



General Assembly

Distr.
GENERAL

A/HRC/WG.6/3/LIE/3
15 September 2008

Original: ENGLISH

HUMAN RIGHTS COUNCIL
Working Group on the Universal Periodic Review
Third session
Geneva, 1-15 December 2008

**SUMMARY PREPARED BY THE OFFICE OF THE HIGH COMMISSIONER FOR
HUMAN RIGHTS, IN ACCORDANCE WITH PARAGRAPH 15 (C) OF
THE ANNEX TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1**

Liechtenstein*

The present report is a summary of two stakeholders' submissions¹ to the universal periodic review. It follows the structure of the general guidelines adopted by the Human Rights Council. It does not contain any opinions, views or suggestions on the part of the Office of the High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. Lack of information or focus on specific issues may be due to the absence of submissions by stakeholders regarding these particular issues. The full texts of all submissions received are available on the OHCHR website. The periodicity of the review for the first cycle being four years, the information reflected in this report mainly relates to events that occurred after 1 January 2004.

* The present document was not edited before being sent to the United Nations translation services.

I. BACKGROUND AND FRAMEWORK

A. Scope of international obligations

1. The European Commission against Racism and Intolerance (ECRI) recommended that Liechtenstein ratify as soon as possible the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.²

B. Institutional and human rights infrastructure

2. The Commissioner for Human Rights of the Council of Europe recommended that the authorities of Liechtenstein give serious consideration for establishing the institution of ombudsperson.³

3. ECRI welcomed the establishment of the Equal Opportunities Office and the Equal Opportunities Commission⁴ and recommended that the authorities of Liechtenstein guarantee the independence from the Government of the Equal Opportunities Office and consider extending the powers of this Office, in particular to ensure that it can act as a mediator or sanction the perpetrators of racial discrimination.⁵

4. In 2004, the Advisory Committee of the Council of Europe on the Framework Convention for the Protection of National Minorities (the Advisory Committee) welcomed the setting up, in July 2003, of a Commission for the Protection against Violence to observe and document acts of violence linked to right-wing extremism and identify dangerous developments in this field.⁶

C. Policy measures

5. The Advisory Committee also welcomed the adoption in February 2003 of a National Action Plan aimed at implementing the conclusions of the Durban World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. This plan is scheduled to run for five years and is aimed in particular at making the public more aware of the various forms of racism and their causes and encouraging the integration of foreign nationals in Liechtenstein.⁷ ECRI noted that an intergovernmental Working Group against Racism, Anti-Semitism, and Xenophobia was set up to coordinate all activities organized in the framework of this Action Plan. The Action Plan focused on two main issues: combating racism and promoting integration. Within the limited yearly budget allocated to the Working Group to accomplish its task, it organized several awareness-raising activities such as training, seminars, and round tables etc. on the problem of racism. ECRI added that the National Action Plan has not been renewed and the Working Group was dissolved at the end of 2007. However, the Equal opportunities Office continues the work of the Working Group both in the field of combating racism and promoting integration.⁸

II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

Implementation of international human rights obligations

1. Equality and non discrimination

6. In 2007, ECRI strongly encouraged the authorities of Liechtenstein in their efforts to combat all forms of racism, ranging from racist stereotypes and prejudices to more violent forms of racism such as right-wing extremism. Aware that combating racism and changing mentalities

require long-term strategies, ECRI recommended that these efforts be maintained by all relevant authorities beyond the five-year National Action Plan against Racism.⁹ ECRI also recommended that the authorities adopt an all encompassing strategy to combat all forms of racial discrimination,¹⁰ in particular through the reinforcement, without delay, of the civil and administrative legal framework aimed at combating racial discrimination to cover all types of discrimination in all spheres of life.¹¹

7. ECRI noted that article 33-5 of the Criminal Code provides for an aggravating circumstance for all criminal offences when the act is committed with a racist or xenophobic motivation. However, the authorities do not gather statistics which would indicate whether this provision is applied or not.¹² ECRI was pleased to learn that several seminars on combating racism and hate crime have been organized for the police, prosecutors and judges in recent years, particularly in the context of the National Action Plan against Racism¹³ and recommended that the authorities of Liechtenstein pursue their efforts in terms of training for the police, prosecutors, judges and future legal professionals as regards the application of the criminal law provisions aimed at combating racist offences.¹⁴

8. The Advisory Committee noted in 2004 that discrimination continues to affect people who do not share the language, culture or religion of the majority population, particularly non-nationals who are not part of the immigrant population from neighbouring countries.¹⁵ It recommended to Liechtenstein to pay requisite attention to the full implementation of the 2003 National Action Plan against racism and intolerance and regularly assess the impact of the measures taken, including through the gathering of relevant data.¹⁶ The Committee of Ministers of the Council of Europe adopted this recommendation.¹⁷

9. In 2007, ECRI strongly encouraged the authorities of Liechtenstein to continue looking into means of setting up a full and coherent system of data collection so as to evaluate the situation regarding the different minority groups in Liechtenstein and determine the extent of manifestations of racism and direct and indirect racial discrimination¹⁸ and to collect relevant information broken down according to categories such as ethnic origin, language, religion and nationality in different areas of policy, and ensure that this is done in all cases with due respect for the principles of confidentiality, informed consent and the voluntary self-identification of persons as belonging to a particular group. These systems should also take into consideration the gender dimension, particularly from the point of view of possible double or multiple discrimination.¹⁹

10. According to ECRI, approximately 3 to 4 per cent of the population living in Liechtenstein belongs to the Muslim faith, and in May 2004, the Government established a Working Group on the Integration of Muslims.²⁰ ECRI expressed its concern at reports indicating the existence of expressions of hostility on the part of some members of the majority population against members of Muslim communities and of discrimination against members of these communities on the grounds of their religion in the field of access to housing, public services and employment.²¹ It strongly recommended that the authorities of Liechtenstein maintain and reinforce their efforts to effectively combat racist stereotypes and prejudices as well as any other manifestations of religious intolerance on the part of members of the majority population against members of Muslim communities.²² It also recommended that the authorities of Liechtenstein continue their efforts and their dialogue with representatives of Muslim communities to find solutions as soon as possible to all the obstacles encountered by members of Muslim communities who wish to practice their religious and cultural activities.²³ ECRI indicated that the authorities could envisage giving more attention to the general issue of

religious diversity and that such move would benefit to all small religious groups, including Muslim and Orthodox Christian communities.²⁴

11. The Commissioner for Human Rights of the Council of Europe had also recommended in 2004 that the authorities of Liechtenstein ensure that minority religious communities are not discriminated against on procedural or other grounds when state subsidies are allocated to religious communities.²⁵

2. Right to life, liberty and security of the person

12. In 2004, the Commissioner for Human Rights of the Council of Europe recommended to the authorities of Liechtenstein to persevere in efforts to improve equality between women and men as well as responses to violence against women, consider recruiting more women police officers and step up awareness raising among the police about the available means of dealing with domestic violence.²⁶ He recommended them to give the force of law to the Government decision enabling foreign spouses, who have been victims of proven domestic violence, to continue their residence in Liechtenstein even after separation from their partners when their residence permits have been dependent on their marital relationship.²⁷

13. The Commissioner for Human Rights of the Council of Europe recommended also to the authorities of Liechtenstein to review the system of temporary residence permits for cabaret dancers in order to prevent any risk of its being used for facilitating trafficking in human beings²⁸ and to verify that the current and planned measures for the protection and support of victims and witnesses of crime can be effectively applied in cases of trafficking in human beings.²⁹

14. The Global Initiative to end all corporal punishment of Children (GIECPC) indicated that corporal punishment is lawful in the home. The Criminal Code (1998) establishes penalties for anyone who causes physical or psychological harm to a child (articles 92 and 93). There is no explicit prohibition of corporal punishment in legislation. It added that corporal punishment is prohibited in schools and in the penal system, and that in alternative care settings, corporal punishment is unlawful in state-run institutions and childcare settings outside the family home, but there is no explicit prohibition in privately-run alternative care settings.³⁰

15. The Committee for the prevention of torture and inhuman or degrading treatment or punishment of the Council of Europe (CPT) indicated that during a visit to Liechtenstein in February 2007, its delegation received some allegations of excessive use of force, tight-fitting handcuffs and verbal abuse at the time of apprehension, and in at least one case, the apprehended person's head was allegedly covered with a cloth bag, for the duration of his apprehension and transfer in custody.³¹ The CPT recognized that the apprehension of a suspect can be a difficult and dangerous task, in particular when the person resists or the police have good reason to believe that the person is an imminent threat. Law enforcement officials may on occasion have to use force in order to effect an apprehension. However, the force used should be no more than is reasonably necessary, and once the person has been brought under control, there can be no justification for him or her being struck. Similarly, the CPT added that there can be no justification for covering the heads of apprehended persons with a bag or by other means and that this practice should be abandoned. The CPT recommended that the authorities of Liechtenstein take the necessary steps to ensure that these precepts are respected and that police officers be reminded, at regular intervals, that all forms of ill-treatment (including verbal abuse) are not acceptable and will be the subject of severe sanctions.³² A response was provided by the State to these recommendations.³³

3. Administration of justice and the rule of law

16. The CPT recommended that the right to inform a relative or person of one's choice of one's situation, from the very outset of deprivation of liberty, be formally guaranteed to all persons deprived of their liberty (i.e. not only to criminal suspects, but also to persons placed in administrative detention or held under aliens legislation, etc.).³⁴ It called upon the Liechtenstein authorities to amend the relevant legislation (in particular, the Code of Criminal Procedure) to ensure that the right of access to a lawyer is formally guaranteed to all persons deprived of their liberty from the very outset of their deprivation of liberty.³⁵ A response was provided by the State to these recommendations.³⁶ The Commissioner for Human Rights of the Council of Europe recommended to the authorities of Liechtenstein to ensure that foreigners can, whenever necessary, access interpreters and translations during court proceedings and detention.³⁷

17. The CPT called upon the Liechtenstein authorities to take the necessary measures to ensure that a form setting out the rights of persons deprived of their liberty is systematically handed to all such persons from the very outset of their deprivation of liberty. This form should be worded in an easily understandable manner and be available in an appropriate range of languages. Further, the persons receiving it should sign a statement confirming that they have been informed of their rights in a language they understand.³⁸ This form should include a special section relating to the rights of juveniles.³⁹ A response was provided by the State to this recommendation.⁴⁰

4. Right to education and to participate in the cultural life of the community

18. ECRI noted with concern that several studies based on statistical data, including from the Office of Education, confirmed the disadvantaged situation of children of immigrant origin whose mother tongue is not German⁴¹ and recommended that the authorities of Liechtenstein continue and reinforce their efforts in establishing a school system which guarantees all children of immigrant background whose mother tongue is not German equal opportunities in access to education, including higher education and eventually in access to employment.⁴²

5. Migrants, refugees and asylum-seekers

19. ECRI recommended that the authorities continue the current process of reducing the residency requirement for naturalization⁴³ and take steps to facilitate the possibility of holding double citizenship for non-citizens who would like to obtain citizenship of Liechtenstein through naturalization.⁴⁴ It urged the authorities to seriously reconsider the system of voting by local residents for the granting of citizenship.⁴⁵ The Commissioner for Human Rights of the Council of Europe made similar recommendations.⁴⁶

20. The Commissioner for Human Rights of the Council of Europe recommended that the authorities of Liechtenstein take steps to ensure that the practice of requiring financial and material guarantees as part of the procedure for granting the right to family reunification does not lead to the discrimination of women wishing to exercise this right.⁴⁷

21. ECRI was pleased to note that the authorities of Liechtenstein have actively pursued their efforts in setting up and implementing an integration strategy for non-citizens.⁴⁸ At the same time, it recommended that the authorities of Liechtenstein continue their efforts in favour of an integration policy which reflects the idea of integration as a two-way process involving both majority and minority communities. To this end, it recommended that the authorities further develop the "promotion" aspect, in particular by adopting measures aimed at promoting genuine

mutual respect for diversity and knowledge of different cultures or traditions and eradicating stereotypes and prejudices on cultures and values.⁴⁹

22. ECRI expressed its concern at indications that a future Law on Foreigners will introduce a system of sanctions for non-citizens who do not reach a sufficient level of German⁵⁰ and recommended that the authorities exercise the utmost care in this regard.⁵¹ It also recommended that the authorities put strong emphasis on measures aimed at encouraging learning of German by non-German speaking non-citizens, through the adoption of complementary adequate incentives and opportunities to learn such a language, which implies necessary financial and other efforts on the part of the authorities.⁵²

23. ECRI urged the authorities of Liechtenstein to confer eligibility and voting rights to long-term resident non-citizens in local elections⁵³ and recommended that adequate mechanisms be set up which allow for non-citizens to be consulted and participate actively in the political decision-making process both at national and local levels.⁵⁴

24. ECRI noted with concern that despite the small number of asylum seekers in Liechtenstein, the general climate of opinion concerning refugee issues has become less open in recent years.⁵⁵ It recommended that the authorities of Liechtenstein continue and reinforce their efforts to ensure that asylum be granted to all those who fulfill the current legal conditions and to combat stereotypes and prejudices among the majority population against asylum seekers and refugees.⁵⁶

25. The CPT noted that the detention of foreign nationals held under aliens legislation is not governed by a special legal framework. Thus, immigration detainees were subject to the rules applicable to remand and sentenced prisoners. It mentioned that such a state of affairs is not satisfactory and that it would be desirable that the situation of immigration detainees be governed by specific rules, reflecting their particular status.⁵⁷ A response was provided by the State to this recommendation.⁵⁸

III. ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS

N/A.

IV. KEY NATIONAL PRIORITIES, INITIATIVES AND COMMITMENTS

N/A.

V. CAPACITY-BUILDING AND TECHNICAL ASSISTANCE

N/A.

Notes

¹ The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org. (One asterisk denotes a non-governmental organization in consultative status with the Economic and Social Council)

Civil society

GIEACP

Global Initiative to End All of Corporal Punishment of Children*, London, United Kingdom

Regional intergovernmental organization

Council of Europe, UPR Submission, consisting of:

- (a) European Commission against Racism and Intolerance (ECRI), Third report on Liechtenstein, adopted on 14 December 2007, CRI(2008)21
- (b) Advisory Committee on the Framework Convention for the Protection of National Minorities, Second Opinion on Liechtenstein, adopted on 1 October 2004, ACFC/INF/OP/II (2004)001
- (c) European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), Report to the Government of the Principality of Liechtenstein on the visit to Liechtenstein carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 5 to 9 February 2007 CPT/Inf (2008) 20.
- (d) Response of the Government of the Principality of Liechtenstein to the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on its visit to Liechtenstein from 5 to 9 February 2007, CPT/Inf (2008) 21.
- (e) Committee of Ministers, Resolution CMN (2005)7 on the implementation of the Framework Convention for the Protection of National Minorities by Liechtenstein adopted on 7 December 2005.
- (f) Commissioner for Human Rights, Final observations and recommendations from the report of the Commissioner's visit to the Grand Duchy of Luxembourg, 8-10 December 2004, CommDH(2005)5.
- (g) Council of Europe Directorate of Monitoring (DGHL) and PACE, contribution to UNHCHR Universal Periodic Review session 3.
- (h) Report of the Principality of Liechtenstein pursuant to article 52 ECHR to the Secretary General of the Council of Europe and additional report.
- (i) Contribution by the Department for the Execution of ECHR judgments 30/06/2008.
- (j) Liechtenstein/Treaties signed and ratified or having been the subject of an accession as of 11/7/2008

² European Commission against Racism and Intolerance, Third report on Liechtenstein, 14 December 2007, CRI(2008)21, page 8, para. 7.

³ Final observations and recommendations from the report of the Commissioner's visit to the Grand Duchy of Luxembourg, para. 34 (13).

⁴ European Commission against Racism and Intolerance, Third report on Liechtenstein, 14 December 2007, CRI(2008)21, page 11, para. 28.

⁵ Ibid., para. 29.

⁶ Advisory Committee on the Framework Convention for the Protection of National Minorities, Second Opinion on Liechtenstein, 1 October 2004, ACFC/INF/OP/II (2004)001, page 4, para. 8.

⁷ Ibid., para. 12.

⁸ European Commission against Racism and Intolerance, Third report on Liechtenstein, 14 December 2007, CRI(2008)21, page 19, para. 72.

⁹ Ibid., page 20, para. 77.

¹⁰ Ibid., page 26, para. 102.

¹¹ Ibid., page 26, para. 103.

¹² Ibid., page 9, para. 17.

¹³ Ibid., page 10, para. 20.

¹⁴ Ibid., page 10, para. 21.

¹⁵ Advisory Committee on the Framework Convention for the Protection of National Minorities, Second Opinion on Liechtenstein, 1 October 2004, ACFC/INF/OP/II (2004)001, page 7, para. 18.

¹⁶ Ibid., page 7, para. 19.

¹⁷ Council of Europe, Committee of Ministers, Resolution Res CMN(2005)7 on the implementation of the Framework Convention for the Protection of National Minorities by Liechtenstein, adopted on 7 December 2005, para. 2.

¹⁸ European Commission against Racism and Intolerance, Third report on Liechtenstein, 14 December 2007, CRI(2008)21, page 21, para. 81.

¹⁹ Ibid., page 21, para. 82.

²⁰ Ibid., page 22, para. 84.

²¹ Ibid., page 22, para. 85.

²² Ibid., page 23, para. 88.

²³ Ibid., page 23, para. 89.

²⁴ Ibid., page 23, para. 87.

-
- ²⁵ Final observations and recommendations from the report of the Commissioner's visit to the Grand Duchy of Luxembourg, para. 34 (8).
- ²⁶ Ibid., para. 34 (6).
- ²⁷ Ibid., para. 34 (7).
- ²⁸ Ibid., para. 34 (9).
- ²⁹ Ibid., para. 34 (10).
- ³⁰ Global Initiative to end all corporal punishment of Children, UPR Submission, page 2, para.1.
- ³¹ Report to the Government of the Principality of Liechtenstein on the visit to Liechtenstein carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), from 5 to 9 February 2007, CPT/Inf (2008) 20, page 12, para. 14.
- ³² Ibid., page 12, para. 14.
- ³³ Response of the Government of the Principality of Liechtenstein to the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on its visit to Liechtenstein from 5 to 9 February 2007, CPT/Inf (2008) 21, page 7.
- ³⁴ Report to the Government of the Principality of Liechtenstein on the visit to Liechtenstein carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 5 to 9 February 2007, CPT/Inf (2008) 20, page 13, para. 19.
- ³⁵ Ibid., Page 14, para.20.
- ³⁶ Response of the Government of the Principality of Liechtenstein to the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on its visit to Liechtenstein from 5 to 9 February 2007, CPT/Inf (2008) 21, pages 9-10.
- ³⁷ Final observations and recommendations from the report of the Commissioner's visit to the Grand Duchy of Luxembourg, para. 34 (12).
- ³⁸ Report to the Government of the Principality of Liechtenstein on the visit to Liechtenstein carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 5 to 9 February 2007, CPT/Inf (2008) 20, page 15, para. 22.
- ³⁹ Ibid., page 15, para. 23.
- ⁴⁰ Response of the Government of the Principality of Liechtenstein to the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on its visit to Liechtenstein from 5 to 9 February 2007, CPT/Inf (2008) 21, page 11.
- ⁴¹ European Commission against Racism and Intolerance, Third report on Liechtenstein, 14 December 2007, CRI(2008)21, page 12, para. 32.
- ⁴² Ibid., page 12, para. 35.
- ⁴³ Ibid., page 9, para. 13.
- ⁴⁴ Ibid., page 9, para. 14.
- ⁴⁵ Ibid., page 9, para.15.
- ⁴⁶ Final observations and recommendations from the report of the Commissioner's visit to the Grand Duchy of Luxembourg, para. 34 (3).
- ⁴⁷ Ibid., para. 34 (2).
- ⁴⁸ European Commission against Racism and Intolerance, Third report on Liechtenstein, 14 December 2007, CRI(2008)21, page 13, para. 39.
- ⁴⁹ Ibid., page 14, para. 44.
- ⁵⁰ Ibid., page 15, para. 46.
- ⁵¹ Ibid., page 16, para. 51.
- ⁵² Ibid., page 12, para. 52.
- ⁵³ Ibid., page 17, para. 57.
- ⁵⁴ Ibid., page 12, para. 58.
- ⁵⁵ Ibid., page 17, para. 60.
- ⁵⁶ Ibid., page 18, para. 62.
- ⁵⁷ Report to the Government of the Principality of Liechtenstein on the visit to Liechtenstein carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 5 to 9 February 2007, CPT/Inf (2008) 20, page 17, para. 29.
- ⁵⁸ Response of the Government of the Principality of Liechtenstein to the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on its visit to Liechtenstein from 5 to 9 February 2007 CPT/Inf (2008) 21, page 14.