

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 19 OF THE CONVENTION**

**Concluding observations of the Committee against Torture
(Extracts for follow-up of CAT/C/LIE/CO/3)**

LIECHTENSTEIN

(...)

C. Main subjects of concern and recommendations

(...)

Non-refoulement, rights of refugees and asylum-seekers

14. The Committee notes the significant increase in the number of asylum applications in the State party during recent years, from an annual average of 66 applications (2004–2008) to 294 applicants in 2009. The Committee is particularly concerned about information received that asylum-seekers may not always have an opportunity to have their claim examined in substance. In this respect, the Committee notes with particular concern that the majority of asylum applications rejected, or otherwise closed, in 2009 concern two States where the risk of torture or other forms of ill-treatment can be considered substantial. The Committee is also concerned at reports that Government officials exert pressure on asylum-seekers to leave voluntarily the State party, including by offering monetary rewards (art. 3).

15. Noting that “preventive expulsion” to a “safe third country” is contingent, inter alia, on that State’s treaty obligation to consider the asylum request and the principle of non-refoulement, the Committee is concerned at reports that not all persons that have applied for asylum in Liechtenstein have had the opportunity to apply for asylum in the third State concerned (usually Switzerland and Austria), thus leaving such persons without sufficient safeguards against refoulement. In this respect, the Committee notes with concern the very short time period (24 hours) within which asylum-seekers “under preventive expulsion” may submit a request for restoration of the suspensive effect to competent authorities (art. 3).

In order to fulfil its obligations under article 3 of the Convention, the Committee recommends that the State party:

(a) Ensure a substantive assessment and review on the merits of all asylum applications, including those submitted in 2009;

(...)

Domestic violence

30. The Committee notes with appreciation that the State party has approved the proposal for a revision of its sexual criminal law which will include domestic violence as an ex officio prosecution. The Committee is concerned, however, that offences of domestic violence are not statistically recorded as such in the crime statistics of the State party, since domestic violence is a collective term for several offences that may also be committed in another environment. Therefore, the State party is unable to provide any information on the number of cases of domestic violence and on the number of investigations, prosecutions and convictions as well as on the number of cases where redress was awarded by the courts. The Committee is also concerned at reports of allegations of violence against women, including spousal abuse. According to the police, there were 32 police interventions in cases of domestic violence during 2009. Regrettably, there has been no information as to any investigations, prosecutions and convictions of the perpetrators undertaken by the appropriate authorities of the State party (arts. 1, 2, 12 and 16).

The State party should ensure ex officio prosecution for all forms of domestic violence in its revised sexual criminal law. The State party should also ensure prompt and impartial investigation of all allegations of domestic violence and should prosecute and punish perpetrators. The Committee urges the State party to take all necessary measures to ensure that victims are effectively compensated and rehabilitated, noting the important role of the Victims Assistance Office in this regard. The State party should also strengthen its efforts in respect of research and data collection on the extent of domestic violence and is requested to provide the Committee with statistical data on complaints, prosecution and sentences, as well as on compensation, including full rehabilitation, awarded to victims in its next periodic report.

Trafficking in persons

31. The Committee notes the high number of foreign women engaged as dancers in seven nightclubs operating in the State party and that many of them originate from “origin countries” that top the list of human trafficking. While noting that no cases of human trafficking were recorded, the Committee is concerned at information that suggests that trafficking in women have occurred but was not reported. While welcoming the measures taken by the State party to prevent human trafficking and sexual exploitation in such settings, including mandatory information sessions for new dancers on their rights and duties, and the regular inspections of night clubs by the National Police and the Immigration and Passport Office, the Committee is concerned that the State party has not initiated any ex officio investigations into suspected cases of trafficking or undertaken a comprehensive analysis to fully assess the situation of this group of women who remain vulnerable to abuse and violations. This is particularly important in view of reports that, while prostitution is illegal in the State party, it was “tolerated” in nightclubs by the law enforcement agencies as it did not cause public offence (arts. 2, 14 and 16).

The State party should initiate an analysis on the phenomenon of foreign women working as dancers in nightclubs and strengthen its efforts to prevent and combat human trafficking, including by investigating any allegation of suspected

cases of human trafficking and provide victims with an effective remedy for fair and adequate compensation, including the means for as full rehabilitation as possible.

(...)

35. The Committee requests the State party to provide information, within one year (by 14 May 2011), in response to the Committee's recommendations in paragraphs 14, 15 (a), 30 and 31 of the present document.

(...)
