



**International covenant
on civil and
political rights**

Distr.
GENERAL

CCPR/CO/81/LIE
12 August 2004

Original: ENGLISH

HUMAN RIGHTS COMMITTEE
Eighty-first session

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 40 OF THE COVENANT**

Concluding observations of the Human Rights Committee

LIECHTENSTEIN

1. The Committee considered the initial report of Liechtenstein (CCPR/C/LIE/2003/1) at its 2204th and 2205th meetings (CCPR/C/SR.2204 and 2205) on 16 July 2004, and adopted the following concluding observations at its 2220th meeting (CCPR/C/SR.2220) on 28 July 2004.

A. Introduction

2. The Committee welcomes the initial report of Liechtenstein, and expresses its appreciation for the frank and constructive discussion with the delegation. It also welcomes the concise nature of the report, which was prepared in conformity with the Committee's reporting guidelines, as well as the detailed written and oral answers provided. Additional written material from the State party received on 21 July 2004 was also taken into account by the Committee.

B. Positive aspects

3. The Committee notes that the law and practice of the State party appear to be largely in compliance with its obligations under the Covenant.

4. The Committee welcomes the State party's commitment not to extradite an individual to a State where he or she might face a capital sentence.

C. Principal subjects of concern and recommendations

5. While the Committee notes and welcomes the delegation's statement on the probable withdrawal of some of the State party's reservations to the Covenant, that statement as well as the explanation for the remaining reservations remain open to doubt.

The State party should continue to review the possibility of the withdrawal of all its reservations to the Covenant.

6. While noting the constitutional amendments approved in 2003 whose provisions aim at clarifying the conditions governing the power of the Princely House to derogate from obligations under the Covenant, the Committee is concerned that these provisions do not conform to the requirements of article 4 of the Covenant, including the lack of a requirement to proclaim a state of emergency (art. 4).

The State party should bring the provisions governing the powers of derogation into conformity with all the requirements set out in article 4 of the Covenant.

7. While noting the numerous measures taken by the State party to address the problem of inequality between men and women, the Committee notes the persistence of a passive attitude in society towards the role of women in many areas, especially in public affairs. The Committee is also concerned about the compatibility with the Covenant of laws governing the succession to the throne (arts. 2, 3, 25 and 26).

The State party should continue to take effective measures, including by legislative amendments, to address inequality between men and women. It is encouraged to take measures designed to enhance the participation of women in Government and decision-making processes, and to further promote equality of men and women in non-public areas. While noting Liechtenstein's interpretive declaration concerning article 3 of the Covenant, the State party may wish to consider the compatibility of the State party's exclusion of women from succession to the throne with articles 25 and 26 of the Covenant.

8. The Committee regrets the persistence of domestic violence against women and children in the State party (arts. 3 and 7).

The State party should take all necessary measures to combat domestic violence, punish offenders and provide material and psychological relief to the victims.

9. While noting the measures taken by the State party to promote equality and integration of non-citizens, the Committee regrets that the principle of equality before the law for all the individuals under the State party's jurisdiction is only indirectly recognized in the Constitution. It is also concerned about the persistence of xenophobia and intolerance, especially against Muslims and people of Turkish origin (arts. 2 and 26).

The State party should consider amending the Constitution to ensure that the principle of equality before the law is guaranteed to all individuals under its jurisdiction. The State party should intensify its efforts to combat right-wing extremism and other expressions of xenophobia and religious intolerance.

10. The Committee notes with concern that the law on self-defence and the rules governing the use of firearms by law enforcement officials are not specific on the issue of proportionality as to their use of firearms (art. 6).

The State party should ensure that its law on self-defence and the provisions governing the use of force and firearms by law enforcement officials fully comply with the requirement of proportionality as reflected in the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

11. The Committee is concerned about shortcomings in the protection of the rights of arrested persons and persons in pre-trial detention. It regrets that the Criminal Procedure Code does not require that persons in detention be informed of their rights to remain silent. It is also concerned about the scope of the right of an arrested or detained person to be brought promptly before a judge and to have access to legal assistance. Finally, it expresses concern about the justification of the rule allowing extensions of time for “imprisonment with restrictions” (arts. 9 and 14).

The State party should bring its domestic legislation into conformity with articles 9, paragraph 3, and 14, paragraph (3) (d), of the Covenant in relation to these concerns.

12. While noting that the constitutional amendments of 2003 sought to clarify the system of appointment and tenure of judges, the Committee is concerned about some elements of the new mechanism which may not be compatible with the principle of the independence of the judiciary (art. 14).

The State party should consider amending the mechanism for the appointment of judges to secure tenure, so as to guarantee fully the principle of the independence of the judiciary. The elements to be reviewed should include: the criteria for the appointment of members to the selecting body, the casting vote of the Princely House and the limited nature of tenure.

13. The Committee is concerned about the differential treatment of religious denominations in the allocation of public funds (arts. 2, 18 and 26).

The State party should review its policies in the allocation of public funds to religious denominations and ensure that all are assigned an equitable part of these funds.

D. Dissemination of information about the Covenant (art. 2)

14. The State party should widely disseminate the text of its initial report and the present concluding observations.

15. The Committee requests the State party to provide, in its next periodic report, due for presentation on 1 August 2009, information concerning the recommendations made as well as further implementation of the Covenant.
