



General Assembly

Distr.
GENERAL

A/HRC/WG.6/3/LIE/2
24 September 2008

Original: ENGLISH

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

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

Liechtenstein

This report is a compilation of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents. It does not contain any opinions, views or suggestions on the part of the Office of the High Commissioner for Human Rights (OHCHR), other than those contained in public reports issued by OHCHR. It follows the structure of the general guidelines adopted by the Human Rights Council. Information included herein has been systematically referenced in endnotes. The periodicity of the review for the first cycle being four years, most documents are dated after 1 January 2004. In the absence of recent information, the latest available reports and documents have been taken into consideration, unless they are outdated. Since this report only compiles information contained in official United Nations documents, lack of information or focus on specific issues may be due to non-ratification of a treaty and/or to a low level of interaction or cooperation with international human rights mechanisms.

I. BACKGROUND AND FRAMEWORK

A. Scope of international obligations¹

| <i>Core universal human rights treaties²</i> | <i>Date of ratification, accession or succession</i> | <i>Declarations /reservations</i> | <i>Recognition of specific competences of treaty bodies</i> |
|---|--|--|---|
| ICERD | 1 March 2000 | None | Individual complaints (art. 14): Yes |
| ICESCR | 10 December 1998 | None | -- |
| ICCPR | 10 December 1998 | Yes (arts. 3, 14 -1, 17-1, 24 -3 and 26) | Inter-State complaints (art. 41): Yes |
| ICCPR-OP 1 | 10 December 1998 | None | -- |
| ICCPR-OP 2 | 10 December 1998 | None | -- |
| CEDAW | 22 December 1995 | Yes (arts. 1, and 9-2) | -- |
| OP-CEDAW | 24 October 2001 | None | Inquiry procedure (art. 8 and 9): Yes |
| CAT | 2 November 1990 | None | Inter-State complaints (art. 21): Yes Individual complaints (art. 22): Yes Inquiry procedure (art. 20): Yes |
| OP-CAT | 3 November 2006 | None | -- |
| CRC | 22 December 1995 | Yes (arts. 1, 7 and 10-1) | -- |
| OP-CRC-AC | 4 February 2005 | Yes (arts. 1, 2 and 3-2) | -- |

Core treaties to which Liechtenstein is not a party: OP-CRC-SC (signature only, 2000), ICRMW, CPD, CPD-OP and CED (signature only, 2007).

| <i>Other main relevant international instruments</i> | <i>Ratification, accession or succession</i> |
|--|---|
| Convention on the Prevention and Punishment of the Crime of Genocide | Yes |
| Rome Statute of the International Criminal Court | Yes |
| Palermo Protocol ³ | Yes |
| Refugees and stateless persons ⁴ | Yes, except 1954 Convention relating to the status of Stateless Persons and 1961 Convention on the Reduction of Statelessness |
| Geneva Conventions of 12 August 1949 and Additional Protocols thereto ⁵ | Yes |
| ILO fundamental conventions ⁶ | No |
| UNESCO Convention against Discrimination in Education | No |

1. The Committee on the Elimination of Discrimination against Women (CEDAW) was concerned about Liechtenstein's reservation to article 1 of the Convention with respect to hereditary succession, which denies women access to the throne. CEDAW encouraged Liechtenstein to discuss this reservation with the autonomous Princely House of Liechtenstein with a view to its withdrawal.⁷ The compatibility with ICCPR of laws governing the succession to the throne was also a matter of concern for the Human Rights Committee (HR Committee). While noting Liechtenstein's interpretative declaration concerning article 3 of the Covenant, the Committee recommended it to consider the compatibility of the exclusion of women from succession to the throne with articles 25 and 26 of the Covenant.⁸

2. The HR Committee welcomed the statement of the delegation of Liechtenstein in 2004 on the probable withdrawal of some reservations to the Covenant. It recommended that Liechtenstein continue to review the possibility of the withdrawal of all its reservations to the Covenant.⁹
3. In 2006, the Committee on the Rights of the Child (CRC) regretted that despite indications in 2001 of the intention to withdraw its reservation to article 7 of the Convention, Liechtenstein still had not done so. CRC further regretted that despite its previous recommendations, the reservation to article 10 (1) had not been withdrawn either. CRC recommended that Liechtenstein consider withdrawing its reservations to articles 7 and 10 (1) of the Convention in the near future.¹⁰
4. CEDAW and the Committee on Economic, Social and Cultural Rights (CESCR) encouraged Liechtenstein to consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.¹¹
5. CRC invited Liechtenstein to ratify OP-CRC-SC as soon as possible.¹²

B. Constitutional and legislative framework

6. While noting that the Convention on the Elimination of All Forms of Discrimination against Women is directly applicable, CEDAW was concerned that the Convention has not received sufficient visibility and is not regularly used as the legal basis for measures, including legislation, aimed at the elimination of discrimination against women and the promotion of gender equality. The provisions of the Convention have not been used in court proceedings. CEDAW called upon Liechtenstein to take proactive measures to enhance awareness of the Convention, in particular among women and men in the judiciary and the legal profession, political parties, parliament and Government officials at all levels, including law enforcement officials.¹³
7. CESCR also noted with concern in 2006 that there were no court decisions which contained references to, or confirm the direct applicability of, the provisions of the Covenant.¹⁴ CESCR requested Liechtenstein to ensure that the provisions of the Covenant are given effect by its domestic courts, that legal and judicial training take full account of all Covenant rights and that it promote the use of the Covenant as a source of domestic law.¹⁵
8. While noting the constitutional amendments approved in 2003, aimed at clarifying the conditions governing the power of the Princely House to derogate from obligations under the Covenant, the HR Committee was concerned that these provisions do not conform to the Covenant, including the lack of a requirement to proclaim a state of emergency. The Committee recommended that Liechtenstein bring the provisions governing the powers of derogation into conformity with all the requirements set out in article 4 of the Covenant.¹⁶

C. Institutional and human rights infrastructure

9. In 2006 CESCR noted with appreciation the establishment of the Office of Equal Opportunities and welcomed the Office's broad mandate to combat discrimination based on gender, religion, disability, national origin and sexual orientation.¹⁷ In 2007, the Committee on the Elimination of Racial Discrimination (CERD) also noted with appreciation the establishment, in 2005, of the Office and its accompanying Commission.¹⁸

10. In 2006, CESCR expressed its concern that the Office of Equal Opportunities, which replaced the Office of Gender Equality, might not have sufficient means to ensure that its work will continue to have a strong gender focus, in addition to its new responsibilities in the fields of integration of foreigners, disability, age, religion and sexual orientation.¹⁹ It recommended that Liechtenstein take adequate measures to ensure that the work of the Office will continue to have a strong gender focus.²⁰ In 2007, the Office was commended by CEDAW for the implementation of training and awareness-raising programmes on different aspects of gender equality.²¹

11. CERD noted that the Commission for Equal Opportunities does not fully meet the criteria required by the Paris Principles²² and regretted that Liechtenstein did not envisage establishing a national human rights institution in line with these principles.²³ CERD and CESCR recommended Liechtenstein to consider the establishment of an independent national human rights institution, in accordance with the Paris Principles.²⁴

12. In 2006, CRC was concerned that there was no mechanism that can independently monitor the implementation of the Convention and address violations of the rights of the child.²⁵ CRC reiterated its recommendation to establish an independent, child-friendly monitoring mechanism such as an ombudsman for children in accordance with the Paris Principles.²⁶ In 2007, CERD welcomed the statement of Liechtenstein indicating its plans to establish the Office of Children's Ombudsman.²⁷

13. CERD noted with appreciation the establishment, in 2004, of the Working Group on the Integration of Muslims and various measures undertaken by the Working Group.²⁸

14. The establishment, in 2007, of the Violence Protection Commission, aimed at developing a strategy against right-wing extremism, was also welcomed by CERD.²⁹

D. Policy measures

15. CERD and CRC welcomed the adoption by Liechtenstein of a National Action Plan against Racism in 2003.³⁰ CERD also welcomed the establishment of the Working Group for a National Action Plan against Racism (renamed the Working Group against Racism, Anti - Semitism and Xenophobia in 2005).³¹

16. In 2006, CESCR noted that Liechtenstein elaborated annual plans to give effect to the Platform for Action adopted at the World Conference on Women, held in Beijing in 1995.³² In 2007, CEDAW urged Liechtenstein, in its implementation of its obligations under the Convention, to fully utilize the Beijing Declaration and Platform of Action.³³

17. CESCR recommended that Liechtenstein adopt a national plan of action for the promotion and protection of all human rights, including economic, social and cultural rights.³⁴

II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

A. Cooperation with human rights mechanisms

1. Cooperation with treaty bodies

| <i>Treaty body³⁵</i> | <i>Latest report submitted /considered</i> | <i>Latest concluding observations</i> | <i>Follow-up response</i> | <i>Reporting status</i> |
|---------------------------------|--|---------------------------------------|---------------------------|---|
| CERD | 2005 | May 2007 | February 2008 | Combined fourth and fifth reports due in 2009 |
| CESCR | 2004 | June 2006 | -- | Combined second and third reports due in 2011 |
| HR Committee | 2003 | August 2004 | -- | Second report due in 2009 |
| CEDAW | 2006 | August 2007 | -- | Fourth report due in 2009 |
| CAT | 1998 | May 1999 | -- | Third to fifth reports overdue from 1999 to 2007 respectively |
| CRC | 2004 | March 2006 | -- | Combined third and fourth reports due in 2011 |
| OP-CRC- AC | -- | -- | -- | Initial report received in 2007 and tentatively scheduled for consideration in 2009 |

2. Cooperation with special procedures

| | |
|--|--|
| <i>Standing invitation issued</i> | Yes |
| <i>Latest visits or mission reports</i> | The Special Rapporteur on violence against women, its causes and consequences – visit on 7 April 1998 ³⁶ |
| <i>Visits agreed upon in principle</i> | None |
| <i>Visits requested and not yet agreed upon</i> | None |
| <i>Facilitation/cooperation during missions</i> | -- |
| <i>Follow-up to visits</i> | None |
| <i>Responses to letters of allegations and urgent appeals</i> | Between 1 July 2004 and 30 June 2008, one communication was sent to the Government of Liechtenstein. The Government of Liechtenstein did not reply to this communication. ³⁷ |
| <i>Responses to questionnaires on thematic issues³⁸</i> | Liechtenstein responded to 1 of the 12 questionnaires sent by special procedures mandate holders ³⁹ between 1 July 2004 and 31 June 2008, within the deadlines. ⁴⁰ |

3. Cooperation with the Office of the High Commissioner for Human Rights

19. Liechtenstein regularly makes voluntary contributions to support the work of the Office⁴¹ and contributes to the United Nations Fund for victims of Torture.⁴²

20. The High Commissioner for Human Rights visited Liechtenstein from 13 to 15 July 2006.

21. Liechtenstein and OHCHR organized jointly an informal brainstorming meeting on treaty body reform, which was held in Liechtenstein in July 2006. It was attended by the High Commissioner and representatives of regional groups, treaty bodies, institutions and bodies of the United Nations system, non-governmental organizations and national human rights institutions.⁴³

22. In November 2006, Liechtenstein hosted a Workshop on Human Rights and International Cooperation in Counter-Terrorism, which was jointly organized by OHCHR and the Organization for Security and Cooperation in Europe (OSCE). Key objectives of the workshop were to identify and discuss the international human rights obligations and commitments of OSCE participating States in the field of international cooperation in matters related to combating terrorism, and to assist States in ensuring that measures taken to counter terrorism comply with their obligations under international human rights law.⁴⁴

B. Implementation of international human rights obligations

1. Equality and non-discrimination

23. In 2006, CESCR welcomed the adoption in 1999 of a Gender Equality Act introducing a shift of the burden of proof to the employer in cases of gender-based discrimination.⁴⁵ In 2007, CEDAW commended Liechtenstein on the 2006 amendments to the Gender Equality Act aimed at the realization of equal treatment of men and women in the workplace.⁴⁶ CEDAW was concerned however that its recommendation that the Gender Equality Act not be limited to working life but extend to all spheres of life was not reflected in the finalization of the Act nor in its subsequent amendments. CEDAW was concerned that the limited scope of the Gender Equality Act may lead to diminished attention being paid to eliminating discrimination against women in all other fields covered by the Convention.⁴⁷

24. CEDAW remained concerned about the persistence of traditional attitudes and stereotypes regarding the roles and responsibilities of women and men in the family and in society. Such stereotypes constitute a significant impediment to the practical realization of the principle of equality of women and men.⁴⁸ CEDAW called upon Liechtenstein to put in place a comprehensive policy, targeted at men and women, boys and girls, to overcome traditional stereotypes regarding the roles of women and men in society and in the family.⁴⁹

25. While noting the numerous measures taken to address the problem of inequality between men and women, the HR Committee noted the persistence of a passive attitude in society towards the role of women in many areas, especially in public affairs. Liechtenstein should continue to take effective measures, including by legislative amendments, to address inequality between men and women. Liechtenstein was encouraged to take measures designed to enhance the participation of women in Government and decision-making processes, and to further promote equality of men and women in non-public areas.⁵⁰

26. Concern was expressed by CESCR in 2006, and by the HR Committee in 2004, about the persistence in Liechtenstein of xenophobia and intolerance against persons of different ethnic origin or religion, particularly against Muslims and persons of Turkish origin.⁵¹ CESCR called on Liechtenstein to intensify its efforts to promote ethnic and religious tolerance, e.g. by including this subject in school curricula and through training of teachers and public awareness campaigns, and to adopt a comprehensive strategy for the integration of persons of a different ethnic origin or religion.⁵² In January 2006, CRC had welcomed the inclusion in school curricula of activities on the prevention of exclusion, intolerance and racism.⁵³

27. CERD, in 2007, was concerned about the rise in xenophobic and right-wing tendencies among youths and that a core group of right-wing extremists were becoming increasingly networked with groups abroad.⁵⁴ CRC also remained concerned about the increase of cases of violence due to right-wing groups, including in schools.⁵⁵ Liechtenstein was encouraged by CERD to continue to monitor all tendencies which may give rise to racist and xenophobic behaviour. CERD recommended that the Government undertake a sociological study of the phenomenon of right-wing activities in order to acquire a more accurate picture of the problem and its root causes.⁵⁶ Noting with concern the absence of a penal provision prohibiting racist organizations, CERD also recommended that Liechtenstein adopt specific legislation in accordance with article 4 (b) of the Convention.⁵⁷ The HR Committee had also recommended in 2004 that Liechtenstein intensify its efforts to combat right-wing extremism and other expressions of xenophobia and religious intolerance.⁵⁸ In its follow-up response to CERD, Liechtenstein indicated that the national Commission on Violence Protection was requested to undertake a sociological research study on the root causes of extremism, in particular right-wing extremism. The results are expected by 2009. The Commission is also mandated to compile a catalogue of measures to prevent the further development and to counter current forms of right-wing extremism.⁵⁹

28. The differential treatment of religious denominations in the allocation of public funds was also a matter of concern for the HR Committee, which recommended that Liechtenstein review its policies and ensure that all religious denominations are assigned an equitable part of public funds.⁶⁰

29. CESCR noted with concern in 2006 that the equal protection clause in article 31 of the Constitution only applies to citizens, while the equal enjoyment of economic, social and cultural rights of "foreigners" is only indirectly protected by reference to international treaties.⁶¹ Liechtenstein should consider adopting legislative measures, with a view to extending the application of the constitutional equal protection clause to the human rights of foreigners, in particular their economic, social and cultural rights.⁶² The HR Committee, in 2004, also regretted that the principle of equality before the law for all individuals is only indirectly recognized in the Constitution, and recommended that Liechtenstein consider amending the Constitution in this respect.⁶³

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

30. Concern was expressed by CESCR about the persistence of domestic violence, especially against women.⁶⁴ Similar concern was expressed by the HR Committee, which also referred to child victims of domestic violence. The Committee recommended that Liechtenstein take all necessary measures to combat domestic violence, punish offenders and provide material and psychological relief to the victims.⁶⁵ CESCR urged Liechtenstein to strengthen its assistance to victims of domestic violence, marital rape and child abuse, as well as its information campaigns and training of law enforcement and medical personnel on the criminal nature of such acts.⁶⁶

31. CRC was concerned that all forms of corporal punishment are not specifically prohibited by law in all settings where it may occur. CRC urged Liechtenstein to prohibit expressly by law all forms of corporal punishment, in particular in the family and in private alternative care settings. It encouraged Liechtenstein to undertake awareness-raising campaigns and education programmes concerning non-violent forms of discipline and participatory forms of child-rearing and education, and to study the prevalence of corporal punishment of children in the family.⁶⁷

32. Liechtenstein should ensure that its law on self-defence and the provisions governing the use of force and firearms by law enforcement officials fully comply with the requirement of proportionality as reflected in the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, as recommended by the HR Committee.⁶⁸

3. Administration of justice and the rule of law

33. Shortcomings in the protection of the rights of arrested persons and persons in pre-trial detention were a matter of concern for the HR Committee, which regretted that the Criminal Procedure Code does not require that persons in detention be informed of their rights to remain silent. The Committee was also concerned about the scope of the right of an arrested or detained person to be brought promptly before a judge and to have access to legal assistance. Finally, it expressed concern about the justification of the rule allowing extensions of time for “imprisonment with restrictions”. Liechtenstein should bring its domestic legislation into conformity with articles 9, paragraph 3, and 14, paragraph (3) (d), of the Covenant in relation to these concerns.⁶⁹

34. While noting that the 2003 constitutional amendments sought to clarify the system of the appointment and tenure of judges, the HR Committee was concerned about some elements of the new mechanism which might not be compatible with the principle of the independence of the judiciary. Liechtenstein should consider amending the mechanism for the appointment of judges to secure tenure, so as to guarantee fully the principle of the independence of the judiciary. The elements to be reviewed should include: the criteria for the appointment of members to the selecting body, the casting vote of the Princely House and the limited nature of tenure.⁷⁰

35. CRC welcomed the introduction of a programme aiming at avoiding the penal procedure for a number of minor offences and establishing an educational intervention as an alternative measure and noted the positive evaluation of this method. CRC encouraged Liechtenstein to go further with the programme, promoting the use of extra judiciary means as often as possible, as provided for in article 40 (3) (b) of the Convention and in the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules).⁷¹

36. CRC recommended that Liechtenstein set by law a clear maximum length for pre-trial detention of persons under 18. This should be less than that allowed for adults bearing in mind that detention should be used only as a last resort, for the shortest appropriate time and in appropriate conditions.⁷²

4. Right to privacy, marriage and family life

37. Concerned that the father of a child born out of wedlock has no standing to claim custody and that custody is automatically given to the mother, CRC recommended that Liechtenstein amend its legislation to provide fathers the opportunity to request custody of their children born out of wedlock, where possible as a joint custody with the mother.⁷³

5. Right to participate in public and political life

38. In 2007, CEDAW was concerned about the continued underrepresentation of women in elected and appointed bodies, despite the resolution adopted by the Government in 1997 that no gender should be represented by more than two thirds in appointed bodies. Women remain underrepresented in senior positions within the public administration, as well as the private sector, thus limiting women's participation in decision-making processes in all areas. The Committee encouraged Liechtenstein to intensify its efforts to strengthen women's representation in leadership roles and in decision-making positions in political bodies, including Parliament, municipal councils, commissions and advisory councils, in public administration, including the diplomatic service, and in the private sector.⁷⁴

39. CEDAW recommended that Liechtenstein take measures, in particular temporary special measures in accordance with article 4, paragraph 1, of the Convention and its general recommendation 25 on temporary special measures and general recommendation 23 on women in public life, so as to accelerate the achievement of women's full and equal participation at all levels and in all areas. Liechtenstein should monitor the impact of measures taken and results achieved over time.⁷⁵

40. A 2008 United Nations Statistics Division source indicated an increase in the proportion of seats in Parliament held by women from 12.0 per cent in 2004 to 24.0 per cent in 2007.⁷⁶

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

41. CEDAW was concerned that women are over-represented among part-time workers and among the unemployed, which may have long-term effects on their economic situation throughout their life cycle,⁷⁷ while CESCR expressed concern about their reported overrepresentation in low-paid employment.⁷⁸ The persistent vertical and horizontal occupational segregation, the wage gap and the fact that a significant number of women leave the workforce after childbirth, were also a matter of concern to CEDAW, as was the reluctance of the private sector to implement measures to improve women's employment status.⁷⁹ It urged Liechtenstein to intensify its efforts to ensure equal opportunities for women and men in the labour market, in both the public and private sectors. Liechtenstein should take proactive measures to eliminate occupational segregation, such as the provision of enhanced educational and training opportunities for women, and continue to expand measures to facilitate women's re-entry into the workforce after childbirth.⁸⁰ CESCR urged Liechtenstein to intensify its efforts in the field of qualification programmes for women working in low-paid employment and unemployed women.⁸¹

42. CEDAW recommended that Liechtenstein enforce and monitor the application of existing measures on equal pay for equal work and work of equal value, flexible work arrangements and part-time work in the public and private sectors.⁸² CESCR also urged Liechtenstein to enforce the principle of equal remuneration for work of equal value.⁸³ Liechtenstein should also, as recommended by CEDAW, develop measures to counteract any possible adverse consequences of part-time work for women, especially in regard to their pension and retirement benefits. CEDAW further urged Liechtenstein to ensure that measures to facilitate the reconciliation of family and work responsibilities be targeted at both women and men and to work towards greater involvement of men in domestic and care responsibilities. Liechtenstein should also adopt measures that encourage fathers to make greater use of parental leave and consider creating financial incentives towards that end.⁸⁴

43. CESCR noted with concern that the prohibition of discrimination on the basis of race, colour, descent, nationality or ethnic origin in article 46 (a) of the Employment Contracts Act only applies to the termination of a contractual employment, without covering the areas of recruitment, remuneration and promotion.⁸⁵ Liechtenstein should consider amending the Employment Contracts Act, with a view to ensuring that the prohibition of racial and ethnic discrimination applies to all aspects of employment, including recruitment and promotion.⁸⁶

44. CESCR was concerned about the absence of a legal minimum wage and about the recent withdrawal of numerous enterprises from the Chamber of Trade and Commerce, resulting in their non participation in the collective negotiation of wages.⁸⁷ CESCR recommended that Liechtenstein consider introducing a legal minimum wage or ensure that wages negotiated in collective agreements are applicable to all employers and employees of an economic sector or a profession, irrespective of membership in the Chamber of Trade and Commerce, and that it secure workers and employees a decent living for themselves and their families, in accordance with the Covenant.⁸⁸

45. The right to strike is not explicitly recognized in the Constitution and labour legislation, as noted by CESCR.⁸⁹ CESCR recommended that Liechtenstein explicitly recognize the right to strike in its domestic legislation and define the permissible limitations on that right. It encouraged Liechtenstein to proceed with its initiative to repeal the prohibition of the right to strike for civil servants in the Civil Servants Act.⁹⁰

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

46. In 2005, the Special Rapporteur on the right of everyone to the highest attainable standard of physical and mental health sent a letter to member States of the European Free Trade Association, including Liechtenstein, in relation to Thai-EFTA trade negotiations. Concern was expressed that other bilateral free trade agreements had omitted important public health safeguards and that this could threaten the enjoyment of the right to health. The Special Rapporteur emphasized, at the outset of negotiations between the parties, the importance of ensuring that any future trade agreement would safeguard respect for the right to health and access to essential medicines. Liechtenstein did not reply to this letter.⁹¹

47. CRC was concerned that due to the size of Liechtenstein, a number of children with special needs, for example with respect to education, health, alternative care and juvenile justice, are sent abroad and fall out of the jurisdiction and protection of Liechtenstein. The Committee underlined that children sent to institutions and who receive special care abroad remain under the responsibility of Liechtenstein, which should take all necessary measures to ensure appropriate monitoring and protection of the rights of these children.⁹²

48. Concern was expressed by CESCR and CRC at the high number of adolescents who consume alcohol and drugs.⁹³ CESCR requested Liechtenstein to continue its education campaigns, in particular for minors, on the risks of tobacco, alcohol and drug consumption and to ensure that adequate counselling services are available to all affected persons.⁹⁴ CRC recommended that Liechtenstein, taking into account its general comment No. 4 of 2003 on Adolescent health and development in the context of the Convention on the Rights of the Child, inter alia, ensure that children using drugs and narcotics are treated as victims and are provided with the necessary recovery and reintegration services.⁹⁵

49. CRC remained concerned about the little attention given to early pregnancies and recommended that Liechtenstein strengthen measures to provide adolescents with access to sexual and reproductive information, including on family planning and contraceptives.⁹⁶

50. CEDAW recommended that Liechtenstein consider reviewing the laws relating to abortion with a view to removing punitive provisions for women who undergo abortion, in line with its general recommendation 24 on women and health and the Beijing Declaration and Platform for Action.⁹⁷

51. CESCR was concerned about reports that persons of different ethnic origin, especially asylum-seekers and women of immigrant origin, encounter difficulties in renting accommodation.⁹⁸

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

52. CESCR noted with concern that immigrant children tend to perform poorly in school in comparison to children of Liechtenstein origin, that they are likely to attend the lower-level secondary school and that they are underrepresented in tertiary education.⁹⁹ CESCR encouraged Liechtenstein to continue reducing linguistic barriers through intensive German-language training for immigrant children, to offer appropriate catch-up classes, and to increase family awareness about the importance of education for future professional careers. It also encouraged Liechtenstein to raise the age at which pupils are assigned to one of the three different levels of secondary school from the current 11 years to a later age, with a view to ensuring that children have reached a sufficient stage of development when that decision is taken.¹⁰⁰

9. Migrants, refugees and asylum-seekers

53. CERD noted with concern that pursuant to the Act on Facilitated Naturalization (2000), citizenship is granted on the basis of 30 years of permanent residence, which is excessively lengthy in the Committee's view. CERD was also concerned that the fast-track procedure, which requires five years of permanent residence and a favourable outcome of popular vote in the local municipality in which the applicant is resident, may be discriminatory due to the absence of objective criteria against which such decisions are made. CERD recommended that Liechtenstein consider amending the Act on Facilitated Naturalization with a view to reducing the required period of residence in the naturalization procedure, and ensure that particular groups of non-citizens are not discriminated against with regard to access to citizenship. CERD also urged Liechtenstein to take the necessary measures to ensure that outcomes of municipal popular votes in relation to the naturalization applications of non-citizens are subject to legal review and that the right to appeal against decisions is guaranteed.¹⁰¹ In its follow-up response, Liechtenstein indicated that it has elaborated a draft bill on the revision of the Act on Facilitated Naturalization (2000), which has been submitted to a broad-based consultation procedure among interested groups and institutions. In this consultation procedure the content of the CERD recommendation was raised by several participants. Based on the results of the consultation procedure, the Government intends to submit the bill to Parliament in the course of 2008.¹⁰²

54. CERD noted with concern that pursuant to the Ordinance on the Movement of Persons, the right to family reunification is dependent on the financial capacity of the applicant, which amounts to indirect discrimination against minority groups who tend to suffer from socio-economic marginalization, and in particular, women belonging to minority groups. CERD recommended that Liechtenstein review its legislation to ensure that the right to family reunification is guaranteed to every person without discrimination based on national or ethnic

origin. The Committee also urged Liechtenstein to assess the extent to which the financial conditions for spousal reunification may amount to indirect discrimination against minority groups who tend to suffer from socio-economic marginalization.¹⁰³

III. ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS

55. In 2004, the HR Committee noted that the law and practice of Liechtenstein appear to be largely in compliance with its obligations under the Covenant. It also welcomed Liechtenstein's commitment not to extradite an individual to a State where he or she might face a capital sentence.¹⁰⁴

56. CEDAW welcomed the contributions of Liechtenstein to women's projects and to the promotion of women's human rights in the context of its development cooperation programmes.¹⁰⁵

57. CERD noted with satisfaction the adoption, in November 2004, of the revised Ordinance on the Movement of Persons, in which the integration of foreigners was legally enshrined as a State objective, and the establishment, in November 2006, of the Task Force on Integration within the Office of Equal Opportunity.¹⁰⁶

58. CERD noted with satisfaction the establishment, in 2001, of the Independent Commission of Historians, to study the role of Liechtenstein in the Second World War, and welcomed the publication, in 2005, of its final report and the conclusions.¹⁰⁷

IV. KEY NATIONAL PRIORITIES, INITIATIVES AND COMMITMENTS

Specific recommendations for follow-up

59. In 2007, CERD requested Liechtenstein to provide, within one year, information on the way it has followed up on its recommendations related to the naturalization procedure and access to citizenship; and the monitoring of racist and xenophobic behaviour.¹⁰⁸ The follow-up response was received in February 2008.¹⁰⁹

V. CAPACITY-BUILDING AND TECHNICAL ASSISTANCE

N/A.

Notes

¹ Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in *Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 2006* (ST/LEG/SER.E.25), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://untreaty.un.org/>.

² The following abbreviations have been used for this document:

| | |
|------------|---|
| ICERD | International Convention on the Elimination of All Forms of Racial Discrimination |
| ICESCR | International Covenant on Economic, Social and Cultural Rights |
| ICCPR | International Covenant on Civil and Political Rights |
| ICCPR-OP 1 | Optional Protocol to ICCPR |
| ICCPR-OP 2 | Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty |
| CEDAW | Convention on the Elimination of All Forms of Discrimination against Women |
| OP-CEDAW | Optional Protocol to CEDAW |

| | |
|-----------|---|
| CAT | Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment |
| OP-CAT | Optional Protocol to CAT |
| CRC | Convention on the Rights of the Child |
| OP-CRC-AC | Optional Protocol to CRC on the involvement of children in armed conflict |
| OP-CRC-SC | Optional Protocol to CRC on the sale of children, child prostitution and child pornography |
| ICRMW | International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families |
| CPD | Convention on the Protection of Persons with Disabilities |
| OP-CPD | Optional Protocol to Convention on the Protection of Persons with Disabilities |
| CED | Convention on the Protection of Persons from Enforced Disappearance |

³ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

⁴ 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.

⁵ Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Convention relative to the Treatment of Prisoners of War (Third Convention); Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html.

⁶ International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No.105 concerning the Abolition of Forced Labour, Convention No. 87 concerning Freedom of Association and Protection of the Right to Organize; Convention No. 98 concerning the Application of the Principles of the Right to Organize and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

⁷ CEDAW/C/LIE/CO/3, paras 11 and 12.

⁸ CCPR/CO/81/LIE, para. 7.

⁹ Ibid., para. 5.

¹⁰ CRC/C/LIE/CO/2, paras. 4 and 5.

¹¹ CEDAW/C/LIE/CO/3, para. 30 and E/C.12/LIE/CO/1, para. 23.

¹² CRC/C/LIE/CO/2, para. 37.

¹³ CEDAW/C/LIE/CO/3, paras. 9 and 10.

¹⁴ E/C.12/LIE/CO/1, para. 9.

¹⁵ E/C.12/LIE/CO/1, para. 22.

¹⁶ CCPR/CO/81/LIE, para. 6.

¹⁷ E/C.12/LIE/CO/1, para. 6.

¹⁸ CERD/C/LIE/CO/3, para. 5.

¹⁹ Ibid.1, para. 12.

²⁰ Ibid., para. 27.

²¹ CEDAW/C/LIE/CO/3, para. 6.

²² General Assembly resolution 48/134, Principles relating to the status of national institutions for the promotion and protection of human rights.

²³ CERD/C/LIE/CO/3, para. 16.

²⁴ CERD/C/LIE/CO/3, para. 16 and E/C.12/LIE/CO/1, para. 21.

²⁵ CRC/C/LIE/CO/2, para. 10.

²⁶ Ibid., para. 11.

²⁷ CERD/C/LIE/CO/3, para. 6.

²⁸ Ibid., para. 8.

²⁹ Ibid., para. 10.

³⁰ CERD/C/LIE/CO/3, para. 3 and CRC/C/LIE/CO/2, para. 16.

³¹ CERD/C/LIE/CO/3, para. 4.

³² E/C.12/LIE/CO/1, para. 5.

³³ CEDAW/C/LIE/CO/3, para. 28.

³⁴ E/C.12/LIE/CO/1, para. 21.

³⁵ The following abbreviations have been used for this document:

| | |
|--------------|--|
| CERD | Committee on the Elimination of Racial Discrimination |
| CESCR | Committee on Economic, Social and Cultural Rights |
| HR Committee | Human Rights Committee |
| CEDAW | Committee on the Elimination of Discrimination against Women |
| CAT | Committee against Torture |
| CRC | Committee on the Rights of the Child |

³⁶ E/CN.4/1999/68.

³⁷ Special Rapporteur on the right of everyone to the highest attainable standard of physical and mental health, E/CN.4/2006/48/Add.1, para. 24.

³⁸ The questionnaires included in this section are those which have been reflected in an official report by a special procedure mandate holder.

³⁹ See (a) report of the Special Rapporteur on the right to education (A/HRC/4/29), questionnaire on the right to education of persons with disabilities; (b) report of the Special Rapporteur on the human rights of migrants (A/HRC/4/24), questionnaire on the impact of certain laws and administrative measures on migrants; (c) report of the Special Rapporteur on trafficking in persons, especially women and children (A/HRC/4/23), questionnaire on issues related to forced marriages and trafficking in persons ; (d) report of the Special Representative of the Secretary-General on human rights defenders (E/CN.4/2006/95 and Add.5), questionnaire on the implementation of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms; (e) report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (A/HRC/6/15), questionnaire on the human rights of indigenous people; (f) report of the Special Rapporteur on trafficking in persons, especially in women and children (E/CN.4/2006/62) and the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2006/67), joint questionnaire on the relationship between trafficking and the demand for commercial sexual exploitation; (g) report of the Special Rapporteur on the right to education (E/CN.4/2006/45), questionnaire on the right to education for girls; (h) report of the Working Group on mercenaries (A/61/341), questionnaire concerning its mandate and activities; (i) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/4/31), questionnaire on the sale of children's organs; (j) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2005/78), questionnaire on child pornography on the Internet; (k) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2004/9), questionnaire on the prevention of child sexual exploitation; (l) report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises (A/HRC/4/35/Add.3), questionnaire on human rights policies and management practices.

⁴⁰ Special Rapporteur on trafficking in persons, especially women and children (A/HRC/4/23), questionnaire on issues related to forced marriages and trafficking in persons sent in 2006, para. 14.

⁴¹ Office of the United Nations High Commissioner for Human Rights (OHCHR) 2007 report on activities and results, page 166.

⁴² A/62/189, page 5.

⁴³ A/HRC/4/81, para. 11

⁴⁴ A/HRC/4/88, paras. 5 and 6.

⁴⁵ E/C.12/LIE/CO/1, para. 7.

⁴⁶ CEDAW/C/LIE/CO/3, para. 6.

⁴⁷ *Ibid.*, para. 13.

⁴⁸ *Ibid.*, para. 21.

⁴⁹ *Ibid.*, para. 22.

⁵⁰ CCPR/CO/81/LIE, para. 7.

⁵¹ E/C.12/LIE/CO/1, para. 10 and CCPR/CO/81/LIE, para. 9.

⁵² E/C.12/LIE/CO/1, para. 24.

⁵³ CRC/C/LIE/CO/2, para. 16

⁵⁴ CERD/C/LIE/CO/3, para. 18.

⁵⁵ CRC/C/LIE/CO/2, para. 20.

⁵⁶ CERD/C/LIE/CO/3, para. 18.

⁵⁷ *Ibid.*, para. 19.

⁵⁸ CCPR/CO/81/LIE, para. 9.

⁵⁹ CERD/C/LIE/CO/3/Add.1, paras. 3 and 4.

-
- ⁶⁰ CCPR/CO/81/LIE, para. 13.
- ⁶¹ E/C.12/LIE/CO/1, para. 11.
- ⁶² Ibid., para. 25.
- ⁶³ CCPR/CO/81/LIE, para. 9.
- ⁶⁴ E/C.12/LIE/CO/1, para. 17.
- ⁶⁵ CCPR/CO/81/LIE, para. 8.
- ⁶⁶ E/C.12/LIE/CO/1, para. 33.
- ⁶⁷ CRC/C/LIE/CO/2, paras. 22 and 23.
- ⁶⁸ CCPR/CO/81/LIE, para. 10.
- ⁶⁹ Ibid., para. 11.
- ⁷⁰ Ibid., para. 12.
- ⁷¹ CRC/C/LIE/CO/2, paras. 32 and 33.
- ⁷² Ibid., para. 35.
- ⁷³ Ibid., paras. 18 and 19.
- ⁷⁴ CEDAW/C/LIE/CO/3, paras. 17 and 18.
- ⁷⁵ Ibid., para. 18.
- ⁷⁶ United Nations Statistics Division coordinated data and analyses, see <http://mdgs.un.org/unsd/mdg/Data.aspx>
- ⁷⁷ CEDAW/C/LIE/CO/3, para. 15.
- ⁷⁸ E/C.12/LIE/CO/1, para. 13.
- ⁷⁹ CEDAW/C/LIE/CO/3, para. 15.
- ⁸⁰ Ibid., para. 16.
- ⁸¹ E/C.12/LIE/CO/1, para. 28.
- ⁸² CEDAW/C/LIE/CO/3, para. 16.
- ⁸³ E/C.12/LIE/CO/1, para. 28.
- ⁸⁴ CEDAW/C/LIE/CO/3, para. 16.
- ⁸⁵ E/C.12/LIE/CO/1, para. 14.
- ⁸⁶ Ibid., para. 29.
- ⁸⁷ Ibid., para. 15.
- ⁸⁸ Ibid., para. 30.
- ⁸⁹ Ibid., para. 16.
- ⁹⁰ Ibid., para. 31.
- ⁹¹ E/CN.4/2006/48/Add.1, para. 24.
- ⁹² CRC/C/LIE/CO/2, paras. 14 and 15.
- ⁹³ E/C.12/LIE/CO/1, para. 19 and CRC/C/LIE/CO/2, para. 24.
- ⁹⁴ E/C.12/LIE/CO/1, para. 35.
- ⁹⁵ CRC/C/LIE/CO/2, para. 25.
- ⁹⁶ Ibid., paras. 24 and 25.
- ⁹⁷ CEDAW/C/LIE/CO/3, para. 26.
- ⁹⁸ E/C.12/LIE/CO/1, para. 18.
- ⁹⁹ Ibid., para. 20.
- ¹⁰⁰ Ibid., para. 36.
- ¹⁰¹ CERD/C/LIE/CO/3, para. 17.
- ¹⁰² CERD/C/LIE/CO/3/Add.1, para. 2.
- ¹⁰³ CERD/C/LIE/CO/3, para. 20.
- ¹⁰⁴ CCPR/CO/81/LIE, paras. 3 and 4.
- ¹⁰⁵ CEDAW/C/LIE/CO/3, para. 7.
- ¹⁰⁶ CERD/C/LIE/CO/3, para. 7.
- ¹⁰⁷ Ibid., para. 9.
- ¹⁰⁸ Ibid., para. 25.
- ¹⁰⁹ CERD/C/LIE/CO/3/Add.1.
-