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## 2010 Human Rights Report: Liechtenstein

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

### 2010 Country Reports on Human Rights Practices

April 8, 2011

The Principality of Liechtenstein, with a population of approximately 36,000, 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 following free and fair parliamentary elections in February 2009. Security forces reported to civilian authorities.

There were isolated reports of 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 reported incidents.

#### Prison and Detention Center Conditions

Prison and detention center conditions generally met international standards. In 2009 there were 149 persons serving time in prison or detention for a total of 2,554 days. Nine of these were women, one was under 18 years old, and 106 were detained due to a violation of the provisions of the law on foreigners, representing an increase of more than 300 percent

from the previous year. The reason for this increase was the massive immigration of asylum seekers from Somalia and Eritrea who had illegally travelled to the country via Switzerland and were being detained prior to their deportation. Twenty-three persons were in prison for offenses under the criminal code, a decline of 36 percent, compared with 2008. Due to the 1982 bilateral treaty between Liechtenstein and Austria whereby prisoners with sentences of longer than two years' imprisonment were to be accommodated in Austria, 13 individuals from the country were incarcerated in Austria. The country's only prison had a total capacity of 20 beds. The maximum capacity was not reached during the year. The government permitted visits by independent human rights observers.

Prisoners and detainees had reasonable access to visitors and were permitted religious observance. According to law, they could submit complaints to the prince, the government, parliament, and judicial authorities without censorship and request investigations of credible allegations of inhumane conditions. No such allegations were submitted during the year.

In March four former asylum seekers filed a complaint with government officials after being detained by police while trying to return to the country following their deportation to Switzerland. The prosecutor's office ruled in favor of one of the asylum seekers and ordered the individual's release, while the other three remained in custody until their scheduled deportation. The government opened a liability action against the arresting officers, charging them with falsely arresting the released asylum seeker.

There is no ombudsman who can serve on behalf of prisoners and detainees, but the government has an independent body, the Corrections Commission, to monitor prison conditions. The Corrections Commission, which also serves as the designated national preventive mechanism under the Optional Protocol to the UN Convention against Torture, organized at least one unannounced visit to the country's prison each quarter. During these visits, the commission collected documentation and spoke to prisoners without prison officials being present. Following four visits in 2009, the commission on April 26 published a report with recommendations for the government.

#### 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 must be informed at the time of detention or immediately thereafter of the reasons for the detention. The detainee also must be advised of his right to contact legal counsel and a relative. During investigative detention, visits may 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. A single judge hears trials involving minor offenses. A panel of judges hears more serious or complex cases, and the most serious cases, including murder, are heard 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.

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### 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. 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 such charges were filed. 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. According to International Telecommunication Union statistics for 2008, approximately 65 percent of the country's inhabitants used the Internet. These figures remained unchanged during the year.

#### 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

For a complete description of religious freedom, please see the 2010 *International Religious Freedom Report* at [www.state.gov/g/drl/irf/rpt](http://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 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 laws provide for the granting of asylum or refugee status, and the government has 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. There were 88 asylum applications from January to September, none of which was successful. The government did not grant any residency permits to asylum seekers, who were housed temporarily in the country's asylum center.

A May 25 UN Committee against Torture (CAT) report noted that the time limit of 24 hours within which asylum seekers "under preventive expulsion" were allowed to request a hearing before the Administrative Court in appeals cases was too short to ensure access to the asylum procedure in Switzerland or Austria in view of those countries' readmission agreements with Liechtenstein. The CAT recommended that the country increase the time limit. An April 12 report by the UNHCR mentioned the same concerns.

The government has a system for providing temporary protection to individuals who may not qualify as refugees. There were no reported 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.

As a hereditary monarchy, the country's line of succession is restricted to male descendents of the Liechtenstein dynasty. Prince Hans Adam II is the head of state. In 2004 hereditary Prince Alois assumed 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

In February 2009 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 effectively implemented these laws. 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 operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

#### Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on 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 effectively enforced these prohibitions.

##### 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. It is possible to reduce sentences if the victim decides to remain with the abusive spouse.

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 records, there were 12 cases of domestic violence reported as of late August.

During this same time frame, 14 women and 10 children received counseling and refuge at Frauenhaus, a women's shelter. Government centers provided single-stop financial, administrative, legal, and psychological assistance to victims of domestic violence.

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; failure to do so may result in compensation for victims up to 40,000 Swiss francs (approximately \$38,000). There were three recorded complaints of sexual harassment 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. Contraceptives and medical services are readily available. There were no reports of barriers limiting access to maternal health services. Women and men were equally diagnosed and treated for sexually transmitted infections, 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. On average 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 derived from one's parents at birth. Citizenship may be derived from a single parent. Every child born in the country, who otherwise would be stateless, may acquire citizenship.

There were some reports of child abuse. The Commission for the Coordination of Professionals in Cases of Sexual Offenses against Children reported being contacted regarding five cases of suspected sexual abuse as of September. Possession of child pornographic material is a criminal offense. During the year there were three reported cases of suspected sexual abuse; one case was dismissed, and two were pending at the end of the year. According to the law, penalties for statutory rape are between one and ten years' imprisonment. The law sets the minimum age for consensual sex at 14 years.

The government supported programs to protect the rights of children and made financial contributions to three nongovernmental organizations that monitored children's rights. The Office for Social Services oversaw the implementation of government-supported programs for children and youth.

The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at [http://travel.state.gov/abduction/resources/congressreport/congressreport\\_4308.html](http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html).

#### Anti-Semitism

The small Jewish community does not have an organizational structure. There were no reports of anti-Semitic acts against persons or property.

#### Trafficking in Persons

There were no confirmed cases of trafficking to, from, or within the country.

#### Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, or mental disabilities in employment, education, access to health care, or the provision of other state services or other areas.

The government effectively implemented laws and programs to ensure that persons with disabilities have access to buildings, information, and communications, and disabled persons readily had access. 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

Police estimated violent right-wing extremists, including skinheads, numbered no more than 30 to 40 persons. The government continued to monitor right-wing groups. Approximately 30 percent of the resident population in the country consisted of foreigners, mostly Swiss and Austrian. Turks accounted for 2.2 percent of the population. Since 2009, there were reports that right-wing extremists attacked foreigners on several occasions:

On February 26, an arson attack on a kebab bistro owned by a Turk occurred the day before its opening. Police identified the perpetrator, who was subsequently sentenced to two-and-a-half years in prison. The same perpetrator from a right-wing group had thrown Molotov cocktails at two apartment buildings, primarily inhabited by foreigners, in November 2009.

In May 2009 a group of three skinheads threatened a Turkish bistro owner and injured him with a large waste bin. The main offender was convicted and assessed a fine of 1,000 Swiss francs (\$937). The other two were acquitted.

On April 12, in response to these attacks, the government launched a public awareness campaign against right-wing extremism and established a working group against such extremism.

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

A government-contracted study published in 2007 found evidence of discrimination based on sexual orientation. During the year, however, there were no formal complaints issued by the country's gay community, nor were there any gay pride marches. The government was in the process of elaborating a registered partnership law aimed at eliminating legal discrimination against same sex couples; the process was not completed by the end of the year.

In October 2009 the Office of Equal Opportunity launched an awareness campaign using posters to reduce discrimination and stigmatization of homosexual activity. In early November 2009, unknown people sprayed homophobic slogans on some posters of the awareness campaign. Investigations were abandoned due to lack of evidence.

#### 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. There was only one trade union, which represented approximately 3 percent of the workforce. There is no provision in the constitution or labor laws explicitly banning the right to strike. The 2008 Civil Servants Law lifted the previous 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. Collective bargaining agreements covered approximately 25 percent of workers.

The law does not prohibit antiunion discrimination; however, there were no reports of antiunion discrimination during the year.

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 reported violations.

##### 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 for 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 reported cases.

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 their health or safety without jeopardy to their continued employment, and workers exercised this right in practice.

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