



Strasbourg, 31 August 2018

GRETA(2018)24

GROUP OF EXPERTS ON ACTION AGAINST TRAFFICKING IN HUMAN BEINGS (GRETA)

**Reply to the Questionnaire from
Liechtenstein**

**Combined 1st and 2nd evaluation rounds
(Reply submitted 28 August 2018)**

Council of Europe Convention on Action against Trafficking in Human Beings

The *Council of Europe Convention on Action against Trafficking in Human Beings [CETS No. 197]* was opened for signature in Warsaw on 16 May 2005, on the occasion of the Third Summit of Heads of State and Government of the Council of Europe member states and entered into force on 1 February 2008.

This Convention is considered to be one of the Council of Europe's most important achievements and the most important human rights treaty of the last decade. The first European treaty in this field, it is a comprehensive instrument focusing mainly on the protection of victims of trafficking and the safeguarding of their rights. It also aims to prevent trafficking and to prosecute traffickers. In addition, it provides for the setting up of an effective and independent monitoring mechanism capable of controlling the implementation of the obligations contained in the Convention.

Monitoring mechanism of the Convention

The monitoring mechanism of the Convention consists of two pillars: the *Group of Experts on Action against Trafficking in Human Beings (GRETA)*, a technical body, composed of independent and highly qualified experts, and the *Committee of the Parties*, a more political body, composed of the representatives in the Committee of Ministers of the Parties to the Convention and of representatives of parties non-members of the Council of Europe.

GRETA is responsible for monitoring implementation of the Convention by the Parties. GRETA will regularly publish reports evaluating the measures taken by the parties and those Parties which do not fully respect the measures contained in the Convention will be required to step up their action.

The Committee of the Parties may also, on the basis of GRETA's report and conclusions, make recommendations to a Party concerning the measures to be taken to follow up GRETA's conclusions.

For further information please consult our website: www.coe.int/trafficking

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April 2018

Introduction

The Council of Europe Convention on Action against Trafficking in Human Beings [CETS No. 197] (hereinafter "the Convention") was opened for signature in Warsaw on 16 May 2005, on the occasion of the Third Summit of Heads of State and Government of the Council of Europe member states, and entered into force on 1 February 2008.

The monitoring mechanism of the Convention consists of two pillars: the Group of Experts on Action against Trafficking in Human Beings (GRETA), a technical body, composed of 15 independent and impartial experts, and the Committee of the Parties, a more political body, composed of the representatives in the Committee of Ministers of the Parties to the Convention and of representatives of parties non-members of the Council of Europe.

In accordance with Article 36, paragraph 1, of the Convention, GRETA "shall monitor the implementation of this Convention by the Parties". Pursuant to Article 38, paragraph 1, of the Convention and Rules 1 and 2 of the Rules of procedure for evaluating implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Parties (hereinafter "the Rules on the Evaluation Procedure"), GRETA will evaluate the implementation of the Convention following a procedure divided in rounds.

The first evaluation round with regard to a Party is initiated by sending the questionnaire the earliest one year and at the latest two years following the entry into force of the Convention for the Party concerned (Rule 3 of the Rules on the Evaluation Procedure).

For each evaluation round, GRETA prepares a questionnaire on the implementation by the Parties of the specific provisions of the Convention on which the evaluation is based. The questionnaire is public (Rule 5, first paragraph, of the Rules on the Evaluation Procedure).

In conformity with Rule 11 of the Rules on the Evaluation Procedure, replies to the questionnaire should be submitted in one of the official languages of the Council of Europe, which are English and French. Replies in other languages will not be taken into consideration. Replies should be detailed, answer all questions and reference texts should be attached when requested by GRETA.

States parties should provide copies or extracts of relevant legislation, regulations and case law mentioned in the reply to the questionnaire (as an appendix to the reply). These copies/extracts should be supplied in the original language and, wherever possible, also in one of the official languages of the Council of Europe.

A variety of stakeholders and civil society representatives should be effectively consulted in the preparation of the reply to the questionnaire, to ensure that the information provided is as comprehensive as possible.

Preliminary questions

- *Question 1:* Please specify which State body/agency was responsible for co-ordinating and collecting the replies to this questionnaire. Please specify the name and professional title of the person heading this State body/agency. Please indicate if this person is the "contact person" appointed by your country to liaise with GRETA or a different person.
 - Office for Foreign Affairs, Kirchstrasse 9, P.O. Box 684, 9490 Vaduz
 - Director: Ambassador Martin Frick
 - GRETA contact person: Martin Hasler, Office for Foreign Affairs, Department for Security and Human Rights
- *Question 2:* Which State bodies/agencies contributed to responding to this questionnaire? Please indicate the main responsibilities and/or fields of competence of each of these bodies/agencies.
 - Office of Social Services (ASD)
 - Office of Economic Affairs (AVW)
 - Migration and Passport Office (APA)
 - National Police (LP)
 - Victims Assistance Office (OHS)
 - Office of the Public Prosecutor (STA)
- *Question 3:* Did any non-governmental organisations (NGOs) or other entities of civil society contribute to responding to this questionnaire? If so, please indicate the main activities of each of the NGOs and/or other entities of civil society which contributed.

No.

I. Integration of the core concepts and definitions contained in the Convention in the internal law of the parties

Section I.1. Integration of the human rights approach to action against trafficking in human beings

As stipulated in the Convention, trafficking in human beings (hereinafter "THB") "constitutes a violation of human rights and an offence to the dignity and the integrity of the human being" (third paragraph of the Preamble of the Convention). Therefore in the letter and in the spirit of the Convention, THB is a violation of human rights and not just a criminal offence.

- *Question 4:* Please indicate if, in your internal law, THB is considered as a human rights violation (or only a criminal offence, see Section II.3. below).

Under § 104a of the Criminal Code (StGB, LGBl. 1988 No. 37), trafficking in human beings is a criminal offence. The Liechtenstein legal system does not provide for the classification of criminal offences as violations of human rights. Violations of human rights committed by natural and legal persons are prosecuted under criminal law.

- *Question 5:* Please indicate what special legal protection exists under your internal law (including case law, if any) in cases of violations of human rights, which would apply in cases of THB (for example, constitutional protection, positive obligation of the state, priority examination, etc.).

In order for Victims Assistance to become active, the preconditions under Article 1 of the Victims Assistance Act (OHG, LGBl. 2007 No. 228) must be met. Victims entitled to assistance must have been directly affected in their physical, psychological, or sexual integrity by a criminal offence.

The Guidelines against Trafficking in Human Beings (see answer to question 7) stipulate that victims of trafficking are given counselling and care, that they are given a reflection period of 30 days, and that they can obtain short-term residence permits during investigations and criminal proceedings. The law enforcement authorities must inform victims of their rights. The National Police is responsible for ensuring the protection of victims of trafficking in human beings. In addition, possible exemption from punishment of victims for offences under the law governing foreigners is provided within the framework of § 32 et seq. StGB. In cooperation with other bodies, the Victims Assistance Office provides return, rehabilitation, and reintegration assistance to victims.

Section I.2. Comprehensive approach to THB, co-ordination of all actors and actions to prevent and combat THB and to protect its victims, and international co-operation

Questions in this section aim to obtain information concerning the comprehensive nature of the legal framework and policies on action against THB established by the parties to the Convention covering measures on prevention, protection and prosecution (Article 1) as well as on partnerships (Articles 29, 32 and 35).

- *Question 6:* Please indicate the titles of the main internal legal provisions and/or regulations containing measures to prevent THB, to protect and assist its victims, and to criminalise THB and prosecute traffickers.

Victims of trafficking receive protection under the OHG (see answer to question 5) and the Guidelines against Trafficking in Human Beings (see answer to question 7). The victims protection measures provided for in the Guidelines are enumerated in the answer to question 5. With regard to prevention, the Guidelines provide that persons working as dancers in Liechtenstein – who are regarded as a vulnerable group – receive the "Fact Sheet for Foreign Dancers and DJs" with their short-term residence permit. The fact sheet informs them about their rights and duties as well as about contact persons at public authorities.

Apart from § 104a, the following articles in the Criminal Code (StGB) are potentially relevant to the criminalisation of trafficking in human beings:

- § 99: Deprivation of liberty
- § 100: Kidnapping of an abulic or defenceless person
- § 101: Kidnapping of an under-age person
- § 102: Extortionate kidnapping
- § 104: Slave trade
- § 214: Arrangement of sexual contacts with minors in return for a valuable consideration
- § 215: Leading to prostitution
- § 215a: Promotion of prostitution and pornographic performances of minors
- § 216: Pimping
- § 217: Cross-border trafficking in prostitution

In addition, relevant provisions of the law governing foreigners are applicable:

- Article 84 of the Foreigners Act (AuG, LGBl. 2008 No. 311): Punishment of smuggling of persons
- Article 54(5) AuG in conjunction with Article 30(1a) of the Ordinance on the Admission and Stay of Foreigners (ZAV, LGBl. 2008 No. 35): Derogation from the prohibition of entry for victims of trafficking in human beings

- Article 21 AuG in conjunction with Article 16(d) ZAV: Possibility of granting short-term residence permits or residence permits to victims and witnesses of crime for the purpose of criminal prosecution on grounds of important public interests
- Article 21 AuG in conjunction with Article 15 ZAV: Granting of short-term residence permits or residence permits in cases of hardship
- *Question 7:* Does your country have a comprehensive national policy and/or a National Action Plan to combat THB? If so, please indicate its title, date of adoption and duration, main fields of action and the body/bodies responsible for its implementation.

In 2007, the Liechtenstein Government adopted Guidelines against Trafficking in Human Beings. The Guidelines were last updated with a Government decision in 2017 and are valid indefinitely. The Guidelines are based on the Cooperation Mechanism against Traffickers in Human Beings (Swiss Coordination Unit against the Trafficking in Persons and Smuggling of Migrants, KSMM) and the conviction that raising awareness and basic knowledge on the part of all public authorities, persons, and institutions involved are important prerequisites for a successful fight against trafficking in human beings.

In October 2015, the "Round Table on Trafficking" working group also developed a process description for intervention by the National Police when apprehending beggars who are minors, defining the responsibilities of the National Police, the Office of Social Services, the Court of Justice, the Victims Assistance Office and the Liechtenstein Embassy in Bern. The process description includes procedures, responsibilities, financing of costs incurred – e.g. for accommodation, interpreter costs, medical care, etc. – as well as legal components. However, no minor beggars have been apprehended since then. This process description has been made available to the relevant authorities.

- *Question 8:* In your country are there persons or entities specialised in the fight against THB and the protection of victims? If so, please describe the type and the periodicity of the training provided for these persons or the staff of these entities? Please specify the financial resources (in euros) allocated to this training.

The Crime Investigation Division ensures an expert investigation of suspected trafficking in human beings. The responsible investigators attend courses and events in the field of trafficking in human beings. No special budget is allocated for that purpose.

Additional information requested as part of the 2nd evaluation round: Please describe how the needs for training of professionals in the area of action against THB are identified and met, with an indication of the categories of staff that receive such training, whether the training is obligatory or optional, the content and focus of the training, and the funding provided for training activities. If the impact of training has been assessed, please provide details.

- *Question 9:* Is there, within your governmental structure, a national body responsible for co-ordinating all national actors and actions against THB (regardless of the denomination and whether it was set up for this specific purpose or whether this responsibility was assigned to an already existing governmental body)? If so, please specify its name, administrative status, annual budget (in euros), human resources, composition and competences. If there is currently no such co-ordinating body, are there any plans to set one up in the near future? If so, please give details.

The Round Table on Trafficking was established in Liechtenstein in 2006 in order to strengthen cooperation between law enforcement authorities, migration authorities, and institutions for the care of victims on the subject of trafficking in human beings. Under the chairmanship of the National Police, the Office for Foreign Affairs, the Office of Economic Affairs, the Migration and Passport Office, the Victims Assistance Office, and the Office of the Public Prosecutor are represented. The Round Table on Trafficking has no separate budget and aims to monitor the situation regarding trafficking in human beings in Liechtenstein on an ongoing basis and to take measures if necessary.

- *Question 10:* Is this co-ordinating body also responsible for the co-ordination of the collection of administrative data or population survey data on THB? If not, please specify which body/entity has this responsibility.

Yes.

- *Question 11:* Do NGOs have full membership status in your national co-ordinating body? If so, how many? Please describe the criteria for NGO membership.

No, the Round Table on Trafficking is a coordination group internal to the National Administration.

Additional information requested as part of the 2nd evaluation round: What steps are taken by your country to encourage state authorities and public officials to co-operate with NGOs and other civil society organisations, including trade unions, so as to involve them in the elaboration and implementation of anti-trafficking policies, programmes and other initiatives to prevent THB? Please provide information on any memoranda of understanding or other agreements concluded between public bodies and NGOs in this field.

In suspected cases of trafficking in human beings, Liechtenstein can cooperate with the Women's Information Centre (FIZ) in Zurich, which organises safe accommodation and accompanies victims in any criminal proceedings.

- *Question 12:* Are there any other national or international entities or bodies participating in your national co-ordinating body? If so, please specify.

The Round Table on Trafficking consults other administrative offices or institutions as necessary.

- *Question 13:* Please describe the legal basis for international co-operation between your country and other countries in the fight against THB:
 - national legislation;
 - international instruments/agreements (bilateral and/or multilateral).
 Please indicate the title of the legal instruments.

International administrative assistance pursuant to Article 35 et seq. of the Police Act (PolG, LGBl. 1989 No. 48) forms the basis for international police cooperation. In practice, the most important international instrument in this area is the Trilateral Police Cooperation Treaty between the Principality of Liechtenstein, the Swiss Confederation, and the Republic of Austria on Cross-Border Police Cooperation (LGBl. 2017 No. 186).

At the judicial level, international cooperation is based on national legislation (Criminal Code and Mutual Assistance Act, RHG, LGBl. 2000 No. 215) and on international conventions, including the European Convention on Extradition (CETS 24), the European Convention on Mutual Assistance in Criminal Matters (CETS 30), the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (CETS 141), the Schengen Convention, and the European Convention on Human Rights (CETS 5).

- *Question 14:* What steps have been taken by your country to ensure that the requesting party is promptly informed of the final results of action taken in the framework of international co-operation on action against THB, as provided for in Article 34 of the Convention?

The Liechtenstein Court of Justice immediately confirms requests for mutual legal assistance by fax and informs the requesting State of the name and contact details of the competent judge as well as the file number. Any queries or instructions to remedy the request are submitted in writing to the requesting State. Execution of the request and any transmission of documents also take place in writing and by post.

- *Question 15:* Do the relevant authorities of your country have the possibility to spontaneously provide information, without prior request, to authorities of another country if the disclosure of such information might assist the receiving country in initiating or carrying out investigations or proceedings concerning criminal offences established in accordance with the Convention? If so, please indicate how such information is transmitted and which authorities are involved.

The police may share information under Article 10 of the Trilateral Police Cooperation Treaty or within the framework of international administrative assistance under Articles 35(2)(b) and 35f PolG. Article 54a RHG provides that the Liechtenstein Court of Justice may spontaneously transmit to a foreign authority information that it has obtained for its own criminal proceedings if the enumerated conditions are met.

- *Question 16:* Do your police forces carry out joint actions, on a bilateral and/or a multilateral legal basis, with the police forces from other parties to fight THB? If so, please describe the action taken and provide an assessment of its impact. If not, please describe any plans for joint action or obstacles to joint action.

No, and no such actions are planned.

Additional information requested as part of the 2nd evaluation round: Please provide examples of international co-operation initiatives with other states in preventing and combating THB, as well as an assessment of the impact of such initiatives, including any difficulties you have experienced in this area.

Section I.3. Definition of "THB" and of "victim" in the internal law of the parties

In accordance with Article 4a of the Convention, trafficking in human beings consists of a combination of three basic components, each to be found in a list given in the definition:

- the action of: "recruitment, transportation, transfer, harbouring or receipt of persons";
- by means of: "the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person";
- for the purpose of exploitation, which includes "at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs".

Article 4b of the Convention follows European Court of Human Rights case-law in that it states that the consent of a victim of THB to a form of exploitation listed in Article 4a is irrelevant if any of the means referred to in Article 4a has been used.

Under Article 4c recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation is to be regarded as trafficking in human beings even if it does not involve any of the means listed in Article 4a. It is also immaterial whether or not the child consents to be exploited. Under Article 4d the word "child" means any person under 18 years of age.

Article 4e defines "victim" as "any natural person who is subject to trafficking in human beings as defined in this article". A victim is anyone subjected to a combination of components (action – means – purpose) specified in Article 4a of the Convention.

- *Question 17:* Are all the elements of the three components (action, means and purpose) contained in Article 4a of the Convention included in the legal definition of THB established by your internal law? Please describe how they have been integrated in your internal law.

§ 104a(1) StGB covers all three aspects of the above definition.

Additional information requested as part of the 2nd evaluation round:

- How does your country's law define "abuse of a position of vulnerability" and what are the criteria for evaluating the vulnerability of a person subjected to THB? Please provide any relevant examples where the means used in THB offences involved an abuse of a position of vulnerability.

According to § 104a(2) StGB, dishonest means include deception regarding facts, taking advantage of a position of authority, plight, mental illness, or a condition that makes the person defenceless, intimidation, and the granting or acceptance of a benefit for handing over control of the person.

- To what extent does your country's law recognise the relevance of forced marriage and illegal adoption to THB offences? Please provide any examples from case law where forced marriage and illegal adoption were considered in the context of THB.

Since there has not yet been a conviction for trafficking in human beings in Liechtenstein, there is no practice in this area. However, the aforementioned offences are punishable under § 106(1)(3) StGB (aggravated coercion), § 193a StGB (unlawful adoption placements), and § 194 StGB (removal of a minor from the custody of the parent or legal guardian) irrespective of a connection with trafficking in human beings.

- Can forced begging be considered as a purpose of THB according to your country's law? Have there been any cases of child trafficking for forced begging with the involvement of the child's family or legal guardian?

Yes; in 2015, there was a police investigation into a case of suspected trafficking in human beings, with the focus on labour exploitation (begging). However, the suspicion could not be substantiated. The proceedings were discontinued.

- Can the exploitation of criminal activities be considered as a purpose of THB according to your country's law? Please provide any examples from case law.

Yes. Because there have been no criminal convictions for trafficking in human beings, there is no practice in this area.

- Question 18: Please indicate which of the following forms of THB are recognised under your internal law:
 - national;
 - transnational;
 - linked to organised crime;
 - not linked to organised crime.

§ 104a StGB covers all enumerated forms of trafficking in human beings.

- Question 19: Under your internal law, is a "victim of THB" any natural person who is subject to THB as defined in Article 4e of the Convention? Please provide the definition of a "victim of THB" under your internal law. Please provide (a translation of) the legal text(s) in English or in French.

Any person whose physical, psychological, or sexual integrity has been directly impaired by a criminal offence is entitled to support under the OHG, irrespective of age and gender.

- Question 20: Does your internal law recognise as victims of THB:
 - women;
 - men;

- children?

The OHG has no restrictions in regard to the gender or age of victims.

- *Question 21:* To what extent does the consent of a person to intended or actual exploitation determine if that person will be recognised as a victim of THB under your internal law? Please specify if your internal law contemplates the consent of the three categories of victims: women, men, children. Please provide examples.

A person's status as a victim is recognised in accordance with the criteria set out in Article 1 OHG.

II. Implementation by the parties of measures aimed to prevent THB, protect and promote the rights of victims of THB and prosecute traffickers

Section II.1. Implementation of measures to prevent THB

Questions in this section aim to obtain information on the implementation by the parties of the preventive measures contained in Chapter II of the Convention (Articles 5 to 9). Implementation of preventive measures concerns all countries: countries of origin, transit and destination. Preventive measures to be implemented can vary depending on the type of country, but all countries should implement measures to prevent THB.

- *Question 22:* Has a national/regional/local campaign or programme to alert the potential victims of THB to the various forms of exploitation been carried out in your country during the last two years? If so, was it based on research for determining effective prevention methods? Was it addressed to a particular group of potential victims? Which bodies, governmental or non-governmental, were in charge of implementing it? Please describe the material used for the campaign/programme and its dissemination. If possible, please provide an assessment of the impact of the campaign/programme. If more than one campaign or programme was carried out please provide the details for each of them. If there are currently plans for launching a new campaign or programme, please provide details.

Already a few years ago, the Round Table on Trafficking identified dancers who work temporarily in Liechtenstein nightclubs as vulnerable groups. Until early 2016, these were primarily dancers from third countries outside the European Economic Area (EEA). They received their residence and employment permits in Liechtenstein, limited to one or more months, only on the condition that they attended an information event at which they were informed of their rights and duties. Since the granting of these permits was subject to the prior granting of a similar temporary permit in Switzerland, and since Switzerland repealed the corresponding law on 1 January 2016, Liechtenstein has stopped issuing any such permits at the beginning of 2016.

Since then, dancers from EEA countries have been working in Liechtenstein nightclubs. The Guidelines against Trafficking in Human Beings stipulate that when they are granted a permit to work in Liechtenstein, they receive a fact sheet from the Migration and Passport Office informing them of their rights and duties and about contact persons in the event of problems. The content of the fact sheets produced by the Round Table on Trafficking essentially corresponds to the information provided at the information events. The fact sheets are available in German, English, Romanian, and Spanish.

Additional information requested as part of the 2nd evaluation round: How does your country promote and fund research on THB and use its results in the development of anti-trafficking policy? Please provide examples of recent research.

Liechtenstein does not conduct any research on trafficking in human beings.

- *Question 23*: Please describe the social and economic empowerment measures for disadvantaged groups vulnerable to THB which have been implemented or are planned.

None.

- *Question 24*: What preventive measures to discourage demand leading to THB, as provided for in Article 6 of the Convention, has your country adopted or is considering adopting, particular in the areas of:
 - a. educational programmes;
 - b. information campaigns and involvement of the media;
 - c. legislation (including in the areas of public procurement, disclosure requirements and anti-corruption);
 - d. involvement of the private sector.

None.

Additional information requested as part of the 2nd evaluation round: Please describe the measures taken in your country to prevent trafficking for forced labour or services, *inter alia*, by means of labour inspection and labour administration, monitoring of recruitment and temporary work agencies, and monitoring of supply chains.

The Labour Act (LGBI. 1967 No. 6) includes provisions on safety and health at work as well as on working and rest hours. The Office of Economic Affairs is the competent authority for monitoring compliance with the Labour Act and the associated ordinances as well as the decrees based on them. Compliance with the Labour Act is monitored on a preventive basis through advance approval and on-site inspections. Criminal provisions are set out in Articles 53 et seq. of the Labour Act.

The Business Act (LGBI. 2006 No. 184) applies in principle to all business activities not prohibited by law. Anyone intending to carry out a business activity in principle requires a licence issued by the Office of Economic Affairs. The Office of Economic Affairs is the competent authority for the execution of the Business Act. It issues business licences, inspects the businesses, and prosecutes contraventions.

The Job Placement and Temporary Employment Services Act (AVG, LGBI. 2000 No. 13) governs private job placement and temporary employment services as well as other areas. Anyone who engages in job placement on a regular basis and for remuneration by bringing jobseekers and employers together to conclude employment contracts (intermediaries) requires a licence. A license is also required for temporary employment undertakings that hire out employees to third parties (company of deployment) as a business activity. The sub-placement of placed employees is prohibited.

The legal preconditions are verified when the licence is granted. This is followed by periodic inspections, in particular with regard to the number of placement hours worked or the number of placements, as well as compliance with the security deposit provisions. Investigations are also conducted when suspected breaches are reported. Criminal provisions are set out in Article 35 AVG. The Office of Economic Affairs is the competent authority for the exercise and supervision of the tasks and duties to be performed under the AVG. The Government is responsible for overall supervision.

The Posting of Workers Act (LGBI. 2000 No. 88) applies to companies domiciled abroad that post employees to Liechtenstein as part of cross-border services, provided that an employment relationship exists between the posting company and the employee for the duration of the posting. The Office of Economic Affairs is responsible for monitoring compliance with the Posting of Workers Act and the associated ordinances as well as the decrees based on them.

The posting employer must grant the employees posted to Liechtenstein at least those terms and conditions of work and employment which are laid down in the relevant laws and ordinances and concern the following:

- a) maximum work periods and minimum rest periods;
- b) minimum paid annual holidays;
- c) minimum rates of pay, including overtime rates;
- d) conditions of hiring-out of workers, in particular by temporary employment undertakings;
- e) health, safety and hygiene at work;
- f) protective measures with regard to the terms and conditions of employment of pregnant women or women who have recently given birth, of children and of young people;
- g) equality of treatment between men and women and other provisions of non-discrimination.

In all cases, § 53 of the Code of Criminal Procedure (StPO, LGBl. 2000 No. 88) applies: If in the course of its official duties the Office of Economic Affairs learns of the suspicion of a punishable act that is subject to *ex officio* prosecution, it is obliged to file a criminal complaint with the Office of the Public Prosecutor or the National Police.

- Question 25: Please specify the measures taken by your country to ensure quality, security and integrity of travel and identity documents in order to prevent their unlawful creation and issuance as well as to ensure that they cannot easily be forged.

Liechtenstein follows the recommendations of ICAO DOC 9303 and the European Commission regarding standards of quality, security and interoperability of travel documents. Liechtenstein also takes part in relevant committees and fulfils the requirements of the Schengen partner states concerning the technical interoperability and safety. Special security measurements are met concerning personalisation of travel documents and the technical personalisation systems. Blank documents are stored partitioned at several different safety facilities. Persons entrusted to personalise documents or working with personalisation systems must pass specified police security checks. There are no known cases in which blank passports of Liechtenstein were lost, stolen or went missing. Also, no forgeries of Liechtenstein passports are known.

- Question 26: Please specify the measures taken by your country to detect cases of THB at its borders, *inter alia*, by means of border surveillance teams and intelligence measures.

Thanks to its Customs Treaty with Switzerland, Liechtenstein has an open border to the west and south. The eastern and northern borders with Austria are guarded by the Swiss Border Guard on the basis of the Customs Treaty. The Swiss Border Guard is trained and educated in Switzerland, so that the same measures are applied as at the Swiss borders.

Additional information requested as part of the 2nd evaluation round:

- Please describe the specific measures taken in your country to strengthen the capacities of border guards to prevent and combat THB, in particular as regards:
 - a. identification of possible victims of THB in the context of border control;
 - b. identification of possible perpetrators of THB offences;
 - c. gathering of first-line information from victims and perpetrators;
 - d. identification of vulnerable persons in need of international protection among possible victims of trafficking.

See above.

- What measures have been taken to ensure that the personnel employed by commercial carriers, including airline attendants and staff working on other means of transportation by land and sea, are able to detect possible victims of THB and inform relevant bodies in due course?

See above. It should also be noted that Liechtenstein does not have an airport and that it does not border on a sea or lake.

- What measures have been taken to promote co-operation between border control agencies as regards the establishment and maintenance of direct channels of communication? How have these channels been used for detecting transnational THB? Please provide examples of cases in which these channels were used and any difficulties encountered by border control agencies in this context.

See above.

- *Question 27:* Please describe any measures taken to provide information, through consulates and embassies, about legal entry and stay on the territory of your country in order to ensure informed and legal immigration.

There are no special measures to disseminate information through consulates and embassies about legal entry and stay in Liechtenstein. The Liechtenstein embassies abroad do not issue visas for third-country nationals; visas are mainly issued by Swiss embassies, supplemented by embassies of Austria, Hungary and Lithuania in certain countries.

Additional information requested as part of the 2nd evaluation round: How do your country's migration legislation and policies seek to prevent THB by enabling lawful migration?

Under the Foreigners Act, there are legal opportunities for third-country nationals to stay or reside in Liechtenstein (for example for employment purposes or in the context of family reunification). Apart from this, there are no specific rules for legal migration to prevent trafficking in human beings.

- *Question 28:* Please describe any measures taken to avoid issuing visas (tourist, working, student visas, etc.) when there are reasonable grounds to believe that a person may be a victim of THB or implicated in THB. In such cases, please describe any specific measures which your law enforcement authorities have instructions to apply.

See answer to question 27. Should there be concrete indications that a person could become a victim of human smuggling or trafficking after entering Liechtenstein, it would be examined in the individual case whether a permit to stay in Liechtenstein or entry with a visa could be refused.

- *Question 29:* Do any specific measures exist for preventing national THB, including THB taking place on the territory of parties with special agreements establishing common borders (Schengen Agreement for example)? If so, please specify.

No.

- *Question 30:* What funds have been allocated to the above-mentioned preventive measures in the state budget (central and/or regional/local)? Please specify amounts in euros.

None.

- *Question 31:* Has an assessment of the impact of the above-mentioned preventive measures taken by your country been carried out? If so, please specify the results of the assessment.

No.

Section II.2. Implementation of measures to protect and promote the rights of victims of trafficking in human beings

Questions in this section aim to obtain information on the implementation by the parties of measures to protect and promote the rights of victims contained in Chapter III of the Convention (Articles 10 to 17). This part of the questionnaire concerns the ways and procedures to identify victims (Article 10), measures to assist victims (Article 12), the recovery and reflection period (Article 13) and residence permits (Article 14). In addition some questions concerning repatriation and return of victims (Article 16) and reintegration of victims into society (Article 16-5) as well as questions about compensation (Article 15) are addressed.

- *Question 32:* At what moment and by whom is the process to identify a potential victim of THB initiated (for example, declaration of the potential victim, statement by a police officer, statement by a NGO etc.)?

The National Police, the Migration and Passport Office, and the Office of the Public Prosecutor are sensitised to the issue of trafficking in human beings. The KSMM checklist is used to identify victims. The National Police informs the Migration and Passport Office as early as possible of any suspected case of trafficking in human beings and applies for measures under the law governing foreigners.

Additional information requested as part of the 2nd evaluation round: What is considered as "reasonable grounds" to believe that a person is a victim of THB and which bodies have competence to identify victims upon "reasonable grounds"? Please provide examples from practice.

Please refer to the KSMM checklist mentioned above.

- *Question 33:* Have any common criteria been defined in your internal law for granting the legal status of victim of THB? If so, please specify.

In such cases, the OHG is applied in combination with the Guidelines.

Additional information requested as part of the 2nd evaluation round: Are there any formalised indicators for the identification of victims of THB for different forms of exploitation and how is their use by different professionals ensured in practice in your country?

No.

- *Question 34:* Which national authority(ies) grant(s) the legal status of victim of THB (for example, police forces, public prosecutor, judge, etc.)? Can such a decision be appealed?

If an alleged victim of a crime contacts the Victims Assistance Office, the person is treated in principle as a victim and receives appropriate support unless there is proof to the contrary. The National Police and the Office of the Public Prosecutor make the definitive decision on victim status in cases of trafficking in human beings on the basis of the KSMM checklist and their investigations.

Additional information requested as part of the 2nd evaluation round: Is there a national referral mechanism (NRM) or an equivalent system for identification and referral to assistance of victims of trafficking, both nationals and foreigners, for any form of exploitation? If so, please specify the bodies involved in it and their responsibilities.

No.

- *Question 35:* Can a person be removed from your country during the process of identification as a victim of THB (for example, if he/she is present illegally)?

According to the Guidelines against Trafficking in Human Beings, the Migration and Passport Office (APA), in consultation with the National Police, generally assigns a reflection period of 30 days. During this reflection period, no action is taken under the law governing foreigners. Where appropriate, the APA issues a written confirmation of legal presence in Liechtenstein. During this stabilisation period, the victim is looked after by the Women's Information Centre (FIZ) and Victims Assistance.

Additional information requested as part of the 2nd evaluation round: What measures are taken in your country to identify victims of THB during the examination of asylum applications and during return of persons whose applications are rejected? How is communication ensured between the authorities responsible for identification of victims of trafficking and immigration and asylum authorities when there are reasonable grounds to believe that a person who is irregularly staying in the country is a victim of trafficking?

Asylum seekers are questioned on the entry procedures as part of the entry interview (and, when the asylum application is considered, also in the asylum interview). Any indications of trafficking in human beings are followed up. In the event of suspicion of trafficking in human beings, the APA immediately informs the National Police. So far, the APA has not learned of any cases of asylum seekers who have been victims of trafficking in human beings.

- *Question 36:* Does your country recognise the status of victim of THB granted by another party when the victim is on your territory?

There is currently no legal basis for recognising victims of trafficking in human beings who have been granted this status by other countries and who are present in Liechtenstein.

Additional information requested as part of the 2nd evaluation round: What measures are taken in your country to encourage self-identification of victims of THB?

None.

- *Question 37:* Please indicate which types of assistance described in Article 12 of the Convention are provided to victims of THB in your country. Please specify who provides the different types of assistance.

Victims of trafficking in human beings are entitled to all assistance referred to in Article 12 of the Convention. The Office of Social Services (ASD) ensures subsistence and access to emergency medical care. Translation and interpretation services are provided by the Victims Assistance Office (OHS), the National Police, and the Office of the Public Prosecutor. Assistance in criminal proceedings is the responsibility of the OHS and the National Police, while the Office of Social Services and the Office of Education ensure children's access to education.

Additional information requested as part of the 2nd evaluation round: What accommodation is available for victims of THB (women, men and children) and how is it adapted to the victims' needs? What measures are taken to ensure that services are provided to victims on a consensual and informed basis?

Suitable accommodation for victims is chosen on a case-by-case basis.

- *Question 38:* Please describe the differences in the assistance and protection measures envisaged for victims of transnational trafficking and those envisaged for victims of national trafficking.

Support and protection measures are provided in cooperation with FIZ Advocacy and Support for Migrant Women and Victims of Trafficking on the basis of a service agreement. No distinction is made among categories of victims in this regard, while it should be noted that national cases of trafficking in human beings without a cross-border element are very unlikely in light of Liechtenstein's small size.

Additional information requested as part of the 2nd evaluation round: Is there any follow-up provided after the termination of assistance programmes? Can victims continue to receive assistance, where necessary and taking into account their specific needs resulting from the type of exploitation (including the removal of organs), after the termination of criminal proceedings, and if so what type of assistance?

Longer-term support by the Victims Assistance Office is envisaged within the framework of the Victims Assistance Act. However, due to the lack of cases of trafficking in human beings, no information can be provided about concrete support.

- *Question 39:* Does your state budget allocate specific funding for these assistance and protection measures? Please indicate the amount (in euros), the criteria for receiving such funding and who receives it. Please specify the bodies/agencies/NGOs which actually cover the costs of the different types of assistance?

These services are funded from the general budget of the Victims Assistance Office; there is no specific budget allocated to them.

Additional information requested as part of the 2nd evaluation round: When assistance to victims is provided by non-state actors, how do your country's authorities ensure compliance with the obligations under Article 12 of the Convention, in particular when it comes to:

- a. funding;
- b. victim's safety and protection;
- c. standards of assistance and their implementation in practice;
- d. access to medical treatment, psychological assistance, counselling and information;
- e. translation and interpretation, where appropriate?

With regard to victims of trafficking in human beings, compliance with the obligations under Article 12 of the Convention are ensured on the basis of a service agreement with FIZ (see answer to question 38).

- *Question 40:* Please describe how the recovery and reflection period provided for in Article 13 of the Convention is defined in your internal law. Please indicate the minimum and maximum duration of the recovery and reflection period and how your internal law foresees it being adapted to the particular circumstances of victims.

A 30-day reflection period is set out as a general framework in the Guidelines against Trafficking in Human Beings issued by the Government. This period is reviewed on a case-by-case basis and adjusted if necessary.

Additional information requested as part of the 2nd evaluation round: Please specify in which cases a recovery and reflection period can be granted and who is entitled to it (nationals, foreign nationals). Please describe the procedure for granting a recovery and reflection period, the assistance and protection provided during this period, and any difficulties encountered in practice.

The National Police notifies the APA as early as possible of any suspected case of trafficking in human beings and applies for the appropriate measures under the law governing foreigners (see answer to question 40). In practice, an application by FIZ is also accepted (this has been done in one case so far). The APA then examines the application and grants the person concerned a reflection period with a deadline in writing. In addition, the person is requested to inform the APA of his or her situation at the latest at the end of the reflection period. During the reflection period, care for the victim is provided by FIZ and Victims Assistance.

In general, all potential victims of trafficking in human beings are entitled to make use of the reflection period, although this is explicitly only relevant to persons with foreign citizenship who are subject to the

law on foreigners, because persons with Liechtenstein citizenship have the right of residence in Liechtenstein in any case. In practice, there have so far been no problems in granting the reflection period.

- *Question 41:* What are the grounds (personal situation and/or co-operation with the law enforcement authorities) for issuing residence permits to victims of THB provided for in Article 14 of the Convention? Please indicate the different types of residence permits which can be issued to victims of THB, their minimum and maximum duration, if any, and the grounds for their renewal.

Victims may be granted a short-term residence permit or residence permit on the grounds of important public interests – in particular for the purpose of criminal prosecution – if they are victims or witnesses of crime. Apart from this, the possibility exists under certain conditions of granting a short-term residence or residence permit for serious personal hardship cases (Article 21 AuG in conjunction with Article 15 ZAV). A serious personal emergency must exist in such cases.

As a rule, a residence permit under the Foreigners Act is limited to one year. It can be extended if the integration agreement has been complied with and there are no grounds for revocation or expulsion (Article 26(3) AuG; Foreigners Act, LR 152.20). A short-term residence permit can be granted for up to one year; it can be extended by a maximum of six months if proof of an extraordinary need is provided (Article 25).

Additional information requested as part of the 2nd evaluation round:

- If there is a provision in your country's law that provides for the possibility of issuing a residence permit owing to the victim's personal situation, how is this interpreted in practice? Please provide examples.

The following criteria must be taken into account when granting a permit in a hardship case:

- a) The existence of a serious personal emergency (but this does not include the alleviation of economic plight);
- b) change of integration that is as sustainable as possible; and
- c) respect for the legal order.

No examples can be provided, given that no (short-term) residence permits have been granted so far in connection with victims of trafficking in human beings.

- When a residence permit is issued for the purpose of co-operation with the competent authorities, how is "co-operation" interpreted and what does it consist of in practice? (APA)

No such case has arisen so far. Whether cooperation exists is examined and determined on a case-by-case basis. There is no list of criteria or the like that would have to be met for such a classification.

- What measures are taken to ensure that a residence permit is provided to victims of THB in compliance with the obligation under Article 12.6, which states that the assistance to a victim of trafficking should not be made conditional on his or her willingness to act as a witness? (APA)

If the victim of a crime is not willing to cooperate in the context of criminal prosecution, he or she cannot receive a (short-term) residence permit according to the current legal basis. However, the victim does receive support and advice from FIZ and the Victims Assistance Office during the reflection period. Apart from this, the granting of a (short-term) residence permit for serious personal hardship can be examined in such cases (see Article 21 AuG in conjunction with Article 15 ZAV).

Question 42: Please describe how your internal law provides for the right of victims of THB to compensation. Please specify if your country has adopted any specific measures to guarantee compensation for victims of THB as provided for in Article 15 of the Convention, in particular when it comes to:

- a. access to information on the relevant judicial and administrative proceedings in a language the victim can understand;
- b. access to free legal assistance and legal aid during investigations and court proceedings;
- c. compensation from the perpetrator;
- d. compensation from the state;
- e. compensation for unpaid wages to victims of trafficking.

Please provide examples of compensation awarded and effectively provided to victims of THB.

Victims are entitled to access information in a language they understand, as well as access to legal advice and legal aid. In addition, they can assert claims for compensation for non-material or monetary damages against the perpetrator. If the perpetrator cannot pay compensation, either because of the perpetrator's personal circumstances or because the perpetrator is unknown, the State assumes this compensation on a subsidiary basis. No examples can be provided given the lack of cases of trafficking in human beings.

Additional information requested as part of the 2nd evaluation round:

- What specific measures are taken to make available the assets of traffickers to provide compensation (for example, effective financial investigations resulting in seizure of assets of perpetrators with the view to their confiscation)?

Pursuant to § 20 of the Criminal Code (forfeiture/seizure), the court must declare assets that were obtained for or through the commission of a punishable act to be forfeited. Under § 97a(1)(3) of the Code of Criminal Procedure (StPO), the disposition of credit balances or other assets may be prohibited by court order if it is feared that collection of the assets would otherwise be endangered or considerably impeded (freezing).

- Is there a possibility for victims of THB to claim damages and compensation in the country of destination after their return to the country of origin? Please provide any relevant examples.

Pursuant to Article 3(1) of the Victims Assistance Act (OHG), victims of crime may claim benefits under the OHG if the offence was committed in Liechtenstein. However, due to the lack of cases of trafficking in human beings, there are no examples of this in practice.

- *Question 43:* Please describe the procedure established under your internal law for the repatriation and return of victims of THB.

If it turns out that the potential victim is not a victim, then the person is given a period within which to leave the country pursuant to a removal order. So far, there has been no case in which someone is a victim and nevertheless had to leave the country.

Additional information requested as part of the 2nd evaluation round: What steps are taken to ensure that the return of victims of THB from your country to another country is carried out preferably voluntarily and in full observance of the duty to ensure their rights, safety and dignity, including the obligation not to return a person to a country where his or her human rights are at risk of being violated (*non-refoulement* principle)? How is risk assessment carried out when deciding upon return and repatriation of victims of THB? What is the procedure and what are the modalities of co-operation with the authorities of the receiving state?

If a person has to leave Liechtenstein, a removal order is issued. In this context, it is examined whether there are any obstacles to removal. If possible, the person will also have an exit interview with the National Police to find out about any obstacles to leaving the country. No one is removed to a country where a person's life, limb or freedom are at risk or where there is a risk of inhuman or degrading punishment or treatment. Clarifications are carried out in this regard (as needed with the help of the Swiss authorities, which have more country-specific information). Apart from this, there is normally no

special cooperation with the country to which the person will depart. Only in cases in which the person does not leave the country voluntarily are the options considered of accompanied return and receipt by the authorities of the State in which the person is travelling.

- *Question 44:* Does a person, repatriated to your country as a victim of THB, continue having victim status? If so, please specify on which grounds such recognition is made (for example, declaration of the victim). What assistance measures are envisaged for such persons after repatriation?

There has been no such case so far.

Additional information requested as part of the 2nd evaluation round: Has any victim of trafficking who is a citizen or permanent resident of your country been returned against their will? If yes, what steps, if any, were taken to assist them after their return?

No.

- *Question 45:* What are the grounds for the victim status to come to an end:
 - victim status claimed improperly;
 - victim's refusal to co-operate with the authorities;
 - return to the country of origin;
 - request of the victim;
 - other, please specify.

Victim status may come to an end on the basis of the following criteria:

- if victim status was falsely applied for;
- return to country of origin;
- if the victim does not claim further assistance.

Section II.3. Implementation of measures concerning substantive criminal law, investigation, prosecution and procedural law

Questions in this section aim to obtain information on the implementation by parties of measures concerning substantive criminal law contained in Chapter IV of the Convention (Articles 18 to 26) as well as measures concerning investigation, prosecution and procedural law contained in Chapter V of the Convention (Articles 27 to 31).

- *Question 46:* Is THB subject to a single criminal offence in your internal law? If so, please provide (a translation of) the legal text(s) in English or French. If not, please specify the combination of criminal offences, covering as minimum all conducts falling within the definition of THB as contained in Article 4 of the Convention, used under your internal law to prosecute for THB.

Yes, under § 104a StGB (see answer to question 17).

- *Question 47:* Does your internal law establish as a criminal offence the use of services of a victim of THB with the knowledge that the person is a victim of THB as provided for in Article 19 of the Convention?¹

The knowing use of services of victims of trafficking in human beings is not punishable under Liechtenstein law.

¹ Article 19 of the Convention does not concern using the services of a prostitute as such and the criminalisation of her/his client (see paragraphs 229 to 236 of the Explanatory Report of the Convention).

- *Question 48:* Does your internal law establish as a specific criminal offence retaining, removing, concealing, damaging or destroying a travel or identity document of another person committed intentionally and for the purpose of enabling THB as provided for in Article 20c of the Convention?

Under § 229(1) StGB it is punishable to destroy, damage or suppress a document which is not at a person's disposal or not at such person's sole disposal.

- *Question 49:* Does your internal law ensure that a legal person can be held liable for criminal offences established in accordance with the Convention as provided for in its Article 22? What types of legal persons are subject to corporate liability for such offences?

Yes. The liability of legal persons is set out in § 74a et seq. StGB. Under § 74a(1) StGB, legal persons are liable to the extent they are not acting in enforcement of the laws, for any misdemeanours and crimes committed by managers unlawfully and culpably in their capacity in the performance of business activities and within the framework of the purpose of the legal person (underlying acts). According to § 74a(2) StGB, these provisions cover legal persons entered in the Commercial Register as well as legal persons which neither have their domicile nor a place of operation or establishment in Liechtenstein, insofar as these would have to be entered in the Commercial Register under domestic law, and foundations and associations not entered in the Commercial Register as well as foundations and associations which neither have their domicile nor a place of operation or establishment in Liechtenstein.

Additional information requested as part of the 2nd evaluation round: Does corporate liability apply to legal persons involved in THB for the purpose of forced labour or services, including by their sub-contractors throughout the supply chain? Please provide examples of any relevant cases and the sanctions imposed.

The liability of legal persons also applies to cases of trafficking in human beings. There is no case law on accountability throughout the supply chain.

- *Question 50:* Which sanctions does your internal law provide for criminal offences established in accordance with the Convention? Please specify the criminal, civil and administrative sanctions.

See answer to question 17.

Additional information requested as part of the 2nd evaluation round: Have there been any prosecutions and convictions for THB with the aggravating circumstance of involvement of public officials in the exercise of their functions? Please provide any relevant examples.

No.

- *Question 51:* Does your internal law provide for the possibility to take into account previous convictions in another party when determining the penalty in relation to offences established in accordance with the Convention?

Sentencing takes into account whether or not an accused has already been convicted of relevant offences (§ 33(2) StGB). Under § 73 of the Criminal Code, unless the law expressly refers to conviction by a domestic court, foreign convictions are deemed equivalent to domestic convictions if they convict the offender for an act that is also punishable judicially under the laws of the Principality of Liechtenstein, and if they were imposed in proceedings according to the principles of Article 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms. These conditions are met in cases of trafficking in human beings.

- *Question 52:* Please describe how your internal law provides for the possibility of not imposing penalties on victims of THB for their involvement in unlawful activities, to the extent that they were compelled to do so, as provided for in Article 26 of the Convention.

Since Liechtenstein criminal law is conceived as criminal law based on culpability, under § 4 StGB (no punishment without culpability), no person may be punished unless such person acts culpably, which would not be the case if the person is being compelled. Under § 10 StGB (exculpatory situation of necessity), a victim of trafficking in human beings is also excused from a punishable offence if he or she acted to avert an immediately imminent, substantial disadvantage from himself or herself or another person shall be exculpated if the damage threatened by the act is not disproportionately more severe than the disadvantage the act is meant to avert, and if a person in the perpetrator's situation who is committed to the legally protected values could not be expected to behave differently.

Additional information requested as part of the 2nd evaluation round: Is the non-punishment provision incorporated in law and/or prosecution guidelines? If so, please provide the relevant texts. Please give details, including references to case law where relevant, of cases where the non-punishment principle has been applied and the outcome of such cases.

No.

- *Question 53:* Does your internal law provide for the initiation of legal proceedings by the victim and/or *ex officio* (for example, by the public prosecutor)?

Prosecution is in principle initiated *ex officio* by the Office of the Public Prosecutor, but it can also be initiated by the victim.

Additional information requested as part of the 2nd evaluation round:

- Does your country's law provide for the possibility of investigating a THB case in your country if the offence was committed on your territory, but the complaint was submitted in the country of residence of a foreign victim of THB? Please provide any relevant examples.

Liechtenstein has jurisdiction over any offences committed on Liechtenstein soil, irrespective of where the complaint was submitted. Under § 64(1)(4a) StGB, Liechtenstein also has jurisdiction for criminal prosecution in cases of trafficking in human beings if the act was committed abroad and certain conditions are met.

- Have any difficulties been experienced in your country in identifying and prosecuting cases on the ground of trafficking for the purpose of forced labour or services, slavery and practices similar to slavery or servitude? If so, please provide details.

This question cannot be answered due to the lack of cases.

- Please describe the measures taken in your country to ensure compliance with the obligation of effective investigation into THB cases, in particular as regards:
 - a. setting up specialised investigation units and the number of staff involved;
 - b. exchange of information with, and obtaining evidence from, other parties;
 - c. use of special investigative techniques (such as informants, cover agents, wire-tapping, controlled deliveries), with an indication of how their use is regulated and whether they can also be applied in cases not related to organised crime;
 - d. investigation of THB offences committed through the Internet, including the possibility of blocking websites which are used to facilitate the recruitment of trafficking victims or the dissemination of child pornography;
 - e. financial investigations to disrupt criminal money flows and ensure asset recovery;
 - f. use of joint investigation teams (JITs).

No special measures were taken by the National Police or the Office of the Public Prosecutor.

- *Question 54:* Please describe how your internal law allows for NGOs or associations/groups assisting or supporting victims to participate in legal proceedings (for example, as third parties)? Please specify the conditions for this participation as well as their legal status during these proceedings.

No legal status for NGOs or other groups supporting victims is provided for in criminal proceedings.

- *Question 55:* Please describe the measures taken in your internal law to protect the identity and safety of victims before, during and after investigations and legal proceedings.

The National Police takes into account the protection needs of victims of trafficking in human beings and, in order to achieve this protection, consults with the competent domestic and foreign authorities. As necessary, the National Police applies to the Government to grant extrajudicial witness protection to a victim of trafficking in human beings (Article 30d of the Police Act, PolG).

Additional information requested as part of the 2nd evaluation round:

- What measures are taken to protect victims, witnesses and NGOs assisting victims during criminal proceedings from potential retaliation or intimidation during the investigation and during and after the criminal proceedings? In how many cases have special protection measures been used in respect of victims and witnesses of THB? Please specify any difficulties in providing victim/witness protection and creating a safe environment for their participation in investigations and court proceedings.

There have been no such cases so far.

- What other measures are taken to promote the participation of victims and witnesses in criminal proceedings and to give testimonies which accurately reflect their experiences and assist courts in establishing the truth?

The rights of victims in criminal proceedings are comprehensively set out in § 31a and § 31b of the Code of Criminal Procedure (StPO).

Additional questions from the 2nd evaluation round questionnaire

Gender equality

- *Question 56:* What specific measures are taken in your country to address the gender dimension of THB and incorporate gender equality into the policies to prevent and combat THB and to protect and promote the rights of victims, including through the empowerment of women and girls?

In view of the particular vulnerability of foreign women working in nightclubs, the Round Table on Trafficking focuses its preventive efforts on this group (see answer to question 22).

Non-discrimination

- *Question 57:* What measures are taken to ensure that trafficked persons who are members of ethnic minorities have access to the rights specified in the Convention?

Through the interaction of the Liechtenstein Constitution, relevant laws, and human rights conventions ratified by Liechtenstein, non-discrimination with regard to human rights protection is guaranteed irrespective of characteristics such as ethnicity. Specific measures for victims of trafficking have not been taken in light of the lack of cases.

- *Question 58:* What specific measures are taken to ensure that trafficked persons who are irregular migrants or migrant workers are identified as victims of THB and have access to the rights provided for in the Convention?

None.

- *Question 59:* What measures exist to ensure that male victims of trafficking are identified and provided with assistance and protection, including safe accommodation, as provided by the Convention?

None.

Protection of private life

- *Question 60:* What measures are taken by relevant professionals to protect the confidentiality of information and protect the personal life and identity of victims of THB, including as regards storing of their personal data? Are there any conflicts of interest between professional ethics, on the one hand, and the obligation to report an offence, on the other hand? If so, how are these conflicts resolved in practice?

So far there has been no case in which witness protection under Article 30d PolG would have been applicable.

Special measures concerning children

- *Question 61:* Please describe whether and how trafficking in children is specifically addressed in your country. If there are institutions responsible for taking the lead in combating trafficking in children and a specific national referral mechanism for child victims of trafficking, please provide details.

In Liechtenstein there are no specialised institutions dealing with trafficking in children, given that there have been no cases of trafficking in children to date.

In 2015, several minors from Romania were apprehended as beggars in Liechtenstein. On this basis, a process description was defined between the various competent authorities and bodies (see answer to question 7).

Liechtenstein's accession in 2009 to the Convention of 29 May 1993 on Protection of Children and Co-operation in the Respect of Intercountry Adoption should also be mentioned as a contribution to combating trafficking in children. This Convention's aims include preventing the abduction and sale of children and the trafficking of children in the context of intercountry adoptions (see Article 1(b) of the Convention).

- *Question 62:* What practical measures are taken to reduce children's vulnerability to trafficking and create a protective environment¹ for them, including through:
 - a. ensuring registration of all children at birth, in particular from socially vulnerable groups;

¹ The concept of a protective environment, as promoted by UNICEF, has eight key components:

- protecting children's rights from adverse attitudes, traditions, customs, behaviour and practices;
- government commitment to and protection and realisation of children's rights;
- open discussion of, and engagement with, child protection issues;
- drawing up and enforcing protective legislation;
- the capacity of those dealing and in contact with children, families and communities to protect children;
- children's life skills, knowledge and participation;
- putting in place a system for monitoring and reporting abuse cases;
- programmes and services to enable child victims of trafficking to recover and reintegrate.

- b. raising awareness of THB through education;
- c. training professionals working with children.

Only home births have been possible within the country since 2014, since Liechtenstein no longer has its own maternity ward. In the case of home births, the birth registration must be made at the Civil Registry Office by the parents. Most children living in Liechtenstein are born in hospitals in neighbouring Switzerland or Austria. The hospital sends the birth notification to the local civil registry office. That office is then responsible for registering the birth and issuing the birth certificate. After registration, the Liechtenstein Civil Registry Office receives information from the foreign civil registry office, provided that at least one parent is a Liechtenstein citizen or resident.

Given that trafficking in children and human beings is not a real problem in Liechtenstein, there are no awareness-raising measures for the population, nor are they considered necessary.

Specific further training or awareness-raising for the protection of children against trafficking in human beings have also proven unnecessary so far due to the current situation in Liechtenstein.

- *Question 63:* Please explain what methods are used to verify the age of a presumed victim of trafficking where the age is uncertain and there are reasons to believe that the person is a child. Would such a person be presumed to be a child until the age verification is completed?

This question has never arisen in practice. The Migration and Passport Office and the Office of Social Services would be responsible for verifying age.

- *Question 64:* What steps are taken in your country to ensure that the rights of the child and his/her best interests¹ are duly taken into consideration, in particular when it comes to:
 - a. identification of child victims of trafficking;
 - b. appointing a legal guardian, organisation or authority which shall act in the best interest of unaccompanied minors identified as victims of trafficking;
 - c. locating the child's family;
 - d. ensuring that the identity or details allowing the identification of a child victim of trafficking are not made publicly known through the media or by any other means;
 - e. access to appropriate and secure accommodation, education and health care;
 - f. issuing residence permits for child victims of trafficking;
 - g. providing counselling and information in a language that the child can understand, legal assistance and free legal aid prior, during and after legal proceedings, including to claim compensation;
 - h. carrying out best interests determination, including risk assessment, prior to any decision on the return of child victims to their country of origin, and ensuring the child's safe return in accordance with the best interests of the child;
 - i. special protection measures for children.

a. With regard to the identification of victims of trafficking, see answer to question 32.

b. The Office of Social Services is the competent authority for the protection of the best interests of the child. Pursuant to Article 1(g) of the Children and Youth Act (KJG, LGBl. 2009 No. 29) and the Convention on the Rights of the Child under the territorial principle, it is also responsible for children who are apprehended in Liechtenstein but do not have official residence there.

¹ "The best interests of the child" means that any situation should be looked at from the child's own perspective, seeking to take the child's views into consideration and with the objective of ensuring that his/her rights are respected. Any decision concerning a child should therefore be guided by what is objectively best for that child, given her/his age and maturity.

c. This would presumably be done in cooperation with the various authorities involved. In a case of trafficking in human beings, it would also have to be taken into account that the child's family might have been involved in the trafficking.

d. Liechtenstein authorities are subject to confidentiality and data protection. No information regarding names or personal details is provided to the media. The same applies to schools and institutions responsible for assisting children and young people. Under Article 6(1) of the Media Act (MedienG, LGBl. 2005 No. 250), the content of media must also comply with the legal requirements for the protection of the personal sphere and of children and young people.

e. In a child trafficking case, the Office of Social Services would provide suitable accommodation for the child or young person. The domestic institutions responsible for in-house assistance to children and young people have primary responsibility for that purpose. Depending on the situation, accommodation in a foster family could also be considered. Access to schooling and healthcare would also be ensured.

f. Permits would be issued in accordance with the Guidelines against Trafficking in Human Beings.

g. Interpreters are generally involved to inform and advise children and young people with whom (sufficient) communication is otherwise not possible because they speak a foreign language. In the event of legal proceedings, a trustee (lawyer) representing the child's legal interests would be assigned to the child.

h. The situation of a child affected by trafficking would be the first to be assessed, and on this basis further steps and measures would be taken, taking into account the situation, the needs, and the best interests of the child. In the event of a return of a child to the country of origin, safe return and transfer of the child would be agreed with the competent authorities in the country of origin.

i. Specific measures to protect children against trafficking have not yet turned out to be necessary due to the current situation in Liechtenstein.

- *Question 65:* What practical measures are taken in your country to identify victims of trafficking among unaccompanied foreign minors, including asylum seekers? What measures are taken to prevent their disappearance? Have there been cases of non-voluntary return of child victims of trafficking?

Apart from the measures mentioned in the answer to question 35, the Migration and Passport Office is not aware of any specific measures to identify trafficking in human beings among unaccompanied minors (including asylum seekers). However, such minors would generally quickly attract the attention of the National Police (or other citizens) due to the small size of the country, and as a result, interviews with the children by the National Police or the Office of Social Services could reveal that they are potential victims of trafficking in human beings. In each entry interview, the question is asked about the travel route of the person, including the unaccompanied minor, and – depending on the answer – also about the circumstances of the trip. To prevent minors from vanishing, they are placed in special accommodation for minors with special care tailored to minors. There have been no cases of forced deportations of children who were victims of trafficking.

- *Question 66:* What programmes and services exist in your country for the (re)integration of child victims of trafficking? What solutions are provided if the reintegration of the child into his/her family is not in the child's best interests?

None.

Trafficking for the purpose of organ removal

- *Question 67:* Please describe the measures taken in your country to prevent THB for the purpose of the removal of organs, and in particular:

- a. the legislation and regulations on organ transplantation and removal of organs, including requirements for the living donation procedure (information/consent, evaluation/selection, follow-up and registry) and criteria for authorising centres for living donation;
- b. the institution(s) in charge of overseeing and monitoring the medical care and recovery of donors and recipients and managing or supervising any waiting lists for organ transplantations;
- c. the guidance and training provided to relevant professionals to prevent this form of THB, to report cases and to identify and assist victims.

Article 46b(1) of the Public Health Act (GesG, LGBl. 2008 No. 30) stipulates that the donation of organs, tissues, and cells must be voluntary and without remuneration. According to Article 46c GesG, organ trading in Liechtenstein is punishable by law. Pursuant to Article 47b GesG, the Office of Public Health maintains a living donor register.

Since there are no institutions in Liechtenstein in which organs are transplanted or removed for transplants, the second and third sub-questions are not relevant to Liechtenstein.

- *Question 68:* Have you had any cases or suspected cases of THB for the purpose of the removal of organs? How did investigations take place in such cases and what special investigation techniques were used?

No.

Jurisdiction

- *Question 69:* Please outline the measures taken by your country to establish and exercise jurisdiction over the offences set out in the Convention, in particular with regard to offences committed outside the jurisdiction of the state (including in cases where your national is a victim of THB committed abroad).

Under § 64(1)(4a) StGB, cases of trafficking in human beings committed abroad are punished irrespective of the laws of the place where the act is committed if the perpetrator or the victim is a Liechtenstein citizen or has his or her place of residence or habitual abode in Liechtenstein, if the act has violated other Liechtenstein interests, or if the perpetrator was, at the time of the offence, a foreign national who is in Liechtenstein and cannot be extradited.

Measures related to endangered or missing persons

- *Question 70:* What measures are envisaged in your country to transmit information to another party concerning a victim, witness or collaborator with the judicial authorities in a THB case, who your authorities believe is in immediate danger on the territory of another party? What protection measures are envisaged for such persons, should another party to the Convention inform you about their presence on your territory? Please provide examples from practice.

No cases known.

- *Question 71:* Has an early warning system for missing children been introduced in your country and is the harmonised European telephone number for missing children available? What other measures are there for early signalling to other countries about endangered and/or missing children? Has your country concluded any agreements or taken any other measures to reinforce co-operation with other countries in the search for missing people, in particular children, where your authorities have reasonable grounds to believe that missing children may be victims of trafficking or are at risk of becoming victims of trafficking?

No.

Relationship with other international instruments

- *Question 72:* Please indicate any agreements concluded by your country in accordance with Article 40.2 of the Convention.

None.

- *Question 73:* Please provide details of cases where victims or possible victims of THB have been granted refugee status or subsidiary/complementary protection.

No cases.

E. Statistics on THB (per year, starting with 2016)

- Number of victims identified in the sense of having been recognised by a state institution or mandated NGO as deserving any of the rights or entitlements to services provided for by the Convention (with breakdown by sex, age, nationality, form of exploitation, internal or transnational trafficking, and body which identified them).

0

- Number of presumed victims whom the competent authorities had "reasonable grounds" to believe were victims of THB (with breakdown by sex, age, nationality, form of exploitation, internal or transnational trafficking, and body which identified them). Please clarify whether this number includes victims who were formally identified or is an additional number.

In recent years only a few suspected cases of trafficking in human beings have become known. Between 2012 and 2017, the National Police conducted a total of four investigative proceedings on suspicion of trafficking in human beings under § 104a StGB. These investigations were mostly conducted on suspicion of sexual exploitation; only one case was investigated on suspicion of labour exploitation (begging). Three investigative proceedings have been concluded, while one is still pending. So far there has been no conviction for trafficking in human beings in Liechtenstein.

Number of persons	Gender	Age	Nationality
3	Male	29, 30, 34	Thailand
2	Female	27, 32	Romania
1	Male	10	Romania
1	Female	31	Ukraine
4	Female	28, 29, 32, 35	Dominican Republic

- Number of victims granted a recovery and reflection period (if possible, disaggregated by sex, age, nationality, form of exploitation).

Number of persons	Gender	Age	Nationality
2	Male	29, 30	Thailand

- Number of victims who received assistance (if possible, disaggregated by sex, age, nationality, form of exploitation, internal or transnational trafficking).

Number of persons	Gender	Age	Nationality
2	Male	29, 30	Thailand

- Number of shelters for victims of THB and total number of places in these shelters.
0
- Number of victims who were granted a residence permit, with an indication of the type of the permit (owing to the victim's personal situation or for the purpose of co-operation with the competent authorities) and its duration, if possible, disaggregated by sex, age, nationality, form of exploitation.
0
- Number of victims given refugee status and subsidiary/complementary protection.
0
- Number of victims who claimed compensation and who received compensation (if possible, disaggregated by sex, age, nationality, form of exploitation), with an indication of whether the compensation was provided by the perpetrator or the state, and the amount awarded.
0
- Number of victims repatriated to your country (if possible, disaggregated by sex, age, country of destination, form of exploitation).
0
- Number of victims repatriated from your country to another country (if possible, disaggregated by sex, age, nationality, form of exploitation).
0
- Number of investigations into THB cases.
4
- Number of prosecutions of THB cases.
0
- Number of convictions for THB resulting in penalties involving deprivation of liberty, with an indication of the duration of the penalty and whether effectively enforced or suspended.
0
- Number of judgments resulting in the confiscation of assets.
0
- Number of judgments resulting in the closure of a business or an establishment which was being used to carry out THB.
0
- Number of convictions for the use of services of a victim of THB.
0
- Number of victims of THB who benefitted from the non-punishment provision.
0

Appendix: Relevant articles from the Criminal Code

§	Original article	English translation ¹
64	<p><i>Strafbare Handlungen im Ausland, die ohne Rücksicht auf die Gesetze des Tatorts bestraft werden</i></p> <p>1) Die liechtensteinischen Strafgesetze gelten unabhängig von den Strafgesetzen des Tatorts für folgende im Ausland begangene Taten: [...]</p> <p>4a. Genitalverstümmelung im Sinne von § 90 Abs. 3, erpresserische Entführung (§ 102), Überlieferung an eine ausländische Macht (§ 103), Sklavenhandel (§ 104), Menschenhandel (§ 104a), schwere Nötigung nach § 106 Abs. 1 Ziff. 3, verbotene Adoptionsvermittlung (§ 193a), Vergewaltigung (§ 200), sexuelle Nötigung (§ 201), sexuelle Belästigung gegenüber Unmündigen nach § 203 Abs. 2, sexueller Missbrauch einer wehrlosen oder psychisch beeinträchtigten Person (§ 204), schwerer sexueller Missbrauch von Unmündigen (§ 205), sexueller Missbrauch von Unmündigen (§ 206), sittliche Gefährdung Unmündiger oder Jugendlicher (§ 207), sexueller Missbrauch von Minderjährigen (§ 208), Anbahnung von Sexualkontakten mit Unmündigen (§ 209), unsittliches Einwirken auf Unmündige (§ 209a), Missbrauch eines Autoritätsverhältnisses nach § 212 Abs. 1, entgeltliche Vermittlung von Sexualkontakten mit Minderjährigen (§ 214), Förderung der Prostitution und pornographischer Darbietungen Minderjähriger (§ 215a), grenzüberschreitender Prostitutionshandel (§ 217) sowie pornographische Darstellungen Minderjähriger (§ 219), wenn</p> <p>a) der Täter oder das Opfer liechtensteinischer Staatsangehöriger ist oder seinen Wohnsitz oder gewöhnlichen Aufenthalt im Inland hat,</p> <p>b) durch die Tat sonstige liechtensteinische Interessen verletzt worden sind oder</p> <p>c) der Täter zur Zeit der Tat Ausländer war, sich in Liechtenstein aufhält und nicht ausgeliefert werden kann; [...]</p>	<p><i>Offences abroad that are punished irrespective of the laws of the place of their commission</i></p> <p>1) The Liechtenstein criminal laws shall apply to the following acts committed abroad, irrespective of the criminal laws of the place where the act is committed: [...]</p> <p>4a. genital mutilation as defined by § 90 paragraph 3, extortionate kidnapping (§ 102), delivery to a foreign power (§ 103), slave trade (§ 104), trafficking in human beings (§ 104a), aggravated coercion as defined by § 106 paragraph 1 sub-paragraph 3, illegal adoption placements (§ 193a), rape (§ 200), sexual assault (§ 201), sexual harassment of under-age persons as defined by § 203 paragraph 2, sexual abuse of a defenceless or mentally impaired person (§ 204), aggravated sexual abuse of under-age persons (§ 205), sexual abuse of under-age persons (§ 206), endangerment of the morals of under-age persons or adolescents (§ 207), sexual abuse of minors (§ 208), initiation of sexual contacts with under-age persons (§ 209), immoral influence on under-age persons (§ 209a), abuse of a relationship of authority as defined by § 212 paragraph 1, arrangement of sexual contacts with minors in return for a valuable consideration (§ 214), promotion of prostitution and pornographic performances of minors (§ 215a), cross-border trafficking in prostitution (§ 217) and pornographic depictions of minors (§ 219), if</p> <p>a) the perpetrator or the victim is a Liechtenstein citizen or has his place of residence or his habitual abode in Liechtenstein,</p> <p>b) the act has violated other Liechtenstein interests, or</p> <p>c) the perpetrator was, at the time of the act, a foreign national who is in Liechtenstein and cannot be extradited; [...]</p>
99	<p><i>Freiheitsentziehung</i></p> <p>1) Wer einen anderen widerrechtlich gefangen hält oder ihm auf andere Weise die persönliche Freiheit entzieht, ist mit Freiheitsstrafe bis zu drei Jahren zu bestrafen.</p> <p>2) Wer die Freiheitsentziehung länger als einen</p>	<p><i>Deprivation of liberty</i></p> <p>1) Any person who unlawfully imprisons another person or deprives such other person of his personal liberty in any other manner shall be punished with imprisonment of up to three years.</p>

¹ English is not an official language of the Principality of Liechtenstein. This translation is provided for information purposes only and has no legal force.

	<p>Monat aufrecht erhält oder sie auf solche Weise, dass sie dem Festgehaltenen besondere Qualen bereitet, oder unter solchen Umständen begeht, dass sie für ihn mit besonders schweren Nachteilen verbunden ist, ist mit Freiheitsstrafe von einem bis zu zehn Jahren zu bestrafen.</p>	<p>2) Any person who maintains the deprivation of liberty for longer than one month or commits the act in a manner that causes the detained person exceptional agony or under circumstances that entail particularly severe disadvantages to the detained person shall be punished with imprisonment of one to ten years.</p>
100	<p><i>Entführung einer willenlosen oder wehrlosen Person</i></p> <p>Wer eine Person, die geisteskrank ist oder sich in einem Zustand befindet, der sie zum Widerstand unfähig macht, entführt, um sie sexuell zu missbrauchen oder sexuellen Handlungen zuzuführen, ist mit Freiheitsstrafe von sechs Monaten bis zu fünf Jahren zu bestrafen.</p>	<p><i>Kidnapping of an abulic or defenceless person</i></p> <p>Any person who kidnaps another person that is mentally ill or in a condition that makes such other person incapable of resistance in order to sexually abuse such other person or involve such other person in sexual acts shall be punished with imprisonment of six months to five years.</p>
101	<p><i>Entführung einer unmündigen Person</i></p> <p>Wer eine unmündige Person entführt, um sie sexuell zu missbrauchen oder sexuellen Handlungen zuzuführen, ist mit Freiheitsstrafe von sechs Monaten bis zu fünf Jahren zu bestrafen.</p>	<p><i>Kidnapping of an under-age person</i></p> <p>Any person who kidnaps an under-age person in order to sexually abuse such under-age person or involve such under-age person in sexual acts shall be punished with imprisonment of six months to five years.</p>
104	<p><i>Sklavenhandel</i></p> <p>1) Wer Sklavenhandel treibt, ist mit Freiheitsstrafe von zehn bis zu zwanzig Jahren zu bestrafen.</p> <p>2) Ebenso ist zu bestrafen, wer bewirkt, dass ein anderer versklavt oder in eine sklavereiähnliche Lage gebracht wird oder dass sich ein anderer in Sklaverei oder eine sklavereiähnliche Lage begibt.</p>	<p><i>Slave trade</i></p> <p>1) Any person engaging in the slave trade shall be punished with imprisonment of ten to twenty years.</p> <p>2) Any person shall be punished likewise who effects that another person is enslaved or brought into a situation similar to slavery or effects that another person enters into slavery or a situation similar to slavery.</p>
104a	<p><i>Menschenhandel</i></p> <p>1) Wer</p> <ol style="list-style-type: none"> 1. eine minderjährige Person oder 2. eine volljährige Person unter Einsatz unlauterer Mittel (Abs. 2) gegen die Person mit dem Vorsatz, dass sie sexuell, durch Organentnahme oder in ihrer Arbeitskraft ausgebeutet werde, anwirbt, beherbergt oder sonst aufnimmt, befördert oder einem anderen anbietet oder weitergibt, ist mit Freiheitsstrafe bis zu drei Jahren zu bestrafen. <p>2) Unlautere Mittel sind die Täuschung über Tatsachen, die Ausnützung einer Autoritätsstellung, einer Zwangslage, einer Geisteskrankheit oder eines Zustands, der die Person wehrlos macht, die Einschüchterung und die Gewährung oder Annahme eines Vorteils für die Übergabe der Herrschaft über die Person.</p> <p>3) Mit Freiheitsstrafe von sechs Monaten bis zu fünf Jahren ist zu bestrafen, wer die Tat unter Einsatz von Gewalt oder gefährlicher Drohung begeht.</p>	<p><i>Trafficking in human beings</i></p> <p>1) Any person who recruits, accommodates or otherwise takes in, transports, or offers or passes on to another person,</p> <ol style="list-style-type: none"> 1. a minor person, or 2. an adult person by dishonest means (paragraph 2) used against the person with the intent that such minor or adult person be exploited sexually, by organ removal, or in terms of their labour, shall be punished with imprisonment of up to three years. <p>2) Dishonest means shall include deception regarding facts, taking advantage of a position of authority, plight, mental illness, or a condition that makes the person defenceless, intimidation, and the granting or acceptance of a benefit for handing over control of the person.</p> <p>3) Any person who commits the act with the use of force or a dangerous threat shall be punished with imprisonment of six months to five years.</p> <p>4) Any person who commits the act against an under-age person, as part of a criminal group, with use of severe force or in such a manner</p>

	<p>4) Wer die Tat gegen eine unmündige Person, im Rahmen einer kriminellen Vereinigung, unter Anwendung schwerer Gewalt oder so begeht, dass durch die Tat das Leben der Person vorsätzlich oder grob fahrlässig gefährdet wird oder die Tat einen besonders schweren Nachteil für die Person zur Folge hat, ist mit Freiheitsstrafe von einem bis zu zehn Jahren zu bestrafen.</p>	<p>that the life of such under-age person is intentionally or grossly negligently endangered by the act or in such a manner that the act results in a particularly severe disadvantage for such under-age person, shall be punished with imprisonment of one to ten years.</p>
106	<p style="text-align: center;"><i>Schwere Nötigung</i></p> <p>1) Wer eine Nötigung begeht, indem er</p> <ol style="list-style-type: none"> 1. mit dem Tod, mit einer erheblichen Verstümmelung oder einer auffallenden Verunstaltung, mit einer Entführung, mit einer Brandstiftung, mit einer Gefährdung durch Kernenergie, ionisierende Strahlen oder Sprengmittel oder mit der Vernichtung der wirtschaftlichen Existenz oder gesellschaftlichen Stellung droht, 2. die genötigte oder eine andere Person, gegen die sich die Gewalt oder gefährliche Drohung richtet, durch diese Mittel längere Zeit hindurch in einen qualvollen Zustand versetzt oder 3. die genötigte Person zur Eheschliessung, zur Eintragung einer Partnerschaft, zur Prostitution, zur Mitwirkung an einer pornographischen Darbietung (§ 215a Abs. 3), zu einem Schwangerschaftsabbruch (§ 96) oder sonst zu einer Handlung, Duldung oder Unterlassung veranlasst, die besonders wichtige Interessen der genötigten oder einer dritten Person verletzt, <p>ist mit Freiheitsstrafe von sechs Monaten bis zu fünf Jahren zu bestrafen.</p> <p>2) Ebenso ist der Täter zu bestrafen, wenn die Tat den Selbstmord oder einen Selbstmordversuch der genötigten oder einer anderen Person zur Folge hat, gegen die sich die Gewalt oder gefährliche Drohung richtet.</p>	<p style="text-align: center;"><i>Aggravated coercion</i></p> <p>1) Any person who commits coercion by</p> <ol style="list-style-type: none"> 1. threatening death, substantial mutilation or conspicuous disfigurement, kidnapping, arson, endangerment through nuclear energy, ionizing radiation, or explosives, or destruction of livelihood or social status, 2. inflicting a state of agony on the coerced person or another person against whom the force or dangerous threat is directed, by these means and for an extended period of time, or 3. inducing the coerced person into marriage, registration of a partnership, prostitution, or participation in a pornographic performance (§ 215a paragraph 3), termination of pregnancy (§ 96) or otherwise into an act, acquiescence, or omission that violates particularly important interests of the coerced person or a third party shall be punished with imprisonment of six months to five years. <p>2) The perpetrator shall be punished likewise if the act results in the suicide or attempted suicide of the coerced person or of another person against whom the force or dangerous threat is directed.</p>
193a	<p style="text-align: center;"><i>Verbotene Adoptionsvermittlung</i></p> <p>1) Wer bewirkt, dass eine zustimmungsberechtigte Person gegen Gewährung eines Vorteils für sich oder einen Dritten der Adoption einer minderjährigen Person durch eine andere Person zustimmt, ist mit Freiheitsstrafe bis zu zwei Jahren zu bestrafen.</p> <p>2) Handelt der Täter, um sich oder einem Dritten einen Vermögensvorteil zu verschaffen, so ist er mit Freiheitsstrafe bis zu drei Jahren zu bestrafen.</p> <p>3) Annehmende und Wahlkinder, zwischen denen die Adoption vermittelt wird, sind nicht</p>	<p style="text-align: center;"><i>Unlawful adoption placements</i></p> <p>1) Any person who effects that a person entitled to give his consent, in return for being granted a benefit to such entitled person or a third party, consents to the adoption of a minor by another person shall be punished with imprisonment of up to two years.</p> <p>2) If the perpetrator acts in order to obtain a pecuniary benefit for himself or a third party, such perpetrator shall be punished with imprisonment of up to three years.</p> <p>3) Adopting parents and adopted children between whom the adoption is arranged shall not be punished as participants (§ 12 of the Criminal Code).</p>

	als Beteiligte (§ 12 StGB) zu bestrafen.	
194	<p><i>Entziehung eines Minderjährigen aus der Macht des Erziehungsberechtigten</i></p> <p>1) Wer eine minderjährige Person der Macht des Erziehungsberechtigten entzieht, sie vor ihm verborgen hält, sie verleitet, sich dieser Macht zu entziehen oder sich vor dem Berechtigten verborgen zu halten, oder ihr dazu Hilfe leistet, ist mit Freiheitsstrafe bis zu einem Jahr zu bestrafen.</p> <p>2) Wer die Tat in Beziehung auf eine unmündige Person begeht, ist mit Freiheitsstrafe bis zu drei Jahren zu bestrafen.</p> <p>3) Mit Freiheitsstrafe bis zu drei Jahren ist auch zu bestrafen, wer die Tat begeht, um die minderjährige Person sexuell zu missbrauchen oder sexuellen Handlungen zuzuführen.</p> <p>4) Der Täter ist nur auf Antrag des Erziehungsberechtigten zu verfolgen.</p> <p>5) Eine minderjährige Person, die einen anderen dazu verleitet, sie der Macht des Erziehungsberechtigten zu entziehen oder ihr Hilfe zu leisten, sich selbst dieser Macht zu entziehen, ist nicht zu bestrafen.</p>	<p><i>Removal of a minor from the custody of the parent or legal guardian</i></p> <p>1) Any person who removes a minor from the custody of the parent or legal guardian or conceals such minor from the parent or legal guardian, or who causes or assists such minor to remove himself or hide from his parent or legal guardian shall be punished with imprisonment of up to one year.</p> <p>2) Any person who commits the act in relation to an under-age person shall be punished with imprisonment of up to three years.</p> <p>3) Any person who commits the act in order to sexually abuse the minor or to involve the minor in sexual acts shall also be punished with imprisonment of up to three years.</p> <p>4) The perpetrator shall only be prosecuted upon application of the parent or legal guardian.</p> <p>5) Any minor who causes another person to remove the minor from the custody of his parent or legal guardian or to assist him to remove himself from such custody shall not be punished.</p>
214	<p><i>Entgeltliche Vermittlung von Sexualkontakten mit Minderjährigen</i></p> <p>1) Wer die persönliche Annäherung einer unmündigen mit einer anderen Person zur Vornahme einer sexuellen Handlung herbeiführt, um sich oder einem anderen einen Vermögensvorteil zu verschaffen, ist mit Freiheitsstrafe bis zu fünf Jahren zu bestrafen.</p> <p>2) Wer ausser dem Fall des Abs. 1 die persönliche Annäherung einer minderjährigen mit einer anderen Person zur Vornahme einer sexuellen Handlung herbeiführt, um sich oder einem anderen einen Vermögensvorteil zu verschaffen, ist mit Freiheitsstrafe bis zu zwei Jahren zu bestrafen.</p>	<p><i>Arrangement of sexual contacts with minors in return for a valuable consideration</i></p> <p>1) Any person who brings about the personal proximity of an under-age person with a third person for the purpose of performing a sexual act, in order to obtain a pecuniary benefit for himself or another person, shall be punished with imprisonment of up to five years.</p> <p>2) Any person who, other than in the case set out in paragraph 1, brings about the personal proximity of a minor person with a third person for the purpose of performing a sexual act, in order to obtain a pecuniary benefit for himself or another person, shall be punished with imprisonment of up to two years.</p>
215	<p><i>Zuführen zur Prostitution</i></p> <p>1) Wer eine Person der Prostitution zuführt, ist mit Freiheitsstrafe bis zu zwei Jahren zu bestrafen.</p>	<p><i>Leading to prostitution</i></p> <p>1) Any person who leads another person to prostitution shall be punished with imprisonment of up to two years.</p>
215a	<p><i>Förderung der Prostitution und pornographischer Darbietungen Minderjähriger</i></p> <p>1) Wer eine minderjährige Person, mag sie auch bereits der Prostitution nachgehen, zur Ausübung der Prostitution oder zur Mitwirkung an einer pornographischen Darbietung anwirbt oder einem anderen zu einem solchen Zweck anbietet oder vermittelt, ist mit Freiheitsstrafe</p>	<p><i>Promotion of prostitution and pornographic performances of minors</i></p> <p>1) Any person who recruits a minor person, even if such minor person already engages in prostitution, to engage in prostitution or to participate in a pornographic performance or offers or arranges such minor person to or for a third person for that purpose, shall be punished with imprisonment of up to three years. Any</p>

	<p>bis zu drei Jahren zu bestrafen. Ebenso ist zu bestrafen, wer eine minderjährige Person, die der Prostitution nachgeht oder an einer pornographischen Darbietung mitwirkt, in diesem Zusammenhang ausnützt, um sich oder einem anderen einen Vermögensvorteil zuzuwenden. Wer die Tat gegen eine unmündige Person begeht, ist mit Freiheitsstrafe von sechs Monaten bis zu fünf Jahren zu bestrafen.</p> <p>2) Wer die Tat im Rahmen einer kriminellen Vereinigung, unter Anwendung schwerer Gewalt oder so begeht, dass durch die Tat das Leben der Person vorsätzlich oder grob fahrlässig gefährdet wird oder die Tat einen besonders schweren Nachteil für die Person zur Folge hat, ist mit Freiheitsstrafe von sechs Monaten bis zu fünf Jahren zu bestrafen. Wer eine derartige Tat gegen eine unmündige Person begeht, ist mit Freiheitsstrafe von einem bis zu zehn Jahren zu bestrafen.</p> <p>3) An einer pornographischen Darbietung wirkt mit, wer dabei eine auf sich selbst reduzierte, von anderen Lebensäußerungen losgelöste und der sexuellen Erregung eines Betrachters dienende sexuelle Handlung an sich selbst, an einer anderen Person oder mit einem Tier vornimmt, eine solche sexuelle Handlung an sich vornehmen lässt oder auf solche Weise seine Genitalien oder seine Schamgegend zur Schau stellt.</p> <p>4) Mit Freiheitsstrafe bis zu drei Jahren ist zu bestrafen, wer wissentlich eine pornographische Darbietung besucht, an der minderjährige Personen mitwirken.</p>	<p>person shall be punished likewise who exploits a minor person in this connection in order to obtain a pecuniary benefit for himself or another person, where such minor person engages in prostitution or participates in a pornographic performance. Any person who commits the act against an under-age person shall be punished with imprisonment of six months to five years.</p> <p>2) Any person who commits the act as part of a criminal group, with use of severe force or in such a manner that the life of the person is intentionally or grossly negligently endangered by the act or that the act results in a particularly severe disadvantage for the person, shall be punished with imprisonment of six months to five years. Any person who commits an act of this kind against an under-age person shall be punished with imprisonment of one to ten years.</p> <p>3) Any person shall be deemed to participate in a pornographic performance who performs a sexual act on himself, on another person, or on an animal, where that act is reduced to the act itself, separated from other expressions of life, and serves to sexually arouse a spectator, or who has such an act performed on himself, or in that manner displays his or her genitalia or pubic region.</p> <p>4) Any person who knowingly attends a pornographic performance in which minors participate shall be punished with imprisonment of up to three years.</p>
<p>216</p>	<p style="text-align: center;"><i>Zuhälterei</i></p> <p>1) Wer mit dem Vorsatz, sich aus der Prostitution einer anderen Person eine fortlaufende Einnahme zu verschaffen, diese Person ausnützt, ist mit Freiheitsstrafe bis zu einem Jahr zu bestrafen.</p> <p>2) Wer mit dem Vorsatz, sich aus der Prostitution einer anderen Person eine fortlaufende Einnahme zu verschaffen, diese Person ausbeutet, sie einschüchtert, ihr die Bedingungen der Ausübung der Prostitution vorschreibt oder mehrere solche Personen zugleich ausnützt, ist mit Freiheitsstrafe bis zu drei Jahren zu bestrafen.</p> <p>3) Mit Freiheitsstrafe bis zu drei Jahren ist auch zu bestrafen, wer durch Einschüchterung eine Person abhält, die Prostitution aufzugeben.</p> <p>4) Wer eine nach den vorstehenden</p>	<p style="text-align: center;"><i>Pimping</i></p> <p>1) Any person who, with the intent to obtain regular income from the prostitution of another person, takes advantage of such other person shall be punished with imprisonment of up to one year.</p> <p>2) Any person who, with the intent to obtain regular income from the prostitution of another person, exploits or intimidates such other person or dictates to such other person the conditions of the exercise of prostitution or takes advantage of several such other persons at the same time shall be punished with imprisonment of up to three years.</p> <p>3) Any person who prevents another person from renouncing prostitution through intimidation shall likewise be punished with imprisonment of up to three years.</p> <p>4) Any person who commits an act carrying a</p>

	<p>Bestimmungen mit Strafe bedrohte Handlung als Mitglied einer kriminellen Vereinigung begeht, ist mit Freiheitsstrafe von sechs Monaten bis zu fünf Jahren zu bestrafen.</p> <p>5) Der Täter ist mit Freiheitsstrafe von sechs Monaten bis zu fünf Jahren zu bestrafen, wenn die ausgenützte Person das achtzehnte Lebensjahr noch nicht vollendet hat.</p>	<p>penalty pursuant to the preceding provisions as a member of a criminal group shall be punished with imprisonment of six months to five years.</p> <p>5) The perpetrator shall be punished with imprisonment of six months to five years if the person taken advantage of has not yet reached the age of eighteen.</p>
217	<p><i>Grenzüberschreitender Prostitutionshandel</i></p> <p>1) Wer eine Person, mag sie auch bereits der Prostitution ergeben sein, der Prostitution in einem anderen Staat als in dem, dessen Staatsangehörigkeit sie besitzt oder in dem sie ihren gewöhnlichen Aufenthalt hat, zuführt oder sie hierfür anwirbt, ist mit Freiheitsstrafe von sechs Monaten bis zu fünf Jahren, wenn er die Tat jedoch gewerbsmässig begeht, mit Freiheitsstrafe von einem bis zu zehn Jahren zu bestrafen.</p> <p>2) Wer eine Person (Abs. 1) mit dem Vorsatz, dass sie in einem anderen Staat als in dem, dessen Staatsangehörigkeit sie besitzt oder in dem sie ihren gewöhnlichen Aufenthalt hat, Prostitution treibe, durch Täuschung über dieses Vorhaben verleitet oder mit Gewalt oder durch gefährliche Drohung nötigt, sich in einen anderen Staat zu begeben, oder sie mit Gewalt oder unter Ausnützung ihres Irrtums über dieses Vorhaben in einen anderen Staat befördert, ist mit Freiheitsstrafe von einem bis zu zehn Jahren zu bestrafen.</p>	<p><i>Cross-border trafficking in prostitution</i></p> <p>1) Any person who, even if the person concerned already engages in prostitution, arranges or recruits another person to engage in prostitution in a state other than such other person's state of citizenship or habitual abode shall be punished with imprisonment of six months to five years, but if such person commits the act on a commercial basis, the punishment shall be imprisonment of one to ten years.</p> <p>2) Any person who, with the intent to have another person (paragraph 1) engage in prostitution in a state other than such other person's state of citizenship or habitual abode, induces such other person through deception regarding this plan or coerces such other person by force or a dangerous threat to go to another state, or, by force or by taking advantage of such other person's mistake with regard to this plan, transports such other person to another state, shall be punished with imprisonment of one to ten years.</p>