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resolution 16/21**

## **Liechtenstein**

The present report is a compilation of the information contained in the reports of treaty bodies and special procedures, including observations and comments by the State concerned, and of the Office of the High Commissioner for Human Rights (OHCHR), and in other relevant official United Nations documents. It is presented in a summarized manner due to word-limit constraints. For the full text, please refer to the document referenced. This report does not contain any opinions, views or suggestions on the part of OHCHR other than those contained in public reports and statements issued by the Office. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

## I. Background and framework

### A. Scope of international obligations<sup>1</sup>

#### International human rights treaties<sup>2</sup>

	<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified/not accepted</i>
<i>Ratification, accession or succession</i>	ICERD (2000)		OP-CRC-SC (signature only (2000))
	ICESCR (1998)		
	ICCPR (1998)		ICRMW
	ICCPR-OP 2 (1998)		CRPD
	CEDAW (1995)		CPED
	CAT (1990)		(signature only (2007))
	OP-CAT (2006)		
	CRC (1995)		
	OP-CRC-AC (2005)		
	OP-CRC-SC (signature only (2000))		
<i>Reservations, declarations and/or understandings</i>	ICCPR (Declaration, art. 3; reservation, arts. 14, para. 1, 17, para. 1 and 26 (1998); withdrawal of reservation, art 20, para.2 (2000))	ICCPR (Withdrawal of reservation, art. 24, para.3 (2009))	
	CEDAW (Reservation, arts. 1 and 9, para. 2 (1995))	CRC (Withdrawal of declaration, art. 1 and reservation, art. 7 (2009))	
	CRC (Reservation art. 10, partially withdrawn (2003))		
	OP-CRC-AC (General declaration, arts. 1, 2 and 3, para. 2 (2005))		
<i>Complaint procedures, inquiry and urgent action<sup>3</sup></i>	ICERD, art. 14 (2004)		OP-ICESCR
	ICCPR, art. 41 (1998)		OP-CRC-IC
	ICCPR-OP 1 (1998)		ICRMW
	OP-CEDAW, art. 8 (2001)		OP-CRPD
	CAT arts. 20, 21 and 22 (1990)		CPED

**Other main relevant international instruments**

	<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified</i>
<i>Ratification, accession or succession</i>	Convention on the Prevention and Punishment of the Crime of Genocide	Conventions on stateless persons <sup>7</sup>	ILO fundamental conventions <sup>8</sup>
	Rome Statute of the International Criminal Court		UNESCO Convention against Discrimination in Education
	Conventions on refugees <sup>4</sup>		ILO Conventions Nos. 169 and 189 <sup>9</sup>
	Geneva Conventions of 12 August 1949 and Additional Protocols thereto <sup>5</sup>		
	Palermo Protocol <sup>6</sup>		

1. Several treaty bodies recommended that Liechtenstein ratify ICRMW, OP-ICESCR, CRPD and its Optional Protocol, OP-CRC-SC and CPED.<sup>10</sup>
2. The Committee on the Elimination of Discrimination against Women (CEDAW) remained concerned about Liechtenstein's reservation to article 1 of the Convention which denied women access to the throne. It called on Liechtenstein to withdraw such reservation.<sup>11</sup>
3. CEDAW recommended that Liechtenstein consider adhering to the International Labour Organization and ratifying ILO Conventions Nos. 100, 111 and 156.<sup>12</sup>

**B. Constitutional and legislative framework**

4. The Committee against Torture (CAT) noted with satisfaction the constitutional amendments of 2003, according to which the prohibition of torture and inhuman treatment was an absolute prohibition and might not be undermined either by law or by emergency decree, and of 2005, which prohibited "inhuman or degrading treatment or punishment". It also recognized that the provisions of the Convention had become part of the domestic law. It recommended that Liechtenstein incorporate into its domestic criminal law a distinct crime of torture in strict conformity with article 1 of the Convention.<sup>13</sup>
5. CAT noted with satisfaction the revision of the Execution of Sentences Act of 20 September 2007, which, inter alia, strengthened the legal safeguards relating to the right of sentenced prisoners to have access to a medical doctor; and entry into force of the amended Code of Criminal Procedure on 1 January 2008 which, inter alia, guaranteed the rights of all apprehended persons to inform a relative or another person of trust and a defence lawyer of their arrest and to remain silent.<sup>14</sup>
6. CEDAW reiterated its previous recommendation and called on Liechtenstein to recognize the Convention, as the most pertinent and legally binding human rights instrument on the elimination of discrimination against women and the achievement of substantive gender equality and to incorporate all substantive provisions of the Convention into domestic law. It particularly urged Liechtenstein to place greater emphasis on the Convention in the revision of the Gender Equality Act.<sup>15</sup>
7. The Committee on the Elimination of Racial Discrimination (CERD) noted Liechtenstein's ongoing efforts to revise its legislation in areas of relevance to the Convention, including the entry into force of the Law on the Free Movement of Persons and associated ordinance (2010) and of the Foreigners Act and associated ordinance (2009),

as well as the revision of the Law on the Acquisition and Loss of Liechtenstein Citizenship (Citizenship Act) in 2008, and of the Citizenship Act in 2008.<sup>16</sup>

8. The Office of the United Nations High Commissioner for Refugees (UNHCR) reported that a new asylum law entered into force on 1 June 2012.<sup>17</sup>

9. The Committee on the Rights of the Child (CRC) recommended that Liechtenstein revise relevant legislation, and include provisions which explicitly criminalize violations of the provisions of the Optional Protocol regarding the recruitment and involvement of children in hostilities; and include a definition of direct participation in hostilities.<sup>18</sup>

10. CRC recommended that Liechtenstein ensure that domestic legislation enables it to establish and exercise extra-territorial jurisdiction over war crimes of conscription and enlistment of children in hostilities. It furthermore recommended that Liechtenstein strengthen measures to establish extraterritorial jurisdiction over crimes under the Optional Protocol without the criterion of double criminality.<sup>19</sup>

### **C. Institutional and human rights infrastructure and policy measures**

11. CERD noted Liechtenstein's decision to discontinue the Office of Equal Opportunities and replace it with a fully independent body for human rights with a broad mandate for the promotion and protection of human rights, including receiving and processing complaints from individuals. It recommended that Liechtenstein establish a single independent human rights institution with a broad mandate, in line with the Paris Principles, that would also cover the specificity of the mandates of all existing institutions.<sup>20</sup>

12. CEDAW recommended that Liechtenstein: ensure that the Office for Equal Opportunity gives priority attention to women's rights to non-discrimination and to the enjoyment of gender equality, and strengthen the capacity of the Office; and consider establishing an independent national human rights institution in accordance with the Paris Principles or another specialized body to consider, issue opinions and make recommendations on complaints submitted by women alleging violations of their human rights.<sup>21</sup>

13. CAT welcomed the establishment of the Corrections Commission as the national preventive mechanism of Liechtenstein, which became operational in 2008. It was nevertheless concerned that the mandate of the Corrections Commission was not specified in the Execution of Sentences Act, which still determined the number of visits that the Corrections Commission can carry out on an annual basis without notice. Furthermore, article 17, paragraph 3, of the Execution of Sentences Act relating to the composition of the Corrections Commission might compromise its independence. Liechtenstein should amend the Execution of Sentences Act.<sup>22</sup>

14. CRC noted with appreciation the appointment in October 2009 of the first Ombudsperson for children, and recommended that Liechtenstein ensure that it is independent, in accordance with the Paris Principles, and vested with a mandate to monitor the implementation of the Convention and the Optional Protocol, as well as with adequate resources.<sup>23</sup>

15. CERD welcomed the establishment of the Commission on Integration Issues (2009) and the adoption of a Catalogue of Measures against Right-Wing Extremism (2010).<sup>24</sup>

## II. Cooperation with human rights mechanisms

### A. Cooperation with treaty bodies<sup>25</sup>

#### 1. Reporting status

<i>Treaty body</i>	<i>Concluding observations included in previous review</i>	<i>Latest report submitted since previous review</i>	<i>Latest concluding observations</i>	<i>Reporting status</i>
CERD	March 2007	2011	Aug. 2012	Seventh to eighth reports due in 2016
CESCR	May 2006	--	--	Second to third report overdue since 2011
HR Committee	July 2004	--	--	Second report overdue since 2009
CEDAW	July 2007	2010	Jan. 2011	Fifth report due 2015
CAT		2008	May 2010	Fourth report due 2014
CRC	Jan. 2006		Jan. 2010 (OP-CRC-AC)	Third to fourth reports overdue since 2011. Initial OP-CRC-AC report submitted in 2007 and reviewed in 2010.

#### 2. Responses to specific follow-up requests by treaty bodies

##### Concluding observations

<i>Treaty body</i>	<i>Due in</i>	<i>Subject matter</i>	<i>Submitted in</i>
CERD	2013	National human rights institution; and integration of foreigners. <sup>26</sup>	–
CAT	2011	Non-refoulement, rights of refugees and asylum seekers; assessment and review on the merits of all asylum applications; domestic violence; trafficking in persons. <sup>27</sup>	2011 <sup>28</sup>
CEDAW	2013	Identification of victims of gender-based violence during the asylum procedure, women's participation in political and public life. <sup>29</sup>	–

**B. Cooperation with special procedures<sup>30</sup>**

	<i>Status during previous cycle</i>	<i>Current status</i>
<i>Standing invitation</i>	Yes	Yes
<i>Visits undertaken</i>	Violence against women – visit on 7 April 1998	None
<i>Visits agreed to in principle</i>	None	None
<i>Visits requested</i>	None	None
<i>Responses to letters of allegations and urgent appeals</i>	During the period under review, no communications were sent.	

**C. Cooperation with the Office of the High Commissioner for Human Rights**

16. Liechtenstein contributed financially to the Office of the United Nations High Commissioner for Human Rights (OHCHR), including to the United Nations Voluntary Fund for Victims of Torture, in 2008, 2009, 2010 and 2011.<sup>31</sup>

17. With regard to the review of the status of the Human Rights Council, the Permanent Representative of the Principality of Liechtenstein served as a Co-Facilitator of the review process in New York in 2010-2011.<sup>32</sup>

**III. Implementation of international human rights obligations****A. Equality and non-discrimination**

18. CEDAW recommended that Liechtenstein strengthen the use of temporary special measures, in all areas in which women are underrepresented or disadvantaged.<sup>33</sup>

19. CEDAW called on Liechtenstein to put in place a comprehensive policy to overcome stereotypical attitudes about the roles and responsibilities of women and men; develop a comprehensive strategy to eliminate discriminatory gender stereotypes; and organize awareness-raising campaigns to promote responsible fatherhood and to sensitize employers and employees on the topic of flexible work arrangements for women as well as men in order to ensure that part-time employment is not taken up almost exclusively by women.<sup>34</sup>

20. CEDAW was concerned about de facto discrimination faced by certain disadvantaged groups of women, especially older women, women with disabilities and migrant women, in education, employment and health; their specific vulnerability to violence and abuse. It was also concerned that the reception conditions of asylum seekers, including women and children, were not always adequate.<sup>35</sup> CERD was concerned about possible discrimination against certain categories of migrant women, including victims of trafficking or domestic violence, or divorced women from countries outside the European Economic Area and Switzerland. It recommended that Liechtenstein ensure that such

women are able to retain their residency status and socio-economic situation and are not subject to double discrimination.<sup>36</sup>

21. CEDAW recommended that Liechtenstein undertake research on the economic consequences of divorce on both spouses; ensure that the concept of joint marital property extends to intangible property, including pension and insurance benefits and other career assets, and compensate for the unequal share of women in unpaid work and raise awareness among women about the risks of entering long-term de facto domestic partnerships, particularly potential protection gaps in case of break-up of such partnerships.<sup>37</sup>

22. CERD was concerned at the absence of legislation against racial discrimination as well as at the lack of legislation that specifically prohibited racist organizations. It recommended that Liechtenstein enact specific legislation prohibiting racial discrimination and organizations promoting racial discrimination.<sup>38</sup>

23. CERD was concerned that persons from “third countries”, who were not citizens of Switzerland or countries from the European Economic Area, might not be sufficiently protected against racial discrimination. It recommended that Liechtenstein ensure that such foreigners are protected against racial discrimination, especially regarding their residency status, freedom of movement, employment, education, health care and housing.<sup>39</sup>

## **B. Right to life, liberty and security of the person**

24. CAT considered that the current criminal provisions of Liechtenstein under which acts of torture are prosecuted provided for very lenient punishment.<sup>40</sup> It was also concerned that the statute of limitations with respect to offences that would amount to torture was limited to five years and that Liechtenstein did not intend to amend the Criminal Code “so as to eliminate the statute of limitations applicable to cases of torture”.<sup>41</sup>

25. CAT noted with concern some allegations of excessive use of force, tight-fitting handcuffs and verbal abuse by police at the time of apprehension. It emphasized the importance of the independence of the body carrying out such investigations and recommended that all allegations of ill-treatment by police be investigated promptly and impartially by independent bodies and not by other members of the police force.<sup>42</sup>

26. CAT was concerned at the practice by the National Police of covering the eyes of apprehended persons considered extremely dangerous and violent with black goggles and, until 2007, of covering the heads of such apprehended persons with a bag; and that such a practice made the prosecution of torture virtually impossible.<sup>43</sup>

27. CAT was concerned that the right of persons under involuntary placement to give their consent to treatment and the right to request at any time their own discharge from a psychiatric or social welfare establishment were not explicitly guaranteed by law. It strongly recommended that Liechtenstein amend the Social Welfare Act to expressly provide for the right of persons deprived of their liberty in involuntary civil placements to request at any time their discharge.<sup>44</sup>

28. CAT noted the limited holding capacity and the shortage of space and personnel resources of Vaduz National Prison. It was concerned that the space restrictions and personnel limitations, had resulted, on occasions, in the removal of prisoners from the prison by police for interrogation without the presence of a corrections officer; that the national prison held different categories of detainees, including convicted prisoners, prisoners on remand, detainees awaiting deportation and juveniles; and that separation between pretrial prisoners, persons detained for expulsion and convicted prisoners was not always possible.<sup>45</sup>

29. CAT noted with concern that, during the last quarter of 2009, juveniles, including one female person, were held in Vaduz National Prison, contrary to the principle of separation between adults and juveniles.<sup>46</sup>

30. CEDAW and CAT recommended that Liechtenstein ensure ex officio prosecution for all forms of domestic violence in its revised sexual criminal law, ensure prompt and impartial investigation of all allegations of domestic violence and prosecute and punish perpetrators, and ensure that victims are effectively compensated and rehabilitated, noting the important role of the Victims Assistance Office in this regard.<sup>47</sup> In its follow-up response to CAT, Liechtenstein stated that the revision of its sexual criminal law had been completed and that the revision not only adjusted individual offences to the new demands, but also included the commission of these offences within the family as ex officio offences.<sup>48</sup>

31. CEDAW recommended that Liechtenstein ensure that women from other countries who are alleged victims of spousal violence have access to legal aid and protection to enable them to prove their status as victims in order to retain their residence permit upon dissolution of their marriage.<sup>49</sup>

32. CAT noted the high number of foreign women engaged as dancers in nightclubs and that many of them originated from “origin countries” that topped the list of human trafficking. It was concerned at information that suggested that trafficking in women had occurred but was not reported; and that Liechtenstein had not initiated any ex officio investigations into suspected cases of trafficking or undertaken a comprehensive analysis to fully assess the situation of this group of women.<sup>50</sup> In its follow-up response, Liechtenstein indicated that human trafficking was an ex officio offence according to its Criminal Code and reiterated that no case of human trafficking had been reported.<sup>51</sup>

33. CEDAW recommended that Liechtenstein establish mechanisms for the identification of victims of trafficking as well as referral mechanisms and provide temporary residence permits, protection and support to all victims of trafficking.<sup>52</sup>

### **C. Administration of justice, including impunity, and the rule of law**

34. CAT noted with concern the lack of separation of competencies between the Ministry of Justice and the Ministry of Home Affairs in the correctional system of Liechtenstein, and “the continuing competence and organizational influence of the police authorities with regard to the field of corrections”. It recommended that Liechtenstein ensure full and exclusive competence by the Ministry of Justice over its correctional system.<sup>53</sup>

35. CAT noted with appreciation that “all apprehended persons” were legally guaranteed the right to have access to a defence lawyer and to inform a relative or another person of trust of their arrest “at the time of apprehension or immediately thereafter”. However, it was concerned that, at present, the legal instructions handed out to foreign nationals provided the arrested person with the choice between the right to inform either a family member or a lawyer.<sup>54</sup>

36. CAT recommended that Liechtenstein guarantee in its domestic law the right of all persons deprived of their liberty, including foreign nationals, to have access to an independent doctor, if possible of their own choice, as from the very outset of their detention.<sup>55</sup>

37. CAT took note of the bilateral treaty of 1982 on the accommodation of prisoners, according to which sentences longer than two years of imprisonment were executed in a neighbouring country. It further noted that the treaty also applied to “persons who have



committed a criminal offence under the influence of a mental disorder” against whom orders of preventive measures were issued and, where necessary, persons under the age of 18 years. It was concerned that the 1982 bilateral treaty did not contain any express safeguards for the prevention of torture and other forms of ill-treatment and recommended that Liechtenstein renegotiate the 1982 Treaty.<sup>56</sup> In its comments to CAT’s observations, Liechtenstein emphasized that this bilateral cooperation was firmly anchored in an extensive legal and structural framework composed of the European Convention on Human Rights and Fundamental Freedoms, the European Convention on the Prevention of Torture as well as CAT.<sup>57</sup>

38. While appreciating the reduction of the maximum length of pretrial detention for children under the age of 18, CAT was concerned that it remained high (one year). It was furthermore concerned that some juveniles sentenced to imprisonment served their sentences in a neighbouring country, according to the 1982 bilateral treaty, which did not contain any safeguards for special protection for persons under the age of 18 years.<sup>58</sup>

39. CAT noted with concern that Liechtenstein did not intend to amend the Juvenile Court Act, according to which a person of trust would be present during the questioning of a juvenile by the police (or a judge) only if the juvenile so requested. Liechtenstein was urged to amend article 21 of the Juvenile Court Act to ensure the presence of a person of trust during interrogation or questioning by police of children under the age of 18 without any request of the juvenile.<sup>59</sup>

#### **D. Right to privacy, marriage and family life**

40. CERD was concerned that the naturalization procedure required 30 years of residence. It recommended that Liechtenstein consider amending the Act on Facilitated Naturalization to reduce the required period of residence for the acquisition of citizenship and introducing the right to appeal and legal review under the ordinary naturalization procedure subject to municipal popular votes.<sup>60</sup>

41. CEDAW recommended that Liechtenstein increase the number and capacity of public day-care nurseries and public day schools, ensure flexible work arrangements and part-time work for men, in addition to women, in the public and private sectors and encourage men to make use of such arrangements and promote responsible fatherhood to encourage them to participate more actively in child-raising and to share equally other domestic duties.<sup>61</sup>

#### **E. Freedom of movement**

42. UNHCR recommended that Liechtenstein clarify the policies surrounding the issuance of travel documents for persons with provisional admission and ensure freedom of movement for all persons in need of international protection residing in Liechtenstein regardless of their legal status. This included allowing protected persons, including persons with provisional admission, in principle, to leave the country and to return.<sup>62</sup>

#### **F. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life**

43. CEDAW recommended that Liechtenstein increase the representation of women in decision-making positions in elected and appointed political bodies; and provide training on gender equality to civil servants and politicians, especially men, to create a more favourable environment for women’s participation in political and public life.<sup>63</sup>

## **G. Right to work and to just and favourable conditions of work**

44. CEDAW reiterated its concern about the persistent gender wage gap and continued horizontal and vertical segregation in the labour market, where women were concentrated in lower-paid and part-time work. It observed that unemployment was higher among women than men. It recommended that Liechtenstein achieve substantive equality of men and women in the labour market, eliminate occupational segregation and close the gender wage gap and counteract any adverse consequences of part-time work for women, especially regarding their career development options, pension and other social security benefits.<sup>64</sup>

## **H. Right to health**

45. CEDAW noted the slow progress for decriminalizing abortion; that contraceptives were not distributed free of charge; and that women from disadvantaged groups, including women with disabilities and migrant women, encountered difficulties in accessing sexual and reproductive health services and information. It called on Liechtenstein to review legislation relating to abortion, with a view to removing punitive provisions for women who undergo abortion; and ensure that all women and girls, including adolescents, women with disabilities and migrant women, have free and adequate access to contraceptives and sexual and reproductive health services and information in accessible formats.<sup>65</sup>

## **I. Right to education**

46. CEDAW noted with concern that women and girls chose traditionally female-dominated fields of education and vocational training, and that Liechtenstein's ongoing efforts to address stereotyped educational choices might reproduce women's and men's traditional educational and professional choices.<sup>66</sup>

47. CEDAW recommended that Liechtenstein promote the enrolment of women in Master and PhD programmes; encourage applications by women for positions of professor, department chair, lecturer and docent, and for leading university management positions; respect the principle of gender parity when appointing members to the university council; and allocate adequate resources for special gender and diversity programmes and funds at higher education institutions.<sup>67</sup>

## **J. Migrants, refugees and asylum seekers**

48. CAT noted the significant increase in the number of asylum applications in 2009. It was concerned that asylum seekers might not always have an opportunity to have their claim examined in substance. It was also concerned at reports that Government officials exerted pressure on asylum seekers to leave voluntarily Liechtenstein, including by offering monetary rewards, and that not all persons that had applied for asylum in Liechtenstein have had the opportunity to apply for asylum in the third State concerned, thus leaving such persons without sufficient safeguards against refoulement.<sup>68</sup> In its follow-up response, Liechtenstein stated that payments were made only to asylum seekers who had already stayed in a different European country, voluntarily wanted to return there and thus withdrew their applications in Liechtenstein. It also indicated that the applications rejected or closed in 2009 included those from persons who entered Liechtenstein illegally and were transferred back to a third country on the basis of the bilateral readmission agreement; those who left Liechtenstein without notifying the authorities; and those who withdrew their applications.<sup>69</sup>

49. CAT was concerned at information received that asylum seekers had been held in detention solely on the basis of their illegal entry into Liechtenstein and that those held in administrative detention have had difficulties in contacting a lawyer and receiving legal aid.<sup>70</sup>

50. CAT noted with concern that the period of administrative detention to prepare or ensure deportation might be extended up to nine months and, in the case of minors between 15 and 18, up to six months. It recommended that Liechtenstein consider reducing the permissible length of administrative detention in preparation for deportation, in particular for children under the age of 18 years and do so in the framework of the revision of the Asylum Act and the Foreigners Act.<sup>71</sup>

51. CAT was concerned at information that, due to limited reception capacity (60 persons) of the Liechtenstein Centre for Refugees, coupled with the sudden increase of asylum seekers in 2009, asylum seekers had been accommodated in underground shelters/bunkers deprived of daylight. It recommended that Liechtenstein increase the reception capacity of the Refugee Centre, where asylum seekers can benefit from health care, language classes, food coupons and pocket money, and make available alternative accommodation that respects the dignity and rights of all asylum seekers in future emergency situations.<sup>72</sup>

52. CEDAW was concerned about reports that Liechtenstein regularly failed to identify victims of sexual or other forms of gender-based violence during the asylum procedure because asylum claims were routinely rejected on formal grounds or for lack of credibility of an applicant's description of her travel route.<sup>73</sup>

53. CEDAW noted that Liechtenstein's efforts to prevent and combat trafficking in women and girls had so far focused on night club dancers, without taking into account the specific vulnerability of asylum-seeking women and girls. It was concerned about reports that in some cases, asylum seekers, including women, were pressured by the authorities to leave Liechtenstein, thereby increasing their risk of becoming victims of trafficking. It recommended that Liechtenstein recognize as refugees and grant asylum to women and girls who have been trafficked or fear being trafficked and whose claims to international protection fall within the refugee definition of the 1951 Convention.<sup>74</sup>

54. UNHCR was particularly concerned about the protection needs of persons with *sur place* claims. This includes persons who might be persecuted due to "illegal" departure from their country of origin. Liechtenstein appeared to be one of the very few countries in Europe which did not recognize their needs through a positive protected status. In the view of UNHCR, persons with a valid *sur place* claim were refugees according to the 1951 Convention.<sup>75</sup>

55. UNHCR indicated that the situation of persons fleeing conflict and generalized violence had also not been specifically addressed with the new Asylum Act. In the EU, persons displaced by conflict and generalized violence receive as a rule "subsidiary protection", a complementary form of protection which is a positive status and provides for a (renewable) residence permit and generally the same rights as refugees. Liechtenstein, however, did not recognize the needs of persons displaced by conflict and generalized violence through a positive protected status, e.g. humanitarian status.<sup>76</sup>

56. UNHCR recommended that Liechtenstein ensure that refugees who are granted asylum and refugees '*sur place*' enjoy the same status and rights, both in principle and in practice, and that persons fleeing conflict and generalized violence obtain a positive protection status linked with a residence permit and the same rights as recognized refugees.<sup>77</sup>

57. CRC welcomed Liechtenstein's measures to provide protection, rehabilitation and other assistance for children affected by armed conflicts in their countries of origin. It noted, however, that not all assessment interviews were conducted in the presence of an NGO, as provided for in the asylum procedure. It was concerned at the lack of an identification mechanism of these children and regretted that specific recovery and reintegration programmes and services would not be available for them.<sup>78</sup>

58. UNHCR stated that there was no facilitated naturalization for refugees and stateless persons under Liechtenstein law. In this respect, Liechtenstein fell short of complying with the 1951 Convention and the 1954 Convention, which required States to facilitate as much as possible the naturalization of refugees and stateless persons respectively. Decisions on naturalization were subject to a vote at communal level without a possibility to appeal against a decision. UNHCR recommended that Liechtenstein adopt targeted integration measures for refugees, persons with provisional admission and stateless persons and implement a facilitated naturalization process for refugees and stateless persons.<sup>79</sup> CERD also recommended amending the new asylum law of June 2012 to provide for facilitated naturalization of refugees and stateless persons.<sup>80</sup>

### Notes

<sup>1</sup> Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found on the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>. Please also refer to the United Nations compilation on Liechtenstein from the previous cycle (A/HRC/WG.6/3/LIE/2).

<sup>2</sup> The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
OP-CRC-IC	Optional Protocol to CRC on a communications procedure
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to CRPD
CPED	International Convention for the Protection of All Persons from Enforced Disappearance.

<sup>3</sup> Individual complaints: ICCPR-OP 1, art 1; OP-CEDAW, art. 1; OP-CRPD, art. 1; OP-ICESCR, art. 1; OP-CRC-IC, art.5; ICERD, art. 14; CAT, art. 22; ICRMW, art. 77; and CPED, art. 31. Inquiry procedure: OP-CEDAW, art. 8; CAT, art. 20; CPED, art. 33; OP-CRPD, art. 6; OP-ICESCR, art. 11;

- and OP-CRC-IC, art. 13. Inter-State complaints: ICCPR, art. 41; ICRMW, art. 76; CPED, art. 32; CAT, art. 21; OP-ICESCR, art. 10; and OP-CRC-IC, art. 12. Urgent action: CPED, art. 30..
- <sup>4</sup> 1951 Convention relating to the Status of Refugees and its 1967 Protocol.
- <sup>5</sup> Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at [www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html](http://www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html).
- <sup>6</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.
- <sup>7</sup> 1954 Convention relating to the Status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.
- <sup>8</sup> International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour; Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise; Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.
- <sup>9</sup> International Labour Organization Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries; Convention No. 189 concerning Decent Work for Domestic Workers.
- <sup>10</sup> Concluding observations of the Committee against torture (CAT/C/LIE/CO/3), para. 32; concluding observations of the Committee on the Elimination of Discrimination against women (CEDAW/C/LIE/CO/4), paras. 45 and 27(e); concluding observations of the Committee on the Rights of the Child (CRC/C/OPAC/LIE/CO/1), para. 20; concluding observations of the Committee on the Elimination of Racial Discrimination (CERD/C/LIE/CO/4-6), para. 15.
- <sup>11</sup> CEDAW/C/LIE/CO/4, paras. 12 and 13.
- <sup>12</sup> Ibid., para. 35(c).
- <sup>13</sup> CAT/C/LIE/CO/3, para. 7.
- <sup>14</sup> Ibid., para. 5.
- <sup>15</sup> CEDAW/C/LIE/CO/4, para. 11.
- <sup>16</sup> CERD/C/LIE/CO/4-6, para. 4. See also, paragraph 11.
- <sup>17</sup> UNHCR submission to the UPR on Liechtenstein, p. 1.
- <sup>18</sup> CRC/C/OPAC/LIE/CO/1, para. 14.
- <sup>19</sup> Ibid., para. 16.
- <sup>20</sup> CERD/C/LIE/CO/4-6, para. 10.
- <sup>21</sup> CEDAW/C/LIE/CO/4, para. 15.
- <sup>22</sup> CAT/C/LIE/CO/3, para. 13.
- <sup>23</sup> CRC/C/OPAC/LIE/CO/1, para. 9. See also CERD/C/LIE/CO/4-6, paragraphs 7 and 10.
- <sup>24</sup> CERD/C/LIE/CO/4-6, para. 6.
- <sup>25</sup> The following abbreviations have been used for this document:
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| CERD         | Committee on the Elimination of Racial Discrimination;        |
| CESCR        | Committee on Economic, Social and Cultural Rights;            |
| HR Committee | Human Rights Committee;                                       |
| CEDAW        | Committee on the Elimination of Discrimination against Women; |
| CAT          | Committee against Torture;                                    |
| CRC          | Committee on the Rights of the Child.                         |

- 26 CERD/C/LIE/CO/4-6, para. 18.
- 27 CAT/C/LIE/CO/3, para. 35.
- 28 CAT/C/LIE/CO/3/Add.2.
- 29 CEDAW/C/LIE/CO/4, para. 46.
- 30 For the titles of special procedures, see [www.ohchr.org/EN/HRBodies/SP/Pages/Themes.aspx](http://www.ohchr.org/EN/HRBodies/SP/Pages/Themes.aspx) and [www.ohchr.org/EN/HRBodies/SP/Pages/Countries.aspx](http://www.ohchr.org/EN/HRBodies/SP/Pages/Countries.aspx).
- 31 OHCHR 2008 Report, pp. 174-175, 179, 182, 185, and 196; OHCHR 2009 Report, pp. 190-192, 195, 198-199 and 209; OHCHR Report 2010, pp. 79, 80, 83, 86, 97, 100-101, and 284; OHCHR Report 2011, pp. 125-126, 129, 131, 147, 149, 155, 157-158, and 171.
- 32 A/HRC/WG.8/2/1, para. 13.
- 33 CEDAW/C/LIE/CO/4, para. 17.
- 34 Ibid., paras. 18 and 19.
- 35 Ibid., paras. 40 and 41.
- 36 CERD/C/LIE/CO/4-6, para. 13.
- 37 CEDAW/C/LIE/CO/4, paras. 42 and 43.
- 38 CERD/C/LIE/CO/4-6, paras. 8 and 9.
- 39 Ibid., para. 12.
- 40 CAT/C/LIE/CO/3, para. 8.
- 41 Ibid., para. 9.
- 42 Ibid., para. 26.
- 43 Ibid. para. 23.
- 44 Ibid., para. 29.
- 45 Ibid., para. 22.
- 46 Ibid., para. 27.
- 47 CEDAW/C/LIE/CO/4, paras. 20 and 21; CAT/C/LIE/CO/3, para. 30.
- 48 CAT/C/LIE/CO/3/Add.2, paras. 11-19.
- 49 CEDAW/C/LIE/CO/4, para. 23.
- 50 CAT/C/LIE/CO/3, para. 31.
- 51 Ibid., paras. 20-21.
- 52 CEDAW/C/LIE/CO/4, paras. 26 and 27.
- 53 CAT/C/LIE/CO/3, para. 12.
- 54 Ibid., para. 11.
- 55 Ibid., para. 10.
- 56 Ibid., para. 19.
- 57 CAT/C/LIE/CO/3/Add.1, para. 3.
- 58 CAT/C/LIE/CO/3, para. 27.
- 59 Ibid., para. 28.
- 60 CERD/C/LIE/CO/4-6, para. 11.
- 61 CEDAW/C/LIE/CO/4, paras. 36 and 37.
- 62 UNHCR submission to the UPR on Liechtenstein, p. 4.
- 63 CEDAW/C/LIE/CO/4, paras. 28 and 29.
- 64 Ibid., paras. 34 and 35.
- 65 Ibid., paras. 38 and 39.
- 66 Ibid., paras. 30 and 31.
- 67 Ibid., paras. 32 and 33.
- 68 CAT/C/LIE/CO/3, paras. 14 and 15.
- 69 Ibid., paras. 2-10.
- 70 Ibid., para. 16.
- 71 Ibid., para. 17.
- 72 Ibid., para. 18.
- 73 CEDAW/C/LIE/CO/4, paras. 24 and 25.
- 74 Ibid., paras. 26 and 27.
- 75 UNHCR submission to the UPR on Liechtenstein, p. 3.
- 76 Ibid. p. 3.
- 77 Ibid.
- 78 CRC/C/OPAC/LIE/CO/1, paras. 17 and 18.

<sup>79</sup> UNHCR submission to the UPR on Liechtenstein, p. 3.

<sup>80</sup> CERD/C/LIE/CO/4-6, para. 14.

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