



2008 Human Rights Report: Liechtenstein

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

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The Principality of Liechtenstein, with a population of approximately 35,400, is a constitutional monarchy with a parliamentary government. The unicameral Landtag (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 2005. 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. There were isolated reports of excessive force by police, societal discrimination against minorities, violence against women, including spousal abuse, and child 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 constitution and law prohibit such practices, and there were no reports that government officials employed them. In September a member of a special police unit was accused of injuring one person during a raid on an illegal gambling establishment. The police disputed the accusation and the case remained under review by the state prosecutor at year's end.

Prison and Detention Center Conditions

Prison and detention center conditions generally met international standards. The government permitted visits by independent human rights observers.

A new law, effective January 1, renewed the legal basis for the penitentiary system and established an independent body to monitor prison conditions.

d. Arbitrary Arrest or Detention

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

Role of the Police and Security Apparatus

Civilian authorities maintained effective control over the regular and auxiliary police, and the government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year.

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; authorities respected this right in practice. Release on personal recognizance or bail is permitted unless the examining magistrate has reason to believe that the suspect is a danger to society or would not appear for trial. The law grants suspects the right to legal counsel of their own choosing during pretrial detention, and counsel was provided at government expense to indigent persons. However, the law grants the suspect access to a lawyer only after an examining magistrate has filed formal charges. During police detention, visits are commonly not allowed, although in practice suspects may contact family members. During investigative detention, visits can be monitored to prevent tampering with evidence.

The revised code of criminal procedure's regulations on investigative detention entered into force on January 1. It introduced a system of strict time limits and tight judicial review and granted detainees improved access to legal counsel.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, and the government generally respected judicial independence in practice.

Trial Procedures

The constitution and law provide for the right to a fair trial, and an independent judiciary generally enforced this right. Trials involving minor offenses are 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 during trial to legal counsel of their own choosing; counsel is provided at government expense for 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 cases. Those convicted have the right to appeal, ultimately to the Supreme Court.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary in civil matters, and access to a court to bring lawsuits seeking damages for, or cessation of, a human rights violation.

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

The constitution and law prohibit 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 constitution and law provide for freedom of speech and of the press, and the government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. Over 80 percent of households had broadband access to the Internet.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

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

c. Freedom of Religion

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

The Roman Catholic Church is the official state church; its finances are integrated directly into the budgets of the national and local governments, and it is favored over other religious communities in the distribution of state subsidies. The government also provided financial support to the Protestant, Christian Orthodox, and Muslim communities. Smaller religious groups are eligible to apply for grants as associations of foreigners or for specific projects. After both the Council of Europe and the UN High Commissioner for Refugees (UNHCR) criticized the government for the special financial subsidies granted the Roman Catholic Church, the government proposed legislation that would amend the constitution and reform church-state relations. In June the legislation was referred to the public for review, which concluded in November. At year's end, the government was reviewing the comments received during the public review.

Roman Catholic or Protestant religious education was compulsory in all primary schools, but the authorities routinely granted individual exemptions for children whose parents requested them. At the secondary school level, parents and pupils chose between traditional confessional religious education and the non-confessional subject "Religion and Culture." In 2007 the government introduced Muslim religious education classes in public primary schools.

Societal Abuses and Discrimination

In a report released on April 29, the European Commission against Racism and Intolerance said it had received

reports of instances of verbal and physical abuse against Muslims, particularly against women wearing headscarves.

There were no reports of anti-Semitic acts. The Jewish community in the country is small and does not have a formal organizational structure.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice.

The government cooperated with the Office of the UNHCR and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern.

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

Protection of Refugees

The laws provide 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 principle, the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. There were no cases in which asylum was granted during the year. The government also has a system for providing temporary protection to individuals who may not qualify as refugees under the 1951 convention or the 1967 protocol. There were no such cases during the year.

Section 3 Respect for Political Rights: The Right of Citizens

to Change Their Government

The constitution and law provide citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

The monarchy is hereditary in the male line. Prince Hans Adam II is the head of state. Since 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.

Elections and Political Participation

Parliamentary elections, considered free and fair, were held in 2005. Individuals and parties could freely declare their candidacy and stand for election.

There were six women in the 25 member parliament and one woman in the five seat cabinet. There were no known members of minorities in the government.

Government Corruption and Transparency

The law provides criminal penalties for official corruption, and the government generally implemented these laws effectively. There were no reports of government corruption during the year.

A law that entered into force in July prohibits public officials from requesting or accepting gifts or benefits in connection with their duties, and places restrictions on public officials engaging in private commercial activities. The police and the prosecutor's office, respectively, are responsible for investigating and prosecuting official corruption. The police have an organizationally independent special investigative unit for corruption cases. An interdepartmental working group chaired by the Ministry of Foreign Affairs coordinates measures to prevent and combat corruption.

Public officials are not subject to comprehensive financial disclosure laws.

The law requires the government to inform the public of its activities, and government information was freely available to all persons living in the country, including domestic and 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 generally 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, disability, 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. The government generally enforced these prohibitions effectively.

Women

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 reduced if the victim decides to remain with the abusive spouse. There were four investigations for rape during the year; two were closed without charges being brought, and two remained pending at year's end. Police statistics do not record spousal rape separately.

The law prohibits all forms of domestic violence and provides for restraining orders against violent family members. However, there were reports of violence against women, including spousal abuse. According to police, there were 15 police interventions in cases of domestic violence during the year. The government may file charges without a complaint from the victim. Women and children may seek refuge and receive counseling at Frauenhaus, a women's shelter.

In August 2007 a new provision of the penal code entered into force making stalking a criminal offense. On April 1, a new law on victim protection also entered into force. Under the provisions of this bill, the government established centers that provide single-stop financial, administrative, legal, and psychological assistance to victims of domestic violence.

Prostitution is illegal; however, police tolerated it in the country's few nightclubs, as long as it did not cause public offense. Leading a person into prostitution is punishable by up to six months in prison, heavy fines, or both, and up to three years in prison if the victim was under 18. There were no reported arrests or prosecutions during the year.

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; failing to do so may entail damages to a victim of up to 40,000 Swiss francs (approximately \$33,300). No cases were reported during the year.

Women enjoy the same legal rights as men, including rights under family law, property law, and in the judicial system. The Equal Opportunity Office and the Commission on Equality between Women and Men worked to eliminate all forms of gender discrimination. However, 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. The labor contract law and the equal opportunity law contain provisions to combat gender discrimination in the workplace.

Children

The government was committed to children's rights and welfare and amply funded a system of public education and health care.

There were some reports of abuse of children. The commission for the coordination of professionals in cases of sexual offenses against children reported that it was contacted concerning 10 cases of suspected sexual abuse during the year. Possession of child pornographic material is a criminal offense. The Code of Criminal Procedure specifies that children affected by sexual crimes are to be questioned in a sensitive procedure separate from the suspect.

The government supported programs to protect the rights of children and made financial contributions 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 all forms of trafficking in persons and provides for extraterritorial jurisdiction. There were no reports that persons were trafficked to, from, or within the country; however, some observers believed that trafficking in women occurred but was not reported.

Trafficking in persons is punishable by a prison sentence of up to three years, or up to five years if the trafficker used or threatened violence. If the victim is a minor or the trafficker belongs to a criminal organization, uses excessive violence, or jeopardizes the life of the victim, the sentence may be up to 10 years. No arrests or prosecutions for trafficking offenses were reported during the year.

The government's law enforcement, immigration, foreign affairs, and social welfare authorities, together with the NGO Frauenhaus, have established a consultation process and referral mechanism for victims of trafficking.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons with Disabilities

The 2007 Equal Opportunity Law for Persons with Disabilities prohibits discrimination against persons with physical or mental disabilities in employment, education, access to health care, or in the provision of other state services; the government effectively enforced these provisions. The new law mandates that all public kindergartens and schools as well as public transportation systems must be accessible to persons with disabilities within five years. Recently constructed public buildings must become barrier free within 20 years; older public buildings within a

period of 12 years.

National/Racial/Ethnic Minorities

The government continued to monitor right wing groups. In 2003 it established the Commission for Protection from Violence to analyze and develop strategies against all forms of violence. Police estimated the number of violent right-wing extremists, including skinheads, to be not more than 30 to 40. On September 20, at a public festival in the town of Mauren, a group of about 20 Swiss and Liechtenstein skinheads carrying stones and sticks set off a violent confrontation with Turkish visitors. The clashes ultimately involved several dozen people. The local police intervened to stop the violence; a police officer and a festival visitor required emergency medical treatment for injuries sustained in the violence. Ten right-wing extremists were detained, eight of whom were released from custody soon thereafter. Two Swiss skinheads were later convicted and sentenced to seven months' imprisonment, converted to fines of 1,800 Swiss francs (approximately \$1,500) and a three year probation period. According to the prosecutor's office, further investigations were ongoing on at year's end.

Other Societal Abuses and Discrimination

A government-contracted study published in December 2007 found evidence of discrimination based on sexual orientation.

There also were reports of discrimination against persons with HIV/AIDS.

Section 6 Worker Rights

a. The Right of Association

The law provides that all workers, including foreigners, are free to form and join independent unions of their choice and select their own union representatives, and workers exercised these rights in practice. The law allows unions to conduct their activities without government interference, and the government protected this right in practice. There was only one trade union, which represented approximately 3 percent of the workforce. The law does not prohibit antiunion discrimination, but there were no reports that antiunion discrimination occurred. The right to strike is not recognized explicitly in the constitution and labor law. Civil servants are prohibited from going on strike. No strikes occurred during the year.

b. The Right to Organize and Bargain Collectively

The law provides for the right of workers to organize and bargain collectively. Approximately 25 percent of workers were covered by collective bargaining agreements.

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, and the government effectively

enforced these laws. The law prohibits the employment of children younger than 16 years of age; 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 nine hours per week during the school year and 15 hours per week at other times.

The law prohibits labor that subjects children to physical, psychological, moral, or sexual abuse. There were no reports that any cases were brought under the law during the year.

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.

e. Acceptable Conditions of Work

There is no national minimum wage. 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 other workers. The law provides for a daily mandatory one hour break and an 11 hour rest period for full time workers; with few exceptions, Sunday work is not allowed. Pay for overtime is required to be at least 25 percent higher than the standard rate and overtime is generally restricted to two hours per day. The average work week including overtime may not exceed 48 hours over a period of four months. Thousands of workers commute from neighboring countries daily and are covered by the same standards.

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.