

## EXECUTIVE SUMMARY

During its periodic visit to Liechtenstein, the CPT's delegation reviewed the measures taken by the Liechtenstein authorities to implement various recommendations made by the Committee after previous visits. In this connection, particular attention was paid to the implementation in practice of the fundamental safeguards against police ill-treatment and the regime offered to different categories of inmate at the State Prison in Vaduz. The delegation also examined the legal safeguards surrounding the involuntary placement of psychiatric patients in psychiatric establishments. In addition, it carried out a visit to a nursing home.

Throughout the visit, the delegation received excellent co-operation from both the national authorities and staff at the establishments visited.

Further, the CPT is pleased to note that its delegation received no allegations of ill-treatment of detained persons by staff in any of the establishments visited.

### Police custody

The delegation heard no complaints from detained persons regarding the practical implementation of the fundamental safeguards against ill-treatment, namely the right to have the fact of one's detention notified to a relative or another trusted person and the rights of access to a lawyer and to a doctor. Further, the CPT welcomes the fact that the rights of criminal suspects to inform a family member or trusted person about their situation and to contact a lawyer are now legally guaranteed as from the outset of their deprivation of liberty, and that all persons detained by the police were offered a telephone conversation with a lawyer free of charge through the 24-hour hotline of the Bar Association.

Nevertheless, the CPT expresses concern about the fact that certain long-standing recommendations regarding fundamental safeguards have not been implemented. In particular, juveniles may still be subjected to police questioning and requested to sign statements without the benefit of the presence of either a lawyer or a trusted person. Further, the Code of Criminal Procedure still provides for the possibility of supervising conversations between a detained person and his/her lawyer and of denying the presence of a lawyer during police questioning. In this regard, the CPT stresses that if, exceptionally, access of a detained person to the lawyer of his/her own choice is delayed or denied, access to another, independent, lawyer who can be trusted not to jeopardise the legitimate interests of the investigation should be arranged. In addition, the Committee recommends that a fully-fledged and properly funded system of legal aid for indigent persons at the stage of police custody be developed.

It is also a matter of concern that a custody register no longer existed at the National Police Headquarters in Vaduz. In the Committee's view, such a register is essential in order to document the most relevant facts of a person's detention, in particular as regards the implementation in practice of the fundamental safeguards against ill-treatment. The Committee therefore recommends that a custody register (electronically or on paper) be immediately re-established.

## Vaduz State Prison

Material conditions of detention remained on the whole very good in the State Prison.

The CPT acknowledges the challenges faced by the management of the prison in providing an adequate regime for all inmates in an establishment of limited size intended to accommodate inmates of different categories, many of whom only stayed in the prison for short periods. Against this background, it appreciates the efforts made to provide the few inmates individually with opportunities to work and to allow frequent access to the outdoor exercise yard and the fitness room. That said, the Committee encourages the Liechtenstein authorities to expand the offer of activities, in particular for inmates held in the establishment for prolonged periods and those under a separation regime.

As regards health care, the CPT welcomes the fact that inmates had the possibility to see a doctor without delay at their own request, that a psychologist visited the prison several times per month and that a psychiatrist was always available on call in case of need. However, it is a matter of serious concern that, despite the specific recommendation repeatedly made by the Committee after its previous visits, newly-arrived inmates still did not benefit from medical screening upon their admission. The CPT stresses the importance of such an examination notably to prevent suicides and the spread of transmissible diseases, as well as for recording injuries in good time. It therefore calls upon the Liechtenstein authorities to ensure that all persons admitted to the State Prison are examined by a doctor, or by a qualified nurse reporting to a doctor, within 24 hours of their admission.

The report also deals with various other prison-related issues, such as staff, contact with the outside world, discipline and security. In particular, the Committee recommends that the Liechtenstein authorities amend the relevant legislation, in order to ensure that all prisoners (including those on remand) are as a rule entitled to have regular and frequent access to the telephone.

The Committee notes positively that disciplinary sanctions have hardly ever been imposed on inmates in recent years. However, it is a matter of concern that, according to the Code on the Execution of Sentences, inmates – including juveniles – may be held in solitary confinement for disciplinary reasons for up to four weeks. The CPT expresses its view that solitary confinement should not be imposed for more than 14 days (and preferably less) on adults and not at all on juveniles. In addition, the Committee recommends that the Liechtenstein authorities take steps to ensure that the disciplinary sanction of solitary confinement does not lead to a total prohibition of family contacts and that any restrictions on family contacts as a form of disciplinary punishment are applied only when the offence relates to such contacts.

## Involuntary placements of a civil nature

The CPT welcomes the Liechtenstein authorities' efforts to clarify existing legal uncertainties regarding the involuntary placement of patients/residents in psychiatric or social welfare institutions abroad through the conclusion of bilateral agreements with Switzerland and Austria. In this connection, the Committee recommends that the Liechtenstein authorities take the necessary steps to ensure that important legal safeguards (in particular, the rights to be heard in person by a judge and to request a judicial review of the placement decision, as well as the provision of an independent psychiatric expert opinion in the context of a placement procedure) are formally guaranteed to all persons who are subjected to an involuntary placement order by a Liechtenstein court and transferred to a psychiatric/social welfare establishment outside Liechtenstein.

## St Laurentius Nursing Home

Living conditions at St Laurentius Nursing Home were excellent. All residents had spacious and well-equipped rooms, and various activities were offered to them.

The delegation also gained a favourable impression of the care provided, which was based on an individualised approach and took the special needs of persons into account.

In the ward at the nursing home's ground floor, residents prone to abscond could be prevented from leaving by locking the exit door with a key code (*codegesicherter Ausgang*). The Committee considers that the residents concerned could be de facto deprived of their liberty without being offered any safeguards. The CPT recommends that in such cases an involuntary placement procedure under the Social Welfare Act or a court procedure for appointing a guardian be initiated.

As regards the use of movement-restricting measures (*bewegungseinschränkende Massnahmen*), such as the locking the ward's exit door by means of a key code, the installation of rails on the sides of the bed (*Bettgitter*) and attaching a resident in a wheelchair with a seat belt, the delegation was unfortunately not able to obtain a clear picture of the frequency of their use and the procedure followed in practice, as decisions and dates of decisions concerning movement-restricting measures were often not properly documented. However, it appeared that the residents concerned were not always seen by a doctor when such measures were applied to them. The CPT recommends that, whenever movement-restricting measures are applied without the valid consent of the resident concerned, they always be ordered or approved by a doctor after an individual assessment of the resident. In addition, the Committee recommends that a central register on movement-restricting measures be established at St Laurentius Nursing Home and, where appropriate, in other social care institutions.