

# LIECHTENSTEIN 2020 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

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

The national police maintain internal security and report to the Department of Civil Defense. Civilian authorities maintained effective control over the security forces. There were no reports of abuses committed by members of the national police.

There were no reports of significant human rights abuses.

The government had mechanisms in place to identify and punish officials who may commit human rights abuses.

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

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

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

#### **b. Disappearance**

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

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

The constitution and law prohibit such practices, and there were no reports that government officials employed them. There were no reports of impunity in the security forces.

## **Prison and Detention Center Conditions**

There were no significant reports regarding prison or detention center conditions that raised human rights concerns.

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

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

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

Administration: Authorities conducted investigations of credible allegations of mistreatment.

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

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

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

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

Police detain a suspect based on an arrest warrant issued by the national court. According to the law, every detainee must be informed of the reasons for the detention at the time of detention or immediately thereafter. Within 48 hours of

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

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

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

#### **Trial Procedures**

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

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

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

There were no reports of political prisoners or detainees.

## **Civil Judicial Procedures and Remedies**

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

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

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

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

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

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

Freedom of Speech: The law prohibits public insults, including via electronic means, directed against an individual's race, language, ethnicity, religion, world view, gender, disability, age, and sexual orientation, with a possible prison sentence of up to two years for violations. In contrast with previous years, during the year there were no cases of public insults registered or charges filed.

### **Internet Freedom**

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

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

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

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

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

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/international-religious-freedom-reports/>.

Efforts to establish Muslim memorials and cemeteries remained unsuccessful, according to the nongovernmental organization (NGO) Liechtenstein Human Rights Association (LHRA).

### **d. Freedom of Movement**

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

### **e. Status and Treatment of Internally Displaced Persons**

Not applicable.

### **f. Protection of Refugees**

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.

Abuse of Migrants, Refugees, and Stateless Persons: In some cases authorities detained unsuccessful asylum applicants pending their deportation. Unlike in previous years, authorities during the year did not detain any unsuccessful asylum applicants pending their deportation.

The LHRA expressed concern that the law does not contain hardship provisions for family reunification, especially for children. There were no reports of family separations among asylum seekers or refugees.

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government established a system for providing protection to refugees. The law allows asylum seekers under deportation orders to be granted an appeal

hearing if requested within five days after the decision. The law permits persons from safe countries of origin who are ruled to be ineligible for asylum to be processed for denial of asylum within a maximum of seven days.

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

Temporary Protection: The government also provided subsidiary and humanitarian protection to individuals who may not qualify as refugees and provided it during the year to 10 persons.

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

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

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

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

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

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

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

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

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

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

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

In November 2019 the Ministry of Foreign Affairs held its 11th dialogue with the country's human rights-related NGOs in honor of 30th anniversary of the UN Convention on the Rights of the Child.

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

### **Women**

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

The law prohibits all forms of domestic violence and provides for restraining orders against violent family members. Police may prohibit an abuser from returning to the victim's home where the violence was committed. Penalties for domestic violence range from monetary fines to lifetime imprisonment if the victim is killed. According to the law, victims who migrated to the country and who have been married to a citizen for less than five years are required to prove their victim status or sufficient integration into the country's society to avoid losing their marriage-based residence permits. The government enforced the law effectively.

There were reports of violence against women, including spousal abuse. Police reported 32 cases of domestic violence in 2019.

Witnesses' willingness to testify in abuse cases sometimes limited efforts to prosecute cases. In July the court acquitted a 28-year-old who in April allegedly

hit and kicked his wife several times, including allegedly throwing a drawer at her. Since the wife, being the only witness, did not testify, the court acquitted the defendant for lack of evidence.

In April the Equal Opportunities Department of the Social Services Office sent out emergency cards labeled “violence has no home” in eight different languages that included updated contact addresses and guidelines for addressing domestic violence.

In 2019 the country’s only women’s shelter, Frauenhaus, assisted 13 women.

Sexual Harassment: Sexual harassment is illegal and punishable by up to six months in prison or a fine, and the government effectively enforced these prohibitions. Stalking is a criminal offense. The government also considers “mobbing,” including pressure, harassment, or blackmail tactics in the workplace, to be a crime. In 2019 the national police recorded three cases of sexual harassment, and the women’s resource and counseling NGO Infra assisted in 21 cases of sexual harassment.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Discrimination: Women enjoy the same legal rights as men. The government’s enforcement of the labor contract law and equal opportunity law was not entirely effective. The LHRA and the NGO umbrella organization Women’s Network stated that a lack of human and financial resources as well as inadequate strategies and competencies prevented the Department for Equal Opportunity from effectively enforcing the law. According to the LHRA, long-term strategies and policies for equal opportunities were lacking and no central coordination office for integration existed. The Women’s Network asserted that the government increasingly relinquished its responsibilities regarding equal opportunity policies to NGOs.

## **Children**

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

Child Abuse: The law protects children against sexual exploitation and sexual abuse, including inside the family. The law stipulates a reporting obligation for the Office of Social Services if it learns of or suspects sexual abuse of children and adolescents. There is an Ombuds Office for Children and Young People. There is also a Victim's Assistance Office, specializing in assistance and support for individuals who have been affected directly in their physical, psychological, or sexual integrity, including children. An interdisciplinary Expert Group against the Sexual Abuse of Children and Young People facilitates the protection of children against sexual exploitation and sexual abuse. In 2019 the country's only women's shelter, Frauenhaus, assisted 16 children.

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

Sexual Exploitation of Children: The law prohibits the prostitution of minors. Penalties for the sexual exploitation of minors range from one to 10 years' imprisonment. Possession or distribution of child pornography is a criminal offense, with penalties including up to three years in prison. Authorities effectively enforced these prohibitions. In 2019 the national police recorded four cases of child sexual abuse of minors. The law sets the minimum age for consensual sex at 14.

In September 2019 the country released its first-ever report on the sale of children, child prostitution, and child pornography. This report aims to set out the legal, administrative, and other measures taken by the government at a national level to address these problems.

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

## **Anti-Semitism**

The Jewish community consisted of approximately 20 individuals. There were no reports of anti-Semitic acts.

## **Trafficking in Persons**

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

### **Persons with Disabilities**

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

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

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

The law requires public buildings constructed before 2002 to be barrier free by 2019 and public buildings constructed between 2002 and 2007 to be barrier free by 2027. There were no reports that the barrier-free requirement was not implemented or of any public buildings that were not barrier free. According to the Liechtenstein Association for Persons with Disabilities, during the year the barrier-free project was expanded. The government collaborated with the Swiss organization Pro Infirmis to update and expand the existing database and to make the information available via an "app." Information is also expected to be available on other platforms, such as the country's tourist information website.

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

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

The country's lesbian, gay, bisexual, transgender, and intersex (LGBTI) community issued no formal complaints of abuse or discrimination, including against persons with HIV/AIDS. The LHRA noted, however, that there is no legal basis for a change of civil status, such as gender reassignment or changed gender identify. It stated there is also no possibility of indicating a third sex on official documents.

## **Section 7. Worker Rights**

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

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

The government adequately enforced applicable laws. Penalties in the form of fines were commensurate with similar crimes, and inspection was sufficient to enforce compliance.

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

The law prohibits all forms of forced or compulsory labor. Penalties for violations were criminal and commensurate with similar crimes. The government effectively enforced the law.

The LHRA reported no incidents involving forced or compulsory labor, including incidents involving children. It noted, however, that little research has been done on employment relationships in the private-care sector, where work is often performed by migrant women. The association added that employment relationships are not subject to a compulsory standard employment contract and are not audited or supervised.

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

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

The Office for Worker Safety of the Department of National Economy effectively enforced child labor laws and devoted adequate resources and oversight to child labor policies. Legal penalties were commensurate with similar crimes. The LHRA reported that it was not aware of any violations of the ban on child labor and the minimum age during the year.

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

The law prohibits employment discrimination based on gender and disability. The law does not specifically prohibit employment discrimination based on race, religion, national origin, color, ethnicity, age, gender identity, HIV/AIDS or refugee status. Violations may result in the award of compensation to a prospective or dismissed employee equal to at least three months’ salary in the case of gender discrimination, and unspecified civil damages in the case of discrimination against persons with disabilities. Penalties were not commensurate with similar civil rights violations.

The government did not effectively enforce the law. According to statements by the Liechtenstein Institute and Liechtenstein Association for Persons with Disabilities, women, particularly migrant and Muslim women wearing headscarves, persons with disabilities, and LGBTI individuals experienced discrimination in the labor market.

According to the 2019 Human Rights Report of the Liechtenstein Institute, although the law explicitly forbids gender discrimination in the workplace, women in the country still earned significantly less than men on average. The Women's Network also noted a marked difference between men and women persisted in professional promotions; women were severely underrepresented in top-level management positions in private industry and the national administration. An analysis in May by the Swiss Center of Expertise on Human Rights found that immigrant workers experienced workplace discrimination, including on the basis of gender, race, nationality, and religion.

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

The law does not provide for a national minimum wage. The Liechtenstein Workers Association negotiates voluntary collective bargaining agreements annually with the Chamber of Commerce and the Chamber for Economic Affairs on a sector-by-sector basis. Collective bargaining agreements were effectively enforced, and wages exceeded the poverty level.

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. Overtime may not exceed an average workweek of 48 hours over a period of four consecutive months. Some exceptions to overtime limits were authorized, for example, in the area of medical treatment.

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

The Office of Labor Inspection, a part of the Department of National Economy, effectively enforced labor laws on working conditions. The agency had a sufficient number of inspectors authorized to make unannounced inspections to enforce the law effectively. Penalties were commensurate with similar crimes.

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