

## **LIECHTENSTEIN 2015 HUMAN RIGHTS REPORT**

### **EXECUTIVE SUMMARY**

The Principality of Liechtenstein is a multiparty 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 in 2013. Civilian authorities maintained effective control over the security forces.

There were no reports of egregious 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.

Nongovernmental organization (NGO) observers considered the part-time directorship of the Equal Opportunity Office and the continued suspension of the Commission on Equality between Women and Men as impeding the effective prevention of discrimination against minorities and the advancement of gender equality.

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.

##### **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: According to bilateral treaties with Austria and Switzerland, those two countries incarcerated Liechtensteiner prisoners sentenced to more than two years' imprisonment. The country's only prison had a 20-bed capacity (16 single and two double cells) but did not reach its maximum capacity in 2014. Since the facility served primarily as a short-term prison, authorities asserted they could not always separate different categories of prisoners. Women prisoners had their own section with a total of four beds. Due to a lack of space and the generally very low number of juvenile offenders, authorities usually accommodated juveniles in the women's ward so that any underage prisoners or detainees would not be socially isolated. There was one suicide reported in the prison in 2014; no deaths in custody were reported through September.

Administration: The country does not have an ombudsman or comparable authority to act on behalf of prisoners and detainees.

Independent Monitoring: The government permitted visits by independent human rights observers and granted access to the independent Corrections Commission to monitor prison conditions, which organized at least one unannounced visit to the country's prison each quarter. The country also in principle permitted prison visits by the Council of Europe's Committee for the Prevention of Torture, which last visited the country in 2007.

### 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

The national police maintain internal security and report to the Office of Civil Defense. The country does not have an army. Civilian authorities maintained effective control over the regular and auxiliary police, and the government has effective mechanisms to investigate and punish abuse and corruption.

## 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 of suspects on personal recognizance or bail unless the examining magistrate has reason to believe that suspect represents a danger to society or will 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.

#### 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 authorities blacked out the names of the individuals involved. 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. Defendants who are convicted have the right to appeal, ultimately to the Supreme Court. The government extended these rights to all.

**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. Citizens may appeal cases involving alleged violations of the European Convention on Human Rights to the European Court of Human Rights.

**f. Arbitrary 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 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 and Expression: The law prohibits public insults, including via electronic means, directed against a race, people, or ethnic group, with a possible prison sentence of up to two years for violations. Authorities did not file any charges for public insults during the year.

**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. Internet access was generally available, with more than 95 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 the freedoms of 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 [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

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

The constitution and law provide for freedom of internal movement, 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, or 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 deportation orders to request an appeal hearing within five days.

Authorities detained unsuccessful applicants for asylum pending their deportation. Conditions of detention were generally satisfactory. During the year authorities detained a combined total of 26 asylum seekers and irregular migrants, all of whom were detained for less than 24 hours. As of October, 11 asylum seekers were accommodated in housing containers due to the country's only asylum center having reached full capacity during the year.

Safe Country of Origin/Transit: By law persons entering the country from another safe country are not eligible for asylum.

Durable Solutions: The government accepted 23 Syrian refugees from Turkey and Jordan under the UNHCR resettlement program. The resettlements were based on the government's 2014 decision to take in six families fleeing the conflict in Syria.

Temporary Protection: The government also provided temporary protection to individuals who might not qualify as refugees. No individuals qualified for this kind of protection in 2014.

### **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 based on universal and equal suffrage, and citizens exercised that right.

As a hereditary monarchy, the country's line of succession is restricted to male descendants of the Liechtenstein dynasty. Prince Hans Adam II is 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: In 2013 the country held free and fair parliamentary elections.

### **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.

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

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 generally were cooperative and responsive to their views.

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

The law prohibits discrimination based on race, sex, religion, national origin or citizenship, and disability. The government effectively enforced these prohibitions. The constitution provides for the equal treatment of all citizens.

### **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' imprisonment if the victim is killed.

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. Police may prohibit an abuser from returning to the site.

**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. Employers are required to take reasonable measures to prevent sexual harassment, and failure to do so may result in compensation for victims up to 40,000 Swiss francs (\$41,200).

**Reproductive Rights:** Couples and individuals have the right to decide the number, spacing, and timing of their children; manage their reproductive health; and have access to the information and means to do so, free from discrimination, coercion, or violence.

**Discrimination:** Women enjoy the same legal rights as men, including rights under family, labor, property, nationality, and inheritance laws. The labor contract law

and the equal opportunity law contain provisions to combat gender discrimination in the workplace. Women experienced discrimination in areas such as employment and pay.

The government-run Information and Contact Center for Women (Infra) and the Frauenhaus women's shelter cited the appointment of a part-time director of the Equal Opportunity Office and the continued suspension of the Commission on Equality between Women and Men as impeding effective prevention of discrimination against minorities and advancement of gender equality.

Societal discrimination continued to limit opportunities for women in fields traditionally dominated by men. The median income for men during the year remained approximately 17 percent higher than for women.

## **Children**

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

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**

The country investigated its first case of human trafficking in 2013. Due to the continuing investigation, authorities were unable to provide further details on the case. As of November 3, a verdict was still pending at the Princely Court of Liechtenstein.

## **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 NGOs working with individuals with disabilities, cooperation with the government was good, but greater awareness of problems 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 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. 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 maintained an online guide, "Barrier-free through Liechtenstein," which provided information on accessibility of buildings, schools, and restaurants.

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.

## **National/Racial/Ethnic Minorities**

In 2013 the European Commission against Racism and Intolerance, in its fourth report on the country, expressed concern over a law targeting foreigners (The Foreigners Act) because of its implications with respect to noncitizens' 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 (see section 7.d.).

### **Acts of Violence, Discrimination, and Other Abuses 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 does not explicitly mention lesbian, gay, bisexual, transgender, and intersex (LGBTI) individuals.

While the country's LGBTI community issued no formal complaints of abuse or discrimination, homosexual men publicly complained that regulations do not allow them to donate blood. According to the country's only LGBTI organization, Flay, societal stigma or intimidation generally were not considered factors in preventing incidents of abuse from being reported. Many LGBTI individuals known to the organization, however, were often reluctant to acknowledge publicly their sexual orientation and gender identity due to fear of experiencing social backlash and isolation.

## **Section 7. Worker Rights**

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

The law provides for the rights of all workers, including foreigners, to form and join independent unions of their choice, to select their own union representatives freely, 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 does not require reinstatement of workers fired for union activity.

The government adequately enforced applicable laws. The resources, inspections, and remediation, including penalties for violations, were adequate and sufficient to deter violations.

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

The law prohibits all forms of forced or compulsory labor. The resources, inspections, and remediation, including penalties for violations, were adequate and sufficient to deter violations.

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

The minimum age for employment is 16, with exceptions for limited employment of children who are 14 and older and for those who leave school after completing nine years of compulsory education. Working hours for youths between the ages of 15 and 18 years who have completed compulsory education are not to exceed 40 hours a week. 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. The law prohibits any work whose nature or conditions could impair a child's health, safety, or personal development.

The law prohibits labor that could expose children to physical, psychological, moral, or sexual abuse.

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

**d. Discrimination With Respect to Employment or Occupation**

The law prohibits discrimination between men and women and against disabled persons with respect to employment. According to Infra, a marked difference between men and women persisted in professional promotions, and women were severely underrepresented in top-level management positions in private industry and the national administration.

While antidiscrimination laws do not explicitly mention age, social origin, language, sexual orientation, or HIV-positive status and other communicable diseases, they provide legal protection to persons within these categories through special legal provisions. For example, the country's labor laws refer to the protection of an employee's personality, which encompasses gender, race, nationality, and sexual orientation, among other characteristics. Violations of the law may result in the award of compensation to a prospective or dismissed employee equal to at least three months' salary.

According to a 2013 European Commission against Racism and Intolerance report, it was particularly difficult for Muslim women who wore headscarves to find employment. The report cited cases in which employers refused Muslim women

employment or traineeships because of their refusal to remove their headscarves. Infra also noted that migrant women faced greater obstacles finding employment than local women. In 2014 Infra offered extensive legal assistance to one woman who was refused employment in a warehouse due to her alleged inferior physical working capacity as a woman. The case resulted in the country's first dispute settlement under the law, and the woman was awarded financial compensation.

### **e. 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 27,600 Swiss francs per year (\$28,400) for a single person without family, approximately 2,300 Swiss francs (\$2,370) monthly. For a single parent with two children, the minimum annual income was 48, 240 Swiss francs (\$49,600), approximately 4,020 Swiss francs (\$4,140) per month. For a household of two adults and two children, the minimum annual income was 55,500 Swiss francs (\$57,100) per year, approximately 4,625 Swiss francs (\$4,760) per month.

While the law explicitly requires equal pay for equal work, the median income for men during the year remained approximately 17.2 percent higher than that for women.

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. The law provides for a daily mandatory one-hour break and an 11-hour rest period for full-time workers; with few exceptions, the law does not allow work on Sunday. The law requires overtime pay to be at least 25 percent higher than the standard rate, and overtime is generally restricted to two hours per day. Overtime may also be compensated with additional time off. The average workweek, including overtime, may not exceed 48 hours over a period of four consecutive months. These standards also covered the thousands of workers who commuted daily from neighboring countries. The law covers all professions, 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, a part of the Department of National Economy, is responsible for enforcing labor laws, including regulations that mandate a healthy work environment, work hours, holidays, and workplace safety. The agency had

inspectors in two sectors: one inspector for examining workplace conditions, such as wages and occupational health and safety, and two inspectors for controlling construction sites or work permits.

Workers can remove themselves from situations that endangered their health or safety without jeopardy to their employment, and authorities effectively protected employees in such cases.