

LIECHTENSTEIN

Second

PERIODIC REPORT

Under Article 40

Of the International Covenant

On Civil and Political Rights

Of 16 December 1966

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Part I. Foreword

This report, which was adopted on 1 December 2015 by the Government of the Principality of Liechtenstein, is being submitted pursuant to Article 40 of the International Covenant on Civil and Political Rights of 16 December 1966. This is the Second Periodic Report of Liechtenstein, covering the time period from 1 April 2003 to 30 November 2015. Moreover, implementation of the recommendations of the Human Rights Committee is discussed in accordance with Recommendation No. 15.

This Second Periodic Report should be read in conjunction with the following documents:

- Initial Report of Liechtenstein submitted under Article 40 of the International Covenant on Civil and Political Rights, June 2003
- Core Document of the Principality of Liechtenstein forming part of the reports of States parties to the human rights treaties of the United Nations
- Concluding Observations of the Human Rights Committee of August 2004
- Consolidated Guidelines for State reports under the International Covenant on Civil and Political Rights

Where no changes are noted, the remarks in the initial report of June 2003 continue to apply.

The report was prepared by the Office for Foreign Affairs in cooperation with the ministries and offices responsible for the issue in question.

**GOVERNMENT OF THE
PRINCIPALITY OF LIECHTENSTEIN**

Part II. Implementation of the Covenant in Liechtenstein

Withdrawal of Reservations

Recommendation of the Human Rights Committee, No. 5:

"The State party should continue to review the possibility of the withdrawal of its reservations to the Covenant."

1. Liechtenstein abides by the principle that treaty obligations should be entered into only when they can be fully complied with. Before acceding to or ratifying any international treaty, the compatibility of the domestic legislation with the provisions of the treaty is thoroughly examined. In cases of conflicting provisions, Parliament either amends the domestic legislation at the same time as it approves the ratification of the international treaty or it decides to enter the necessary reservations to the treaty. Liechtenstein has adopted the policy of making a reservation in every case where the incompatibility of the domestic legislation with the provisions of the treaty cannot totally be excluded, provided that the treaty allows for reservations to be made.

2. This approach might lead to a higher number of reservations. The approach reflects the above-mentioned principle of full compliance. At the same time, it has facilitated Liechtenstein's accession to a considerable number of international human rights treaties in a relatively short period of time. The reservations entered by Liechtenstein are made in accordance with the Vienna Convention on the Law of Treaties (Liechtenstein Law Gazette LGBI. 1990 No. 71) and are compatible with the object and purpose of the relevant treaties. Liechtenstein regularly reviews whether the reservations are still appropriate or whether the legal situation has changed in such a way that the reservations can be withdrawn.

3. In 2009, Liechtenstein ratified both the 1961 Convention on the Reduction of Statelessness (LGBI. 2009 No. 290) and the 1954 Convention relating to the Status of Stateless Persons (LGBI. 2009 No. 289). At the same time, Liechtenstein withdrew the corresponding reservations to Articles 17 and 24 of the 1951 Convention relating to the Status of Refugees (LGBI. 1956 No. 15), to Article 7 of the 1989 Convention on the Rights of the Child, and to Article 24(3) of the International Covenant on Civil and Political Rights of 1966.

4. The position of the Liechtenstein Government in regard to the further reservations has not changed since the last report.

Article 1 Right of Self-Determination

5. The remarks in Liechtenstein's initial report on the right of self-determination continue to apply.

6. Through the Liechtenstein Institute on Self-Determination founded in 2000 at Princeton University, Liechtenstein promotes research on the topic of self-determination and provides a network for interested academics and decision-makers.

Article 2 Implementation of Civil and Political Rights

Principle of Equal Treatment

Recommendation of the Human Rights Committee, No. 9:

"The State party should consider amending the Constitution to ensure that the principle of equality before the law is guaranteed to all individuals under its jurisdiction. [...]"

7. The equality of all citizens before the law is part of the Constitution of the Principality of Liechtenstein of 5 October 1921 (*Landesverfassung*, LV; LGBl. 1921 No. 15) and enshrined in Article 31(1) LV. The scope of application of this constitutional article was extended to cover the equality of women and men in 1992 (Article 31(2) LV). The rights of foreigners are governed by international treaties or, where no international treaties cover a certain area of the law, reciprocity (Article 31(3) LV). In a current judgement (2014/146), the Constitutional Court held "that under settled case law, the principle of equality set out in Article 31(1) LV applies to foreigners, despite the reservation of reciprocity set out in Article 31(3) LV".

8. Liechtenstein is a State party to a large number of international human rights conventions. These conventions apply to all persons who are subject to the sovereign rights of a State party. For several of these conventions, Liechtenstein has accepted an individual complaints procedure. The rights guaranteed under these conventions may, analogously to the rights guaranteed by the Constitution, be claimed in individual complaints proceedings before the Constitutional Court. The individual complaint to the Constitutional Court is available to all persons against final decisions or decrees of public authorities. The Constitutional Court reviews whether constitutionally guaranteed rights or rights guaranteed by international conventions have been breached, if the legislator has expressly recognized the right of individual complaints in regard to such rights (Article 15 of the Constitutional Court Act (*Staatsgerichtshofgesetz*, StGHG; LGBl. 2004 No. 32)).

9. Since Liechtenstein's accession to the European Convention on Human Rights (ECHR) and the creation of Article 15(2) StGHG, the fundamental rights set out in the ECHR have regularly been claimed together with the fundamental rights set out in the Liechtenstein Constitution in individual complaints before the Constitutional Court. In sum, this means that the principle of equal treatment has been implemented effectively. For that reason, no constitutional amendment is currently being considered.

Liechtenstein Constitutional Initiative of 2012

10. The popular vote on 1 July 2012 on the constitutional initiative "Yes – so your vote counts" showed that the great majority of voters in Liechtenstein support the Liechtenstein Constitution in its current form. Since 1921, the Liechtenstein system of State has been characterized by dualism requiring the cooperation of the two sovereigns, the Reigning Prince and the people. The initiative "Yes – so your vote counts" aimed to abolish the veto power of the Reigning Prince, which for many voters constituted an excessively invasive modification of this dualistic system. 76.1% of voters were against the initiative, with an extraordinarily high turnout of 82.9%.

11. After the vote on the constitutional amendments in 2003, Liechtenstein voters thus clearly spoke out in favour of retaining the position of the Reigning Prince in its current form for the second time in a row in 2012. The rejection of the constitutional initiative "Yes – so your vote counts" was the result of free formation of opinion by voters and intensive debates in the lead-up to the popular vote. It should be recalled in this regard that it is a democratic right of the Liechtenstein people to launch initiatives to amend the Constitution or legislation. It is part of Liechtenstein's political culture to make regular use of these direct-democratic rights. Since 1980, more than 40 popular votes have taken place at the national level.

Institutions for the Protection and Promotion of Human Rights

12. At the end of 2013, the Liechtenstein Government appointed a working group under the responsibility of the Ministry for Social Affairs. It consists of three members each of the Government and of NGOs. The working group has examined to what extent an independent national human rights institution in Liechtenstein would be feasible, and it has made proposals to the Government. The Government is now considering these proposals.

13. Several institutions already exist in Liechtenstein to promote human rights. The Government's Equal Opportunities Unit (*Stabsstelle für Chancengleichheit, SCG*), which was established in its current form in 2005, plays an important role in this regard. It works to combat discrimination and to promote equal opportunities in the fields of gender equality, disability, and sexual orientation. Over the past decade, new offices and bodies with responsibilities for specific human rights issues have been established both within and outside the National Administration. In 2007, the Office for the Equality of People with Disabilities was established as part of the Liechtenstein Association for People with Disabilities (*Liechtensteinischer Behindertenverband, LBV*). Within the National Administration, the establishment of a Victims Assistance Office (*Opferhilfestelle*) by the Victims Assistance Act (*Opferhilfegesetz, OHG, LGBl. 2007 No. 228*) is of particular note. The Victims Assistance Office provides counselling as well as medical, psychological, and financial assistance to victims of criminal offences and their family members. Also in 2008, the Liechtenstein Corrections Commission was appointed, which serves as the National Preventive Mechanism under the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. In 2009, the Ombuds Office for Children and Young People (*Ombudsstelle für Kinder und Jugendliche, OSKJ*) was created. Additionally, the Government has appointed commissions and working groups as advisory bodies on specific issues, such as the Violence Protection Commission.

Human Rights Education

14. To provide a stronger basis for the understanding of human rights and their practical application, a variety of measures have been taken in recent years. By way of awareness-raising activities for the broader public as well as for particular target groups, human rights protection as well as topics such as respect, equal treatment, prevention of racism and violence, intercultural and respectful communication, etc., have been deepened. Particular attention is also being paid to sensitization and prevention in regard

to anti-Semitism. Liechtenstein schools discuss human rights issues in various subjects. The focus is primarily on educating young people to become open and tolerant toward political, religious, and ideological differences as well as to get to know and understand human rights.

15. The Government has also taken concrete measures to strengthen dialogue with civil society. Since 2009, the Office for Foreign Affairs has conducted an annual human rights dialogue with all interested non-governmental organizations (NGOs) in Liechtenstein. This dialogue serves to exchange information and provide training on human rights topics, with the goal of intensifying cooperation between public authorities and civil society, but also to improve networking among human rights organizations. The dialogue has been initiated pursuant to a recommendation addressed to Liechtenstein as part of the Universal Periodic Review (UPR) of the Human Rights Council and was met with great interest on the side of the participating NGOs.

Collection of Data and Statistics

16. Over the past years, studies have been developed and published on the integration of the foreign population, the social situation of people with disabilities, and the situation of homosexual persons and discrimination in Liechtenstein. With the help of these studies, the data situation was examined and recommendations were made for expanding systematic and regular collection of data, merging existing datasets and registers, structuring data, and conducting further baseline surveys.

17. Numerous improvements were implemented in the following years. The new wage statistics, which were published for the first time in 2008, offer an in-depth look at the wage structure of persons employed in Liechtenstein, making internationally comparable data available. During the 2010 census, which takes place every ten years, the Office of Statistics combined a written survey of the population with a register survey. The main results of the 2010 census were published in five volumes in 2013. They encompass population structure, work and education, transport, households and families, buildings, and residential housing. The remarks on the individual articles discuss the results of the 2010 census in detail. In 2010, the report on the indicators for sustainable development was published for the first time. The report is updated each year. In 2013, migration statistics were also published for the first time; they are updated each year.

18. Also of note is the report on the situation of human rights in Liechtenstein, which has been updated each year since 2010. Data sources are the official statistics, internal databases of various public authorities, annual reports of public authorities and non-governmental offices, as well as information from relevant media reports and academic research. The report not only supports the authorities in their reporting under the human rights conventions, but also serves as a good source for non-governmental organizations and interested private individuals.

Dissemination of the Country Report

Recommendation of the Human Rights Committee, No. 14:

"The State party should widely disseminate the text of its initial report and the present concluding observations."

19. All of Liechtenstein's country reports under the UN human rights conventions as well as the concluding observations of the competent UN committees are available in the national language German as well as in English on the website of the Office for Foreign Affairs (www.llv.li/menschenrechte under "Publikationen und Berichte"). The public is informed of the country reports, the presentation of the reports, and the concluding observations and recommendations by way of press releases in the national newspapers. The recommendations are also sent out to a large distribution list including the Members of Parliament and the political parties, and they are analysed by the competent offices of the National Administration. Where necessary and possible, the required implementation measures are initiated.

Article 3 Gender Equality

Gender Quality Measures

Recommendation of the Human Rights Committee, No. 7:

"The State party should continue to take effective measures, including by legislative amendments, to address inequality between men and women. It is encouraged to take measures designed to enhance the participation of women in Government and decision-making processes, and to further promote equality of men and women in non-public areas. [...]"

20. On the situation of equality of women and men in Liechtenstein, please also refer to the reporting under the Convention of 18 December 1979 on the Elimination of All Forms of Discrimination against Women (CEDAW, LGBl. 1996 No. 164), especially the fourth report submitted in 2009 and the follow-up report submitted in 2013.

21. Continuous progress was made with respect to the equality of women and men in recent years. *De jure* equality has meanwhile been achieved. With respect to measures in the legal field over the past four years, the amendment of inheritance law and the new provisions on sexual offences in the Criminal Code of 24 June 1987 (*Strafgesetzbuch*, StGB; LGBl. 1988 No. 37) are especially noteworthy. (The remarks on the amendments to sexual criminal law can be found under Article 3, "Measures against domestic violence.") Inheritance law was fundamentally revised in 2012 in order to improve the legal standing of the surviving spouse or registered partner. For this purpose, especially the legal inheritance share of the surviving spouse or registered partner was increased. Before the reform, a legal inheritance share of one third of the estate went to the surviving spouse or registered partner – apart from the shares received by direct offspring. This in effect disadvantaged spouses who were not working. The new inheritance share is one half of the estate. This accordingly increases the compulsory share, which is calculated on the basis of the legal inheritance share. The compulsory share now also includes a so-called abuse clause, which ensures that the surviving spouse is not disadvantaged.

22. The realization of complete *de facto* equality remains a challenge. As the recommendations of the CEDAW Committee in February 2011 also demonstrate (CEDAW/C/LIE/CO/4), Liechtenstein's challenges pertaining to the equality of women and men primarily lie in the areas of employment and the representation of women in decision-making and leadership positions in politics and the economy. Equal opportunities for men and women have been an important concern of the Government for many years. Numerous measures have been instituted and implemented in recent years, including in cooperation with civil society, and further progress has been made. General awareness-raising projects have been carried out in school or in regard to the target group of teenagers and young adults. The awareness of children and young people is raised in regard to equality issues, and they are motivated to get to know gender-atypical professions and not to be guided by stereotypical roles when choosing their career.

23. As in many other countries, balanced representation of both genders in political bodies has not yet been achieved. With a share of women of 40% in the Government and of 20% in Parliament (2012-2016 legislative term), Liechtenstein is in the midfield internationally. The 11 Liechtenstein municipalities are managed by a municipal council with a four-year term chaired by a directly elected mayor. In the current term (2015-2019), one mayor is a woman. At the level of the municipal councils, the share of women in the current term (2015-2019) is 17%. To improve this situation, a politics course for women has been offered over the past few years, which was met with a very good response. This course aims to empower and encourage women to contribute their concerns and potential in political bodies and in public. Women deciding to run for a seat in Parliament or a municipal council are additionally supported with a specific web platform, www.frauenwahl.li, allowing them to increase their visibility. Also for many years, public round tables with women in Parliament have been conducted twice a year on current topics. Apart from these ongoing measures, the Gender Equality Commission commissioned a study on "Non-Candidacies in the 2011 Municipal Elections" in 2011. This study examined why women and men who were asked to run for office decided not to do so. The study provided indications of factors that might be decisive in the future to motivate more women to run for office. General awareness-raising efforts continue to be important in order to soften traditional attitudes and roles.

24. The legal basis for gender equality in the labour market is the Gender Equality Act of 10 March 1999 (*Gleichstellungsgesetz*, GLG; LGBl. 1999 No. 96), which was passed in 1999 and has been revised twice in the meantime. The Gender Equality Act also governs legal claims and complaint possibilities. For instance, employers who fail to eliminate existing discrimination in the workplace can be sued for appropriate compensation. In 2013, 40% of workers in Liechtenstein were women. Access to positions in upper echelons, however, has remained far less common than access to employment for women generally. With the excellent educational opportunities and success of girls and the increase of the share of girls and young women in higher education achieved over the past two decades, it can be expected that women will substantially increase their share in these positions in the future.

25. In December 2014, the most recent Liechtenstein wage statistics were published for the year 2012. On average, women in 2012 earned approximately 17% less than men. These differences are in part due to objective factors such as age, education, line of business, or level of requirements of the jobs in question. Since entry into force of the Gender Equality Act, which contains an explicit non-discrimination principle in regard to the wage entitlements of women and men, numerous efforts have been undertaken in order to promote the law and particularly the principle of "equal pay for equal and equivalent work" in the broader public, the private sector, and human resource officers in businesses. In 2012, for instance, a wage equality survey was conducted for the second time in the National Administration. The analysis of the wage data in the Liechtenstein National Administration did not demonstrate any immediate indications of gender discrimination. Another project was called "Such a (Wage) Drama", in which the population was informed and sensitized in regard to the wage inequality between men and women. In summer 2015, a traveling exhibition on wage (in-)equality of women and men came to Liechtenstein ("Wagemobile").

26. To strengthen the promotion of the compatibility of family and work, the Government has carried out various measures in recent years. These include in particular the promotion of an expansion of day structures outside school and outside the home, day care centres, and crèches, as well as the introduction of public day schools. Overall, the number of places in day care centres has more than tripled since 2000. The Government subsidizes day care offerings outside the home, which are continuously optimized with the involvement of the municipalities and private businesses. In spring 2015, the Government took note of a report on the situation of day care offerings outside the home and decided to restructure the financing of additionally needed day care places by increasing the involvement of private businesses.

27. After giving birth, women in Liechtenstein are legally entitled to 20 weeks of paid maternity leave. Mothers and fathers additionally have a right to four months of unpaid parental leave. As an employer, the National Administration allows parents and employees with care responsibilities to work part-time to the feasible extent. To raise the private sector's awareness of the importance and advantages of family-conscious corporate and personnel policy as well, an exchange in this regard is sought with the business associations. Mothers are supported during their re-entry into the workforce after an interruption. For example, group courses and individual coaching are offered to re-entrants free of charge.

Succession to the Throne

Recommendation of the Human Rights Committee, No. 7:

"[...]While noting Liechtenstein's interpretive declaration concerning article 3 of the Covenant, the State party may wish to consider the compatibility of the State party's exclusion of women from succession to the throne with articles 25 and 26 of the Covenant."

28. The declaration concerning Article 3 of the Covenant in the initial report on the topic of succession to the throne continues to be valid: "The Principality of Liechtenstein declares that it does not interpret the provisions of Article 3 of the Covenant as

constituting an impediment to the constitutional rules on the hereditary succession to the throne of the Reigning Prince." Article 3 of the Constitution reserves the hereditary succession to the throne, the age of majority of the Reigning Prince and of the Hereditary Prince, and any guardianship arrangements to the relevant provisions of the Law on the Princely House of Liechtenstein of 26 October 1993 (LGBl. 1993 No. 100). In this way, the State recognizes the autonomy of the Princely House to set out these matters in the Law on the Princely House. The Law on the Princely House is an autonomous law of association. It is a legal source outside the legislation of the State.

Measures against Domestic Violence

Recommendation of the Human Rights Committee, No. 8:

"The State party should take all necessary measures to combat domestic violence, punish offenders and provide material and psychological relief to the victims."

29. The violence protection law that entered into force in 2001, which provides for a preventive expulsion of the potential perpetrator by the police and a prohibition on entering the shared abode, forms the basis for combating domestic violence. In 2011, the law governing sexual offences was adjusted with the goal of expanding the substantive legal protection of victims and the practical measures taken by the Government to combat violence against women and children as well as domestic violence at the legal level. In particular, the range of criminal offences that must be prosecuted *ex officio* was expanded. These offences now include cases of dangerous threats against close family members, stalking, rape or sexual assault in marriages and domestic partnerships, and coerced marriages. *Ex officio* prosecution ensures that prosecution is no longer tied to any limiting preconditions for the different forms of domestic violence. The explicit criminalization of female genital mutilation, which also entered into force on 1 June 2011, further strengthens the protection of victims of violence.

30. A second concern of the 2011 reform was the strengthening of victims' rights in criminal procedure. Victims of offences must now be informed of their rights and, at their request, of the development of the case and of a possible release of the accused from detention. Victims of physical, psychological, or sexual violence whose emotional suffering is especially severe may assert special rights to gentle treatment. Furthermore, victims of criminal offences may, by way of a declaration, join the criminal proceedings as private parties with their own rights. These amendments entered into force on 31 January 2012 (LGBl. 2012 No. 26). The Victims Assistance Act (*Opferhilfegesetz*, OHG) continues to be the general foundation for supporting the victims of criminal offences. On the basis of this law, a Victims Assistance Office was established in 2008. The Victims Assistance Office counsels victims of offences and their relatives and provides the necessary medical, psychological, social, material, and legal assistance from case to case. In cases where it is unable to offer the necessary support itself, the Victims Assistance Office supplies information on appropriate available assistance. Urgent immediate assistance is provided around the clock, and longer-term support is additionally offered. Victims of domestic violence can also find shelter in the Women's Home run by the Association for the Protection of Abused Women and their Children (*Verein zum Schutz misshandelter Frauen und deren Kinder*).

31. The Government carries out various projects to raise public awareness and to inform affected persons. For instance, emergency cards in eight languages are sent out to various public offices each year, containing information on domestic violence and the available assistance for affected persons. The emergency cards are available for free. Every two or three years, campaigns are also conducted in cooperation with one or more non-governmental organizations.

Article 4 Emergency Powers

Emergency Decrees

Recommendation of the Human Rights Committee, No. 6:

"The State party should bring the provisions governing the powers of derogation into conformity with all the requirements set out in article 4 of the Covenant."

32. The remarks in the initial report on the right to issue emergency decrees continue to apply. Emergency powers were never exercised during the reporting period.

Legislation to Combat Terrorism

33. Liechtenstein condemns all forms of terrorism and defines terrorist offences in § 278c of the Criminal Code (StGB). The fight against international terrorist activities can only succeed with a multilateral approach. Liechtenstein actively participates in all relevant political measures within the framework of the UN, the Council of Europe, the Financial Action Task Force (FATF), the OSCE, and other international organizations. Legislative and judicial practice in Liechtenstein offer all guarantees for fair proceedings. All relevant legal norms of the ECHR, especially Articles 5 and 6, are incorporated into Liechtenstein criminal procedure, and implementation thereof is in the final instance subject to oversight by the European Court of Human Rights. Liechtenstein also fully implements the protective rights contained in the ICCPR.

34. Liechtenstein has ratified and implemented all 16 of the relevant legal instruments (conventions and protocols) of the United Nations relating to the fight against terrorism. In order to fully implement the 1999 International Convention for the Suppression of the Financing of Terrorism, a special legislative package was adopted, resulting in amendments to criminal law, the Code of Criminal Procedure of 18 October 1988 (*Strafprozessordnung, StPO*; LGBl. 1988 No. 62), and the Law of 11 December 2008 on Professional Due Diligence to Combat Money Laundering, Organized Crime, and Terrorist Financing (Due Diligence Act, *Sorgfaltspflichtgesetz, SPG*; LGBl. 2009 No. 47). Liechtenstein is also a State party to the 1977 European Convention on the Suppression of Terrorism (LGBl. 1979 No. 39) and of the Amending Protocol of 2003 to this convention. Liechtenstein actively supports the work of the Counter-Terrorism Committee (CTC) established pursuant to Security Council resolution 1373 (2001) and is engaged in an ongoing dialogue with the CTC on the measures taken in the global fight against terrorism. To this end, it submitted several reports to the CTC, documenting the measures it has taken to combat the financing of terrorism. In addition, Liechtenstein has expressed its willingness to make financial expertise available to the CTC and to render technical support to other States in implementing counter-terrorism standards. At the same time, Liechtenstein emphasizes the importance of balancing counter-terrorism measures with

the need to protect human rights and fundamental freedoms and has co-sponsored relevant resolutions of the UN General Assembly as well as of the UN Human Rights Council.

35. Furthermore, Liechtenstein implements all sanctions adopted by the Security Council to combat terrorism. These include Security Council resolution 1373 and the resolutions against Al-Qaida, the Taliban and associated individuals and entities (based on SC resolution 1267 (1999)). All individuals and entities named in the list issued by the Sanctions Committees are thus covered by the Liechtenstein sanctions regime in force. Finally, Liechtenstein is a State party to a number of conventions that are not directly aimed at combating terrorism, but nevertheless contribute to the international efforts to fight terrorism, such as the 1968 Treaty on the Non-proliferation of Nuclear Weapons (NPT; LGBl. 1978 No. 15), the 1993 Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (LGBl. 1999 No. 235), and the 1972 Convention on the Prohibition of the Development, Production, Stockpiling and Use of Bacteriological (Biological) Weapons and Toxin Weapons and on their Destruction (LGBl. 1991 No. 64). Since particular terrorist acts may reach the threshold of crimes against humanity or war crimes, Liechtenstein's ratification of the Rome Statute of the International Criminal Court (LGBl. 2002 No. 90) also deserves mention in this regard.

Article 5 Interpretation of the Covenant

36. The remarks in the initial report on the interpretation of the Covenant continue to apply.

Article 6 Right to Life

Legal Protection of the Right to Life

37. The right to life, the prohibition of inhuman or degrading treatment or punishment, personal freedom, and protection from slavery are guaranteed by the Liechtenstein Constitution and the European Convention on Human Rights. The death penalty has been abolished. The right to life has been explicitly enshrined in the Liechtenstein legal order since entry into force of the ECHR in 1982 and has also been incorporated in the Liechtenstein Constitution since 2005.

Death Penalty

38. With entry into force of the Criminal Code (StGB) on 24 June 1987, the death penalty previously provided for therein was abolished. The last death sentence was imposed on 26 November 1977 and, due to a pardon by the Reigning Prince on 20 November 1979, was not enforced. The last execution in Liechtenstein took place on 26 February 1785. Upon accession to this Covenant, Liechtenstein simultaneously acceded to its Second Additional Protocol of 15 December 1989 on abolition of the death penalty (LGBl. 1999 No. 60). Moreover, Liechtenstein is a State party to Protocol No. 6 to the ECHR on the abolition of the death penalty in peacetime (LGBl. 1990 No. 79), and Liechtenstein ratified Protocol No. 13 to the ECHR (LGBl. 2003 No. 161) on 5 December 2002, which provides for the complete abolition of the death penalty, i.e. also in time of

war. As part of its foreign policy commitment to the protection and promotion of human rights, Liechtenstein actively works to abolish the death penalty.

Self-defence, Use of Firearms by Law Enforcement Officials

Recommendation of the Human Rights Committee, No. 10:

"The State party should ensure that its law on self-defence and the provisions governing the use of force and firearms by law enforcement officials fully comply with the requirement of proportionality as reflected in the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials."

39. The use of direct force against persons and objects and thus the use of firearms are governed restrictively by the Police Act of 21 June 1989 (*Polizeigesetz*, PolG; LGBl. No. 48). Force may be used only if it is immediately necessary and if less serious means are not suitable. Like all police conduct, the application of direct force must take strict account of the principle of proportionality. A firearm, constituting the most severe means of force, may be used by the police only as a last resort in accordance with the principle of proportionality.

40. The preconditions for lawful use of firearms are enumerated in a narrowly defined catalogue of fact patterns in the Police Act, primarily in cases of self-defence and assisting in self-defence. Every use of firearms must be communicated immediately to the Chief of Police. If persons have been injured or if property has been damaged, a report must immediately be submitted to the Office of the Public Prosecutor. The Office of the Public Prosecutor investigates autonomously whether an offence has been committed and initiates a prosecution as appropriate. Moreover, disciplinary proceedings are automatically instituted in cases of misuse of force. Since Liechtenstein has not maintained its own armed forces since 1868, there are no legal provisions governing the use of weapons by military personnel. Liechtenstein does not manufacture or export weapons.

Murders and Disappearances

41. Between 1970 and January 2015, 12 cases of murder or manslaughter have occurred in Liechtenstein. There have been no cases of extrajudicial executions or enforced disappearances.

Family Planning and Abortion

42. Liechtenstein has an excellent health care system. Child and maternal mortality is therefore extremely low. Family planning measures are part of the public health care system and are guaranteed to everyone; contraceptives are available. In school, children and young people are supported in their development of an autonomous and responsible sexuality in an age-appropriate way. By engaging with topics such as physical self-determination and development, friendship and love, the goal is for children and young people to learn how to express their feelings and needs in a self-confident way and to understand and establish boundaries.

43. Prevention of unwanted pregnancies and of abortions enjoys a high priority. The competence centre schwanger.li advises and supports women and couples in the event of

unwanted pregnancy as well as before, during, and after the birth of a child. Abortion is permitted in Liechtenstein in exceptional cases, namely if there is a serious risk to the health of the expectant mother or if the pregnant person is below the age of 14 (§§ 96 et seq. of the Criminal Code). Pursuant to a revision of the Criminal Code adopted by Parliament in March 2015 which entered into force on 1 July 2015, further exceptions have been defined. For instance, abortion in Liechtenstein is also possible if the pregnancy is due to rape, sexual coercion, or sexual abuse of a defenceless or mentally impaired person. With this revision, prosecution of abortions abroad as well as criminalization of women who have an abortion were abolished. There are no statistics on abortions.

Article 7 Protection from Torture

Prohibition of Torture and Other Cruel, Inhuman, or Degrading treatment or Punishment

44. In 1990, just after its admission to the United Nations, Liechtenstein ratified the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (LGBI. 1991 No. 59) and has so far submitted four country reports to the competent UN committee (CAT). Liechtenstein has been a State party to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (LGBI. 1992 No. 7) since 1 January 1992. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) has visited Liechtenstein three times already. The overall assessment has always been very satisfactory, and various recommendations of the two bodies (CAT and CPT) were included in the 2007 revision of the Execution of Sentences Act of 20 September 2007 (*Strafvollzugsgesetz, StVG*; LGBI. 2007 No. 295). One of the improvements was the establishment of a Corrections Commission with the mandate to visit the inmates of the National Prison at least four times a year. It also assumes the responsibilities of the National Preventive Mechanism pursuant to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (LGBI. 2007 No. 260), which Liechtenstein ratified in 2006. In its 2014 annual report, the Corrections Commission expressed its very positive view of the excellent cooperation with the Liechtenstein authorities during its visits to the National Prison in Vaduz.

45. So far, there has never been a complaint or court case relating to torture or other cruel, inhuman, or degrading treatment or punishment in Liechtenstein. For that reason, no data exists on penalties imposed in such cases. The staff of the National Prison is strictly separated from the operational areas of the National Police in terms of both personnel and organization. The procedures applicable to arrests and detentions in the National Prison are clearly set out. The Corrections Commission/National Preventive Mechanism has so far never noted any complaints of physical or emotional abuse.

Prohibition of Corporal Punishment

46. The right to a violence-free upbringing was included in several provisions of the new Children and Youth Act of 10 December 2008 (*Kinder- und Jugendgesetz, KJG*, LGBI. 2009 No. 29), supplementing the already existing provisions in the General Civil Code of 1 June 1811 (*Allgemeines bürgerliches Gesetzbuch, ABGB*; LGBI. 1811 No. ASW). The

Children and Youth Act provides that all forms of corporal punishment as well as emotional injuries and other degrading measures are impermissible. This prohibition applies not only to parents, but also to all other persons involved in education and upbringing.

Article 8 Protection from Slavery

Combating Human Trafficking

47. Since March 2008, Liechtenstein has been a State party to the Convention against Transnational Organized Crime (Palermo Convention; LGBl. 2008 No. 72) and its protocols against the smuggling of migrants (LGBl. 2008 No. 73) and to prevent, suppress and punish trafficking in persons, especially women and children (LGBl. 2008 No. 74). The definition of trafficking in persons in the Criminal Code (§ 104a StGB) is in conformity with the definition in the protocol. Since May 2009, Liechtenstein has also been a State party to the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (LGBl. 2009 No. 103). So far, no cases of trafficking have surfaced in Liechtenstein. The most vulnerable group likely consists in the temporarily employed dancers in bars and clubs. The National Police and the Migration and Passport Office regularly carry out inspections in this scene and verify the residence status, employment conditions, salary payments, and lodging of the women. Since 2006, Liechtenstein has run a Round Table on Trafficking to strengthen cooperation among prosecution authorities, migration authorities, and the victims assistance organizations in regard to human trafficking.

48. The guidelines for combating human trafficking in Liechtenstein prepared by the Round Table were approved by the Government in 2007. In 2009, the Round Table launched a Prevention Project for Potential Victims of Human Trafficking (MAGDALENA). Since 2009, the dancers have been required to take part in one information session at which public officials and the Victims Assistance Office inform women of their legal situation. This monthly session helps prevent possible exploitation in the scene and provides potential victims of human trafficking with ways to access counselling and victims assistance organizations. An evaluation of the project has confirmed its positive impact.

Article 9 Right to Personal Freedom and Security

Protection of the Rights of Arrested Persons

Recommendation of the Human Rights Committee, No. 11:

"The State party should bring its domestic legislation into conformity with articles 9, paragraph 3, and 14, paragraph (3)(d), of the Covenant in relation to these concerns.¹"

¹ The Committee is concerned about shortcomings in the protection of the rights of arrested persons and persons in pre-trial detention. It regrets that the Criminal Procedure Code does not require that persons in detention be informed of their rights to remain silent. It is also concerned about the (limited) scope of the right of an arrested or detained person to be brought promptly before a judge and to have access to legal assistance. Finally, it expresses concern about the justification of the rule allowing extensions of time for "imprisonment with restrictions" (arts. 9 and 14).

49. With the revision of the Code of Criminal Procedure (StPO), which entered into force on 1 January 2008, Liechtenstein implemented the recommendations of the Human Rights Committee regarding safeguards of the rights of detainees awaiting trial. Moreover, the new Code of Criminal Procedure implements findings resulting from visits and recommendations of the CPT and the Commissioner for Human Rights of the Council of Europe by creating legal foundations for the execution of sentences that reflect a modern understanding of human rights. Every arrested person must, upon arrest or immediately afterwards, be informed of the suspected offence and the reason for arrest as well as of the fact that the person is entitled to contact a relative or other person of trust as well as a defence counsel, and that the person has the right to remain silent. The arrested person is informed that any statement made may serve his or her defence but may also be used against the person. The StPO also necessarily requires the appointment of a defence lawyer for the duration of detention pending trial. If the accused does not appoint a defence lawyer, the court provides a public defender. Every arrested person must be questioned by the investigating judge immediately or at the latest within 48 hours of receipt of the application for detention pending trial.

50. The revised Code of Criminal Procedure, in force since 1 October 2012, expressly stipulates that every suspect may consult a lawyer prior to every questioning (including by the police). New rules now govern the right to inspect documents, the right to translation help, the right to request production of evidence, the right to free choice of defence lawyer with the opportunity to consult at all times and the right to legal aid, the right to consult a defence lawyer during questioning, and rights to participate and be present. It is also expressly stated that the lawyer may attend the questioning (see § 147(2) StPO). The suspect must be informed of this before the questioning.

51. On 1 December 2012, the Liechtenstein Chamber of Lawyers instituted a legal on-call service that can be used by suspects outside regular office hours to exercise their right to contact a defence lawyer. The on-call defence service includes a personal telephone consultation with a lawyer when requested by the suspect. Where necessary, the lawyer can also be included in the questioning by the police and used to perform other acts necessary for adequate defence (e.g. applying for legal aid). The on-call number is deposited at the operations centre of the National Police and also available from on-call judges. The Code of Criminal Procedure now also provides that in principle, after expressly informing the person to be questioned, an audio and video recording of every questioning may be made (see § 50a StPO).

Data on Pre-trial Detention in Relation to Total Prison Population

52. On average, approximately 23% of persons in custody are in pre-trial detention (see statistics below):

	2008	2009	2010	2011	2012	2013
Pre-trial detention	8	10	17	12	7	8
Total persons in custody (w/o migration cases)	43	52	46	48	43	42
% of total	19%	19%	37%	25%	16%	19%

Average % of pre-trial detainees: 23 %

Extradition

53. Pursuant to Article 19 of the Law of 15 September 2000 on International Mutual Legal Assistance in Criminal Matters (Mutual Legal Assistance Act, *Rechtshilfegesetz*, RHG; LGBl. 2000 No. 215), a request for extradition shall not be granted if the criminal proceedings or the execution of sentences in the requesting State do not fulfil the principles set out in Articles 3 and 6 ECHR or if the person to be extradited would be subject to persecution or would have to fear other disadvantages due to his or her origin, race, religion, association with a particular ethnic or social group, citizenship, or political opinions. Detention pending extradition is governed by Article 29 RHG. There have been no legislative changes in regard to detention pending extradition since the last report. It should be noted, however, that according to Article 9, the Code of Criminal Procedure applies *mutatis mutandis*. This means that the amendments to the Code of Criminal Procedure also apply to extradition proceedings. Please refer to the remarks on the Code of Criminal Procedure in this regard.

Removal or Expulsion and Detention Pending Deportation

54. If persons with a foreign nationality do not comply with the deadline imposed on them to exit the country, coercive measures can be ordered. These include detention in preparation for removal or expulsion as well as detention pending deportation. As part of the transposition of Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (Return Directive), measures for keeping persons out of the country as well as the provisions governing deportation and execution of detention in Articles 50 et seq. of the Foreigners Act of 17 September 2008 (*Ausländergesetz*, AuG; LGBl. 2008 No. 311) were modified; the amendments are in force since 1 September 2011.

55. Detention in preparation for departure or detention pending deportation may only be ordered against persons who are at least 15 years of age. The Migration and Passport Office or, outside of official business hours, the National Police is responsible for ordering detention. Within 96 hours, the Court of Justice holds a hearing to review the lawfulness and appropriateness of the detention, taking into account the family circumstances of the person concerned. If the detention is confirmed, the detained person is given legal counsel and has the possibility of filing an appeal with the Court of Appeal within three days after the ruling. Moreover, the detained person may file a written application with the Migration and Passport Office for release from detention one month after the detention review. Detention in preparation for departure or detention pending deportation may in principle not last longer than six months. In some cases (non-cooperation or delays in obtaining travel documents), an extension by three months is possible. In any event, minors between the ages of 15 and 18 may not be detained for more than three months or longer than six months with an extension. For Dublin procedures, detention may not last longer than 30 days.

56. During detention, the National Prison ensures that the detained person is able to notify someone designated by the detained person in Liechtenstein. Moreover, verbal and written communication with legal counsel is permissible. The execution of detention must take place in appropriate facilities separate from detainees awaiting trial and convicted prisoners. To the extent possible, the detained person must be offered an appropriate occupation. Moreover, emergency medical care and absolutely necessary treatments of diseases are guaranteed. In the case of unaccompanied minors and families with minors, detention is provided in such a way that the families are given special accommodations to protect their privacy, minors are given leisure opportunities, as well as access to education depending on the duration of the detention. In the case of unaccompanied minors, attention is also paid to accommodating them in facilities that correspond to their age-appropriate needs in terms of personnel and surroundings. The well-being of the child is paramount. Between 2012 and 2014, a total of 38 persons were placed in detention in preparation for departure or detention pending deportation. As a rule, such detention is ordered shortly before enforcement, therefore most persons can be deported within 96 hours and spend at most one or two nights in the National Prison.

Police Custody

57. Police custody may be ordered only if necessary in line with proportionality to protect the person concerned or another person against danger to life or limb or to prevent or remove a substantial threat to public security and order, if the person concerned evaded enforcement of a sentence of imprisonment, pre-trial detention, or detention pending deportation, or a preventive measure under the Criminal Code, if doing so is necessary to secure enforcement of expulsion or denial of entry, or if the person concerned has been caught in the act of violating a prohibition of entering a home pursuant to an order to prevent domestic violence (Article 24h(1) of the Police Act). The person taken into police custody must be informed of the reason for the measure. Moreover, the person concerned is entitled to notify a family member or other person of confidence as well as legal counsel of the arrest. Arrested persons who are not immediately released from detention are also given an information sheet about their rights upon their detention. This information sheet is available in several languages.

58. Police custody may only be ordered against persons who are at least 14 years of age. If, on an exceptional basis, young people must be taken into police custody, this is only permissible if special account is taken of the principle of proportionality. In addition to being informed of their rights, detained persons with foreign nationality are informed that their consular representation may be notified of the detention. Persons taken into police custody who are visibly in need of medical evaluation should be examined immediately by the Chief Public Health Officer. This applies especially if the possibility of suicide is suspected or if there are reasons that may lead to involuntary commitment. If the situation is not entirely clear, the Chief Public Health Officer must always be notified in cases of doubt. Police custody must be lifted as soon as the preconditions for ordering it no longer apply, but in any event after 24 hours at the latest.

Psychiatric Confinement of Persons with Mental Illness, Illness Due to Addiction, and Seriously Neglected Persons

59. According to Article 12 of the Social Welfare Act of 15 November 1984 (LGBI. 1985 No. 17 i), the Court of Justice decides on confinement upon application of the Chief Public Health Officer or the Office of Social Services. In cases of imminent danger, the Chief Public Health Officer, his or her deputy, or the physician on duty orders the confinement and notifies the Court of Justice. Within five days, the Court must decide on the permissibility of the confinement. With the new Children and Youth Act, separate provisions have been established for the confinement of children and young people. Here again, the Court of Justice decides on the permissibility of the confinement.

Article 10 Rights of Persons Deprived of Their Liberty

60. On 1 January 2008, the new Execution of Sentences Act (*Strafvollzugsgesetz*, StVG) entered into force (see remarks on Article 9). With the new StVG, an independent Corrections Commission was appointed with the task of an external body to monitor compliance with the relevant provisions as well as treatment of convicts (see remarks on Article 7).

Complaints Mechanisms

61. The new StVG also formalizes the complaints procedure for detained persons. Under Article 114 StVG, convicts may file a complaint against any decision or order affecting their rights as well as against any conduct of corrections personnel affecting their rights. The complaint must indicate the decision, order, or conduct complained of and set out the reasons for filing the complaint, to the extent that they are not obvious. Complaints must be made in writing or presented verbally to the prison management during working hours.

62. The prison management decides on complaints against corrections personnel or their orders. If the complaint is directed against the prison management or against a decision or order of the prison management, and if the prison management does not provide a remedy, then the Complaints Commission for Administrative Matters is responsible for deciding. If the complaint is not granted, the decision can be appealed to the next instance (Administrative Court). Moreover, the convict has the possibility of appealing to the Government's right of supervision by submitting a request and complaint (Article 116 StVG).

Information about Rights Provided to the Detained Person

63. When transferring the detained person to the National Prison for the execution of a sentence, the National Prison conducts an entry briefing. In addition to the administrative matters, the rights of the detained person are discussed. In conclusion, every person is given a comprehensive dossier (including the StVG, the prison rules, and various information sheets) in which all discussed topics are set out.

Training of Prison Staff

64. The staff of the National Prison first undergo training as corrections experts at the Swiss Training Centre for Corrections Personnel (canton of Fribourg). This part-time

training lasts three years. Every two years after that, prison staff are required to attend continuing education seminars.

Rehabilitation Measures and Support in Prison

65. Convicts in the National Prison are provided with psychological care by the Office of Social Services. They are also supported by Liechtenstein Probation Assistance, especially in regard to private matters (e.g. questions concerning the current job or abode). Moreover, if the legal conditions are met, opportunities are sought to offer appropriate work or vocational training outside the National Prison. During the release procedure, these measures are intensified as needed.

Probation Assistance

66. Social support services are provided by the Liechtenstein Probation Assistance association as an external organization. Such services are available to detained persons by request or via contact mediation by the prison staff. Social support services can help as needed when contacting other authorities and offices. Topics include the deferment of debts and maintenance obligations. For the purpose of supporting relatives, discussions with family members or life partners are available, as well as care relating to the consequences of the imprisonment and cases of separation and divorce. Preparatory discussions for release and release support are also offered. These discussions primarily focus on prospects for the future and the situation after release from prison. According to the Probation Assistance Act and Ordinance, the Liechtenstein Probation Assistance association must take advantage of internal synergies and give priority to support provided by other social institutions, such as the Office of Social Services. The Liechtenstein Probation Assistance association thus becomes active only if no or insufficient help and support can be provided to released prisoners by other support persons. When a detainee is released from pre-trial detention or pursuant to conditional release after half or two thirds of the sentence, the Court of Justice may order probation assistance for the duration of the probation period. The goal is to promote and support legal and social probation during a probation period of three years.

Voting Rights of Convicts

67. Pursuant to an ECtHR judgement against Austria in 2010 (20201/04 FRODL) relating to a violation of the right to free elections, Liechtenstein amended Article 2(c) previously in force of the Law of 17 July 1973 on the Exercise of Political Rights in National Affairs (*Volksrechtegesetz, VRG, LGBl. 1973 No. 50*). The amendment was necessary because the legal situation in Liechtenstein was nearly identical to the legal situation in Austria. Pursuant to the new Article 2(1)(c) VRG, offences giving rise to exclusion from the rights to vote and elect must now be clearly defined. This fulfils the principle of proportionality. The amendment entered into force on 1 December 2012.

Article 11 No Imprisonment Due to Non-fulfilment of Contractual Obligations

68. The remarks in the initial report on the provisions in Article 11 continue to apply.

Article 12 Freedom of Movement and Freedom to Choose Residence

Legal Status of the Foreign Population

69. In regard to the legal status of foreign nationals, three groups must be distinguished: Swiss nationals, nationals of Member States of the European Economic Area (EEA), and nationals of all other countries (third countries). This distinction is based on international treaties with Switzerland as well as EEA law, which contain reciprocal rules governing the treatment of each other's nationals and their family members as well as a limited (quota-based) free movement of persons. The legal status of the first two groups is governed by the Law of 20 November 2009 on the Free Movement of EEA and Swiss Nationals (*Personenfreizügigkeitsgesetz*, PFZG; LGBl. 2009 No. 348). The Foreigners Act applies to nationals of third countries.

70. The coexistence of the domestic and foreign population has been peaceful for decades, *inter alia* because the foreign population participates in the economic success to the same extent as the domestic population and is integrated into the country's social structures. The integration of foreigners is a central concern of the Liechtenstein Government. Integration is conceived as a reciprocal process that demands mutual respect and understanding of both the host society and immigrants and is based on the principle of "demanding and promoting". Both the PFZG and the AuG contain these principles of integration: in the PFZG as an objective to be achieved, in the AuG as a binding performance within the framework of an integration agreement. Pursuant to this agreement, third-country nationals undertake to learn the German language and to acquire basic knowledge of the Liechtenstein legal order and structure of the State. In return, foreign nationals are supported in their efforts to learn German. Persons with foreign nationality who are in possession of a valid permit have the same freedom of movement and freedom to choose a residence within the national borders as Liechtenstein citizens.

National Citizenship

71. The Law of 4 January 1934 on the Acquisition and Loss of Liechtenstein Citizenship (Citizenship Act, *Bürgerrechtsgesetz*, BüG; LGBl. 1960 No. 23) governs the legal preconditions for the acquisition of Liechtenstein citizenship. The Citizenship Act was also revised in 2008 in the course of drafting the new Foreigners Act and supplemented by the provisions on integration of persons seeking naturalization. The naturalization of a foreign person is considered the conclusion of a successful integration. The Citizenship Act provides two possible procedures for the naturalization of foreigners. The ordinary procedure by way of a popular vote of the citizens in the municipality of residence requires a minimum residence period of 10 years. The facilitated procedure provides for three different residence periods, namely five years for stateless persons, ten years for persons married to a Liechtenstein citizen (where the years of marriage count double), and thirty years for long-term residents (where the years before the age of 20 count double). The most important change under the Citizenship Act for persons seeking naturalization is the introduction of proof of knowledge of the national language of German as well as of Liechtenstein's culture, history, and political system; these persons must complete and pass a civics examination. In regard to the facilitated procedure, it

should be noted that a legal right to naturalization exists if a person meets all the legal preconditions for naturalization.

Conditions for the Issuing of Travel Documents

72. The preconditions for the issuing of travel documents are set out in the Citizenship Documents Act of 18 December 1985 (*Heimatschriftengesetz*, HSchG; LGBl. 1986 No. 27) and the Citizenship Documents Ordinance (*Heimatschriftenverordnung*, HSchV; LGBl. 2011 No. 453). Upon application, Liechtenstein citizens receive a passport and/or an identity card, provided they are entered in the registers of the Liechtenstein Civil Registry Office. According to Article 19 of the Citizenship Documents Act, other travel documents include refugee travel documents under the Convention relating to the Status of Refugees and passports for persons with foreign nationality. According to Article 31 of the Citizenship Documents Act, a travel document may be issued to the following persons: foreigners without papers who have a residence permit; refugees who have been granted political asylum in accordance with the provisions of the Convention of 28 July 1951 relating to the Status of Refugees; persons of foreign nationality who are not entitled to take up residence in Liechtenstein and who do not have the required travel document of their home country in order to emigrate.

Travel documents issued	2014	2013	2012	2011
Travel documents for recognized refugees	10	27	35	24
Passports for foreigners	1	4	7	51

73. As defined in Article 31(1)(a) of the Citizenship Documents Act, a person is to be "without papers" if they are of foreign nationality and do not possess valid travel documents of the home country or country of origin and who cannot reasonably be expected to apply to the competent authorities of their home country or country of origin to have a travel document issued or extended or for whom the procurement of travel documents is impossible. In particular, persons in need of protection and asylum-seekers cannot reasonably be expected to enter into contact with the competent authorities of their home country or country of origin. The Migration and Passport Office determines whether a person is without papers in the course of considering the person's application (Article 21 of the Citizenship Documents Act).

Article 13 Protection from Arbitrary Expulsion

Asylum-seekers and Refugees

74. On 1 June 2012, the new Asylum Act of 14 December 2011 (*Asylgesetz*, AsylG; LGBl. 2012 No. 29) entered into force in Liechtenstein, replacing the Refugee Act of 1998. The revision became necessary in light of practical experiences and changes at the international level. Of special importance in this regard is Liechtenstein's accession to the Dublin Agreement on 19 December 2011. The Asylum Act continues to be based on the principles of the 1951 Refugee Convention (LGBl. 1956 No. 15) and maintains Liechtenstein's humanitarian tradition. The principle of non-refoulement is expressed even more clearly in Article 3 of the new Asylum Act. The law also introduces protection in cases of non-State persecution and the possibility of settling refugees recognized by

UNHCR in Liechtenstein. The Asylum Act guarantees fast and fair proceedings and ensures that persons in need receive the protection to which they are entitled.

75. The rights of asylum-seekers are further strengthened by the Government's obligation, set out expressly in the new law, to guarantee the access of asylum-seekers to legal counselling and to bear the costs of health insurance if the persons concerned are unable to do so themselves. Analogous the old Refugee Act, the new Asylum Act provides that asylum-seekers should work where possible for the duration of the proceedings and thus be able to pay for their own cost of living. Minor children of asylum-seekers and unaccompanied minors are required to attend school for the duration of compulsory schooling and are enrolled in schools as quickly as possible.

76. In most of the 725 asylum applications submitted between the beginning of 2009 and December 2014, the applicants were either unable to state grounds for asylum in accordance with Liechtenstein law and the criteria of the 1951 Refugee Convention, or a different European country turned out to be responsible for the proceedings. A total of 631 persons were removed from the country pursuant to a negative decision. 25 of the removed persons were transferred to another Dublin country pursuant to the Dublin procedure, 102 persons left Liechtenstein subject to controls, and 104 left Liechtenstein pursuant to readmission by a third country. 175 withdrew their asylum application and departed voluntarily, and 225 persons evaded enforcement by going into hiding. During the same time period, 22 persons were recognized as refugees in Liechtenstein. After 1998, when the now replaced Refugee Act entered into force, there had been a total of 48. Additionally, over the past 15 years, slightly more than 200 persons were given the opportunity to live in Liechtenstein following asylum proceedings within the framework of humanitarian admission or family reunification.

77. Both the Asylum Act and the Foreigners Act and the PFZG respectively contain provisions on expulsions and removals. Refugees who have been granted asylum in Liechtenstein may be expelled if they threaten the internal or external security of Liechtenstein or have seriously violated the public order. A removal is always ordered if an asylum application is denied or dismissed due to inadmissibility. A removal order includes a deadline for departure between seven and thirty days. If, however, removal is not possible, not permissible, or not reasonable, provisional admission is ordered and reviewed each year. The Asylum Act also includes a non-refoulement provision based on Article 33 of the 1951 Refugee Convention and Article 3 of the European Convention on Human Rights.

78. Persons seeking asylum in Liechtenstein are first housed in the central reception centre in Vaduz. The centre, which houses 40 to 60 asylum-seekers, is run by the Liechtenstein Refugee Assistance association (see assistance mandate set out in Article 59 of the Asylum Act). Once an application is submitted, the grounds for the asylum application and the identity of the asylum-seeker and his or her travel itinerary are determined by the Passport and Immigration Office. When questioning asylum-seekers, the competent authority avails itself of a qualified interpreter where necessary. The Asylum Act provides that during questioning, a representative of the aid organizations is

present to observe respect for the rights of the applicant, unless the person refuses or has legal representation.

EEA/Swiss Nationals and Third-country Nationals

79. In the case of EEA/Swiss nationals, the PFZG provides that expulsion may be ordered if a person's conduct represents an ongoing and substantial threat to public security and order. A removal is ordered only if a person does not have the required permit, if the person no longer meets the conditions for entry during a stay that does not require a permit, or if the person's permit is denied, revoked, or not extended. The order for removal includes a departure deadline of at least thirty days hence. Only in the case of removal pursuant to an entry ban may the removal be enforced immediately or the departure deadline reduced.

80. According to the Foreigners Act, persons from third countries may be expelled if they have received an unconditional sentence of imprisonment of two years or more for a crime or misdemeanour or if a preventive measure has been ordered under the Criminal Code; or if they threaten or have seriously violated public security or order in Liechtenstein or abroad or if they threaten internal or external security. A removal is ordered only if a person from a third country does not have the required permit, or the person does not meet or no longer meets the conditions for entry, or if the person's permit is denied, revoked, or not extended. Normally, a departure deadline between seven and thirty days is ordered. In justified cases, however, this deadline may be reduced or immediate enforcement may be ordered (e.g. if public security or order is threatened).

Article 14 Equality before the Courts, Procedural Guarantees, Independent Administration of Justice

Court Organization

81. Article 33 LV guarantees the right to an ordinary judge. The number of courts and their competences are already exhaustively enumerated at the constitutional level (Articles 97 to 106 LV). The Court of Justice has jurisdiction over civil and criminal matters in the first instance, the Court of Appeal in the second instance, and the Supreme Court in the last instance. The organization of these ordinary courts is governed by the Law of 24 October 2007 on the Organization of the Ordinary Courts (Court Organization Act, *Gerichtsorganisationsgesetz*, GOG; LGBl. 2007 No. 348). In the case of decisions by the Government or of special commissions, a complaint may be filed with the Administrative Court. The legal basis for the Administrative Court is set out in the National Administration Act of 21 April 1922 (*Landesverwaltungspflegegesetz*, LVG; LGBl. 1922 No. 24). On the basis of the Constitutional Court Act of 27 November 2003 (*Staatsgerichtshofgesetz*, StGHG; LGBl. 2004 No. 32), the Constitutional Court has the following competences: protection of constitutionally guaranteed rights, adjudication of conflicts of competence between the courts and the administrative authorities, decision on election complaints, review of the constitutionality of laws and international treaties and of the constitutionality, legality, and compliance with international treaties of ordinances, and decisions on claims filed against Ministers.

Existence of Special Courts

82. Article 33(1) LV provides that no special courts may be instituted. The number of courts and their competences are already exhaustively enumerated at the constitutional level (Articles 97 to 106 LV).

Selection of Judges

Recommendation of the Human Rights Committee, No. 12:

"The State party should consider amending the mechanism for the appointment of judges to secure tenure, so as to guarantee fully the principle of the independence of the judiciary. The elements to be reviewed should include: the criteria for the appointment of members to the selecting body, the casting vote of the Princely House and the limited nature of tenure."

83. The remarks in the response to the Human Rights Committee dated 20 July 2004 on the provisions governing the appointment of judges continue to apply.

84. Under no circumstances may the Head of State appoint judges on his own initiative or at his own discretion. For the selection of candidates, a body was established as an autonomous and independent constitutional body (Article 96 LV). The Head of State chairs this body, similar to relevant bodies in other jurisdictions (e.g. Italy). In this connection, the Constitution provides that the chairman of the body is granted the casting vote (if the votes are tied, the vote of the chair decides). Since this body was established, the casting vote provision has never been applied. Every electoral group represented in Parliament delegates one representative to the body, and the Head of State delegates members equal in number to the representatives of the Parliament. The Minister of Justice belongs to the body *ex officio*. By including representatives to the judicial selection body who have been delegated by the Head of State and appointed in their personal capacity to exercise their function independently, the Constitution aims to establish a balance with the representatives delegated by Parliament and thereby to neutralize extrajudicial influences. The members appointed by the Head of State are currently a Swiss judge (President of the EFTA Court), an emeritus judge of the Austrian Supreme Court (Honorary President of the International Association of Judges), and two lawyers. By including the legal professions, not only is the expertise of the body further strengthened, but it is also ensured that the qualification of the candidates is the most important criterion and principle when making the selection.

85. The judicial selection body is thus a completely autonomous constitutional body separate from the legislative and executive power. Its members are not bound by any instructions or influences of any kind or of any side whatsoever. They exercise their function with complete independence in a personal capacity. Candidates selected by the body are nominated for election by Parliament. Candidates elected by Parliament are appointed as judges by the Head of State. If Parliament rejects a candidate recommended by the judicial selection body, a reconciliation procedure between Parliament and the body must be carried out within four weeks with the goal of agreeing on a new candidate. If no agreement is reached, Parliament must recommend an opposing candidate and call a popular vote; in the event of a popular vote, Liechtenstein citizens have the right to nominate candidates subject to the conditions of an initiative (Article 64 LV). This takes account of the democratic constitutional principle of the participation of the people, and

it leaves the final decision to the people if there is disagreement between Parliament and the judicial selection body. In any case, the election of candidates in public sessions of Parliament guarantees an especially high degree of transparency in the appointment of judges. At all times, Parliament has the possibility of rejecting a candidate recommended by the judicial selection body, also when the nomination was decided by a casting vote. As the Head of State, the Reigning Prince must appoint the candidate elected by Parliament or the people, even if the candidate was not recommended by the judicial selection body. The appointment procedure is thus characterized by checks and balances among the participating powers of the State.

Status of Judges and Guarantees of Security

86. According to Article 95(2) LV, judges are independent in the exercise of their judicial office within the lawful limits of their powers and when engaged in judicial proceedings. They must always include reasons with their decisions and judgements. The involvement of non-judicial organs in jurisprudence is permissible only to the extent explicitly provided for by the Constitution (Article 12 LV: Reigning Prince's Right of Pardon).

Compensation of Judges, Promotion

87. In regard to the compensation of judges, a distinction is made as to whether they are full-time (appointment until the 64th birthday) or part-time (with a term of five years) or appointed on a case-by-case basis (*ad hoc* judges). While full-time judges are paid an annual fixed salary (increasing over years of service) in accordance with the Salary Act of 22 November 1990 (*Besoldungsgesetz*, BesG; LGBl. 1991 No. 6), the other two groups receive performance-related compensation as set out in the Law of 17 December 1981 on the Remuneration of Members of the Government and Commissions as well as of Part-Time and *ad hoc* Judges (LGBl. 1982 No. 21). The two public-law courts (Administrative Court, Constitutional Court) and the Supreme Court do not have full-time judges. Promotions within the courts are not governed by law. When selecting appropriate candidates, judicial experience may be decisive.

End of Judicial Service

88. While full-time judges in principle leave their judicial service through resignation or ordinary retirement, the service of part-time judges is generally completed at the end of their term. Other reasons for the end of service for both groups are set out in Article 32 of the Judicial Service Act (*Richterdienstgesetz*, RDG; LGBl. 2007 No. 347), namely termination of service by the disciplinary tribunal on grounds of incapacity, disciplinary punishment, dismissal from service, loss of office due to conviction to more than one year of imprisonment, or loss of required nationality.

Suspension, Dismissal, Disciplinary Measures

89. A disciplinary penalty is imposed on judges who have culpably breached their professional or official duties if the breach of duty constitutes a disciplinary offence in light of the type or gravity of the breach, repetition, or aggravating circumstances. If the breach of duty is minor (administrative offence), an administrative penalty (warning) is imposed. Every disciplinary penalty must be entered in the personnel records (Article 39

of the Judicial Service Act). Disciplinary penalties include a reprimand, reduction of salary, and dismissal from service. In the case of part-time judges, the only disciplinary penalty available is dismissal from service (Article 42 of the Judicial Service Act).

Corruption Penalties

90. Article 22 of the Judicial Service Act sets out the prohibition of the acceptance of gifts. Accordingly, judges are prohibited from accepting gifts or other advantages that are offered to them or their relatives directly or indirectly in relation to the discharge of their office. They are likewise prohibited from soliciting gifts or other advantages in relation to the discharge of their office or from having such gifts or advantages promised to them. § 304 of the Criminal Code enumerates the possible penalties which – depending on the value of the advantage – may extend to imprisonment of five years.

Organization and Functioning of the Legal Profession

91. Admission to the profession of lawyers and exercise of the legal profession in Liechtenstein are governed by the Lawyers Act of 8 November 2013 (*Rechtsanwaltsgesetz*, RAG; LGBl. 2013 No. 415). The Chamber of Lawyers represents the interests of the legal profession in Liechtenstein. The Chamber of Lawyers is in charge of safeguarding the honour, reputation, and rights of the legal profession and of supervising the duties of lawyers.

Article 15 *Nullum Crimen Sine Lege*

92. The remarks in the initial report on the provisions in Article 15 continue to apply.

Article 16 *Legal Capacity*

93. The remarks in the initial report on the provisions in Article 16 continue to apply.

Article 17 *Right to Privacy, Family Life, Protection from Injury to Reputation*

Right to Privacy

94. Liechtenstein's remarks on the right to privacy refer in part to the response of Liechtenstein to the Note Verbale of the Office of the United Nations High Commissioner for Human Rights dated 26 February 2014 on the GA resolution 68/167 ("The Right to Privacy in the Digital Age").

95. In its judgement 2011/11, the Constitutional Court found that "data protection or the protection of 'informational integrity' [...] is a subsidiary aspect of the protection of privacy according to Article 32(1) LV and Article 8 ECHR". This legal interpretation of the right to privacy as set out in Article 32(1) LV and Article 8 ECHR corresponds to the principle set out in paragraph 2 of GA resolution 68/167, according to which people should have the same rights online as they have offline.

Measures at the National level to Protect the Right to Privacy

96. The Data Protection Act of 14 March 2002 (*Datenschutzgesetz*, DSG; LGBl. 2002 No. 55) seeks to protect the personality and fundamental rights of those individuals about whom data is processed. The Data Protection Act implements Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data. In the context of digital communications, the Communications Act of 17 March 2006 (*Kommunikationsgesetz*, KomG; LGBl. 2006 No. 91) sets out minimum requirements for public communications networks and services. Article 16(1) of the Communications Act states that operators must ensure that their networks comply with the recognized technical rules, especially in regard to the safety of electronic communications services, safe network operations, network integrity, and the avoidance of electromagnetic interference with other networks.

97. The Communications Act sets out the rights and duties relating to communications secrecy and data protection. Pursuant to Article 48(2) of the Communications Act, all service providers and all persons participating in the activities of such a provider shall be subject to the communications secrecy requirement. The basic principle as regards data protection is set out in Article 49 of the Communications Act, which allows the processing of traffic, location, content, or subscriber data by a provider only to the absolutely necessary extent. Special requirements as regards the participation in the determination of a location are set out in Article 51 of the Communications Act. According to Article 53(1) of the Communications Act, providers of publicly available communications services shall record all subscriber data referred to in Article 3(1)(48) of the Communications Act in accordance with Article 53(1) of the Communications Act and store them for the entire duration of the contractual relationship as well as six months after the termination thereof. Article 53(2) of the Communications Act concerns the information that such providers are required to provide to the investigating judge upon his or her order or to the National Police upon their written request.

98. In 2010 Liechtenstein implemented Directive 2006/24/EC of the European Parliament and of the Council of 15 March 2006 on the retention of data. Since then, pursuant to Article 52(1)(c) of the Communications Act, providers of publicly available electronic communications services and operators of public communications networks have been required to store retained data for the purpose of participating in a surveillance in accordance with Article 52a of the Communications Act. Retained data must be stored for a period of six months after the communication process is terminated and shall be deleted immediately upon expiry of this time period (Article 52a(1) of the Communications Act). Additionally, retained data shall be of the same quality and subject to the same security and the same protection as the data available in the electronic communications network (Article 52a(3) of the Communications Act). The application of the provisions concerning data protection and data security in regard to the abovementioned purpose shall be verified by the Data Protection Agency (Article 52b(1) of the Communications Act). Pursuant to the same article, there are provisions regarding the logging of every enquiry and every participation in a surveillance.

Lawful Interventions in the Right to Privacy

99. Legal provisions concerning searches of houses and persons, letters, and written matter (including digital communication), as well as their seizure and surveillance, can be found in the Criminal Code, the Code of Criminal Procedure, the Police Act, the Mutual Legal Assistance Act, the Communications Act, the Data Protection Act, and the Law on Persons and Companies of 20 January 1926 (*Personen- und Gesellschaftsrecht*, PGR; LGBl. 1926 No. 4). Only in exceptional circumstances and in accordance with the principle of proportionality may the right to privacy be limited and personal data be processed. Illegal violations are punished. Article 118 of the Criminal Code makes the violation of the privacy of letters and telecommunications a punishable offense and sanctions it with up to three months in jail or a monetary penalty of up to 360 daily rates. Section 2 of the Law on Persons and Companies regulates violations of personal rights such as personal and mental integrity and ensures the "determination of the circumstances, elimination (cessation) of the interference, restoration of the earlier state of affairs through revocation and the like, and omission of further interference" (Article 39(1) PGR) and entitlement to damages (Article 40(1) PGR). Under the following circumstances, the National Police and the prosecution authorities may intervene in a person's right to privacy:

100. *Personal search*: Article 25(1) of the Police Act gives the National Police the right to search persons where necessary and if the conditions for the personal search are met. Moreover, Article 25(2) of the Police Act provides that the search must be conducted as sensitively as possible. It must be conducted by a person of the same sex, unless the search must be conducted immediately. Article 25(3) of the Police Act provides that bodily cavities are to be investigated by a physician. For this purpose, the person to be searched may be required to go to a physician. Article 25(4) of the Police Act also governs the search of persons who are temporarily arrested, detained, or placed in police custody.

101. *Defence against threat*: Based on Article 25b of the Police Act, the National Police may enter premises that are not open to the public and search such premises as well as property not open to the public without the consent of the authorized person if necessary to defend against a serious and immediate threat to life, limb, or liberty of a person or to protect objects of substantial value. This is also permissible if it is suspected that a person who must be presented or taken into police custody is located there or if it is suspected that an object is located there that must be secured in order to defend against an immediate threat. Finally, the National Police may also interfere with the sanctity of the home in the case of an urgent suspicion that persons there are arranging, preparing, or perpetrating crimes. In the cases enumerated above, these interventions do not require approval by a court. When searching premises, the owner or – if the owner is absent – an adult member of the owner's family, a housemate, or a neighbour must be involved where the circumstances allow. The owner or the owner's representative must be informed immediately of the grounds for the search, unless this would thwart the purpose of the measure. A log must be kept of the search. If indispensable in order to prevent a direct and serious threat to life, limb, or liberty of a person (e.g. hostage-taking) or such a threat to substantial material or financial assets (e.g. central electricity, gas supply, or communication facilities), the National Police may also obtain data in or from premises that are not open to the public using the concealed use of technical means to

make photographic or video images as well as to tap or record spoken words without consent of the authorized party and without court approval. This measure may be ordered only by the Chief of Police (Article 34a(4) of the Police Act). But in all cases, the confidentiality of letters, post, and communications shall be preserved. For all measures, the National Police shall comply strictly with the principle of proportionality (Article 23 of the Police Act). Affected persons have the right to judicial review of their treatment and may turn to the Administrative Court for this purpose.

102. *State security*: The National Police may intervene in non-public space through the concealed use of technical means to make image recordings and to tap or record spoken words without consent of the authorized party if the following conditions apply cumulatively: a certain person, organization, or group is suspected of posing a specific threat to the State and its institutions (threatening person); the gravity and type of the threat justifies such measures; specific and present facts and incidents give rise to the assumption that an alleged threatening person is using non-public space to meet third parties, or to hide himself or herself or third parties, or to store material there, or in other ways is pursuing activities conducive to his or her purposes; and finally, where intervention affects the fundamental rights of the person concerned, only to the extent necessary (Article 34a(3) of the Police Act). Ordering such a measure requires approval by a court in advance (Article 34a(4) of the Police Act). Every measure meeting the conditions mentioned above may be reviewed by way of legal remedies.

103. *Criminal prosecution*: Interventions in the sanctity of the home within the framework of criminal proceedings under § 92 of the Code of Criminal Procedure are only permitted if there is a justified suspicion that persons are hiding there who are suspected of a crime or misdemeanour or that objects or clues are located there that are important for a criminal investigation. This measure must be ordered in advance by the investigating judge (§ 93(3) of the Code of Criminal Procedure). This ruling must be handed over to the person concerned, and that person may have the ruling reviewed by way of legal remedies. In house searches, the court must also involve court witnesses and a recording clerk. The search must in principle be carried out in the presence of the owner of the searched premises. The owner has the right to involve a person of confidence (see § 95 of the Code of Criminal Procedure). If the investigating judge cannot be reached and a house search is urgently necessary, or otherwise success of the measure would be threatened, the National Police may, on an exceptional basis, carry out this measure *ex officio* (§ 94(1) of the Code of Criminal Procedure). The procedure outlined above applies *mutatis mutandis*.

Surveillance of Electronic Communications

104. Surveillance of electronic communications in Liechtenstein is possible only within the framework of criminal proceedings. Such proceedings are described in §§ 103 et seq. of the Code of Criminal Procedure. On this legal basis, it is possible to order surveillance of electronic communications – including recording of the content – without the owner's consent only if it must be expected that doing so can help solve a wilfully committed offence punishable by more than one year of imprisonment and if the owner of the means of communication is urgently suspected of having committed the offence, or if

there are reasons to assume that a person urgently suspected of the offence can be found with the owner of the means of communication or will use the means of communication to contact the owner (§ 103(1) of the Code of Criminal Procedure). Surveillance of the communication of a defence counsel, lawyer, legal agent, auditor, or patent lawyer is not permissible. The order of surveillance must be issued by the investigating judge. The investigating judge must also immediately obtain approval of the measure from the President of the Court of Appeal (§ 103(2) of the Code of Criminal Procedure). The surveillance may be approved initially for at most three months. The order may be extended if the same procedure is followed as for the initial order (§ 103(4) of the Code of Criminal Procedure). Upon conclusion of the surveillance, the owner of the means of communication under surveillance must be notified and given access to the recordings (§ 104(2) of the Code of Criminal Procedure). The order of surveillance may subsequently be subjected to judicial review by way of legal remedies (§ 104(4) of the Code of Criminal Procedure).

105. The seizure and opening of letters and other shipments is only permissible if the accused is already in custody for a wilfully committed offence punishable with more than one year of imprisonment or if presentation or arrest for such an offence has been ordered. The measure may be ordered only pursuant to the order of the investigating judge. The seizure of shipments must be announced to the accused immediately or within at most 24 hours or, if the accused is absent, to one of the accused's relatives, and the documents must be handed over as soon as the criminal proceedings are no longer at risk (see §§ 99 et seq. of the Code of Criminal Procedure).

106. With respect to data processing by the National Police, the National Police may process data only if necessary to fulfil the responsibilities provided in the Police Act. These legal provisions are in accordance with Recommendation No. R (87) 15 of the Committee of Ministers to Member States regulating the Use of Personal Data in the Police Sector (Council of Europe). Every person may demand information from the National Police concerning the data that is being processed about that person (Article 34g of the Police Act). Additionally, any person may have the National Police correct or even delete any data that may have been processed incorrectly. If the National Police does not grant the application, it must justify its decision in a formal decree. This decree may be appealed to the Data Protection Commission and ultimately the Administrative Court (Article 34i of the Police Act).

107. In the event of an immediate threat to the bodily integrity of a person, the National Police is authorized to determine the location of a specific mobile communications network connection for purposes of deploying emergency, rescue, or security forces. Operators of mobile communications networks are required to immediately help determine such a location. The National Police must immediately notify the owner of the mobile communications network connection of the fact that determination of the location was attempted or successful. All data obtained on the basis of the attempted or successful determination of the location may not be used for other purposes. In the case of wrongful determination of a location, the owner of the mobile

communications network connection is entitled to adequate compensation (see Article 51 of the Communications Act).

Domestic Oversight Mechanisms for Data Protection and Communication

108. To monitor the legal provisions of the Data Protection Act, two bodies have been created: the Data Protection Agency and the Data Protection Commission. The Data Protection Agency supervises compliance by authorities with the Data Protection Act and may conduct investigations *ex officio* or at the request of third parties and make recommendations (Article 29 of the Data Protection Act). The Data Protection Agency plays an advisory role for enquiries by private persons and authorities (2014: total of 682 enquiries), submits opinions on questions of data protection, supervises compliance with Directive 95/46/EC, and informs the public of current developments in the field of data protection.

109. With the Data Protection Act, the Data Protection Agency was formally attached to Parliament as an independent agency (Article 28(1)). It had previously been subordinate to the Government. At the same time, the appointment and dismissal of the Data Protection Commissioner was transferred to Parliament (Article 28a(1)). Article 28a(2) stipulates that the Data Protection Commissioner may not be a member of Parliament, the Government, a court, or an administrative authority, nor may he or she be the mayor of a Liechtenstein municipality. He or she loses such offices upon being appointed Data Protection Commissioner. Concerning supervision, the Data Protection Agency does not have the power to issue decisions, but it can issue recommendations. If a recommendation is not complied with or rejected, the Data Protection Agency may refer the matter to the Data Protection Commission for decision (Articles 29 and 30 of the Data Protection Act). The Data Protection Agency has a right of complaint, on the basis of which it may appeal a recommendation of the Data Protection Commission (Article 29(5)).

110. The Data Protection Agency is financially independent. The annual budget proposal is drafted by the Data Protection Agency itself and, after preliminary consideration by the Audit Commission of Parliament, submitted to the Government. The Government forwards the budget to Parliament for consideration and approval (Article 28c(1)). The Data Protection Commission decides on recommendations of the Data Protection Agency, appeals against decrees by authorities relating to data protection matters, and appeals against decisions of the Data Protection Agency (Article 34). It consists of three members and two alternate members, each appointed by Parliament for a term of four years (Article 33(1)).

Right to Family Life and Family Reunification

111. Given the very high proportion of foreigners in the total population (33.7%) and the small size of the country, the question of family reunification plays an important role in Liechtenstein migration policy. Family reunification is primarily governed by the international obligations that Liechtenstein has entered into as part of its European integration and that are based on the principle of reciprocity. The legal rules governing family reunification have been amended since the last report. For Swiss and EEA citizens

as well as their family members, family reunification is now governed by the PFZG, for all other nationals and their family members by the Foreigners Act (including the associated ordinances).

112. Swiss citizens and citizens from EEA countries with a residence permit are entitled to immediate family reunification, as long as they have sufficient income and housing. Students from these countries may also have their dependent children move to Liechtenstein. Citizens of other countries may only have their families move to Liechtenstein after a residence period of three to four years, and they must have stable employment not limited in time that allows them to secure their own livelihood and that of their family in Liechtenstein. Short-term residents and students from these countries are not entitled to family reunification. To promote the integration of all family members, the new Foreigners Act provides that family members of third-country citizens moving to Liechtenstein must already acquire minimal German-language skills in their country of origin.

113. For persons in an active and intact cohabitation relationship ("*de facto* life partnership"), several improvements have been achieved in recent years in regard to reunification of life partners. Liechtenstein citizens, resident Swiss citizens, and EEA citizens are permitted to have their foreign life partner move to Liechtenstein under certain conditions. This also applies to same-sex couples. The reunification of children from previous marriages or *de facto* life partnerships is not possible. Between 2001 and 2010, an annual average of approximately 370 people came to Liechtenstein through family reunification. Over the same time period, an annual average 135 people came to take up employment.

114. Like other European countries, Liechtenstein is facing major challenges in family policy. Social change has fundamentally transformed family structures and the needs of parents and children. Based on this recognition, the Government presented the "Framework for the Liechtenstein Family" in 2011, which provides a framework for a family, child and youth policy that is as true to life as possible. The Framework for the Liechtenstein Family is further specified by a catalogue of measures. In this context, the Government focused between 2012 and 2013 on the four areas of compatibility of family and work, debt prevention among young people, open youth work, and parental education. The ultimate goal is to provide good conditions for the various forms of life and family and, for this purpose, to bring together and coordinate the actors concerned in all areas.

Protection against Unlawful Interference with Honour and Reputation

115. The remarks in the initial report on protection against unlawful interference with honour and reputation continue to apply.

Article 18 Freedom of Religion

Allocation of Public Funds to Religious Denominations

Recommendation of the Human Rights Committee, No. 13:

"The State party should review its policies in the allocation of public funds to religious denominations and ensure that all are assigned an equitable part of these funds."

116. The Liechtenstein population has become increasingly pluralistic over the last few decades. While Roman Catholics made up more than 95% of the population in the 1930s and 1940s (and still about 90% in 1970), the share of Roman Catholics in the population has steadily declined since then. According to the latest census in 2010, the share of Roman Catholics in the population is now 76%. The second-largest group consists of members of the Evangelic-Reformed Church at 6.5%, and Muslims are the third-largest group at 5.4%. 5.3% of the resident population state that they have no religious affiliation. Special attention is paid in schools to promoting tolerance of religions and worldviews. Tolerance education enjoys special importance in the "Social Education" and "Religion and Culture" subjects. "Religion and Culture" is designed so that students from all religions and communities of faith can participate. It has an interdenominational orientation and discusses all the major world religions. A reorganization of the relationship between the State and the religious communities is currently under preparation. The planned reorganization is intended to create a uniform legal basis for the relationship between the State and the religious communities, leading to equal treatment of all religious communities.

Article 19 Freedom of Opinion

Revision of the Media Act and the Media Promotion Act

117. The Media Act of 19 October 2005 (*Mediengesetz*, MedienG, LGBl. 2005 No. 250) applies to all media in Liechtenstein and to all owners of media subject to Liechtenstein's jurisdiction. It governs the rights and duties of the media in general and also contains special provisions governing broadcasting. The freedom of the media is emphasized in Article 3 of the Media Act, further specifying Article 40 LV and Article 10 ECHR in the field of media. The Media Promotion Act of 21 September 2006 (*Medienförderungsgesetz*, MFG; LGBl. 2006 No. 223) covers the preconditions and procedure for promoting media in Liechtenstein. In the interest of diversity of opinion, the promotion of journalistic and editorial quality, and the dissemination of opinion-forming media in Liechtenstein, the State may grant direct and indirect media subsidies. Only media enterprises publishing a periodic medium are entitled to subsidies.

Supervision of Media and Journalists

118. The Media Act attaches special importance to the protection of journalism and the protection of personal rights. The section governing media content offences contains special provisions of criminal law and criminal procedure, most of which result in a privileged status for media. The justification is to be found in the restrained use of criminal law in this field in light of the fundamental rights of freedom of opinion and of the media.

Licences

119. Subject to special provisions governing broadcasting and online media, the activities of the media are in principle not subject to a licence or notification.

Access to Information for Foreign Journalists

120. For the purpose of regulating public information provided by State authorities, the Public Information Act of 19 May 1999 (*Informationsgesetz*; LGBl. 1999 No. 159) was created. The Public Information Act in particular sets out the right of the population to information about the activities of the public authorities as well as access to documents. The work of the public authorities is to be made transparent in order to promote the free formation of opinion by the population as well as trust in the work of the public authorities. State action is made transparent, to the extent that there are no overriding public or private interests. The requirement of equal treatment applies vis-à-vis the media.

Article 20 Prohibition of War Propaganda, Dissemination of Racist Thought

Prohibition of War Propaganda

121. The remarks in the initial report on the prohibition of war propaganda continue to apply.

Dissemination of Racist Thought

122. Liechtenstein is a State party to the International Convention on the Elimination of All Forms of Racial Discrimination of 21 December 1965 (LGBl. 2000 No. 80). Before acceding to that convention, Liechtenstein tightened the provisions of the Criminal Code (StGB) concerning racial discrimination. Since 2003 there have been four convictions in Liechtenstein for racial discrimination under § 283 StGB: two judgements of the Juvenile Court, each with a suspended sentence of imprisonment, and two judgements of the former Court of Lay Assessors (one case with 8 convicted persons, one case with 1 convicted person), each with suspended sentences of imprisonment between 3 and 9 months.

123. Membership in racist groups is punishable by imprisonment of up to two years. Victims of racist attacks may claim damages during criminal proceedings (see § 32 of the Code of Criminal Procedure). The protection of victims and especially psychological and material support were further strengthened with the entry into force of the Victims Assistance Act in April 2008. Non-pecuniary damages may be asserted by way of a civil claim. Both criminal law and civil law provide the possibility for affected persons, including foreigners, to obtain legal aid, including a waiver of the trial costs.

Article 21 Freedom of Assembly

Holding of a Public Event

124. The preconditions for granting a permit are set out in the Ordinance of 23 March 1950 on the Granting of Performance Permits (LGBl. 1950 No. 11). Under that ordinance, all public events requiring official measures (e.g., road closures, police protection, security

service) or technical, public health, building, or immigration inspections may be held only with a permit from the Government Chancellery. Before granting the permit, the involved authorities (e.g. the National Police or the Office of Construction and Infrastructure) are invited to comment, and the applicant must present an event programme. Events held by schools and for public-benefit purposes do not require a permit. No assemblies were prohibited during the reporting period.

Article 22 Freedom of Association

Political Parties

125. There are currently four political parties in Liechtenstein: the Progressive Citizens' Party, the Patriotic Union, The Independents, and the Free List. Article 2 of the Law of 28 June 1984 on Contributions to Political Parties (LGBI. 1984 No. 31) defines criteria for the right of political parties to State support. According to these criteria, the political party must firstly be established in the form of an association in accordance with Articles 246 et seq. of the Law on Persons and Companies (PGR); secondly, it must commit to the principles of the Constitution; and thirdly, it must be active for purposes of political education, public outreach, and participation in political decision-making. A political party must have party statutes indicating the party's purpose, resources, and organization. Once the statutes have been adopted and the party executive appointed, the party is authorized upon resolution of the competent organ to apply for entry in the Commercial Register. The application must include the statutes and the directory of members of the party executive. The party must apply for entry in the Commercial Register if it is subject to an audit.

Associations

126. Civil society plays an important role in Liechtenstein. The numerous associations are especially significant in this regard. Associations may be freely established in Liechtenstein, as long as their purpose is not unlawful. The legal basis can be found in Articles 246-260 PGR. The State and the municipalities support the establishment of associations by various means, including financially. Non-governmental organizations (NGOs) may be freely established in Liechtenstein as associations. There are numerous associations engaged in human rights in the broadest sense. Amnesty International (Liechtenstein) is one of the few associations with a focus on human rights in general. Other associations focus more on specific human rights topics, such as the rights of women, homosexual persons, and foreigners. NGOs can participate actively in the legislative process during the consultation phase and thus give voice to their priorities. If their concerns are not taken up during the legislative process, the members of the organization are free to launch initiatives or referenda.

Restrictions on the Freedom of Assembly

127. During the reporting period, the only relevant amendment was to § 278b of the Criminal Code, which restricts the freedom of assembly in the case of terrorist groups. According to § 278b, anyone who leads a terrorist group that limits itself to the threat of terrorist offences shall be punished. Anyone shall also be punished who participates in a terrorist group as a member or supports the group financially.

Strikes and Trade Unions

128. In Liechtenstein, strikes are unknown in practice, given that unemployment has been at a very low level for years, the working conditions are good, and a fair social partnership is cultivated. There is no prohibition of strikes in Liechtenstein laws or the Constitution. For the Constitutional Court, there has so far been no occasion to consider the question of the freedom to engage in a labour dispute. An express recognition of the right to strike in domestic legislation is not regarded as necessary and is currently not planned.

129. With the adoption of the new State Employees Act (StPG) in 2008, the previous Civil Servants Act was repealed. The prohibition of the right to strike was not included in the new State Employees Act. Article 7(2) of the previous Civil Servants Act stated: "Strikes or work refusals may lead to dismissal." Although this provision did not stipulate an absolute prohibition of strikes, some sources of legal doctrine concluded that dismissal as a possible penalty for strikes came very close to being a *de facto* prohibition of strikes for all civil servants. This fact was taken into account with the creation of the new State Employees Act, and the provision was not included in the text of the law. The new State Employees Act thus does not contain a prohibition of the right to strike, but it also does not contain any rules governing the right to strike, so that, pursuant to Article 3 of the State Employees Act, the provisions of the General Civil Code and the Labour Act apply on a subsidiary basis. In Liechtenstein, the Staff Association of the Public Administrations safeguards and promotes the interests of its members vis-à-vis their employers. The rights of participation of the Staff Association of the Public Administrations in Liechtenstein have been strengthened by the rules set out in the new State Employees Act. Article 35(2) StPG specifies the matters in which the Government must consult the Staff Association. Article 35(4) StPG also expressly states that the representatives of the Staff Association may not be disadvantaged due to their position in the Staff Association for the duration of their mandate and beyond. There thus exists an association in Liechtenstein that represents the interests of employees under public law, and the representatives of that association enjoy special legal protection.

130. There is one trade union in Liechtenstein (Liechtenstein Employees' Association, *Liechtensteiner ArbeitnehmerInnenverband*, LANV), which is a member of the International Trade Union Confederation and the European Trade Union Confederation. It has a total of approximately 1,100 members.

Article 23 Right to Marry and to Found a Family

Law Governing Names

131. With amendments to the General Civil Code (ABGB), the Law of 10 December 1912 on the Introduction of the Code of Civil Procedure and the Jurisdiction Act (LGBI. 1912 No. 9/3), the PGR, and the Marriage Act of 13 December 1973 (*Ehegesetz*, EheG, LGBI. 1974 No. 20), Parliament adopted a reform of the law governing names in September 2014. With this reform, which entered into force on 1 January 2015, the

Liechtenstein law governing names – partially taking account of current legal developments in Switzerland, Austria, and Germany – was updated to the current conditions of society in Liechtenstein. Couples still have the possibility of choosing one of their last names as the common family name after marriage. But now spouses are also able to retain their previous family name upon marriage without having to use a double family name. The possibility of a double family name still exists, however. The law governing names now provides that the family name of a child of unmarried parents no longer is the mother's maiden name, but rather her current family name, in order to ensure that the mother and the child have the same family name. The child of married parents, as a general rule, receives the common family name of the parents. If the parents do not have a common family name, the child receives the family name that the parents have decided for the child.

Acquisition and Loss of Nationality through Marriage

132. Both men and women in Liechtenstein may equally pass on their citizenship to their foreign spouse (after a certain period of time) and to their children (at birth). In 2008, the time period for acquiring citizenship was shortened. Since then, ordinary residence in Liechtenstein of only ten years is required, counting the years of marriage double. The applicant must also have lived in an intact marriage with the Liechtenstein citizen for at least five years.

Principle of Splitting of Pension Rights between Spouses

133. Liechtenstein law is characterized by the partnership principle and contains no gender-specific differentiations concerning the rights and duties of the spouses. In this connection, the principle of splitting of pension claims between the two spouses should be mentioned, according to which the income of the spouses during the years of marriage is split 50-50 between the two spouses. Thanks to this splitting, the non-working and the working spouse benefit equally from the contributions to old age insurance. Education and child-raising credits are also split in half, in the same way as employment income, during the years of marriage. The provision on splitting is found in Article 63octies of the Law of 14 December 1952 on Old Age and Survivors' Insurance (AHVG). Article 63octies was inserted in the AHVG by LGBl. 1996 No. 192. There has been no change since then.

Joint Custody

134. On 1 January 2015, the new law on parents and children entered into force in Liechtenstein, which in particular provides new rules governing custody. The new rules were established by the Law of 6 June 2014 amending the Jurisdiction Act (LGBl. 2014 No. 204), the Marriage Act (LGBl. 2014 No. 203), the Law on International Private Law (LGBl. 2014 No. 202), the Law on Persons and Companies (LGBl. 2014 No. 201), the Non-Contentious Proceedings Act (LGBl. 2014 No. 200), and the General Civil Code (LGBl. 2014 No. 199). This new law assumes that the relationship of the child to both parents as guardians is in principle especially valuable for the development of the child and that custody should therefore be exercised equally and amicably by both parents. Under the new rule, divorced or separated parents should jointly exercise custody of their child. Joint custody is therefore the norm after separation or divorce. This new rule corresponds

to the international legal development and social transformations with a changed view of the responsibility of mother and father for their common child or children.

135. Under joint custody, parents are called upon to come to a mutual agreement. For that purpose, the court may also employ the instrument of mediation. In all cases in which the parents adjust their custody arrangements by mutual agreement, children aged 14 and older have the right of objection. If the parents are unable to reach an agreement, the court shall decide in accordance with the welfare of the child. The new law on parents and children prioritizes the welfare of the child and provides a comprehensive list of criteria to assess the welfare of the child, taking account of child-psychological and pedagogical considerations (see § 137b ABGB).

136. With this reform to the law on parents and children, the term "illegitimate child" was eliminated from the General Civil Code as a remaining discriminatory term referring to children whose parents were unmarried. For quite some time, children with married and with unmarried parents are treated equally under Liechtenstein inheritance law.

Measures for the Protection of Children Who Have Lost Their Family Environment

137. If a child has lost both parents and if there are surviving grandparents, the court must decide whether custody can or should be transferred to the grandparents, taking into account the welfare of the child. If the child has no family environment, if the child has lost the family environment, or if the parents are unknown, the Office of Social Services acts as the legal guardian of the child until the court has decided.

138. If the parents are only partially unable to ensure the care and upbringing of their child due to psychosocial problems, on-site assistance such as socio-pedagogical family support (child-raising support), family assistance (support in the household and child care in the family), or day care of the child outside the home are provided to support or relieve the burden on the parents. If the parents are entirely unable to raise their child or if a placement of the child is indicated to ensure the welfare of the child, the child may be placed with a foster family or in a dedicated children's home.

Registered Domestic Partnership

139. Major progress has been achieved in Liechtenstein over the past 20 years in regard to the prevention of discrimination due to sexual orientation. Until 1989, homosexual acts were prohibited and punishable by law. In the interim, this prohibition as well as other articles in the Criminal Code that discriminated against homosexual persons have been repealed. In 2007, a survey on the topic of homosexuality was conducted among the resident population for the first time, along with interviews of homosexual persons. Overall, homosexual persons continue to be confronted with prejudice, even though the general situation has improved. In 2007, Parliament mandated the Government to draft a law on the registered partnership of same-sex couples, eliminating legal discriminations and creating possibilities to secure relationships legally.

140. With entry into force of the new Law on Registered Partnerships of Same-Sex Couples (Registered Partnership Act, *Partnerschaftsgesetz*, PartG; LGBl. 2011 No. 350) on 1 September 2011, an important contribution was made to overcoming discrimination and social taboos regarding homosexuality. Since then, same-sex couples have been able to have their partnerships registered. The registered partnership is certified by the Civil Registry Office. Registration forms the legal basis for a life partnership with reciprocal rights and duties: The registered partners must provide each other with information regarding their income, assets, and debts. Joint decisions must be made regarding the shared home. Registered couples are deemed equivalent to married couples in respect of inheritance law, social insurance law, occupational pension law, the law governing foreigners and naturalizations, tax law, and all other areas of public law. For this purpose, various existing laws were amended at the same time the Registered Partnership Act was created. Adoption of children and the use of reproductive medical procedures are not permissible for persons living in a registered partnership.

Article 24 Rights of Children to Equal Treatment

Children and Youth Act

141. The protection and promotion of the rights of the child in accordance with the UN Convention on the Rights of the Child and the principle of non-discrimination are expressly included in the Children and Youth Act. In addition to new rules governing reporting rights and obligations where children's welfare is in danger as well as strengthening of the protection of children and young people, the right to a violence-free upbringing was included in several provisions of the new law, supplementing the General Civil Code (ABGB). The Children and Youth Act provides that all forms of corporal punishment as well as emotional injuries and other degrading measures are impermissible. With the Ombuds Office for Children and Young People (OSKJ) and the Children and Youth Advisory Council, two new independent institutions were created in this field. In 2012, the organizations and institutions working in the field of children and young people joined together to form the Liechtenstein Children's Lobby (*Kinderlobby Liechtenstein*). The Children's Lobby aims to make it possible for the participants to join forces and harmonize approaches on behalf of the interests of children and young people, to make their voice better heard, and to disseminate knowledge about children's rights.

Assistance to Families

142. Assistance to families in Liechtenstein is granted in view of the fact that the family is the most important attachment group of a person and therefore decisively influences the development of the individual. Assistance to families is therefore the best measure to safeguard the social integration of children and young people. The family in Liechtenstein takes on a variety of forms. In addition to the traditional family model, i.e. two parents and their children, a number of new family types have developed. It is the responsibility and objective of Liechtenstein family policy to enable children in all family structures to have the same development opportunities. The State therefore endeavours to create the conditions necessary for the parents to reconcile work and family, but also to have enough time for their children, as well as to support families at risk of poverty.

143. Most family-oriented benefits in the form of financial contributions, tax relief, and institutional aid are granted to all families, independent of the form and income of the family. Certain additional support is granted to persons who run a particular risk of poverty. The Family Allowances Act of 18 December 1985 (*Familienzulagengesetz, FZG; LGBL. 1986 No. 28*) provides for the payment of birth and child allowances to all persons whose civil residence or place of employment is in Liechtenstein. Since the first report, the allowance for the birth of a child has increased to CHF 2'300, and to CHF 2'800 per child in the event of multiple births. Birth allowances are also granted in the event of adoption of a child under the age of five. Additionally, child allowances have increased since the last report. For families with one or two children, the child allowance is now CHF 280 per child per month (and CHF 330 per month for every child over the age of 10). Families with twins or with three or more children receive CHF 330 per child per month. Persons whose claim to a foreign allowance takes precedence over the Liechtenstein allowance receive compensation for the difference. The single parent allowance introduced in 1999 was increased from CHF 100 per child to CHF 110 per child. Each working mother has the right to 20 weeks of maternity leave, 16 of which must be after the birth. Additionally, parents may take a four-month unpaid parental leave after the birth of a child. Further financial support is granted to families with children in the form of tax relief. Deductions are available for married persons, single parents, and children, as well as for household expenses and the formal education of children.

144. The web platform www.familienportal.li maintained by the State was completely revised in 2015 and presented to the public in June 2015. The new platform takes better account of the increased need of families in Liechtenstein for information. The goal is to provide an overview of the multiplicity of existing offerings. The portal is intended to help parents quickly find the right information in the different phases of life of their children. In addition to useful addresses and counselling offerings, information is included on events and courses relating to pregnancy and family. The new family portal also offers a central platform for private providers of support for parents and families. Here, they have the opportunity to present themselves and their services for families.

Child-raising Assistance and Psychosocial Counselling

145. Parental counsellors support parents in the care of infants and small children. For older children, the Children and Youth Division or the Counselling Centre for Parents, Children and Young People act as contact points for difficulties in raising children or in times of crisis, insecurity, or overwork. Various psychologists also offer family counselling. Where counselling outside the home no longer suffices, socio-pedagogical family care may assist in a supporting capacity. The family is visited at home and provided with counselling. This constitutes a concrete learning aid for parents, helping them with their daily responsibilities of raising their children in a comprehensive manner appropriate to children and free of conflict. Finally, there is a socio-pedagogical living group for young people, offering young people in personal, family, or social difficulties the possibility of a limited removal from the family. It enables all affected family members to reorient themselves and to practice new ways of interacting with each other. It also offers a learning environment for the development of new social competence and an increasingly independent life.

Ratification of the Lanzarote Convention

146. In June 2015, Parliament decided to ratify the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse of 25 October 2007. The Convention entered into force for Liechtenstein on 1 January 2016. To fully implement this convention, Liechtenstein's jurisdiction over crimes committed abroad had to be expanded. Firstly, the list of offences set out in § 64(1)(4a) StGB was expanded to include the offences set out in §§ 204 (sexual abuse of a defenceless or mentally impaired person) and 212(1) StGB (abuse of a relationship of authority).² With regard to the offences enumerated in § 64(1)(4a) StGB, not only those cases in which the perpetrator or victim is a Liechtenstein citizen or has a residence or habitual abode in Liechtenstein are covered, but also those cases in which the offence has violated other Liechtenstein interests or in which the perpetrator was, at the time of the offence, a foreigner, is currently in Liechtenstein, and cannot be extradited.

Article 25 Right to Vote and to Be Elected, Access to Public Office

147. Liechtenstein traditionally has very well-developed rights of participation of the people. Under the Constitution, the people are able to exercise their rights directly through elections and popular votes. Liechtenstein citizens and their family members living abroad do not have the right to vote. In 2012, the provisions of the Law on the Exercise of Political Rights in National Affairs (VRG) concerning the rights of convicts to vote were amended (see remarks on Article 10). Foreigners are not given the right to vote at the municipal or at the national level.

Restrictions on Candidacies for Public Office

148. According to Article 46(4) LV, members of the Government and the courts may not be members of Parliament at the same time. Moreover, the Constitution expressly sets out that the members of the Government must be citizens of Liechtenstein and eligible for election to Parliament (Article 79 LV). Grounds for exclusion from election to a municipal council are set out in Article 47 of the Municipalities Act (*Gemeindegeseztz*, GemG). The same grounds also apply to the election or voting commission. Accordingly, the following persons are excluded from election:

- persons related by blood to an already elected member in a direct line or up to the third degree;
- persons married to, living in a registered partnership or a *de facto* life partnership with, or related by marriage up to the second degree with an already elected member;
- members of the Government;
- members of the Administrative Court or the Constitutional Court;
- employees working in a leading position in the municipal administration;

² In addition to these offences, the list of offences set out in § 64(1)(4a) StGB is being expanded by the offences of genital mutilation according to § 90(3), coerced marriage and other cases of aggravated coercion according to § 106(1)(3), extortionate kidnapping according to § 102, delivery to a foreign power according to § 103, slave trade according to § 104, trafficking in persons according to § 104a, prohibited adoption services according to § 193a, rape according to § 200, sexual assault according to § 201, and cross-border trafficking for prostitution according to § 217.

- a member of the municipal council who is married to, living in a registered partnership or *de facto* life partnership with, or related in accordance with paragraph 1(a) and (b) by blood or marriage to the mayor, must resign from the municipal council.

149. The grounds for exclusion for members of the audit commission are enumerated in Article 59 of the Municipalities Act. A person cannot be elected as a member of the audit commission if that person is a member of the municipal council or belonged to the municipal council during the last term, or if that person is married to, living in a registered partnership or *de facto* life partnership with, or related by blood or marriage by the degree referred to in Article 47 to the mayor, deputy mayor, municipal treasurer, or administrator of municipal resources, or if that person holds an office in the municipality that itself is subject to the audit.

Article 26 Principle of Equality

Combating Racism, Xenophobia, and Religious Intolerance

Recommendation of the Human Rights Committee, No. 9:

"The State party should intensify its efforts to combat right-wing extremism and other expressions of xenophobia and religious intolerance."

150. In 2009, a sociological study commissioned by the Liechtenstein Government on the phenomenon of right-wing extremism and its causes in Liechtenstein was concluded and presented to the public. In the study, the authors enumerate several recommendations for approaches that could be taken by the authorities when combating racism and right-wing extremism. The results of the study were evaluated by the Government's Violence Protection Commission. Building on this evaluation, the Government adopted a catalogue of measures against right-wing extremism ("MAX") for the years 2010 to 2015, containing numerous activities for the Violence Protection Commission.

151. A key point of this catalogue of measures was the creation of the Expert Group against Right-Wing Extremism in 2010 with the mandate to coach social workers confronted with the issue of right-wing extremism and to build up counselling knowledge. The catalogue also includes sensitization campaigns against right-wing violence (e.g., "Show your face against right-wing violence," 2010), and anti-aggression training to treat violent right-wing extremists and others. To improve the data situation relating to racism and right-wing extremism is a key priority of the catalogue of measures. In this connection, the Government has commissioned an independent research institute to prepare an annual monitoring report documenting all incidents and measures connected with right-wing extremism in Liechtenstein. The monitoring report on right-wing extremism has been published and made available to the public annually since 2011. Apart from the points already mentioned, the catalogue of measures MAX provided the basis for several continuing training sessions for social workers, teachers, etc. in order to sensitize them to the problem of right-wing extremism (recognition of right-wing extremists) and to convey adequate intervention patterns. As the annual monitoring reports demonstrate, no right-wing violence has been registered in Liechtenstein since

2012. It can thus be noted that the measures taken have made an important contribution to combating right-wing extremism and intolerance.

152. Schools play an important role in the prevention of racism. At the level of instruction, special importance is attached to historic and political education. Education about National Socialism is a mandatory priority topic in the curriculum for the secondary level. Suitable teaching materials are made available, and the development of textbooks relevant to Liechtenstein is actively promoted. Beyond this, the inclusion of "Religion and Culture" as a learning area in the school curriculum has contributed to the mutual cultural understanding of Liechtenstein and foreign children. By getting to know different forms of linguistic expression, the pupils are confronted with their own culture as well. This in turn strengthens perception of their own culture and cultural understanding, thus awakening the willingness to deal with other cultures and to develop a better understanding of them.

Integration Policy

153. In 2007, the Government adopted a position paper on integration policy containing the principle of "promoting and demanding". The goal of this principle is to promote the peaceful coexistence of all persons in Liechtenstein on the basis of common values. This position paper also includes the results of two discussion rounds on the topic of "Integration in Liechtenstein: Status Quo, Measures, and Perspectives", which the Prime Minister conducted with representatives of the foreigners' associations in 2004. A key element of integration policy is the introduction of integration agreements for foreign nationals who intend to reside in Liechtenstein in the long term. Foreign nationals must commit to acquire sufficient knowledge of German within a certain time period. Beyond this, foreign nationals must possess basic knowledge of the legal order, structure of the State, and history and culture of Liechtenstein. Individual German language courses are supported financially by the Migration and Passport Office.

154. Liechtenstein has a smoothly functioning education system that allows people to engage in lifelong learning and gives everyone in the country the best educational opportunities. There are nine years of compulsory education. Schooling is available free of charge to all children and young people regardless of their origin, religious affiliation, gender or any disability. Also free of charge is the attendance of kindergarten before compulsory education begins. Individual promotion and equal opportunity are the overarching goals of the Liechtenstein education system. Nevertheless, children from a migrant background are overrepresented in the school type with lower academic requirements. A migrant background is only one of many factors influencing the educational success of a child, however. National tests have demonstrated for Liechtenstein that the social and economic status of the parents as well as their education level have an especially significant impact on educational success.

155. Since the school year 2007/2008, Liechtenstein primary schools have offered religious education in German for Muslim children. It is currently being offered at eight Liechtenstein primary schools in the school year 2015/2016.

156. Numerous support measures exist to ensure that all children have the same opportunities. Foreign-language children are offered intensive language instruction in the special subject "German as a second language", which aims to give them the ability to follow instruction in ordinary classes or kindergarten with as few language difficulties as possible. In addition, there is a wide range of offerings in special education, social-pedagogical and school-supporting measures.

157. Starting in 2007, Standard German has sometimes been used as a language of instruction in Liechtenstein kindergartens to make it easier for foreign-language children to learn the written language and to integrate. Since 2009, Standard German has been used as the official language of instruction at all levels of schooling. This makes it easier for foreign-language children to learn German, to use it verbally and in writing, and to improve their integration. Previously, classes were sometimes taught in dialect. The expansion of care structures outside the home and the introduction of day schools, which in particular offer accompanied learning and homework tutoring as well as lunch tables and afternoon activities, are of special importance for children of foreign-language and/or working parents. The Career Counselling Center also offers a mentoring program to support young people seeking apprenticeships, a service used by young foreigners as well.

158. In recent years, the realization that measures must be taken as early as possible so that differences in achievement can be compensated has prevailed. For that reason, the Office of Education is focusing increasingly on early education and parent education. The Office of Education is working together with the Office of Social Services in a pilot project to optimize early education and identification before schooling begins. Another early education measure for all children is therapeutic-educational support in kindergartens, permitting early recognition of developmental and behavioural difficulties as well as special talents and thus the provision of appropriate teaching solutions. This offer has been implemented in all schools in Liechtenstein since 2010.

Article 27 Minority Rights

159. The remarks in the initial report on provisions in Article 27 continue to apply.

Part III. Abbreviations

ABGB	General Civil Code
AHVG	Law on Old Age and Survivors' Insurance
AsylG	Asylum Act
AuG	Foreigners Act
BesG	Salary Act
BüG	Law on the Acquisition and Loss of Liechtenstein Citizenship (Citizenship Act)
CAT	Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CH	Switzerland
CPT	Council of Europe Committee for the Prevention of Torture and Inhuman and Degrading Treatment or Punishment
CTC	Counter-Terrorism Committee
DSG	Data Protection Act
EC	European Community
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
EEA	European Economic Area
EheG	Marriage Act
FATF	Financial Action Task Force
FZG	Family Allowances Act

GemG	Municipalities Act
GLG	Gender Equality Act
GOG	Court Organization Act
HSchG	Citizenship Documents Act
HSchV	Citizenship Documents Ordinance
KJG	Children and Youth Act
KomG	Communications Act
LANV	Liechtenstein Employees' Association
LBV	Liechtenstein Association for People with Disabilities
LGBI	Liechtenstein Law Gazette
LV	Constitution of the Principality of Liechtenstein
LVG	National Administration Act
MedienG	Media Act
MFG	Media Promotion Act
NGO	Non-governmental organization
OHG	Victims Assistance Act
OSCE	Organization for Security and Co-operation in Europe
OSKJ	Ombuds Office for Children and Young People
PartG	Registered Partnership Act
PFZG	Law on the Free Movement of EEA and Swiss Nationals
PGR	Law on Persons and Companies
PoIG	Police Act

RAG	Lawyers Act
RDG	Judicial Service Act
RHG	Mutual Legal Assistance Act
SCG	Equal Opportunities Unit
SPG	Due Diligence Act
StGB	Criminal Code
StGHG	Constitutional Court Act
StPG	State Employees Act
StPO	Code of Criminal Procedure
StVG	Execution of Sentences Act
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UPR	Universal Periodic Review of the Human Rights Council
VRG	Law on the Exercise of Political Rights in National Affairs

Part IV. Appendix

The Liechtenstein Constitution and all Liechtenstein laws and ordinances are available at the website www.gesetze.li (in German only).