



General Assembly

Distr.: General
31 October 2017

Original: English

Human Rights Council
Working Group on the Universal Periodic Review
Twenty-ninth session
15-26 January 2018

Summary of Stakeholders' submissions on Liechtenstein*

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a summary of 2 stakeholders' submissions¹ to the universal periodic review, presented in a summarized manner owing to word-limit constraints.

II. Information provided by stakeholders

A. Scope of international obligations² and cooperation with international human rights mechanisms and bodies³

2. The Council of Europe (CoE) noted that Liechtenstein signed the Council of Europe Convention on preventing and Combating violence against women and domestic violence (Istanbul Convention, CETS No. 210) on 10 November 2016.⁴ The European Committee of Social Rights (CoE-ECSR) reported that Liechtenstein has not yet signed nor ratified the Revised European Social Charter.⁵

B. National human rights framework⁶

3. The European Commission against Racism and Intolerance (CoE-ECRI) recommended that the Liechtenstein authorities clearly specify the respective responsibilities of the new Office for Social Affairs and of the Ombudsman's Office and that, in particular, they designate the latter as the national specialised body for combating racism and racial discrimination.⁷ It encouraged the authorities to bring their reform plans to fruition as soon as possible, because CoE-ECRI considered that this recommendation has not been implemented.⁸

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



4. The Advisory Committee on the Framework Convention for the Protection of National Minorities of CoE (CoE-ACFC) encouraged the authorities to pursue the ongoing institutional reforms and establish, without undue delay, an independent body that is comprehensively mandated with the investigation of and appropriate follow-up to all cases of discrimination through binding and enforceable decisions. It recommended amending the current legislative framework to provide comprehensive protection from all forms of discrimination and pursuing the establishment of an independent body responsible for the effective investigation of and follow-up to all cases of discrimination.⁹

5. The Office for Democratic Institutions and Human Rights of the Organisation for Security and Co-operation in Europe (OSCE/ODIHR) stated that the annual 2015 figures included 4 hate crime incidents recorded by police.¹⁰ CoE-ACFC stated that there have been no amendments to the anti-discrimination legislation. The Equal Opportunities Office continued to be under-resourced and the implementation of the National Action Plan against Racism is incomplete.¹¹

6. OSCE/ODIHR stated that Liechtenstein's Criminal Code contains a general penalty enhancement provision.¹²

7. The Group of States against Corruption (CoE-GRECO) recommended establishing a mechanism for the independent supervision of the financing of political parties and election campaigns, which would have the necessary authority and resources to ensure proper supervision, and that political parties and other election campaign participants as appropriate, be required to present periodically – and at least annually in the case of political parties – financial statements comprising adequate information for enabling proper supervision and the improved supervisory arrangements include the periodic publication of results and findings concerning individual party compliance.¹³

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Cross-cutting issues

*Equality and non-discrimination*¹⁴

8. CoE-ACFC noted that the scarcity of complaints related to racial discrimination brought forward to the authorities does not necessarily reflect the absence of any discrimination, but may also point to a limited awareness among the public of available legal remedies, or the inapplicability of the legal framework to the actual context. CoE-ACFC considered that given the high number of foreigners residing in Liechtenstein and the particular focus placed on language abilities in the country's integration strategy, the legislative framework should be amended to comprehensively prohibit discrimination on grounds of colour, ethnic origin, citizenship, religion or language, in the public and private sectors, and in all areas, in line with ECRI's General Policy Recommendation No. 7.¹⁵

9. CoE-ACFC strongly encouraged the authorities to amend the current legislative framework relating to hate crime and racial discrimination in order to provide comprehensive protection from all forms of discrimination in line with ECRI standards.¹⁶

10. CoE-ECRI concluded that the General Policy Recommendation No. 7, has not been implemented, which recommended the authorities to abrogate provisions of the Law on Foreigners particularly Article 49 providing that a permanent residence permit can be withdrawn, inter alia, if the non-national or his/her dependant is permanently and to a high degree dependent on social welfare, the obligation of the Welfare and Article 69(2) (e) providing for the obligation of the Welfare Office to inform the Foreigners and Passports Office of any person receiving more than 75 000 Swiss francs in social benefits and Article 27 (3) and (4), providing that receipt of social benefits is an obstacle to securing a permanent residence permit.¹⁷

11. CoE-ECRI was concerned by concluding that Liechtenstein authorities, has not implemented the recommendation they received, to ensure that issues relating to the

integration of non-nationals are addressed by the social agencies, with a clear allocation of responsibility.¹⁸

12. CoE-ACFC reported that the authorities have continued to pay attention to the integration of non-nationals and the promotion of tolerance and inter-cultural dialogue. A comprehensive government concept on integration was adopted in December 2010 based on the principle “Liechtenstein – Strength through Diversity”.¹⁹ In addition, CoE-ACFC recommended pursuing an open and comprehensive approach towards integration, including the promotion of equal opportunities in schools, such as through increased mother-tongue learning, and strengthening measures aimed at the promotion of tolerance and inter-cultural respect among the majority population.²⁰

2. Civil and political rights

*Right to life, liberty and security of the person*²¹

13. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CoE-CPT) reported that a custody register no longer existed at the National Police Headquarters in Vaduz and such a register is essential in order to document the most relevant facts of a person’s detention, in particular as regards the implementation in practice of the fundamental safeguards against ill-treatment.²² CoE-CPT recommended that a custody register (electronically or on paper) be immediately re-established.²³ It noted that no allegations of ill-treatment of detained persons by staff in any of the establishments visited.²⁴

14. CoE-CPT recommended that the Liechtenstein authorities amend the relevant legislation, in order to ensure that all prisoners (including those on remand) are as a rule entitled to have regular and frequent access to the telephone.²⁵

15. CoE-CPT was concerned that juveniles may still be subjected to police questioning and requested to sign statements without the benefit of the presence of either a lawyer or a trusted person, and the Code of Criminal Procedure still provides for the possibility of supervising conversations between a detained person and his/her lawyer and of denying the presence of a lawyer during police questioning.²⁶ CoE-CPT stressed and recommended that if, exceptionally, access of a detained person to the lawyer of his/her own choice is delayed or denied, access to another, independent, lawyer who can be trusted not to jeopardise the legitimate interests of the investigation should be arranged and a fully-fledged and properly funded system of legal aid for indigent persons at the stage of police custody be developed.²⁷

16. CoE-CPT stated that according to the Code on the Execution of Sentences, inmates – including juveniles – may be held in solitary confinement for disciplinary reasons for up to four weeks. CoE-CPT expressed its view that solitary confinement should not be imposed for more than 14 days (and preferably less) on adults and not at all on juveniles.²⁸ CoE-CPT recommended that the Liechtenstein authorities take steps to ensure that the disciplinary sanction of solitary confinement does not lead to a total prohibition of family contacts and that any restrictions on family contacts as a form of disciplinary punishment are applied only when the offence relates to such contacts.²⁹

17. CoE-CPT recommended that the Liechtenstein authorities take the necessary steps to ensure that important legal safeguards (in particular, the rights to be heard in person by a judge and to request a judicial review of the placement decision, as well as the provision of an independent psychiatric expert opinion in the context of a placement procedure) are formally guaranteed to all persons who are subjected to an involuntary placement order by a Liechtenstein court and transferred to a psychiatric/social welfare establishment outside Liechtenstein.³⁰

18. CoE-CPT reported that residents at St Laurentius Nursing Home could be de facto deprived of their liberty without being offered any safeguards.³¹ CoE-CPT recommended that in such cases an involuntary placement procedure under the Social Welfare Act or a court procedure for appointing a guardian be initiated.³²

19. CoE-CPT stated that the residents at St Laurentius Nursing Home were not always seen by a doctor when such measures were applied to them.³³ CoE-CPT recommended that whenever movement-restricting measures are applied without the valid consent of the resident concerned, they always be ordered or approved by a doctor after an individual assessment of the resident and a central register on movement-restricting measures be established at St Laurentius Nursing Home and, where appropriate, in other social care institutions.³⁴

Administration of justice, including impunity, and the rule of law

20. CoE-GRECO recommended that the legislation be supplemented by effective, proportionate and dissuasive sanctions for various breaches of the regulations on the financing of political parties and – as the case may be – of elections campaigns and the supervisory authority be clearly allowed to forward to the prosecutorial body those cases for which there is a suspicion of a criminal offence for such purposes.³⁵

Fundamental freedoms and the right to participate in public and political life³⁶

21. The report from the Needs Assessment Mission (NAM) of OSCE/ODIHR noted the confidence of all its interlocutors in the integrity of the electoral process and the professionalism and impartiality of the election administration. No significant concerns were expressed with regard to the respect for fundamental freedoms, transparency of the electoral process, candidate registration, and elections day proceedings. In addition, the authorities of Liechtenstein have given consideration to the findings of the previous OSCE/ODIHR NAM report and introduced measures aimed at addressing some of the concerns raised before, such as voting rights. However, some aspects of the electoral process, in particular political party and campaign finance, could still benefit from review. Based on this assessment ODIHR did not recommend deploying any election-related activity for the 5 February 2017 parliamentary elections.³⁷

22. CoE-GRECO recommended ensuring political parties in Liechtenstein take an appropriate status and legal form, which takes into account the specificities of political parties and entails the necessary legal capacity.³⁸

23. CoE-GRECO recommended to introduce adequate accounting rules and forms which would clearly apply to the financing of all political parties and of election campaigns, which would take into account the various sources of income, expense, assets, debts and liabilities and accounts be properly consolidated with the inclusion of all entities which are related directly or indirectly to a political party or are otherwise under its control.³⁹

24. CoE-GRECO recommended that Liechtenstein seeks ways to increase the transparency of contributions by third parties in the financing of political parties and election campaigns.⁴⁰

25. CoE-GRECO recommended that political parties – and other campaign participants as the case maybe be - required by law, to record all forms of funding and private support with information on their nature and value, including for goods and services provided free of charge or at preferential value, as well as in respect of loans, and to introduce a general ban on donations from persons or bodies that fail to reveal their identity to the political party or candidate concerned and that the legal situation regarding funding from parliamentary groups and private support to these groups be clarified and that the financial flows concerned be properly accounted for in that context.⁴¹

26. CoE-GRECO recommended that measures be taken to ensure the effective, regular and timely publication of adequate financial statements concerning political parties and – as appropriate – other election campaign participants and that individual donations above a certain minimum level, together with the identity of donors, be disclosed in that context.⁴²

*Prohibition of all forms of slavery*⁴³

27. CoE noted that the process of evaluation for the first round of the Council of Europe Convention on Action against Trafficking in Human Beings will begin no later than 1 May 2018 as it entered into force in respect of Liechtenstein on 1 May 2016.⁴⁴

3. Economic, social and cultural rights*Right to health*⁴⁵

28. CoE-CPT noted that newly-arrived inmates still did not benefit from medical screening upon their admission.⁴⁶ Therefore, CoE-CPT called upon the Liechtenstein authorities to ensure that all persons admitted to the State Prison are examined by a doctor, or by a qualified nurse reporting to a doctor, within 24 hours of their admission.⁴⁷

4. Rights of specific persons or groups*Minorities*⁴⁸

29. European Charter for Regional or Minority Languages (CoE-ECRML) commended the Liechtenstein authorities for the commitment and European solidarity they have demonstrated by ratifying the Charter and expresses its appreciation of the valuable contribution it has made to the protection and promotion of regional or minority languages in Europe.⁴⁹

*Migrants, refugees, asylum seekers and internally displaced persons*⁵⁰

30. CoE-ACFC noted that the apparent absence of a broader policy to promote multilingualism in society, including as regards the languages of migrant communities. It also noted that while the authorities paid considerable attention to the issue of education as a tool for integration, children of migrant communities continue to be disproportionately represented in lower -level schools, which has a direct negative effect on their later achievement in the labour market. It considered that particular attention must be paid to ensuring that the effective equality of children with diverse language backgrounds in schools is enhanced through specific and targeted measures.⁵¹

31. CoE-ACFC indicated that that the promotion of German language knowledge remained a precondition for the issuance of permanent residence permits to any foreigner.⁵²

32. CoE-ACFC was concerned by the amendments to the Law on Foreigners of March 2011, which establish non-reliance on social benefits as one of the eligibility criteria for permanent residence. The Advisory Committee considered that this regulation may discourage entitled non-nationals from applying for social benefits. It also appeared at odds with the overall aim contained in Article 6.1 of the Framework Convention of promoting mutual respect and co-operation among all persons living on the territory, irrespective of their economic situation.⁵³

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.

Regional intergovernmental organization(s):

CoE

The Council of Europe, Strasbourg (France);

Attachments:

(CoE-ECSR) The European Committee of Social Rights Fact Sheet;

(CoE-GRECO) The Group of States against Corruption Third Evaluation Round Report on Liechtenstein on Transparency of Party Funding;

(CoE-ECRML) European Charter for Regional or Minority Languages, Report of the Committee of Experts on the

OSCE/ODIHR

European Charter for Regional or Minority Languages;
(CoE-ECRI) European Commission against Racism and Intolerance's Conclusions on the Implementation of the Recommendations in Respect of Liechtenstein Subject to Interim Follow-Up;
(CoE-ACFC) Advisory Committee on the Framework Convention for the Protection of National Minorities, Strasbourg, Fourth Opinion on Liechtenstein;
(CoE-CPT) The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment' Report on the periodic visit to Liechtenstein;
(CoE-GRETA) - Group of Experts on Action against Trafficking in Human Beings;
Office for Democratic Institutions and Human Rights/Organization for Security and Co-operation in Europe, Warsaw (Poland);
Attachments:
OSCE/ODIHR Needs Assessment Mission Report.

² The following abbreviations are used in UPR documents:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination;
ICESCR	International Covenant on Economic, Social and Cultural Rights;
OP-ICESCR	Optional Protocol to ICESCR;
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;
OP-CRC-IC	Optional Protocol to CRC on a communications procedure;
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
CRPD	Convention on the Rights of Persons with Disabilities;
OP-CRPD	Optional Protocol to CRPD;
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance.

³ For relevant para, see A/HRC/23/14, paras. 94.1-18, 31 and 83-85.

⁴ CoE, p. 4.

⁵ CoE-ECSR, p. 1.

⁶ For relevant para, see A/HRC/23/14, paras. 94. 19-30, 51-53 and 61.

⁷ CoE-ECRI, p.5, para. 1.

⁸ CoE-ECRI, p.5, para. 1.

⁹ CoE-ACFC, p. 7 and 8, paras. 16 and 18.

¹⁰ OSCE/ODIHR, p. 3.

¹¹ CoE-ACFC, p. 3, para. 3.

¹² OSCE/ODIHR, p. 2.

¹³ CoE-GRECO, p. 23, para. 64 (vi, vii).

¹⁴ For relevant para. see, A/HRC/22/14, paras. 94.32-36, 48-49, 54-60, 62-63, 69-72.

¹⁵ CoE-ACFC, p. 6, para. 13.

¹⁶ CoE-ACFC, p. 7, para. 15.

¹⁷ CoE-ECRI, p.5, para. 2.

¹⁸ CoE-ECRI, p.5, para. 3.

-
- ¹⁹ CoE-ACFC, p. 3, para. 2.
²⁰ CoE-ACFC, p. 8, para. 18.
²¹ For relevant recommendations, see A/HRC/23/14, para. 94.31.
²² CoE-CPT, p. 1.
²³ CoE-CPT, p. 1.
²⁴ CoE-CPT, p. 1.
²⁵ CoE-CPT, p. 2.
²⁶ CoE-CPT, p. 1.
²⁷ CoE-CPT, p. 1.
²⁸ CoE-CPT, p. 2.
²⁹ CoE-CPT, p. 2.
³⁰ CoE-CPT, p. 2.
³¹ CoE-CPT, p. 3.
³² CoE-CPT, p. 3.
³³ CoE-CPT, p. 3.
³⁴ CoE-CPT, p. 3.
³⁵ CoE-GRECO, p. 23, para. viii.
³⁶ For relevant para, see, A/HRC/22/14, paras. 94.64.
³⁷ OSCE/ODIHR, p. 1, 2.
³⁸ CoE-GRECO, p. 23, para. i.
³⁹ CoE-GRECO, p. 23, para. ii.
⁴⁰ CoE-GRECO, p. 23, para. iii.
⁴¹ CoE-GRECO, p. 23, para. iv.
⁴² CoE-GRECO, p. 23, para. v.
⁴³ For relevant para, see A/HRC/22/14, paras. 94.73-78.
⁴⁴ CoE, p. 3.
⁴⁵ For relevant para, see A/HRC/22/14 para. 94.80.
⁴⁶ CoE-CPT, p. 2.
⁴⁷ CoE-CPT, p. 2.
⁴⁸ For relevant para, see A/HRC/22/14 paras. 94.51-64.
⁴⁹ CoE-ECRML, p. 3.
⁵⁰ For relevant para, see A/HRC/22/14, paras. 94. 65-69, 79 and 81-82.
⁵¹ CoE-ACFC, p. 4, para. 5.
⁵² CoE-ACFC, p. 4, para. 6.
⁵³ CoE-ACFC, p. 5, para. 7.
-