authorities to respond within six months with a comprehensive description of the measures taken to implement the recom-mendations made by the Committee, and with a comprehensive description of reactions and answers to the remarks and requests for information made in the report.

In the introduction to the report, the CPT makes two recommendations:

The Liechtenstein authorities are invited by the CPT to authorise in advance the publication of all future CPT visit reports concerning Liechtenstein and related government responses, subject to the possibility of delaying publication in a given case.²

After a thorough assessment, Liechtenstein advocates maintaining the procedure hitherto in place. As a result, the Liechtenstein authorities shall first be awarded the opportunity to

¹ <http://www.coe.int/en/web/cpt/Liechtenstein>

² An «automatic publication procedure» is introduced if a country makes a general request for publication of all future visit reports about this country. The Committee of Ministers and the Parliamentary Assembly of the Council of Europe encourage countries which have not yet done so to introduce this procedure. So far, the authorities of the following countries have introduced an automatic publication procedure: Albania, Andorra, Bulgaria, Denmark, Finland, Lithuania, Luxembourg, Monaco, North Macedonia, Norway, Austria, Poland, Republic of Moldova, Slovenia, Sweden, Czechia and Ukraine.

respond and the report shall only then be published together with the response of the Principality of Liechtenstein.

In addition, the CPT sets out in the introduction that the Liechtenstein authorities should take the necessary steps to ensure that all categories of places of deprivation of liberty are monitored by the National Preventive Mechanism (NPM) on a regular basis. In this connection, the CPT points out that police detention is also a deprivation of liberty and should be monitored by the NPM.

The members of the Prison Supervisory Commission also perform the tasks assigned to the NPM. After CPT's visit to Liechtenstein, it has turned out that the NPM might need to enlarge the scope of its monitoring. In line with the recommendation made by the CPT, the enlargement of the scope of the monitoring shall be reviewed in 2026.

Facts found during the visit and recommendations as well as response by the Government:

1. LAW ENFORCEMENT AGENCIES

1.1 Preliminary remarks

Paragraph 12:

Concerning police officers' interaction with psychiatric patients, for instance in the context of an involuntary hospitalisation (see paragraph 69 below), the CPT would like to be informed if such interaction is guided by special rules and if officers receive specific training in this respect.

Dealing with persons suffering from a mental illness or with special needs is an integral part of the basic training of police officers. This training is assisted by experts from the field of psychology and includes dealing in general with persons with physical or mental challenges. In this context, attention is expressly paid to:

- a professional attitude, a spirit of understanding and non-stigma,
- a clear distinction between the tasks of the police and medical tasks,
- the protection of the persons concerned and the police force on duty.

The following contents are in particular studied in this specific training:

- recognising typical mental disorders when on duty,
- tactical and de-escalating communication,
- dealing with psychoses, suicidality and emotional instability,
- the correct and proportionate action to be taken by police in connection with involuntary placements.

In addition, the National Police employ a police psychologist who continually provides assistance with regard to the internal procedures and processes. After relevant interventions, these are analysed in debriefings in order to continuously optimise the actions taken.

1.2 Ill-treatment

Paragraph 15:

However, a new, small waiting cell (measuring about 2 m²) on the administrative corridor of Vaduz Police Headquarters was equipped with a metal ring for shackling detainees to the wall whilst seated on a bench. Reportedly, the cell was only used for very short periods of less than an hour, but no record was kept on the use of the waiting cell or on the frequency

and length of instances of shackling detainees to the wall. Even if infrequent and short (as the delegation was told), handcuffing detained persons to fixed objects is an outdated practice, impeding the development of contemporary professional policing. Instead, persons acting in a violent manner should be kept in a secure detention cell of appropriate size. The CPT would like to receive confirmation that the metal ring has been removed.

Outside regular working hours, the National Police have limited human resources at its disposal. In order to guarantee security in such hours, it shall still be possible to handcuff a detained person to a metal ring for a short period of time. What is new is that the use of the metal ring has been declared to be reportable. Each application must be reported to the Chief of Police, and the facts of such application must be stated and a justification must be given in a form.

Even in case of only minor violations of the use of the metal ring, a report will be made to the Office of the Public Prosecutor for criminal investigation purposes.

1.3 Safeguards against ill-treatment

1.3.1 Introduction

Paragraph 16:

The Committee must reiterate³ that a custody register would enhance transparency and accountability in policing in order to ensure the implementation of detainees' rights in every case. It would also facilitate the work of inspection services and internal and external monitoring bodies. Whilst acknowledging that the individual detention files were very well kept, the Committee reiterates its recommendation that a custody register (electronically or on paper) be established at the National Police Headquarters, in light of the preceding remarks.

It is believed that there is no (absolute) need for a separate custody register, because all circumstances of custody are already documented in the respective electronic files. The CPT also emphasises the exemplary keeping of the files. A separate electronic custody register is not necessary for the National Police to perform its tasks.

1.3.2 Notification of custody

Paragraph 17:

Nevertheless, the CPT calls upon the Liechtenstein authorities to take the necessary steps to ensure that all persons deprived of their liberty by the police are formally guaranteed by law and granted in practice the right to inform a relative or other person of their choice of their situation as from the very outset of their deprivation of liberty. This right should also apply to detained persons whose family members reside outside Liechtenstein and must also be granted when the deprivation of liberty is very brief. Any restrictions on the right of notification of custody should be surrounded by appropriate safeguards in line with the precepts outlined above.

³ See the 2016 CPT Visit Report, CPT/Inf (2017) 21, paragraph 12; <https://www.coe.int/en/web/cpt/Liechtenstein>

The National Police make sure that from the outset of the deprivation of liberty persons shall have the right to notify a person of trust. This right is provided for by law (Art. 24h (4) of the Police Act⁴) and, in line with the instructions to the police no. 2025-02 (detention of persons by the National Police), it is granted in practice, even in cases of short-term apprehensions or if relatives reside abroad. The process of detention is explicitly dealt with as part of the internal police legal training.

1.3.3 Access to a lawyer

Paragraph 22:

The CPT once again calls upon the Liechtenstein authorities to take the necessary steps – including at the legislative level – to ensure that the right to meet a lawyer in private and to have them present during police questioning is legally guaranteed, and granted in practice, to every single person deprived of their liberty, as from the moment they are obliged to remain with the police.

§ 24 of the Code of Criminal Procedure (StPO)⁵ provides for the possibility of the presence of a defence counsel in all stages of the proceedings. The relevant provisions are to be understood, and are also applied in practice, in such a manner that the right to have a lawyer present is provided for by law from the outset of the deprivation of liberty. In this connection, reference is made to § 23 (3) of the Code of Criminal Procedure (StPO) which provides as follows:

«As far as the provisions of this Act do not appear to be limited to the investigation by their nature, they shall also apply to the defendant and to anyone who is examined as a suspect of a punishable act or is summoned as such for examination or against whom coercion is applied (§ 9(4))».

The Liechtenstein Bar Association operates a lawyer on-call service (based on § 24 (1) StPO). This ensures that suspects detained by the police for a criminal offence may exercise their rights and contact a defence counsel at any time. The defence as part of the on-call service includes a conversation with the lawyer where advice is provided by telephone or, upon demand of the suspect, in person. If necessary, the lawyer may also be present during police questioning and to carry out any other acts that may be necessary for the purpose of suitable defence.

A «person of trust» as mentioned in Art. 24h (4) of the Police Act also includes a lawyer. This is also set out to this effect in the relevant instruction on the detention of persons in the chapter on police detention and in the leaflet issued on this subject which is always handed over. In addition, the lawyer may also be notified in addition to a «personal person of trust» (such as a family member).

The short-term apprehension as mentioned in Art. 57 of the Foreigners Act⁶ (AuG) is a coercive measure. Pursuant to Art. 67 (3) (a) AuG, it is the responsibility of the National Police to enforce coercive measures pursuant to Articles 55 et seqq AuG. The apprehension is carried out by the National Police; likewise, the National Police conduct the questioning of the person for the following reasons:

⁴ Act of 21 June 1989 on the National Police (Police Act; PolG), National Law Gazette 1989 no. 48, LR 143.0.

⁵ Code of Criminal Procedure (StPO) of 18 October 1988, National Law Gazette 1988 no. 62, LR 312.0.

⁶ Act of 17 September 2008 on Foreigners (Foreigners Act; AuG), National Law Gazette 2008 no. 311, LR 152.20.

- a) to clarify the status of their stay or residence;
- b) to determine their identity or nationality, to the extent that their personal participation is required for this purpose; or
- c) to notify them of a decree in connection with their status of stay or residence.

In most cases, the persons concerned are at least suspected of having committed a misdemeanour or contravention pursuant to the Foreigners Act (unlawful stay pursuant to Art. 83 of the Foreigners Act or violation of the entry requirements pursuant to Art. 87 (a) of the Foreigners Act in particular). In the process, the National Police, as a general rule, draws up a police report with the fact findings and the transcript of the examination. These documents are then transmitted to the Immigration and Passport Office for the purpose of investigating measures of removal and keeping the person away (return and entry ban). The transcripts of examination include the following information and guidance which are explained to the person concerned at the beginning of each examination:

§ 147 in conjunction with § 130 StPO

Contact with a defence counsel

You are informed that you are at liberty to notify a defence counsel prior to the examination.

- I expressly waive the right to contact a defence counsel prior to the examination.

§ 147 StPO

Right to have a defence counsel present during the examination

You are additionally informed that you have the right to have a defence counsel present during your examination.

- I expressly waive the right to have a defence counsel present during the examination.

§ 147 in conjunction with § 130 StPO

Willingness to make a statement

You are informed that you are at liberty to make a statement on the matter or not to make a statement on the matter. You are also informed that your testimony may serve your defence but may also be used as evidence against you.

- I want to make a statement.

The right to have a legal advisor present is in any case communicated to and duly brought to the attention of the persons concerned. Likewise, transparent and understandable information is provided on the reasons for the short-term apprehension. It must be assumed that this clear communication in practice often results in the fact that the persons concerned waive the actual use of the services of a legal advisor. In addition, short-term apprehensions are effectively ordered in Liechtenstein only for the absolutely necessary period of time. The principle of proportionality is strictly respected. The legally permissible maximum duration of 72

hours is almost never used. In addition, the information sheet on the rights of the persons concerned is handed out.

Paragraph 23:

The CPT reiterates its recommendation that steps be taken, including at a legislative level, to ensure that a fully-fledged and properly funded system of legal aid for indigent persons at the stage of police custody be developed. This system should be applicable from the very outset of police custody.

As part of the most recent legal aid reform (National Law Gazette 2016 no. 406, entry into force on 1 January 2017), it was set out by law in the Code of Criminal Procedure (Art. 26 et seqq. StPO) that legal aid is generally applicable to all «examinations» including the first examination by the police or the Office of the Public Prosecutor and that it may thus be applied for. However, the relevant conditions set out in § 26 StPO must additionally apply.

1.3.4 Access to a doctor

Paragraph 27:

The CPT recommends that all persons deprived of their liberty by the police be expressly guaranteed by law the right to have access to a doctor from the very outset of their deprivation of liberty. The relevant provisions should make clear that:

- a request by a detained person to see a doctor should always be granted (it is not for police officers, nor for any other authority, to filter such requests);

- as a general rule, all medical examinations/consultations should be conducted out of the sight and hearing of police staff, under conditions fully guaranteeing medical confidentiality; however, the presence of non-medical staff at the request of the healthcare professional may be warranted in exceptional cases.

The right to have access to a doctor is provided for by law (Art. 24h (3) PolG) and is granted in practice, in particular if it is recognisable that there is a medical need or if the detained person makes a demand to this effect. Any person arrested on the basis of Art. 24h (1) PolG is thus entitled to a medical examination.

There is a form made available by the National Prison concerning the request for consultation with a doctor without the need to state the reasons therefor (with the added information «urgent» or «at the usual office hours»).

Medical confidentiality is respected without any restrictions; police officers are present only for security reasons and upon demand of the healthcare professional.

1.3.5 Information on rights

Paragraph 28:

The CPT recommends that the most recent version of the information sheet be made available in a wider range of frequently needed foreign languages in order to be handed out to detainees who do not have a sufficient command of German.

The authorities should also consider providing a simplified pictogram version of the information sheet for persons with reading difficulties.

All persons deprived of their liberty by the police should be further requested to sign a statement attesting that they have been informed of their rights, and whether they have availed themselves of these rights or have waived them.

The numbers of inmates in Liechtenstein are low, the languages needed in this context may, however, differ considerably. The most important foreign languages are already available (currently these are the following nine languages: Arabic, Albanian, Polish, Serbian, Turkish, English, French, Russian and Italian). For other foreign languages or simplified language, information will be provided, if needed, on the spot by means of AI translation tools, which has proved worthwhile. The use of pictograms is not considered to be expedient, because in this context legal information can hardly be provided in a general and unequivocal manner using pictograms.

All arrested persons are immediately examined after the arrest (see § 129 (2) StPO). In the process, as part of the information on legal matters, the person is also handed out the information sheet and the handover is recorded in the transcript of examination which is also signed by the person concerned. As a result, this recommendation has already been implemented.

1.3.6 Juveniles

Paragraph 29:

The CPT notes that juveniles are very rarely detained by the police. The Juveniles Justice Act (Jugendgerichtsgesetz - JGG) contains certain safeguards for this case, such as the mandatory notification of parents and the possibility to have a trusted person present during questioning (Sections 21a and 24 JGG). However, it is regrettable that despite the CPT's specific recommendations previously made, there are still no express provisions to ensure that detained juveniles are never subjected to police questioning or required to sign any statement related to the offence of which they are suspected without the presence of a lawyer and, ideally, a trusted adult. The onus should not be placed on the juvenile to request the presence of a lawyer or trusted person: such a presence should be mandatory. The Committee calls upon the Liechtenstein authorities to take the necessary steps – including at the legislative level – to ensure that these precepts are implemented whenever a juvenile is detained by the police.

§ 21a of the Juveniles Justice Act (JGG⁷) provides that upon the demand of the juvenile, a person of trust must be present at the examination of the detained juvenile concerning the subject matter and at their formal interrogation by a police officer or the court, unless this entails an undue extension of the detention. The juvenile must be informed of this right immediately

⁷ Juveniles Justice Act (JGG) of 20 May 1987, National Law Gazette 1988 No. 39, LR 314.1.

after the arrest. In addition, reference may be made to § 25 (4) JGG which provides that, in the event of remand custody of juveniles, a defence counsel is always needed. Pursuant to § 18 (1) JGG, the police should, if possible, not be involved in juvenile criminal matters. As a result, in practice, juveniles are very rarely detained without involvement of the court.

1.4 Conditions of detention

No recommendations

2. PRISON ESTABLISHMENTS

2.1 Preliminary remarks

Paragraph 33:

The CPT recommends that the Liechtenstein authorities take the necessary measures to ensure that foreign nationals detained under aliens legislation are accommodated in a less carceral facility, taking into account the comments made by the Committee in paragraphs 75 to 100 of its 19th General Report (CPT/Inf (2009) 27)⁸ as well as the standards contained in the CPT's factsheet on immigration detention.⁹

The number of persons detained under aliens legislation in Liechtenstein is very low. The available infrastructure in the National Prison is limited. Nevertheless, the detention regime is adjusted in line with the ground for detention and/or as well as possible. Due to the structural and organisational design of the National Prison, making compromises is inevitable to a certain degree.

The Government is aware of the recommendations made by the CPT in this regard and these recommendations will be part of the considerations of the Government as part of the planned overall review of the National Prison in 2026. The objective is also to ensure a treatment under the existing conditions which is as much as possible in line with international standards.

2.2 Ill-treatment

No recommendations

⁸ <https://rm.coe.int/1680696a86>

⁹ <https://rm.coe.int/16806fbf12>

2.3 Conditions of detention

2.3.1 Material conditions

No recommendations

2.3.2 Regime

Paragraph 38:

The Committee once more encourages the Liechtenstein authorities to pursue their efforts to expand the offer of activities for all inmates held at the State Prison, in light of the preceding remarks. As regards foreign nationals held under aliens legislation in particular, reference is made to the recommendation made in paragraph 33 above.

The Government shares the view that an offer of meaningful activities makes an important contribution to the rehabilitation and wellbeing of the inmates.

At the National Prison, there are currently a fitness room and a multipurpose room at the disposal of the inmates for social interaction and board games. In the outdoor area, there is also a table for table tennis. This offer is, insofar as permitted by the temporal and spatial circumstances, made accessible to all inmates.

The objective is to enlarge the existing activities further. Special attention shall in this regard be paid to foreign nationals detained under aliens legislation who, due to the spatial distance to their countries of origin, can receive visits only rarely. The additional offer of activities shall reduce the social isolation of this category of persons.

Paragraph 39:

As regards access to the open air, it is regrettable that the legislation and the prison's House Rules still stipulate that «exercise in the open air» was mandatory for all inmates on days when they did not work outside. Exceptions could only be made for medical reasons certified by the prison doctor. Whilst acknowledging that in practice inmates were not compelled to take outdoor exercise, the CPT is astonished to note that such a provision is still in force. The CPT reiterates its view that this anachronistic rule should be removed from the legislation and from the prison's House Rules.

The rule is based on the conviction that exercise in the open air is generally beneficial and that this rule serves the duty of care. However, there is no obligation. The provision is thus of a declarative nature.

In practice, inmates like to leave their cells, if they refuse to do so over a prolonged period of time, the doctor will be informed. It is not considered a necessity to change this course of action.

2.4 Healthcare services

Paragraph 41:

The CPT calls upon the Liechtenstein authorities to take the necessary steps to ensure that all persons newly admitted to Vaduz Prison – irrespective of their legal status – benefit from a comprehensive medical examination as soon as possible and, save for exceptional circumstances, no later than 24 hours after their admission by a healthcare professional. Such medical screening could be performed by a doctor or a fully qualified nurse reporting to a doctor.

During this examination, particular attention should be paid to the possible existence of mental health needs, acute and chronic diseases, infections, addiction, injuries, medication needs as well as traumatic disorders and signs of victimisation.

This recommendation, in particular that not only doctors but also other healthcare professionals may conduct such a screening, is expressly welcomed and the clarifications for the implementation of this recommendation have already been initiated.

Paragraph 42:

The CPT would like to be informed if clear guidelines and procedures have been put in place regarding the recording and reporting of injuries and if so, to receive a copy.

The Committee would like to emphasize in this connection that the procedures concerning the reporting of injuries in particular must ensure that whenever injuries are recorded by a healthcare professional which are consistent with allegations of ill-treatment made by an inmate (or which, even in the absence of allegations, are indicative of ill-treatment), the report is immediately and systematically brought to the attention of the relevant investigative authority.

If the medical staff discovers injuries which may be indicative of ill-treatment, there is a general duty to report to the Office of Health (Art. 20 of the Physicians Act¹⁰ or Art. 14 of the Health Care Act¹¹). The Office of Justice is under an obligation to make a report pursuant to § 53 of the Code of Criminal Procedure (StPO) to the Office of the Public Prosecutor.

Paragraph 43:

Nevertheless, the CPT reiterates its recommendation that steps be taken to ensure that all inmates have confidential access to the doctor, that is, that they are not requested to disclose the reason for their request to see a doctor to custodial staff. The request forms could for instance be modified so that the field «reasoning» is replaced by an optional field offering to add «further information» or «comments». As long as the requests to see a doctor are handled by custodial rather than by healthcare staff, the House Rules should not require that reasons for seeing the doctor be indicated.

At the National Prison, no medical staff is present all the time, which is why requests are received by custodial staff. In order to allow a rough assessment of the urgency of the consultation with a doctor, it does make sense to provide information of a purely indicative nature.

¹⁰ Act of 22 October 2003 on Physicians (Physicians Act), National Law Gazette 2003 no. 239, LR 811.12.

¹¹ Health Care Act (GesG) of 13 December 2007, National Law Gazette 2008 no. 30, LR 811.01.

The request form is modified in line with the recommendation. The hitherto mandatory field «reasoning» is replaced by an optional field offering to add «further information» in order to improve confidentiality.

Paragraph 46:

The CPT recommends that the Liechtenstein authorities:

- reinforce the provision of psychological care at the prison and develop the role of the prison psychologist, especially as regards trauma treatment, addiction and crisis psychology;

- ensure that psychiatric emergency care is available at any time;

- continue their efforts to ensure that all inmates in need of psychiatric in-patient care be transferred to an appropriate hospital without undue delay.

The need for the inmates of the National Prison to receive comprehensive psychological care has been recognised. Due to the low number of inmates, there are no employed psychiatrists or psychologists. However, there is a contract with a practicing psychiatrist who is consulted for psychiatric advice and, if need be, makes a referral to a specialised hospital.

In the event of an acute crisis, a crisis psychology care team is available at any time.

2.5 Prison staff

No recommendations

2.6 Contact with the outer world

Paragraph 54:

The Committee reiterates its recommendation that the Liechtenstein authorities amend the relevant legal provisions, including the prison's House Rules, in order to ensure that all categories of inmate are as a rule entitled to

- regular and frequent access to the telephone at least once per week and

- at least one visit hour per week.

The law should further guarantee that contact with a lawyer can never be totally denied.

As regards remand prisoners in particular, the CPT recommends that the Liechtenstein authorities take steps to ensure that the legal provisions governing their contact with the outside world are revised in light of the remarks made in the preceding paragraph.

The authorities should also consider providing the possibility of making video-calls to all categories of inmates.

At the National Prison, regular access to the telephone, at least once per week, is guaranteed. In line with current practice, an attempt is made to make additional telephone calls possible, if the daily routine so allows.

In this context, inmates detained under aliens legislation are given special priority, and they may even use their own mobile phones. Given that the National Prison is no establishment specialised to hold persons detained under aliens legislation, further privileges (e.g. permanent use of the private mobile phone) is not possible for security reasons.

As far as remand prisoners are concerned, telephone calls and visits are governed by the instructions issued by the competent investigating judge. If possible, visits are made possible more frequently. The possibility of video-calls is currently under review. In this context, however, security aspects and the protection of privacy need to be taken into account.

With regard to the right to defence and thus implicitly any contact thereto, reference can be made to Art 6 (3) of the ECHR, Art. 33 (3) of the State Constitution¹² and § 24 et seqq. of the Code of Criminal Procedure (StPO).

Paragraph 55:

The CPT recommends that the Liechtenstein authorities take the necessary steps – including at the legislative level – to ensure that all inmates are able to receive visits without physical separation, except in individual cases where there may be a clear security concern.

For initial visits a partition is currently used for security reasons. After a short trial period, visits take place with no such partition provided that it is guaranteed that there is no security risk and that both the inmate and the visiting person comply with the applicable rules. This course of action has proven worthwhile in practice.

Due to the limited space, visits without partition cannot be guaranteed in all cases, because the rooms used for this purpose are also used for private telephone calls. Visitors accompanied by children are, however, given special consideration so that direct contact is ideally made possible as early as from the first visit.

2.7 Discipline

Paragraph 61:

The CPT recommends that the relevant legislation be revised in order to ensure that:

- the legally defined maximum period for solitary confinement as a punishment for adults is no more than 14 days for a given offence, and preferably lower; sequential disciplinary sanctions resulting in an uninterrupted period of solitary confinement in excess of the maximum period should be prohibited;

- solitary confinement as a punishment for juveniles is fully abolished;

¹² Constitution of the Principality of Liechtenstein of 5 October 1921, National Law Gazette 1921 no. 15, LR 101.

- disciplinary punishments do not include a total prohibition of contact with the outside world and that restrictions on contact are applied only as far as the offence relates to such contact;

- inmates facing disciplinary sanctions are systematically provided with a copy of the disciplinary decision, including the reasons for the decision.

Further, the disciplinary procedures should be explained in the Prison House Rules.

Disciplinary sanctions are imposed only very rarely at the National Prison and their duration is very short.

In 2026, there will be a comprehensive review of the National Prison, including the House Rules and the disciplinary procedures. The aim is to review how the recommendations made by the CPT can be implemented, in particular with regard to handing out a written copy of the disciplinary decision to the inmates concerned and a detailed description of the procedure in the House Rules.

2.8 Security-related issues

Paragraph 63:

However, it is a matter of concern that Liechtenstein legislation still allows for the use of shackles (Fesseln) and straitjackets as special security means. The Committee acknowledges that these means have not been applied in practice for many years. Nevertheless (see paragraph 35 in the report), in the interest of legal certainty, the CPT recommends that these provisions be removed from the law.

In line with the recommendation made by the CPT, the removal of this provision (Art. 96 (2) (f) StVG¹³) is under review.

2.9 Information for inmates

Paragraph 64:

The CPT recommends that all relevant information for inmates – in particular regarding the prison routines and inmates' rights and duties – be translated into a wider range of the most frequently needed foreign languages in order to ensure that the relevant basic information can also be provided to inmates in writing.

The authorities should further consider providing a simplified pictogram version of the relevant information for persons with reading difficulties.

Regarding the necessary update of the prison's House Rules, reference is made to paragraphs 39, 54 and 61 of the report.

¹³ Act on the Execution of Sentences (StVG) of 20 September 2007, National Law Gazette 2007 no. 295, LR 340.

The relevant information is today already available in the most frequently needed languages. The House Rules are currently available in nine languages (Arabic, Albanian, Polish, Serbian, Turkish, English, French, Russian and Italian). If another foreign language or simplified language is needed, the relevant documents are, in accordance with established practice, drawn up by means of AI translation tools and immediately made available to the inmate in writing.

The so-called detention file includes several documents including the Act on the Execution of Sentences, the House Rules, forms for purchase and other requests, information on the daily routine, the cell rules, office hours of the social and psychological services, pastoral service, social security arrangements, visitor information and statements regarding the receipt thereof.

The use of simple pictograms is not considered expedient, because in this context legal information can hardly be provided in a general and unequivocal manner using pictograms.

2.10 Complaints procedures

Paragraph 65:

The Committee recommends that inmates be systematically informed, orally and in writing, of the modalities to lodge internal and external complaints. Further, steps should be taken to ensure that inmates can lodge their complaints confidentially (for instance, by using locked complaints boxes and/or closed envelopes).

The implementation of this recommendation in practice is under review.

3. SITUATION OF PERSONS DEPRIVED OF THEIR LIBERTY PURSUANT TO DECISIONS OF LIECHTENSTEIN COURTS AND TRANSFERRED TO ESTABLISHMENTS IN AUSTRIA AND SWITZERLAND

Paragraph 68:

The CPT invites the Liechtenstein authorities to raise the above-mentioned issues with the competent authorities in Austria and Switzerland.

By decision of 14 February 2017, the Government has decided to steer the system of the execution of sentences in a new direction. On the basis of the existing Treaty between the Principality of Liechtenstein and the Republic of Austria on the Accommodation of Inmates (National Law Gazette 1983 no. 39), all prison sentences have since been served in Austrian prisons.

The transfer to and accommodation in Saxerriet Prison for the preparation of the release is governed by the 2017 Memorandum of Understanding on Collaboration in the Execution of Sentences between the Security and Justice Department of the Canton of St. Gallen and the Government of the Principality of Liechtenstein

When the 4th Optional Protocol to the United Nations Convention Against Torture was presented before the UN Committee in Geneva on 24 and 25 April 2024, it was recommended that Liechtenstein review the provisions of the Treaty between the Principality of Liechtenstein and the Republic of Austria on the Accommodation of Prisoners so that legal guarantees against torture and ill-treatment are also guaranteed in Austria. This recommendation was incorporated in an interpretative declaration which was approved by a Government decision on 4 February 2025. The declaration states that Art. 5 (3) of the above-mentioned Treaty guarantees the application of Austrian law in its entirety including, as a result, the ECHR which has the status of constitutional law, the provisions on national prevention measures (Art. 148a (3) of the Austrian Federal Constitution (öB-VG¹⁴) as well as the legal remedies provided for in the Act on the Execution of Sentences. Liechtenstein inmates in Austrian prisons have thus any and all legal remedies at their disposal and they are entitled to the constitutionally guaranteed fundamental rights to the same extent as inmates sentenced by Austrian courts and also serving their time in Austrian prisons.

The recommendation made by the CPT to raise the above-mentioned issues with the competent authorities in Austria and Switzerland has been noted. However, the Government takes the liberty of pointing out that the CPT also conducts periodic visits to these countries and that the raised issues could be discussed directly with the respective national agencies as part of these visits.

In addition, it must be pointed out that the prisons mentioned in the report are governed by the national provisions of the respective country which are beyond Liechtenstein control.

4. INVOLUNTARY PSYCHIATRIC HOSPITALISATION

4.1 Preliminary remarks

Paragraph 70:

However, the delegation was informed during the visit that at least one forensic patient had been temporarily held in a closed establishment in Switzerland. The CPT would like to be informed under which treaty such placement in Switzerland took place and how many forensic patients from Liechtenstein are currently being held in Swiss establishments.

There might be a misunderstanding with regard to the terms used. The preventive detention of forensic patients is carried out entirely in Austria.

4.2 Civil involuntary placement, review and complaint procedures

Paragraph 81:

The CPT recommends that the Liechtenstein authorities amend the legislation in order to ensure that, in the context of involuntary placement of patients and retention (of those formally considered as voluntary) in a psychiatric establishment and, at reasonable intervals, of their review, all patients are entitled:

¹⁴ Federal Constitution Act (B-VG), Austrian Federal Law Gazette no. 1/1930 (WV) as amended from time to time.

- to be heard in person by a judge in the context of the court procedure and**
- to benefit from legal assistance whether or not they are under guardianship.**

As regards the involvement of independent expertise, reference is made to the precepts outlined in paragraphs 76 and 78 in the report.

Patients should also be systematically informed – at the very outset of their deprivation of liberty – about their right and the practical modalities to request release and to file complaints.

In case of an ordinary placement or in the event of an extension of the placement, the court will in any case hear the person concerned in person in line with Art. 18i (2) of the Social Assistance Act¹⁵. If the person is already accommodated at a hospital (generally in Switzerland), the person is in some cases also heard by way of judicial assistance, which means that a Swiss judge conducts the hearing and sends the transcript to the Liechtenstein court. As far as the periodic review is concerned, no hearing in person is absolutely required (see Art. 18l SHG). In practice, the persons concerned / their representatives / guardians have hitherto been awarded the opportunity to make a statement in writing. There is a statutory exception with regard to an emergency placement; in these cases, there is no hearing in person by the judge.

Pursuant to Art. 18i (2) SHG, the Liechtenstein Court of Justice (Landgericht) will appoint a legal advisor for the person concerned, if needed. In line with the current practice of the Liechtenstein Court of Justice, any such legal advisor is generally appointed if the emergency placement is declared permissible, if the person is still accommodated in the establishment when the decision is rendered and if an «ordinary» placement procedure is initiated. In the event of an extension of the placement, a legal advisor has generally already been appointed because such legal advisor was appointed when the decision on the permissibility of the emergency placement was rendered.

No legal advisor is generally appointed ex officio for persons for whom a guardian has been appointed to represent them in court. However, the person concerned including the guardian may of course retain the services of a legal advisor at any time.

Generally, law-school graduates working with the Liechtenstein Court of Justice are appointed as such legal advisors.

It is absolutely required that expert opinions be always obtained in case of an ordinary placement or in case of an extension of the placement pursuant to Art. 18i (1) SHG. There is, however, no such requirement in case of an emergency placement.

In emergency cases, the Liechtenstein Court of Justice is required to review the ordered placement within five days. If the placement is upheld and if the person has not yet been released, the Liechtenstein Court of Justice always appoints a legal advisor who exercises the rights of the person concerned.

Pursuant to Art. 18d (4) SHG, the person concerned may request their release at any time. In each decision, the court points out to the establishments that the person concerned must be released as soon as the conditions of the placement are no longer fulfilled (Art. 18d (3) SHG).

¹⁵ Social Assistance Act (SHG) of 15 November 1984, National Law Gazette 1985 no. 17, LR 851.0.

Following inspection of the respective files, the Liechtenstein Court of Justice knows that hospitals have sample forms for appeals against placement decisions at their disposal and these forms are, in some cases, used by persons concerned.

Further, as regards the draft bilateral treaty with the Swiss authorities concerning involuntary psychiatric hospitalisations in Switzerland, the Committee urges the Liechtenstein authorities to pursue their efforts to conclude the treaty. The treaty should ensure that the fundamental legal safeguards against ill-treatment are guaranteed throughout the patients' deprivation of liberty abroad (in particular the rights to have the need for continued involuntary placement regularly reviewed by an independent authority or a court and in this context to be heard in person by a judge, to have access to legal assistance, and to benefit from independent psychiatric expertise). Patients should also be able to file complaints at any time to internal and external bodies and to be informed accordingly.

The CPT would like to receive a copy of the treaty. As far as involuntary psychiatric placements of Liechtenstein patients may also take place in Austrian establishments, a respective treaty should be concluded with the Austrian authorities and submitted to the CPT accordingly.

As far as the recommendations made by the CPT with regard to the planned bilateral Treaty with the Swiss authorities concerning Involuntary Psychiatric Hospitalisations in Switzerland are concerned, it can be reported that the efforts undertaken by Liechtenstein in this regard to finalise the Treaty as soon as possible have been continued with high priority. The Treaty shall regulate the involuntary placement of adults and the placement of minors with residence in Liechtenstein in an establishment in Switzerland. In light of the fact that any placement against the will of the person concerned constitutes a serious violation of their personal liberty, the top priority will be that the persons concerned enjoy as much protection as possible. Among other things, the Treaty will provide legal certainty with regard to the appeal procedures applicable in each case.

A treaty to this effect with Austria is not planned at the moment. In this respect, reference is also made to the very low number of involuntary placements by Liechtenstein in establishments in Austria and to the fact that Austria opens a distinct procedure in each case.