

# LIECHTENSTEIN 2019 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

The Principality of Liechtenstein is a multiparty constitutional monarchy with a parliamentary government. Prince Hans Adam II is the official head of state, although in 2004 Hereditary Prince Alois assumed the day-to-day duties of head of state, exercising the rights of office on behalf of the reigning prince. The unicameral parliament (Landtag) nominates, and the monarch appoints, members of the government. Five ministers, three from the Progressive Citizens' Party and two from the Patriotic Union Party, formed a coalition government following free and fair parliamentary elections in 2017.

The national police maintain internal security and report to the Department of Civil Defense. Civilian authorities maintained effective control over the security forces.

There were no reports of significant human rights abuses.

The government took steps to prosecute officials who committed abuses.

### **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

#### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There were no reports that the government or its agents committed arbitrary or unlawful killings.

#### **b. Disappearance**

There were no reports of disappearances by or on behalf of government authorities.

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

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

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

Pursuant to bilateral treaties with Austria and Switzerland, the country's authorities accommodated Liechtenstein prisoners in Austria and housed prisoners undergoing release procedures in detention centers in Switzerland.

Individuals undergoing pretrial detention or awaiting deportation and extradition continued to be held in the country's only prison, which had a 20-bed capacity. Since the facility served as a short-term prison, authorities asserted they could not always separate different categories of detainees. Female detainees had their own section with four beds. Due to lack of space and the generally very low number of juvenile detainees, authorities usually accommodated juveniles in the women's ward.

There were no significant reports regarding prison or asylum-seeker housing conditions that raised human rights concerns.

There were no major concerns regarding inmate or asylum seeker abuse. The nongovernmental organization (NGO) Liechtenstein Refugee Aid ran the country's only asylum-seeker housing center under government auspices.

Physical Conditions: There were no major concerns in the prison or asylum center regarding physical conditions or inmate abuse.

Administration: Authorities conducted investigations of credible allegations of mistreatment.

Independent Monitoring: The government permitted monitoring by independent nongovernmental observers, including local human rights groups, media, and the Council of Europe's Committee for the Prevention of Torture (CPT), among others. The CPT last visited the country in 2016.

#### **d. Arbitrary Arrest or Detention**

The constitution and law prohibit arbitrary arrest and detention and provide for the right of any person to challenge the lawfulness of his or her arrest or detention in court. The government generally observed these requirements.

#### **Arrest Procedures and Treatment of Detainees**

Police detain a suspect based on an arrest warrant issued by the national court. According to the criminal procedure code, every detainee must be informed of the

reasons for the detention at the time of detention or immediately thereafter. Within 48 hours of arrest, police must bring suspects before an examining magistrate, who must either file formal charges or order the suspect's release. Authorities respected this right. The law permits the release of suspects on personal recognizance or bail unless the examining magistrate has reason to believe the suspect represents a danger to society or will not appear for trial. Alternatives to bail include supervision by a probation officer and restrictions on movement. The law grants suspects the right to a lawyer of their own choosing during pretrial detention, and the government provided lawyers at its own expense to indigent persons. During the investigative detention, authorities may monitor visits to prevent tampering with evidence. The CPT expressed concern in 2017 that police can question juveniles and ask them to sign statements in the absence of a lawyer or trusted person, and that inmates, including juveniles, can be held in solitary confinement for disciplinary reasons for up to four weeks. The CPT also criticized authorities' ability to surveil conversations between detainees and their lawyers, and called on the government to re-establish a register at the police station for recording information related to a person's incarceration.

#### **e. Denial of Fair Public Trial**

The constitution and law provide for an independent judiciary, and the government generally respected judicial independence and impartiality.

#### **Trial Procedures**

The constitution and law provide for the right to a fair and public trial, and an independent judiciary generally enforced this right. Defendants enjoy the presumption of innocence and the right to be informed promptly and in detail of charges. Trials were conducted in a fair and timely manner. Defendants have the right to be present at their trial.

Defendants are able to communicate with an attorney of their choice and are allotted adequate time and facilities to prepare a defense. Defendants have access to free interpretation as necessary from the moment they are charged through all appeals. Defendants may challenge witnesses and evidence and present witnesses and evidence on their own behalf. Defendants have the right not to testify or confess guilt. Convicted persons have the right to appeal, ultimately to the Supreme Court.

#### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

### **Civil Judicial Procedures and Remedies**

Individuals and organizations may seek civil remedies for human rights violations through domestic courts. Individuals and organizations may appeal adverse domestic decisions involving alleged violations of the European Convention on Human Rights to the European Court of Human Rights.

#### **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The constitution and law prohibit such actions, and there were no reports that the government failed to respect these prohibitions.

### **Section 2. Respect for Civil Liberties, Including:**

#### **a. Freedom of Expression, Including for the Press**

The constitution and law provide for freedom of expression, including for the press, and the government generally respected this right. An independent press, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for the press.

Freedom of Expression: The law prohibits public insults, including via electronic means, directed against an individual's race, language, ethnicity, religion, world view, gender, disability, age, and sexual orientation, with a possible prison sentence of up to two years for violations. In 2018 authorities registered two cases of public insults; no charges were filed through September 2019.

#### **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority.

#### **Academic Freedom and Cultural Events**

There were no government restrictions on academic freedom or cultural events.

**b. Freedoms of Peaceful Assembly and Association**

The constitution and law provide for the freedoms of peaceful assembly and association, and the government generally respected these rights.

**c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

**d. Freedom of Movement**

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

**e. Internally Displaced Persons**

Not applicable.

**f. Protection of Refugees**

Abuse of Migrants, Refugees, and Stateless Persons: In some cases authorities detained unsuccessful asylum applicants pending their deportation.

The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, asylum seekers, stateless persons, and other persons of concern.

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government established a system for providing protection to refugees. The law allows asylum seekers under deportation orders to be granted an appeal hearing if requested within five days after the decision. The law permits persons from safe countries of origin who are ruled to be ineligible to be processed for denial of asylum within a maximum of seven days.

Safe Country of Origin/Transit: Persons entering the country from another safe country, including Kosovo, Macedonia, Serbia, Benin, and Ghana, among others, are not eligible for asylum.

Temporary Protection: The government also provided subsidiary and humanitarian protection to individuals who may not qualify as refugees and provided it to approximately five persons in each category in 2018.

#### **g. Stateless Persons**

Not applicable.

### **Section 3. Freedom to Participate in the Political Process**

The constitution and law provide citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

#### **Elections and Political Participation**

Recent Elections: In 2017 the country held parliamentary elections. There were no reports of irregularities.

Participation of Women and Minorities: No laws limit the participation of women and members of minorities in the political process, and they did participate. Female representation in parliament, however, was low. Three women held seats in the 25-member parliament.

As a hereditary monarchy, the country's line of succession is restricted to male descendants of the Liechtenstein princely family. The Women's Network, an umbrella organization of women's NGOs in Liechtenstein, criticized the male line of succession as undermining the constitution's principles.

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

The law provides criminal penalties for corruption by officials, and the government generally implemented the law effectively. Bribery in the private sector is also a criminal offense. There were no reports of government corruption during the year.

Financial Disclosure: Public officials are not subject to financial disclosure laws.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

A variety of 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 6. Discrimination, Societal Abuses, and Trafficking in Persons**

### **Women**

Rape and Domestic Violence: Rape, including spousal rape, is a criminal offense. Penalties for rape and sexual violence vary between six months' and 15 years' imprisonment, depending on the degree of violence and humiliation of the victim, and between 10 years' and lifetime imprisonment if the victim is killed. The government effectively prosecuted individuals accused of such crimes.

The law prohibits all forms of domestic violence and provides for restraining orders against violent family members. Police may prohibit an abuser from returning to the victim's home where the violence was committed. Penalties for domestic violence range from monetary fines to lifetime imprisonment if the victim is killed. According to the law, victims who migrated to the country and who have been married to a citizen for less than five years are required to prove their victim status or sufficient integration into the country's society to avoid losing their marriage-based residence permits. The European Commission against Racism and Intolerance (ECRI) noted in 2018 that the country's only women's shelter, Frauenhaus, was not allowed to accept undocumented women fleeing domestic violence. According to the Women's Network, victims who were unable to present witnesses in court risked the dismissal of criminal proceedings against their perpetrators. The government enforced the law effectively.

There were reports of violence against women, including spousal abuse. In 2018 Frauenhaus assisted 16 women and 17 children. The shelter continued to observe a decrease in restraining orders issued by authorities and stated their care for victims had become more complex and time intensive due to victims' suffering increased psychological trauma.

In January the criminal court sentenced a 30-year-old man to 12 years in prison for attempted murder and inflicting serious bodily harm when he beat his wife unconscious after the couple, with their seven-month-old child, returned from

visiting friends in June 2018. The attack resulted in the victim's partial paralysis and loss of speech. The case received widespread media attention.

In July authorities established a threat management position within the police force to allocate more resources and expertise to domestic violence cases.

Sexual Harassment: Sexual harassment is illegal and punishable by up to six months in prison or a fine, and the government effectively enforced these prohibitions. Stalking is a criminal offense. The government also considers "mobbing," including pressure, harassment, or blackmail tactics in the workplace, to be a crime. In 2018 the national police recorded six cases of sexual harassment, and the women's resource and counseling NGO Infra assisted in 16 cases of sexual harassment.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: Women enjoy the same legal rights as men. The government's enforcement of the labor contract law and equal opportunity law was not entirely effective. The Liechtenstein Human Rights Association (LHRA) and the Women's Network stated that a lack of human and financial resources as well as inadequate strategies and competencies prevented the Department for Equal Opportunity from effectively enforcing the law. The Women's Network asserted that the government increasingly relinquished its responsibilities regarding equal opportunity policies to NGOs.

## **Children**

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

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

Sexual Exploitation of Children: The law prohibits the prostitution of minors. Penalties for the sexual exploitation of minors range from one to 10 years' imprisonment. Possession or distribution of child pornography is a criminal offense, with penalties including up to three years in prison. Authorities



effectively enforced these prohibitions. In 2018 the national police recorded five cases of child sexual exploitation. The law sets the minimum age for consensual sex at 14.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

### **Anti-Semitism**

The Jewish community consisted of approximately 30 individuals. There were no reports of anti-Semitic acts.

### **Trafficking in Persons**

There were no confirmed reports during the year that Liechtenstein was a source, destination, or transit country for victims of human trafficking.

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical, sensory, intellectual, or mental disabilities.

The government's implementation of laws and programs to ensure that persons with disabilities readily had access to employment, buildings, information, health services, the judicial system, and communications was not entirely effective. According to the Liechtenstein Institute and the Liechtenstein Association for Persons with Disabilities, persons with disabilities were not sufficiently integrated into the labor market and education systems.

In 2018 the UN Human Rights Committee cited a lack of appropriate infrastructure and regulations for enabling access by persons with disabilities to the labor market. The law mandates that public kindergartens and schools as well as public transportation systems must be accessible to persons with disabilities. Children with disabilities were able to attend public schools or a special school established by the country's remedial center. According to the Liechtenstein Association for Persons with Disabilities, few disabled children attended public schools. The association also noted that only one-third of all public kindergartens and schools

were barrier free, and there was a shortage of barrier-free, affordable housing for families with children with disabilities.

The law requires public buildings constructed before 2002 to be barrier free by 2019 and public buildings constructed between 2002 and 2007 to be barrier free by 2027.

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

The law defines discrimination based on gender and sexual orientation as a criminal offense. It also prohibits debasement, slander, and incitement to hate based on an individual's gender and sexual orientation. The law further prohibits the refusal of general services based on an individual's gender and sexual orientation. The government enforced the law.

The country's lesbian, gay, bisexual, transgender, and intersex (LGBTI) community issued no formal complaints of abuse or discrimination. ECRI noted in 2018 that LGBTI students still experienced intolerance at schools, with many LGBTI students only deciding to come out after completing their schooling. According to ECRI, LGBTI persons also experienced discrimination in housing and employment.

## **Section 7. Worker Rights**

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

The law provides for the rights of all workers to form and join independent unions of their choice and to bargain collectively. The law is silent on the right to strike. The law neither prohibits antiunion discrimination nor requires reinstatement of workers fired for union activity.

The government adequately enforced applicable laws. Penalties in the form of fines were adequate to deter violations.

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

The law prohibits all forms of forced or compulsory labor. Penalties for violations were sufficient to deter violations. The government effectively enforced the law.

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law prohibits the worst forms of child labor and sets the minimum age for employment at 16, with exceptions for limited employment of children 14 years old. Children between the ages of 14 and 16 may engage in certain categories of light work, including running errands, housework, and babysitting, for no more than eight hours per week during the school year and 35 hours per week during school vacations. Children age 15 years and younger may be employed for the purposes of cultural, artistic, athletic, and advertising events. Working hours for youths between the ages of 15 and 18 who have completed compulsory education are not to exceed 40 hours a week. The labor law prohibits children younger than 17 from working overtime and prohibits children younger than 18 from engaging in night work and Sunday shifts. The labor law stipulates that an employer must consider the health of minors and provide them a proper moral environment within the workplace; the law also stipulates that employers may not overexert minors and that employers must protect the child from “bad influences” within the workplace.

The Office for Worker Safety of the Department of National Economy effectively enforced child labor laws and devoted adequate resources and oversight to child labor policies. Legal penalties were sufficient to deter violations.

### **d. Discrimination with Respect to Employment and Occupation**

The law prohibits employment discrimination based on gender, disability, race, nationality, age, and sexual orientation, among other characteristics. Violations may result in the award of compensation to a prospective or dismissed employee equal to at least three months’ salary. The government did not effectively enforce the law. Penalties were not sufficient to deter violations. According to the 2018 ECRI report and statements by the Liechtenstein Institute and Liechtenstein Association for Persons with Disabilities, women, particularly migrant and Muslim women wearing headscarves, persons with disabilities, and LGBTI individuals experienced discrimination in the labor market.

According to the Women’s Network, although the law explicitly requires equal pay for equal work, women still experienced discrimination in the workplace. The Women’s Network also noted a marked difference between men and women persisted in professional promotions; women were severely underrepresented in top-level management positions in private industry and the national administration.

### **e. Acceptable Conditions of Work**

The law does not provide for a national minimum wage. The Liechtenstein Workers Association negotiates voluntary collective bargaining agreements annually with the Chamber of Commerce and the Chamber for Economic Affairs on a sector-by-sector basis. Collective bargaining agreements were effectively enforced. Penalties were sufficient to deter violations.

The law sets the maximum workweek at 45 hours for white-collar workers, employees of industrial firms, and sales personnel; and 48 hours for other workers. Some exceptions to overtime limits were authorized in the areas of nursing and medical treatment. The law provides for a standard workweek, including overtime, which may not exceed an average of 48 hours a week over a period of four consecutive months.

The law sets occupational safety and health standards, which were appropriate for the main industries in the country. The labor standards also cover the thousands of workers who commuted daily from neighboring countries. There are additional safeguards for youths, pregnant and breastfeeding women, and employees with children. Responsibility for identifying unsafe situations remains with occupational safety and health experts, not with workers.

The Office of Labor Inspection, a part of the Department of National Economy, is responsible for enforcing labor laws. The agency had a sufficient number of inspectors to enforce compliance with the law effectively. Penalties were sufficient to deter violations.

The LHRA and Infra noted the working conditions of domestic workers and nurses employed in private homes were not subject to inspections or official labor contracts, which made the sectors vulnerable to exploitation.