

LIECHTENSTEIN 2013 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Principality of Liechtenstein is a multi-party constitutional monarchy with a parliamentary government. The unicameral Landtag (parliament) nominates, and the monarch appoints, members of the government. Five ministers, three from the Progressive Citizens' Party and two from the Patriotic Union, formed a coalition government following free and fair parliamentary elections February 3. Authorities maintained effective control over the security forces. Security forces did not commit human rights abuses.

There were no reports of widespread or systemic human rights abuses. The country's main human rights problems consisted of isolated instances of domestic violence, including spousal and child abuse, as well as societal discrimination against minorities.

Legislation disadvantageous to foreigners and the absence of a legal framework to combat racial discrimination were causes for concern, as was the difficulty for Muslim women wearing headscarves to find employment and housing.

The government took steps to prosecute officials who committed abuses.

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

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed arbitrary or unlawful killings. In the event of any security force killings, the state prosecutor and district court would investigate such incidents to determine whether they occurred in the line of duty or were otherwise justifiable.

b. Disappearance

There were no reports of politically motivated disappearances.

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

Prison and detention center conditions generally met international standards.

Physical Conditions: In 2012 there were 60 persons in prison or detention; three prisoners were women and none were under the age of 18. As of the end of November, seven individuals were in custody, two of whom were in investigative custody; no illegal immigrants were in custody. According to a bilateral treaty between Austria and the country, Austria incarcerates Liechtensteiner prisoners sentenced to more than two years' imprisonment. As of late November, 10 individuals from the country were incarcerated in Austria and one in Switzerland. Austrian and Swiss detention officials provided regular reports on the prisoners to local authorities.

The country's only prison had a 20-bed capacity. The prison did not reach its maximum capacity during the year, and up to four beds remained unassigned for emergency purposes. Since the detention facility was designed primarily as a short-term prison, authorities could not always separate different categories of prisoners. Women prisoners had their own section. Authorities usually accommodated juveniles in the women's ward. Potable water was available to prisoners. As of the end of November, there were no deaths reported in the prison.

Administration: Prisoners and detainees had reasonable access to visitors and could observe their religious practices. According to law, they could submit uncensored complaints to the prince, the government, parliament, and judicial authorities to request investigations of credible allegations of inhumane conditions. No prisoners submitted such allegations during the year. No ombudsman acted on behalf of prisoners and detainees. Observers found, however, that authorities managed the prison satisfactorily and maintained thorough, computerized records. Alternative forms of punishment for certain cases existed, including monetary penalties and charitable work, particularly for juvenile offenders.

Independent Monitoring: The government permitted visits by independent human rights observers and appointed an independent corrections commission to monitor prison conditions. This specialized commission, which also served as the designated national preventive mechanism under the Optional Protocol to the UN Convention against Torture, organized at least one unannounced visit to the

country's prison each quarter. In 2012 the commission made five such unannounced visits. During these visits the commission collected documentation, interviewed staff members, and spoke privately with prisoners. Commissioners found conditions generally satisfactory, although they recommended increased efforts to organize work and leisure time opportunities for inmates. The country also permitted prison visits by the Council of Europe's Committee for the Prevention of Torture (CPT); however, the CPT has not visited the country since 2007.

Improvements: Prison staff responded to 2012 commission recommendations regarding the improvement of paramedic training for prison staff, the hire of a full-time female prison officer, and the improvement of food availability and quality; in accordance with recommendations, vitamins were added to provided food.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention, and the government generally observed these prohibitions.

Role of the Police and Security Apparatus

Civilian authorities maintained effective control over the regular and auxiliary police, and the government had effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year.

Arrest Procedures and Treatment of Detainees

Police arrest a suspect based on an arrest warrant issued by the national court. 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 on personal recognizance or bail unless the examining magistrate had reason to believe the suspect represented a danger to society or would not appear for trial. The law grants suspects the right to legal counsel of their own choosing during pretrial detention, and the government provided counsel at its own expense to indigent persons. 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. Authorities also must advise detainees of their right to contact legal

counsel and a relative. During investigative detention, authorities may monitor visits to prevent tampering with evidence.

Arbitrary Arrest: There were no reports of arbitrary detention or false arrest.

Pretrial Detention: The law allows for pretrial detention of up to two years in certain cases. The actual duration of pretrial detention was generally much shorter. There were no reports of lengthy pretrial detention during the year.

Detention of Rejected Asylum Seekers or Stateless Persons: Authorities detained unsuccessful applicants for asylum pending their deportation. Conditions of detention were generally satisfactory, and no reports of complaint were filed. During the year there were 11 instances in which authorities detained 10 asylum seekers; all were detained for less than 24 hours.

e. Denial of Fair Public Trial

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

Trial Procedures

The constitution and law provide for the right to a fair 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. A single judge hears trials involving minor offenses. A panel of judges chairs more serious or complex cases, and the most serious cases, including murder, go before a public jury. While most trials were public, some were closed proceedings. The government could not provide the numbers of closed or public trials. Courts published all court decisions electronically, although in some cases the names of individuals involved were blacked out. During the year the courts ruled on 200 cases. The law grants defendants the right to legal counsel of their own choosing at trial. Counsel is provided at government expense or pro bono for indigent persons. Defendants are allotted adequate time and facilities to prepare a defense. Defendants may challenge witnesses or evidence and present witnesses or evidence on their own behalf. They have access to government-held evidence relevant to their cases. Defendants have the right not to testify or confess guilt. Those convicted have the right to appeal, ultimately to the Supreme Court. The government extends these rights to all.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary in civil matters and access to a court to seek damages for, or cessation of, a human rights violation. Citizens may appeal cases involving alleged violations of the European Convention on Human Rights to the European Court of Human Rights (ECHR).

Regional Human Rights Court Decisions

The country was subject to the jurisdiction of the ECHR for the case Schadler-Eberle, which involved a land development dispute. On July 18, the ECHR ruled that the country had not violated Article 6 of the European Convention on Human Rights (Right to a Fair Hearing).

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

The constitution and law prohibit such actions, and the government generally respected these prohibitions.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

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

Freedom of Speech: The law prohibits public insults directed against a race, people, or ethnic group, with a possible prison sentence of up to two years. Authorities filed no such charges during the year.

Internet Freedom

There were no government restrictions on access to the internet or credible reports that the government monitored e-mail or internet chat rooms without appropriate

legal authority. Internet access was generally available, with more than 89 percent of the country's residents using the internet.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

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

c. Freedom of Religion

See the Department's *International Religious Freedom Report* at <http://www.state.gov/j/drl/rls/irf/>.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights. The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern.

Protection of Refugees

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has a system for providing protection to refugees. The law allows asylum seekers under expulsion orders to request an appeal hearing within five days.

In 2012 there were 74 new asylum applications. Applications were approved for 18 persons who had applied in previous years. Immigration officials deported 34 asylum seekers, 13 of whom were sent to neighboring Switzerland. Sixteen individuals received temporary admission on humanitarian grounds.

Safe Country of Origin/Transit: According to law, persons entering the country from another safe country are not eligible for asylum. There were no reports that authorities returned individuals to unsafe countries or to countries with poorly functioning asylum systems.

Employment: By law asylum seekers are obliged to work if there is a possibility to do so. They received part of their wages in cash – up to three Swiss francs (\$3.30) per hour. The refugee aid program set aside the remaining wages in a personal account, allocated towards the asylum seekers' cost of nutrition, shelter, and health insurance. On leaving the country or if recognized as refugees, asylum seekers received any balance remaining. The government covered remaining debt. The government ensured that asylum seekers were employed according to labor law.

Temporary Protection: The government also provided temporary protection to individuals who might not qualify as refugees, providing it to five persons during the year as of November.

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

The constitution and law provide citizens the right to change their government peacefully, and citizens exercised this right through periodic, free, and fair elections based on universal suffrage.

As a hereditary monarchy, the country's line of succession is restricted to male descendants of the Liechtenstein dynasty. Prince Hans Adam II was the head of state. In 2004 Hereditary Prince Alois assumed the duties of head of state, exercising the rights of office on behalf of the reigning prince. All legislation enacted by the parliament must have the concurrence of the monarch and the prime minister.

Elections and Political Participation

Recent Elections: On February 3, the country held free and fair parliamentary elections. The election was the first to elect members of the Independent Party into parliament, resulting in four political parties being represented in parliament.

Participation of Women and Minorities: There were six women in the 25-seat parliament and two women in the five-member cabinet. Women held 29 of the 104

seats of the municipal councils. There were no known members of minorities in the government.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, and the government generally implemented these laws effectively. There were no reports of government corruption during the year.

Corruption: The law prohibits public officials from requesting or accepting gifts or benefits in connection with their duties and places restrictions on public officials engaging in private commercial activities. Police and the prosecutor's office, respectively, were responsible for investigating and prosecuting official corruption. Police employed an organizationally independent special investigative unit for corruption cases.

An interdepartmental working group chaired by the Ministry of Foreign Affairs coordinated measures to prevent and fight corruption.

Whistleblower Protection: The country does not have any laws protecting whistleblowers.

Financial Disclosure: Public officials are not subject to comprehensive financial disclosure laws. Political parties that receive government financing must report campaign expenditures as part of their annual financial reports. These reports are subject to independent audit; however, external foundations not bound to financial disclosure requirements may receive donations and contribute them to a political party.

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

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations 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 generally cooperative and responsive to their views.

The Ministry of Foreign Affairs regularly published and updated reports released by international monitoring bodies on its internet homepage.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, disability, 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. The government effectively enforced these prohibitions.

Women

Rape and Domestic Violence: Rape, including spousal rape, is a criminal offense, and the government effectively prosecuted individuals accused of such crimes. Penalties for rape and sexual violence vary between one and 15 years' imprisonment depending on the degree of violence and humiliation of the victim and between 10 and 20 years of imprisonment if the victim was killed. The courts may reduce sentences for spousal rape if the victim decides to remain with the abusive spouse. In 2012 the government passed a law aimed at better protecting victims of physical, psychological, and sexual abuse. Police reported six cases of rape during 2012.

The law prohibits all forms of domestic violence and provides for restraining orders against violent family members. There were reports of violence against women, including spousal abuse. According to 2012 police records, 22 women were victims of domestic violence, and police intervened in 38 incidents of domestic violence. Police were authorized to ban the abuser from returning to the site and did so on seven occasions. Judges ordered interim injunctions against perpetrators on two occasions in 2012.

In 2012 Frauenhaus, the country's only shelter for women, provided counseling and refuge to 19 women and 17 children. Government centers provided single-stop financial, administrative, legal, and psychological assistance to victims of domestic violence.

In November 2012 the government and the women's shelter organized a countrywide campaign to raise awareness about the problem of domestic violence and distributed emergency numbers.

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--pressure, harassment, or blackmail tactics--in the workplace to be a crime. In 2012 the Office of Economic Affairs passed two regulations aimed at its prevention. Employers are required to take reasonable measures to prevent sexual harassment; failure to do so may result in compensation for victims up to 40,000 Swiss francs (\$44,000). There were no complaints of sexual harassment recorded during the year.

Reproductive Rights: Couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of their children and to have the information and means to do so free from discrimination, coercion, and violence. Contraceptives and medical services were readily available. There were no reports of barriers limiting access to maternal health services.

Discrimination: Women enjoy the same legal rights as men, including rights under family law, property law and in the judicial system. The Equal Opportunity Office and the Commission on Equality between Women and Men worked to eliminate all forms of gender discrimination; however, societal discrimination continued to limit opportunities for women in fields traditionally dominated by men. On average women earned 17.8 percent less than men for equal work. The labor contract law and the equal opportunity law contain provisions to combat gender discrimination in the workplace.

Children

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

Child Abuse: Police filed 12 cases of sexual abuse involving 10 perpetrators in 2012, with 11 of these cases going to court. The Office for Social Services reported 21 suspected cases of child abuse and treated four children for sexual abuse and six for physical abuse.

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

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

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. The law sets the minimum age for consensual sex at 14; penalties for statutory rape are between one and 10 years' imprisonment. Possession or distribution of child pornography is a criminal offense, with penalties ranging from monetary fines to six months in prison. Police registered three cases of pornography involving minors in 2012 and opened investigations against two individuals.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism

The small Jewish community does not have an organizational structure. Approximately 30 individuals belonged to the Jewish community during the year. There were no reports of anti-Semitic acts.

Trafficking in Persons

As of early 2013, there were no confirmed reports that persons were trafficked to, from, or within the country during the year.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, or mental disabilities in employment, education, transportation, access to health care, or the provision of other state services or other areas. According to nongovernmental organizations working with individuals with disabilities, cooperation with the government was good, but greater awareness of issues related to disabilities as well as support for employees and employers were needed. The government effectively implemented laws and programs to ensure that persons with disabilities readily had access to buildings, information, and communications. The law mandates that all 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 orthopedic society. The country also had several institutions that provided working, living, and school facilities for persons with disabilities.

The government took various measures to eliminate barriers for persons with disabilities. It expanded barrier-free access to its internet platform, which was outfitted with a special sign language feature, and also maintained an online guide called “Barrier free through Liechtenstein,” which provided the most current information on accessibility of buildings, schools and restaurants.

In 2012 there were 296 buildings rated “barrier-free,” an increase of 46 in five years. The law requires recently constructed public buildings to be barrier free by 2027 and older public buildings by 2019.

National/Racial/Ethnic Minorities

Police estimated that violent right-wing extremists, including skinheads, numbered no more than 30 to 40 persons. The government continued to monitor right-wing groups. During the year foreign nationals, mostly from Switzerland, Austria, Germany, and Italy, represented 33.3 percent of the resident population. Ethnic Turks represented 6.4 percent of the foreign, non-German speaking population. No incidents of racially motivated acts occurred in 2012. Law enforcement personnel noted a rise in offensive online postings by right-wing groups that increasingly articulated offensive statements in a manner that circumvented the country’s laws prohibiting public insult directed against a race, people, or ethnic group.

On February 19, the European Commission against Racism and Intolerance published its fourth report on the country, which expressed concern over legislation targeting foreigners (The Foreigners Act) because of its implications with respect to non-nationals’ access to public services. The report also expressed concern over the absence of a legal framework aimed at combating racial discrimination. The report stated that it was particularly difficult for Muslim women who wore headscarves to find employment and housing. The report cited cases in which Muslim women were refused employment or traineeships because of their refusal to remove their headscarves.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

An antidiscrimination law that exists as part of a broader equality law only applies to equality between men and women. The law did not explicitly mention lesbian, gay, bisexual, or transgender (LGBT) individuals. The country's LGBT community issued no formal complaints of abuse or discrimination during the year. Societal stigma or intimidation were not deemed factors in preventing incidents of abuse from being reported.

Other Societal Violence or Discrimination

There were no reports of discrimination against persons with HIV/AIDS.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law protects the rights of all workers, including foreigners, to form and join independent unions of their choice, to freely select their own union representatives, and to bargain collectively. The law allows unions to conduct their activities without government interference. There are no provisions in the constitution or in labor laws explicitly banning the right to strike. The law does not prohibit antiunion discrimination.

The law permits strikes by civil servants. There were no reports of antiunion discrimination or government or employer interference with union activity during the year. The government adequately enforced applicable laws. The Liechtenstein Employees' Association, the major labor union in the country, was politically independent and concluded a successful collective agreement with the Chamber of Industry and Commerce in January, benefitting approximately 9,000 employees.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor; there were no reported violations.

c. Prohibition of Child Labor and Minimum Age for Employment

There are laws and policies to protect children from exploitation in the workplace, and the government effectively enforced these laws. The law generally prohibits the employment of children younger than 16; exceptions may be made for the limited employment of children who are 14 and older and for those who leave

school after completing nine years of compulsory education. Children 14 or older may engage in light work for no more than nine hours per week during the school year and 15 hours per week at other times. Any work whose nature or conditions could impair a child's health, safety, or personal development was prohibited.

The law prohibits labor that subjects children to physical, psychological, moral, or sexual abuse. There were no reports of violations of the law during the year.

The government devoted adequate resources and oversight to child labor policies, and the Department for Worker Safety of the Office of the National Economy effectively supervised compliance with the law.

d. Acceptable Conditions of Work

There is no national minimum wage. The Liechtenstein Workers Association negotiates minimum wages annually with the Chamber of Commerce and the Chamber for Economic Affairs. The government estimated the poverty income level at 28,000 Swiss francs per year (\$30,800) for a single person without family, approximately 2,300 Swiss francs (\$2,530) monthly. For a household (two adults and two children) the minimum annual income was 51,000 Swiss francs (\$56,100) per year, approximately 4,250 Swiss francs (\$4,680) per month.

The Equality Act explicitly requires equal pay for equal work; however, the median income for men during the year remained approximately 17.8 percent higher than that for women. In 2013 the median income for men was approximately 6,811 Swiss francs (\$7,500) per month, while women on average earned 5,600 Swiss francs (\$6,160) per month. According to 2010 statistics, the median monthly income for citizens was 6,750 Swiss francs (\$7,425); the median income for foreigners was 6,030 Swiss francs (\$6,630).

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 other workers. The law provides for a daily mandatory one-hour break and an 11-hour rest period for full-time workers; with few exceptions, work on Sunday is not allowed. Pay for overtime is required to be at least 25 percent higher than the standard rate, and overtime is generally restricted to two hours per day. The average workweek, including overtime, may not exceed 48 hours over a period of four consecutive months. The same standards covered the thousands of workers who commuted daily from neighboring countries. All professions were included in this law, but some exceptions to overtime limits were authorized in the areas of nursing and

medical treatment. There were additional safeguards for youths, pregnant and breastfeeding women, as well as employees with family duties. The Office of Labor Inspection, part of the Department of National Economy, is responsible for enforcing labor laws, including healthy work environment regulations, work hours, mandatory holidays, and workplace safety. The agency had inspectors in two sectors: there was one inspector for workplace conditions and another two inspectors for the area work inspection. Labor inspectors meet their counterparts from Austria and Switzerland at an annual best practices conference.

In 2012, there were 1,889 workplace accidents; the office of social security and health registered 1,884 workplace accidents in 2011.