

# **2022 Annual Report**

## **of the Liechtenstein National Prevention 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 Prevention Mechanism**

1. By Government resolution of 17 December 2019 (LNR 2019-1770 BNR 2019/1719), the following members were appointed to the Prison Supervisory Commission and to the National Prevention Mechanism (hereinafter "NPM") for the term of office from 1 January 2020 to 31 December 2023:

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

2. 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.

## **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 2022. The individual visits took place without prior notice and at the following dates and times:

- 24 March 2022, from 09:00 a.m. to 11:00 a.m.
- 23 May 2022, from 09:00 a.m. to 10:30 a.m.
- 23 May 2022, from 11:00 a.m. to 12:30 p.m.
- 27 September 2022, from 09:00 a.m. to 11:00 a.m.
- 27 September 2022, from 12:15 p.m. to 13:15 p.m.
- 25 November 2022, from 10:00 a.m. to 12:00 noon.

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.

## **C) Visits to the institutions**

4. In 2022, the NPM visited the following places of detention:

- Vaduz State Prison (*Liechtensteinisches Landesgefängnis*)
- Detention room at the Feldkirch / Schaanwald border checkpoint
- St. Florin Retirement and Nursing Home (*Alters- und Pflegeheim*), Vaduz

## **D) Cooperation with the Government and with other authorities**

5. Once again, cooperation with the Liechtenstein authorities – and with the institutions visited – in the context of the NPM visits 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.
  
6. The annual meeting between the Prison Supervisory 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 25 November 2022.
  
7. In an open and constructive exchange, various topics were addressed and solutions were sought. It was the increase in inmates with mental issues in particular that provided substantial cause for debate. All participants agreed that the care of these inmates with mental issues poses major challenges to the State Prison, given that such care typically requires more personnel on the one hand and staff needs to be trained in handling mentally unstable inmates on the other. A task force has already been created to solve this issue. Talks are underway with detention centres in neighbouring countries in order to enable moving inmates with mental issues to institutions (in particular in Austria) specialising in mentally unstable persons.

## **II. Inspection findings**

### **A. Vaduz State Prison**

#### **a) Response to the coronavirus pandemic**

8. The situation concerning the coronavirus pandemic has relaxed substantially in the course of 2022. Despite the precautions taken, the coronavirus found access to the State Prison in early 2022. According to prison officials, almost all inmates were tested positive for the coronavirus. Luckily, there were no serious cases, which is why the infections could (where necessary) be easily treated inside the prison.
9. As the coronavirus situation has improved considerably, normal conditions have returned to the State Prison, too. Visits can take place once again in the normal visiting room without a glass partition, and the NPM was once again able to inspect the facilities without restrictions.

#### **b) Opportunities for inmates to work**

10. This year, too, the lack of opportunities for inmates to work was a topic. The State Prison still has the problem that there is not enough suitable work for inmates. One difficulty is the lack of space. For instance, the temporary storage of industry components to be cleaned by inmates is hardly possible, since there is not enough room. Another difficulty is that the State Prison is "merely" a remand prison, so that the duration of the inmates' stay is limited in time. It is in particular where work is carried out with tools and with access to the repair shop that one must first get to know and assess an inmate in order to minimise the amount of danger to the inmates themselves and to other persons. This is often not possible as a result of the short periods of detention in the State Prison. The increase in the number of inmates with mental issues poses another serious challenge to the State Prison in terms of work for inmates, given the above-mentioned aspect of danger to the inmates themselves and to other persons. Nonetheless, prison officers were able to organise various

types of work to give inmates an opportunity to work. However, such work is provided only temporarily and not on a constant basis.

**c) Treatment of inmates**

11. Without exception, it turned out during every visit of the NPM to Vaduz Prison that prison officers treat inmates in a very professional and respectful manner. The inmates themselves also felt that they were being treated respectfully, and that the prison officers were friendly.

**d) Cooperation with the Liechtenstein State Hospital (*Liechtensteinisches Landesspital*)**

12. In 2022, an inmate had to undergo surgery. That surgery took place in the Liechtenstein State Hospital. Fortunately, both the surgery and the follow-up in the State Prison went without any problems. Cooperation with the Liechtenstein State Hospital worked fine, and there were no problems at all in the exchange of information with the prison doctor.

**e) Digitalisation / keeping of detention files**

13. At the moment, digitalisation is fully underway not only in Vaduz Prison but also in the entire National Administration. The implementation of the corresponding systems is in progress. In this transitional phase, this causes additional work, since detention files need to be kept in two forms, physically and digitally.

14. It was noted during the visits of the NPM to the State Prison that in random checks of the physical files, these sometimes did not contain all detention rulings. Although the prison officers were able to present all rulings in electronic form upon enquiry, the NPM recommend that the physical file be kept complete, too. In addition, the individual documents should be marked with a date stamp and with consecutive reference numbers, so that their receipt over time remains verifiable.

**f) Inmates with mental issues**

15. In 2022, another increase in the number of inmates with mental issues was recorded. The accommodation of these inmates with mental issues poses a particularly substantial challenge to the State Prison. Since the prison is so small and the State Prison is "merely" 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.
16. As a result of the existing problems, a task force for the accommodation of inmates with mental issues has been created. In addition, there is close cooperation with the Austrian prisons, and it is clarified quickly and directly in every single case whether accommodation in an Austrian prison specialising in inmates with mental issues is possible. This pragmatic solution was applied in 2022. However, this solution consumes a lot of resources. During a preliminary criminal investigation, inmates have a higher number of meetings and hearings in court, so that substantial human resources must be committed to each transport from the Austrian prison to Liechtenstein.
17. All persons concerned are well aware of the problem, and a solution is being sought for. It will have to be seen what results the appointed task force will come up with.

**B. Detention rooms at the Schaanwald / Tisis border checkpoint**

18. On 23 May 2022, the NPM paid an unannounced visit to the detention room at the Schaanwald / Tisis border checkpoint. The members of the NPM were shown the detention room without hesitation. The officer who showed the members of the NPM around was polite and happy to provide information.
19. The customs building contains a short-term detention room. First interrogations are carried out here. If additional steps of investigation are necessary, the detainees are

asked into the ancillary building. This is where the border guard is located. Two detention rooms and one interrogation room are located in the cellar. Both rooms look new and are very clean and functional.

20. In the detention rooms, the detainees are asked to put all their paraphernalia on the table. These are then entered in a list of items. At the end of this procedure, the items are either returned after countersignature or handed over to the National Police. Physical searches are also carried out in these rooms; this is done in the presence of two officers of the same sex as the detainee. These measures, too, are documented in a separate list, the suspicions leading to an investigation being listed as well. There is no video supervision of detention rooms.
21. Detainees typically spend no more than one hour, very rarely two hours in these rooms. The detention rooms are visually inspected every 15 minutes, and the check is signed off by the officer in question. After one or two hours, the detainees are either released or handed over to the police for further processing.
22. All documents listed above are archived, so that all relevant steps and procedures can be checked and verified even years later.
23. In all, it can be noted that the conditions of detention in the detention rooms at the Schaanwald / Tisis border checkpoint are very good, and that all procedures carried out there are well documented.

**C. St. Florin Retirement and Nursing Home, Vaduz**

24. On 27 Sep 2022, the NPM visited the St. Florin Retirement and Nursing Home, specifically its dementia unit, which is called "Moo". During that visit, the facilities of the Moo unit were inspected, and a comprehensive interview was conducted with the Head of the dementia unit. Due to the health status of the residents of the Moo unit, it was not possible to interview them.

25. What was immediately obvious when entering the Moo unit was that the rooms were bright and flooded with natural light and that the walls were painted in very positive and fitting colours. All rooms were furniture very nicely.
26. The Head of the Moo unit explained to the NPM that the unit currently had 14 residents. It had room for 17 persons, but two rooms were holiday rooms kept free for short-term stays. The square layout features an inner courtyard in the middle, and the rooms are arranged around that courtyard. This means that there is a pathway around the inner courtyard that provides residents with substantial opportunity to move. The pathway can be accessed from every room.
27. In addition to sufficient opportunity to move inside, the Moo unit also offers various very nicely furnished places of retreat. There is for example a room that has been furnished after the Norwegian "Snoezelen" pattern. In this room, harmonic lights and colours as well as a waterbed provide gentle stimuli to the residents.
28. What stood out during the visit of the NPM to the Moo unit was how respectfully, lovingly and patiently the residents are treated by the caregivers. There is talking, joint singing, storytelling and many other activities.
29. According to the Head of the Moo unit, the specially trained caregivers take great efforts to provide residents with as much self-determination as possible. For example, the unit has a special walking mobile, which is used with those residents who have an urge to move but are at great risk of falling. Using this walking mobile, residents are able to move in a self-determined manner despite the limitations to their ability to walk. Since persons using the walking mobile are "fastened" to it, its use is strictly documented.
30. The Moo unit cooperates closely with relatives and the respective family doctor in order to achieve the best possible result for each resident and to be able to address each resident's needs as well as possible.

31. In all, it is evident that the Moo Department of the St. Florin Retirement and Nursing Home in Vaduz offers a very open and positive environment to its residents. The caregivers address the needs of residents respectfully and take great efforts to preserve the residents' self-determination for as long as possible and as far as possible.

### **III. Summary and outlook**

32. 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.

33. 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 looking forward to a speedy conclusion of the work of the task force on the topic of the accommodation of inmates with mental issues.

Balzers, January 2023