

# LIECHTENSTEIN 2012 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

The Principality of Liechtenstein is a multiparty constitutional monarchy with a parliamentary government. The unicameral Landtag (parliament) nominates, and the monarch appoints, members of the government. Two parties formed a coalition government following free and fair parliamentary elections in 2009. Security forces reported to civilian authorities.

There were no reports of widespread or systemic human rights abuses.

The country's main human rights problems consisted of isolated instances of domestic violence, including spousal abuse, and child abuse, as well as societal discrimination against minorities.

The government took steps to prosecute officials who committed abuses.

### **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.

#### **Prison and Detention Center Conditions**

Prison and detention center conditions generally met international standards.

Physical Conditions: In 2011 there were 71 persons in prison or detention; three prisoners were women, and two were under the age of 18. Authorities detained 23 illegal immigrants due to violations of provisions of the law on foreigners, 37 persons were in prison for offenses under the criminal code, and 12 were in investigative custody. According to a provision in a bilateral treaty between Austria and Liechtenstein, Austria incarcerates Liechtensteiner prisoners sentenced to more than two years' imprisonment. Sixteen individuals from the country were incarcerated in Austria. Austrian detention officials provided regular reports on the prisoners to local authorities.

The country's only prison had a total capacity of 20 beds. The prison did not reach its maximum capacity during the year, and up to four beds remained unassigned for emergency purposes. Since the detention facility was designed primarily as a short-term prison, authorities could not always separate different categories of prisoners. Women prisoners had their own section. Authorities usually accommodated juveniles in the women's ward. Potable water was available to prisoners. There were no deaths reported in the prison during the year.

Administration: Prisoners and detainees had reasonable access to visitors and could observe their religious practices. According to law, they could submit uncensored complaints to the prince, the government, parliament, and judicial authorities to request investigations of credible allegations of inhumane conditions. No prisoners submitted such allegations during the year. There was no ombudsman acting on behalf of prisoners and detainees. However, observers found that authorities managed the prison satisfactorily and maintained thorough, computerized records. Alternative forms of punishment for certain cases existed, including monetary penalties and charitable work, particularly for juvenile offenders.

Monitoring: The government permitted visits by independent human rights observers and appointed the Corrections Commission as an independent body to monitor prison conditions. The specialized commission, which also served 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, interviewed staff members, and spoke privately with prisoners. The country also permitted prison visits by the Council of Europe's Committee for the Prevention of Torture (CPT). The CPT conducted four unannounced inspections in 2011 and three during the year. The CPT maintained that in 2011

overall conditions in the detention center were satisfactory but recommended more work and leisure opportunities for the inmates.

#### **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 had 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 the suspect's release; authorities respected this right in practice. The law permits the release on personal recognizance or bail unless the examining magistrate had reason to believe the suspect represented 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 the government provided counsel at its own expense to indigent persons. According to the criminal procedure code, every detainee must be informed of the reasons for the detention at the time of detention or immediately thereafter. Authorities also must advise detainees of their right to contact legal counsel and a relative. During investigative detention, authorities may monitor visits 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 enjoy the presumption of

innocence. A single judge hears trials involving minor offenses. A panel of judges chairs more serious or complex cases, and the most serious cases, including murder, go before a public jury. While most trials were public, approximately 25 percent of trials were closed proceedings in 2011. At trial the law grants defendants the right to legal counsel of their own choosing; counsel is provided at government expense or pro bono 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 seek damages for, or cessation of, a human rights violation. Citizens may appeal cases involving possible violations of the European Convention on Human Rights by the state to the European Court of Human Rights. There were no such cases during the year.

### **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. Authorities filed no such charges during the year. 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 credible reports that the government monitored e-mail or Internet chat rooms without appropriate legal authority. Internet access was generally available, with more than 82 percent of the country's residents using 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**

See the Department's *International Religious Freedom Report* at <http://www.state.gov/j/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 and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern.

### **Protection of Refugees**

Access to Asylum: The laws provide for the granting of asylum or refugee status, and the government has a system for providing protection to refugees.

In February the UN Committee on the Elimination of Racial Discrimination (CERD) evaluated the country's asylum policies. The CERD report noted that authorities did not allow asylum seekers under expulsion orders sufficient time to request an appeal hearing. Under previous law, such individuals had only 24 hours to request a hearing before the Administrative Court, which according to the UN

Committee against Torture (CAT) was too short a period to ensure access to the asylum procedures in Switzerland or Austria, countries having readmission agreements with Liechtenstein. Based on CAT recommendations, the country's constitutional court proposed an expanded time span. The principality's parliament adopted a new law in December officially extending the hearing request period from 24 hours to five days. In a number of earlier cases officials had already made exceptions and extended the hearing request period from 24 hours to five days. Since 2010 the government has granted asylum to 20 applicants and granted one person asylum on humanitarian grounds.

In 2011 there were 75 asylum applicants. Immigration officials deported 34 asylum seekers, sending 13 to neighboring Switzerland. Authorities did not send asylum seekers to countries with poorly functioning asylum systems.

Safe Country of Origin/Transit: According to the law, persons entering the country from another safe country are not eligible for asylum.

In February the EU's human rights commissioner reviewed the country's implementation of the Dublin II regulations pertaining to safe country of transit. He stressed that immigration authorities should not automatically return repatriated asylum seekers to their first port of entry without a careful assessment of each individual case.

Temporary Protection: The government has a system for providing temporary protection to individuals who may not qualify as refugees. The government granted no such protection during the year but granted three individuals from one family temporary protection in 2011.

### **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 descendants 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**

Recent Elections: In 2009 the country held free and fair parliamentary elections.

Participation of Women and Minorities: There were six women in the 25-member parliament and two women in the five-seat cabinet. Twenty-nine of the 104 members of the municipal governments were women. There were no known members of minorities in the government.

### **Section 4. Corruption and Lack of Transparency in Government**

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 employed 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 fight 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**

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.

Rape and Domestic Violence: 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 courts may reduce sentences for spousal rape 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, 17 women were victims of domestic violence.

In 2011 Frauenhaus, the country's only shelter for women, provided counseling and refuge to 16 women and 14 children. Government centers provided single-stop financial, administrative, legal, and psychological assistance to victims of domestic violence. In 2011 the police intervened in 27 cases of domestic violence. Judges ordered interim injunctions against perpetrators in nine instances.

In December 2011 the government and the women's shelter offered a two-week sensitization course for women to improve their ability to identify patterns of domestic violence and abuse.

Sexual Harassment: Sexual harassment is illegal and punishable by up to six months in prison or a fine, and the government effectively enforced these prohibitions. Stalking is a criminal offense. 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 francs (approximately \$41,840). There were 11 complaints of sexual harassment recorded during the year. The government issued new directives during the year to address sexual violence and what it termed mobbing--pressure, harassment, or blackmail tactics used by perpetrators--in the workplace.

Reproductive Rights: 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.

Discrimination: 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 20 percent less than men for equal work. The labor contract law and the equal opportunity law contain provisions to combat gender discrimination in the workplace.

## **Children**

Birth Registration: Citizenship is derived from a child's parents at birth. A single parent may convey citizenship. A child born to stateless parents in the country may acquire citizenship after five years in country. Children are registered at birth.

Child Abuse: Since 2011 the task force against child abuse registered 12 cases of sexual abuse involving 15 minors between the ages of one and 14. Authorities charged and prosecuted perpetrators in four of the five 2010 cases; there was one conviction.

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.

Child Marriage: The legal minimum age of marriage for both girls and boys is 18.

Sexual Exploitation of Children: The law prohibits the prostitution of minors. Penalties for the sexual exploitation of minors range from one to 10 years' imprisonment. The law sets the minimum age for consensual sex at 14; according to the law, penalties for statutory rape are between one and 10 years' imprisonment. Possession or distribution of child pornography is a criminal offense with penalties ranging from monetary fines to six months in prison. Police registered five cases of pornography involving minors in 2011 and opened investigations against six individuals.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

### **Anti-Semitism**

The small Jewish community does not have an organizational structure. Approximately 30 individuals belonged to the Jewish community in 2011. There were no reports of anti-Semitic acts.

### **Trafficking in Persons**

There were no confirmed reports of human trafficking during the year.

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical, sensory, intellectual, or mental disabilities in employment, education, transportation, 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 readily had access to buildings, information, and communications. The law mandates that all public kindergartens and schools, as well as public transportation systems, must be accessible to persons with disabilities by 2012. Children with disabilities were able to attend public schools or a special school established by the orthopedic society. The country also had several institutions that provided working, living, and school facilities for persons with disabilities.

During the year 296 buildings were rated “barrier-free,” an increase of 46 over the past five years. The law requires recently constructed public buildings to be barrier-free by 2027 and older public buildings by 2019.

### **National/Racial/Ethnic Minorities**

Police estimated that violent right-wing extremists, including skinheads, numbered no more than 30 to 40 persons. The government continued to monitor right-wing groups. In 2011 foreign nationals, mostly from Switzerland, Austria, Germany, and Italy, represented 33.3 percent of the resident population. Ethnic Turks represented 15.5 percent of the foreign, non-German speaking population. Although no serious incidents were cited during the year, police investigated two racially motivated acts in 2011 and six offenses involving right-wing extremists in

2010. Authorities prosecuted two cases, resulting in one conviction. Law enforcement personnel noted an increase in offensive online postings by right-wing groups. Police also found that right-wing groups increasingly articulated offensive statements online in a fashion that circumvented the country's laws prohibiting public insult directed against a race, people, or ethnic group.

During the year the government sponsored a working group against right-wing extremism; the group met twice a year to elaborate on initiatives. In October the working group, in conjunction with the Liechtensteiner Youth Organization, held a workshop to sensitize social workers to detecting racially motivated offenses more effectively.

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

An antidiscrimination law exists as part of the equality law, introduced in 1999. However, it only applies to equality between men and women. The law did not explicitly mention lesbian, gay, bisexual, or transgender (LGBT) individuals. There were no formal complaints by the country's LGBT community during the year.

### **Other Societal Violence or Discrimination**

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

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law protects the rights of all workers, including foreigners, to form and join independent unions of their choice and freely select their own union representatives. The law allows unions to conduct their activities without government interference. There are no provisions in the constitution or in labor laws explicitly banning the right to strike. The law does not prohibit antiunion discrimination.

The law permits strikes by civil servants. There were no reports of antiunion discrimination during the year.

### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor; there were no reported violations.

### **c. 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 14 or older may engage in light work for no 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 of violations of 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.

### **d. 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 government estimated the poverty income level at approximately 28,000 francs (\$30,100) per year, which equals 2,300 francs (\$2,470) monthly, for a household (two adults and two children) and approximately 1,100 francs (\$1,183) per month for a single person.

The Equality Act explicitly requires equal pay for equal work. However, the median income for men during the year remained approximately 18 percent higher than that for women.

In 2011 the median income for men was approximately 7,300 francs (\$8,070), women on average earned 5,900 francs (\$6,520), male foreigners earned approximately 6,600 francs (\$7,290), and female foreigners earned approximately 5,200 francs (\$5,740) per month.

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, work on Sunday 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 consecutive months. The same standards covered the thousands of workers who commuted daily from neighboring countries.

The law sets occupational health and safety standards, and the Department for Worker Safety generally enforced these provisions effectively. The government employed several labor inspectors and one designated specialist for workplace safety. Each year labor inspectors meet their counterparts from Austria and Switzerland at an annual best practices conference. Data on workplace accidents and fatalities for 2011-12 were not available.