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Liechtenstein

Country Reports on Human Rights Practices - [2005](#)

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The Principality of Liechtenstein, with a population of approximately 34 thousand, is a constitutional monarchy with a parliamentary government. The parliament nominates and the monarch appoints the members of the government. A two-party coalition government was formed after free and fair parliamentary elections in March. The civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens, and the law and judiciary provided effective means of addressing individual instances of abuse. The following human rights problem was reported:

- violence against women, including spousal abuse

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits such practices, and there were no reports that government officials employed them.

Prison and Detention Center Conditions

Prison conditions generally met international standards, and the government permitted visits by independent human rights observers. In December 2004 the Council of Europe's (COE) Commissioner for Human Rights visited the only prison and reported that it generally met international standards.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions.

Role of the Police and Security Apparatus

The security forces are composed of the regular and auxiliary police under the interior ministry. There is no standing military force. Corruption and impunity were not problems. Police automatically report allegations of misconduct to the prosecutor's office, and any person subject to wrongful police action also can file a complaint with the chief of police. A failure of either the prosecutor's office or the chief of police to open an investigation can be appealed to the government and, subsequently, to the administrative courts.

Arrest and Detention

Police arrest a suspect based on an arrest warrant issued by the national court. Within 48 hours of arrest, police must bring suspects before an examining magistrate who must either file formal charges or order release. Release on personal recognizance or bail is permitted unless

the examining magistrate has reason to believe that the suspects are a danger to society or would not appear for trial. The law grants suspects the right to legal counsel of their own choosing, and counsel was provided at government expense to indigent persons. However, the law does not grant a suspect access to a lawyer at the time of detention but only after an examining magistrate has filed formal charges. During police detention visits are commonly not allowed, although in practice suspects may inform family members. During investigative detention, visits can be monitored to prevent tampering with evidence.

The COE's Commissioner for Human Rights in May criticized the fact that the law did not guarantee prompt access to legal counsel at the outset of detention.

In 2004 the UN Human Rights Commission (UNHRC) expressed similar concerns about shortcomings in the protection of arrested or detained persons, noting that the law does not require informing them of their right to remain silent, their right to be brought promptly before a judge, and to have access to legal counsel. In response to these criticisms, police internal regulations issued in December 2004 instructed staff to grant suspects access to a lawyer upon request.

There were no reports of political detainees.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government generally respected this provision in practice.

The judicial system has three tiers: a court of first instance, the appellate court, and the supreme court. The court of first instance is the national court. In addition, an administrative court hears appeals against government decisions. The state court protects the rights accorded by the constitution, decides conflicts of jurisdiction between the law courts and the administrative authorities, and acts as a disciplinary court for members of the government.

In 2004 the UNHRC expressed concern that the mechanism for appointment and tenure of judges may not be compatible with the principle of the independence of the judiciary.

Trial Procedures

The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. Trials involving minor offenses were heard by a single judge, more serious or complex cases by a panel of judges, and the most serious cases, including murder, by a public jury. The law grants defendants the right to legal counsel of their own choosing, and counsel was provided at government expense to indigent persons. Defendants may challenge witnesses or evidence and present witnesses or evidence on their own behalf. Defendants are presumed innocent and have access to government-held evidence relevant to their case. Convicts had the right to appeal, ultimately to the supreme court.

Political Prisoners

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law prohibits such actions, and the government generally respected these prohibitions in practice.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press, and the government generally respected these rights in practice and did not restrict academic freedom or the Internet. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

b. Freedom of Peaceful Assembly and Association

The law provides for freedom of assembly and association, and the government generally respected these rights in practice.

c. Freedom of Religion

The law provides for freedom of religion, and the government generally respected this right in practice.

The Roman Catholic Church is the official state church, and its finances are integrated directly into the budgets of the national and local governments. The government also provided financial support to the Protestant and Christian Orthodox communities.

Roman Catholic or Protestant religious education was compulsory in all primary schools, but the authorities routinely granted exemptions for children whose parents requested them.

The COE's Commissioner for Human Rights in May criticized the fact that standing policy favored the Catholic Church over other religious communities in the distribution of state subsidies and urged the government to review its policies to ensure an equitable distribution of these funds. In 2004 the UNHRC also expressed concern about the unequal treatment of different religious denominations in the allocation of public funds. The issue of state subsidies to religious communities form part of the government sponsored discussions to reach consensus on the redefinition of the relationship between the state and the Roman Catholic Church.

Societal Abuses and Discrimination

In a 2004 report the UNHRC found evidence of religious intolerance and discrimination against Muslims (see section 5).

There were no reports of anti-Semitic acts. According to 2002 data, there were 18 members of the Jewish community.

For a more detailed discussion, see the [2005 International Religious Freedom Report](#).

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for these rights, and the government generally respected them in practice.

The law does not prohibit forced exile, but the government did not employ it.

Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice the government provided protection against *refoulement*, the return of persons to a country where they feared persecution. The government granted refugee status in one instance during the year.

The government also provided temporary protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol and provided it to two persons during the year.

The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

A trilateral agreement with Switzerland and Austria requires the government to return persons who enter from Austria or Switzerland without permission to the respective authorities.

The government used a list of "safe countries of origin" to decide asylum applications; the list was identical to the list used by the government of Switzerland.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

Elections and Political Participation

Parliamentary elections, considered free and fair, were held in March; the center-right Progressive Citizens' Party won 12 seats, the center-left Fatherland Union won 10 seats, and the green-alternative Free List won 3 seats in the 25-member parliament.

The monarchy is hereditary in the male line. Prince Hans-Adam II is the head of state. Since August 2004, Hereditary Prince Alois has taken on the duties of head of state, exercising the rights of office on behalf of the Reigning Prince. All legislation enacted by the parliament must have the concurrence of the monarch and the prime minister.

There were 6 women in the 25-seat parliament and 1 woman in the 5-seat cabinet.

There were no known members of minorities in the government.

Government Corruption and Transparency

There were no reports of government corruption during the year.

The law requires the government to inform the public of its activities, and government information was available freely to all persons living in the country, including foreign media.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A few domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination on the basis of race, gender, language, or social status. The law also prohibits public incitement to violence or public agitation or insult directed against a race, people, or ethnic group.

Women

Violence against women, including spousal abuse, was a problem. Frauenhaus, a woman's shelter nongovernmental organization (NGO), stated that one out of five women was a victim of domestic violence. The law prohibits all forms of domestic violence and provides for restraining orders against violent family members. According to police, there were 20 police interventions in cases of domestic violence during the year, in which three male aggressors were prevented from reentering the family home for 10 days and six for a further period of three months. The government may file charges without a complaint from the victim. Frauenhaus provided refuge for battered women, including non-residents, and dependent children.

In 2004 the government concluded a joint project with Swiss and Austrian neighboring regions to combat domestic violence with additional awareness-raising activities and issued a best-practice guideline in several languages for affected friends and relatives.

Rape, including spousal rape, is a criminal offense, and the government effectively prosecuted those accused of such crimes. Spousal rape has the same penalties as rape under other circumstances. The sentence may be lowered if the victim decides to remain with the abusive spouse. There were nine prosecutions for rape resulting in three convictions during the year. One case remained pending at year's end. Police statistics do not separately record spousal rape.

Public soliciting by prostitutes is illegal; however, police tolerated prostitution in the country's few nightclubs. Any person leading another into prostitution faces up to six months in prison or heavy fines, or both, and up to three years in prison if the victim was under 18. The police closely monitored prostitutes' working conditions and salaries but acknowledged that some foreign middlemen employed women working in the country.

NGOs believed that trafficking in women occurred; however, no specific cases were documented during the year (see section 5, Trafficking).

Sexual harassment is illegal and punishable by up to six months in prison or a fine, and the government effectively enforced these prohibitions. Employers are required to take reasonable measures to prevent sexual harassment, and failing to do so may entail damages to a victim of up to \$32 thousand (40 thousand Swiss francs). There were 14 proceedings for sexual harassment during the year resulting in five convictions. One case remained pending at year's end.

Under the law, women enjoy the same rights as men, including rights under family law, property law, and in the judicial system. But societal discrimination continued to limit opportunities for women in fields traditionally dominated by men. Men earned more than women, and women generally did not receive equal pay for equal work.

Children

The government was committed to children's rights and welfare and funded a system of public education and health care. Education is universal and compulsory until the ninth grade; it is free through the end of high school. Virtually all school-age children attend school. Approximately 50 percent complete professional, vocational, or technical training, with another 30 percent going on to earn higher-level specialized or university degrees.

The government provided free health care for children under the age of 16, to which boys and girls had equal access.

There were some reports of abuse of children. During the year there were eight prosecutions but no convictions for child abuse. Four cases remained pending at year's end. In April the commission for the coordination of professionals in cases of sexual offenses against children published a brochure for professionals likely to be confronted with child abuse that included best practice guidelines to facilitate the exchange of information between all parties. Each year the commission generally was contacted in 12 to 14 cases of suspected sexual abuse.

Possession of child pornographic material is a statutory offense. The government has extended the statute of limitation for sexual offenses against children. In January an amendment to the Code of Criminal Procedure was implemented that takes special account of the protective needs of young victims of crimes or victims of sexual offenses. In January the national court fined a 28-year-old citizen \$22,500 (28 thousand Swiss francs) for possession of child pornographic material.

The government supported programs to protect the rights of children and matched contributions made to three NGOs that monitored children's rights. The office for social services oversaw the implementation of government-supported programs for children and youth.

Trafficking in Persons

The law prohibits trafficking in persons, and there were no reports that persons were trafficked to, from, or within the country; however, some NGOs believed that trafficking in women occurred but was not reported.

In May the COE's Commissioner for Human Rights expressed concern that the temporary immigration status in conjunction with the precarious economic situation of the majority of foreign cabaret dancers increased the risk of them falling prey to trafficking networks and called on the authorities to be vigilant in monitoring respect of contractual obligations by the hiring night club owners.

Persons with Disabilities

Although the law does not prohibit discrimination against persons with disabilities, there was no discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services. The law requires that government buildings and services be made accessible to persons with disabilities, and the government generally enforced these provisions in practice.

National/Racial/Ethnic Minorities

In 2004 the UNHRC expressed concern about the persistence of xenophobia and intolerance, especially against Muslims and persons of Turkish origin.

Rightwing extremists, including skinheads, were publicly active during the year, but their numbers were no more than 20 to 40. There were some reports of skinhead incidents but none involving racially motivated attacks on foreigners or ethnic minorities during the year. The government continued to monitor right-wing groups. A government advisory commission attempted to raise public awareness in order to address the problem of acts of violence in public areas such as schools and playgrounds. A commission is working on guidelines to reduce violence at public events. During the year police dealt with a few isolated incidents of random violence at public festivals, which targeted neither foreigners nor minorities and involved intoxicated skinheads.

Section 6 Worker Rights

a. The Right of Association

The law provides that all workers, including foreigners, are free to associate, join unions of their choice, and select their own union representatives, and workers exercised these rights in practice. Due to the country's small size and population, there was only one trade union, which represented approximately 13 percent of the work force. The law does not prohibit antiunion discrimination, but there were no reports that antiunion discrimination occurred.

b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without interference, and the government protected this right in practice. The law provides for the right of workers to organize and bargain collectively. About 25 percent of workers were covered by collective bargaining agreements. Workers have the right to strike except in certain essential services. No strikes occurred during the year; there were no reports of denials of the right to strike.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children, and there were no reports that such practices occurred.

d. Prohibition of Child Labor and Minimum Age for Employment

There are laws and policies to protect children from exploitation in the workplace. The law prohibits the employment of children less than 16 years of age. However, exceptions may be made for the limited employment of children age 14 and over and for those who leave school after completing nine years of compulsory education. Children age 14 and older may be employed in light duties for not more than 9 hours per week during the school year and 15 hours per week at other times.

On May 1, a new ordinance was implemented that outlaws labor that subjects children to physical, psychological, moral, or sexual abuse.

The government devoted adequate resources and oversight to child labor policies, and the department for worker safety of the office of the national economy effectively supervised compliance with the law. The department for worker safety completed 248 onsite inspections during the year but found no major violations of the law.

e. Acceptable Conditions of Work

There was no national minimum wage; however, the average daily wage provided a decent standard of living for a worker and family.

The law sets the maximum workweek at 45 hours for white-collar workers and employees of industrial firms and sales personnel and 48 hours for all other workers. The law provides for a daily mandatory 1-hour break and an 11-hour rest period for full-time workers, and, with few exceptions, Sunday work was not allowed. Pay for overtime was required to be at least at a 25 percent higher pay rate and overtime generally was restricted to 2 hours per day. Over a period of four months the average total work week including overtime must not exceed 48 hours.

The law sets occupational health and safety standards, and the department for worker safety generally enforced these provisions effectively. The law provides for the right of workers to remove themselves from work situations that endanger health or safety without jeopardy to their continued employment, and workers exercised this right in practice.

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