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NEWS REPORT

Country:	Liechtenstein
Title:	Liechtenstein's government published proposal for amendments of the Criminal Code to transpose few remaining requirements of the European Convention on Preventing and Combating Violence against Women and Domestic Violence
Date:	28 May 2018
Expert:	Patricia Hornich
<u>Context</u>	
Issue at stake:	Elimination of all forms of discrimination
Ground of discrimination:	Multiple discrimination
Source:	Legislative development
Field:	Other
Applicable law:	Criminal Code (Strafgesetzbuch, StGB)

Content

Legislative development: The Liechtenstein government has prepared a proposal to amend the current Criminal Code (Strafgesetzbuch, StGB). The official consultation period expired on 20.04.2018 and the proposal will be submitted to the parliament in Mai 2018. The focus is on introducing new offences in order to take into account technological and social developments as well as to comply with the implementation obligations under various conventions that Liechtenstein has already signed or ratified.

Key points of analysis: On 24 February 2016, the Liechtenstein Government appointed a working group to review the need for action with a view to ratify the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention). The working group's review showed that the Liechtenstein legal system already largely meets the requirements of the Istanbul Convention. Liechtenstein consequently signed the Convention on 10 November 2016. In accordance with Liechtenstein practice, international agreements are not ratified until domestic law meets their requirements. The amendment of the Criminal Code would allow domestic law to meet the last requirements of the Istanbul Convention such as jurisdiction, aggravating circumstances, and criminal provisions on forced marriage. These adjustments are expected to enter into force in 2018.

The aim of this draft is to comply with the implementation obligations under various conventions that Liechtenstein has already signed or ratified. The following international instruments are to be implemented with the present proposal:

- Council of Europe Convention for the Prevention and Suppression of Violence against Women and Domestic Violence ("Istanbul Convention")
- Council of Europe Convention for the Protection of Children against Sexual Exploitation and Sexual Abuse ("Lanzarote Convention")
- UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- UN Convention for the Protection of All Persons from Enforced Disappearance
- Rome Statute of the International Criminal Court
- Second Protocol to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict.

In details, a number of new offences have been added to the proposal of a revised Criminal Code, such as cyber mobbing (§ 107c StGB), which is currently only partially covered, and crimes such as forced marriage (§ 106a StGB), and violations of sexual self-determination (§ 204a StGB). The introduction of a separate offence of torture in § 312a StGB serves the complete implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment ("UN Convention against Torture"). In addition, the implementation of the new offence "disappearance of a person" in § 312b StGB is intended to create the prerequisite for the ratification of the UN Convention for the Protection of All Persons from Enforced Disappearance ("UN Convention against Enforced Disappearance").

Finally, with the inclusion of the new offences "crimes against humanity" (§ 321a), "war crimes against persons" (§ 321b), "war crimes against property and other rights" (§ 321c), "war crimes against international missions and abuse of protection and nationality signs" (§ 321d), "war crimes against the use of prohibited methods of warfare" (§ 321e), "war crimes against the use of prohibited means of warfare" (§ 321f) and "crimes of aggression" (§ 321k), the Rome Statute of the International Criminal Court, which entered into force in Liechtenstein on 1 January 2007, and the Second Protocol to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, will be legally implemented into Liechtenstein Criminal Code.

Another innovation in the proposal of amending the Criminal Code is the increase in the threat of punishment for various crimes against life and limb and for certain sexual offences.

Liechtenstein wants to meet its international obligations and credibly fulfil the requirements of the various conventions by creating efficient measures. By introducing these new offences, Liechtenstein complies with all implementation obligations under the above-mentioned conventions and underlines the importance of the further development of international criminal law.

Internet link source: Government consultation report on the amendment of the criminal code and the code of criminal procedure: <https://www.llv.li/files/srk/vnb-stgb-stpo.pdf>. All accessed 15/05/2018.