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2009 Human Rights Report: Liechtenstein

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

2009 Country Reports on Human Rights Practices

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The Principality of Liechtenstein, with a population of approximately 35,400, is a multiparty 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 on February 8. 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 2008 a member of a special police unit was accused of injuring one person during a raid on an illegal gambling establishment. The state prosecutor reviewed the case and, on February 18, dismissed the accusation as lacking credibility in light of evidence supporting the statements of the police officer.

Prison and Detention Center Conditions

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

The government has 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 Procedures and Treatment While in 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. According to the criminal procedure code, every detainee has to be informed at the moment of detention or immediately thereafter of the reasons for the detention. The detainee also has to be told that he has the right to contact legal counsel and a relative. During investigative detention, visits can be monitored to prevent tampering with evidence.

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. Defendants are presumed innocent. 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. They 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.

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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. However, the law prohibits public insult directed against a race, people, or ethnic group, with a possible prison sentence of up to two years. During the year no one was charged under the law. 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. According to International Telecommunication Union statistics for 2008, approximately 65 percent of the country's inhabitants used 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 criminal code prohibits any form of discrimination or debasement of any religion or its adherents. The constitution makes the Roman Catholic Church the "national church" of the country.

Funding for religious institutions comes from municipalities and from the general budget, as decided by parliament, and is not a direct "tithe" paid by citizens. The government gives money to non-Catholic churches as well. Catholic and Protestant churches receive regular annual contributions from the government in proportion to their membership, as determined in the census of 2000. Smaller religious groups are eligible to apply for grants for associations of foreigners or specific projects. All religious groups are exempt from taxes.

Roman Catholic or Protestant religious education was compulsory in all primary schools, but authorities routinely granted exemptions for children whose parents requested them. At the secondary school level, parents and pupils chose between traditional confessional religious education organized by their religious community and the nonconfessional subject, "religious education and culture." The government sponsored Islamic education classes in public primary schools in five municipalities.

Societal Abuses and Discrimination

In its third country report released in April 2008, the European Commission against Racism and Intolerance noted that it had received reports of instances of verbal and physical abuse against Muslims, particularly women wearing headscarves. There were no such reports during the year. The report also recorded complaints of Muslim community leaders about the lack of an adequate mosque and Islamic cemetery, as well as about difficulties in finding suitable premises for their

cultural activities. The government maintained that its working group on Islamic integration dealt intensively with the issue of a cemetery but that the Muslim members of the group had not always treated the issue as a priority.

There were no reports of anti-Semitic acts against persons or property. The Jewish community in the country is too small to have an organizational structure.

For a more detailed discussion, see the *2009 International Religious Freedom Report* at www.state.gov/g/drl/rls/irf.

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 UN High Commissioner for Refugees (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 country is a party to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol relating to the Status of Refugees. Its laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

According to the law, persons entering the country from another safe country are not eligible for asylum.

In practice, the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. The government reported a considerable increase in asylum applications. While there were 26 asylum applications in 2008, the number increased to 227 during the year. According to government officials, 68 of the 227 asylum applicants had withdrawn their application as of year's end since they already had submitted an application to another European country, 75 had absconded, and 42 were transferred to Switzerland. The remaining 42 asylum applicants were awaiting adjudication. The government granted residency permits on humanitarian grounds to two applicants.

The government also has a system for providing temporary protection to individuals who may not qualify as refugees. 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

On February 8, the country held parliamentary elections that were considered free and fair. Individuals and parties freely declared their candidacy and stood for election.

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

Section 4 Official Corruption and Government 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.

The law 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 coordinated 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 5 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 6 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 was one investigation for spousal rape during the year.

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 32 police interventions in cases of domestic violence during the year. During the year, 21 women and 22 children received counseling and refuge at Frauenhaus, a women's shelter. The government has 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.

Stalking is a criminal offense. 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 \$38,600). No cases were reported during the year.

Couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of their children and to have the information and means to do so free from discrimination, coercion, and violence. There was easy access to contraception and skilled attendance during childbirth. Women and men were diagnosed and treated for sexually transmitted infections equally, including for HIV.

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. Generally, women earned 80 percent of men's earnings for equal work. The labor contract law and the equal opportunity law contain provisions to combat gender discrimination in the workplace.

Children

Citizenship is generally derived from one's parents (*jus sanguinis*). Every child born in the country, who otherwise would be stateless, can acquire citizenship.

There were some reports of abuse of children. During the year 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. 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 manner, separate from the suspect.

A new law on Children and Youth, which was developed with the participation of children and adolescents, entered into force on February 1 and improves the protection of children. The new law mandates that a special ombudsperson be available for children and adolescents.

The government also created a working group to make specific proposals for revising the sexual criminal law to conform to provisions of relevant international conventions.

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.

On March 10, a 21-year-old man was convicted for having downloaded video and audio recordings of sexual acts with minors from the Internet, fined 3,300 Swiss francs (\$3,180), and sentenced to undergo psychotherapeutic treatment.

Trafficking in Persons

The law prohibits trafficking in persons for all purposes 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; the maximum sentence is increased 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 Department of State'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 the provision of other state services or other areas; the government effectively enforced these provisions. The law mandates that all public kindergartens and schools as well as public transportation systems must be accessible to persons with disabilities by 2012. Recently constructed public buildings must become barrier-free by 2027; older public buildings by 2019.

National/Racial/Ethnic Minorities

In September 2008, at a public festival in the town of Mauren, a group of about 20 Swiss and Liechtenstein skinheads carrying stones and sticks had a violent confrontation with Turkish visitors. The clashes ultimately involved several dozen persons. 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. On November 19, a court convicted a Swiss skinhead and gave him to a suspended prison sentence of four months and a fine of 1,800 Swiss francs (approximately \$1,740). The court reduced the prison sentence of a second Swiss skinhead from 10 months in prison to a suspended sentence of six months and ordered him to pay a fine of 5,400 Swiss francs (\$5,210). Three Liechtenstein skinheads also were convicted and had to pay fines.

Police estimated the number of violent right-wing extremists, including skinheads, to be not more than 30 to 40 persons. The government continued to monitor right-wing groups.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

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

In October the Office of Equal Opportunity launched a awareness campaign using posters to reduce discrimination and stigmatization of homosexual activity.

Other Societal Violence or Discrimination

There were no reports of discrimination against persons with HIV/AIDS.

Section 7 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. A new Civil Servants Law came into force in July 2008, lifting the ban on strikes for civil servants. 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; exceptions may be made for the limited employment of children who are 14 and older and of those who leave school after completing nine years of compulsory education. Children who are 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 these provisions 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 Liechtenstein Workers Association negotiates minimum wages annually with the Chamber of Commerce and the Chamber for Economic Affairs. 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 workweek, including overtime, may not exceed 48 hours over a period of four months. Thousands of workers commuted from neighboring countries daily and were 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.