

## LIECHTENSTEIN UPR 2<sup>nd</sup> cycle

1. Response of the Government of Liechtenstein to the recommendations made during its second cycle universal periodic review (UPR):

2. Liechtenstein welcomes the recommendations made during its universal periodic review on 30 January 2013. After thorough consideration and consultations, Liechtenstein is pleased to provide the following responses.

### **Recommendation 94.1.**

3. **Accepted.**

### **Recommendation 94.2.**

4. **Accepted.**

### **Recommendation 94.3.**

5. **Accepted.**

### **Recommendation 94.4.**

6. **Accepted.**

7. Liechtenstein in principle supports individual complaint procedures under the UN human rights conventions, since they contribute to improved implementation of those conventions. Over the coming four years, Liechtenstein will comprehensively evaluate the practical and legal consequences of ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. Liechtenstein emphasizes that acceptance of this recommendation does not prejudice the outcome of this evaluation.

### **Recommendation 94.5.**

8. **Accepted**, and considered already implemented.

9. The instrument of ratification was deposited on 30 January 2013, so the Optional Protocol entered into force for Liechtenstein on 28 February 2013.

**Recommendation 94.6.**

10. **Accepted.** See recommendation 94.5.

**Recommendation 94.7.**

11. **Accepted.** See recommendation 94.5.

**Recommendation 94.8.**

12. **Accepted.** See recommendation 94.5.

**Recommendation 94.9.**

13. **Accepted.** See recommendation 94.5.

**Recommendation 94.10.**

14. **Accepted.**

**Recommendation 94.11.**

15. **Rejected.**

16. Please refer to the response to the similar recommendation in Liechtenstein's first UPR in 2008 (A/HRC/10/77/Add.1).

**Recommendation 94.12.**

17. **Rejected.** See recommendation 94.11.

**Recommendation 94.13.**

18. **Rejected.** See recommendation 94.11.

**Recommendation 94.14.**

19. **Rejected.**

20. Liechtenstein rejects recommendations 94.14 to 94.16 not because of the content of the ILO conventions referred to. Rather, ratification of ILO conventions requires membership of ILO, and membership of ILO is not currently being considered by the Liechtenstein Government. As a very small country with limited personnel resources, Liechtenstein is not able to join all international organizations. As a full member of the European Economic Area (EEA), however, Liechtenstein has already incorporated the relevant EU legislation, especially the high labour standards of the EU, into national law. Together with the international human rights conventions ratified by Liechtenstein, Liechtenstein has assumed a dense network of international obligations in the field of economic, social, and cultural rights.

**Recommendation 94.15.**

21. **Rejected.** See recommendation 94.14.

**Recommendation 94.16.**

22. **Rejected.** See recommendation 94.14.

**Recommendation 94.17.**

23. **Accepted,** and considered already implemented.

24. The Agreement on Privileges and Immunities of the International Criminal Court entered into force for Liechtenstein on 21 October 2004. Liechtenstein has a monist legal system. A ratified international agreement becomes part of domestic law upon entry into force without a special law having to be created, and it can be applied directly if its provisions are specific enough to serve as a basis for decision-making (self-executing).

#### **Recommendation 94.18.**

25. **Partially accepted.**

26. At regular intervals, Liechtenstein considers the ratification of new international human rights conventions as well as those not yet ratified. However, no further consideration in the coming four years is planned for those conventions in regard to which the Liechtenstein Government has already defined a position (see recommendations 94.11 and 94.14). In regard to harmonization of domestic laws with the articles of the ratified conventions, Liechtenstein takes the approach that all necessary legislative amendments should where possible already be made before ratification.

#### **Recommendation 94.19.**

27. **Accepted.**

28. Genocide has already been incorporated as a criminal offence in the Criminal Code. The planned expansion of the Criminal Code to include war crimes, crimes against humanity, and aggression as offences is being pursued as a high priority by the Liechtenstein Government.

#### **Recommendation 94.20.**

29. **Accepted.** See recommendation 94.19.

#### **Recommendation 94.21.**

30. **Accepted.**

31. As the country report states, the Liechtenstein Government decided in principle in 2012 to create an independent human rights institution in accordance with the Paris Principles. An initial proposal (consultation report) for designing this new institution was presented to the public in autumn 2012. In light of critical responses by various national offices to this Government proposal, the Government decided to review the criticized points comprehensively. Only afterwards would a modified proposal to create and design an independent human rights institution be submitted to Parliament. By accepting recommendations 94.23 to 94.30, the Liechtenstein Government reiterates its fundamental intention to consider creating an independent national human rights institution. Liechtenstein emphasizes, however, that acceptance of these recommendations in no way prejudices the outcome of the political decision-making process.

**Recommendation 94.22.**

32. **Accepted.**

**Recommendation 94.23.**

33. **Accepted.** See recommendation 94.21.

**Recommendation 94.24.**

34. **Accepted.** See recommendation 94.21.

**Recommendation 94.25.**

35. **Accepted.**

**Recommendation 94.26.**

36. **Accepted.** See recommendation 94.21.

**Recommendation 94.27.**

37. **Accepted.** See recommendation 94.21.

**Recommendation 94.28.**

38. **Accepted.** See recommendation 94.21.

**Recommendation 94.29.**

39. **Accepted.** See recommendation 94.21.

**Recommendation 94.30.**

40. **Accepted.** See recommendation 94.21.

**Recommendation 94.31.**

41. **Accepted.**

42. Liechtenstein has extended a permanent invitation to all special procedures of the Human Rights Council and will maintain this invitation in future. Should one of the special procedures accept the invitation, Liechtenstein will of course organize all the necessary steps.

**Recommendation 94.32.**

43. **Accepted.**

**Recommendation 94.33.**

44. **Rejected.**

45. While the Liechtenstein Constitution does not expressly guarantee equality of all persons before the law, the Constitutional Court has in a series of judgements recognized equality before the law also for foreigners. In Liechtenstein's view, there is thus no need for action. Moreover, Liechtenstein makes great efforts in the field of integration of foreigners to eliminate any discrimination.

**Recommendation 94.34.**

46. **Partially accepted**, and the accepted part is considered already implemented.

47. While protection from discrimination on the basis of personal characteristics is not defined in comprehensive anti-discrimination legislation, such protection is provided on the basis of specific provisions in specialized legislation. For instance, labour law expressly provides protection of the personality of the employee. The term "personality" must be interpreted broadly, covering gender, race, nationality, sexual orientation, etc. Non-discrimination provisions are also found in the Law on the Equality of Women and Men and in the Law on the Equality of Persons with Disability. For this reason, the recommendation is accepted in regard to effective implementation of the principles of equality and non-discrimination for everyone.

48. Liechtenstein rejects the recommendation in regard to comprehensive anti-discrimination legislation, however. The freedom of contract between private parties is of essential importance to Liechtenstein's liberal economic order. Comprehensive anti-discrimination legislation would, in Liechtenstein's view, constitute a disproportionate intervention in the freedom of contract, especially since existing legislation already provides sufficient protection from discrimination.

**Recommendation 94.35.**

49. **Accepted.**

**Recommendation 94.36.**

50. **Accepted.**

**Recommendation 94.37.**

51. **Accepted.**

**Recommendation 94.38.**

52. **Accepted.**

**Recommendation 94.39.**

53. **Accepted.**

**Recommendation 94.40.**

54. **Accepted.**

**Recommendation 94.41.**

55. **Accepted.**

**Recommendation 94.42.**

56. **Accepted.**

**Recommendation 94.43.**

57. **Accepted.**

**Recommendation 94.44.**

58. **Accepted.**

**Recommendation 94.45.**

59. **Accepted.**

**Recommendation 94.46.**

60. **Accepted.**

**Recommendation 94.47.**

61. **Accepted.**

**Recommendation 94.48.**

62. **Accepted.**

**Recommendation 94.49.**

63. **Accepted.**



**Recommendation 94.50.**

64. **Accepted.**

**Recommendation 94.51.**

65. **Accepted**, and considered already implemented.

66. § 283 of the Criminal Code expressly forbids and punishes racial discrimination.

**Recommendation 94.52.**

67. **Accepted**, and considered already implemented. See recommendation 94.51.

**Recommendation 94.53.**

68. **Accepted**, and considered already implemented. See recommendation 94.51.

**Recommendation 94.54.**

69. **Partially accepted**, and the accepted part is considered already implemented.

70. In criminal law, § 283 of the Criminal Code already constitutes specific legislation punishing racial discrimination. There is also further specialized legislation containing provisions to protect against racially discriminatory practices. Labour law, for instance, contains concrete provisions expressly forbidding discrimination on the basis of personal characteristics. This includes racially discriminatory practices. Comprehensive protection from racial discrimination thus already exists, so that the part of the recommendations relating to the introduction of specific legislative provisions is already implemented and accordingly accepted.

71. Comprehensive anti-discrimination legislation would, however, represent a strong intervention in private law and accordingly in the freedom of contract, which from the perspective of Liechtenstein's liberal economic order would be disproportionate. Liechtenstein accordingly rejects this part of the recommendation.

**Recommendation 94.55.**

72. **Rejected.**

73. Thanks to the punishment of racial discrimination under the Criminal Code and the provisions in labour law, racial discrimination and xenophobia can already be combated in a large part of public life. Expanding these provisions to all spheres would mean a strong intervention in private law and the freedom of contract and would be disproportionate. See also recommendation 94.54.

#### **Recommendation 94.56.**

74. **Partially accepted**, and the accepted part is considered already implemented.

75. Liechtenstein considers the last two elements of this recommendation concerning racial discrimination of third-country foreigners and the public position of high-ranking officials and politicians to be already implemented. In the field of integration, Liechtenstein already makes great efforts to prevent discrimination of third-country foreigners. In regard to combating racism, it should be noted that in September 2012, the Government, the President of Parliament, and individual Members of Parliament spoke out clearly against racism, xenophobia, and right-wing extremism. Liechtenstein accordingly accepts these elements of the recommendation.

76. In regard to the first part of this recommendation, § 283 of the Criminal Code punishes membership in organizations propagating racial discrimination. The existence of such organizations is not expressly prohibited, however. The Law on Persons and Companies (PGR) contains several provisions for dissolving corporate bodies that damage Liechtenstein's reputation abroad. In this way, such organizations can already be dissolved under existing law where the circumstances allow. However, Liechtenstein points out that many organizations are not organized as corporate bodies as defined by the law (e.g. as associations). An explicit prohibition would thus hardly be effective in practice. The freedom of expression and association in Liechtenstein should also be noted, which enjoys a very high status. Despite rejection of this part of the recommendation, however, Liechtenstein will consider whether need for action exists in this regard.

#### **Recommendation 94.57.**

77. **Accepted.**

78. Liechtenstein has already successfully implemented a large number of measures in this regard. For instance, the Violence Protection Commission conducted a campaign against right-wing violence in 2010 entitled "Standing up to right-wing violence". Also as part of the Government's integration concept entitled "Strength through diversity", concrete measures were taken to promote interculturality. In this connection, two integration conferences took place in 2011 and 2012. Also thanks to the measures already taken, racial discrimination and intolerance are currently not an obvious problem. Liechtenstein will however review and expand the existing measures as needed. Legislative measures are currently not considered necessary.

**Recommendation 94.58.**

79. **Accepted.**

**Recommendation 94.59.**

80. **Accepted.**

**Recommendation 94.60.**

81. **Accepted**, and considered already implemented. See recommendation 94.51.

**Recommendation 94.61.**

82. **Accepted.**

**Recommendation 94.62.**

83. **Accepted.**

**Recommendation 94.63.**

84. **Accepted.**

**Recommendation 94.64.**

85. **Accepted.**

86. There are currently no national minorities in Liechtenstein as defined by the European Framework Convention for the Protection of National Minorities, so that Liechtenstein currently sees no need for action. Liechtenstein is aware, however, that minorities may arise over time through strong immigration and naturalization of migrants, and it will observe the development and consider measures where needed.

**Recommendation 94.65.**

87. **Rejected.** See recommendation 94.33.

**Recommendation 94.66.**

88. **Accepted.**

**Recommendation 94.67.**

89. **Accepted.**

**Recommendation 94.68.**

90. **Accepted.**

**Recommendation 94.69.**

91. **Accepted.**

**Recommendation 94.70.**

92. **Accepted.**

93. The vote on the Domestic Partnership Act for same-sex couples in June 2011 showed that the large majority of voters is sensitized to the problems and concerns of homosexual persons. 68.8% voted in favour of the law. Nevertheless, the Liechtenstein Government is aware that raising awareness on this subject is a long-term task.

**Recommendation 94.71.**

94. **Accepted.**

**Recommendation 94.72.**

95. **Accepted.**

**Recommendation 94.73.**

96. **Accepted.**

97. Since 2006, Liechtenstein has had a coordination mechanism for combating human trafficking. This Round Table on Human Trafficking brings together the relevant authorities (prosecution authorities, migration authority, and victim assistance offices) and aims to secure and optimize their cooperation in the field of human trafficking. In 2007, the Government adopted a guideline for combating human trafficking. It defines the process and cooperation of competent authorities in cases of trafficking. It also ensures that victims of trafficking are given a recovery and reflection period of 30 days to consider further steps and any cooperation with prosecution authorities. For the duration of the enquiries and the criminal proceedings, the victims receive a time-limited residence permit. Housing, protection, support, medical and psychological care, and rehabilitation are also ensured. Cooperation with professional organizations is envisaged for return to the country of origin and reintegration. Liechtenstein will consider further measures to identify victims of trafficking, ensure their protection, and prevent trafficking.

**Recommendation 94.74.**

98. **Accepted.** See recommendation 94.73.

**Recommendation 94.75.**

99. **Accepted.** See recommendation 94.73.

**Recommendation 94.76.**

100. **Accepted.** See recommendation 94.73.

**Recommendation 94.77.**

101. **Accepted.** See recommendation 94.73.

**Recommendation 94.78.**

102. **Accepted**, and considered already implemented. See recommendation 94.73.

**Recommendation 94.79.**

103. **Rejected.**

104. Family reunification in Liechtenstein is tied to several conditions. Due to Liechtenstein's EEA membership, these are less restrictive for EEA/EFTA and Swiss citizens than for third-country citizens. The conditions for family reunification of third-country foreigners are, in Liechtenstein's view, proportionate and appropriate and in compliance with international obligations. Liechtenstein therefore sees no urgent need for action.

**Recommendation 94.80.**

105. **Accepted.**

106. The Government plans to reach a definite decision on the decriminalization of termination of pregnancy during the 2013-2017 legislative term. Liechtenstein emphasizes, however, that acceptance of these recommendations in no way prejudices the outcome of the political decision-making process.

**Recommendation 94.81.**

107. **Accepted.**

108. Through its accession to the Dublin Convention, Liechtenstein is integrated into the European asylum system. Liechtenstein incorporates changes to this system. Liechtenstein's system is accordingly, in coordination with the other Dublin states, continuously adjusted to international developments.

**Recommendation 94.82.**

109. **Rejected.**

110. The Asylum Act and the Foreigners Act set out the maximum duration of administrative detention of asylum-seekers. For adults, it is six months. For minors between the ages of 15 and 18, it is three months. Younger persons may not be placed in administrative detention. In Liechtenstein's view, the maximum duration of administrative detention complies with international standards and is not disproportionately long.

Liechtenstein is however aware of the special vulnerability of children (in light of the Convention on the Rights of the Child) and points out that in practice, placing minors in administrative detention is avoided to the extent possible. So far, it has never happened in practice that persons under the age of 18 were placed in administrative detention. Liechtenstein accordingly sees no urgent need for action in this regard.

**Recommendation 94.83.**

111. **Accepted.**

**Recommendation 94.84.**

112. **Accepted.**

**Recommendation 94.85.**

113. **Accepted.**