



General Assembly

Distr.
GENERAL

A/HRC/10/77/Add.1
25 February 2009

Original: ENGLISH

HUMAN RIGHTS COUNCIL
Tenth session
Agenda item 6

UNIVERSAL PERIODIC REVIEW

Report of the Working Group on the Universal Periodic Review *

Liechtenstein

Addendum

**Views on conclusions and/or recommendations, voluntary commitments
and replies presented by the State under review**

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

A total of 43 recommendations were made during the Universal Periodic Review of Liechtenstein in the Working Group on 5 December 2008. At the adoption of the report of the Working Group on 10 December 2008, Liechtenstein announced that it could accept 17 out of the 43 recommendations without further consideration. These 17 recommendations are included in paragraph 64 of the report on Liechtenstein. The remaining 26 recommendations have been carefully examined by the Liechtenstein authorities.

**RESPONSES OF LIECHTENSTEIN TO THE RECOMMENDATIONS CONTAINED IN
PARAGRAPH 65 OF THE REPORT OF THE WORKING GROUP ON THE
UNIVERSAL PERIODIC REVIEW (A/HRC/10/77)**

Recommendation 1: In February 2009 the Liechtenstein Government established an interdisciplinary working group with the specific mandate to examine any legislative and other measures required for the domestic implementation of the Convention on the Rights of Persons with Disabilities and its Optional Protocol. In the same month, the Government approved a concept paper entitled “Persons with Disabilities in the Working Process” which had been prepared by a working group set up to analyse the current situation in Liechtenstein with regard to this more specific area. Liechtenstein converts this recommendation into the following voluntary commitment: *“Liechtenstein will intensify its examination of the necessary implementation measures with a view to a possible accession to the Convention on the Rights of Persons with Disabilities and its Optional Protocol.”*

Recommendation 2: Liechtenstein is a State party to a large number of European and international human rights treaties which apply to all persons under its jurisdiction, including migrants. At the same time, the study of the Convention on the Rights of all Migrant Workers and Members of Their Families as well as of the existing practice of the relevant treaty body has raised some major concerns with regard to its legal application. The definition of the term “members of the family” in Article 4 of the Convention is unclear and its implications seem to be in contradiction with the provisions of Article 7 concerning inadmissible grounds for differential treatment. Moreover, emigrated Liechtenstein citizens and their family members cannot participate in domestic elections. A change of this restriction would have a major impact on the political situation in Liechtenstein, due to the small size of its electorate. Liechtenstein could therefore not accept Article 41 of the Convention. Finally, it has to be mentioned that Liechtenstein has recently ratified the Schengen Agreement. This will entail close cooperation and coordination at the European level, including with regard to the issue of irregular migration. For these reasons, Liechtenstein cannot support this recommendation.

Recommendation 3: Ratification of ILO conventions requires ILO membership. Liechtenstein does not intend to join the ILO in the near future. However, as a full member of the European Economic Area (EEA), Liechtenstein has been transposing all relevant EU legislation into its domestic law. Compliance with this legislation, which stipulates high standards, is subject to the EEA monitoring mechanisms. Liechtenstein does therefore not support this recommendation.

Recommendations 4/5/6/7: On the basis of the new Children and Youth Act, which entered into force on 1 February 2009, Liechtenstein will establish an Ombudsperson for children in accordance with the Paris Principles. In addition, the Liechtenstein Association for Persons with Disabilities, an NGO, has been given the competence to monitor the implementation of the new Disability Equality Act and to address complaints to the Government and to the courts for non-compliance with its provisions. With the creation of the Victim Assistance Office under the new Victim Assistance Act a further independent body has been created to support victims of human rights violations. These three new bodies complement the work undertaken by the Office for

Equal Opportunity and its Commission as well as the activities carried out by the National Preventive Mechanism, the independent national body established under the Optional Protocol to the Convention against Torture. Given these various human rights mechanisms already in place for a population of roughly 35'000 inhabitants, Liechtenstein does not intend to establish an additional human rights institution with a general focus. Liechtenstein can therefore not support these recommendations.

Recommendation 8: General recommendation No. 23 of the Committee on the Elimination of Discrimination against Women (CEDAW) on temporary special measures describes a series of measures designed to increase women's participation in political and public life, such as the provision of financial assistance and training to female electoral candidates. Such special measures have been implemented in Liechtenstein and have proved effective. Liechtenstein converts this recommendation into the following voluntary commitment: *“Liechtenstein will continue to pay particular attention to the promotion of women's participation at all levels and in all areas of public life, including through special measures.”*

Recommendation 9: Liechtenstein converts this recommendation into the following voluntary commitment: *“Liechtenstein will continue to pay particular attention to the equality of opportunity for women and men in the labour market, taking into account, inter alia, relevant developments in the framework of the European Economic Area.”*

Recommendation 10: In 2007, the Labor Market Service of the Office of Economic Affairs developed a 9-weeks program for women between 30 and 50 who want to reenter the workforce after taking time off for their families. Another special program with the same or similar objectives is called „dialogue 45+“ which also supports people aged 45 and more to find a new job. To promote migrant women and to increase their chances of finding a job, specific beginner-level German language classes are organized and vouchers are provided to financially support attendance. Against this background and in view of general policy measures which aim at enhancing the compatibility between family life and employment, Liechtenstein converts this recommendation into the following voluntary commitment: *“Liechtenstein will continue to pay particular attention to the promotion of equal opportunities for men and women in both the private and public sectors, including by expanding measures which facilitate women's re-entry into the workforce after childbirth.”*

Recommendation 11: The potential *de facto* discriminatory effect of this situation is currently the subject of an expert study mandated by the Ministry of Justice. Liechtenstein converts this recommendation into the following voluntary commitment: *“Liechtenstein will continue its efforts to address potential de facto discrimination of women, including with regard to inheritance.”*

Recommendation 12: In 2007 the introduction of a new explicit criminal provision on stalking (§ 107a of the Criminal Code “Beharrliche Verfolgung”, “persistent pursuit”) was approved by Parliament, thus making an explicit statement that this form of psychological pressure is not tolerated. By way of this new criminal offence such persistent harassment likely to infringe upon the private life of the victim is penalized. Accordingly, it is a criminal offence to harass a person persistently and for a prolonged period in a way that is likely to seriously disrupt her/his way of life. This new provision makes an important contribution to the prevention of violence against women since it enables the police to intervene already at a very early stage and to prevent the threatening behaviour from resulting in an act of violence. This criminal offence requires a complaint to be made by the victim for the prosecution to be initiated. The same is true for rape in marriage and partnership as well as other forms of domestic violence penalized under the

Criminal Code. Since a procedural distinction between stalking and comparable forms of domestic violence would undermine the effectiveness of this new provision of the Criminal Code, the Liechtenstein authorities do not intend to establish ex-officio prosecution for all acts of domestic violence. Liechtenstein can therefore not support this recommendation.

Recommendation 13: The focus of the Office of Equal Opportunity's activities is on combating discrimination and advancing *de jure* and *de facto* equal opportunity in various areas, including with regard to sexual orientation. Gender identity is not defined as one of its focus areas. In respect of possible discrimination on the basis of sexual orientation, an interdisciplinary working group was appointed in July 2008, the first step of which was to assess the current state of affairs and prepare a consultation draft with the input of interested representatives of persons with a homosexual orientation. The working group is also tasked to analyze the legal situation in Liechtenstein and neighbouring countries and to elaborate proposals and measures necessary to ensure smooth implementation if a draft law on registered partnerships were to be adopted. The working group submitted an interim report to the Government in October 2008; a second interim report is expected by the end of March 2009. Future measures to combat discrimination on the basis of sexual orientation will be taken on the basis of the preparatory work carried out by this working group. Against this background, Liechtenstein cannot support this recommendation.

Recommendation 14: Public funding is assigned to all religious denominations in 2009. In addition to the regular funding of the roman-catholic, evangelic, evangelic-Lutheran and orthodox churches and the Muslim communities there are also municipal contributions to the denominations, such as the building and maintenance of infrastructure, burial grounds etc. Further state contributions include financing of different religious education for children as well as supporting individual projects. Liechtenstein can accept this recommendation and considers it to be implemented through the public support of all religious denominations.

Recommendation 15: Liechtenstein converts this recommendation into the following voluntary commitment: *“Liechtenstein will continue to pay particular attention to the promotion of ethnic and religious tolerance between the different communities in the country.”*

Recommendation 16: In 2007, the Government adopted a position paper on integration policy containing the principle of “promoting and demanding”. The goal of this principle is to promote the peaceful coexistence of all persons in Liechtenstein on the basis of common values. This position paper also includes the results of two discussion rounds on the topic of “Integration in Liechtenstein: Status Quo, Measures, and Perspectives”, which the Prime Minister conducted with representatives of the foreigners' associations in 2004. The curricula of all school levels in Liechtenstein (primary and secondary) include measures to better integrate immigrant children. A particular focus is placed on intense German language courses which are offered to all immigrant children to provide them with the essential language skills to follow the classes. These German courses comprise training in listening, speaking, reading and writing as well as language and cultural reflexions. Further integration measures include initiation classes, additional tuition, special promotion classes, “integration” as a subject in the general curricula of the schools, integration-focused training for teachers and a so called “time-out” school which helps pupils with different or multiple problems to overcome these and to catch up with the others. Against this background, Liechtenstein can accept this recommendation and considers it to be implemented.

Recommendation 17: Liechtenstein converts this recommendation into the following voluntary commitment: *“In fulfilling its treaty obligations, Liechtenstein will continue to pay particular*

attention to the situation of foreigners, taking into account the exceptionally high proportion of non-Liechtenstein nationals among the resident population and the workforce.”

Recommendation 18: To improve intercultural understanding, the Government grants financial support to NGOs endeavoring to expand intercultural understanding and trust by way of language promotion and events. The Liechtenstein Development Service (LED), which is financially supported by the Government, is also engaged on behalf of intercultural communication by organizing numerous events. The inclusion of “Cultural Reflection” as a learning area in the school curriculum has contributed to the mutual cultural understanding of Liechtenstein and foreign children. By getting to know different forms of linguistic expression, the pupils are confronted with their own culture as well. Liechtenstein converts this recommendation into the following voluntary commitment: *“Liechtenstein will continue to pay particular attention to the promotion of genuine respect for diversity and knowledge of different cultures and traditions.”*

Recommendation 19: Public funding is assigned to all religious denominations in 2009. In addition to the regular funding of the roman-catholic, evagelical, evagelical-Lutheran and orthodox churches and the Muslim communities there are also municipal contributions to the denominations such as the building and maintenance of infrastructure, burial grounds etc. Further state contributions include the financing of different religious education for children as well as supporting individual projects. Liechtenstein can accept this recommendation and considers it implemented through the continuation of the above-mentioned measures.

Recommendation 20: Liechtenstein converts this recommendation into the following voluntary commitment: *“In fulfilling its treaty obligations, Liechtenstein will continue to pay particular attention to the situation of foreigners, taking into account the exceptionally high proportion of non-Liechtenstein nationals among the resident population and the workforce.”*

Recommendation 21: Neither the International Covenant on Civil and Political Rights nor the European Convention on Human Rights and Fundamental Freedoms stipulate a right to vote for non-citizens. In addition, it has to be stressed that Liechtenstein’s municipalities enjoy a very strong position in economic and political terms. Participation in local elections can therefore not be compared with such elections in the European Union since they would also entail the right to participate in popular referenda. There are already many instances where non-Liechtenstein nationals play an active role in various advisory commissions at the local and the national level. Liechtenstein can therefore not support this recommendation.

Recommendation 22: Both issues were raised during the broad consultation procedure leading to the adoption of the new Naturalization Act. However, the large majority of participants in that consultation procedure did not favour any changes to the existing legal regime. Liechtenstein can therefore not support this recommendation.

Recommendation 23: Liechtenstein’s immigration policy is based on the principle of equal treatment in conjunction with the principle of reciprocity, and is determined by Liechtenstein’s obligations under bilateral and multilateral treaties. Such a policy is in conformity with the provisions of Article 1, Paragraph 2, of the International Convention on the Elimination of Racial Discrimination. Under such bilateral and multilateral treaties, nationals of the countries of the European Economic Area and Switzerland are given preferential treatment in comparison to nationals of other countries. Nationals of all other countries are treated equally in terms of the procedure for granting residence permits. The determining factor for decisions regarding the

entry of foreigners into the Liechtenstein labour market is the principle of qualifications. Against this background, Liechtenstein cannot support this recommendation.

Recommendation 24: The general rules in the Criminal Code apply to all forms of violence against adults and children, regardless of whether they occur within the home, private childcare, schools, medical institutions, detention facilities, workplace or sporting facilities. The general penal provisions addressing criminal acts against corporal integrity and life also apply to adults and children alike. However, there are a number of specific provisions addressing violence against children in particular (Articles 92, 93, 198 Criminal Code). The Liechtenstein Civil Code prohibits the use of violence and the infliction of corporal and mental harm in case of enforcement of orders (Article 146a ABGB). This provision applies not only to parents but also to foster families. Corporal punishment at school is also prohibited (Article 5 ABGB). In the new Children and Youth Act a specific provision on the rights of the child has been introduced (Article 3). It states, *inter alia*, that children and youth have the right to education free of violence, mentioning explicitly that any form of corporal punishment, emotional harm and other degrading measures are not tolerable. Liechtenstein can therefore support this recommendation and considers it to be implemented.

Recommendation 25: Liechtenstein can support this recommendation.

Recommendation 26: Pursuant to the information contained in Paragraph 75 of its national report, Liechtenstein converts this recommendation into the following voluntary commitment: *“Liechtenstein will pursue its actions in the area of official development aid with a view to meeting its relevant voluntary commitment as soon as possible.”*
