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Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21

Liechtenstein*

The present report is a summary of three stakeholders' submissions¹ to the universal periodic review. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations 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. As provided for in Resolution 16/21 of the Human Rights Council, where appropriate, a separate section is provided for contributions by the national human rights institution of the State under review that is accredited in full compliance with the Paris Principles. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

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

I. Information provided by other stakeholders

A. Background and framework

1. Scope of international obligations

1. In 2012, after his visit to the country on 23-24 February, the Council of Europe Commissioner for Human Rights (CoE-Commissioner) stated that a prompt ratification of the United Nations Convention on the Rights of Persons with Disabilities would demonstrate that Liechtenstein is determined to do its utmost to protect the human rights of persons with disabilities.²

2. The Council of Europe (CoE) noted that Liechtenstein has signed but not yet ratified the European Social Charter. Neither has Liechtenstein signed nor ratified the Revised European Social Charter, European Convention on Action against Trafficking in Human Beings, and European Convention on Preventing and Combating Violence against Women and Domestic Violence.³

3. CoE-Commissioner recommended ratification of the European Convention on Preventing and Combating Violence against Women and Domestic Violence and the Revised European Social Charter.⁴

2. Constitutional and legislative framework

4. In June 2009, the Council of Europe Advisory Committee on the Framework Convention for the Protection of National Minorities (CoE-ACFC) noted that, under Article 31 of the Constitution, the principle of equality before the law only applied to citizens and that the protection of the rights of foreigners is only ensured through international treaties and on the basis of reciprocity. CoE-ACFC was concerned that this situation does not provide a sufficient legal basis for the enjoyment of the rights of immigrants living in Liechtenstein, even though these persons represent a substantial part of the total population. It called on Liechtenstein to examine this situation and to identify the most appropriate ways to remedy it.⁵ Comments to this issue were provided by the State.⁶

3. Institutional and human rights infrastructure and policy measures

5. In 2012, Amnesty International (AI) noted that Liechtenstein established an Ombudsman for Children in February 2009, after it supported the UPR recommendation to consider establishing an independent mechanism to consider complaints of child rights violations.⁷ CoE-Commissioner also stated that a part-time Ombudsman for Children and Young People has already been in place for two years and that, pending the reform of the overall human rights system, this office should be properly resourced so as to be able to fulfil its important functions for children's rights protection.⁸

6. CoE-Commissioner also stated that the present mechanisms to receive and act upon complaints from the public are not fully independent or lack sufficient resources and that the establishment of an Ombudsman Office would strengthen the protection against all forms of discrimination. The Commissioner recommended the institution of an ombudsman office with a broad mandate which would address the rights of children, women, persons with disabilities, and the elderly, as well as refugees and other foreigners.⁹

7. AI stated that, in the context of the general reform of the National Public Administration, Liechtenstein has proposed a merger of the Office of Equal Opportunity (OEO) with the Office of Social Affairs and other thematic areas in the Ministry of Social

Affairs and the Ministry of Family Affairs and Gender Equality into an Office of Social Issues. Various groups and NGOs have protested against the proposed merger. By integrating the OEO into a larger office, there is concern that its independence would be further diminished. The proposed merger would weaken the visibility of the OEO, and its autonomy could be curtailed. It would also add an additional level of bureaucracy and direct access to the responsible minister would be restricted. AI was furthermore concerned that the OEO was not set up with a general mandate to monitor human rights and to ensure that laws and regulations meet international human rights obligations and are effectively applied. It also is not mandated to receive and investigate general human rights concerns and does not have an individual complaint mechanism.¹⁰

8. AI recommended that Liechtenstein establish a national human rights institution in accordance with the Paris Principles and ensure that it is mandated to receive and take action on individual complaints, monitor the general human rights situation, coordinate with thematic mechanisms, and participate with government and other authorities on the drafting, enactment and execution of human rights legislation. AI also recommended that Liechtenstein ensure that the national human rights institution has the necessary financial and human resources to carry out its mandate effectively.¹¹

B. Implementation of international human rights obligations

1. Equality and non-discrimination

9. In June 2010, in its resolution on the implementation of the Framework Convention for the Protection of National Minorities by Liechtenstein (Resolution CM/ResCMN (2010)9), the Committee of Ministers of the Council of Europe (CoE-CM) stated that Liechtenstein has made increased efforts to improve integration of immigrants and prevent racism and discrimination against them. New steps have been taken to strengthen the legal and institutional framework pertaining to the protection against discrimination and racism. Increased attention has been paid to the collection of data with respect to discrimination in various areas and in respect of different groups.¹²

10. CoE-CM furthermore noted a number of supportive measures, in particular in terms of language teaching, religious education, counselling and information, for persons with different ethnic, linguistic and religious backgrounds. In addition, new information and awareness-raising activities about non-discrimination, respect for human rights and diversity have been organised by the authorities and civil society. Such activities have involved schools and teachers but also the public at large and specific sectors concerned, such as the public administration and the police.¹³

11. CoE-ACFC¹⁴ and CoE-CM, however, expressed concern that the legal framework pertaining to the fight against discrimination still needs to be improved, including through the development of a comprehensive anti-discrimination legislation.¹⁵ CoE-Commissioner also recommended the introduction of comprehensive anti-discrimination legislation.¹⁶

12. CoE-ACFC and CoE-CM indicated that instances of xenophobia and intolerance against persons of different ethnic origin and religion, notably against Muslims and persons of Turkish origin, are still reported. Worrying trends have been noted in this regard, in particular among the youth, that require urgent action by the authorities. The effective integration and participation of persons of different ethnic, language or religious background remains a challenge for the authorities and requires increased efforts.¹⁷

13. CoE-ACFC and CoE-CM recommended that Liechtenstein take further steps to improve the integration of persons belonging to different groups and adopt a comprehensive policy to ensure effective implementation of the principles of equality and non-discrimination in respect of all and pursue and develop efforts to ensure full

implementation of the national action plan against racism and take more resolute measures to prevent, combat and monitor any manifestations of intolerance and xenophobia.¹⁸

2 Right to life, liberty and security of the person

14. CoE-Commissioner reported that violence against women remains a problem and that particular attention needs to be devoted to the situation of migrant women who may hesitate to report about abuses because of fear of losing their residence status.¹⁹

15. The Global Initiative to End All Corporal Punishment of Children (GIEACPC) confirmed that the Children and Youth Act (2008), which came into force in January 2009, explicitly prohibited all corporal punishment of children, including by parents in the home. The Act complied with the state's obligations under the Convention on the Rights of the Child and other human rights instruments. GIEACPC, however, indicated that there was no information regarding efforts to ensure implementation of the law and recommended that Liechtenstein undertake measures to implement the law and eliminate corporal punishment in practice.²⁰

3. Right to privacy, marriage and family life

16. CoE-Commissioner indicated that further steps are recommended to make the process of applying for family reunification less cumbersome.²¹

4. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life

17. CoE-ACFC stated that the establishment of a Working Group on the Integration of Muslims as an institutional channel for dialogue between members of the Muslim communities and the authorities is a positive step. It noted that discussions are on-going on issues of interest to the Muslim communities, such as the establishment of an umbrella association, the issue of cemeteries and places of worship, and access to public financial support. It also noted that a reform is under discussion with regard to existing arrangements pertaining to the relations between the State and the Church and public support to religious organisations. It expected that an inclusive and non-discriminatory approach will be favoured in the definition of the State's new policy in this sphere. It encouraged the authorities to take duly into account the size and needs of the various religious communities in the process of reform so that they benefit from equal access to public funds.²²

5. Right to work and to just and favourable conditions of work

18. CoE-ACFC noted that the scope of the prohibition of discrimination on the basis of race, colour, descent, nationality or ethnic origin in the Employment Contracts Act is limited to the contracts' termination and that it does not cover aspects such as recruitment, remuneration and promotion.²³ Comments to this issue were provided by the State.²⁴

19. CoE-Commissioner noted a concern expressed to him in relation to the growing number of persons who would prefer to continue their working life after having reached the retirement age—a situation calling for more flexibility in employment regulations. He recalled that the revised European Social Charter contained provisions for the protection of the rights of the elderly.²⁵

6. Right to social security and to an adequate standard of living

20. CoE-ACFC and CoE-CM stated that further efforts are needed to combat difficulties faced by foreign nationals in certain sectors, including housing and employment. There is also a need to pursue and develop further the supportive measures taken in the field of language teaching, with adequate financial support by the State.²⁶

7. Right to education

21. CoE-ACFC and CoE-CM stated that further efforts are needed to ensure equal opportunities in access to quality education for children belonging to all groups.²⁷

8. Persons with disabilities

22. CoE-Commissioner stated that persons with disabilities lack sufficient employment possibilities, in spite of several constructive measures, such as subsidies for making adjustments to the workplace to improve accessibility and for paying a part of the salary of disabled employees. The Commissioner advised that further measures should be explored to promote integration of people with disabilities into the job market in both the public and private sector.²⁸

9. Migrants, refugees and asylum-seekers

23. CoE-ACFC welcomed the fact that Liechtenstein has continued to take measures to improve integration of immigrants and prevent racism and discrimination against them and noted that the new Foreigners Act, which entered into force on 1 January 2009, reflected Liechtenstein's clear willingness to implement a more efficient integration policy.²⁹ It noted that, under the new legislation, Liechtenstein will conclude integration agreements with foreign-language immigrants and that knowledge of the German language is an important commitment to be taken by immigrants under these agreements. It stressed, however, that integration involves both the majority and the minority communities and should not rely disproportionately on the efforts to be made by the immigrants. It welcomed the fact that the above-mentioned integration policy also included measures intended to increase openness and improve attitudes towards new groups within the majority population and strongly encouraged Liechtenstein to be pro-active in this regard.³⁰ Comments to this issue were provided by the State.³¹

24. CoE-Commissioner stated that Liechtenstein has taken steps to facilitate the integration of immigrants, however, that the requirements for obtaining citizenship were excessively restrictive. The Commissioner recommended a review of these requirements in line with the principles of the European Convention on Nationality.³²

25. CoE-Commissioner referred to Liechtenstein's accession to EU regulation on asylum, including the Dublin II Regulation, and stated that the number of asylum applications to be assessed on their merits will be reduced to a minimum. However, the Commissioner indicated that the possibility of sending back asylum seekers to the country of first entry within the EU or Schengen area cannot be automatic, as there is a need to ensure that no one will be returned to a country where they may be at risk of persecution or torture. The Commissioner also called upon Liechtenstein to consider accepting more refugees who were recognised by UNHCR as having protection needs.³³

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.

Civil society

AI	Amnesty International, London, United Kingdom of Great Britain and Northern Ireland;
GIEACPC	Global Initiative to End All Corporal Punishment of Children, London, United Kingdom of Great Britain and Northern Ireland.

Regional intergovernmental organization

CoE	Council of Europe, Strasbourg, France;
CoE-ACFC	Advisory Committee on the Framework Convention for the Protection of National Minorities, Third Opinion on Liechtenstein, adopted on 26 June 2009, ACFC/OP/III(2009)001, 31 March 2010;
CoE-CM	Committee of Ministers, Resolution CM/ResCMN(2010)9 on the implementation of the Framework Convention for the Protection of National Minorities by Liechtenstein, adopted on 30 June 2010,
CoE-Commissioner	Commissioner for Human Rights, Press Release, Liechtenstein: The Commissioner for Human Rights recommends further measures to strengthen the protection against discrimination, 28 February 2012.

² CoE-Commissioner, para. 5.

³ CoE, p.3.

⁴ CoE-Commissioner, paras. 4 and 6.

⁵ CoE-ACFC, para. 24.

⁶ Comments of the Government of Liechtenstein on the Third Opinion of the Advisory Committee on the Implementation of the Framework Convention for the Protection of National Minorities by Liechtenstein, GVT/COM/III(2010)001, 31 March 2010, pp. 3-4.

⁷ AI, p. 1.

⁸ CoE-Commissioner, para. 3.

⁹ CoE-Commissioner, para. 1.

¹⁰ AI, pp. 1-2.

¹¹ AI, p. 2.

¹² CoE-CM, Resolution CM/ResCMN (2010)9, para. 1.a).

¹³ CoE-CM, Resolution CM/ResCMN (2010)9, para. 1.a).

¹⁴ CoE-ACFC, para. 42.

¹⁵ CoE-CM, Resolution CM/ResCMN (2010)9, para. 1.b).

¹⁶ CoE-Commissioner, para. 2.

¹⁷ CoE-ACFC, paras. 44-45 / CoE-CM, Resolution CM/ResCMN (2010)9, para. 1.b).

¹⁸ CoE-ACFC, para. 46 / CoE-CM, Resolution CM/ResCMN (2010)9, para. 2.

¹⁹ CoE-Commissioner, para. 4.

²⁰ GIEACPC, pp. 1-2.

²¹ CoE-Commissioner, para. 8.

²² CoE-ACFC, paras. 26-27.

²³ CoE-ACFC, para. 30.

²⁴ Comments of the Government of Liechtenstein on the Third Opinion of the Advisory Committee on the Implementation of the Framework Convention for the Protection of National Minorities by Liechtenstein, GVT/COM/III(2010)001, 31 March 2010, pp. 4-5.

²⁵ CoE-Commissioner, para. 6.

²⁶ CoE-ACFC, para. 43 / CoE-CM, Resolution CM/ResCMN (2010)9, para. 1.b).

²⁷ CoE-ACFC, para. 43 / CoE-CM, Resolution CM/ResCMN (2010)9, para. 1.b).

²⁸ CoE-Commissioner, para. 5.

²⁹ CoE-ACFC, paras. 19-20.

³⁰ CoE-ACFC, paras. 21-22.

³¹ Comments of the Government of Liechtenstein on the Third Opinion of the Advisory Committee on the Implementation of the Framework Convention for the Protection of National Minorities by Liechtenstein, GVT/COM/III (2010)001, 31 March 2010, pp. 2-3.

³² CoE-Commissioner, para. 8.

³³ CoE-Commissioner, para. 7.