

2023 Annual Report

of the Liechtenstein National Preventive Mechanism

pursuant to Art. 17 of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

I. Introductory remarks

A) Composition of the Liechtenstein National Preventive Mechanism

1. By Government resolution of 17 December 2019, the following members were appointed to the Enforcement Commission for Monitoring the Regulations on the Execution of Sentences (hereinafter "Enforcement Commission") and to the National Preventive Mechanism (hereinafter "NPM") for the term of office from 1 January 2020 to 31 December 2023:

- Monika Büchel, Chair of the Liechtenstein Enforcement Commission and of the Liechtenstein NPM;
- Walther Tabarelli, Deputy Chair of the Liechtenstein Enforcement Commission and of the Liechtenstein NPM;
- Esther Marogg, Member of the Liechtenstein Enforcement Commission and of the Liechtenstein NPM;
- Norbert Melter, Member of the Liechtenstein Enforcement Commission and of the Liechtenstein NPM;
- Jakob Gstöhl, member of the Liechtenstein Enforcement Commission and of the Liechtenstein NPM;

2. The members of the Enforcement Commission also exercise the rights and responsibilities of the Liechtenstein NPM as laid down in Art. 17 et sqq. of the Optional Protocol to the Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment.

B) Dates and times of the individual visits

3. In accordance with Art. 17 et sqq. of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (LGBl. [*Landesgesetzblatt*, Liechtenstein Law Gazette] 2007, No. 260), the NPM paid multiple visits to places of detention in the Principality of Liechtenstein in 2023. The individual visits took place without prior notice and at the following dates and times:

- 24 March 2023, from 09.00 a.m. to 11.00 a.m.
- 30 June 2023, from 09.00 a.m. to 11.00 a.m.
- 29 September 2023, from 09.00 a.m. to 10.30 a.m.
- 29 September 2023, from 10.30 a.m. to 11.30 a.m.
- 12 December 2023, from 09.00 a.m. to 11.00 a.m.

Before and after each visit, meetings were held by the NPM (and by the Enforcement Commission), during which the course of action was laid down and the results were discussed.

C) Visits to the institutions

4. In 2023, the NPM visited the following places of detention:

- Vaduz State Prison (*Liechtensteinisches Landesgefängnis*), Vaduz
- Admission cell and personal safety cell at the Liechtenstein National Police (*Landespolizei*)

II. Inspection findings

A) Vaduz State Prison

a) Access to facilities and talks with detainees

5. The Liechtenstein National Preventive Mechanism was granted unlimited access to the facilities during all of its visits. Also, talks with detainees could be carried out without interference and free from any pressure. During its visits, the Liechtenstein NPM also had various talks with the prison officers. In these talks, the prison officers were very open and willing to answer the questions asked by the NPM.

b) Treatment and conditions

6. Without exception during every visit of the Liechtenstein NPM to the State Prison, the inmates who were questioned stated that they were being treated very respectfully by the prison officers. The atmosphere in Vaduz Prison was peaceful and quiet during all visits.

7. The inmates also stated that the food was of good quality, and that hygienic standards in the State Prison were very high. The Liechtenstein NPM was satisfied to see during its visits to the prison that hygienic conditions were indeed good.

8. In its assessment of the inmates, the NPM did at no time find any direct or indirect indications for any conclusion that there had been any physical or mental abuse.

c) Opportunities for inmates to work

9. In 2023, too, the Liechtenstein NPM assessed the opportunities for the inmates of Vaduz State Prison to work. The conditions for opportunities to work in the State Prison have not changed. Vaduz State Prison is still confronted with the challenge

that for lack of room, it cannot accept any larger-scale (industrial) work, since workpieces cannot be put into interim storage at all or only to a limited extent.

10. The fact that Vaduz State Prison is a remand prison also makes it difficult to offer inmates suitable opportunities to work. Firstly, inmates are in the State Prison for a limited period of time only, for as soon as there is a final judgment, they are moved to a prison not far away abroad to serve their sentence. Secondly, experience has shown that not all inmates are suitable for all types of work. It is in particular as a result of the increasing number of inmates with mental issues or with a drug abuse background that some inmates find precision work very difficult and that work with tools is out of the question for security concerns. During the current term of office of the NPM, the situation occurred that although there was enough work available, there were no suitable inmates to carry out the work due to the above-mentioned mental instabilities and to security concerns.

d) Digitalisation

11. Digitalisation / the implementation of common software to manage digital files in the Liechtenstein National Administration and also at Vaduz State Prison is still ongoing. The implementation of the software at Vaduz State Prison has so far been successful and without any major problems. In the past year, the State Prison has worked on shaping specific features of the software to adjust it to the requirements of the State Prison. For example, it has turned up that it is not expedient for the State Prison to mark a file automatically "closed" if no activities have occurred over a period of one year, as the basic software introduced in the Liechtenstein National Administration is programmed to do. For this reason, Vaduz State Prison implemented a time-limit of five years until a file will be closed automatically.
12. The NPM considers the progress of digitalisation in Vaduz State Prison to be a very positive development.

e) New initial prison for serving sentences

13. Since Liechtenstein does not have a prison for serving sentences (as has been mentioned, the Liechtenstein prison is purely a remand prison), it has – among other things – entered into an agreement with the neighbouring country of Austria on the transfer of persons who have been sentenced in Liechtenstein to detention in a final way, according to which agreement the vast majority of these persons will serve their sentence in Austria. In the past, it was common practice that Feldkirch Prison (*Justizanstalt Feldkirch*) would be the initial prison for Liechtenstein inmates. From there, inmates were moved to prisons all over Austria, depending on the duration of the sentence to be served and on any mental and/or drug issues. However, since Feldkirch Prison has reached the limits of its capacity, it has not been possible at all or only with difficulties during the past year to move Liechtenstein inmates there.
14. Solutions were sought for accommodating Liechtenstein inmates, and the Liechtenstein authorities have succeeded in coming to an agreement on a suitable solution with Innsbruck Prison (*Justizanstalt Innsbruck*) / the competent Austrian authorities. In the future, it will be Innsbruck Prison which will be the initial prison for Liechtenstein inmates and will therefore act as the central hub. Being the third-largest judicial prison in Austria, Innsbruck Prison offers inmates the opportunity to work on a regular basis, and it is even possible to do selected training courses there. Innsbruck Prison is also very well set up for drug-abusing inmates or inmates who have mental issues.
15. Together with the agreement with Innsbruck Prison / the competent Austrian authorities, an arrangement has been found for moving Liechtenstein inmates located in Innsbruck Prison to proceedings and examinations in Liechtenstein. In the past, the transport of Liechtenstein inmates located abroad to criminal proceedings in Liechtenstein turned out to be a challenge, since Liechtenstein staff in this field is limited. Now, these transports are carried out by Austrian officers, and starting at the border, they are accompanied by Liechtenstein police officers.

16. In all, the agreement with the Austrian authorities that Liechtenstein inmates with a final (detention) judgment may be moved to Innsbruck Prison is assessed to be a very expedient solution.

d) Inmates with mental issues

17. The increase in the number of inmates with mental issues that was observed over the past years has continued in 2023. The accommodation of these inmates with special needs still poses a particularly substantial challenge to Vaduz State Prison. Since the prison is so small and Vaduz State Prison is purely a remand prison – which means that inmates typically stay only for a short period – it is almost impossible to get suitable programmes and therapies in motion.

18. This problem has been mitigated somewhat by the above-mentioned agreement with the Austrian authorities. The agreement permits the Liechtenstein authorities to move inmates with mental issues to Innsbruck during pre-trial detention already, where they have access to the required therapies and programmes. The pre-trial detainees are moved to Liechtenstein by the Austrian authorities in cooperation with the Liechtenstein National Police for proceedings and examinations.

e) Cooperation with the Liechtenstein Probation Services

19. In the past year, Vaduz State Prison has been able to prepare a paper with the Liechtenstein Probation Services (*liechtensteinische Bewährungshilfe*) in which interfaces were laid down and competencies were defined. After a person has been detained, there are not just legal but also various practical issues. For example, one must find out whether the detainee has a family, where that family is located and how it can be contacted, whether there is an apartment the rent of which must continue to be paid, whether there are any pets, who will contact social and health insurance, and many more.

20. Also including the Guardianship Association (*Sachwalterverein*), Vaduz State Prison has been able to elaborate and introduce a quality management programme together with the Liechtenstein Probation Services, which ensures that inmates receive the highest possible degree of assistance and that any overlapping competencies are avoided.

B) Admission cell and personal safety cell at the Liechtenstein National Police

21. The admission cell at the Liechtenstein National Police serves as the accommodation facility for initial detention and as accommodation for extradition detainees. This is a relatively large detention room with two bunk beds, a table with benches, and a room with sanitary facilities.

22. Next to the admission cell, there is the personal safety cell. This is a fully padded detention cell from which all items that might lead to self-injury have been removed. For example, there are no coat hooks or free-standing beds. The bed that is in the cell has been firmly bolted to the wall.

23. Detention in the personal safety cell is limited to the minimum time necessary and is monitored closely. Any entry to the personal safety cell is documented – in addition to the usual documentation – by filling in a form located at the door. For example, the reason for accommodation in the personal safety cell, the date and time of accommodation, and the medical visits are noted.

24. Both the admission cell and the personal safety cell at the Liechtenstein National Police were clean and furnished functionally.

III. Cooperation with the Government and with other authorities and institutions

A) Cooperation with and access to the institutions visited

25. Once again, the cooperation of the Liechtenstein NPM with the Liechtenstein authorities and with the institutions visited by the NPM was very good this year. The members of the NPM were always granted immediate access to all institutions they wished to visit. They were also able to hold confidential conversations with anyone they wished to talk to.

B) Annual meeting with the Government, the Office of Justice, and the National Police

26. The annual meeting between the Enforcement Commission / the NPM of the one part and the Government, the Office of Justice, and the National Police of the other part took place on 21 November 2023.

27. This year's meeting, too, was characterised by an open and constructive discussion of the topics addressed. In particular, the topic of inmates with mental issues as well as solutions to this problem were discussed. The Liechtenstein National Police and the Office of Justice explained to the NPM the details of the new agreement with the Austrian authorities concerning Innsbruck Prison.

C) Meeting with the Human Rights Association

28. The annual meeting of the NPM with the Liechtenstein Human Rights Association (*Verein für Menschenrechte in Liechtenstein*) took place on 9 May 2023. Various topics concerning both the NPM and the Human Rights Association were discussed in very constructive talks.

29. Particular emphasis was placed on the topic of the increasing number of inmates with mental issues and of inmates with drug abuse issues. Together with the Human Rights Association, the situation was analysed and information on planned measures was exchanged. The problem of often lacking opportunities to work and the resulting

effects on inmates were also discussed in a solution-oriented way. The situation at Vaduz State Prison during the time when various restrictions were in place as a result of the COVID-19 virus was discussed in retrospect, too. In particular, it was discussed whether there is potential for improvement concerning contact with relatives. In a large last block, the topics of involuntary commitment and institutional care were discussed.

IV. Summary and outlook

30. It can be noted in this year, too, that all visited institutions in Liechtenstein where persons are deprived of their liberty are kept in a professional and very clean way. The treatment of the persons deprived of their liberty is impeccable and very respectful.

31. The NPM welcomes the various measures that have already been taken as a result of last year's suggestions by the NPM to improve individual areas and is convinced that with the agreement with the Austrian authorities concerning Innsbruck Prison as the initial prison, an excellent solution has been found.

Balzers, January 2024