

# LIECHTENSTEIN 2016 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 abuse, as well as societal discrimination against minorities.

Other human rights problems included discrimination against women in employment and pay, insufficient access of noncitizens to public services, and hostility towards lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons.

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 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**

There were no significant reports regarding prison or detention center conditions that raised human rights concerns. 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). 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 2015; no deaths in custody were reported through October.

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 monitor prison conditions to the independent Corrections Commission, 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. 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. 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.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: Arrested or detained persons are entitled to challenge in court the legal or arbitrary nature of their detention and obtain prompt release. The constitution provides for unlawfully detained persons and persons found innocent to appeal to the courts for compensation.

### **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 public trial without undue delay, 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. Defendants are entitled to be present at their trial. 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 communicate with an attorney of their choice. The government provided attorneys at its own expense or pro bono for indigent persons. Defendants 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 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. Convicted persons have the right to appeal, ultimately to the Supreme Court. The government extended these rights to all defendants.

### **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 cases 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 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 (UNHCR) 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. Amnesty International noted that asylum seekers' rights to a fair trial were restricted, due to the difficulty of finding legal representation. According to Amnesty International, proceedings pertaining to asylum were only partially covered by legal aid, making asylum cases unattractive for lawyers.

In some cases authorities detained unsuccessful applicants for asylum pending their deportation. Conditions of detention were generally satisfactory. Due to the persistent high occupation rate of the refugee center, authorities continued to accommodate some asylum seekers in housing containers, while the local refugee council opened an additional shelter for up to 34 asylum seekers.

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

Durable Solutions: In 2015 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 2015. The government however granted temporary admission to six individuals, whom the government did not designate as refugees, but who were unable to return to their home countries due to security concerns.

### **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.

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 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. 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.

Participation of Women and Minorities: No laws limit the participation of women and members of minorities in the political process, and women and minorities did participate.

#### **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. On June 1, revisions to the criminal law on corruption entered into force. The revisions made bribery in the private sector a criminal offense. 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.

In December the government granted 30,000 Swiss francs (\$30,000) for setting up a new independent human rights association comprising 28 NGOs and pledged 350,000 Swiss francs (\$350,000) annually to support its operations. The association assumed the responsibilities and advisory services of the former Commission of Equality between Women and Men, the former Integration Commission, and the former Commission for Equal Opportunity. The government also incorporated the independent services of the Equal Opportunity Office and the duties of the Ombudsman for Children and Youth into the new human rights association.

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

### 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 (\$40,000).

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. The labor contract law and the equal opportunity law contain provisions to combat gender discrimination in the workplace. The government's enforcement of the labor contract law and equal opportunity law was not entirely effective. Women experienced discrimination in areas such as employment and pay. The nongovernmental organization (NGO) Information and Contact Center for Women (Infra) cited parliament's passing of new pension reforms as negatively impacting women's retirement benefits by disregarding most women's roles as primary family caregivers and their frequent part-time employment.

Infra considered the government's engagement on equality issues as insufficient and continued to regard the part-time directorship of the Equal Opportunity Office

and the suspension of the Commission on Equality between Women and Men as impeding effective prevention of discrimination. In December a new independent human rights association assumed the responsibilities of the former Commission of Equality between Women and Men as well as several other equal opportunity organizations. The new entity also assumed the independent services of the Office for Equal Opportunity.

Societal discrimination continued to limit opportunities for women in fields traditionally dominated by men. The median income for men during the year remained approximately 16.5 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 including up to three years in prison.

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 [travel.state.gov/content/childabduction/en/legal/compliance.html](http://travel.state.gov/content/childabduction/en/legal/compliance.html).

## **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 2015, 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, the judicial system, 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 there was need for greater awareness of problems related to disabilities as well as support for employees and employers. 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 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 2015 authorities recorded four criminal offenses under the penal code's antiracial discrimination article.

In 2013 the European Commission against Racism and Intolerance (ECRI) expressed concern over the Foreigners Act because of its implications for noncitizens' access to public services. The report stated that it was particularly difficult for Muslim women who wore headscarves to find employment and housing.

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

On April 1, revisions to the penal code made discrimination based on gender and sexual orientation a criminal offense. The penal code and media law prohibit incitement to hate and bias-motivated crimes based on an individual's gender and sexual orientation.

While the country's LGBTI community issued no formal complaints of abuse or discrimination, the country's only LGBTI organization, Flay, criticized regulations that do not allow gay men to donate blood and prohibit LGBTI couples from adopting children. According to Flay, LGBTI individuals were often subjected to bullying, disparaging comments, and general hostility. LGBTI individuals also experienced discrimination in the labor and housing market. Societal stigma or intimidation generally were not considered factors that prevented the reporting of incidents of abuse. Many LGBTI individuals known to Flay, however, were often reluctant to acknowledge publicly their sexual orientation or gender identity due to fear of experiencing social backlash and isolation. In January, Flay criticized Prince Hans Adam II for calling the adoption of boys by gay men "irresponsible."

## **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. Penalties came in the form of monetary fines, which were adequate to deter violations. The resources, inspections, and remediation were also adequate and sufficient to deter violations. Administrative and judicial procedures were not subject to lengthy delays or appeals. Freedom of association and collective bargaining were respected in practice by government and employers.

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

The law prohibits all forms of forced or compulsory labor, and the government effectively enforced the law. Penalties for violations included prison sentences of up to 10 years. The resources, inspections, and remediation, including penalties for violations, were adequate and sufficient to deter violations. There were no reports that forced labor occurred in practice.

**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 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 labor law stipulates that an employer must consider the health of minors and guarantee them 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 Department for Worker Safety of the Office of the National Economy effectively enforced child labor laws and devoted adequate resources and oversight to child labor policies. Legal penalties, which took the form of monetary fines or prison sentences of up to six months, were sufficient to deter violations. There were no reports of child labor.

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

The law prohibits discrimination between men and women and against persons with disabilities with respect to employment. The labor laws refer to the protection of an employee’s integrity, which encompasses gender, race, nationality, and sexual orientation, among other characteristics. In addition, the new antidiscrimination law, which entered into force in April, also extended its provisions for protection, including based on race, gender, sexual orientation, worldview, religion, language, ethnicity, nationality, disability, and age.

The government’s enforcement of the law was not entirely effective. Violations of the law may result in the award of compensation to a prospective or dismissed employee equal to at least three months’ salary. Penalties were not entirely

sufficient to deter violations. Women, particularly migrant and/or Muslim women wearing headscarves and LGBTI individuals experienced discrimination in the labor market.

While the law explicitly requires equal pay for equal work, the median income for men during the year remained approximately 17 percent higher than that for women. According to Infra, a marked difference between men and women also persisted in professional promotions, and women were severely underrepresented in top-level management positions in private industry and the national administration. According to a 2013 ECRI 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 2015 Infra offered legal assistance to one woman who was refused employment at a private security company because of her gender. The court did not process the case, however, because the complainant allegedly had not complied with the court's administrative deadlines.

#### **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. For a single parent with two children, the minimum annual income was 48,240 Swiss francs (\$48,240), or approximately 4,020 Swiss francs (\$4,020) per month. For a household of two adults and two children, the minimum annual income was 55,500 Swiss francs (\$55,500) per year, or approximately 4,625 Swiss francs (\$4,625) per month. The government estimated the poverty income level at 27,600 Swiss francs (\$27,600) per year for a single person without family, or approximately 2,300 Swiss francs (\$2,300) per month.

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 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 also provides for four weeks of paid annual holidays for workers above 20 years of age and five weeks of paid annual holidays for workers up to 20 years of age.

Labor laws set occupational safety and health standards, which were up to date and appropriate for the main industries in the country. Workers may remove themselves from situations that endanger their health or safety without jeopardy to their employment, and authorities effectively protected employees in such cases. The labor standards also cover 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.

These standards were enforced in all sectors, including the informal economy. Penalties took the form of fines and prison sentences between three and six months and were sufficient to deter violations. 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 three inspectors: one inspector for examining workplace conditions, such as wages and occupational health and safety, and two inspectors for controlling construction sites or work permits. Three inspectors were sufficient to enforce compliance with labor laws.

There were no reports of violations of these labor laws.