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Groupe d'États contre la corruption

COUNCIL OF EUROPE



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## FOURTH EVALUATION ROUND

Corruption prevention in respect of members of  
parliament, judges and prosecutors

### COMPLIANCE REPORT

### LIECHTENSTEIN

Adopted by GRECO at its 91<sup>st</sup> plenary meeting  
(Strasbourg, 13-17 June 2022)

## **I. INTRODUCTION**

1. This Compliance Report assesses the measures taken by the authorities of Liechtenstein to implement the recommendations issued in the Fourth Round Evaluation Report on Liechtenstein, which was adopted at GRECO's 85<sup>th</sup> Plenary Meeting (25 September 2020) and made public on 16 December 2020, following authorisation by Liechtenstein ([GrecoEval4Rep\(2019\)4](#)). GRECO's Fourth Evaluation Round deals with "Corruption prevention in respect of members of parliament, judges and prosecutors".
2. As required by GRECO's Rules of Procedure, the authorities of Liechtenstein submitted a Situation Report on measures taken to implement GRECO's recommendations. This report was received on 30 March 2022 and, together with information supplied subsequently, served as the basis for the Compliance Report.
3. GRECO selected Finland (in respect of parliamentary assemblies) and Austria (in respect of judicial institutions) to appoint rapporteurs for the compliance procedure. The appointed rapporteurs were Mr Jouko HUHTAMÄKI, on behalf of Finland and Mr Christian MANQUET, on behalf of Austria. They were assisted by the GRECO secretariat in drawing up this compliance report.
4. The Compliance Report assesses the implementation of each individual recommendation contained in the Evaluation Report and offers an overall assessment of the country's level of compliance with these recommendations. The implementation of any outstanding recommendation (partially or not implemented) will be assessed on the basis of a further Situation Report to be submitted by the authorities 12 months after the adoption of the present Compliance Report.

## **II. ANALYSIS**

5. GRECO addressed 16 recommendations to Liechtenstein in its Evaluation Report. Compliance with these recommendations is dealt with below.

### *Preventing corruption of members of parliament*

#### **Recommendations i to v.**

6. *GRECO recommended:*
  - *that measures be taken to increase the transparency of the legislative process insofar as the preliminary examination of draft legislation by parliamentary commissions is concerned (recommendation i);*
  - *that a code of conduct for members of parliament be adopted, covering various relevant integrity matters, containing practical guidance and being made accessible to the public (recommendation ii);*
  - *that a requirement of ad hoc disclosure be introduced when a conflict may emerge between specific private interests of a member of parliament and a matter under consideration in parliamentary proceedings (in plenary or commission work) (recommendation iii);*
  - *that rules on gifts and other advantages – including advantages in kind – be developed for members of parliament and made easily accessible to the public (recommendation iv);*

- *that rules on contacts between members of parliament and third parties seeking to influence parliamentary proceedings be introduced (recommendation v).*
7. The authorities of Liechtenstein indicate that GRECO's recommendations concerning members of parliament are being dealt with by the Parliamentary Service, in consultation with the Presidium of Parliament. In addition, external legal experts have been consulted. The Presidium has subsequently decided on an order of priority for the implementation of the recommendations, which foresees that a first round of implementation is to address five out of the eight recommendations, namely recommendations i to v.
  8. The authorities state that concrete options to implement the prioritised recommendations have been discussed internally with the parties represented in Parliament. Draft amendments to the Rules of Procedure of Parliament, that are to include provisions to effectively implement the prioritised recommendations, are currently being finalised. The resulting proposal is to be submitted to the political groups and subsequently be discussed by the plenary as early as possible.
  9. GRECO notes that the implementation of recommendations i to v concerning parliamentarians has been prioritised and put on the Parliament's agenda after the last elections held in February 2021. However, it is too early to see concrete results. Therefore, GRECO encourages the authorities to pursue their efforts in order to implement these recommendations.
  10. GRECO concludes that recommendation i to v have not been implemented.

#### **Recommendations vi to viii.**

11. *GRECO recommended:*
  - *(i) introducing a system of public declarations of the members of parliament's financial and economic interests (income, assets and significant liabilities); and (ii) that consideration be given to including in the declarations information on spouses and dependent family members (it being understood that such information would not necessarily be made public) (recommendation vi);*
  - *that measures be taken to ensure the appropriate supervision and enforcement of the future obligations concerning disclosure and the standards of conduct of members of parliament (recommendation vii);*
  - *that (i) training and awareness-raising measures be taken in respect of members of parliament concerning the conduct expected of them under the rules on integrity and the declaration of interests; and (ii) MPs be provided with confidential counselling on these issues (recommendation viii).*
12. The authorities indicate that the implementation of these three recommendations have been postponed since they raise far-reaching questions, which may have significant implications for the parliamentary system. Thus, a thorough examination and broad internal discourse among members of Parliament is to be conducted before advancing towards concrete implementation steps.
13. GRECO notes that a more in-depth examination is to be initiated regarding the above recommendations. It is therefore too soon to observe concrete results and GRECO encourages the authorities to pursue their efforts towards the implementation of the aforementioned recommendations.
14. GRECO concludes that recommendations vi to viii have not been implemented.

**Recommendation ix.**

15. GRECO recommended that (i) the role of the judiciary in the selection process of judges be significantly increased; (ii) all vacancies for posts of judges be made public by law and that the procedure be made more transparent; (iii) integrity requirement for the selection of judges be introduced and guided by precise and objective criteria which are to be checked before appointment and that such criteria be made public.
16. The authorities of Liechtenstein state that the Judicial Appointment Act<sup>1</sup> was amended following a consultation process. Legislative changes<sup>2</sup> were adopted in March 2022 and will enter into force on 1 July 2022. The amended Article 10.3 of the Judicial Appointment Act now provides for the president of the court, in which the post of judge is to be filled, to be heard by the Judges' Selection Board, which manages the selection process for all judges. This is a mandatory requirement before candidates are selected for vacancies. The authorities stress that this leads to a significantly strengthened role of the judiciary in the selection process of new judges. In addition, the authorities indicate that the number of judges sitting in the Judges' Selection Board has been increased during the current legislative period (2021-2025), following the appointment by the Prince of Jürgen Nagel, first deputy President of the Court of Appeal (*Fürstliches Obergericht*) and President of the Association of Liechtenstein Judges (*Vereinigung Liechtensteinischer Richter*), and Hon.-Prof. Dr. Elisabeth Lovrek, President of the Austrian Supreme Court.<sup>3</sup>
17. Regarding the second part of the recommendation, the authorities refer to the amended Article 9.1 of the Judicial Appointment Act, which provides that all vacancies for posts of judges must be made public. According to the authorities, this measure not only increases transparency in the selection process in general, but also responds to the necessity of a voting ban for members of the Judges' Selection Board for candidates whom they themselves have proposed, as the members of the Board will no longer be entitled to nominate any candidates.
18. Finally, the authorities indicate that, in order to fully finalise these measures, the Rules of Procedure of the Judges' Selection Board have been amended accordingly, introducing integrity as a specific criterion to be considered when candidates are selected. The amendments of the Rules of Procedure of the Judges' Selection Board were adopted on 25 May 2022 and will enter into force in parallel with the entry into force of the amendments of the Judicial Appointment Act on 1 July 2022.
19. GRECO takes note of the information provided by the authorities. In connection with part (i) of the recommendation, it notes in particular that Article 10 of the Judicial Appointment Act has been amended to formalise a practice referred to in the Evaluation Report (paragraph 71), namely that the president of the court where there is a vacancy to be filled is consulted to give his/her opinion on applicants in order to inform the decision of the Judges' Selection Board. It also notes that two judges, including a representative of the Liechtenstein judiciary, are currently sitting on the Judges' Selection Board. GRECO welcomes these positive developments. However, it notes that the composition of the Judges' Selection Board has not been changed legally and the presence of judges would need to be secured. The Evaluation Report

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<sup>1</sup> Gesetz über die Bestellung der Richter (Richterbestellungsgesetz, RBG), [LGBl. 2004 Nr. 30](#).

<sup>2</sup> [Berichte und Anträge \(regierung.li\)](#).

<sup>3</sup> According to Article 3.2 of the Judicial Appointment Act, the Judges' Selection Board consists of the Prince of Liechtenstein, one member of each electoral group represented in the Parliament (*Landtag*), the member of the Government responsible for the administration of justice and a number of other members corresponding to the representatives of the Parliament, who are appointed by the Reigning Prince for the duration of their mandate.

considered that more was needed to increase significantly the involvement of the judiciary in the selection of judges, which - as it stands - remains largely in the hands of the executive and legislative powers. The Evaluation Report underlined in particular that, should the Judges' Selection Board's current role be maintained, its composition should be significantly altered so that the role of the judiciary be given more prominence, with judges appointed by their peers. While noting some positive steps, GRECO considers that further measures should be taken in order to fully implement this part of the recommendation.

20. With regard to the second part of the recommendation, GRECO welcomes that all vacancies for posts of judges are now publicly advertised further to the amendment of Article 9 of the Judicial Appointment Act, giving the opportunity to any candidate fulfilling the necessary requirements to apply. GRECO takes note that in practice this means that members of the Judges' Selection Board cannot vote for a candidate they have put forward since they cannot nominate a candidate anymore. The second part of the recommendation has therefore been implemented satisfactorily.
21. In connection with part (iii) of the recommendation, GRECO notes that the Rules of Procedure of the Judges' Selection Board have been amended to introduce integrity as a specific criterion to be considered for the selection of judges. GRECO considers that while it is positive that the amendment introduces the general notion of integrity, precise and objective criteria to be checked before appointment should also be defined, as required by the recommendation. GRECO considers that this part of the recommendation has therefore been partly implemented.
22. GRECO concludes that recommendation ix has been partly implemented.

#### **Recommendation x.**

23. *GRECO recommended that a judicial code of conduct, accompanied by explanatory comments and practical examples, be adopted by the judiciary, supervised and made public.*
24. The authorities of Liechtenstein state that three separate codes of conduct - for the ordinary courts, the Administrative Court and the Constitutional Court - have been adopted by the judiciary. These codes are available online, on the respective websites of the courts, in German. All codes of conduct contain provisions on ethical principles such as integrity and impartiality, as well as the conduct regarding secondary professional activities and conflict of interest. In addition, they encompass guidance on the acceptance of gifts and other benefits, as well as the requirement for regular training or plenary discussions on the respective code of conduct.
25. GRECO notes the information provided by the authorities. It notes that three codes of conduct for judges (respectively, for ordinary courts, the Administrative Court and the Constitutional Court) have been adopted and made public online. While GRECO would have found more practical to have one code of conduct covering all judges (at least for those dealing with ordinary and administrative justice), it nevertheless welcomes the adoption of the three codes of conduct, covering full-time as well as part-time judges. These codes contain ethical principles and rules of conduct, including rules on conflicts of interest, to be respected by judges and which may warrant criminal and/or disciplinary proceedings. GRECO also notes that these codes contain some examples, although these could be more numerous and concrete; this could be further developed in the future.
26. GRECO concludes that recommendation x has been implemented satisfactorily.

## **Recommendation xi.**

27. *GRECO recommended that (i) the issue of the full professionalisation of all judges and limiting the number of part-time judges be given careful consideration; (ii) rules on conflicts of interest dealing with the specific situation of part-time judges also working as practising lawyer be introduced.*
28. The authorities state that different criteria have been taken into account by the Government to evaluate the necessity to fully professionalise all judges.<sup>4</sup> Among others, the following criteria were considered: number of pending cases, as a result of a lack of full-time judges; sufficient availability of lawyers to cover all posts with full-time judges; interconnection of Liechtenstein's legislation with legislation of neighbouring countries. The authorities indicate that, in light of these criteria, the Government has, after comprehensive evaluation, as required by the recommendation, come to the conclusion that a full professionalisation of all judges is not advisable at this stage. In the authorities' opinion, a full professionalisation is disproportionate to the Liechtenstein situation. First, the Government has no indication that there are significant procedural delays or a large number of pending cases due to a lack of full-time judges. The current number of cases does not indicate a need to increase the number of full-time judges. Second, according to the Government's assessment, there is a significant lack of human resources in Liechtenstein, making it difficult to cover the entire judiciary with full-time judges. Liechtenstein's judicial system therefore has to rely on acknowledged experts who work as lawyers. Third, a substantial part of the Liechtenstein law is based on legislation of the neighbouring states. The possibility to employ as part-time judges foreign judges, who are experts and have profound knowledge of the respective legal system and jurisdiction, therefore enriches the Liechtenstein judiciary.
29. The authorities also underline that, with the creation of the Courts Registries (*Gerichtskanzleien*) and the Scientific Services (*Wissenschaftliche Dienste*) at the highest courts in January 2021, Liechtenstein has taken a concrete step towards the professionalisation in the highest courts, that has helped relieve the workload of the presidents of the respective courts. However, additional measures to professionalise the highest courts are not foreseen for the time being.
30. Turning to part (ii) of the recommendation regarding rules of conflicts of interest dealing with the specific situation of part-time judges also working as practicing lawyers, the authorities state that all courts have included provisions on the matter in their respective code of conduct. The codes of conduct of the Constitutional Court, the Administrative Court and the ordinary courts follow the principle that any professional activity of part-time judges must be carried-out in a manner which avoids all possible conflicts with the judicial impartiality or even the appearance of such conflicts. Furthermore, all codes of conduct encompass specific principles for part-time judges that also practice as lawyers as well as clear rules for withdrawal in cases of conflicts of interest. These include provisions on withdrawal from proceedings in cases in which the respective judge or another lawyer from the same law firm have a relationship to a party to the proceedings concerned due to an outstanding mandate, and cases in which the judge or another lawyer from the same law firm represent or have recently represented one of the parties in a different proceeding.
31. GRECO takes note of the information provided by the authorities. With regard to part (i) of the recommendation, GRECO notes that the authorities indicate that

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<sup>4</sup> For the discussion relating the professionalisation of judges, see [Bericht und Antrag Nr. 50/2020](#) and [Stellungnahme Nr. 74/2020](#) zu den anlässlich der ersten Lesung betreffend die Abänderung des Gesetzes über den Staatsgerichtshof und weiterer Gesetze aufgeworfenen Fragen (Schaffung von Gerichtskanzleien und wissenschaftlichen Diensten bei den Höchstgerichten), p. 6.

consideration has been given to the issue of the professionalisation of judges. However, GRECO notes that the position and arguments of the authorities do not appear to deviate from those put forward when the Evaluation Report was adopted (paragraph 95). GRECO also notes that the Association of Liechtenstein Judges, a key stakeholder in this context, underlined<sup>5</sup> that a comparative study to find out about the corresponding systems in comparable states, as well as an analysis of the specific situation in the supreme courts concerned, would have been desirable before rejecting the full professionalisation of judges. GRECO recalls its established position that careful consideration of any matter requires that the reflection process is sufficiently in-depth, involves the pertinent stakeholders and is fully documented. GRECO therefore encourages Liechtenstein to resume the discussion on the issue of the full professionalisation of all judges, as advocated in the Evaluation Report (paragraph 97) and in line with its established position.

32. As to part (ii) of the recommendation, GRECO welcomes the adoption of rules on conflict of interests dealing with the specific situation of part-time judges also working as practising lawyers in the codes of conduct mentioned above. It therefore concludes that this part of the recommendation has been implemented satisfactorily.
33. GRECO concludes that recommendation xi has been partly implemented.

#### **Recommendation xii.**

34. *GRECO recommended that (i) training on integrity matters based on the future judicial code of conduct be set up; (ii) confidential advice be made available to all judges.*
35. Regarding the first part of the recommendation, the authorities refer to the codes of conduct recently adopted by all Liechtenstein courts. These codes deal with training on integrity matters and developing further the adopted codes of conduct. The code of conduct of the ordinary courts states in section 5 that judges shall commit to continuous training. There is also a link to possible courses. The code of conduct of the Administrative Court includes continuous training and further development of integrity rules in sections IV and V, including a reference to relevant courses. The authorities indicate that specific training on integrity matters has not taken place yet. However, topics such as impartiality, the specific situation of part-time judges, diligence and collegiality, are dealt with during every internal court meeting, leading to a constant awareness-raising exercise on these topics.
36. With regard to the second part of the recommendation, the authorities indicate that the Association of Liechtenstein Judges has established an advisor who offers confidential counselling on integrity matters to all judges and public prosecutors. The Government is currently analysing the necessity of legal changes with the Association of Liechtenstein Judges to further secure the position.
37. GRECO notes, in connection with part (i) of the recommendation, that the newly adopted codes of conduct for judges (see recommendation x) contain very general provisions on continuous training.<sup>6</sup> The Council of Europe HELP online course on "Ethics for Judges, Prosecutors and Lawyers" is notably mentioned. These measures go in the right direction. This should be pursued with a more comprehensive and systemic approach, and GRECO notes that the Evaluation Report points out, that "it is important that training on integrity matters which is tailor-made to the particular

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<sup>5</sup> Opinion of the Association of Liechtenstein Judges (*Vereinigung Liechtensteinischer Richter*), September 2021: [https://www.llv.li/files/srk/stellungnahme\\_rbq-stag\\_96-2021-vlr.pdf](https://www.llv.li/files/srk/stellungnahme_rbq-stag_96-2021-vlr.pdf).

<sup>6</sup> See for instance Section IV of the Code of Conduct of the Administrative Court (*Schulungen*): "On the basis of the Code of Conduct, the Administrative Court will set up training courses on integrity matters and, in particular, will benefit from existing training courses."

situation and challenges in Liechtenstein be organised” (paragraph 124). Therefore, noting that the HELP online course is already followed but also that training based on the judicial codes and tailor-made to the particular situation of judges in Liechtenstein is not available yet, this part of the recommendation is considered partly implemented.

38. As to part (ii) of the recommendation, GRECO notes with satisfaction that a system for offering confidential counselling on integrity matters to all judges has been put in place. The position of advisor in charge of this counselling within the Association of Liechtenstein Judges has yet to be secured. Noting this step in the right direction, GRECO considers that this part of the recommendation has been partly implemented until the position of adviser is secured.
39. GRECO concludes that recommendation xii has been partly implemented.

*Preventing corruption of prosecutors*

**Recommendation xiii.**

40. *GRECO recommended that the notion of “personal and professional suitability” be further refined with criteria for assessing a prosecutor’s integrity.*
41. The authorities state that legislative changes to implement this recommendation were adopted in March 2022 and will enter into force on 1 July 2022. More specifically, Article 33, paragraph 1, of the Public Prosecutors Act was amended and the notion of “personal and professional suitability” was supplemented with a reference to the prosecutor’s personal integrity. This was so far only an implicit recruitment criterion as well as a criterion for the entire career of prosecutors. The authorities indicate that, in practice, the integrity criterion can be tested through different methods and checks. In addition to criminal law standards (existence of convictions or current criminal proceedings against the candidate or prosecutor), the criterion of “trustworthiness”, which is part of various supervision acts, can also be used. For this purpose, it is recommended to examine the following criteria in relation to the respective candidate: current criminal record; pending criminal proceedings; bankruptcy proceedings opened in the previous five years or insolvency proceedings, that could not have been opened due to lack of assets to cover the costs; unsuccessful seizure of assets against the candidate in the past five years.
42. GRECO takes note of the information provided by the authorities. It welcomes the inclusion of personal integrity as a requirement for employment as a public prosecutor, in addition to the requirement of “unrestricted personal and professional suitability” (Article 33 of the Public Prosecutors Act). GRECO notes that the authorities indicate some criteria, which can be found in different parts of the legislation and are to be used for assessing a prosecutor’s integrity. In GRECO’s view, this would need to be addressed in one document, which should be easily accessible and known to the candidates, in connection with the Public Prosecutors Act. GRECO also points out that the Evaluation Report underlined that concrete requirements such as the absence of conflict of interest should be provided (paragraph 131). GRECO calls on the authorities to provide further guidance in this regard. In the meantime, noting the inclusion of personal integrity as a requirement for becoming a public prosecutor in the adopted amendment but also the need for specific criteria as mentioned in the recommendation, this recommendation is considered partly implemented.
43. GRECO concludes that recommendation xiii has been partly implemented.



#### **Recommendation xiv.**

44. *GRECO recommended that adequate safeguards be added to Article 50 of the Public Prosecutors Act against it being used to dismiss a particular prosecutor as a retaliation measure.*
45. The authorities of Liechtenstein state that Article 50 paragraph 1 of the Public Prosecutors Act has been amended and an additional criterion has been added. The new provision states that termination of the service of a prosecutor on essential operational or economic grounds is only possible if the position cannot be eliminated in the near future via the natural fluctuation of the staff (e.g. retirement, resignation, no filling of vacant positions). According to the authorities, the revised legislation further restricts the possibility of dismissal according to Article 50 and strengthens the "ultima ratio" character of the provision, as the Government will have to prove that the post cannot be removed via the natural fluctuation if it wants to make use of that provision. The authorities also point out that Liechtenstein has only one Public Prosecutor's Office, which consists of the Prosecutor General and seven prosecutors. In case of very limited or low workload, the authorities state that it is not possible to transfer a Public Prosecutor to a different office; it is therefore necessary to retain a possibility to reduce the number of Public Prosecutors. Over the past ten years, eight (existing) positions were filled with new Public Prosecutors (due to retirement, resignation, termination of temporary employment). The authorities conclude that this development shows that natural fluctuation in practice is common and is also a legal requirement that has to be dealt with on a mandatory basis, as stated in the Public Prosecutor's Act.
46. GRECO notes that Article 50 of the Public Prosecutors Act has been amended, adding a condition to the termination of the service of a prosecutor on essential operational or economic grounds. Furthermore, it notes that the Evaluation Report recommended adding appropriate safeguards to Article 50 so that this provision cannot be used as a retaliatory measure to dismiss a particular prosecutor with ulterior motives (paragraph 134). In that sense, the new condition is not sufficient to alleviate concerns about this provision. GRECO notes with interest that the Association of Liechtenstein Judges<sup>7</sup> expressed some doubts about the new wording of Article 50, stressing that the new amendment does not mitigate the risk that a public prosecutor could be removed from office for subjective reasons. Taking note of the amendment to Article 50 of the Public Prosecutors Act, GRECO nonetheless considers that the underlying concerns of the recommendation, as expressed in the Evaluation Report, have not been alleviated and would require that the provision in question be revisited.
47. GRECO concludes that recommendation xvi has not been implemented.

#### **Recommendation xv.**

48. *GRECO recommended that a code of conduct, accompanied by explanatory comments and practical examples, be developed for prosecutors and made accessible to the public.*
49. The authorities of Liechtenstein state that a Code of Conduct was adopted by the Public Prosecutors Office on 19 January 2022. It was published on the homepage of the Public Prosecutors Office. The Code of Conduct upholds the "Standards of professional responsibility and statement of the essential duties and rights of prosecutors" of the International Association of Prosecutors (IAP)<sup>8</sup> and the

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<sup>7</sup> Opinion of the Association of Liechtenstein Judges (*Vereinigung Liechtensteinischer Richter*), September 2021: [https://www.llv.li/files/srk/stellungnahme\\_rbg-stag\\_96-2021-vlr.pdf](https://www.llv.li/files/srk/stellungnahme_rbg-stag_96-2021-vlr.pdf).

<sup>8</sup> [https://www.iap-association.org/getattachment/Resources-Dokumentation/IAP-Standards\(1\)/IAP\\_Standards\\_Oktober-2018\\_FINAL\\_20180210.pdf.aspx](https://www.iap-association.org/getattachment/Resources-Dokumentation/IAP-Standards(1)/IAP_Standards_Oktober-2018_FINAL_20180210.pdf.aspx)

recommendation of the Council of Europe Committee of Ministers regarding the role of prosecution in the criminal justice system.<sup>9</sup> The Code of Conduct of the Liechtenstein National Administration regarding the prevention of corruption forms an integral part of the Code of Conduct for Prosecutors.<sup>10</sup> In addition, it contains provisions regarding the independence of prosecutors, ethical standards as well as the requirement of participation in regular training.

50. GRECO takes notes of the information provided by the authorities. It welcomes the adoption of a code of conduct developed for prosecutors and made accessible to the public on the website of the Public Prosecutors Office, in accordance with the recommendation. The code of conduct specifies some duties and rights of prosecutors. At the same time, GRECO notes that the code has yet to be accompanied by explanatory comments and practical examples, as required by the recommendation. In view of the foregoing, GRECO considers that this recommendation can be deemed dealt with partly.
51. GRECO concludes that recommendation xv has been partly implemented.

#### **Recommendation xvi.**

52. *GRECO recommended that (i) training on various topics relating to ethics and integrity be provided on a regular basis for prosecutors, and (ii) the possibility be given to prosecutors of obtaining confidential advice on these subjects.*
53. In connection with the first part of the recommendation, the authorities indicate that, in the course of the development of the Code of Conduct for prosecutors, awareness-raising and training on various topics relating to ethics and integrity of prosecutors took place. A formal training session on the Code of Conduct was held on 19 January 2022 and all prosecutors are additionally to participate in the online course of the Council of Europe on "Ethics for Judges, Prosecutors and Lawyers"<sup>11</sup> in the first quarter of 2022. Subsequently, regular training courses in line with the recommendation are planned. As for the second part of the recommendation, the authorities recall that the Association of Liechtenstein Judges has established an advisor who offers confidential counselling on integrity matters to all judges and public prosecutors. The authorities are currently analysing the necessity of legal changes to further secure the position, notably by strengthening the legal basis of the confidential counselling's offer.
54. GRECO notes, regarding the first part of the recommendation, that awareness-raising and training activities on ethical and integrity issues have taken place and that further training sessions are planned. Training thus seems to be provided on a regular basis. This part of the recommendation has therefore been complied with. Turning to the second part of the recommendation, GRECO takes note of the designation of an advisor within the Association of Liechtenstein Judges who can provide confidential counselling on integrity matters to all judges and public prosecutors. However, as indicated above (recommendation xii), this position has not been secured yet. As a consequence, until the position of adviser is secured, GRECO considers that this part of the recommendation has been partly implemented. GRECO encourages the authorities to find ways of establishing a permanent system for judges and prosecutors to obtain confidential advice on ethical and integrity matters.
55. GRECO concludes that recommendation xvi has been partly implemented.

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<sup>9</sup> [REC\(2000\)19](#).

<sup>10</sup> <https://www.llv.li/files/apo/verhaltenskodex-zur-korruptionspravention.pdf>.

<sup>11</sup> <http://help.elearning.ext.coe.int/>

### III. CONCLUSIONS

56. **In the light of the foregoing, GRECO concludes that Liechtenstein has implemented or dealt with in a satisfactory manner one of the sixteen recommendations in the Fourth-round Evaluation Report.** Of the other recommendations, six have been partly implemented and nine have not been implemented.
57. More specifically, recommendation x has been implemented satisfactorily, recommendations ix and xi to xiii, xv and xvi have been partly implemented and recommendations i to viii and xiv have not been implemented.
58. While discussions on the recommendations have been initiated in the new Parliament elected in 2021, it is too early to see tangible results regarding members of parliament. GRECO notes that some of the recommendations have been prioritised while others will be subject to an in-depth examination. GRECO encourages the authorities to pursue their efforts towards the implementation of all recommendations, in particular the adoption of a code of conduct for members of parliament, covering various relevant integrity matters.
59. In the case of judges, GRECO welcomes that vacancies for posts of judges are now to be publicly advertised further to the amendments to the Judicial Appointment Act. GRECO notes that the Judicial Appointment Act has also been amended to formalise the practice according to which the president of the court concerned is to be consulted on applicants in order to inform the decision of the Judges' Selection Board. At the same time, GRECO underlines that further steps should be taken to increase the involvement of the judiciary in the selection of judges, notably by formalising the number of judges sitting on the Judges' Selection Board. On the other hand, GRECO welcomes the adoption of codes of conduct for judges. The adoption of rules on conflict of interest dealing with the specific situation of part-time judges also working as practicing lawyers is another positive feature. Tailor-made training taking into account the particular situation of Liechtenstein needs to be developed, in addition to international training already followed. A system for offering confidential counselling on integrity matters to all judges has been put in place, but has yet to be set up on a permanent basis. Finally, the authorities ought to give further consideration to the issue of professionalisation of all judges, involving the relevant stakeholders.
60. With respect to prosecutors, some progress is observed. GRECO welcomes that the personal integrity of candidates is to be assessed before the employment as a public prosecutor, according to the Public Prosecutors Act. However, criteria used to interpret this requirement need to be made more explicit. Moreover, GRECO considers that amendments to the Public Prosecutor's Act do not fully alleviate the risk of dismissals as a retaliatory measure. Lastly, while welcoming the adoption of a code of conduct for prosecutors, GRECO encourages the authorities to supplement it with practical guidance.
61. In the light of the foregoing, GRECO notes that Liechtenstein has to achieve further concrete results in order to fully implement most recommendations under the fourth evaluation round. It concludes that the very low level of compliance with the recommendations is "globally unsatisfactory", within the meaning of Rule 31 revised, paragraph 8.3 of the Rules of Procedure. GRECO therefore decides to apply Rule 32 concerning members found not to be in compliance with the recommendations in the Evaluation Report and asks the Head of delegation of Liechtenstein to submit a report on the progress in implementing recommendations i to ix and xi to xvi, as soon as possible and not later than 30 June 2023.

62. GRECO invites the Liechtenstein authorities to authorise, as soon as possible, the publication of the report, to translate it into the national language and to make it public.