



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND

www.ohchr.org • TEL: +41 22 917 9000 • FAX: +41 22 917 9008 • E-MAIL: registry@ohchr.org

7 August 2018

Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of Liechtenstein and welcome the constructive engagement of the Government during the 29th session of the UPR Working Group in January 2018.

As the final outcome report on the review of Liechtenstein was recently adopted by the Human Rights Council at its 38th session, I would like to take this opportunity to follow up on a number of areas raised in the two reports that my Office prepared for the review – the compilation of UN information and the summary of stakeholders' submissions – which I consider in need of particular attention over the next four and a half years until the next cycle of the UPR. In identifying these areas, I have also considered the recommendations made by 41 countries during this cycle, Liechtenstein's presentation and responses, and the actions taken by Liechtenstein to implement the 70 recommendations it accepted during the second UPR cycle. The areas cover a range of issues and are set out in full in the annex to this letter.

I welcome Liechtenstein's contribution in advancing the implementation of economic, social and cultural rights. I further would like to highlight Liechtenstein's continued commitment to promote development cooperation and the establishment of an interdisciplinary working group, which had performed a gap analysis of the implementation of the Sustainable Development Goals (SDGs) and the Government plans to take a decision about a concrete work plan on them. I acknowledge Liechtenstein's implementation of various measures to implement the UPR recommendations including through dialogues with civil society, independent institutions and the private sector.

Liechtenstein's initiatives to strengthen and promote human rights, including the creation of a national human rights institution, are much appreciated. I further encourage Liechtenstein to strengthen the independence and effectiveness of this institution in accordance with Paris Principles, including by ensuring adequate resources to effectively fulfil all the mandates it is in charge of. I welcome the ratification of optional protocols to the Convention on the Rights of the Child. In this regard, I appreciate Liechtenstein's commitment for strengthening international criminal justice and accountability, including through the key role played in the creation of the International Impartial and Independent Mechanism for the Syrian Arab Republic and the support for the International Criminal Court generally.

./..

H E. Ms. Aurelia Frick
Minister for Foreign Affairs, Justice and Culture,
Liechtenstein



I encourage Liechtenstein to develop a national human rights action plan, in order to achieve concrete action in the areas contained in the annex and to facilitate Liechtenstein's preparations for the fourth cycle of the UPR. The development of this national human rights action plan should include consultations with all stakeholders, in particular civil society organisations, and, where necessary, the support of international organisations, including the Office of the United Nations High Commissioner for Human Rights (OHCHR) and other United Nations entities. I further encourage Liechtenstein to strengthen its national mechanisms for comprehensive reporting and follow up in relation to international and regional human rights mechanisms and treaty obligations. I strongly recommend that Liechtenstein use the practical guide that my Office released in 2016 on this topic and which is available at:

http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf.

Please be advised that I will be sharing my advice with all Member States as they go through the third cycle with a view to assisting them to begin implementing the UPR recommendations early on, following their reviews. An important measure that can contribute positively to follow-up action is voluntary mid-term reporting. I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the outcome report. I encourage Liechtenstein to submit a mid-term report, for the third cycle, by 2020.

As the Secretary-General states in his 2017 report on the work of the Organization (A/72/1 paragraph 98): *"The Human Rights Council's universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council's recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals."*

I look forward to discussing with you ways in which my Office may assist Liechtenstein to take action in the areas I have identified.

Please accept, Excellency, the assurances of my highest consideration.

Zeid Ra'ad Al Hussein
High Commissioner for Human Rights

cc: H.E. Mr. Peter Matt, Ambassador Extraordinary and Plenipotentiary, Permanent Representative of the Principality of Liechtenstein to the United Nations Office and other international organizations in Geneva



Annex

Scope of international obligations and cooperation with international human rights mechanisms and bodies

- Continue the efforts made in the area of ratification of international instruments, such as ratifying the International Convention for the Protection of All Persons from Enforced Disappearance; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights; the Convention on the Rights of Persons with Disabilities and its optional protocol; the amendments to the Rome Statute to the International Criminal Court (Kampala Amendments) and the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity. Speed up the ratification process of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention).
- Become a Member State of the International Labor Organisation, and ratify its fundamental conventions.
- Consider withdrawing reservations to articles 14, 17 and 26 of the International Covenant on Civil and Political Rights, and the declaration under article 3 of the Covenant.

National human rights framework

- Proceed with obtaining accreditation before the Sub-Committee on Accreditation (SCA) of the Global Alliance of National Human Rights Institutions (GANHRI) and enact policies to ensure adequate and independent resourcing in accordance with the Paris Principles, sufficient to allow the national human rights institution to fulfil successfully its broad mandate.
- Consider the strengthening of the existing national mechanism for coordination, implementation, reporting and follow-up, in line with the elements arising from good practices identified in the OHCHR Study/Guide of 2016 concerning national mechanisms for reporting and follow-up (NMRFs).
- Take appropriate steps aimed at fully funding and strengthening the Equal Opportunities Office and ensure that the Office is adequately resourced for the implementation of the National Action Plan against Racism.
- Initiate the application of innovative approaches and technological innovations for the efficient, accountable and transparent delivery of public services.

Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

Equality and non-discrimination

- Adopt legislative and political measures in order to establish a legal and institutional framework against all forms of discrimination, while continue taking measures towards creating a comprehensive anti-discrimination legislation that

would include all prohibited grounds for discrimination. Put in place the necessary means to enable the effective implementation of the provisions related to the fight against discrimination on all grounds. Continue to address the problem of racial discrimination and xenophobia, particularly those directed at Muslims and ensure a wide awareness-raising of the new provisions of the Penal Code on the fight against discrimination, train lawyers on its implementation, and continue efforts aimed at combatting discrimination.

- Continue efforts to combat instances of discrimination against LGBTI persons and improve social inclusion.
- Repeal the law on foreigners, in particular Article 49 and amend the legislative framework so as to provide comprehensive protection from all forms of discrimination and hatred based on all grounds.
- Take active measures to ensure that older persons are aware of the new services and benefits they are entitled to from the ongoing reforms of old-age policies.

Development, the environment, and business and human rights

- Increase Official Development Assistance (ODA), with a view to reaching the international commitment of 0.7% of its gross national income (GNI).
- Establish a public policy framework that binds companies to comply with international human rights standards and environmental regulations at the international level. Ensure that policies, legislation, regulations and enforcement measures effectively serve to prevent and address the heightened risk of business involvement in abuses with regard to conflict situations, including situations of foreign occupation.
- Ensure that private foundations based in Liechtenstein are subjected to the necessary regulations, in order to contribute to the efforts in combatting corruption, tax evasion and tax abuse schemes. Contribute to the efforts deployed by other States to combat systems to evade taxes and taxation abuses, taking into account their impact on human rights, in particular, by ensuring that private foundations are bound by such measures.

B. Civil and political rights

Right to life, liberty and security of person

- Continue working to harmonize domestic legislation with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, incorporate into domestic criminal law a distinct crime of torture in conformity with Article 1 of the Convention, and incorporate in the Criminal Code the prohibition of torture in line with article 7 of the International Covenant on Civil and Political Rights, including the removal of any statute of limitations on the prosecution of such crimes.
- Adopt effective measures to improve conditions in prisons.

Administration of justice, including impunity and the rule of law

- Continue to build capacity and resilience among law enforcement personnel and the criminal justice system in support of Sustainable Development Goal 8.7.
- Change investigative procedures to ensure prompt access to legal or other appropriate assistance to juvenile detainees, in order to preclude questioning without a lawyer or trusted person present.

Fundamental freedoms and the right to participate in public and political life

- Decriminalize defamation and include it as part of the Civil Code, in accordance with international standards.
- Introduce adequate accounting rules and forms applying to the financing of all political parties and election campaigns.

Right to privacy and family life

- Harmonize the domestic legislation on communication surveillance with international human rights standards and, in particular, ensure that every case of communication surveillance is justified as necessary and proportionate. Take the necessary measures to guarantee that operations of intelligence bodies are subjected to an independent monitoring mechanism.
- Ease the very strict legislation on abortion by amending legislation with a view to providing for additional exceptions to the legal ban on abortion, including cases of fatal foetal impairment, in order to ensure that the life and health of women is adequately protected.

C. Economic, Social and Cultural Rights

Right to work and to just and favourable conditions of work

- Strengthen measures to develop an effective and comprehensive policy to overcome the gender pay gap, as well as the disparities in functions and responsibilities of women and men in the labor sphere, including regarding women's access to managerial positions.
- Take measures to further promote the compatibility of work and family life, and encourage women's greater participation in the workforce, inter alia, by strengthening the availability of childcare services, and by providing paternity leave and paid parental leave.

Right to education

- Enshrine the right to education in the national legal framework, namely the Constitution and the School Act.
- Adopt measures aimed at promoting gender equality, diversity and non-discrimination in the area of education.
- Develop strategies to encourage greater school attendance of migrant children at the higher levels of learning.

D. Rights of specific persons or groups

Women

- Take the necessary measures to prevent violence against women and ensure efficient protection of victims of domestic violence. Combat gender-based violence through awareness-raising and education-based programmes. Adopt a new National Action Plan on Violence against Women in follow-up to the Plan that had been adopted in 2006.
- Continue implementing policies, including by a proactive approach, aimed at eliminating discrimination against women and promoting gender equality and parity, including in political and economic life.
- Continue efforts to increase participation of women in the public and private sectors and continue to take effective measures to guarantee equality between men and women in terms of political representation and in the workplace. Continue intensifying efforts to achieve balanced representation of gender in leadership and decision-making positions, to increase the representation of women in elected and appointed political bodies.
- Take concrete steps to ensure equal job opportunities, and to combat negative gender roles and stereotypes of women. Promote the training for women in non-traditional fields and in areas that would provide them with equal career opportunities.
- Provide legislative protection for migrant women, girls, asylum-seekers and victims of trafficking.

Persons with disabilities

- Adopt the necessary measures to combat discrimination towards persons with disabilities in the exercise of their rights and ensure their rights to access justice, education and employment are guaranteed and respected.
- Take the necessary steps to ensure that all children with disabilities are given equal opportunities in education. Take meaningful steps to ensure all public buildings and schools are made accessible to persons with disabilities.
- Continue pursuing appropriate policies, including awareness-raising campaigns, in order to prevent marginalization of persons with disabilities and ensure protection of their rights.

Minorities

- Take further steps to ensure the equal treatment of minorities and integration of all into society, including through targeted legislative measures.

Migrants, refugees, asylum seekers and internally displaced persons

- Remove legal obstacles to the permanent residence of migrants, refugees and asylum seekers in the territory of Liechtenstein, especially obstacles related to the knowledge of the German language and to non-reliance on social benefits as preconditions to the issuance of permanent residence permits.
- Ensure that requirements of non-reliance on social benefits as preconditions to the issuance of permanent residence or in relation to withdrawal of residence permits



do not unfairly impact foreign nationals in genuine need or put vulnerable persons at even greater risk.

- Ensure full implementation of the 1951 Convention on the Status of Refugees and introduce a subsidiary protection status for those in need of international protection who fall outside the scope of the Convention.
- Establish comprehensive protection mechanisms in order to strengthen protection and promotion of the rights of migrants and asylum seekers in the country.
- Improve the special procedures concerning the asylum seekers and facilitate legal representation for them and guarantee that all persons in need of international protection effectively get access to family reunification, by eliminating administrative obstacles, and continue to explore ways to facilitate the integration of non-nationals and their families, once reunified.
- Continue to take measures against human trafficking by adopting a gender sensitive asylum procedure that responds to the specific needs of women and girls victims of trafficking and provide training to authorities involved in asylum procedures on identifying and dealing with victims of trafficking and gender-specific violence to protect asylum-seeking female migrants who may be overlooked and risk becoming victims of trafficking.

Stateless persons

- Grant nationality to children born in Liechtenstein who would otherwise be stateless.
- Establish a facilitated naturalization process for refugees and stateless persons in accordance with the 1951 and the 1954 Conventions.