

# Liechtenstein Country Report

Initial report pursuant to article 8 of the  
Optional Protocol of 25 May 2000 to the  
Convention on the Rights of the Child on the  
Involvement of Children in Armed Conflict

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## **Introduction**

The Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict was adopted unanimously by the UN General Assembly on 25 May 2000 and entered into force on 12 February 2002. It supplements the Convention on the Rights of the Child – specifically article 38 – with respect to child soldiers. Liechtenstein signed the Optional Protocol on 8 September 2000 on the occasion of the Millennium Summit of Heads of State and Government at the UN General Assembly, which took place from 6 to 8 September 2000 in New York. On 4 February 2005, Liechtenstein deposited its instrument of ratification with the Office of Legal Affairs of the United Nations. The Optional Protocol entered into force for Liechtenstein on 4 March 2005.

Liechtenstein's foreign policy considers the protection of human rights and in particular of the rights of the child to be one of its top priorities. The Convention on the Rights of the Child (CRC) entered into force for Liechtenstein on 21 January 1996. Liechtenstein's initial report was submitted in 1998 and presented to the Committee in 2001; its second report followed in 2004. At the presentation of the second report in 2006, Liechtenstein traveled to its meeting in Geneva with an interagency delegation of nine experts. This large delegation is an expression of the significance that Liechtenstein accords to the protection of the rights of the child, and the open and constructive dialogue was expressly noted in a positive light.

The Liechtenstein Government is pleased to hereby submit its initial report to the Committee on the Rights of the Child pursuant to article 8, paragraph 1 of the Protocol. Over the last two centuries, Liechtenstein has been fortunate to have escaped armed conflict. The last Liechtenstein military division was disbanded in 1868. Since then, Liechtenstein has maintained no national armed forces. Moreover, no armed groups are active on its territory. Ratification of the Optional Protocol should therefore be considered a continuation of Liechtenstein's dedication to the protection of human rights, a support for the efforts of the international community in its promotion of the rights of the child, and at the same time an expression of solidarity with the objectives of the Optional Protocol.

This report has been prepared by the Office for Foreign Affairs, with the participation of the Office of Social Affairs, the Immigration and Passport Office, and the Liechtenstein Refugee Assistance organization. Currently, there is only one non-governmental organization in Liechtenstein concerned with children in armed conflict, namely the Liechtenstein local group of Amnesty International. The present report was brought to the attention of this NGO, which had the opportunity to comment.

The first part of the report contains general information on the country of Liechtenstein and on its protection and promotion of human rights. The second part was prepared in accordance with the guidelines contained in document CRC/OP/AC/1 of 12 October 2001 and the revised guidelines of September 2007, and it contains Liechtenstein's measures to implement the Protocol.

## **Part I: Information on the country of Liechtenstein**

### **A. Country and people**

#### ***Geography***

The territory of the Principality of Liechtenstein lies between Switzerland and Austria and covers an area of 160 square kilometers. Liechtenstein consists of 11 rural municipalities, the largest two of which have slightly over 5,000 inhabitants each. One quarter of the territory of the country is located in the Rhine Valley, while the remaining three quarters are covered by the slopes above the Rhine Valley and the inner-Alpine region. The capital and seat of the national authorities is Vaduz.

#### ***Population***

At the end of 2005, Liechtenstein had a resident population of 34,905 people, the size of a small city. However, the population of the country is spread out over 11 municipalities. 34.1% of the resident population are foreigners. Of all the foreign citizens living in Liechtenstein, 49.5% are from the countries of the European Economic Area (EEA)<sup>1</sup>, especially from Austria and Germany, and 30.4% from Switzerland. The proportion of the foreign population from third countries is therefore 20.1% - including 7.5% from Turkey.

#### ***Population structure***

Slightly more than half of the resident population of Liechtenstein in 2005 was female. This majority of women is typical for practically all Western societies and is related to the higher life expectancy of women. The share of women in the native population is 51.6%; the share of women in the foreign population is 49%. This difference is due to the higher immigration rate of men, who are often joined by their families only later or not at all.

The birth rate and accordingly also the excess of births over deaths (births minus deaths) have decreased overall since 1970, but have remained roughly stable since the 1990's. In the last 10 years, an average of 395 children have been born in Liechtenstein each year. In 2005, there were 381 births and 215 deaths. Infant mortality has steadily decreased in Liechtenstein since the 1950's and is now very low. Of 1,000 children, an average of 3 children died before their first birthday over the last few years.

Overall, the permanent population of Liechtenstein increased by 0.87% or 305 inhabitants in 2005, due to immigration and the birth surplus. 139 of these inhabitants moved to Liechtenstein from abroad. Immigration is therefore an important factor in the steady population growth of Liechtenstein.

It can be assumed that life expectancy has steadily increased in Liechtenstein over the last 30 years in a similar way like in other central European countries.<sup>2</sup> This is also confirmed by the

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<sup>1</sup> The European Economic Area consists of the 27 EU-States and the 3 EFTA-States Liechtenstein, Iceland and Norway.

<sup>2</sup> Liechtenstein does not calculate life expectancy, as this could lead to distortions due to the small population size of the country.

ratio of people over 64 years to the total number of inhabitants: While in 1980, 9.0% of inhabitants were over 64 years old, this percentage rose to 10.4% by 2000 and to 11.5% by 2005. The youth quotient, which represents the ratio of inhabitants under 20 to inhabitants between 20 and 64, was 51.2% in 1980, and sank to 36% by 2005. By the end of 2005, 23.4% of the population were younger than 19.

While 33% of the population of Liechtenstein still lived in private households with 6 or more persons in 1970, only 6% of the population lived in this category of households in 2000. In the same time period, the number of 1-person and 2-person households increased substantially, so that nearly 40% of the population now lives in these forms of household. In 2000, the average household only had 2.4 persons. The increase in single-parent families is also striking. Of a total of 13,282 private households in 2000, 926 consisted of one parent and a child or children, while there were still only 745 such households in 1990.

### ***Religion***

At the end of 2002<sup>3</sup>, 76% of the overall population were Roman-Catholic, 7% were Protestant, and 4.1% Muslim. 10.8% of the population provided no data on their religious affiliation.

The Liechtenstein Constitution guarantees freedom of religion and conscience. It also guarantees civil and political rights independent of religious affiliation. Dispensation from religious instruction in public schools is granted with reference to freedom of religion.

At primary school level, public schools offer denominational instruction for Catholic and Protestant children. Additionally and for the first time as an experiment in school year 2007/2008, there is the possibility for primary school children to attend Islamic denominational instruction at public schools. While at primary school level, there is no substitute school subject for students who do not want to attend denominational instruction, there is such an alternative offered to secondary level students (*Oberschule*, *Realschule*, and first grades of *Gymnasium*). Starting with the 2003/2004 school year, the option is now offered to choose between a “Religion and Culture” course and denominational religious instruction (Catholic or Protestant) in the first grades of secondary school. The goal of the “Religion and Culture” class is to encourage students to think about the topic of religion and its significance for personal and social life – in a manner that is respectful of the different religious and philosophical beliefs. All students not attending denominational instruction attend the “Religion and Culture” class.

According to the Constitution, the Roman-Catholic Church is the “National Church of Liechtenstein”, which is not equivalent to an established or State church. In addition to the Roman-Catholic Church, the Evangelical (Protestant) Church as well as, since 2006, the Islamic denominations are also supported financially by the State. In the wake of the establishment of the Archdiocese of Liechtenstein, a disentangling of Church and State is currently under consideration.

### ***Language***

According to the Liechtenstein Constitution, the German language is the State and official language of Liechtenstein. In general, an Alemannic dialect of German is used as the conversational language.

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<sup>3</sup> No new survey has been taken in Liechtenstein since the end of 2003 concerning the distribution of religions.

## **B. General political structure**

### ***System of State***

The Principality of Liechtenstein is a constitutional hereditary monarchy on a democratic and parliamentary basis. The power of the State is embodied in the Reigning Prince and the People. The relatively strong position of the Reigning Prince is balanced by far-reaching direct-democratic rights of the People.

### ***Separation of powers***

In the dualistic system of State of the Principality of Liechtenstein, the power of the State is embodied both in the Reigning Prince and the People. Separation of powers is further safeguarded by vesting separate rights in the executive branch (Government), the legislative branch (Parliament), and the judicial branch (Courts).

### ***Reigning Prince (Head of State)***

The Reigning Prince is the Head of State and represents the State in all its relations with foreign States, notwithstanding the requisite participation of the competent Government. On the proposal of Parliament, the Reigning Prince appoints the Members of the Government. He is also responsible for appointing judges, the election of which is undertaken by Parliament on the proposal of a special selection body. On important grounds, the Reigning Prince may dissolve Parliament and dismiss the Government. The Reigning Prince may also exercise emergency powers. He also may exercise the powers of pardon, mitigation, and quashing with respect to criminal investigations. Every law requires the sanction of the Reigning Prince to enter into force. In exercising his powers, the Reigning Prince is bound by the provisions of the Constitution.

### ***Parliament***

The Liechtenstein Parliament is elected every four years. Parliament consists of 25 Members. They are elected in universal, equal, direct, and secret elections in accordance with proportional representation. In the current legislative term (2005-2009), three parties are represented in Parliament. The Progressive Citizens' Party has a plurality with 12 seats. The Patriotic Union has 10 seats, and the Free List is represented with three seats.

The most important responsibilities of Parliament are participation in the legislative process, assent to international treaties, approval of State funds, election of judges on the proposal of the selection body, and supervision of the National Administration. Parliament elects the Government and proposes its appointment to the Reigning Prince. It can also trigger dismissal of the Government when the Government loses its confidence. Parliament has a quorum if at least two thirds of its Members are present.

### ***Government***

The Government consists of five Ministers: the Prime Minister, the Deputy Prime Minister, and three other Ministers. The Ministers are appointed by the Reigning Prince on the recommendation of Parliament. The Government is the supreme executive authority, to which over 30 offices and several diplomatic missions abroad are subordinate. About 50 commissions and advisory councils support the work of the Administration.

The Government has the power to issue ordinances and is therefore also a rule-making authority. Ordinances may, however, only be issued on the basis of legislation and international treaties.

### ***Jurisdiction***

Jurisdiction is divided into jurisdiction under public law (special jurisdiction) and ordinary jurisdiction. Jurisdiction under public law is exercised by the Administrative Court and the Constitutional Court. The Administrative Court is the instance for complaints against decisions and orders of the Government or commissions acting on the Government's behalf. The responsibilities of the Constitutional Court include in particular the protection of the rights guaranteed by the Constitution, the European Convention on Human Rights, and the human rights instruments of the United Nations<sup>4</sup>. It also reviews the constitutionality of laws and international treaties and the legality of Government ordinances.

Ordinary jurisdiction encompasses the administration of justice in civil and criminal matters. The first instance is the Liechtenstein Court of Justice in Vaduz. Before a complaint can be lodged with the Liechtenstein Court of Justice in contentious civil matters, a mediation procedure must be undertaken in the municipality of residence of the defendant. Only if the mediation procedure fails can the Liechtenstein Court of Justice be invoked as the first instance. Ordinary jurisdiction in the first instance is exercised by individual judges. The second instance is exercised by the Court of Appeal, and the third instance by the Supreme Court. Both courts are collegial bodies.

### ***Municipalities***

Municipal autonomy plays an important role in Liechtenstein. The autonomous scope of authority of the 11 municipalities is laid down in article 110 of the Constitution. The eligible voters of each municipality elect a Municipal Council headed by a Mayor who, depending on the size of the municipality, exercises his office full-time or part-time. The municipal authorities conduct their affairs autonomously and manage the municipal assets. Citizens may call a referendum against their decisions.

## **C. Economic and political integration**

Liechtenstein engages in an active foreign policy characterized by the goal of strengthening State sovereignty and the goal of better political and economic integration at the international and European levels. Through the industrialization and economic development that began in the 1960's and has continued until day, this integration has been realized step by step.

Already in 1960, Liechtenstein was integrated into the European Free Trade Association (EFTA) through its Customs Treaty with Switzerland. In 1991, it joined EFTA as an autonomous member. Liechtenstein joined the Organization for Security and Cooperation in Europe (OSCE) in 1975 and the Council of Europe in 1978. It became a member of the United Nations in 1990 and a member of the European Economic Area (EEA) and the World Trade Organization (WTO) in 1995.

Today, Liechtenstein maintains diplomatic missions to the United Nations in New York, the European Union in Brussels, to EFTA, the UN, and the WTO in Geneva, a Permanent Mission to the Council of Europe in Strasbourg and a Permanent Mission to the OSCE, the IAEO, the UN and the Preparatory Commission for the Comprehensive Nuclear Test-Ban-Treaty Organization in Vienna. Bilateral embassies have been established in Berne, Berlin,

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<sup>4</sup> International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights, Convention on the Elimination of All Forms of Discrimination against Women, Convention on the Rights of the Child, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the International Convention on the Elimination of All Forms of Racial Discrimination.

Brussels, Washington, Vienna, and to the Holy See. Since 2007, Liechtenstein has been maintaining honorary consulates, for the time being only in the United States. The first two honorary consulates have been established in Macon (State of Georgia) and in Los Angeles.

## **D. Economy**

### ***Economic area***

Since entry into force of the Customs Treaty in 1924, Liechtenstein has formed a common economic area with Switzerland. The border between the two States is open; the border to Austria is controlled by Swiss border guards. Pursuant to the Currency Treaty with Switzerland, the Swiss franc is legal tender in Liechtenstein. As mentioned above, Liechtenstein has participated in the European Economic Area since 1995, in which it forms a uniform single market with the EU Member States, Norway, and Iceland. After the most recent EU enlargement of 1 January 2007, the EEA now includes a total of 30 Member States.

### ***Economic structure***

Liechtenstein is a modern industrial and service economy with worldwide connections. The foundations of its economic success in recent decades have been favorable framework conditions ensured by liberal business law. Liechtenstein is also home to a highly productive, globally oriented industrial sector, which contributed in 2004 approximately 40.3% of the overall added value of the country (gross domestic product). In addition, Liechtenstein has well-developed service enterprises, especially in the financial sector, with legal counseling, professional trustees, and banks. The country enjoys a worldwide reputation as a modern financial center with first-class know-how. In 2004, financial services and general services generated 52.4% of the added value of the country (gross domestic product). Liechtenstein is one of the most heavily industrialized countries in the world. This broad diversification was and is the key for the continuous and crisis-resistant growth of the Liechtenstein economy.

### ***Employment structure***

The small size of Liechtenstein and the continuing economic growth entail that a large part of the workers must be recruited abroad and commute across the national borders (cross-border commuters). At the end of 2005, 16,872 residents of Liechtenstein were employed, or just about 50% of the resident population. Of these, 15,667 were employed in Liechtenstein and 1,205 were employed abroad. The 15,667 persons living and working in Liechtenstein were joined by 14,503 workers commuting to Liechtenstein from neighboring countries, so that a total of 30,170 persons were employed in Liechtenstein at the end of 2005. Compared with the total population of 34,905, this is a very high number.

Agriculture is no longer of great significance to the national economy. However, it still plays an important role with respect to self-sufficiency in times of crisis and with respect to cultivation and preservation of the natural and cultural landscape. 1.3% of all persons employed in Liechtenstein at the end of 2005 still worked in the primary (agricultural) sector. Although the service sector (commerce, financial services, hotels and restaurants, education, etc.) is continually growing and encompassed 54.8% of the fully employed population at the end of 2005, Liechtenstein continues to have an active and diversified secondary sector (industry, trades, construction, etc.), in which 43.9% of all fully employed persons work.



### ***Unemployment***

In an international comparison, unemployment is low. In June 2007, unemployment was 2.7%, which corresponds to 476 persons.

### ***Inflation rate***

Because of the economic and currency union with Switzerland, the inflation rate is expressed in terms of the annual average of the Swiss national index of consumer prices. In 2005, the inflation rate was 1.2%.

## **E. General legal framework for the protection of human rights**

### ***Fundamental rights and freedoms***

A number of basic rights are enshrined in the Constitution of the Principality of Liechtenstein. In particular, these include the right to freedom of movement and acquisition of property, personal freedom, the sanctity of the home, the protection of the privacy of correspondence and documents, the right to proceedings before a regular judge, the inviolability of private property, the freedom of commerce and trade, the freedom of religion and conscience, the right to freedom of expression and press freedom, the right to free association and assembly, the right to petition, and the right to lodge complaints. The Constitution also specifies that all citizens are equal before the law and that the rights of foreign citizens are governed by treaties and, if no such treaties apply, by the principle of reciprocity.

### ***Jurisdiction and international legal action***

If a person believes that his or her fundamental rights or freedoms have been violated, the person may avail himself or herself of a court or a complaints procedure. The person may demand annulment of the administrative or governmental decision, compensation, or satisfaction for material or immaterial damage. The Constitutional Court is empowered to review the constitutionality of applicable law and may declare legislation, ordinances, or parts thereof to be invalid. In certain cases, complaints may also be lodged with the European Court of Human Rights in Strasbourg, as Liechtenstein has been a State Party to the European Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950 since 1982. The prerequisite is that the proceedings in Liechtenstein have exhausted all competent judicial instances.

In addition, the Constitutional Court is the national judicial instance which decides on alleged violations of rights guaranteed by an international human rights convention. The Constitutional Court has this competence in respect of all individual complaint procedures which Liechtenstein has recognized under international human rights conventions.

### ***Liechtenstein membership of international human rights conventions***

As a member of the United Nations and the Council of Europe, Liechtenstein has ratified a number of European and international agreements for the protection of human rights. These are amongst others:

- Charter of the United Nations of 16 June 1945
- Convention relating to the Status of Refugees of 28 July 1951, with Protocol of 31 January 1967
- Convention of 21 December 1965 on the Elimination of All Forms of Racial

## Discrimination

- International Convention on Economic, Social and Cultural Rights of 16 December 1966
- International Convention on Civil and Political Rights of 16 December 1966
- Optional Protocol to the International Convention on Civil and Political Rights of 16 December 1966
- Second Optional Protocol to the International Convention on Civil and Political Rights, aiming at the abolition of the death penalty, of 15 December 1989
- Convention of 18 December 1979 on the Elimination of All Forms of Discrimination against Women
- Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women of 6 October 1999
- Convention on the Rights of the Child of 20 November 1989
- Optional Protocol of 25 May 2000 to the Convention on the Rights of the Child on the involvement of children in armed conflict
- Convention of 10 December 1984 against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- Statute of the Council of Europe of 5 May 1949
- European Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950, including various protocols
- European Convention of 26 November 1987 against Torture and Inhuman or Degrading Treatment or Punishment, including Protocols 1 and 2
- European Framework Convention of 1 February 1995 for the Protection of National Minorities
- European Charter for Regional or Minority Languages of 5 November 1995
- European Agreement of 5 March 1996 relating to Persons participating in Proceedings of the European Court of Human Rights
- Rome Statute of the International Criminal Court of 17 July 1998

### ***Implementation of international conventions***

With respect to the implementation of international human rights conventions, Liechtenstein abides by the principle that treaty obligations are only entered into if they can actually be complied with. A ratified agreement becomes part of national law from the date of entry into force, without the adoption of a special law being necessary, as long as the provisions of the agreement are specific enough to serve as a basis for decision.

***National information policy concerning human rights conventions***

All laws and therefore practically all international agreements are considered by Parliament and must be published in the Liechtenstein Law Gazette (Liechtensteinisches Landesgesetzblatt, LGBl.). Their entry into force is also published in the national newspapers. All legal acts are available to the public. The complete text can either be obtained from the Government Chancellery or viewed on the Internet ([www.gesetze.li](http://www.gesetze.li)).

On the website of the State of Liechtenstein and its authorities ([www.liechtenstein.li](http://www.liechtenstein.li)), all international human rights agreements applicable to Liechtenstein may be accessed. Also available are all country reports submitted by Liechtenstein and the recommendations of the human rights committees and monitoring bodies.

## **Part II: Implementation of the Protocol: Remarks on the articles of the Protocol**

### **Article 1: Minimum age for direct participation in hostilities**

Liechtenstein has no national armed forces and hence no legislation governing the minimum age for participation of members of armed forces in hostilities. See also the remarks on article 3.

### **Article 2: Minimum age for compulsory recruitment**

Liechtenstein has no national armed forces and hence no compulsory military service. There is thus no danger that persons who have not attained the age of 18 years could be recruited into armed forces. See also the remarks on article 3.

### **Article 3: Minimum age for voluntary recruitment**

Pursuant to article 3, paragraph 2, each State Party shall deposit a binding declaration upon ratification of or accession to the Protocol that sets forth the minimum age at which it will permit voluntary recruitment into its national armed forces and a description of the safeguards it has adopted to ensure that such recruitment is not forced or coerced. Upon ratification, Liechtenstein deposited the following declaration:

*"The Principality of Liechtenstein declares that, with respect to the Principality of Liechtenstein, articles 1 and 2 as well as article 3, in particular paragraph 2, of the Optional Protocol of 25 May 2000 to the Convention on the Rights of the Child of 20 November 1989 on the involvement of children in armed conflict have to be understood in light of the fact that the Principality of Liechtenstein has no national armed forces and that hence no legislation on a minimum age for the recruitment of persons into the armed forces and for taking part in hostilities exists. The Principality of Liechtenstein regards the ratification of the Optional Protocol as part of its continuing commitment to the protection of the rights of children and at the same time as an act of its solidarity with the objectives of the said Protocol."*

Liechtenstein thus has no national armed force and hence also no legislation on the recruitment of persons into national armed forces or on participation in hostilities.

The only possibility – of a rather theoretical nature, however – of a Liechtenstein citizen experiencing any sort of compulsory military service would arise from article 44, paragraph 1 of the Liechtenstein Constitution (Liechtenstein Law Gazette LGBI. 1921 No. 15), pursuant to which every man fit to bear arms is required, until the completion of his 60th year, to serve in the defense of the country in the event of an emergency. This article of the Constitution neither specifies a minimum age for this requirement to serve in the national defense, nor is the term "fit to bear arms" defined. However, the article may be read in conjunction with the Weapons Act (LGBI. 1971 No. 48): According to article 9(a) of the Weapons Act, young

people under the age of 18 are prohibited from acquiring, possessing, or carrying weapons. According to article 10 of the Weapons Act, the Government may, upon application of the young person's legal guardian, grant exemptions in justified cases, but this does not affect the general rule that persons under the age of 18 are not allowed to carry weapons. It may therefore be assumed that article 44 of the Liechtenstein Constitution would not currently require persons under the age of 18 to serve in the defense of the country.

Moreover, since a ratified treaty becomes part of national law in Liechtenstein on the date of entry into force without the need to enact special legislation, as already explained in Part I Chapter E of this report, the provisions of the Optional Protocol are directly applicable in Liechtenstein, if they are sufficiently specific. This entails that participation of persons under the age of 18 in the national defense is not permissible.

#### **Article 4: Armed groups**

Article 4, paragraph 2 of the Optional Protocol requires all States Parties to take all feasible measures to prevent the recruitment and use of persons under the age of 18 by armed groups, including the adoption of legal measures necessary to prohibit and criminalize such practices.

There are currently no armed groups on Liechtenstein territory, nor have such armed groups or the recruitment of children been known in the past.

The offense of soliciting children by armed groups in Liechtenstein would fall within the scope of article 279 of the Criminal Code (StGB, LGBI. 1988 No. 37 as amended). According to this provision, a person shall be punished with up to three years imprisonment who, without authorization, establishes an armed group, or even a group intended to be armed, or who arms an existing group, fulfills a leading function in such a group, solicits or enlists members for such a group, trains them militarily or otherwise for combat, or supplies the group with arms, means of transport, or telecommunication facilities, or supports the group financially or in other significant manner. The recruitment and solicitation of members of armed groups is therefore criminalized. Even if the provision does not refer specifically to persons under the age of 18, the solicitation of young people for participation in such groups is covered by the offense set out in § 279 StGB.

Accordingly, the offense of armed groups set out in § 279 StGB covers recruitment by armed groups, which corresponds to the requirements contained in article 4, paragraph 2 of the Optional Protocol. Solicitation and recruitment of members are offenses under criminal law, while mere membership in the armed group is not. A person soliciting or recruiting children would therefore be punishable under § 279 StGB, but not the recruited child. It may be assumed that this offense covers practically all cases envisaged by article 4, paragraph 2 of the Optional Protocol.

For any constellations where the elements of the offense set out in § 279 StGB are not met, but where it appears possible that an armed group might exist within the scope of article 4, paragraph 2 of the Optional Protocol, the offense would nevertheless be punishable under article 20, paragraph 2 in conjunction with article 9(a) of the Weapons Act (LGBI. 1971 No. 48 as amended). According to article 20, paragraph 1(c) of the Weapons Act, anyone acquiring or possessing weapons or ammunition despite being subject to a prohibition under article 9 of the Weapons Act shall be punished for commission of a misdemeanor with up to three months imprisonment or a monetary penalty of up to 180 daily rates. Article 9 contains

a general prohibition of carrying weapons for persons under 18. If persons under 18 are provided with weapons, § 12 StGB in conjunction with article 20, paragraph 1(c) and article 9(a) of the Weapons Act provides for punishment as an organizer of the offense. In cases where children were already in possession of weapons before, aiding and abetting within the meaning of § 12 StGB applies. In such cases, recruitment gives rise to mental aiding and abetting. Since, pursuant to § 12 StGB, organizers and abettors are equally culpable for the offense, they can be punished equally.

Criminal liability in accordance with the aforementioned provisions plays a subsidiary role in this context, since perpetrators can generally be punished under § 279 StGB prohibiting armed groups. The combination of the two alternatives, in any event, ensures criminalization of the conduct referred to in article 4, paragraph 2 of the Optional Protocol in the framework of existing Liechtenstein criminal law.

### **Article 5: International instruments**

As a member of the United Nations and the Council of Europe, Liechtenstein has ratified various European and international agreements on the protection of the rights of the child and on the protection of human rights in general. The most important of these international instruments are listed in Chapter E (General legal framework for the protection of human rights) in Part I of this report on pages 9 and 10.

### **Article 6: Implementation measures**

Pursuant to article 6, each State Party shall take all necessary legal, administrative and other measures to ensure the effective implementation and enforcement of the provisions of the Protocol within its jurisdiction.

### **Legislative revisions relevant to the Optional Protocol**

When preparing the ratification of the Optional Protocol, the Liechtenstein Government assured itself that the obligations of the Optional Protocol were already met by existing legislation. For this reason, no new enactments and no new legislative amendments had to be adopted in connection with the Optional Protocol.

### **Legal status of the Optional Protocol and applicability before domestic jurisdictions**

Information on the status of international human rights conventions in national law and the applicability of these conventions before domestic jurisdictions are discussed in Part I of this report under Chapter E (General legal framework for the protection of human rights). However, it should be repeated that agreements ratified by Liechtenstein become an integral part of national law from the date of their entry into force, without having to create special law, provided that the provisions of the agreement are sufficiently specific to serve as a basis for decisions.

### **Competent bodies responsible for implementation of the Optional Protocol**

The Liechtenstein Government treats the well-being of children and young people as a cross-sectoral responsibility, in which the interplay of different policy areas is necessary, especially child and youth policy, family policy, social policy, and equal opportunity policy.

The Office of Social Affairs plays a special coordination role with respect to children and young people. The Office of Social Affairs is subordinate to the Ministry of Social Affairs and the Ministry of Family and Equal Opportunity (Youth), thereby fulfilling responsibilities of a social, youth, and family ministry. The Office of Social Affairs collaborates with other government offices concerned with child and youth affairs (Office of Education, Office of Vocational Training, etc.) as needed. The small size of the country facilitates an uncomplicated approach that individually targets specific cases or projects.

The Office of Social Affairs also serves as the government office responsible for the provision and coordination of basic psychosocial services in Liechtenstein. Within the Office of Social Affairs, the Children and Youth Division is responsible for the public share of basic services for children and young people. The Children and Youth Division is further divided into the Youth Welfare Bureau (casework), the Youth Development Bureau, and the Minors' Protection Bureau:

- The Youth Welfare Bureau in the Children and Youth Division aims to support family systems so that they can do justice to the needs of children and young people, and intervenes where official measures are necessary to protect and/or ensure the well-being of children and young people.
- The Youth Development Bureau in the Children and Youth Division aims to promote extracurricular child and youth work. This is accomplished by providing specialized support and counseling to persons and organizations working outside schools with children and young people and by contributing financial support in accordance with guidelines.
- The Minors' Protection Bureau in the Children and Youth Division aims to create conditions that protect children and young people from dangers and to help them and their parents and educators deal with these dangers.

At the international level, the Office for Foreign Affairs is responsible for the rights of the child. In particular, the Office for Foreign Affairs is responsible for reporting in the framework of international human rights conventions, and it assumes an important coordination role with respect to the rights of the child in this connection.

### **Monitoring and evaluation of the implementation of the Optional Protocol**

Since Liechtenstein neither has national armed forces, nor does the problem of non-State armed groups on its territory exist, it has not been deemed necessary to establish a special monitoring mechanism for the implementation of the Optional Protocol. However, violations of conventions ratified by Liechtenstein can be brought before a court, provided that the convention is directly applicable (see also the remarks on the legal status of the Optional Protocol in Part I of this report under Chapter E).

### **Dissemination of the Protocol to all children and adults, dissemination of the Protocol in all languages and to all professional groups working with children**

The Optional Protocol is published in the Liechtenstein Law Gazette (LGBI. 2005 No. 26). The Collection of Liechtenstein Laws is also accessible via the Internet ([www.gesetze.li](http://www.gesetze.li)). Additionally, the comments on the Convention made in the Government's application to Parliament prior to ratification are available at [www.bua.llv.li](http://www.bua.llv.li). The German texts of all human rights conventions ratified by Liechtenstein are available on the website of the Liechtenstein Government ([www.liechtenstein.li](http://www.liechtenstein.li)) under the heading Foreign policy > Human rights. The same heading also includes all the reports submitted by Liechtenstein to the treaty bodies of the UN human rights conventions, along with the concluding observations by committees to which the report were submitted.

Noteworthy in relation to the rights of the child is that the Office of Social Affairs provides information on the rights of the child and the Convention on the Rights of the Child each year on 20 November. At all school levels, the topic of human rights is also part of the curriculum. To further strengthen the understanding of human rights in youth work, an international training seminar for youth workers was held in 2005 on the basis of the Compass manual of the Council of Europe. Compass is a practice-oriented manual for scholastic and extracurricular education on topics such as poverty, education, discrimination, peace, and violence. The seminar on this manual was organized in 2005 with the support of the Office of Social Affairs, the Association of Liechtenstein Youth Organizations, and the Youth Information Center "aha".

In recent months, the Liechtenstein local group of Amnesty International (AI) has been particularly active on the specific topic of child soldiers. A sponsored running race was held, the proceeds of which benefited AI projects relating to child soldiers. Other campaigns such as the presentation of films on the topic or benefit concerts are planned.

### **Measures for the physical and psychological recovery and social reintegration of child soldiers**

According to article 6, paragraph 3, State Parties shall take all feasible measures to ensure that persons within their jurisdiction recruited or used in hostilities contrary to the Protocol are accorded all appropriate assistance for their physical and psychological recovery and their social reintegration once they have been demobilized or otherwise released from service.

No cases are known where Liechtenstein has ever been confronted with child soldiers or former child soldiers. From today's perspective, it is highly improbable that Liechtenstein could be involved in an armed conflict and be confronted with the issue of child soldiers on its territory to a significant extent. It is conceivable, however, that former child soldiers might come to Liechtenstein as refugees. This has also never occurred, however. If a former child soldier were to seek refuge in Liechtenstein, the mechanisms described below would apply. These existing mechanisms have proven effective in dealing with minors seeking asylum, and they guarantee that the affected child receives adequate support.

The legal basis for the presence of children as refugees in Liechtenstein is the Refugee Act (LGBI. 1998 No. 107). Article 23 of the Refugee Act governs the hearings on the grounds for asylum. The authorities waive hearings if the minor is accompanied by a guardian, unless the hearing of a minor might give rise to facts relevant to granting asylum. In the case of a child



solider, a hearing would always be conducted. For unaccompanied minors seeking asylum, the Court of Justice appoints an appropriate person as trustee for the duration of the asylum procedure. The trustee takes care of the legal and social needs of the child. The care of all asylum seekers and of persons granted temporary protection is the responsibility of the Liechtenstein Refugee Assistance association, to whom this mandate has been delegated by the Government.

With respect to integration and rehabilitation measures, the procedure is as follows: As part of the hearing and the subsequent care provided by Liechtenstein Refugee Assistance, appropriate therapeutic measures and psychosocial care as well as housing and integration in school or the workforce are assessed and implemented. All these assessments and measures are carried out in consultation between the affected bodies, i.e. between Liechtenstein Refugee Assistance and the trustee. Appropriate measures are taken by the Children and Youth Division of the Office of Social Affairs on the basis of the Youth Act (article 30, LGBl. 1980 No. 38). In such cases, therapeutic measures may be carried out by staff members of the Youth Welfare Bureau itself or by external psychotherapists or physicians. Unaccompanied minors are placed in a therapeutic residential community, a sociopedagogical youth living group, or a foster family. Access of asylum-seeking children and young people to schools and vocational training is expressly provided by articles 32 and 62 of the Refugee Act. Pursuant to these provisions, the Government takes the requisite measures to facilitate the access of children and young people to public schools and vocational training facilities. Asylum-seeking children and young people are enrolled in school as soon as possible after their arrival in Liechtenstein. In such cases, language integration is also provided in schools, while language instruction is provided as a social measure for young people above the age of compulsory schooling. Integration in the workforce may be accomplished by employment in the framework of assisted living. This living arrangement is made available to young persons who have difficulties integrating in the normal working life. According to article 73, the State of Liechtenstein bears the cost for housing, care, health and accident insurance, and food for asylum seekers and persons in need of protection.

In summary, any future cases of former child soldiers in Liechtenstein can be handled with the existing infrastructure in such a way that Liechtenstein can fulfill its commitments relating to rehabilitation and reintegration under the Optional Protocol.

### **Article 7: International cooperation**

Article 7 envisages cooperation among States Parties in the implementation of the Optional Protocol, including in the areas of prevention and the social reintegration of victims.

At the level of the UN, Liechtenstein has for years been engaged on behalf of the rights of the child in general and the protection of children in armed conflict in particular. For instance, the Liechtenstein delegation regularly participates in the open debates held in the UN Security Council on this topic serving to further develop the mandate of the Special Representative of the Secretary-General for Children and Armed Conflict. Also in the negotiations in the General Assembly concerning the resolution on children's rights, Liechtenstein firmly advocates strengthening the international mechanisms for the protection of children in armed conflict and for an effective reintegration of former child soldiers.

In the humanitarian field, Liechtenstein supports projects benefiting children, both in the context of bilateral and multilateral cooperation. Especially important partners for

Liechtenstein at the multilateral level are the ICRC, UNHCR, and – specifically for children – UNICEF. Notable with respect to children in armed conflict are Liechtenstein's financial contributions to the UNDP Disarmament, Demobilization, and Reintegration program, especially in relation to child soldiers, and to the non-governmental organization Save the Children, which was given support for its work on the ten-year implementation review of the Graça Machel report. Finally, Liechtenstein regularly provided the Office of the Special Representative of the Secretary-General for Children in Armed Conflict with voluntary contributions between 1998 and 2005.

With respect to the export of small arms, the following should be noted: Since entry into force of the Customs Treaty in 1924, Liechtenstein has formed a joint economic area with Switzerland. For this reason, numerous Swiss laws are applicable to Liechtenstein, especially relating to the import, export, and transit of goods. The export of small arms and light weapons from Liechtenstein is governed by the Swiss Federal Law on War Materials of 13 December 1996 (SR 514.51) and the associated Ordinance on War Materials of 25 February 1998 (SR 514.511)<sup>5</sup>. According to the War Materials Act, every export requires authorization. Article 5 of the Ordinance provides that the authorization of foreign transactions must take account of the internal situation of the destination country, in particular its respect for human rights and its renunciation of the use of child soldiers (article 5(b) of the Ordinance).

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<sup>5</sup> The legislative texts can be accessed on the website [www.admin.ch](http://www.admin.ch) in German, Italian, and French.