

Committee of the Parties
to the Council of Europe Convention
on Action against Trafficking in Human Beings



CP(2021)02

**Report submitted by the authorities of Liechtenstein
on measures taken to comply with
Committee of the Parties Recommendation
CP/Rec(2019)08 on the implementation
of the Council of Europe Convention
on Action against Trafficking in Human Beings**

First/second evaluation round

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Report of Liechtenstein on Implementation of the Recommendations to Liechtenstein by the Council of Europe's Group of Experts on Action against Trafficking in Human Beings (GRETA)

National Action Plan

1. With a view to meeting the obligations under the Convention and adopting a comprehensive approach to the fight against trafficking in human beings (THB), GRETA urges the Liechtenstein authorities to adopt an action plan or other policy document which addresses all aspects of the fight against trafficking in human beings, including prevention and the provision of training to relevant professionals.

Response by Liechtenstein:

Liechtenstein attaches the utmost importance to meeting its obligations under the Convention and adopting a comprehensive approach to the fight against trafficking in human beings. Liechtenstein favourably and with appreciation takes note of the recommendations by the Group of Experts against Trafficking in Human Beings (GRETA).

Liechtenstein actively advocates within the international community for an efficient fight against trafficking in human beings and supports a wide range of foreign policy initiatives and development projects. Combating modern slavery and human trafficking is a foreign policy priority that Liechtenstein regularly emphasises in its foreign policy publications. Liechtenstein also regularly speaks out on this issue in international bodies, including the Security Council, the UN General Assembly, the Human Rights Council, the Council of Europe, and the Organization for Security and Co-operation in Europe. In 2020, Liechtenstein invested approximately CHF 9 million in projects to promote human rights and the rule of law and to improve working conditions through its International Humanitarian Cooperation and Development, with a view to achieving the 2030 Agenda for Sustainable Development.

Domestically, Liechtenstein gives priority to combating modern slavery and trafficking in human beings. Since 31 March 2009, the National Police has been working with Guidelines against Trafficking in Human Beings. These Guidelines were amended on 4 September 2017 and are based on the Cooperation Mechanisms for Combating Trafficking in Human Beings of the Swiss Coordination Unit against the Trafficking in Persons and the Smuggling of Migrants. In addition, there is a guideline on the procedure in Liechtenstein for apprehending beggars who are minors. The Round Table on Human Trafficking also plays a central coordination role in prevention and training for relevant professionals.

Liechtenstein recognises the utility of action plans in principle and takes a pragmatic position on the development of such plans. Liechtenstein has drawn up guidelines on combating trafficking in human beings. Liechtenstein does not consider it useful to summarise these policy documents, also in light of the limited human resources in the National Administration.

Definition of "trafficking in human beings"

2. GRETA urges the Liechtenstein authorities to include slavery, practices similar to slavery and servitude as types of exploitation in the legal definition of trafficking in human beings in Article 104a of the CC.

Response by Liechtenstein:

It can be assumed that these forms of exploitation are subsumed under "exploitation of labour" as set out in § 104a of the Criminal Code (StGB) and are thus already covered by the law. The provision in § 104a StGB has been adapted from and corresponds to the Austrian Criminal Code. Due to fundamental considerations, Liechtenstein does not plan to deviate from the wording in the Austrian

original without a compelling reason, given that Austrian case law and literature could then no longer be used for purposes of interpretation. As soon as Austria expressly includes these forms of exploitation in § 104a of its Criminal Code, Liechtenstein will also undertake to implement this amendment.

3. GRETA considers that stating explicitly in law the irrelevance of the consent of a victim to the intended exploitation could improve the implementation of anti-trafficking provisions and provide victims with greater confidence in self-reporting to NGOs and public authorities.

Response by Liechtenstein:

Please refer to the remarks under point 2 above, which apply *mutatis mutandis*.

Comprehensive approach and co-ordination

4. GRETA considers that the Liechtenstein authorities should take further steps to ensure that national action to combat THB is comprehensive, including by:

- involving more stakeholders, such as members of the judiciary, NGOs and other members of civil society in action against THB, including in the work of the Roundtable, and encouraging the conclusion of Memoranda of Understanding with relevant NGOs;
- paying increased attention to prevention and protection measures for groups at risk of THB, such as nightclub dancers, agricultural workers under trainee contracts, personal care workers for the elderly and asylum seekers.

Response by Liechtenstein:

For reasons of data protection and official secrecy, Liechtenstein does not consider it useful to enlarge the Round Table on Human Trafficking. Where the focus is on a specific issue or project, however, it may make sense to invite employees of various non-governmental organisations on an *ad hoc* basis.

With regard to prevention and protection measures for vulnerable groups, especially relating to personal care workers and agricultural trainees, Liechtenstein is considering the establishment of a working group to examine issues of labour and social security law in particular.

Training of relevant professionals

5. GRETA urges the Liechtenstein authorities to ensure that training on THB (in particular on the definition and indicators of THB, detection of vulnerable individuals and groups, identification, assistance and compensation of victims) is systematically provided to relevant professionals, such as law enforcement officials, prosecutors, judges, labour inspectors, lawyers, asylum officers, social workers, child care professionals, medical and educational staff. NGOs and trade unions should also be involved in such training.

Response by Liechtenstein:

The Government and the National Administration are aware of the importance of ongoing training. With regard to training on trafficking in human beings, the Government has mandated the Round Table on Human Trafficking and the Office of Economic Affairs to plan and implement relevant training, especially for labour inspectors. In addition, individual specialists take part in a range of training options, also virtually, and inform their colleagues about the essential contents.

Data collection and research

6. In order to create an evidence base for future policy measures, GRETA urges the Liechtenstein authorities to set up and maintain a comprehensive and coherent statistical system on THB by compiling reliable statistical data from all main actors, including specialised NGOs, on measures to protect and promote the rights of victims as well as on investigations, prosecutions, convictions and compensations in human trafficking cases. This should be accompanied by all the necessary measures to respect the right of data subjects to personal data protection, including when NGOs working with victims of trafficking are asked to provide information for the national database.

Response by Liechtenstein:

The National Police stores data on all investigations of suspicion of trafficking in human beings. Due to the very low number of cases, current figures are available at all times.

7. GRETA considers that the Liechtenstein authorities should conduct and support research related to the phenomenon of THB as an evidence base for future policy measures.

Response by Liechtenstein:

Liechtenstein attaches great importance to evidence-based policymaking within the international community. Under the name "Liechtenstein Initiative on Finance Against Slavery and Trafficking", Liechtenstein has mandated a renowned financial sector commission on modern slavery and human trafficking, which has developed a blueprint containing concrete measures. This blueprint includes five evidence-based goals and 30 measures that financial institutions, regulatory authorities, and other stakeholders can take to achieve the five goals. For each goal, three areas have been set out that are easy for global financial sector actors to implement and three areas that take longer to implement. Currently, Liechtenstein is working to disseminate the blueprint within the international community and in particular within the global financial sector.

Liechtenstein also supported the elaboration of the first Commentary on the Council of Europe Convention on Action against Trafficking in Human Beings. The Commentary was prepared by the Boltzmann Institute for Human Rights. The aim of the Commentary is to provide an interpretative guide for all articles of the Convention in order to achieve a better understanding of trafficking in human beings and the corresponding human rights obligations of Member States. Through comparative analysis of the reports of the monitoring mechanism (GRETA), case law, and the literature, the terms of the Convention are explained in detail. An abridged version of the Commentary is being produced as a handbook for public service practitioners and civil society. The book is published by the renowned publisher Edward Elgar Publishing.

Liechtenstein has been working with UNDP's anti-corruption programme for many years. Liechtenstein is currently funding the dissemination of a UNDP study to enhance understanding of the links between corruption and modern slavery and to develop policy recommendations. The findings and recommendations from the research project will flow into UNDP's policy and programme work in anti-corruption and human rights.

Measures to raise awareness

8. GRETA considers that the Liechtenstein authorities should develop initiatives to raise awareness of THB for different forms of exploitation amongst the general public, groups considered at risk and

service providers, including the financial sector. Awareness-raising should be accompanied by research and the impact of the measures should be assessed.

Response by Liechtenstein:

Since the launch of the Liechtenstein Initiative on Finance Against Slavery and Trafficking, Liechtenstein has regularly organised information events for the general public in Liechtenstein and for the global and national financial sector. These events serve to raise awareness of the various forms of exploitation through trafficking in human beings and to publicise the FAST blueprint. Concluding the dissemination phase, a conference to review implementation of the FAST blueprint was held in Liechtenstein on 18 and 19 October 2021. This conference brought together all relevant actors involved in implementation of the blueprint to discuss the progress and its further development. As part of this conference, Foreign Minister Dominique Hasler presented Liechtenstein's foreign policy work on FAST to the public. More than 110 people attended the event in person, underscoring the great interest in FAST also within Liechtenstein. [Media coverage](#) was also very extensive and positive. Funding for the project has been secured for the next three years, with a focus on further dissemination of the blueprint. The work on implementing the blueprint will be expanded, especially in Latin America and Africa.

The Victims Assistance Office regularly informs a wide range of professional groups about the services and activities available through victims assistance. This also includes information on trafficking in human beings. Such events have been offered for over 10 years to the following professional groups: physiotherapists, nurses, doctors, court trainees, future lawyers, judges, public prosecutors, associations, etc.

Measures to prevent labour exploitation (Article 5)

9. GRETA urges the Liechtenstein authorities to take additional measures to prevent trafficking for the purpose of labour exploitation, in particular by:

- **training labour inspectors on detecting THB for the purpose of labour exploitation and the rights of victims;**
- **using interpreters during labour inspections of places of work at which foreigners with insufficient command of German or other languages spoken by the labour inspectors work;**
- **paying particular attention to at-risk groups, such as persons employed to provide personal care for the elderly, and foreign agricultural workers employed on trainee contracts, based on which employers rather than the workers apply for residence permits for the latter, with the potential risk of abuse this procedure entails;**
- **review the regulatory systems concerning domestic and personal care workers and ensure that inspections can take place in private households with a view to preventing abuse and detecting cases of human trafficking;**
- **working closely with the private sector, in line with the Guiding Principles on Business and Human Rights.**

Response by Liechtenstein:

Please refer to the remarks under points 4 and 5. Moreover, labour inspectors spend an extensive amount of time in Liechtenstein companies, so that they are better able to recognise labour exploitation thanks to sensitisation.

Liechtenstein does not consider it useful to use interpreters during labour inspections in general. Over the past 18 years, labour inspectors have always been able to converse with the workers in question,

either in German, English, or French. Where specific cases of suspicion arise and communication is otherwise not possible, interpreters are called in as a next step according to a defined procedure.

With regard to the recommendations concerning risk groups (personal care workers, agricultural trainees), please refer to the remarks under point 4. According to the contract between Liechtenstein and the Swiss Advisory Centre for Accident Prevention in Agriculture (BUL) and agriss, agricultural operations are inspected by these two organisations. The inspections are carried out analogously to those in Switzerland.

The call for working closely with the private sector in line with the Guiding Principles on Business and Human Rights is implemented by Liechtenstein through the Liechtenstein Initiative on Finance Against Slavery and Trafficking. Two goals of the blueprint of measures expressly take up the elements and approaches of the UN Guiding Principles. In Goal 2, "Knowing and showing risks", the blueprint describes it as problematic that market participants can undertake transactions and investments in businesses that are linked to modern slavery and trafficking. For this reason, the blueprint offers two practical tools to actors in the global financial sector: the Risk Mapping Starter Workflow and the Connection Diagnostic Tool. The former helps financial actors to identify risks in the context of their business activities and business relationships. The latter helps actors to better understand the nature of their links to such harmful practices. Under Goal 4, "Providing and enabling effective remedy", access to adequate and effective complaints mechanisms for victims of modern slavery and trafficking is addressed. The blueprint identifies ways in which global financial sector actors can create effective complaints mechanisms or work together with existing complaints mechanisms when their business activities cause modern slavery and trafficking or when they contribute to such harmful practices.

Measures to prevent trafficking in children (Article 5)

10. GRETA considers that the Liechtenstein authorities should take additional measures to prevent trafficking in children, in particular by:

- **raising public awareness about the risks and manifestations of child trafficking;**
- **sensitising and training child professionals about THB, how to prevent it and how to report possible cases to the competent authorities;**
- **promoting online safety of children and alerting relevant actors of the risks of trafficking in children committed via the Internet.**

Response by Liechtenstein:

Please refer to the remarks under point 5. In Liechtenstein, the Office of Social Services and the Expert Group against Sexual Abuse are responsible within their own spheres of competence for coordination between the authorities and various partners. The Expert Group against Sexual Abuse plays a key role in this regard. The tasks of the Expert Group include launching initiatives relating to the sexual abuse of children and young people; networking the authorities, institutions, and specialists handling sexual abuse; monitoring the counselling activities of the Child Protection Centre of the Institute for Social Services in the Austrian state of Vorarlberg, which provides counselling on behalf of the Principality of Liechtenstein for persons from Liechtenstein; sensitisation and public outreach; reviewing the legal provisions and official regulations; and initiating implementation of the country-specific requirements of the Lanzarote Convention.

The legal mandate of the Ombudsperson for Children and Young People includes the operation of a contact and complaints office generally accessible to children, young people, and also adults; monitoring of implementation of the UN Convention on the Rights of the Child, and public outreach. The Ombudsperson also coordinates the Liechtenstein Children's Lobby networking group, which is made up of representatives of institutions active in the field of children and young people. Also noteworthy is the association "kinderschutz.li", which had its origins in a parents' association and is

dedicated to the prevention of violence, bullying, and abuse. In cooperation with specialists, it offers workshops for children, parents, and teachers.

The current Liechtenstein curriculum includes a Media and Information Technology module. The curriculum specifies that children and young people must learn to use modern information and communication technologies in a competent and responsible way. It is considered to be a key task of education to discuss the use of media before and outside school as a resource and field of experience and to lead the pupils towards deeper reflection on these experiences and skills. An understanding of the underlying technologies and IT concepts is not only a prerequisite for this engagement, but also enables pupils to understand and shape future developments. This supports children and young people on their path towards mature and responsible interaction with media.

In connection with the exploitation of children, please also note the guidelines developed by the Round Table on Human Trafficking on the procedure in Liechtenstein for apprehending beggars who are minors. In addition, the Round Table on Human Trafficking is in contact with the ACT212 Counselling and Training Center against Human Trafficking and Sexual Exploitation, the national reporting office in Switzerland.

Measures to discourage demand (Article 6)

11. GRETA considers that the Liechtenstein authorities should make efforts to discourage demand for the services of trafficked persons, in partnership with the private sector and civil society.

Response by Liechtenstein:

With the creation of the Liechtenstein Initiative on Finance Against Slavery and Trafficking as a public-private partnership, Liechtenstein is making an important contribution to raising awareness and providing expertise, helping to reduce the demand for services from victims of trafficking. Especially in light of the Covid-19 pandemic and the increased virtual exploitation of victims of trafficking, the detection of harmful money flows is more relevant than ever. It is a top priority for Liechtenstein to contribute in the form of a public-private partnership to the fight against trafficking in human beings. In this way, Liechtenstein ensures that the Liechtenstein private sector as well as the philanthropic sector can contribute their expertise to the fight against trafficking.

With regard to the recommendations concerning risk groups (personal care workers, agricultural trainees), please refer to the remarks under point 4.

Measures to prevent trafficking in human beings for the purpose of organ removal (Article 5)

12. GRETA encourages the Liechtenstein authorities to sign and ratify the Council of Europe Convention against Trafficking in Human Organs as this would contribute to the prevention of trafficking for the purpose of organ removal.

Response by Liechtenstein:

The Government is considering possible signature and ratification of the Council of Europe Convention against Trafficking in Human Organs.

Identification of victims of trafficking in human beings (Article 10)

13. GRETA urges the Liechtenstein authorities to take further steps to ensure that all victims of trafficking are identified as such and can benefit from the assistance and protection measures contained in the Convention, in particular by:

- **disconnecting the formal identification of victims of THB from the criminal investigation and the presumed victim's co-operation in it;**
- **promoting multi-agency involvement in the identification of victims of trafficking by giving a formal role in the identification process to frontline actors such as NGOs, labour inspectors, social workers, health-care staff and other bodies which may come into contact with victims of trafficking;**
- **increasing efforts to proactively identify victims of THB for the purpose of labour exploitation, in particular in at-risk sectors, such as entertainment, agriculture, and the provision of personal care for the elderly, by involving labour inspectors and trade unions;**
- **providing sufficient human resources for the asylum reception centre, as well as training to staff to enable the identification of presumed victims of THB among asylum seekers.**

Response by Liechtenstein:

Please refer to the remarks under point 4 as well as to the Guidelines against Trafficking in Human Beings, which were updated on 4 September 2017 and are based on the Cooperation Mechanisms for Combating Trafficking in Human Beings of the Swiss Coordination Unit against the Trafficking in Persons and the Smuggling of Migrants (KSMM). The authorities and offices involved, in particular the National Police, the Migration and Passport Office, and the Office of the Public Prosecutor are sensitised to trafficking in human beings. The KSMM checklist is used to identify victims.

With regard to the recommendations concerning risk groups (personal care workers, agricultural trainees), please refer to the remarks under point 4. With regard to human resources for the asylum reception centre, the reception centre has sufficient human resources and an annual budget for continuing training. It is the responsibility of Liechtenstein Refugee Assistance to ensure a proper focus when continuing training is selected. With regard to training, the Round Table on Human Trafficking is in contact with the ACT212 Counselling and Training Center against Human Trafficking and Sexual Exploitation, the national reporting office in Switzerland, and training in this regard is envisaged.

Assistance to victims (Article 12)

14. GRETA urges the Liechtenstein authorities to ensure that all victims of THB under Liechtenstein jurisdiction, including asylum seekers and persons exploited abroad but identified in Liechtenstein, benefit from assistance measures in accordance with Article 12, Paragraph 1, of the Convention.

Response by Liechtenstein:

Asylum seekers in Liechtenstein are covered by the same provisions of the Liechtenstein justice system as all other persons residing in Liechtenstein. The Victims Assistance Office arranges therapeutic support and can cover costs on a subsidiary basis, also in regard to legal aid provided as emergency assistance.

15. GRETA considers that the Liechtenstein authorities should ensure that adequate financial and human resources are made available in Liechtenstein to enable all presumed and identified victims of THB to benefit from the assistance measures provided for under Article 12 of the Convention.

Response by Liechtenstein:

The Victims Assistance Office arranges for assistance around the clock in response to the most urgent needs arising from the criminal offence. It also provides assistance until the health condition of the affected person has stabilised and until the other consequences of the offence have been eliminated or compensated for to the extent possible. If a victim does not receive compensation from the perpetrator or from third parties, the possibility is available for the victim to receive compensation from the State for the material and non-material damage suffered. As a matter of comprehensive protection of victims, compensation for non-material damage expresses the community's recognition of the victim's difficult situation and, in particular, takes into account the interests of victims of sexual offences, who in many cases suffer hardly any material damage, but usually serious non-material damage. Unlike the compensation of pecuniary damages, non-material damages do not depend on the victim's income. Please also refer to the remarks under point 14 above.

Human resources at the Victims Assistance Office are reviewed according to the workload and are increased as needed. For specific tasks, the Victims Assistance Office can call on other assistance institutions or arrange for consultation with specialists. From Liechtenstein's perspective, the overall financial and human resources available are adequate and sufficient.

Identification and assistance of child victims of trafficking (Articles 10 and 12)

16. GRETA invites the Liechtenstein authorities to review the age assessment procedures, ensuring that the best interests of the child are effectively protected, and taking into account the Convention on the Rights of the Child and General Comment No. 6 of the Committee on the Rights of the Child.

Response by Liechtenstein:

The age assessment procedures used so far in Liechtenstein are sufficient. Cases of doubt are rare. In such cases, the persons concerned have all turned out to be older than originally stated, with the intention of circumventing the Dublin procedure.

17. GRETA urges the Liechtenstein authorities to take steps to improve the identification of child victims of trafficking and their referral to dedicated assistance services, in particular by:

- **developing a procedure for identifying children, based on co-operation between relevant institutions, which takes account of the situation and specific needs of child victims of trafficking, with input from child protection specialists and a focus on the best interests of the child as the prime consideration;**
- **providing capacity-building to stakeholders (police, NGOs, child protection authorities, Migration and Passport Office, social workers) as well as guidance for the identification of child victims of THB for different purposes, including the exploitation of begging and exploitation of criminal activities.**

Response by Liechtenstein:

Please refer in general to the procedure in Liechtenstein for apprehending beggars who are minors. If there is a suspicion of trafficking in children, the Victims Assistance Office must inform the Office of Social Services, and the relevant specialised offices will be consulted. The entire procedure always

centres the best interests of the child. This is also laid down as a fundamental principle in the Children and Youth Act (LGBI. 2009 No. 29), in which Article 3(e) stipulates that the best interests of children and young people are given priority in all measures.

Recovery and reflection period (Article 13)

18. Noting that domestic law must be brought into compliance with international obligations, GRETA urges the Liechtenstein authorities to provide in internal law a recovery and reflection period and to ensure, in compliance with Article 13 of the Convention, that all possible foreign victims of trafficking are offered such a period and all the measures of protection and assistance envisaged in Article 12, paragraphs 1 and 2, of the Convention during this period.

Response by Liechtenstein:

Please refer to the remarks under point 2. Moreover, the reflection period is already provided for in the Guidelines elaborated by the Round Table on Human Trafficking and approved by the Government. Under these Guidelines, the Migration and Passport Office – in consultation with the National Police – as a rule establishes a reflection period of 30 days. During this period, no enforcement action under immigration law is taken. Where appropriate, the Migration and Passport Office issues a written confirmation that the stay in Liechtenstein is lawful. During this stabilisation period, the victim is looked after by the Swiss non-governmental organisation FIZ and Victims Assistance.

Residence permits (Article 14)

19. GRETA considers that the Liechtenstein authorities should make full use of the legal possibilities to grant residence permits to victims of THB and ensure that they are systematically informed of these possibilities. Officials of the Migration and Passport Office should be given clear guidance in this respect.

Response by Liechtenstein:

Under the Guidelines against Trafficking in Human Beings, the Migration and Passport Office can grant a temporary short-term residence permit as provided for by law. For this purpose, the National Police or the prosecution authority must inform the Migration and Passport Office how long the presence of the victim is expected to be necessary for the criminal investigation and judicial proceedings.

Compensation and legal redress (Article 15)

20. GRETA considers that the Liechtenstein authorities should adopt measures to facilitate and guarantee access to compensation for victims of trafficking, and in particular to:

- **ensure that victims of trafficking are systematically informed, at an early stage, in a language that they can understand, of the right to seek compensation from the perpetrator and the procedures to be followed;**
- **enable victims of trafficking to exercise their right to compensation by ensuring their effective access to legal aid and by including the issue of victim compensation**

in training programmes for lawyers, law enforcement officials, prosecution and the judiciary;

- **ensure that victims are informed of the possibility to apply for State compensation, when compensation by the perpetrator is not possible, and are effectively enabled to receive it.**

Response by Liechtenstein:

The Victims Assistance Office informs all victims about the possibility of compensation. The application form is available on the website of the Victims Assistance Office. Further information can be obtained from lawyers or from the Victims Assistance Office. An interpreter is provided as necessary. In the case of police questioning, victims are automatically informed under Article 8 of the Victims Assistance Act (OHG). In addition, an information sheet from the Victims Assistance Office is provided.

Repatriation and return of victims (Article 16)

21. GRETA considers that the Liechtenstein authorities should:

- **ensure that the return of victims of trafficking is conducted with due regard for their rights, safety and dignity. In the case of children, no return should be carried out before a thorough assessment of the child's best interest has been carried out and arrangements made for the necessary support measures upon arrival in the receiving country;**
- **develop international co-operation in order to ensure proper risk assessment, including as regards the risk of re-victimisation through re-trafficking, safe return, and effective reintegration of victims of THB;**
- **ensure compliance with the non-refoulement obligation under Article 40, paragraph 4, of the Convention;**
- **as regards victims of THB among asylum seekers, apply the 2006 UNHCR's Guidelines on the application of the Refugees Convention to trafficked people and their possible entitlement to asylum when deciding upon applications for asylum of persons who are at risk of being re-trafficked or otherwise persecuted should they be obliged to return to their State of origin or residence.**

Response by Liechtenstein:

Liechtenstein does not have the resources or expertise to carry out a risk assessment for the wide range of countries concerned. Accordingly, the country and return experts of the Swiss State Secretariat for Migration (SEM) or, where appropriate, the Swiss embassy responsible for the country are contacted in order to clarify the local situation and carry out any necessary assessments.

Substantive criminal law (Articles 18, 23, 24 and 25)

22. GRETA invites the Liechtenstein authorities to adopt legislative measures to criminalise the use of services with the knowledge that the person is a victim of THB, regardless of the form of exploitation, as stipulated by Article 19 of the Convention.

Response by Liechtenstein:

The use of services with the knowledge that the person is a victim of trafficking is not criminalised under Liechtenstein law. With regard to amendments to the Criminal Code (StGB), please refer to the remarks under point 2.

Corporate liability (Article 22)

23. GRETA invites the Liechtenstein authorities to ensure that any offences related to THB committed by legal persons, including financial institutions, are effectively investigated and prosecuted.

Response by Liechtenstein:

The liability of legal persons is already provided for under § 74 of the Criminal Code (StGB).

Non-punishment of victims of trafficking in human beings (Article 26)

24. GRETA urges the Liechtenstein authorities to ensure compliance with Article 26 of the Convention through the adoption of a provision on the non-punishment of victims of trafficking for their involvement in unlawful activities, to the extent that they were compelled to do so, and/or by developing relevant guidance. Public prosecutors should be encouraged to be proactive in establishing whether an accused person is a potential victim of trafficking. While the identification procedure is ongoing, potential victims of trafficking should not be punished for immigration-related offences.

Response by Liechtenstein:

Given that Liechtenstein criminal law is based on the principle of personal culpability, a person can be punished only if they act culpably, which would not be the case under coercion. Under criminal law, a victim of trafficking who commits a punishable act to avert an immediately imminent, substantial disadvantage from themselves or another person is 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 victim of trafficking's situation who is committed to the legally protected values could not be expected to behave differently.

Please also refer to the remarks under point 2. The Office of the Public Prosecutor is also aware of the issue and makes use of the legally available possibilities to waive prosecution.

Investigation, prosecution and procedural law (Articles 1, 27 and 29)

25. GRETA considers that the Liechtenstein authorities should take further steps to ensure that THB offences for all types of exploitation are proactively investigated and promptly prosecuted, leading to proportionate and dissuasive sanctions, by:

- **providing further training to police officers and prosecutors to investigate and prosecute cases of THB, including through co-operation with other relevant actors and countries;**
- **making use of special investigation techniques in suspected cases of THB with a view to ensuring that evidence is obtained at as early a stage of the investigation as possible;**
- **systematically carrying out financial investigations in human trafficking cases with a view to seizing and confiscating criminal assets and in this context ensuring that bank secrecy rules are not an impediment.**

Response by Liechtenstein:

With regard to further training, please refer to the remarks under point 5. Moreover, police cooperation complies with the provisions of the Convention. The Victims Assistance Office and the

Round Table on Human Trafficking with its associated offices meet the stipulation that specialised offices and trained personnel are needed to protect victims and to combat trafficking. The Victims Assistance Office provides its services in an independent manner.

The use of special techniques for data collection is governed by Article 32a of the Police Act (observation, covert use of technical means, use of undercover investigators or confidants). The Government is currently examining the possibility of introducing further investigative measures. Obtaining bank documents and evaluating them with regard to the financial situation of the suspect, any income of the suspect through possible exploitation of persons, and the use of income represent usual investigative actions, not least of all with a view to possible acts of money laundering and the possible forfeiture of assets. The prosecution authorities are sensitised accordingly.

The principles of tax compliance and combating money laundering and terrorist financing are rigorously implemented. With respect to anti-money laundering, an increased focus is placed on digitalisation. International standards are implemented and rigorously enforced in Liechtenstein.

Protection of victims and witnesses (Articles 28 and 30)

26. GRETA invites the Liechtenstein authorities to ensure that all measures to protect victims of criminal offences are available in practice to victims of THB, witnesses and their legal representatives, to prevent reprisals and intimidation during investigation, as well as during and after the court proceedings.

Response by Liechtenstein:

Under the Guidelines, the National Police takes into account the protection needs of victims and consults with the competent authorities in Liechtenstein and abroad to achieve this protection. As needed, the National Police applies to the Government to admit a victim of trafficking to extra-procedural witness protection (Article 30d of the Police Act).

In connection with the considerate examination of witnesses, please also refer to § 115a of the Code of Criminal Procedure (StPO).

International co-operation (Article 32)

27. GRETA welcomes Liechtenstein's involvement in international co-operation against human trafficking and invites the authorities to continue and further develop this co-operation, in particular as regards training of relevant professionals, protection of victims and criminal investigation of cross-border cases.

Response by Liechtenstein:

Liechtenstein appreciates GRETA's assessment and will continue to work actively to combat modern slavery and human trafficking within the international community and the global financial sector. Domestically, Liechtenstein likewise attaches the utmost importance to the training of relevant professionals, the protection of victims, and criminal investigations in cross-border cases. The Round Table on Human Trafficking plays a central coordinating role in this context.