

2024 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

Since the term of office of the present members of the Prison Supervisory Commission / the National Preventive Mechanism (hereinafter "NPM") ended as at 31 Dec 2023, the Government appointed the following new members to the Prison Supervisory Commission for the term of office from 1 January 2024 to 31 December 2027 pursuant to Art. 17 of the *Strafvollzugsgesetz* (Execution of Sentences Act) of 20 September 2007, LGBl. [*Landesgesetzblatt*, Liechtenstein Law Gazette] 2007 No. 295:

- Claudia Hagen, Chair of the Liechtenstein Prison Supervisory Commission and of the Liechtenstein NPM;
- Sarah-Ladina Frick, Deputy Chair of the Liechtenstein Prison Supervisory Commission and of the Liechtenstein NPM;
- Dr. Pepo Frick, Member of the Liechtenstein Prison Supervisory Commission and of the Liechtenstein NPM;
- Tamara Moosmann, Member of the Liechtenstein Prison Supervisory Commission and of the Liechtenstein NPM;

- Karin Quaderer, Member of the Liechtenstein Prison Supervisory Commission and of the Liechtenstein NPM;

The members of the Prison Supervisory 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

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 (LGBI. 2007 No. 260), the NPM paid multiple visits to places of detention in the Principality of Liechtenstein in 2024. The individual visits took place – partly without prior notice – at the following dates and times:

- 20 March 2024, from 08:00 to 12:00, State Prison
- 6 June 2024, from 09:00 to 11:00, State Prison
- 27 September 2024, from 08:00 to 13:00, State Prison
- 27 September 2024, from 13:30 to 15:30, LAK, St. Peter and Paul House
- 28 November 2024, from 08:00 to 11:00, State Prison

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

In addition, the following institutions were visited during the past year:

- 28 November 2024, from 11:30 to 13:30, Human Rights Association
- 28 November 2024, from 14:00 to 15:00, Probation Services

II. Inspection findings

A) Vaduz State Prison

a) Facilities and talks with detainees

The members of the Liechtenstein National Preventive Mechanism were granted unlimited access to all facilities and cells during all visits. In 2024, the construction of a second high-security cell was completed, and a roof was constructed above the prison yard in order to prevent things from being thrown in from outside, which had happened time and again.

Talks with detainees could be carried out at any time without interference. During their visits, the members of the Liechtenstein NPM also had talks with the prison officers present, who were very open and willing to answer all questions asked.

b) Treatment and conditions

During every visit 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.

The inmates also stated that the food was of good quality, and that it was possible for them to do sports. The members of the Liechtenstein NPM were satisfied to see during their respective visits that the State Prison is clean and is kept very properly.

At no time during its assessment of the inmates did the NPM find any direct or indirect indications which would have permitted the conclusion that there had been any physical or mental abuse.

c) Opportunities for inmates to work

The members of the Liechtenstein NPM also assessed the opportunities for the inmates of Vaduz State Prison to work.

As has already been explained in earlier reports, the fact that Vaduz State Prison is a remand prison 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 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.

However, in 2024 the situation was quite positive, since – depending on occupancy – there was enough work for all inmates most of the time.

d) Digitalisation

Digitalisation / the implementation of common software to manage digital files at Vaduz State Prison has meanwhile been completed. Files are now kept electronically only and exclusively.

e) New initial prison for serving sentences

Since Vaduz State Prison is purely a remand prison, an agreement has been concluded – among others – with the neighbouring country of Austria on the transfer of persons who have been sentenced to detention in a final way in

Liechtenstein, according to which agreement the majority of these persons will serve their sentence in Austria.

As had been the plan, this agreement has noticeably relieved the burden on resources. The transfer of inmates to Austria to serve prison sentences for final convictions works frictionlessly. Innsbruck Prison (*Justizanstalt Innsbruck*) offers good conditions in detention: not only does it offer inmates the opportunity to work, 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 and offers a wide range of therapies and programmes.

In the context of 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. This works flawlessly and has relieved the burden on human resources.

The agreement with the Austrian authorities that Liechtenstein inmates with a final (detention) sentence can be transferred to Innsbruck Prison is therefore a very advantageous solution, a fact that has also been confirmed by the administration of Vaduz Prison.

f) Inmates with mental issues

The increase in the number of inmates with mental issues that was observed over the past years has continued in 2024. 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.

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.

B) Visit to St. Peter and Paul House, Mauren, of the LAK¹

On 27 September 2024, the members of the NPM visited the nursing home – specifically the dementia care ward – of the LAK's St. Peter and Paul House in Mauren. The facilities were visited and there was a meeting with the administration of the dementia care ward. Due to the residents' mental health condition, it was impossible to have talks with them.

Within the ward, residents can do a circular walk so that they do not meet any boundaries. During the day, the access door to the ward is always open, so that it is possible to walk around freely, which is in accordance with the concept of the least invasive measure possible. However, there is a fence around the balcony area, so that the residents cannot leave. The facilities were in a very clean and impeccable condition. The rooms were comfortably furnished and partly had television and personal items of the residents.

During the NPM's visit, the residents were staying in the living room, since it was midday. The atmosphere was quiet and comfortable, and the members of the NPM were able to observe the loving attitude of the nursing staff towards the residents.

¹ Translator's note: LAK = *Liechtensteinische Alters- und Krankenhilfe*, Liechtenstein Old Age and Illness Care.

At the time of the visit, 8 persons were in the dementia care ward; there would be room for 12. The nursing team consists of between 8 and 9 persons during the day, and during the night there are 2 persons on-site. The administration of the home considers the number of personnel to be adequate.

The quality of care and the handling of measures is not reviewed by any external experts. However, the staff will obtain a doctor's opinion where they consider it necessary.

In summary, the members of the NPM gained an extremely favourable impression from their visit to the dementia care ward. What was particularly positive to see in addition to the pleasing environment was the very motivated and respectful personnel.

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

A) Cooperation with and access to the institutions visited

The cooperation between the Liechtenstein NPM and the competent Liechtenstein authorities and with the institutions visited by the NPM was very good this year.

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

The annual meeting between the Prison Supervisory Commission / the NPM of the one part and the Government, the Office of Justice, and the Liechtenstein Police of the other part took place on 28 November 2024.

The meeting was characterised by an open and constructive discussion of the topics addressed. What was discussed was the very high occupancy of Vaduz State Prison in early 2024, which alleviated over time from approximately April 2024. Aspects that have already been mentioned above, such as work for inmates, increasing number of inmates with mental issues and required medication, and the very good cooperation with the Austrian authorities were also reported on.

One open issue that will receive increased attention in 2025 is the situation of inmates in the State Prison that are in detention pending deportation. The prison administration reported that mixing inmates in administrative detention with inmates in pre-trial detention leads to multiple challenges for inmates and staff in the State Prison. The issues of (video)telephone conversations, work, and legal counselling were handled differently, which created potential for misunderstandings. Also, in comparison to Switzerland, persons who were in detention pending deportation had insufficient opportunity to work and to earn money. However, such money earned in work could have a positive effect on cooperation during detention and repatriation. Also, the duration of the stays of inmates in detention pending deportation was often longer than the duration of regular detention in a remand prison. But the State Prison was not equipped for long-term detention. Accordingly, it is considered useful to examine an alternative solution for the future in 2025.

C) Meeting with the Human Rights Association

The annual meeting of the NPM with the Liechtenstein Human Rights Association (*Verein für Menschenrechte in Liechtenstein*) took place on 28 November 2024. Firstly, the meeting served getting to know each other, since the composition of the Prison Supervisory Commission Various has been an entirely different one since January 2024; secondly, subject-related content and various topics concerning both the NPM and the Human Rights Association were discussed in constructive and appreciative talks.

For example, the existing issues concerning female inmates and the increasing number of inmates with mental issues and of inmates with drug abuse issues were discussed. Topics such as work and occupation for inmates and medical care were also mentioned.

The Human Rights Association reported in relation to contact with relatives, in particular children, that it is unknown how many children are concerned, and they presented a pilot project of the Canton of Zurich on child-oriented options for visiting and contact. Serving a sentence abroad was considered problematic in this context. The Human Rights Association also criticised that there was no special detention for juvenile offenders in Liechtenstein, so that young people were transferred to foreign prisons.

It was also discussed that detention in Vaduz State Prison included not only pre-trial detention but also administrative detention such as detention pending deportation, and that solutions for separating the types of detention should be looked for.

D) Visit to the Liechtenstein Probation Services

It was found in a meeting with the Liechtenstein Probation Services (*Bewährungshilfe*) on 28 November 2024 that cooperation with Vaduz State Prison works very well. This has also been confirmed by the State Prison. In a joint paper, interfaces were determined and competences were defined, which also enable fast assistance after detention. For in many cases, there are not just legal issues; inmates also require assistance in various practical matters (family, apartment, work, pets, banking etc.).

Also, the members of the NPM were able to verify that in cooperation with other system partners, such as in particular the Psychological Services Division at the Office of Social Services or the pastoral care institutions, inmates are receiving the best possible assistance, with double responsibility issues being avoided at the same time.

IV. Summary and outlook

It can be noted for 2024 that all visited institutions where persons are deprived of their liberty in Liechtenstein are kept in a professional way. The treatment of the persons deprived of their liberty is impeccable and also very respectful.

It would be desirable if a work group on the topic of separating the different types of detention could be installed in 2025.

Mäder, February 2025