



U.S. DEPARTMENT of STATE

Liechtenstein

Country Reports on Human Rights Practices - [2004](#)

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The Principality of Liechtenstein is a constitutional monarchy with a parliamentary government. Prince Hans-Adam II is the head of state. On August 15, Hereditary Prince Alois took on the duties of head of state, exercising the rights of office on behalf of the Reigning Prince. All legislation enacted by the popularly elected Parliament (Landtag) must have the concurrence of the Monarch and the Prime Minister. The amendments of the Constitution, adopted in a national referendum in March 2003, took effect in September 2003. The Parliament nominates and the Prince appoints the members of the Government. The Parliament was elected in 2001; the dominating Progressive Citizen's Party holds all cabinet seats. The judiciary is independent.

Civilian authorities maintained effective control of the security forces, which are composed of the regular and auxiliary police under the Interior Ministry. There is no standing military force. There were no reports that security forces committed human rights abuses.

The country had a prosperous, highly industrialized, free enterprise economy with a vital services sector. It participated in a customs union with Switzerland and used the Swiss franc as its national currency. Its 34,294 citizens enjoyed a very high standard of living. Inflation remained low at 0.8 percent.

The Government generally respected the human rights of its citizens, and the law and judiciary provided effective means of addressing individual instances of abuse.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits such practices, and there were no reports that government officials employed them.

Prison conditions generally met international standards, and the Government permitted visits by independent human rights observers.

Men and women were held separately. Facilities were available to hold juvenile prisoners separately from adults in a pretrial detention facility, but there were no cases of juvenile imprisonment during the year. If a juvenile offender was convicted of a crime requiring imprisonment, the convicted juvenile could be transferred to a youth facility in Austria. Pretrial detainees were held separately from convicted criminals.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

Police automatically report allegations of misconduct to the prosecutor's office, and any person subject to wrongful police action also can file a complaint with the chief of police. A failure of either the prosecutor's office or the chief of police to open an investigation can be appealed to the Government and, subsequently, to the administrative courts.

Within 24 hours of arrest, police must bring suspects before an examining magistrate who must either file formal charges or order release. The law grants suspects the right to legal counsel of their own choosing, and counsel was provided at government expense to indigent persons. Release on personal recognizance or bail is permitted unless the examining magistrate has reason to believe that the suspects are a danger to society or would not appear for trial.

In July, the U.N. Human Rights Commission (UNHRC) expressed concern about shortcomings in the protection of arrested or detained persons, noting that the law does not require informing them of their right to remain silent, their right to be brought promptly before a judge, and to have access to legal counsel.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice.

In July, the UNHRC expressed concern that the mechanism for appointment and tenure of judges, revised under 2003 constitutional amendments, may not be compatible with the principle of the independence of the judiciary.

The judicial system has three tiers: A court of first instance, the appellate court, and the Supreme Court. The court of first instance is the National Court (Landgericht). In addition, an Administrative Court hears appeals against government decisions. The State Court (Staatsgerichtshof) protects the rights accorded by the Constitution, decides conflicts of jurisdiction between the law courts and the administrative authorities, and acts as a disciplinary court for members of the Government.

The Constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. Citizens had the right to counsel and the right to appeal, ultimately to the Supreme Court (Oberster Gerichtshof). Trials involving minor offenses were heard by a single judge, more serious or complex cases by a panel of judges, and the most serious cases, including murder, by a public jury.

The Constitution authorizes the Prince to alter criminal sentences or pardon offenders. However, if the offender is a member of the Government and is sentenced for a crime in connection with official duties, the Prince may take such action only if the Parliament requests it.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice and did not restrict academic freedom. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

The Constitution establishes the Roman Catholic Church as the official state church, and its finances are integrated directly into the budgets of the national and local governments. The Catholic Church is entitled to annual State contributions of \$242,000 (300,000 Swiss francs). The Government also supported denominations other than the Catholic Church, and it continued to seek a wide consensus on a new agreement on the relationship between the State and the Catholic Church.

In July, the UNHRC expressed concern about the unequal treatment of different religious denominations in the allocation of public funds and urged the Government to review its policies to ensure an equitable distribution of these funds.

Roman Catholic or Protestant religious education was compulsory in all primary schools, but the authorities routinely granted exemptions for children whose parents requested them. Secondary school students were offered a choice between traditional confessional religious education (provided for by the Catholic or the Protestant Church) or non-confessional classes on "ethics and culture." Denominations other than the Catholic and the Protestant Church were free to regulate their own religious education.

For a more detailed discussion, see the [2004 International Religious Freedom Report](#).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respected them in practice.

Neither the law nor the Constitution prohibits forced exile, but the Government did not employ it.

The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol, and the Government has established a system for providing protection to refugees. In practice, the Government provided protection against refoulement, the return to a country where they feared prosecution. The Government granted refugee status or asylum. The Government cooperated with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers. The overall number of asylum requests increased following the 1998 asylum law; however, it leveled off in recent years. During the year, the Government received 74 applications for asylum, and granted residency on humanitarian grounds in 7 instances.

The Government also provided temporary protection to persons who may not qualify as refugees under the 1951 Convention or the 1967 Protocol; however, since the country lacks an airport or international train station, it received few requests.

A trilateral agreement with Switzerland and Austria requires the Government to return persons who enter from Austria or Switzerland without permission to the respective authorities.

The Government used a list of "safe countries of origin" to decide asylum applications; the list was identical with list being used by the government of Switzerland.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

The country is a constitutional monarchy and a parliamentary democracy. The monarchy is hereditary in the male line. The 25-member unicameral legislature is elected every 4 years through secret balloting and universal suffrage for adults over the age of 18. Political parties operated freely. Citizens regularly voted on initiatives and referendums.

On August 15, the country's National Day, Prince Hans-Adam II passed on the duties of office of head of state to Hereditary Prince Alois, his eldest son. Alois is to exercise the rights on behalf of his father, who remains Reigning Prince and Head of State. The appointment of the Hereditary Prince as permanent representative of the Reigning Prince was intended to smooth the transition of power from father to son.

The law requires the Government to inform the public of its activities, and government information was available freely to all persons living in the country, including foreign media.

There were 3 women in the 25-seat Parliament and 1 in the 5-seat Cabinet. A growing number of women were active in politics. Women served on the executive committees of the major parties.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A few domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination on the basis of race, sex, language, or social status. The law also prohibits public incitement to

violence or public agitation or insult directed against a race, people, or ethnic group.

A government working group on issues of social discrimination recommended extending the mandate of the Government's Office for Gender Equality to address discrimination based on national origin, disability, religion, or sexual orientation and to increase its staff.

In July, the UNHRC welcomed the measures taken by the Government to promote equality and integration of noncitizens but regretted that the principle of equality before the law for all the individuals was only indirectly recognized in the Constitution. It was also concerned about the persistence of xenophobia and intolerance, especially against Muslims and people of Turkish origin. The Commission urged the Government to amend the Constitution to provide for the principle of equality before the law for all individuals under its jurisdiction and to intensify its efforts to combat right-wing extremism and other expressions of xenophobia and religious intolerance.

Women

The law prohibits all forms of domestic violence. According to police, there were 29 police interventions for cases of domestic violence during the year, in which 22 male aggressors were prevented from reentering the family home for 10 days and 9 for a further period of 3 months. The Government may file charges without a complaint from the victim. Frauenhaus, a woman's shelter nongovernmental organization (NGO), stated that one out of five women was a victim of domestic violence.

The Government concluded a joint project with Swiss and Austrian neighboring regions to combat domestic violence with additional awareness-raising activities and issued a best-practice guideline in several languages for affected friends and relatives.

Spousal rape has the same penalties as rape under other circumstances. The sentence may be lowered if the victim decides to remain with the abusive spouse.

Frauenhaus provided refuge for 12 women and 14 children during the year. The shelter also provided refuge for nonresidents. Annual government financing for the shelter was approximately \$258,000 (320,000 Swiss francs). NGOs believed that, as in neighboring countries, trafficking in women occurred; however, no specific cases were documented during the year.

Both the Penal Code and the Equal Opportunity Law prohibit sexual harassment, which is punishable by up to 6 months in prison or a fine. Employers are required to take reasonable measures to prevent sexual harassment, and failing to do so may entail damages to a victim of up to \$32,000 (40,000 Swiss francs). There were nine proceedings for sexual harassment during the year of which six were closed and three remained pending at year's end.

Societal discrimination continued to limit opportunities for women in fields traditionally dominated by men. Men earned more than women, and women generally did not receive equal pay for equal work. The Constitution provides for women's rights, and a significant number of laws provide for equality of treatment among men and women to eliminate discrimination and sexual harassment and to create conditions that allow both men and women to combine work and family. The law mandates the division of retirement benefit claims in the case of divorce, under which the benefit claims accrued during the time of marriage are split between the parties, whether they worked outside the home or not. In a precedent ruling on gender discrimination in 2003, a court upheld a woman's claim for equal pay for equal work and ordered the payment of the salary difference since she began legal action.

Each spring, the Government adopts an action plan to promote equal opportunity for both women and men, and, each autumn, the Government's Bureau for the Promotion of Equal Rights for Women and Men publishes a progress report. The action plan this year concentrated on the representation of women in political bodies as well as promoting equal opportunities in business life. During the year, the Government organized mentoring classes for women to motivate and promote female candidates for the 2005 parliamentary elections.

Children

The Government was strongly committed to children's rights and welfare and funded a system of public education and health care. Education is universal and compulsory until the 9th grade; it is free through the end of high school. It provided free health care for children under the age of 16.

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

There were some reports of abuse of children, although there was no societal pattern of such abuse. During the year, there were no convictions for child abuse. The Commission for the Coordination of Professionals in Cases of Sexual Offenses Against Children consists of experts from different backgrounds and focuses on assisting professionals (counselors, therapists, and physicians) who deal with sexual offenses against children. The commission has undertaken public awareness-raising

campaigns. In 2003, it was contacted in 12 cases of suspected sexual abuse.

Possession of child pornographic material is a statutory offense. The Government also extended the statute of limitation for sexual offenses against children. A special police unit on computer crime continued to monitor child pornography on the Internet; however, no investigations were opened during the year.

Trafficking in Persons

The law prohibits trafficking in persons, and there were no reports that persons were trafficked to, from, or within the country; however, some NGOs believed that trafficking in women occurred but was not reported.

Prostitution is legal, however, any person leading another into prostitution faces up to 6 months in prison or heavy fines, or both, and up to 3 years in prison if the victim was under 18. The police closely monitored prostitutes' working conditions and salaries but acknowledged that some Swiss middlemen employed women working in the country.

Persons with Disabilities

There was no discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services. The law requires that government buildings and services be made accessible for persons with disabilities, and the Government generally enforced these provisions in practice.

Although the law does not prohibit discrimination against persons with disabilities, complaints of such discrimination may be pursued in the courts. The law provides for compensatory payments by the Government to companies that employ persons with disabilities. The law increased opportunities for their integration into the workforce and promoted their right to be independent.

National/Racial/Ethnic Minorities

Rightwing extremists, including skinheads, were publicly active during the year, but there were no more than 20 to 40 activists. The Government continued to monitor right-wing groups. A government advisory commission attempted to raise public awareness in order to address the problem of acts of violence in the public areas such as schools and playgrounds.

There were some reports of skinhead incidents but none involving racially motivated attacks on foreigners or ethnic minorities during the year. On February 21, police detained nine skinheads involved in a mass brawl following a carnival music concert in the town of Schaan but did not bring charges because no one was seriously injured.

Section 6 Worker Rights

a. The Right of Association

The law provides that all workers, including foreigners, are free to associate, join unions of their choice, and select their own union representatives, and workers exercised these rights in practice. Due to the country's small size and population, there was only one trade union, which represented approximately 13 percent of the work force. The law does not prohibit anti-union discrimination, although it states that anti-union discrimination should be avoided.

b. The Right to Organize and Bargain Collectively

The law provides for the right of workers to organize and bargain collectively. However, collective bargaining agreements usually were adapted from those negotiated by Swiss employers and unions. Workers have the right to strike except in certain essential services. There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children, and there were no reports that such practices occurred.

d. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the employment of children less than 16 years of age. However, exceptions may be made for the limited employment of youths age 14 and over and for those who leave school after completing 9 years of compulsory education (see Section 5). Children age 14 and older may be employed in light duties for not more than 9 hours per week during the school year and 15 hours per week at other times.

The Government devoted adequate resources and oversight to child labor policies. The Department for Worker Safety of the

Office of the National Economy effectively supervised compliance with the law. Inspections by the Department for Worker Safety were adequate.

e. Acceptable Conditions of Work

There was no national minimum wage; however, the average daily wage provided a decent standard of living for a worker and family.

In 2003, the social security office assisted 1,198 persons, 477 of whom received financial assistance to obtain a yearly minimal income. The social security office supported the monthly living allowance for a three person household, excluding rent and other fixed costs, with up to \$1,500 (1,880 Swiss francs). The law sets the maximum workweek at 45 hours for white-collar workers and employees of industrial firms and sales personnel and 48 hours for all other workers. The law provides for mandatory rest periods, and, with few exceptions, Sunday work was not allowed. Workers over the age of 20 received at least 4 weeks of vacation; younger workers received at least 5 weeks.

The law sets occupational health and safety standards, and the Department for Worker Safety of the Office of the National Economy generally enforced these provisions. The law provides for a hearing in cases in which workers removed themselves from dangerous situations. The law provides for the right of workers to remove themselves from work situations that endanger health or safety without jeopardy to their continued employment.