

Council of Europe contribution for the 15th UPR session regarding Liechtenstein

Prevention of Torture

The Council of Europe's Committee for the Prevention of Torture (CPT) published on 3 July 2008 the report on its visit to Liechtenstein in February 2007, together with the response of the Liechtenstein Government. Both documents are attached below.

The report contains, in particular, recommendations to strengthen fundamental safeguards which persons deprived of their liberty by the police should enjoy, and to improve the activities offered to inmates at Vaduz Prison, the only prison in the Principality. Further, for the first time in Liechtenstein, the Committee has examined the procedures for involuntary placement (ordered by a civil or criminal court) in psychiatric hospitals, nursing homes or other specialised institutions.

A complete list of the CPT's recommendations, comments and requests is contained in Appendix I to the report.¹

In their response, the Liechtenstein authorities provide details on the measures being taken or envisaged in order to address the issues raised in the CPT's report.



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Fight against racism and intolerance

ECRI's visit 2007

On 29 April 2008, the European Commission against Racism and Intolerance (ECRI) released its third report examining racism, xenophobia, antisemitism and intolerance in Liechtenstein (attached below).²

While recognising the positive developments that have occurred in Liechtenstein ECRI details, however, in its report continuing grounds for concern about: certain aspects of the integration policy; the lack of independence and the limited powers of the Equal Opportunities Office; and the absence of a comprehensive civil and administrative legal framework prohibiting racial discrimination in all fields of life.

The Government of Liechtenstein adopted a five-year National Action Plan to Combat and Prevent Racism. Many different measures have been taken to train officials and to raise awareness among the general public about the need to combat racism and racial violence. But despite measures taken by the authorities, Muslims still face some obstacles in practising their religion and children of immigrant background are still faced with disadvantages in access to education.

The report contains findings and recommendations regarding the following issues:

- International legal instruments³

¹ pp. 33-38.

² A summary of the report can be found on p. 6.

- Constitutional provisions and other basic provisions⁴
- Criminal law provisions⁵
- Civil and administrative law provisions⁶
- Specialised bodies and other institutions⁷
- Education and awareness-raising⁸
- Access to education⁹
- Integration of immigrants¹⁰
- Reception and status of non-citizens¹¹
- Vulnerable groups¹²
- Measures taken to combat racism¹³
- Monitoring the situation¹⁴

Of specific issues ECRI draws attention to:

- the situation of Muslims communities in Liechtenstein¹⁵
- the need to reinforce measures against racial discrimination¹⁶



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ECRI's visit 2012

ECRI visited Liechtenstein in February 2012. Its 4th report will be published at the beginning of 2013.

Protection of Minorities

On 30 June 2010, the Committee of Ministers adopted its third resolution on the protection of national minorities in Liechtenstein (attached below). The resolution contains conclusions and recommendations, highlighting positive developments¹⁷ but also mentioning issues of concern¹⁸. Moreover it mentions a number of areas where further measures are needed to advance the implementation of the Framework Convention for the Protection of National Minorities.

In addition to the measures to be taken to implement the detailed recommendations contained in Sections I¹⁹ and II²⁰ of the Advisory Committee's opinion, the authorities are invited to take the following measures to improve further the implementation of the Framework Convention:

³ pp. 7-8.

⁴ pp. 8-9.

⁵ pp. 9-10.

⁶ p. 10.

⁷ pp. 10-11.

⁸ p. 11.

⁹ pp. 11-12.

¹⁰ pp. 12-17.

¹¹ pp. 17-18.

¹² p. 19.

¹³ pp. 19-21.

¹⁴ p. 21

¹⁵ pp. 22-23.

¹⁶ pp. 24-27.

¹⁷ Part 1 a) of the resolution

¹⁸ Part 1 b) of the resolution.

¹⁹ pp. 4-5.

²⁰ pp. 6-9.

- take further steps to improve the integration of persons belonging to different groups and adopt a comprehensive policy to ensure effective implementation of the principles of equality and non-discrimination in respect of all;
- pursue and develop efforts to ensure full implementation of the national action plan against racism and take more resolute measures to prevent, combat and monitor any manifestations of intolerance and xenophobia.

The resolution is largely based on the corresponding Third Opinion of the Advisory Committee on the Framework Convention on Liechtenstein²¹. The concluding remarks, contained in Section III²², serve as the basis for the Committee of Ministers' Resolution. The Opinion of the Advisory Committee and the comments on the Opinion by the government of Liechtenstein are attached below.




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Social and economic rights

Liechtenstein has signed but not yet ratified the European Social Charter. It has not yet signed nor ratified the Revised European Social Charter.

Action against Trafficking in Human Beings and Preventing and Combating Violence against Women and Domestic Violence

Liechtenstein has not yet signed or ratified the Council of Europe Convention on Action against Trafficking in Human Beings. Thus the country is not yet covered by the monitoring carried out by the Group of Experts on Action against Trafficking in Human Beings (GRETA).

Nor has Liechtenstein signed or ratified the Council of Europe Convention on preventing and combating violence against women and domestic violence. For this reason, it is not yet concerned by the monitoring procedure which will be carried out by a Group of experts on action against violence against women and domestic violence (GREVIO) once the convention enters into force.

Council of Europe Commissioner for Human Rights

The Council of Europe Commissioner for Human Rights, Thomas Hammarberg, visited Liechtenstein on 23-24 February 2012. He issued a Press Release following his visit which is attached below.

“The establishment of an Ombudsman Office in Liechtenstein would strengthen the protection against all forms of discrimination,” stated the Commissioner after his visit to the country. “The present mechanisms to receive and act upon complaints from the public are not fully independent or lack sufficient resources”.

²¹ A summary of the report can be found on p. 1.

²² pp. 10-11.

The Commissioner was informed about the ongoing discussion on a reform to broaden the coverage of the existing national human rights protection structures. He recommended the institution of an ombudsman office with a broad mandate which would address the rights of children, women, persons with disabilities, and the elderly, as well as refugees and other foreigners. The Commissioner also recommended the introduction of comprehensive anti-discrimination legislation.

A part-time Ombudsman for Children and Young People has already been in place for two years. Pending the reform of the overall human rights system, this office should be properly resourced so as to be able to fulfil its important functions for children's rights protection.

Violence against women remains a problem in the Liechtenstein society. The Commissioner recommends prompt ratification and implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence. Particular attention needs to be devoted to the situation of migrant women who may hesitate to report about abuses because of fear of losing their residence status.

Persons with disabilities lack sufficient employment possibilities, in spite of several constructive measures, such as subsidies for making adjustments to the workplace to improve accessibility and for paying a part of the salary of disabled employees. Further measures should be explored to promote integration of people with disabilities into the job market in both the public and private sector. A prompt ratification of the United Nations Convention on the Rights of Persons with Disabilities would demonstrate that the Liechtenstein authorities are determined to do their utmost to protect the human rights of persons with disabilities.

Liechtenstein has a well-developed system of assisting elderly people in care institutions as well as in their homes. A concern expressed to the Commissioner related to the growing number of persons who would prefer to continue their working life after having reached the retirement age – a situation calling for more flexibility in employment regulations. The Commissioner recalls that the revised European Social Charter contains provisions for the protection of the rights of the elderly and recommends ratification of this important international instrument.

Following Liechtenstein's accession to EU regulations on asylum, including the Dublin II Regulation, the number of asylum applications to be assessed on their merits will be reduced to a minimum. However, it must be borne in mind that the possibility to send back asylum seekers to the country of first entry within the EU or Schengen area cannot be automatic as there is a need to ensure that no one will be returned to a country where they may be at risk of persecution or torture. In addition, having regard to the declining numbers of asylum cases, the Commissioner calls upon the authorities to consider accepting more refugees who are recognised by UNHCR as having protection needs.

The authorities in Liechtenstein have taken steps to facilitate the integration of immigrants. However, the Commissioner considers that the requirements for obtaining citizenship are excessively restrictive and recommends a review of these in line with the principles of the European Convention on Nationality. Further steps are also recommended to make the process of applying for family reunification less cumbersome.



Press Release
Liechtenstein.mht

http://www.coe.int/t/commissioner/News/2012/120228Liechtenstein_en.asp