



**Convention on the  
Rights of the Child**

Distr.  
GENERAL

CRC/C/136/Add.2  
14 July 2005

Original: ENGLISH

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**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 44 OF THE CONVENTION**

**Second periodic reports of States parties due in 2003**

**LIECHTENSTEIN\* \*\***

[19 March 2005]

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\* For the initial report submitted by Liechtenstein, see CRC/C/61/Add.1; for its consideration by the Committee on 28 September 1998, see CRC/C/SR.673 and 674, and CRC/C/15/Add.143. The annexes may be consulted in the files of the Secretariat.

\*\* This document has not been edited before being submitted for translation.

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## 1. Introduction

1. The Convention on the Rights of the Child (CRC) entered into force for Liechtenstein on 21 January 1996. In accordance with article 44 paragraph 1 of the CRC, States Parties commit to report to the UN Committee on the Rights of the Child in regular intervals on the measures taken to implement the rights of the child and on progress achieved. The first report of the Principality of Liechtenstein was submitted on 22 September 1998 and was considered by the Committee in its 673rd and 674th meetings on 10 January 2001. For the sake of completeness, and in view of the fact that not all questions could be answered optimally at the official presentation of the first report, the second report refers to the entire period from January 1998 to December 2003.

2. The first report focused on a presentation of the legal framework. The existing legal foundations were explained in great detail on that occasion. The second report now focuses on the practical implementation of the normative requirements and provides information on concrete activities and programs to implement the rights of the child. The Government of Liechtenstein thereby also responds to the wish of the UN Committee on the Rights of the Child to report more thoroughly on the practical aspects of the promotion of the rights of the child. The report will consider the legal framework in more detail where changes have occurred since 1998. In general, this report refrains from repeating information contained in the first report. The first and second reports complement each other in this respect.

3. In its comments on the first report, the UN Committee on the Rights of the Child criticized the lack of a uniform and comprehensive system of data collection. It must be noted in this regard that there is still no systematic data registration and compilation concerning all areas covered by the Convention. The administrative cost of keeping statistics in a uniform manner would be too high, especially in view of the fact that the small sample sizes would hardly allow for statistical assessments. In the course of compiling this report, however, it could be noticed that various Offices of the National Administration as well as private service providers have moved to a system of electronic data collection in recent years. This second report therefore presents significantly more detailed statistical data than five years ago.

4. The Office of Foreign Affairs carried the overall responsibility for drafting this report. Substantive information was provided by the individual Offices of the National Administration, especially the Office of Social Affairs, the National Police, the Immigration and Passport Office, the Office of Education, the Office of Public Health, and the Government Legal Services. Additional data was supplied by the Juvenile Criminal Court, the Bureau for Sexual Matters and HIV Prevention, the Expert Group against Sexual Violence, the Pensions and Insurance Fund, and non-governmental organizations such as the Refugee Aid Society and the Therapeutic-Educational Center.

## 2. Information on the country of Liechtenstein

### 2.1 Country and people

#### *Geography*

5. The territory of the Principality of Liechtenstein is situated between Switzerland and Austria, extending over an area of 160 km<sup>2</sup>. Liechtenstein consists of eleven rural municipalities, the largest two of which have slightly more than 5,000 inhabitants. One quarter of the area of the country is on the floor of the Rhine Valley, while the remaining three quarters are on slopes facing the Rhine and in the mountains of the Alps. The capital and seat of the national authorities is Vaduz.

#### *Population*

6. As of the end of 2002, Liechtenstein had a population of 33,863, which corresponds roughly to the size of a small city. The population of the country is spread out, however, distributed among eleven municipalities. 34.2% of the population are foreigners. Among the foreign citizens living in Liechtenstein, 47.6% are from the European Economic Area (EEA),<sup>1</sup> especially from Austria and Germany, and 31.9% are from Switzerland. The share of the foreign population from third countries is therefore 20.5% - including 7.7% from Turkey and 9.3% from countries of the former Yugoslavia (Serbia and Montenegro, Bosnia and Herzegovina, Croatia, Macedonia, and Slovenia).

#### *Population structure*

7. As of the end of 2002, 18.2% of the population were less than 15 years old, and 10.8% were over 65 years old. Life expectancy has increased steadily over the past 30 years. In 2001, the average life expectancy was 82.5 for women and 76.5 for men.<sup>2</sup> Birth statistics and infant mortality statistics are included in chapter 8.2 of the report.

#### *Religion*

8. As of the end of 2002, 76% of the overall population were Roman Catholic, 7% Protestant, and 4.1% Muslim. 10.8% of the population did not specify a religious denomination.

9. The Liechtenstein Constitution guarantees freedom of religion and conscience. It also safeguards civil and political rights irrespective of religious denomination. Dispensation from religious instruction at public schools is available with reference to the freedom of religion.

10. According to the Constitution, the Roman Catholic Church is the National Church of Liechtenstein, which is not equivalent to a "State Church". In addition to the Roman Catholic Church, the Protestant Church is supported by the State. As a consequence of the establishment of the Archdiocese of Liechtenstein, a clearer separation of State and Church is currently under consideration.

*Language*

11. According to the Liechtenstein Constitution, German is the national and official language of Liechtenstein. The colloquial language is generally an Alemannic dialect of German.

**2.2 General political structure**

*System of State*

12. The Principality of Liechtenstein is a constitutional hereditary monarchy on a democratic and parliamentary basis. The power of the State is embodied in the Reigning Prince and the People. The extensive direct-democratic rights of the People balance the relatively strong position of the Reigning Prince.

*Separation of powers*

13. In the dualist system of State of the Principality of Liechtenstein, the power of the State is embodied in both the Reigning Prince and the People. The separation of powers is further safeguarded by the allocation of separate authority and rights to the executive (Government), legislative (Parliament), and judicial (Courts) branches.

*Reigning Prince (Head of State)*

14. The Reigning Prince is the Head of State and, notwithstanding the requisite participation of the responsible Government, represents the State in all its relations with foreign States. He appoints the members of the Government on recommendation of Parliament. He is also responsible for appointing judges, who are elected by Parliament on the recommendation of a special body. If justified on serious grounds, the Reigning Prince may dissolve Parliament and dismiss the Government. The Reigning Prince may also exercise emergency powers. He has the right of pardon and may mitigate sentences and quash criminal prosecutions. Every law must be sanctioned by the Reigning Prince to become effective. The Reigning Prince is bound by the provisions of the Constitution in the exercise of his powers.

*Parliament*

15. The Liechtenstein Parliament is elected every four years. Parliament consists of 25 Members. They are elected by proportional representation in universal, equal, direct, and secret elections. In this term (2001-2005), three parties are represented in Parliament. The Progressive Citizens' Party has an absolute majority with 13 seats. The Patriotic Union has 11 seats, and the Free List is represented with one seat.

16. The most important responsibilities of Parliament are its role in the legislative process, assenting to international treaties, approving State funds, electing judges on the recommendation of the selection body, and supervision of the National Administration. Parliament submits its recommendation on the appointment of Ministers to the Reigning Prince. It may also initiate the dismissal of the Government, if the Government loses its confidence. Parliament constitutes a quorum if at least two thirds of its Members are present.



### *Government*

17. The Government consists of five members: the Prime Minister, the Deputy Prime Minister, and three additional Ministers. The members of the Government are appointed by the Reigning Prince on recommendation of Parliament. The Government is the highest executive organ, to which about 45 Government offices and a number of diplomatic representations abroad are subordinate. Roughly 50 commissions and advisory councils assist the work of the Administration.

18. The Government has the authority to issue ordinances and is therefore also a law-making body. Ordinances may, however, only be issued on the basis of acts of Parliament and international treaties.

### *Judicial authority*

19. The judicial authority is divided into courts of public law (extraordinary jurisdiction) and courts exercising ordinary jurisdiction. Courts of public law are the Administrative Court and the Constitutional Court. The Administrative Court is the appeals instance against decisions and orders of the Government or commissions acting on behalf of the Government. The responsibilities of the Constitutional Court include in particular the protection of the rights guaranteed by the Constitution and the European Convention on Human Rights, as well as rights contained in the human rights instruments of the United Nations.<sup>3</sup> In addition, the Constitutional Court reviews the constitutionality of laws and treaties and the legality of Government ordinances.

20. Ordinary jurisdiction encompasses the administration of justice in civil and criminal matters. The first instance is the Liechtenstein Court of Justice in Vaduz. Before a claim in a contested civil case may be submitted to the Court of Justice, a mediation procedure must be conducted in the place of residence of the respondent. Only after mediation has failed may the Court of Justice be invoked as the court of first instance. Ordinary jurisdiction in the first instance is exercised by individual judges. Jurisdiction in the second instance is exercised by the Court of Appeal, in the third instance by the Supreme Court. Both courts are collegial bodies.

### *Municipalities*

21. Municipal autonomy plays an important role in Liechtenstein. The Constitution specifies the autonomous scope of authority of the eleven municipalities. Eligible voters in each municipality elect a Municipal Council headed by a mayor whose position is either full-time or part-time, depending on the size of the municipality. The municipal authorities autonomously fulfill their responsibilities and administer the municipal assets. Decisions of the municipal authorities may be overturned by popular referendum.

## **2.3 Economic and political integration**

22. Liechtenstein pursues an active foreign policy characterized by the objective of strengthening its sovereignty and of improving political and economic integration at the

international and European levels. This integration has been accomplished step-by-step in the course of the economic development and industrialization that began in the 1960's and has continued until today.

23. Already in 1960, Liechtenstein was integrated into the European Free Trade Association (EFTA) through its Customs Treaty with Switzerland. In 1991, Liechtenstein joined EFTA as an independent member. Admission to the Organization for Security and Cooperation in Europe (OSCE) occurred in 1975, and membership in the Council of Europe in 1978. In 1990, Liechtenstein joined the United Nations, and in 1995 both the European Economic Area (EEA) and the World Trade Organization (WTO).

24. Today, Liechtenstein maintains diplomatic representations at the United Nations in New York; the European Union in Brussels; EFTA, the UN, and the WTO in Geneva; a Permanent Representation to the Council of Europe in Strasbourg; and a Permanent Mission to the OSCE and the UN in Vienna. Bilateral embassies have been established in Berne, Berlin, Brussels, Vienna and Washington, as well as to the Holy See.

## **2.4 Economy**

### *Economic area*

25. Since entry into force of the Customs Treaty in 1924, Liechtenstein has formed a common economic area with Switzerland. The border between the two States is open, and the border to Austria is administered by the Swiss border patrol. Pursuant to the Currency Treaty with Switzerland, the Swiss franc is the official currency of Liechtenstein. As mentioned above, Liechtenstein has participated in the European Economic Area since 1995, in which it constitutes a uniform single market with currently 15 EU members, Norway, and Iceland. Upon enlargement of the EU by 10 new Member States, the EEA will encompass a total of 28 Member States as of 1 May 2004.

### *Structure of the economy*

26. Liechtenstein is a modern, globally connected industrial and service economy. The basis of its economic success in recent decades has been a favorable economic framework relying on liberal economic law. Liechtenstein is also home to a highly productive, globally-oriented industrial sector, which contributes over 40% of the entire added value (gross domestic product) of the country. In addition, Liechtenstein also has well-developed services, especially in the financial sector, such as legal services, professional trustees, and banks. Financial services and general services contributed 54% of the added value of the country (gross domestic product) in 1999. Liechtenstein is one of the most industrialized countries in the world. This broad diversification has been and continues to be the key to the continuing and crisis-resistant growth of the Liechtenstein economy.

### *Employment structure*

27. The small size of Liechtenstein and the ongoing economic growth entail that a large part of the workforce must be recruited from neighboring countries, commuting across the national borders (cross-border commuters). As of the end of 2001, 17,011 persons resident in

Liechtenstein were employed, i.e., 50.7% of the population. 15,875 of these were employed in Liechtenstein and 1,136 in foreign countries. In addition to the 15,875 persons employed in Liechtenstein, 12,908 people commuted from neighboring countries to work in Liechtenstein; a total of 28,783 persons were therefore working in Liechtenstein as of the end of 2001. In comparison to the total population of 33,863, this is a very high number.

28. Agriculture is no longer of major significance to the national economy. It still fulfills an important function, however, with respect to self-sufficiency during times of crisis and the cultivation and preservation of the natural and agricultural landscape. 1.3% of all persons working in Liechtenstein were still employed in the first (agricultural) sector as of the end of 2001. Although the service sector (commerce, financial services, hotels and restaurants, education, etc.) is continually growing and encompassed 53.5% of full-time employees as of the end of 2001, Liechtenstein still has an active and diverse second sector (industry, crafts, construction, etc.), employing 45.2% of all full-time workers.

#### *Unemployment*

29. Unemployment is low in an international comparison, but is rising. The unemployment rate in October 2003 was 2.2%.

#### *Inflation rate*

30. Due to the economic and currency union with Switzerland, the inflation rate is calculated as the yearly average of the Swiss national index of consumer prices. The inflation rate in 2001 was 1%.

## **2.5 General legal framework for the protection of human rights**

### *Basic rights and fundamental freedoms*

31. A number of basic rights are enshrined in the Constitution of the Principality of Liechtenstein. These are: the right to free movement within the country and free acquisition of property, personal liberty, immunity of the home, the inviolability of letters and documents, the right to proceedings before a proper judge, the inviolability of private property, freedom of trade and commerce, freedom of religion and conscience, freedom of expression and the press, freedom of association and assembly, the right of petition, and the right of complaint. The Constitution also stipulates that all citizens are equal before the law and that the rights of foreign citizens are determined by treaties, or in their absence according to the principle of reciprocity.

### *Justiciability and international legal recourse*

32. Persons believing their basic rights or fundamental freedoms to be violated may avail themselves of the courts or the right to complaint. The claimant may call for annulment of the administrative or Government decision, sue for compensation, or claim satisfaction for material or incorporeal damages. The Constitutional Court also has jurisdiction to review the constitutionality of existing law, and if necessary to declare laws, ordinances, or parts thereof invalid. In certain cases, complaints may also be lodged with the European Court of Human Rights in Strasbourg, since Liechtenstein has been a State Party since 1982 to the

European Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950. The precondition for such a complaint is that all judicial instances with jurisdiction have been exhausted in Liechtenstein.

*Liechtenstein participation in international human rights agreements*

33. In addition to the Convention on the Rights of the Child of 20 November 1989, Liechtenstein has ratified various other European and international agreements on the protection of human rights, as a member of the United Nations and the Council of Europe. These are:

- Charter of the United Nations of 16 June 1945;
- Convention of 28 July 1951 relating to the Status of Refugees, with Protocol of 31 January 1967;
- International Convention of 21 December 1965 on the Elimination of All Forms of Racial Discrimination;
- International Covenant on Economic, Social and Cultural Rights of 16 December 1966;
- International Covenant on Civil and Political Rights of 16 December 1966;
- Optional Protocol to the International Covenant on Civil and Political Rights of 16 December 1966;
- Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, of 15 December 1989;
- Convention of 18 December 1979 on the Elimination of All Forms of Discrimination against Women;
- Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women of 6 October 1999;
- Convention of 10 December 1984 against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- Statute of the Council of Europe of 5 May 1949;
- European Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950, including various Protocols;
- European Convention of 26 November 1987 for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, including Protocols 1 and 2;

- European Framework Convention of 1 February 1995 for the Protection of National Minorities;
- European Charter for Regional or Minority Languages of 5 November 1995;
- European Agreement relating to Persons Participating in Proceedings of the European Court of Human Rights of 5 March 1996;
- Rome Statute of the International Criminal Court of 17 July 1998.

#### *Implementation of international agreements*

34. With respect to the implementation of international human rights agreements, Liechtenstein abides by the principle that treaty obligations are only entered into if they can be complied with. A ratified agreement becomes part of national law as of the date of entry into force, without a special law being necessary to implement it, as long as the provisions of the agreement are specific enough to serve as a basis of decision.

#### *National information policy in the area of human rights agreements*

35. All laws and therefore also practically all international agreements are considered by Parliament and must be published in the Liechtenstein Legal Gazette (Landesgesetzblatt, LGBL). Their entry into force is also announced in the national newspapers. The public has access to all legal acts. The complete text may either be purchased at the Government Chancellery or viewed on the Internet.

36. The new Internet appearance of the country of Liechtenstein and its authorities went online in December 2003. The new portal ([www.liechtenstein.li](http://www.liechtenstein.li)) provides access to all international human rights agreements applicable to Liechtenstein. In the future, all national reports submitted by Liechtenstein and the recommendations of the human rights committees and treaty-monitoring bodies will also be made available.

### **3. General information**

#### **3.1 General development 1998-2003**

37. Over the past few years, Liechtenstein has continued to consistently pursue the long-term goals of its child and youth policy, which orients itself *inter alia* on the CRC. Efforts have been key to increase integration of children and young people in topics that affect them directly, including the search for adequate participation opportunities. The right to appropriate information is now better secured thanks to the newly established Youth Information Center, which is already eagerly used. The expansion of schools, particularly also in the areas of music and art, as well as the restructuring of the continuing schooling levels and the improvement of content through a new curriculum characterize the developments in the area of education. In the area of health, education and prevention are an intensive focus, with increasing efforts to include all participating offices and organizations.

38. In a number of areas, the protection of children and young people has been improved at the legislative level or through appropriate practical measures. This is true, for instance, with respect to access to audiovisual media and media products, the approval and monitoring of foster care arrangements, court proceedings, and cases of sexual abuse.

39. Targeted improvements have also been undertaken in the area of family support services. Liechtenstein is a country with a relatively high standard of living. Poverty in its absolute form hardly exists. In recent years, however, relative poverty has become more widespread, i.e., more people are disadvantaged in relation to the dominant standard. An increasing number of working poor are no longer able to make a living with their income. Particularly affected are families with children, especially single-parent households. The increasing financial burden on families, which indirectly affects the situation of children and young people, has led the Liechtenstein Government to take appropriate measures. A reduction of dependency on income support among this clientele appears to indicate that an alleviation of the situation has actually been attained.

40. In addition to these improvements and positive developments, which will be discussed in the relevant chapters in more detail, new problem areas have also crystallized. They have necessitated further action and claimed the attention of those engaged on behalf of children and young people to a greater extent during the period under review. These problem areas include phenomena and developments such as violence, racism, and right-wing extremism, which have long been causes for concern in neighboring countries and throughout other parts of Europe. The sexual abuse of children, which has been recognized and combated in other countries for a long time, has also entered the public consciousness in Liechtenstein. These are tendencies that determine the discourse on children and young people in general. For Liechtenstein, however, these are nevertheless new developments, and it was necessary to react swiftly and in a targeted manner. In order to present the Liechtenstein-specific manifestations of these problems, the central issues over the past five years will be outlined briefly.

#### *Violence and right-wing extremism*

41. One of the topics that has been very present in recent years is violence. Several violent incidents of a right-wing extremist character signaled the beginning of these developments in 1999. In response, an analysis on right-wing extremism in Liechtenstein was compiled and a catalogue of measures developed. In the same year, a coordination group was established under the supervision of the National Police. The results of these efforts have shown that sympathies for right-wing extremist ideas are limited to only a few persons and that no actual right-wing “scene” has developed, as had been initially feared.

42. However, violence as such has increased. In the Liechtenstein Youth Study of 1999, the respondents indicated that they subjectively perceived a rise in the level of violence among young people. Teachers and youth workers also noticed a qualitative increase in violence. This means that there has not necessarily been a rise in absolute numbers, but an increase in severity. In 2000, the Office of Social Affairs organized a focus year on Violence, in collaboration with the Association of Liechtenstein Youth Workers. Various campaigns were organized, including

training and workshops for youth workers, public lectures, and two empirical studies on the topic of violence. Youth commissions and members of municipal councils are increasingly addressing the problem of violence.

43. Schools are particularly challenged and called upon to act. Offensive behavior against teachers is on the rise, latently violent young people represent a danger to their fellow students, and there are increasingly frequent racist gang fights between Liechtenstein students and foreign students. Mobbing and blackmail are further problems. Various school projects have been organized to improve the atmosphere in class in a preventive manner, to reestablish regular instruction, and to prevent new violent conflicts. In 2003, the Liechtenstein Parliament decided to introduce social work in schools. As part of this pilot project, set out over three years, crisis intervention is practiced, prevention work conducted, and counseling for teachers and students offered (LGBI. 2003 No. 177).

44. As part of the State response to the growing phenomenon of violence, the Government appointed a Violence Protection Commission in 2002. The establishment of this Government commission, in which the Office of Education, the National Police, the Office of the Public Prosecutor, the Association of Liechtenstein Youth Workers, and the Office of Social Affairs are represented, aims to ensure systematic discourse and treatment of the problem of violence in Liechtenstein. The Commission is primarily concerned with the problem of public violence (vandalism, gang conflicts, social tension, political-religious conflicts, racism) and special manifestations of youth violence. It analyzes current incidents and develops appropriate countermeasures and strategies. The Commission concentrates on the analysis of developments and trends, as well as the initiation and coordination of necessary social and official intervention strategies. It does not conduct its own prevention projects, but it initiates such projects through other authorities and organizations. The Violence Protection Commission is also concerned with international cooperation. The chairing member of the group takes part in the integrated project of the Council of Europe, "Responses to violence in everyday life in a democratic society". The goal of this project is to formulate pan-European strategies to prevent manifestations of violence in everyday life, taking into account the principles of the rule of law and the protection of human rights.

#### *Xenophobia and racism*

45. Already pursuant to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in Durban from 31 August to 7 September 2001, in which a Liechtenstein delegation headed by the Foreign Minister participated, Liechtenstein initiated various new measures against racism. In June 2002, the Government mandated a working group to develop a National Action Plan to implement the outcomes of Durban. In addition, the working group will contribute to public awareness-raising with respect to human rights violations, racism, and xenophobia.

46. In 2002, various projects on the integration of young foreigners and on the prevention of racism were launched, in reaction to the increased occurrence of xenophobia and racist behavior among young people. A catalog of measures was compiled against exclusion, xenophobia, and violent behavior among young people. A regional expert group with youth workers from Liechtenstein, Switzerland, and Austria was formed with the goal of cross-border early-warning

and intervention. Its focus is to observe the scene, conduct analyses, and question and optimize the existing youth work concepts with respect to integration. It offers assistance to youth workers in crisis prevention.

47. In the same year, a competition entitled “Diversity 2002 – Intercultural Encounters” was launched. The competition was addressed to groups and institutions with an interest in intercultural activities. Entries were solicited that strengthen cultural roots, identities, and self-awareness, and that simultaneously promote cooperation among people from different cultures. Integration has also been included as a topic in schools and is dealt with in various subjects of instruction.

#### *Sexual abuse of minors*

48. At the end of the 1990's, a number of suspected cases focused attention on the problem of sexual abuse of minors. Liechtenstein reacted by tightening the provisions of its sexual crimes legislation (2000) and by establishing a special expert group against the sexual exploitation of children and young people (1999). This group, consisting of experts in various areas, is responsible for counseling in concrete suspected cases and is also strongly engaged in public information. The number of cases of victims of sexual abuse has grown steadily since then. The expert group does not believe that this phenomenon is attributable to an actual increase in abuse, but rather that it indicates increased public awareness of a topic that used to be taboo. Although the willingness to report suspected cases has clearly increased, the expert group continues to operate under the assumption that there is a relatively high number of unreported cases. Vigilance with respect to this problem area therefore remains high.

#### *Psychological problems*

49. For some time, the Children and Youth Division has observed an increase in the number of its cases related to psychological disorders and diseases among young people. In 2002, the Youth Welfare Bureau was often confronted with cases of runaways, absenteeism in schools, aggressive outbursts, and incipient dissocial behavior. These phenomena are correlated with an increase in expulsions and dropouts from school. These serious adjustment difficulties are often rooted in attachment disorders. Incompetence of educators and their inability to cope, psychological disorders of a parent, and repeated changes in the family constellation and the attachment figure (patchwork families) are possible causes of this behavioral disorder. In 2002, it was necessary to admit several children to child and youth psychiatric clinics for evaluation and treatment, due to acute threats to themselves or others. It remains to be seen whether this trend continues, or whether it is merely a statistical anomaly.

### **3.2 Results of the 1999 Liechtenstein Youth Study**

50. In the Children and Youth Report of 1996, the Government noted that the level of empirically assessed knowledge about children and young people in Liechtenstein was insufficient. For this reason, an empirical study on the psychological situation of young people was ordered. A representative sample of about 700 young people between 12 and 20 years old was questioned with respect to their outlook on life and their attitudes. The survey covered the areas of recreational activities, social relationships, satisfaction with life, participation, and



attitudes concerning place of residence, foreigners, National Socialism, violence, and narcotics. The Liechtenstein Youth Study was the first assessment of the attitudes and outlook of young people, ascertaining what they think and what moves them. Later on, specific surveys were conducted, for instance on right-wing extremism, violence among young people, and juvenile crime.

51. The most important results of this study, published in 1999, are outlined in the following.

52. **General living conditions:** About 40% of young people indicate that they are very satisfied with the living conditions in Liechtenstein. This general satisfaction also refers to their financial situation, living arrangements, school, job, and family. Almost two thirds of the young people expect life to become more difficult in the next 5-10 years, however.

53. **General outlook on life:** More than 90% of the young people surveyed affirm the achievement principle and believe that it is worthwhile to do well in school in order to achieve something in life.

54. **Family:** Two thirds defined the traditional, complete family, consisting of father, mother, and children, as the ideal family form. Married people are happier, according to one quarter of young people on average; one third believes that children are part of happiness in life. Men should contribute as much to household chores and the education of children as women, according to two thirds of the young people. About two thirds do not believe that the family suffers if the woman works; nevertheless, 43% believe that career women are worse mothers than housewives.

55. **Social environment:** Young people named the following individuals as the most important: mother, father, best friend, siblings, partner, and, trailing by a margin, their wider circle of friends. If young people have a partner, however, the ranking shifts, and this person may become the most important attachment figure. Seven of ten young people believe that fidelity is the most important prerequisite for a good partnership. The most important elements of a relationship are fun and the ability to communicate well with each other. For two thirds, it is important that there are common interests and hobbies, and another third views similar recreational activities as a prerequisite for a relationship.

56. **Recreation:** Television, listening to music, being with friends, being at home, and participating in sports are the most popular recreational activities of young people in Liechtenstein, in addition to membership in a club, going to bars, and shopping. About 80% of all young people in Liechtenstein participate in sports, the most popular of which are cycling, inline skating, skiing, and swimming. Around three quarters of all young people regularly participate in a club and/or a youth group.

57. **Participation:** The willingness to participate is generally high, especially in recreational organizations such as sports clubs and youth meets. One third are willing to join a youth organization, a further third are not considering membership, but are ready to participate in projects with themes for young people. Only one quarter of all young people surveyed are not interested in participating in youth projects. Many expressed a desire for

reducing the age of majority to 18. This desire has been implemented in the meantime, pursuant to the Law of 16 December 1999 on the Amendment to the Law on Persons and Companies (LGBI. 2000 No. 41).

58. **Youth information:** The most pressing youth topics for 12 to 20-year-olds in Liechtenstein are the areas of “drugs” and “relationship/partnership/love/contraception”. Other important topics include the circle of friends, music, sports, job and school, going out, growing up, and HIV/AIDS. As a special information offering for young people, the idea of a “Center for Young People”, where young people can find information on relevant topics, received a very positive response at 40%. This idea was taken up, and already in 1999, the youth information center “aha – Tips and information for young people” began its work.

59. **Young foreigners:** The overwhelming majority of young foreigners feel very happy in Liechtenstein. The majority of young foreigners would like to remain in Liechtenstein. Above all, young people are perceived as “foreign” if they are not fluent in German. The attitudes of about one third of young people regarding foreigners are dependent on the person in question. 20% adopt a neutral or indifferent attitude, 13% perceive foreigners as an enrichment, 9% however as disturbing, and 5% even as threatening. Looking at the attitude of young people toward foreigners, the picture lacks uniformity and is contradictory. On the one hand, acceptance, recognition, and respect can be ascertained, on the other hand, there is fear and resentment. The topic is further complicated in Liechtenstein by the fact that foreigners on paper (such as from Switzerland and Austria) are often not perceived as “foreigners” *per se*, since they are classified as part of the circle of friends, acquaintances, or colleagues. The negative stereotype of “foreign” often generally refers to what is unknown and different, not to known persons.

60. **Attitudes on National Socialism:** 50-60% of young people can be considered “active opponents”. About 20% are either not concerned with the topic or have differentiated attitudes. Another 20% find certain National Socialist ideas attractive. 4% of young people can be described as actual supporters.

61. **Violence:** Three quarters of all young people express their subjective impression that violence is on the rise. Verbal violence (insults, verbal abuse, mocking) is among the most frequently experienced form. About 10% indicate that they already have experienced sexual harassment. About 40% have their ears boxed at home, while other forms of physical violence are primarily experienced outside of school/work and home. Young men are more prone to violence than young women. About 10% have themselves already practiced willful damaging of property, intentional injuries, violent stealing, and fistfights.

62. **Risk behavior:** About one third of young people in Liechtenstein smoke cigarettes; about half of these smoke daily. 25% indicate that they are abstinent with respect to alcohol consumption, and 40% drinking only occasionally. An additional 25% drink at least once a week, and 3% almost daily. About 40% of young people indicated that their friends had already consumed illegal drugs. This concerned primarily cannabis/marijuana (38%), the party drug ecstasy (11%), stimulants (14%), LSD (11%), and cocaine (9%). 20-30% believe that HIV/AIDS is a disease affecting marginal groups or believe that the AIDS discourse is “exaggerated panic mongering”. Just under one third of young people believe they could sleep with someone and forget to use contraception.

### **3.3 International human rights agreements**

63. In the last five years, Liechtenstein has acceded to the following international human rights agreements:

- International Covenant of 16 December 1966 on Economic, Social and Cultural Rights (1999);
- International Covenant of 16 December 1966 on Civil and Political Rights (1999);
- Optional Protocol of 16 December 1966 to the International Covenant on Civil and Political Rights (1999);
- Second Optional Protocol of 15 December 1989 to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (1999);
- International Convention of 21 December 1965 on the Elimination of All Forms of Racial Discrimination (2000);
- Optional Protocol of 6 October 1999 to the Convention on the Elimination of All Forms of Discrimination against Women.

### **3.4 Ratification of the Optional Protocols to the CRC**

64. Liechtenstein signed both Optional Protocols at the Millennium Summit from 6-8 September 2000 in New York. The ratification of the Optional Protocol on the involvement of children in armed conflict is currently being prepared. In order to fully implement the protective measures of the Optional Protocol on the sale of children, child prostitution, and child pornography, a number of legislative amendments are necessary prior to ratification. In particular, Liechtenstein must first accede to the Hague Convention of 29 May 1993 on Protection of Children and Cooperation in respect of Intercountry Adoption. Preparations for this accession are underway. As soon as the prerequisites have been met, the Second Optional Protocol can be ratified.

## **4. General implementation measures (art. 4, CRC)**

### **4.1 National child and youth policy**

65. The national policy concerning young people orients itself by the long-term guidelines of family policy, equal rights policy, and child and youth policy. These three areas influence each other, which is why the Government treats the welfare of children and young people as an interdisciplinary task. The objectives in each area are laid down in the respective reports of the Government on family policy (1994), child and youth policy (1996), and gender equality (1997).

66. A number of topic areas are defined in the Children and Youth Report that are regarded as key for the long-term welfare of children and young people and that are treated as a priority. These include the support of families, including financial measures; work,

especially with respect to the compatibility of career and family life; recreation; maintaining quality of life; taking into account aspects of the environment and mobility; and multiculturalism in society.

67. These long-term pillars of child and youth policy are complemented by short-term and medium-term goals, which are formulated when specific new problems arise. The small size of the country makes it possible to react quickly and flexibly to new challenges. Looking at the past five years, a number of areas can be identified in which an increased number of incidents gave raise to a need for action, and in which targeted measures were in fact taken immediately. As mentioned above, these are primarily topics such as violence and right-wing extremism, racism and xenophobia, sexual abuse of minor, and psychological disorders or psychiatric diseases of young people.

#### **4.2 Safeguarding the economic, social, and cultural rights of children**

68. The standard of living in Liechtenstein is relatively high. The favorable economic conditions allow most inhabitants to enjoy a secured income and pleasant living conditions. The State is able to offer modern infrastructure and a well-developed network of services. Absolute poverty as such does not exist in Liechtenstein, even though there are people who are comparatively disadvantaged and require State assistance. In general, all children in Liechtenstein enjoy a very good environment to grow up in and develop. In many areas, children and young people benefit indirectly, i.e., from State benefits through their families, for instance with respect to rental subsidies and other financial assistance for families. It is difficult to quantify how high the contribution of the State to minors is. This is also difficult to document with respect to other State expenditures such as for prevention of addiction, HIV prevention, support of disabled persons, and in general the promotion of recreational activities in culture and sports, where the benefits are accorded both to minors and to adults. Concrete data on State budget expenditures can therefore only be provided with respect to education, health, and youth welfare, development, and protection.

69. Education accounts for about 15% (14.1%) of the total annual State expenditures. This budget item includes contributions for kindergartens, primary school, continuing schools, vocational training, universities and professional colleges, scholarships and stipends, career counseling, and cultural promotion through the Music School and School of Art.

#### **State expenditures for education**

Year	Budget in CHF
2002	115 908 386.05
2001	105 639 079.96
2000	98 680 533.24
1999	95 071 737.06
1998	91 685 425.23

70. The Children and Youth Division of the Office of Social Affairs is responsible for the State share of basic services for children and young people. Its activities are divided into the areas of youth welfare, youth development, and protection of minors. Youth welfare includes

casework aiming to support family systems and, where necessary, taking official measures for the protection/welfare of children and young people. The aim of youth development is to promote extracurricular child and youth work. This is done through expert support and counseling of persons and organizations active in extracurricular child and youth work, and through financial contributions. The protection of minors aims to create an environment that protects children and young people from threats; it also supports them, as well as parents and educators, in dealing with these threats. The Office of Social Affairs is also responsible for the central coordination function of private psychosocial service providers for children and young people. It supports them financially, advises them, and monitors compliance with legal provisions, other guidelines, and specialized criteria.

**State expenditures for protection of minors, youth development,  
and youth welfare, pursuant to Youth Act**

Year	Budget in CHF
2002	2 553 461.21
2001	2 255 502.12
2000	2 123 433.43
1999	1 934 431.70
1998	1 583 770.25

71. The State offers a number of benefits in the area of preventive health and healthcare. It contributes to the various hospitals in the neighboring countries that have concluded agreements with Liechtenstein. 300,000 Swiss francs are paid annually to the Children's Hospital of Eastern Switzerland in St. Gallen. Screening examinations are mandatory and are coordinated by the Office of Social and Preventive Medicine. The examinations are now (as of the 2002/2003 school year) conducted by the family doctor; the costs are covered by the private, State-subsidized health insurance programs. The State pays for the entire cost of dental care for children, a total of about 520,000 Swiss francs annually. The State is also responsible for mandatory vaccinations and addiction prevention.

*Measures against youth unemployment*

72. The unemployment rate in Liechtenstein is a bit over 2%.<sup>4</sup> The share of unemployed persons under 25 is about one quarter. The Government has recognized the problem of youth unemployment and adopted a package of measures in October 2003 intended to alleviate the current situation. As a first measure, the existing "job internship" program for unemployed graduates of apprenticeship programs will be optimized. In order to increase the opportunities for such graduates to find an internship in the profession they have trained for, a significantly greater number of internships would have to be made available. Employers are therefore being encouraged to provide for more internship positions. The formal requirements for internship positions are also being reviewed and the organizational procedure simplified. For private job brokers who have concluded agreements with the Office of Economic Affairs, new incentives are being created to intensify broker activities for young unemployed persons. If a broker is successful in finding a permanent position for a client, the commission is doubled. In addition, the Government is planning a project for psychosocial support and counseling for unemployed persons.

### **4.3 International and regional cooperation**

73. At the level of the United Nations, Liechtenstein was engaged in the Special Session for Children, which took place from 8-10 May 2002 in New York. As part of a group of like-minded States, the Liechtenstein representation at the United Nations participated actively in the negotiations on the outcome document. At the Special Session itself, the delegation was headed by the Liechtenstein Prime Minister and accompanied by a youth delegate. A number of topics regarded as particularly important at the Special Session that were included in the outcome document, such as participation of young people and prevention of violence and sexual abuse, were taken up in Liechtenstein, so that improvements have been achieved in the meantime.

74. At the European level, Liechtenstein is involved in the joint European child and youth policy. Liechtenstein regularly takes part in the meetings of the Steering Committee for Youth of the Council of Europe (CDEJ). This allows national experts to keep updated on the status of youth policy in Europe. Liechtenstein is also active in the framework of the youth program of the European Union. The program, YOUTH, is an extracurricular program that organizes youth exchanges, internships, youth initiatives, and other campaigns. Liechtenstein cooperates closely with other European small States and with the bordering regions of Switzerland and Austria. These regional links make mutual impulses possible, as well as a concentration of efforts when facing cross-border problems.

75. In the area of development cooperation, Liechtenstein contributed a total of 7,068,000 Swiss francs between 1998 and 31 May 2003 to humanitarian programs and projects for children. Some of the contributions are non-earmarked funds for large international and aid organizations. For instance, a contribution is made each to the Trust Fund for the Protection of Children in Armed Conflict and to UNICEF. In addition, a number of larger and smaller non-governmental organizations and private initiatives are supported. The projects are located in South America, Africa, Eastern Europe, and India and Indonesia. A complete list of all humanitarian contributions for children and young people is included in the Annex.<sup>5</sup>

### **4.4 Public dissemination of the CRC (arts. 42 and 44 (6), CRC)**

#### *Information on the Internet*

76. The new Internet appearance of the country of Liechtenstein and its authorities went online in December 2003. The new portal ([www.liechtenstein.li](http://www.liechtenstein.li)) gives access to all international human rights agreements applicable to Liechtenstein. Soon, all national reports submitted by Liechtenstein and the recommendations of the human rights committees and treaty-bodies will also be made available.

#### *Universal Children's Day*

77. Each year, various activities take place on Universal Children's day, jointly organized by various organizations, clubs, and schools. The event usually takes place under a particular motto, such as participation in decision-making at school (2002) or freedom of expression (2001). A so-called "Listening Bench" raised awareness of the right of children to

form their own opinions and to be heard (article 12 of the CRC): In different municipalities, a bench was set up in the schoolyard upon which adults actively listened to children, gathered their concerns, wishes, and worries, and conveyed them to political officials. Special events were also sponsored in 1999 on the occasion of the tenth anniversary of the adoption of the CRC. Around Universal Children's Day, the media reports intensively on the rights of the child and concrete activities.

#### *School and teachers' training*

78. Human rights in general and children's rights in particular are an important component of the (new) Liechtenstein curriculum. They are mainly integrated into the subject "People and the Environment". The overarching goal is for students to understand principles of human rights and shape their actions accordingly, i.e., for them to become engaged on behalf of their own rights and to accept the rights of others. The importance of human rights is taught on the basis of concrete examples. The discussion on topics such as justice, solidarity, personal engagement, structural injustice, hunger, racism, oppression, persecution, unemployment, and poverty aims to stimulate the students' ethical awareness, providing an orientation for their own actions (see chapter 10.2).

79. Training of Liechtenstein teachers, regardless of the school level, is undertaken abroad. It therefore depends on the curriculum of the respective college or university whether the topic of children's rights is included in the training. All instructors beginning to teach in Liechtenstein must attend a mandatory introductory course on the Liechtenstein School Act. Starting in 2004, this course will also include information on the CRC.

#### **4.5 Observance of the CRC by courts**

80. A 16-year-old, unaccompanied asylum-seeker from Kazakhstan appealed a negative asylum decision to the Administrative Court.<sup>6</sup> The decision of the Government was, however, affirmed, and political asylum rejected. Since the investigation had not indicated any serious threat to the claimant's life, health, or liberty if he were to return to his home country Kazakhstan, he was ordered repatriated to Kazakhstan. This complies with the usual procedure according to which repatriation is ordered if the request for asylum is rejected (article 33, paragraph 1 of the Refugee Act). However, it must also be verified that the deportation is possible, permissible, and reasonable (article 35, paragraph 1 of the Refugee Act). The Administrative Court agreed with the claimant that, as a minor, he must be reintegrated into a network upon returning to Kazakhstan that would allow him to cope until he reaches the age of majority. The claimant was therefore granted repatriation assistance and was assigned to an appropriate children's home. The Government made a legally binding declaration in this case that it would assume the claimant's costs for this home in Kazakhstan until his age of majority.

81. The CRC was cited with respect to the legal representation of the minor and the granting of legal aid. It was noted that unaccompanied minors are in need of particular protection. Liechtenstein is *inter alia* required to treat foreign children without discrimination (article 2 CRC, LGBI. 1996 No. 163), and must take measures according to article 22 CRC so that children seeking asylum receive appropriate protection and humanitarian assistance when claiming their rights. From this follows the jurisprudence according to which an unaccompanied

minor is provided with a guardian or counsel and must be assigned a legally knowledgeable person during the asylum proceedings. Since minors seeking asylum are in any case in need of particular protection, the decision on granting legal aid (*in forma pauperis*) is not subject to the same strict criteria as in the case of adults. This entails that, as a rule, full legal aid is granted without question, unless the minor seeking asylum has sufficient funds of his or her own to pay for legal counsel in the asylum proceedings. In the case at hand, there was no indication that the claimant had sufficient funds, so that legal aid (*in forma pauperis*) was granted in full.

82. A similar case in 2000 also dealt with an appeal against a negative asylum decision and repatriation. The claimant was a minor from Kosovo.<sup>7</sup> The Administrative Court affirmed that the Convention on the Rights of the Child must be taken into account when adjudicating the question whether the repatriation of a child is reasonable or not. In this case, the return of the young person to Kosovo was found to be reasonable, especially since his parents and siblings had already returned to their home country.

#### **4.6 Reservations to the CRC**

##### *Article 7*

83. The discussions on the status of stateless persons are currently still underway. As a result, it has not yet been possible to ratify the international conventions on statelessness. The preconditions for withdrawing the reservation to article 7 CRC are therefore not fulfilled, and the reservation must be maintained for now (see also chapter 7).

##### *Article 10*

84. With respect to article 10 paragraph 1 concerning family reunification, an improvement of the situation can be reported. In a recent judgment, the Liechtenstein Constitutional Court found that the age limit of 16 for family reunification pertaining to children of third-State foreigners is unconstitutional. This decision entails that children up to the age of 18 of citizens of third countries will be granted reunification with their families. For children of EEA or Swiss citizens, family reunification is already granted up to the 21st birthday.

85. Liechtenstein continues to restrict family reunification for certain groups of individuals, however (such as short-term residents and students; article 84 paragraph 4 of the Ordinance of the Movement of Persons, LGBl. 2000 No. 99). Given the small size of the country, the limited available territory, and the already high share of foreigners at about 35%, Liechtenstein is forced to limit immigration.<sup>8</sup> These circumstances are also taken into account in the framework of the EEA Agreement (all EU and EEA/EFTA States). Although the unrestricted freedom of movement of persons constitutes one of the main pillars of the Agreement, Liechtenstein has been granted a special solution in this respect. In 1995, the EEA Council issued a statement recognizing “that Liechtenstein has a very small inhabitable area of a rural character with an unusually high percentage of foreign residents and workers.” In addition, it recognizes the vital interest of Liechtenstein in maintaining its national identity.<sup>9</sup> A review of the situation in 1999 found that, given the special geographic situation of Liechtenstein, the maintenance of certain conditions with respect to the right of residency in Liechtenstein is justified. The EEA Council thereupon approved a special solution on movement of persons for Liechtenstein until 2006.<sup>10</sup>



This time restriction was then lifted in the context of EEA enlargement. In principle, no automatic expiration of this special solution is contemplated, even though the situation will again be reviewed in 2009. The reservation to article 10 paragraph 1 will therefore be retained.

86. **The reservation to article 10 paragraph 2 CRC concerning personal relations and direct contacts between a child and both parents has been withdrawn.** The withdrawal of the reservation was decided by the Liechtenstein Government on 11 November 2003 and entered into force upon notification on 10 December 2003. Liechtenstein thereby fulfills the recommendation of the Committee on the Rights of the Child.

87. Entry into Liechtenstein for the purpose of family visits is permitted for all groups of persons, including children. The maximum stay is six months within a period of twelve months. After three months, the stay must be interrupted by at least one month (article 68 of the Ordinance on the Movement of Persons, LGBI. 2000 No. 99). The visa requirement for the country of origin remains. There are also no restrictions on exiting Liechtenstein, although exceptions may be made in the case of ongoing criminal or family law proceedings.

## 5. Definition of a child

88. The amendment to the Law on Persons and Companies (LGBI. 2000 No. 41) reduced the age of majority from 20 to 18. As of entry into force on 11 February 2000, all persons are considered adult upon reaching their 18th birthday.

89. This decision lowered the threshold for legal capacity to 18 years. In addition, the capacity to marry is now attained at 18 years for both bride and groom. The unequal treatment of men and women in this respect has therefore been remedied. The gray area in criminal law for 18 and 19-year-olds has now been eliminated, since the age of civil and criminal liability is now identical. Further effects are of a political nature, since the eligibility to vote and stand for election is now also attained at 18.

90. The Minors' Protection Act governs nighttime curfews for young people up to the age of 18 as well as the consumption of alcoholic beverages and tobacco. These provisions are being reevaluated as part of the review of the Youth Act and may be amended (see chapter 6.4).

91. As of 31 December 2002, 7398 children and young people were registered in Liechtenstein.<sup>11</sup> This corresponds to a share of 22% of the permanent population. 51% are male, 49% female; the share of foreigners is 28%.

## 6. General principles

### 6.1 Prohibition against discrimination (art. 2, CRC)

#### *Measures against racism and xenophobia*

92. In 2000, Liechtenstein ratified the International Convention of 21 December 1965 on the Elimination of All Forms of Racial Discrimination. At the national level, it is currently under review whether the existing criminal anti-racism provisions (article 3(5) and article 283 of the Criminal Code) should be supplemented by comprehensive civil anti-discrimination legislation.

93. From 31 August to 7 September 2001, a Liechtenstein delegation headed by the Foreign Minister took part in the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in Durban, South Africa. The adoption of a Declaration and Program of Action against racism in Durban also prompted Liechtenstein to take up the topics contained therein and to implement them at the national level. In June 2002, the Government appointed a working group and mandated it to develop a National Action Plan. The five-year National Action Plan, which the Government adopted in February 2003, takes up those topics in the sweeping Durban Program of Action that are relevant to Liechtenstein and that require action. The NAP is based *inter alia* on the Liechtenstein-specific recommendations of the UN Committee on the Elimination of Racial Discrimination (CERD) from March 2002 and will also take into account the recommendations of the Liechtenstein report of the European Commission against Racism and Intolerance, which was adopted on 28 June 2002 and published on 15 April 2003.

94. The working group coordinates various activities in the areas of awareness-raising and integration of foreigners. It develops models to implement and fund measures, engages in public relations work at different levels, and pushes for a recognition of the causes and the conflict and violence potential of racism and xenophobia. In this connection, all relevant international agreements and recommendations as well as statistical data are published and disseminated. Target-group-oriented continuing education events, such as with the police or the Office of Social Affairs, aim to help raise awareness. The working group advocates and actively contributes to the development and implementation of a comprehensive plan for the integration of foreigners in Liechtenstein. It supports and promotes existing integration efforts in society through the provision of information and (international) expertise as well as other assistance.

95. As part of preventive countermeasures against intolerance and racism, intensive efforts are underway in schools to promote integration. Topics such as integration, intolerance, and racism are firmly incorporated at all levels of the curriculum. Different subjects (such as German, History, Foreign Languages, Religion, Ethics, Philosophy, Education/Psychology, Art Education, Life Sciences) provide for discussion of these topics as part of class instruction.

96. In addition, intercultural projects aim to promote integration and help raise awareness. Language exchanges are organized and representatives of other cultures or international aid organizations are invited to give talks. Specific workshops on intercultural topics such as world religions are intended to generate interest in other cultures, reduce fears and prejudices, and promote tolerance for others and other ways of thinking. Special events take place that are directed toward teachers and that give them special training in dealing with violence and racism.

97. A similar goal is pursued by supporting children/schools in developing countries and countries in transition. Regular fundraising campaigns help develop the idea of solidarity among students.

98. Additional integration projects are organized as part of recreational activities. A recent example is the “Diversity” competition, which was launched in 2002 by the Office of Social Affairs and which calls on young people to develop a project on the topic of integration. The competition was won by the Chameleon Youth Café, which created a yearly planner for ideas and visions on living together in a multicultural Liechtenstein society. The yearly planner includes art and writing by 120 young people who thought about the leitmotif of the competition.

99. Other initiatives include a dance project, in which drama and dance draw attention to the importance of integration.

#### *Gender equality*

100. Legal gender equality, which has been enshrined in the Constitution since 1992, was expanded by the Gender Equality Act (LGBI. 1999 No. 96). This Act governs the promotion of factual equality between women and men. The key points are a prohibition of discrimination, protection from sexual harassment, lessening of the burden of proof, protection from dismissal out of revenge, and the right of group action.

101. In 2000, a career impulse year was organized for women and girls with the goal of demonstrating to young women and girls the value of a good education and continuing training and to expand the career spectrum for women. In addition, the initiative encouraged girls and boys to question gender-specific role patterns and raised the awareness of parents and teachers with respect to equal opportunity in the choice of careers.

#### *Measures against other forms of discrimination*

102. In 2003, the Government appointed a working group that deals in general with questions of social discrimination. Its mandate consists in the consideration of a potential new bureau to deal with issues relating to gender equality, people with disabilities, migration, religion, and sexual orientation.

103. The Government plans to create an Equal Rights Act for People with Disabilities and an integration office for people with disabilities.

## **6.2 The priority of children’s well-being (art. 3, CRC)**

104. According to article 3 of the CRC, the best interests of the child shall be a primary consideration for member States in all actions concerning children (paragraph 1). Furthermore, States Parties shall take all appropriate legislative and administrative measures to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of the parents, legal guardians, or other individuals responsible for the child (paragraph 2). Institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as corporate supervision (paragraph 3). In the following, the new provisions will be outlined that the legislature has established to better implement the promotion and protection of the well-being of children.

*Protection from sexual abuse and violence*

105. Liechtenstein has responded to the threat to the well-being of children through sexual abuse by tightening sexual crimes legislation (LGBl. 2001 No. 16). The penalty for sexual abuse of minors has been increased, and the beginning of the statute of limitations has been raised to the 18th birthday. In addition, child pornography and abuse abroad has been criminalized (see chapter 11.3.3).

106. Violence in the family can now be more effectively countered thanks to the introduction of the right to expel perpetrators from the household and the prohibition of entering the household (LGBl. 2001 No. 25, 26, 27). These new rules allow the police to expel a person from the household who has used or threatened violence against a family member, and if necessary to bar the person from returning (see chapter 8.10).

*Protection of victims*

107. After completion of the amendments to the sexual crimes legislation, work was initiated on revising the Liechtenstein Code of Criminal Procedure. This was done with the objective of improving the protection of victims in criminal proceedings and especially to take the interests of young victims and victims of sexual offenses better into account. Key points of the draft law, which is scheduled to be considered by the Liechtenstein Parliament at the beginning of 2004, are sensitive questioning of victims, once-only testimony, and questioning by an expert.<sup>12</sup> For a detailed discussion, see chapter 11.3.3.

*Assistance of victims*

108. In order to comprehensively protect the interests of victims of crimes, it is necessary to ensure their care outside the criminal proceedings as well and to accord them necessary assistance. For this purpose, a Victims' Assistance Act is currently being developed. The incentive for this Act was a parliamentary motion<sup>13</sup> which in essence demanded the development of a law on effective assistance, especially counseling free of charge by an independent counseling office and income-dependent compensation for victims of crimes. In principle, these new provisions will apply to all victims, also to minors. Special provisions concerning children and young people are being discussed with respect to the confidentiality requirement for the planned counseling office. The draft law will be circulated for consultations among interested parties in the spring of 2004.

*Care and custody*

109. As a result of social change, especially the increased integration of mothers into the workforce, the care of children outside the family is gaining importance. The necessity therefore arose to lay down standards of quality for the care and raising of children outside the home and to secure compliance with these standards. Pursuant to the law and the ordinance on care outside of the home in private care arrangements and facilities (LGBl. 2002 No. 66 and 80, respectively), the care arrangements require approval and are supervised by the Office of Social Affairs. In case of endangerment of the welfare of the child, a swift reaction is therefore possible (see chapter 8.8).

110. In case of separation or divorce, the assignment of custody for the child is decided in accordance with the well-being of the child. The possibility of joint custody was introduced in 1999 (LGBI. 1999 No. 28).

#### *Protection of minors*

111. The revised Youth Act, which is still under development, aims to implement a comprehensive concept of the protection of minors. Specific provisions will be developed to protect young people as consumers, workers, and as responsible and participatory members of society. In detail, the revision aims to liberalize the curfew and strengthen protection from media that endanger young people (including the Internet). For a more detailed discussion of the new Youth Act, see chapter 6.4.

112. The revision of the Youth Act intends to incorporate diversion measures in criminal law. The “pedagogical discussion” has already been introduced as a new procedure resulting in decriminalization for violations of minors’ protection provisions. This solution works pursuant to a splitting procedure, according to which adults who sell tobacco and alcohol to minors are punished with fines, while diversion measures are applied to the young people themselves. This asymmetric treatment of adults and young people is expected to increase the effectiveness of minors’ protection. After a two-year test phase, the procedure has been found to have a positive effect. Decriminalization for the well-being of the child has been achieved. In dealing with juvenile delinquents, further new measures are planned (probation assistance, extrajudicial settlement), which prevent a criminalization of the perpetrator and instead aim to achieve resocialization (see chapter 11.2.3).

113. The Ordinance on the Rental and Sale of Audiovisual Media and Media Products to Children and Young People (LGBI. 1999 No. 84) governs compliance with minors’ protection provisions in dealing with audiovisual media and media products. In principle, the primary responsibility for complying with minors’ protection provisions lies with the individuals who manufacture, sell and rent out media products, and secondarily with those who hire, buy, or use them. General responsibility is assigned to adults, as part of their educational and supervisory duties. State organs monitor compliance with the protection rules. Compared with previously applicable guidelines, the ordinance is legally more effective and binding.

### **6.3 Right to life, survival, and development (art. 6, CRC)**

#### *Right to life*

114. Article 6 CRC lays down the supremacy of the right to life. In national law, the right to life is indirectly guaranteed by the prohibition of killing. Article 2 of the ECHR further strengthens this guarantee.

115. As already outlined in the first report, there are additional criminal provisions penalizing the endangerment of life through bodily injury or damage to health. Articles 92 and 93 of the Criminal Code explicitly provide special protection for minors and young people. A person is punished who intentionally or negligently inflicts physical or emotional suffering on someone who has not yet turned 18, or who fails to fulfill his or her duty of care and thereby damages the minor in his or her physical or emotional development. These provisions have not been

amended since the first report. The legal provisions have been tightened, however, as mentioned above, with respect to offenses against sexual autonomy and other sexual offenses (LGBI. 2001 No. 16). The penalty for sexual abuse of minors has been increased, and the beginning of the statute of limitations raised to the 18th birthday. In addition, child pornography and abuse abroad have now been criminalized.

### *Abortion*

116. According to the Liechtenstein Criminal Code, abortion continues to be a criminal offense in principle. Exceptions are only permissible if the abortion is necessary to prevent grave danger to the life or serious damage to the health of a pregnant woman, or if the pregnant woman had not turned 14 as of the time of conception and was not at that time nor at a later time married to the father. The objective of this rule is a general prohibition of abortion, with the consequence of criminalization of the woman, if she nevertheless attempts to abort. This prohibition is, however, hardly effective in Liechtenstein, since affected women seek abortions in neighboring countries. Abortions are possible in the neighboring countries of Switzerland and Austria, even without prior counseling. According to estimates of Liechtenstein gynecologists, about 50 women annually undergo abortion procedures abroad. The proportion of female minors cannot be determined.

117. A private initiative formed a working group in 2002 with the objective of attaining a possible revision of the criminal provisions and a decriminalization of the women who have an abortion performed. This group has a broad basis and is constituted by representatives of all three political parties, the professional associations of psychologists and physicians, women's non-governmental organizations, the Protestant church, and the Bureau for Sexual Matters. The working group developed a report with proposals for legislative amendments, which was presented to the public in the autumn of 2003. The proposal supported by the entire working group provides for allowing abortions within 12 weeks of conception. The woman would therefore be accorded the right to decide herself on having an abortion within this time limit. However, the proposal also provides a waiting period before the operation and mandatory counseling for women under 16. It is currently too early to predict how the public discussion will develop and whether the legislative proposals will be taken up at the political level.

### *Measures for development suitable for children*

118. In order to comply with article 6 CRC, it does not suffice to penalize the destruction or impairment of life. The provision goes beyond this and requires the State to make the best environment available to enable a beneficial development suitable for children. The measures taken at the national level to create an optimal environment in the various areas of society for children and young people to grow up have already been discussed in chapters 4.1 and 4.2.

119. Of particular importance is also the protection of children and young people from potential dangers. This is accomplished in part through the provisions concerning the protection of minors, compliance with which is monitored by the Office of Social Affairs, and in part through preventive measures. These preventive measures include measures in the areas of health, addiction (tobacco, alcohol, illegal drugs), HIV/AIDS, sexual abuse, but also efforts to prevent and combat violence and curb violent and racist incidents among young people.

120. In order to protect children and young people from such incidents in the household or the private sphere as well, a number of different measures are available. In cases of domestic violence, the police have the authority to expel the perpetrator from the home and to prohibit reentry. This instrument of expulsion and prohibition of reentry was introduced in 2001 (LGBI. 2001 No. 25, 26, 27). If necessary, the Office of Social Affairs may intervene to prevent further violent incidents and may take measures with respect to care and raising of children. This means that in cases of threats to the well-being of the child, the Office of Social Affairs may, as a last intervention, order the removal of the child from the family and placement with a foster family. This intervention is also envisioned to prevent attacks against sexual integrity and in cases of sexual abuse. An interdisciplinary expert group was established in 1999 especially for cases of sexual abuse of minors.

#### **6.4 Respect for the views of the child (art. 12, CRC)**

##### *New Youth Act*

121. Although the revision of the Youth Act was already underway at the time of the first report, this project has not yet been completed. The central factor in the delay has *inter alia* been the broad participation of civil society and in particular of children and young people in the elaboration of this law. This process, by which Liechtenstein responded to a recommendation of the UN Committee on the Rights of the Child, required a great amount of effort but has been conducted successfully. Over 300 secondary students and apprentices were surveyed in writing. A series of discussion rounds, group discussions, and a conference took place as well, in which the fundamental question was addressed of what should be included in the Youth Act. At a national exhibition, a further survey was conducted, in which 1800 adults and 1300 young people participated.

122. A specially designed website on the Youth Act provides information and a forum where young people can express their views concerning the Youth Act or can ask questions that are answered by the expert on the protection of minors. Experiences have shown that the discussion forum “What’s your opinion?” is especially popular.

123. An expert report and a first draft law are expected in the spring of 2004. The Government will then disseminate these documents for consultations among all affected and interested institutions.

##### *Youth participation*

124. The participation of young people should be firmly enshrined in the revised Youth Act. How this will look in detail has not yet been decided. The “Youth Parliament” project was not particularly well-received by young people and was terminated at the end of 2002. The experience showed that this form of participation, at a primarily political level and on current political topics, could not motivate young people to participate. This is consistent with the results of the Liechtenstein Youth Study (1999), which ascertained a generally high willingness of young people to participate, but especially in the area of recreation, such as sports clubs and youth meetings. The desire to participate is higher with regard to projects that specifically deal with youth topics.

125. New forms of youth participation are now being identified. The current discussion is being conducted with the motto “JUBEL” (for “Jugendbeteiligung”) and attempts to develop a model together with young people as to how they can participate in decisions concerning the municipality, school, and recreational activities.

126. On the basis of the experience gained, a number of points have merited particular attention. For instance, the target group should be as broad as possible, younger, and more representative. Representative means that delegates should participate from all municipalities and not on a random basis as in the past. The participation model should be as flexible and malleable as possible, and the topics should be suggested by the young people themselves. In addition, the model should be located at the national level. An optimal interaction with young people is regarded as particularly important in the participation process. The process should be predetermined as little as possible but structured as much as necessary.

127. In the interest of promoting the participation of young people, the Government has decided to delegate more young people to international and European conferences. So far, young people have participated in events of the Council of Europe and the UN Special Session for Children (New York, 2002), among others.

#### *Ombudsperson/Contact point for children and young people*

128. The establishment of an independent office or ombudsperson responsible for monitoring implementation of the CRC and for dealing with violations of children’s rights, as recommended by the UN Committee on the Rights of the Child, is currently being discussed in the context of the revision of the Youth Act. It is still too early to make concrete statements in this regard.

#### *Being heard in court proceedings*

129. With respect to the requirement that children and young people be heard in court with respect to decisions that affect them, please see the explanations given in the first report (chapter III, D).

## **7. Civil rights and freedoms**

### **7.1 Name and nationality (art. 7, CRC)**

130. When ratifying the CRC, Liechtenstein lodged a reservation to article 7 reserving the right to apply Liechtenstein legislation granting Liechtenstein nationality under certain conditions. The comprehensive review of the situation of stateless persons and especially children of stateless parents could not yet be completed. The domestic prerequisites for Liechtenstein’s ratification of the international conventions on statelessness and a withdrawal of the reservation have not yet been definitely reviewed. Currently there isn’t any stateless child who was born in Liechtenstein.

131. Avoiding statelessness is taken into account in the adoption provisions. Through adoption, a foreign child acquires national citizenship, if the child has not yet turned 10 at the time of adoption and if the adoptive mother or adoptive father is a Liechtenstein citizen. If the



adoption is revoked or annulled, the acquisition of citizenship is considered invalid, unless the adoptive child would thereby unavoidably become stateless (article 4, Law on the Acquisition and Loss of Liechtenstein Citizenship, LGBI. 1960 No. 23).

132. No changes in the law concerning naming and nationality have occurred. Please see the relevant information in the first report (chapter IV, A).

## **7.2 The right to preserve identity (art. 8, CRC)**

133. Article 8 of the CRC requires that State Parties respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law, without undue interference. These provisions, including the possibility of taking action against violations, are implemented in Liechtenstein. Please see the relevant information in the first report (chapter IV, B).

## **7.3 Freedom of expression (art. 13, CRC)**

134. The right to freedom of expression is guaranteed by the Liechtenstein Constitution (article 40). In accordance with the European Convention on Human Rights (article 10), this includes the freedom to receive and impart information. The first report (chapter IV, C) already indicated how this basic right is implemented in Liechtenstein.

135. At a practical level, a number of projects have been organized that aim to motivate children and young people to express their opinions and ideas. Freedom of expression was the theme of the 2001 Day on the Rights of the Child. In a number of municipalities, a “Listening Bench” was set up, and primary school children were encouraged to convey their wishes, concerns, and interests. These campaigns were also directed at adults, who were asked to listen to the children and to take up their issues.

136. In one primary school, all 280 pupils contributed to the production and publication of a book. The project aimed in particular to awaken the children’s joy of reading and writing. Each child wrote a number of personal experiences on the topics of school, their walk to school, free time, imagination, people, tradition, and adventures, and they contributed drawings. A selection was published in the book “Stories by the Children of Schaan”. The magazine FLASH, produced by young people, is a regular publication. The youth magazine is published by the Association of Liechtenstein Youth Workers, but the contributions are written by young people themselves. They address youth-specific topics and provide information on joint campaigns and events.

## **7.4 Freedom of thought, conscience, and religion (art. 14, CRC)**

137. The Liechtenstein Constitution (article 37) guarantees everyone the freedom of religion and conscience and safeguards all rights regardless of religious affiliation. The Constitution also guarantees all denominations the right to practice their religion and to celebrate religious ceremonies, as long as this occurs in conformity with public moral and order. The exercise of religion is also protected by criminal law provisions, which prohibit any acts against religious peace and the peace of the dead.

138. The Catholic Church is enshrined in the Constitution as the National Church. This linkage between Church and State has been controversial, especially since Liechtenstein was split off from the Diocese of Chur (Switzerland) and elevated to an Archdiocese on 2 December 1997. In particular with respect to religious instruction in schools, there was a need for action, since the Archdiocese claimed to be inculcating purely Catholic content. A solution has now been found for the upper school levels. Starting in the 2003/2004 school year, students have the option of choosing between Catholic and Protestant denominational religious instruction and a new subject "Religion and Culture". The Archdiocese of Liechtenstein is responsible for the Catholic religious instruction. The subject "Religion and Culture" is the responsibility of the school authorities. It is non-denominational and covers both Christianity and other religions. Other religious groups that do not belong to the Catholic or the Protestant Church are free to design their own religious instruction.

139. The problem of religious sects does not appear to be serious in Liechtenstein. No case is known in which young people took their own initiative and sought membership in a sect. In the last three years, six individual cases have been registered in which children were linked to a sect through their parents. These were all Jehovah's Witnesses. Problems arise when membership in a sect results in violations of mandatory school attendance. These cases are taken seriously and dealt with on an individual basis. In addition, information and education is provided on problematic groups and their mechanisms of influence. In coordination with the youth information center "aha – Tips and information", a dossier has been developed on the topic as well as additional Internet links to current information on sects. The Office of Social Affairs also makes an updated (2002) Swiss information pamphlet available that explains the workings and characteristics of problematic groups in a manner appropriate to young people and that provides regional counseling addresses (and one Liechtenstein address).

#### **7.5 Freedom of association and assembly (art. 15, CRC)**

140. The basic right of freedom of association and assembly is guaranteed in Liechtenstein (article 41 of the Constitution). For a detailed discussion, see the information provided in the first report (chapter IV, F).

141. Youth meeting points exist in almost all municipalities in Liechtenstein. Young people are provided with a space for encounters with people of their own age and for common recreational activities. Opportunities provided include discos, cafés, media spaces, workshops, group spaces, homework assistance, concerts, camps, weekend excursions, and events during the day. Access is purely voluntary and is open to girls and boys between about 13 and 20.

#### **7.6 Protection of the private sphere (art. 16, CRC)**

142. Please see the discussion in the first report (chapter IV, G).

#### **7.7 Access to appropriate information (art. 17, CRC)**

143. The youth information center "aha – Tips and information for young people" was established on 17 December 1999. This institution is available to all young people and answers questions of all sorts. It is based on the premise that information in today's world fulfills a social

need. Only informed individuals can find their way in today's society, define their value, and assert themselves. The more intensively young people engage with appropriate information structures, the greater are the resulting impulses and incentives to think about their own perspectives. The information center can and wants to offer young people only help to help themselves. It offers its services and its assistance only in those cases and to the extent necessary to encourage, support, and promote the initiative of young people themselves. The spectrum of topics is broad and covers school, continuing education, career images, work and life as well as communication, relationships/family, health, rights and recreational activities, sports, foreign travel, youth exchange programs, and culture.

144. The regional and international components are also accorded considerable importance. A network exists with youth facilities in Liechtenstein and the "aha" partners in Austria and Germany and is promoted especially through the use of modern means of communication. In addition, the youth information center in Liechtenstein is home to the National Agency of the YOUTH program of the European Commission as well as a project division administering youth exchange projects, school graduation days, and other youth projects.

145. General media such as daily newspapers, weekly magazines, and the radio offer various articles and programs for children. The only organ that is also produced by young people is the youth magazine FLASH. It is published by the Association of Liechtenstein Youth Workers, but the contributions are written by young people themselves. They especially address youth-specific topics and provide information on joint campaigns and events.

146. As already mentioned above, a new Ordinance on the Rental and Sale of Audiovisual Media and Media Products to Children and Young People was issued in 1999 (LGBI. 1999 No. 84). The Ordinance governs compliance with minors' protection provisions in dealing with audiovisual media and media products. In principle, the primary responsibility for complying with minors' protection provisions lies with the individuals who manufacture, sell and rent out media products, and secondarily with those who hire, buy, or use them. General responsibility is assigned to adults, as part of their educational and supervisory duties. State organs monitor compliance with the protection rules. Compared with previously applicable guidelines, the ordinance is legally more effective and binding.

## **7.8 The right not to be subjected to torture or other cruel, inhuman or degrading punishment (art. 37 (a), CRC)**

147. In the framework of the European Convention of 26 November 1987 for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, the European Committee for the Prevention of Torture (CPT) visited Liechtenstein for the second time. After the first report published in 1995, the report on the visit from 31 May to 2 June 1999 was made public in November 2002. The Committee again did not find any cases in which persons in custody were subject to torture or other poor treatment.<sup>14</sup>

148. The legal provisions in force in Liechtenstein and the international obligations assumed in connection with the prohibition of torture and inhuman treatment were discussed in detail in the first report (chapter IV, H).

## **8. Family environment and alternative care**

### **8.1 Parental direction and guidance (art. 5, CRC)**

#### *Assignment of custody*

149. In the case of children born to married parents, the parents have joint custody by law. In the case of children born to unmarried parents, the mother alone has custody by law (article 166 of General Civil Code, LGBI. 1993 No. 54). However, unmarried parents may request joint custody from the Guardianship Court, if the parents live with the child in a permanent domestic arrangement and if joint custody would not be disadvantageous to the well-being of the child (article 167 of the General Civil Code).

150. If no person with the right to custody is available, a minor is assigned a guardian. The guardian is responsible for the child's care, representing the child in court, and administering the child's assets.

#### *Assignment of custody for children of separated/divorced parents*

151. If the parents of a minor born in wedlock separate or divorce, they may reach an agreement in court as to who will be assigned sole custody of the child. The court approves the agreement if it satisfies the well-being of the child. If no agreement is reached within a reasonable time, the court may decide which parent is assigned custody.

152. A significant change was introduced in 1999, allowing the option of joint custody in cases of separation and divorce (article 177 paragraph 3 of the General Civil Code, LGBI. 1999 No. 30). Pursuant to a joint request of the parents, the court may order that joint custody be maintained, if the parents present an acceptable agreement on their respective shares of the child's care and the division of financial support responsibilities, and if this agreement is consistent with the well-being of the child. In separation/divorce proceedings, the child has the right to be heard (article 178 (b) of the General Civil Code). This right is in fact exercised before judges of the first instance.

### **8.2 Responsibilities of parents (art. 18 (1) and (2), CRC)**

#### *Custody and support*

153. In general, the responsibilities of parents include raising their underage children and promoting their well-being. Third parties may only intervene in parental rights to the extent that the parents themselves allow it, or directly pursuant to a law or official order (article 137 (f) of the General Civil Code, LGBI. 1993 No 54). The rights and duties of the father and the mother are in general equal.

154. Parents are required to support their children financially. They are responsible for covering the needs of the child, taking into account the child's talents, abilities, propensities, and development potential (article 140 of the General Civil Code). This must take place in accordance with the parents' living conditions. Grandparents may also be accorded this responsibility, if the parents of the child are unable to exercise it (article 141 of the General Civil Code).

155. Custody includes the responsibility of care and education for the underage child, administering the child's assets, and representing the child (article 144 of the General Civil Code). Care of an underage child includes in particular safeguarding the child's physical well-being and immediate supervision. Education includes the development of the physical, mental, psychological and moral capacities of the child, promoting the child's talents, abilities, propensities and development potential, as well as formal education in school and at work. The extent of care and education depends on the living conditions of the parents (article 146 of the General Civil Code). The parents must administer the assets of an underage child with reasonable care. They are required to maintain the value of the assets and, if possible, to increase the value (article 149 of the General Civil Code). Each parent is individually authorized and required to represent the child.

### **8.3 Assistance to families**

156. Assistance to families in Liechtenstein is granted in view of the fact that the family is the most important attachment group of a person and therefore decisively influences the development of the individual. Assistance to families is therefore the best measure to safeguard the social integration of children and young people. The family in Liechtenstein takes on a variety of forms. In addition to the traditional family model, i.e., both parents and their children, a number of new family types have developed. It is the responsibility and objective of Liechtenstein family policy to enable children in all family structures to have the same development opportunities. The State is therefore called upon to create the conditions necessary for the parents to reconcile work and family, to have enough time for their children, and not to be pushed financially into the margins of society.

157. In May 2002, a brochure entitled "Assistance to families in Liechtenstein" was published. It is a guide that provides families with an overview of all the types of public and private assistance to families.

#### *Child-raising assistance and psychosocial counseling*

158. Parental counselors support parents in the care of infants and small children. For older children, the Children and Youth Division or the Counseling Center for Parents, Children and Young People act as contact points for difficulties in raising children or in times of crisis, insecurity, or overwork. Various psychologists also offer family counseling.

159. Where counseling outside the home no longer suffices, sociopedagogical family care may assist in a supporting capacity. The family is visited at home and provided with counseling. This constitutes a concrete learning aid for parents, helping them with their daily responsibilities of raising their children in a comprehensive manner appropriate to children and free of conflict. Finally, there is a sociopedagogical living group for young people, offering young people in personal, family, or social difficulties the possibility of a limited removal from the family. It enables all affected family members to reorient themselves and to practice new ways of interacting with each other. It also offers a learning environment for the development of new social competence and an increasingly independent life.

*Financial support*

160. Most family-oriented benefits in the form of financial contributions, tax relief, and institutional aid are granted to all families, independent of the form and income of the family. Certain additional support is granted to persons who run a particular risk of poverty.

161. Each mother living in Liechtenstein receives a one-time birth allowance of 2,100 Swiss francs per child or 2,600 francs per child in case of multiple births. Medical costs and the hospital stay are paid for by the health insurance programs. Women have a right to maternity allowance who were self-employed during pregnancy or had no income of their own as housewives. The maternity allowance is granted once for each birth and is dependent on income. That means that the allowance is higher, the lower the taxable income of both spouses or of the single mother. Residency in Liechtenstein is a prerequisite. Foreign mothers who are not from an EEA State must demonstrate an approved stay in Liechtenstein of at least three years, their husband of at least five years.

162. Each working mother has the right to 20 weeks of maternity leave, 16 of which must be after the birth. On 26 November 2003, Parliament decided to introduce an additional three-month (unpaid) parental leave.

163. A child allowance is paid each month for each child. The child allowance was increased as of January 2001 from 230 Swiss francs to 260 francs for children under 10 and from 280 francs to 310 francs for children 10 and above, as well as for twins and for three children or more (LGBI. 2000 No. 212).

164. Further financial support is granted to families with children in the form of tax relief. Deductions are available for married persons, single parents and children, as well as for household expenses and the formal education of children.

#### **8.4 Separation from parents (art. 9, CRC)**

165. If parents or grandparents endanger the well-being of an underage child through their behavior, the court is responsible for ordering measures to secure the well-being of the child, regardless of who initiates the proceedings; such measures may also be ordered on the request of a parent, if the parents are unable to agree with respect to an important issue for the child. In particular, the court may withdraw custody of the child, in whole or in part, including legal rights of consent (article 176 of the General Civil Code, LGBI. 1993 No. 54). The withdrawal of care and education or of the administration of the assets of the child includes withdrawal of legal representation in the respective areas; legal representation alone can be withdrawn if the affected parent fulfills his or her other responsibilities (article 176 paragraph 2 of the General Civil Code, LGBI. 1993 No. 54)

166. If the well-being of the child is endangered and therefore complete removal from the child's previous environment is necessary, against the will of the legal guardians, and if it is not possible to place the child with relatives or other appropriate individuals close to the child, the court transfers the custody of the child to the Office of Social Affairs in whole or in part.

The Office of Social Affairs may assign the exercise of custody to third parties (article 176 (a) of the General Civil Code, LGBl. 1993 No. 54). The court may only limit custody to the extent necessary to safeguard the well-being of the child.

167. A minimal right of the parents exists (article 178 of the General Civil Code), according to which the parent not granted custody has a right of personal interaction with the child. If the parents cannot agree on visitation rights, the court regulates the exercise of these rights in a manner appropriate to the well-being of the child, on the request of one of the parents. If necessary, especially if the relationship of the child to the parent raising the child is thereby disturbed in an unacceptable way, the exercise of this right may be prohibited by the court. In addition, the parent without custody has the right to be informed in a timely manner of extraordinary circumstances affecting the child or measures the parent with custody intends to undertake, and the parent without custody may express his or her views on these matters. These views are to be taken into account, if they better correspond to the well-being of the child.

168. If the exercise of these minimal rights were to seriously threaten the well-being of the child, the court must restrict or withdraw them.

## **8.5 Family reunification (art. 10, CRC)**

### *Joining family members*

169. Liechtenstein made a reservation to article 10 of the CRC. According to paragraph 1 of this article, States Parties commit to deal with applications to enter or leave the country for the purpose of family reunification in a positive, humane, and expeditious manner. Switzerland, which has the same legal basis concerning family reunification as Liechtenstein, has also made a reservation to article 10 paragraph 1. The Swiss Federal Supreme Court has found that no legal right to family reunification can be derived from article 10 paragraph 1 and that national immigration legislation is thereby not affected; however, the Swiss legal order, which explicitly denies family reunification to foreigners with a time-limited entry visa, is binding on enforcement authorities and prevents them from dealing with applications in a positive, humane, and expeditious manner.

170. The practice of Liechtenstein is analogous, which restricts family reunification for certain groups of individuals, such as short-term residents and students (article 84 paragraph 4, LGBl. 2000 No. 99). Asylum seekers and temporarily admitted refugees also have no right to family reunification. Temporarily admitted refugees are those who have not been granted asylum, but the enforcement of the deportation order would not be possible, permissible, or reasonable. Such persons are then admitted temporarily.

171. However, family reunification is possible for individuals who have been accorded temporary protection. According to the law, persons are in need of protection if they belong to groups whose life, security, or liberty is endangered due to general violence, foreign aggression, grave violations of human rights, or other serious disturbances of the public order (LGBl. 1998 No. 107).

172. As already mentioned in the first report, Liechtenstein's immigration policy must take into account the small size of the country and the undiminished high proportion of foreigners.<sup>15</sup> Even in the framework of the EEA Agreement, in which the freedom of movement of persons constitutes one of the main pillars, this problem is recognized, and Liechtenstein continues to be granted a special solution with respect to movement of persons (see chapter 3.6). Liechtenstein therefore does not consider itself able to change its domestic legal framework in a way that would enable it to withdraw its reservation to article 10 paragraph 1.

173. In a recent judgment, however, the Liechtenstein Constitutional Court found that the current age limit of 16 for family reunification pertaining to children of third-State foreigners is unconstitutional.<sup>16</sup> This decision entails that children under 18 of citizens of third countries will be granted reunification with their families. For children of EEA or Swiss citizens, family reunification is already granted up to the 21st birthday, pursuant to the obligations of the EEA Agreement and the bilateral treaties with Switzerland.

#### *Visiting family members*

174. Liechtenstein has carried out the recommendation of the UN Committee on the Rights of the Child concerning withdrawal of the reservation to article 10 paragraph 2. On 11 November 2003, the Government of Liechtenstein decided to withdraw the reservation; the withdrawal entered into force with the notification on 10 December 2003.

175. A renewed review of the situation concerning article 10 paragraph 2 of the CRC with respect to personal relations and direct contacts between children and both their parents showed that the requested right of visitation is already legally enshrined in Liechtenstein and is implemented accordingly in practice. Exit from Liechtenstein is always permissible, although exceptions are made in the case of ongoing criminal or family law proceedings. For entry into Liechtenstein, the provisions apply that allow a stay in Liechtenstein without the right to work (article 68 of the Ordinance on the Movement of Persons, LGBl. 2000 No. 99). This allows all groups of persons to enter Liechtenstein for the purpose of a visit. Only the applicable visa requirement for the country of origin applies. The maximum stay is six months within a period of twelve months. After three months, the stay must be interrupted for at least one month. For these reasons, the reservation to article 10 paragraph 2 was withdrawn.

#### **8.6 Illicit transfer and non-return (art. 11, CRC)**

176. Please see the first report (chapter V, H).

#### **8.7 Recovery of maintenance (art. 27, para. 4, CRC)**

177. Please see the first report (chapter V, E).



## 8.8 Children deprived of family environment (art. 20, CRC)

### *Foster care in Liechtenstein*

178. The Law of 17 April 2002 amending the Youth Act and the Foster Care Ordinance of 18 June 2002 created a new legal framework for private foster care facilities and arrangements (LGBI. 2002 No. 66). In order to ensure the quality of foster care and education outside the home, it was necessary to lay down binding standards and monitor compliance with these standards. Approval must now be obtained for foster care arrangements. The Office of Social Affairs is responsible for granting approval and for monitoring and supervision. Children and young people may only be taken in if the individual responsible for foster care and the other members of the household can guarantee good care, child-raising, and education of the child or young person, in view of their personality, health, suitability, and living conditions, and if the well-being of other children and young people living in the household is not endangered. Foster care facilities may only be operated if it appears that the kind of care necessary for the physical and mental development of the minor is guaranteed, pursuant to a pedagogical plan developed in accordance with scientifically recognized criteria. The director and staff of the facility must be suited for their responsibility, in view of their personality, health, child-raising abilities, and educational qualifications, and the number of staff members must be in a reasonable proportion to the number of minor. Further conditions concern nutrition, living hygiene, fire protection, insurance policies concluded, and a secure economic and organizational basis. The Office of Social Affairs visits each facility as often as necessary, at least once a year. Placement in foster families is undertaken exclusively in Liechtenstein.

### **Placement in foster families in Liechtenstein**

Year	Number of children	Female	Male	Average age
1998	11	5	6	5.4
1999	8	2	6	7.0
2000	10	4	6	6.8
2001	10	3	7	9.0
2002	12	4	8	10.2

179. Placement in foster families normally occurs due to the inability of the parents to raise their children, as a result of mental illness or disability. The statistics also include two foster care arrangements that were undertaken in preparation for subsequent adoption.

### *Sociopedagogical Living Group for Young Persons*

180. The Sociopedagogical Living Group for Young Persons is an assisted living group for children and young people up to 20 years of age. It offers young people in personal, family, or social difficulties the possibility of a time-limited removal from the family. For both short-term and long-term placements, the clients receive qualified care and support that is adapted to individual needs. The living group enables all affected family members to reorient themselves

and to practice new ways of interacting with each other. It also offers a learning environment for the development of new social competence and an increasingly independent life. The living group also offers special living arrangements for young mothers and their children.

### Occupancy of the Sociopedagogical Living Group for Young Persons

Year	Total	Male	Female	Age	Nationality	Language	Religion
1998	8	4	4	15, 16, 17	Liechtenstein Brazil	German	Roman Catholic
1999	10	4	6	1, 3, 9, 14, 16, 17	Liechtenstein Austria Portugal	German Portuguese	Roman Catholic
2000	15	8	7	1, 2, 4, 10, 12, 15, 16, 17	Liechtenstein Portugal Turkey Dominican Republic	German Portuguese Turkish	Roman Catholic, Muslim
2001	13	3	10	12, 13, 14, 15, 16, 17	Liechtenstein Portugal Macedonia Thailand	German Portuguese Macedonian Thai	Roman Catholic, Muslim
2002	11	3	8	12, 13, 14, 15, 16, 17	Liechtenstein Thailand Chile Bosnia Brazil Albania	German Thai Bosnian Albanian	Roman Catholic, Muslim

#### *Placement of children and young people abroad*

181. In most cases, placement abroad is undertaken by the Board of Education. The costs of special education are first of all divided between the national budget and the municipalities. Disability insurance contributes a bulk amount retroactively. For children and young people with language disorders or mental disabilities, Liechtenstein offers a Therapeutic-Educational Center for scholastic education and care. The concept of this center, however, is not suited for children and young people with very serious or multiple disorders. There is also no educational home for young people with extremely conspicuous behavior that offers a relatively closed context or a boarding school with internal education or job training. These clients cannot be served within the country. Liechtenstein therefore builds on a regional framework, relying on close cooperation with nearby institutions in Switzerland and Austria. All institutions are recognized by Liechtenstein disability insurance, offer facilities with specialized staff and infrastructure, and are almost all located in nearby cantons of Switzerland or the Austrian province of Vorarlberg. An indication of the close regional cooperation is also the fact that students from Switzerland are accepted at the Liechtenstein Therapeutic-Educational Center.

**Placement abroad (by the Board of Education) - School year 2002/03<sup>17</sup>**

Sex	Type of disability	Special educational institution
Female	Multiple disability	Boarding school in Austria
Male	Behavioral/language disorder	Boarding school in Austria
Male	Very serious/multiple disorder	Boarding school in Switzerland
Female	Conspicuous behavior	Boarding school in Switzerland
Male	Conspicuous behavior	Boarding school in Switzerland
Male	Behavioral/multiple disorder	Boarding school in Switzerland
Female	Conspicuous behavior	Boarding school in Switzerland
Male	Behavioral/language disorder	Boarding school in Switzerland
Female	Language disorder	Boarding school in Switzerland

182. The schools are evaluated in advance by the Liechtenstein Teaching Division, and the children and their parents are accompanied there. The cost allowances are approved one year at a time and must then be extended for a further year. This is done pursuant to school or therapy reports that are regularly submitted. The annual reevaluation of the situation enables quick and flexible reactions to difficulties.

183. In cases of special problems in the family, or if the parents do not agree with the placement abroad and take the matter to court, the Office of Social Affairs may order a foreign placement. The situation of the young people living abroad is regularly monitored by the Office of Social Affairs. The institutions are subject to a reporting requirement, which is linked to funding, and regular discussions of the situation are held in addition. Sometimes, the family problems continue to be dealt with by the Office of Social Affairs. The Office of Social Affairs also reviews institutions for potential future cooperation on the basis of organizational plans and onsite visits.

**Placement abroad (by the Office of Social Affairs)**

Year	Gender	Institution
1998 + 1999	Male	Youth center, Switzerland
2000-	Female	Living group, Austria
2000-	Female	Living group, Austria
2001	Male	Boarding school, Switzerland
2001 + 2002	Female	Drug halfway house, Austria
2001	Male	Psychiatric institution, Switzerland
2001	Female	Psychiatric institution, Switzerland
2002	Male	Boarding school, Switzerland
2002	Male	Boarding school, Switzerland
2002	Female	Boarding school, Switzerland
2002	Female	Boarding school, Switzerland
2002	Female	Boarding school, Switzerland
2002	Female	Boarding school, Switzerland
2002	Female	Psychiatric institution, Switzerland
2002	Female	Psychiatric institution, Switzerland
2002	Female	Psychiatric institution, Switzerland
2002	Female	Psychiatric institution, Switzerland

## **8.9 Adoption (art. 21, CRC)**

184. On the part of the National Administration, the Office of Social Affairs is responsible for adoptions of children in Liechtenstein and abroad, along with the Liechtenstein Court of Justice.

185. In general, an adoption is only possible if the adoptive father is at least 30 and the adoptive mother at least 28. The difference in age with the adoptive child should be at least 18 years, but may in some circumstances be slightly less. After the natural parents have consented to release, a guardianship is established for the child and a foster arrangement with the parents planning to adopt. As soon as a parent-child-like relationship has developed, and if the foster relationship is conducive to the development of the child, an adoption agreement is concluded between the adoptive parents and the child's guardian. The adoption agreement must be approved by the Guardianship Court. Through adoption, the child attains the legal status of a marital child of the adoptive parents. The child also receives their family name. For information on other consequences of adoption, especially the citizenship rights of the child and the child's right to be heard, please see the first report (chapter V, G).

186. Between 1998 and 2002, 12 adoptions of minors were approved, of which 3 were Liechtenstein citizens and 9 foreigners. One child each was from the Philippines, Russia, the Dominican Republic, Switzerland and Germany, and two each from Thailand and India.

187. Liechtenstein's ratification of the Hague Convention of 29 May 1993 on Protection of Children and Cooperation in respect of Intercountry Adoption is currently in preparation. This would ensure that international adoptions are consistent with international standards, in particular as concerns the cooperation between competent central authorities.

## **8.10 Abuse and neglect (art. 19, CRC), including physical and psychological recovery and social reintegration (art. 39, CRC)**

### *Criminal law provisions*

188. In addition to the general prohibition against bodily injury, articles 92 and 93 of the Criminal Code explicitly provide for the special protection of minors and young people. A person is criminally liable who intentionally or negligently causes physical or psychological suffering to a person under the age of 18 or who does not fulfill a duty of custody, thereby harming the physical or mental development of the minor. Article 198 of the Criminal Code governs the criminal liability incurred by ignoring care, child-raising, or supervision of a minor, resulting, even though negligence, in a state of neglect.

189. A tightening of the legal framework was undertaken with respect to offenses against sexual autonomy and other sexual offenses (LGBI. 2001 No. 16). The penalty for sexual abuse of minors was increased, and the beginning of the statute of limitations was raised to the 18th birthday. In addition, child pornography and abuse abroad has been criminalized.

### *Violence*

190. On 1 February 2001, new laws improving the protection from violence in the family entered into force in Liechtenstein. The core of the resulting right of expulsion and prohibition of entry is that the police are authorized to expel a person from the household who has used or threatened violence against a family member, and if necessary to bar the person from returning (LGBI. 2001 Nr. 25, 26, 27).

191. Since the introduction of the right of expulsion and the prohibition of entry, the National Police has annually ordered about 10 of each. In 2003, the police ordered 8 expulsions and 6 prohibitions of entry. The right of expulsion and the prohibition of entry give the National Police an efficient legal tool to immediately remove the aggressor from the joint apartment in cases of domestic violence. This may lead to a very quick easing of tension and a timeout in the relationship which, in conjunction with the offer of counseling for victims of domestic violence, may lead to a defusing of the family situation. However, only in one case, in 2003, did a victim request a temporary injunction and extension of the prohibition of entry from the Liechtenstein Court of Justice.

192. The new law on expulsion offers the partner and the children temporary relief and the possibility of remaining in their usual environment. It does not, however, offer absolute protection from future assaults. In dangerous situations, it may therefore be important to leave the household anyway and to find secure housing. There is a so-called "Women's Home" in Liechtenstein, which takes in women and their children in such situations. The institution is in an undisclosed location, which guarantees protection from further acts of violence. Care is available around the clock, and entry is possible any time of day and night.

### *Sexual abuse*

193. As mentioned above, sexual criminal law has been tightened and additional victim protection measures are in planning. Detailed information on these measures and additional active measures to prevent the sexual abuse of minors is provided in chapter 11.3.3.

### *Reintegration*

194. A number of counseling and contact centers exist that offer psychosocial help for victims. The new Victims' Assistance Act, currently in development, is expected to further improve these support measures. A parliamentary motion<sup>18</sup> gave the impulse for this Act, in essence demanding the development of a law on effective assistance, especially counseling free of charge by an independent counseling office and income-dependent compensation for victims of crimes. In principle, the new provisions will apply to all victims, also to minors. Special provisions concerning children and young people are being discussed with respect to the confidentiality requirement for the planned counseling office. The draft law will be circulated for consultations in the spring of 2004.

### **8.11 Periodic review of the treatment (art. 25, CRC)**

195. As indicated above, both the Office of Social Affairs and the Office of Education are responsible for monitoring and supervising the children and young people they place abroad. In Liechtenstein, the Office of Social Affairs is responsible for approving the care arrangements. Here also, regular monitoring of the situation is undertaken. Quality assurance of daycare centers and sociopedagogical family assistance is guaranteed by performance contracts, compliance with which is monitored.

## **9. Health care and welfare services**

### **9.1 Disabled children (art. 23, CRC)**

#### *Social integration*

196. The benefits of mandatory disability insurance encompass medical measures, contributions to the cost of special education, occupational measures, and contributions for the care of helpless minors (see chapter VI, B in the first report).

197. A number of institutions in Liechtenstein participate in the integration of disabled persons. To a large extent, they are private institutions supported by the public budget. The Association for Therapeutic-Educational Assistance sponsors the Therapeutic-Educational Center, which, in addition to child-raising and education, offers disabled persons diagnosis, therapy and counseling, as well as occupational activities and integration. In addition to arranging assistance options, the Association also aims to promote public understanding of persons with disabilities.

198. The Liechtenstein Association of People with Disabilities also offers a broad spectrum of assistance. It represents the interests of its members in social, economic, and occupational matters and champions the social integration of people with physical disabilities. The Association runs a group on popular sports, elite sports, and recreation, a travel agency, a transport service for those with difficulties walking, a legal protection office, and a counseling service for accommodation of people with disabilities in construction. Family Aid provides a relief service for families with disabled persons. There is also a self-help group for families with disabled children, a foundation for the promotion of highly talented individuals with physical disabilities, the Liechtenstein Cultural Association for the Hearing Impaired, and an association for mouth and foot painters.

199. Liechtenstein participated in an EU project promoting multicultural exchange of hearing and non-hearing young people. "PSSSST: Communication without borders" aimed to combat racism through intercultural encounters and to promote the community of hearing and non-hearing people. The Government contributed to the funding of the project and secured the participation of young people from Russia.

200. The Government is planning an Equal Rights Act for People with Disabilities and an integration office for people with disabilities, for the purpose of eliminating discrimination.

Construction regulations will also be adapted and construction methods in civil and structural engineering reviewed. The work of the newly created working group on “Questions of social discrimination” also includes the topic of disabilities.

### *Education*

201. The Education Act and the Ordinance of 18 December 2001 on Remedial Measures, Educational-Therapeutic Measures, Special Education, and the School Psychology Service (LGBI. 2001 No. 197) form the legal basis for the educational support of children with disabilities and underperforming children. Mandatory schooling in general includes all children, regardless of their level of scholastic performance. For children with disabilities, this means that they not only have the right to attend school, but that they are required to, the same as children without disabilities. All children and young people with disabilities in Liechtenstein, regardless of their age (in the rare cases up to the age of 22) and type or cause of their disability, are provided with instruction. As with minors without disabilities, schooling is free of charge.

202. For underperforming students in kindergartens, primary schools, and upper schools, an integration framework exists. This framework provides underperforming students with the necessary support to remain in regular schools. Support includes in particular scholastic measures. These include German language instruction for foreign-speaking students, supplementary instruction, introductory classes, and remedial teaching. The integration framework works well in practice, since it aids the treatment and bridging of a large number of temporary learning difficulties such as those due to development. Integrative schooling relies on additional staff. A total of 26 special education students were taught in regular classes in the 2002/2003 school year.

203. For children and young people who, due to their learning difficulties and despite the integration measures, are nevertheless unable to follow regular instruction, special schools exist. Transfer to a special school is undertaken after official inquiries have been made and pursuant to an official decision. One special school is located in Liechtenstein, run by the Therapeutic-Educational Center. The special school can support about 120 pupils, about half of which are children and young people from Liechtenstein. The remaining capacity is used by foreign children and young people. Pupils are taught in three different types of group: the kindergarten group, language therapy classes, and long-term classes. In addition to class instruction, each child receives therapy according to his or her disability. The close collaboration between teachers and therapists ensures specialized holistic support. In the 2002/2003 school year, 56 special education students living in Liechtenstein attended the school. Another 18 children attended special schools abroad.

### *Therapy*

204. The Therapeutic-Educational Center offers a wide range of therapies. These include early education, speech therapy, physiotherapy, ergotherapy, and psychomotor therapy. Patients include infants, pupils of the day school of the Therapeutic-Education Center, and children attending public kindergarten and schools.

### Therapeutic measures and special education at the Therapeutic-Education Center

	2003	2002	2001	2000	1999
Therapeutic measures					
• Speech therapy	232	245	236	208	194
• Psychomotor	24	23	22	20	17
• Physiotherapy	23	26	24	20	15
• Early education	24	19	12	16	21
Special education	56	58	57	41	40

#### *Vocational training*

205. According to article 34 of the Vocational Training Act (LGBI. 1976 No. 55), people with disabilities may complete vocational training regardless of age and gender, taking into account their capabilities. Individuals who are limited in their career choice due to their disability and therefore must rely on specialized vocational counseling have a right to vocational counseling. This is generally administered by the State Vocational Guidance Center and by private vocational experts; the costs of these measures are covered by disability insurance.

206. Businesses offering apprenticeships may receive financial support from the State for special expenses relating to the training of people with disabilities. As of now, there is no obligation to employ people with disabilities in Liechtenstein. If, due to a disability, additional costs are incurred as part of first vocational training, preparations for unskilled jobs or for activities in a sheltered workshop, individuals have the right to claim reimbursement of these costs, in accordance with the Disability Insurance Act (article 42).

207. In addition to schooling, therapy, and housing, the Therapeutic-Educational Center also offers a center for practical vocational training. The target is young people with primarily practical talents who have not yet completed an apprenticeship and who speak German. This training provides young people with a tailored, flexible education that facilitates entry into the workforce and lays a cornerstone for continuing vocational training. The center provides training in home economics, cooking, crafts, industrial assembly, construction, carpentry, painting, and gardening. The first year it was offered, in 2002, five people completed this training, and nine in 2003.

208. If people with disabilities are unable to enter the regular labor market, the Therapeutic-Educational Center offers the opportunity to work in one of six different workshops. A total of 110 positions are offered in six areas, where people with a mental or physical disability are supported holistically and individually.

#### *Education of staff*

209. In the general school system, the educational-therapeutic measures are administered to underperforming or disabled young people and children by experts in therapeutic education, special schooling, and therapy. Staff must have acquired their qualifications at recognized



institutions abroad. In general, such education consists of special education concentrations at the college and university level. The Therapeutic-Educational Center contributes to specialized education by offering a number of internships in the fields of care for disabled persons, social education, and therapeutic education.

## **9.2 Public health and health care (art. 24, CRC)**

210. The easing of restrictions on the admission of foreign physicians pursuant to the EEA Agreement has led to an increase in the density of physicians. With 64 doctors licensed in Liechtenstein, one doctor currently covers about 530 inhabitants (given a total population of 34,000). In addition, there are 29 dentists, 10 midwives, and 13 nurses. Liechtenstein continues to rely on cooperation with hospitals under contract in Switzerland and Austria, such as the Children's Hospital of Eastern Switzerland in St. Gallen.

### *Mandatory health insurance*

211. Individuals whose civil residence is in Liechtenstein or who work in Liechtenstein are covered by mandatory insurance for health care and accidents. These individuals have unrestricted access to all health services in Liechtenstein. In addition, numerous public health facilities in Switzerland and Austria may be accessed.

### *Preventive health services*

212. In accordance with the Public Health Act, Liechtenstein takes measures to ensure the health of the population (LGBI. 1986 No. 12). Preventive health services include raising awareness on health issues, preventing diseases and accidents, early identification of diseases and disabilities through preventive checkups, health care in schools, and counseling for pregnant women, mothers, and fathers. Preventive health services are the responsibility of the Office of Public Health, the Office of Social Affairs, the Bureau for Sexual Matters and HIV Prevention, and various private service providers.

213. The Office of Public Health invites every person living in Liechtenstein to undergo preventive checkups according to a prescribed schedule. The schedule for children serves the early identification of anomalies and development disorders that would not otherwise be recognized in time; their prognosis can be improved by early therapy. These preventive checkups are covered by the health insurance programs at 100%.

214. The checkups take place according to the following schedule:

CU1 at birth

CU2 after about 5-10 days hip sonogram on physician's instruction

CU3 between weeks 4 and 6

CU4 between months 4 and 6

CU5 between months 9 and 10

CU6 at about age 2

CU7 at age 4

CU8 at age 9

CU9 at age 13

215. The first two checkups take place in the maternity hospital. The Office of Public Health invites the children via their parents to the later checkups in the doctor's office. The checkups include maturity, motor development, heart, lungs, stomach, sexual organs, skeleton, nervous system, sense organs, dental development, urine, and mental development. Since 2002, the previous school checkups have been conducted as part of the existing preventive checkups for children (CU8 + CU9). The original pilot project was intended to help avoid duplication by having the checkup conducted by the family physician or pediatrician who already knew the child. Vaccinations may also be administered directly, rather than requiring repeated consultations with the physician. New topics have been integrated, such as allergies, intellectual and psychosocial difficulties in school, and the starting age for tobacco, drugs, and alcohol. The Office of Public Health also offers nutrition counseling as part of its health services. A new development is also the anonymous collection and evaluation of checkup data by means of a computer program. The evaluation of the data will make it possible to determine general trends in the development of public health and to effect appropriate measures for the promotion of health. This system has now been introduced on a permanent basis (Amendment to the Ordinance on the Health Insurance Act, LGBl. 2003 No. 202; Amendment to the Ordinance concerning Dental Examinations in Schools, LGBl. 2003 No. 203).

216. The transition to adult health care is at the age of 17; a general preventive checkup is then conducted every five years.

217. A School Psychology Service helps parents and guardians, teachers and officials in preparation for school career decisions, enrollment, integration, special schooling, repeating of years, and assignment to remedial measures. It also helps affected persons in crisis situations arising in kindergarten or school.

#### *Counseling for pregnant women, mothers, and fathers*

218. Expectant mothers may seek counseling from various sources, such as the Pregnancy Counseling Service or numerous physicians. Physicians also conduct antenatal examinations. A number of places offer antenatal exercises and birth preparation courses for couples. The contact office of the Liechtenstein Red Cross assists in care for infants and small children. It supports mothers and fathers in caring for their children in the first few years and answers questions concerning nursing, nutrition, vaccinations, and development of the infant.

219. In emergency situations of a financial or psychological nature, such as unwanted pregnancies, expectant mothers may turn to the Pregnancy Counseling Service. The Children and Youth Division is also available for pregnant teenagers.

220. Other organizations offering their counseling services in the area of child-raising include the Parent-Child Forum and the Counseling Center for Parents, Children, and Young People.

*Infant and child mortality*

221. Between 1998 and 2002, a total of 22 deaths of children and young people were registered. This represents an average of about five deaths a year, although there are major random fluctuations. Nine cases were stillbirths.

**Birth statistics 1998-2001**

Year	Live births	Stillbirths
1998	382	3
1999	430	3
2000	420	1
2001	401	1
2002	-	1

222. In three other cases, the child died within the first few weeks due to heart failure, breathing insufficiency, and sudden infant death. Cardiovascular failure was the cause of death in three cases, and cerebral hemorrhage/kidney failure in one case. Six children died in accidents, two of whom in motor vehicle accidents.

*Health education*

223. In 2000, the Government appointed a working group to consider the topic of health and social education in schools. New objectives have now been developed, in conjunction with concrete recommendations that have already partially been implemented. Health and social education in schools will be geared towards three project goals. The first goal is personality development of the children, which will become an integrated and interdisciplinary component of the new curriculum. The focus is to strengthen conflict skills, team skills, and self-esteem. This goal is also supported by the newly initiated project "Social work in schools". This tool, primarily envisaged as violence prevention, is budgeted for three years at a total of 1 million Swiss francs (LGBI. 2003 No. 177).

224. The second project goal concerns the physical development of children. Health awareness is raised with respect to healthy nutrition, movement, addictive behavior, and sexuality. In addition, medical examinations are no longer carried out in school, but rather by the family physician or the pediatrician as part of the preventive checkups (see above). The third goal is to ensure communication between the Government offices and counseling services. In order to ensure the coordination of joint projects, a "round table" has been established, consisting of representatives of parents, physicians, teachers, the Office of Education, the Office of Social Affairs, and the Office of Public Health. This active collaboration of teachers, physicians and Government offices is the basis for developing and implementing concrete measures.

225. In the period under review, a number of information campaigns and projects took place in the field of general health education and promotion that were especially aimed at children and young people. These campaigns included the topics of noise, healthy eating, weight reduction, tobacco consumption, and sun protection.

### *Sports*

226. Sports are a vitally important pillar for the development opportunities of individuals and groups, as well as for the maintenance and promotion of public health. In particular given the increasing lack of physical activity in society, combined with unhealthy eating habits, it takes on essential importance with respect to social and health policy. Children and young people are intensively supported in the context of popular sports, school sports, competitive sports, and even elite sports. A new Sports Act (LGBI. 2000 No. 52) and the Ordinance on School Sports, “Youth and Sport”, Popular Sports, Sports for People with Disabilities, and Sports for Seniors (LGBI. 2000 No. 149) now govern the promotion of sports at the national and municipal level.

227. Sports primarily take place in private clubs and associations, but are also supported financially by the State. The State safeguards the autonomy of sports under private law and strengthens private responsibility. The Ministry of Sports is responsible for ensuring good framework conditions. Sports education in schools is mandatory and governed by the ordinance on the curriculum.

### *Sexual health and HIV prevention*

228. The publicly funded Bureau for Sexual Matters and HIV Prevention is responsible for the promotion of sexual health. Its activities are divided into the four areas of sexual education, sexual counseling, family planning, and sexual transmissible diseases and HIV.

229. Sexual education is primarily concerned with the healthy development of the sexuality of children and young people as well as a supportive attitude of adults during this phase. The goal is to enable young people to ensure their sexual health in a responsible manner. The Bureau provides the necessary information for autonomous and responsible sexual behavior. The Bureau organizes workshops in schools, in the public youth area, and in kindergartens, which are intended as supplements to traditional sex education. On the basis of a stable sexual identity, young people deal with topics such as relationship, love, contraception, unwanted pregnancies, and physical development. The Bureau also organizes talks and organized continuing education for parents, teachers, and other professional groups engaged in education.

230. The goal of prevention work in the area of sexually transmissible diseases is to prevent new HIV/AIDS infections, to curb the increase in sexually transmissible diseases, and to promote solidarity with affected individuals. People with sexually transmissible diseases are given counseling, support, and assistance, in order to enable them to maintain their quality of life to the extent possible.

231. The Bureau undertakes active and ongoing public relations work on the topic of HIV. In addition to information stands on preventing risky behavior, the Bureau organizes specific informational and educational events for different target groups (students, women, parents, companies, gays/lesbians/bisexuals, young people). The Bureau maintains documentation on HIV/AIDS for everyone interested in obtaining information.

232. AIDS counseling includes anonymous counseling by phone and counseling in person on HIV infection, AIDS, the HIV antibody test, sexuality, and partnership. The counseling is free of charge and confidential. An emergency fund offers financial support to people with HIV/AIDS. Affected individuals receive support in a self-help group in addition to professional medical care.

233. Positive HIV results are subject to a notification requirement. In the period under review, however, no new HIV infections of children under 18 were reported. It must be noted that precisely in this area, the official statistics do not have much explanatory value. Liechtenstein is in a three-country triangle with Switzerland and Austria. Liechtenstein citizens can have themselves tested anonymously abroad without any difficulties and are then included in the Swiss or Austrian statistics. Due to the small size of the country and the danger of discrimination, it may be assumed that affected persons often choose this route rather than have themselves tested in Liechtenstein. It must therefore be assumed that there are a certain number of unreported cases, since a comparison with Switzerland indicates a considerably higher number of infected persons. It is also striking that no infected homosexuals are registered in Liechtenstein. This indicates a trend to have testing conducted in the neighboring countries.

#### *Teenage pregnancies*

234. There are no official statistics on the number of underage women giving birth to a child. The number can be estimated, however. In order to ascertain paternity, all children born to single mothers that are reported to the Civil Registry Office are registered separately. Since practically all young mothers are unmarried, they appear in this list almost without exception. There may be individual cases, however, that are not reported to the Civil Registry Office or where the young mother is married.

235. No special care or counseling is provided for teenage pregnancies on a general basis. The Children and Youth Division intervenes however, when the young mother turns to the Division herself and asks for counseling. The topic of abortion has already been discussed in chapter 6.3.

#### **Registered births to underage mothers**

Year	Number of births
1998	2
1999	1
2000	0
2001	2
2002	1
2003	2

*Road traffic safety*

236. The traffic statistics of the National Police are not structured according to the legal definition of a young person. The compilation uses an overall category of persons 14-64 years of age, which is why no clear statement can be made on the situation of young road traffic victims. According to the statistics of the Office of Public Health, two children died in traffic accidents between 1998 and 2002.

237. Young people in Liechtenstein receive traffic instruction by the National Police once or twice a year from the time they enter kindergarten to the fourth year of primary school. Traffic instruction is concluded with a course in a simulated traffic environment, where sufficient knowledge of the traffic signals and rules is tested. The National Police is also active in prevention, by securing the walk to school all year. The police undertake special poster campaigns and appeals at the beginning of the new school year in August.

*The right to health in Liechtenstein development cooperation*

238. The International Humanitarian Cooperation of Liechtenstein orients itself on five focus areas; one of these priorities is health. Projects are supported that deal primarily with the improvement of basic public health and especially the prevention and treatment of AIDS. A number of contributions made by Liechtenstein, including to UNICEF, are not earmarked. The specific contributions are nevertheless often used to promote the mental and physical health of children and young people. In addition to improving the nutrition of mothers and children, a number of programs target disabled children and children in war and crisis areas requiring psychotherapeutic help.<sup>19</sup>

**9.3 Social security and childcare services and facilities (arts. 26 and 18 (3), CRC)**

239. A number of institutions in Liechtenstein offer all-day or part-time childcare. All facilities are private, but are funded to a large extent by the State. The Office of Social Affairs (Children and Youth Division) plays a central role, by securing the social services in close cooperation with other State and private organizations. As of recently, the Office concludes service contracts with various private providers, including in the area of children and young people, thereby guaranteeing good coordination of the services and supervision for the purpose of quality assurance.

240. Playgroups exist in all municipalities, meeting once or twice a week for two hours. Children are accepted from the age of three until entry into kindergarten. Babysitters are available for all-day care, who generally take care of other children in addition to their own. In addition to care arrangements on a private basis, babysitters are also provided, trained, and hired by a specialized organization (Parent-Child Forum). 33 babysitters are currently working through this organization. There are also eight daycare centers with room for a total of 120. Children in different age groups are taken care of by childcare experts. Daycare is provided throughout the country. Due to strong demand, there are some waiting lists, and places are assigned according to urgency criteria. Certain hours of the day cannot be covered completely (early in the morning and over lunch). A babysitter agency is available for part-time care of children in their own homes.

#### 9.4 Standard of living (art. 27 (1)-(3), CRC)

241. As already explained in chapter 8.3, most family-oriented benefits in the form of financial support, tax relief, and institutional assistance are accorded to all families, irrespective of their composition and income. Certain additional support is granted to persons who are at particular risk of poverty.

242. In the area of family allowances, a new benefit was introduced in July 1999 in addition to child allowances and birth allowances, the so-called single-parent allowance. Single parents receive a monthly additional benefit of 100 Swiss francs per child (LGBI. 1999 No. 98). Single persons with a right to child allowance may claim this additional benefit. The claim is granted for each child living in the same household as the single parent. The benefit is granted in addition to the child allowance.

##### Single parent allowance

Year	Number of recipients	Number of children
1999 (from 1 July 1999)	395	610
2000	480	731
2001	568	858
2002	590	896

243. A further new accomplishment is the rental subsidy for families with low incomes (LGBI. 2000 No. 202). Families may claim the subsidy who care for children and whose annual household income is below a certain threshold. Single parents caring for children are also considered families. In 2002, 1,376,826 Swiss francs were paid as rental subsidies. Rental subsidies were paid out to 272 applicants.

244. The single-parent allowance and the rental subsidies, which single parents may also claim, were a specific reaction to the financial dangers single-parent families face. The Poverty Report of the Office of Social Affairs had indicated that single parents belong to the population groups most dependent on income support.

245. Upon introducing the rental subsidy in April 2001, the situation eased considerably. The percentage of single parents receiving income support decreased by 16% relative to the previous year. Thanks to the rental subsidy, a number of single parents no longer required income support, or their support requirements decreased. The introduction of the rental subsidy also eased the burden of single parents and families with low incomes and helped some of them become independent of income support.

246. Parents who rely on daycare centers or babysitters due to their jobs may receive financial support for the costs of care, indexed to their income. If parents are unable to support the cost of living of their family members with their income, they have the right to financial assistance. The magnitude of the financial assistance is determined on a case-by-case basis, taking into account reasonable efforts and resources of the families themselves. There is no legally guaranteed minimum wage in Liechtenstein. The Social Services Division, which is responsible for

disbursing financial assistance, also does not work with a fixed minimum amount. This is due to the differences in housing costs. The Social Services Division therefore determines the amount of financial assistance on a case-by-case basis, starting with a fixed amount for general cost of living, a fixed additional amount for health insurance premiums, and finally the individual housing costs.

## **10. Education, recreation, and cultural activities**

### **10.1 Education, including vocational training and counseling (art. 28, CRC)**

#### *Primary and secondary schooling*

247. As before, nine years of schooling in Liechtenstein are mandatory, beginning at the age of six. Primary school (five years) is followed by one of the continuing schools: Oberschule (less demanding level), Realschule (more demanding level) or Gymnasium (most demanding level). 5,000 children and young people are currently being instructed in the school system, including kindergarten. There are 13 primary schools, 3 Oberschulen, 5 Realschulen, 1 Gymnasium, a vocational high school, and a special school.<sup>20</sup>

248. An upper school reform was concluded in 2001 (LGBI. 2001 No. 140). The reform created uniform advancement rules and rules for entrance and transfer exams. Transferring between schools has now become considerably easier and more transparent. The elective options as part of the catalogue of subjects offered has also been expanded.

249. For underperforming students, an integration framework has been developed. This means that they may remain in the regular school system, thanks to special scholastic or educational-therapeutic measures (LGBI. 2001 No. 197). In addition, there is the separate special school of the Therapeutic-Educational Center for children and young people who are unable to follow instruction in regular classes, despite special support.

250. Only very seldom is it necessary to enforce mandatory schooling with repressive measures. Attendance is monitored by the teachers, and parents (and young people themselves starting at the age of 18) must justify absences and request leave when absences are foreseen.

#### *Vocational training system*

251. Basic vocational training in Liechtenstein relies on a two-track and a three-track system. The two-track system includes training in the business and in the vocational school; the three-track system supplements this training with introductory courses teaching fundamental practical skills. Of the 350 to 400 students leaving school each year, about 70-75% enter a generally three- or four-year professional apprenticeship. Around 700 enterprises in industry, services, and administration offer apprenticeships in about 80 different professions. 1,000 apprenticeship positions are currently registered. Each year, about 330 young professionals complete their vocational training with an examination. The Office of Vocational Training is assigned all occupations in crafts, industry, services, agriculture, forestry, domestic economy, and health and nursing. The financial expenditures for basic vocational training are about 8 million Swiss francs per year.



### *Higher education*

252. Liechtenstein has one professional college, in which the two fields of architecture and economics are taught. There are also two research institutes: One offers studies in philosophy (International Academy of Philosophy); the other offers doctorate degrees following a university diploma abroad (University of Human Sciences).

253. Students wishing to attend a technical college or a university must do so abroad. Liechtenstein therefore maintains close relationships especially with Switzerland and Austria. A number of international treaties and agreements ensure that Liechtenstein students are accepted according to the same terms in these two countries as local citizens. This is not only true for those with academic high school degrees, but also for those who have completed or are still completing vocational training. Graduates of vocational training programs have the right to be accepted to a Liechtenstein or Austrian institution of higher education (university, technical college, professional college), if they hold a vocational high school degree from Liechtenstein. The Liechtenstein vocational high school degree also grants access to Swiss institutions of higher education, but only professional colleges, not technical colleges or universities. In order to ensure this access to domestic and foreign institutions of higher education, Liechtenstein offers educational tracks on its own territory leading to the academic high school degree (Gymnasium) or the vocational high school degree (vocational high school). Liechtenstein's contributions to institutions of higher education at home and abroad amount to approximately 2 million Swiss francs per year.

### *EU educational programs*

254. As a member of the European Economic Area (EEA), Liechtenstein takes part in EU vocational training programs. These are above all the exchange programs for young workers after completion of basic vocational training (MOJA), apprentices (Xchange), university students (FAMOUS) and educators (CEDEFOP study visits).

255. Since Liechtenstein joined the EEA on 1 May 1995, it has also been a member of the EU educational program SOCRATES, which was extended by seven years in 1999. In a manner appropriate to its size, Liechtenstein participates in the individual SOCRATES campaigns such as Erasmus, Comenius, Grundtvig, Arion, and Eurydice. This participation offers educators in Liechtenstein previously unknown opportunities of European collaboration. The exchange of language assistants, the mobility of students, and the European events for the continuing education of instructors are now a strong and permanent component of transnational cooperation with EU/EEA States and the EU applicant States.

### *Access to education*

256. Education in all these types of schools is free of charge. An exception to this principle is the cost of instruction materials (books). These must be paid for by the parents. The schools subsidize instruction materials at 25% of the acquisition cost. At the primary school level, most municipalities supply children with instruction materials free of charge.

257. Contributions are made to the cost of education by means of loans and stipends, dependent on the income and assets of the parents. A new Stipend Act is currently in development. State benefits in the area of educational subsidies will be expanded, but a general combination of educational subsidies in the form of stipends and loans, as well as a general cap on the duration of benefits, will indicate that the self-responsibility of stipend beneficiaries will be equally required. The new system will further reduce the burden on parents whose children are in school and especially single parents with limited financial means. The State will support both general educational tracks and vocational training.

258. Criteria such as citizenship, gender, and social and ethnic background are irrelevant for school attendance and vocational training. Schooling is mandatory for every child living in Liechtenstein, and continuing education orients itself by the abilities and performance of each child.

259. In order to promote the equality of girls and young women in the workplace, a professional impulse year was conducted in 2000. The purpose was to make the importance of a good education and continuing education clear to girls and young women and to expand the spectrum of careers for women. The goal was also to encourage girls and boys to call into question gender-specific patterns and to raise awareness among parents and teachers with respect to equality of opportunity in choosing careers.

#### *Language of instruction*

260. The official language in Liechtenstein is German. In everyday communication, however, the domestic population uses an Alemannic dialect. In class, standard German is generally to be used. This helps improve language skills for communication in German-speaking Europe, but also greatly helps improve the ability of non-native speakers of German to understand class instruction. In certain situations, however, the use of dialect is justified.

261. Foreign-language children are now taught German as a second language as part of mandatory schooling (LGBI. 2000 No. 197). Pupils without any knowledge of German are taught intensive German over the course of one year (22 lessons a week). After a year, they are integrated into the regular school if possible. 20 pupils currently attend this German course. Foreign-speaking children who already have preexisting knowledge of German are now integrated immediately into the regular school, but they receive additional instruction in German (1-2 lessons per week). 500 students are currently taught in this manner. These forms of instruction are also universally accessible and free of charge.

#### *Continuing education for teachers and evaluation*

262. Already in 1998, the Government decided to establish a system of quality assurance and development in Liechtenstein schools. A number of instruments were developed in the three areas of "Teachers and instruction", "School", and "School system", encompassing objectives, quality criteria, framework conditions, and processes. The establishment of the system attempted to include all central areas and subareas that are closely linked to the quality of schooling. Teacher training had to be excluded, since such training is offered almost exclusively abroad and the influence of Liechtenstein authorities is therefore marginal.

263. Since 2001, the quality of schools and instruction in Liechtenstein has been evaluated periodically by means of a set of guidelines. The guidelines for quality assurance and development make an evaluation of effectiveness at all levels possible (teachers, schools, school system) and link the different areas together. Teachers are invited to a personal discussion every two years, and classes are observed. At the individual level, the guidelines offer teachers an instrument for self-observation. A further area encompasses the individual schools, which are subject to both an internal and an external evaluation. At the level of the school system, quality comparisons at the international and regional level are conducted. For instance, so-called Cockpit surveys are undertaken, which enable a standardized comparison of school classes. At the international level, Liechtenstein takes part in various studies, such as the PISA study, a survey of the knowledge level of 15-year-olds in the OECD countries.

264. The goal of this package of evaluations and quality assurance is that everyone involved in schools contributes equally to the quality of schooling. Evaluations in selected areas review school activities with respect to effectiveness, and ongoing development is ensured. The disclosure of the quality criteria at different levels contributes to transparency for everyone involved. In particular, there is now a uniform evaluation of teachers. The new system also makes it possible to identify potentially undesirable trends, as part of an early warning system, and to take corrective measures.

#### *Social work in schools*

265. In view of the increasing number of difficult children and young people in Liechtenstein schools, social work in schools was introduced in 2003 (LGBI. 2003 No. 177). Those responsible for the educational system have expedited school development in recent years, taking into account the changed social conditions. Despite all the efforts undertaken, a situation had arisen in the sociopedagogical area that made it difficult or even impossible to focus adequately on the core responsibility of instruction. Instances of refusal to attend school and absenteeism had increased, as well as mobbing, blackmail, insults, latent potential for violence, offensive behavior against teachers, racist assaults, theft and vandalism. Those young people are also difficult who may not actively disrupt class, but who have “turned off” internally and keep their distance. Teachers and authorities often reach the limits of their capacities and powers when attempting to change the behavior of difficult children and young people. This situation needed to be defused.

266. Through integrated social work, schools receive additional support. The focus is *inter alia* on crisis intervention, prevention, integration, and counseling of children and young people, teachers and parents. The Government believes that the establishment of social work in schools will contribute to a better climate in school, swift assistance to children, young people, and their parents, and will help relieve the burden of teachers in favor of more efficient instruction. In the first phase, a three-year pilot project has been initiated. The Liechtenstein Parliament approved a total of 1 million Swiss francs for this purpose. In the third year of the pilot project, a scientific evaluation will indicate whether and how the project should be continued.

*Vocational counseling*

267. Liechtenstein has a well-developed Vocational Guidance Center, including a Vocational Information Center. The career guidance team, which is trained both in psychology and career counseling, assists young people in the process of preparing for a career choice. The Center is open to all interested young people and is free of charge. In addition to individual counseling, regular information events, seminars, and courses are offered, and a documentation and information center is open to the public. For school career decisions, the School Psychology Service can also be contacted.

*The right to education in development cooperation*

268. Education is one of the five priority fields of activity in which Liechtenstein is engaged as part of International Humanitarian Cooperation. The focus areas are primarily the promotion of primary education and teacher training. A number of general contributions are made to international organizations and EU programs in the field of education, as well as direct contributions to various schools and training facilities.<sup>21</sup>

**10.2 Educational goals (art. 29, CRC)**

269. The Liechtenstein curriculum and the design and development of school as a whole orient themselves according to established core principles applicable to all schools and school levels. According to these core principles, schools are open to all children and young people regardless of origin, religion, and gender and adopt an open attitude with respect to political, religious, and ideological issues. Schools pay particular attention to the equality of girls and boys. They are responsible for strengthening the individual qualities of adolescents and to help them become competent members of society. Schools share this responsibility with parents and other institutions. The primary responsibility of parents for raising their children is recognized, so that close cooperation between schools and the parents is aspired to.

270. Children and young people should be taken seriously with respect to their ideas, feelings, and behavior. Children and young people thereby acquire the skills to act autonomously, to make responsible decisions, and to develop a healthy willingness to perform.

271. In their function as a social learning environment, schools give students the opportunity to get to know the conditions of living together, to recognize human society in all its diversity, to build up relationships, to work together with others, and to take responsibility for the community. Of central importance is also to attain the ability to conduct discussions, to respect divergent opinions, and to resolve conflicts through argumentation. Schools should help children and young people acquire the skills to recognize ecological connections and the effects of human behavior on the environment, and to develop an awareness of the responsibility of humans towards nature.

272. Human and children's rights are integrated into the curriculum in the subject "People and the Environment". The overarching goal is that students understand the principles of human rights and that they orient their actions accordingly, i.e., to stand up for their own rights and to accept the rights of others. They learn to understand, differentiate, and scrutinize fundamental

values, human rights, and value system. They deal with different cultures and the related traditions, religions, and value systems. They thereby develop an ethical awareness from which they derive their own behavioral and action patterns. They learn about human rights through concrete examples and grasp them in their importance for the world and their own lives. Possible points of departure are topics such as justice, solidarity, personal engagement, structural injustices, hunger, racism, oppression, persecution, unemployment, and poverty.

273. Intensive efforts have been undertaken recently to promote the integration of young foreigners. The goal is to achieve preventive countermeasures against intolerance and racism. The problem of integration is dealt with in a number of different subjects (such as German, History, Foreign Languages, Religion, Ethics, Philosophy, Education/Psychology, Art Education, Life Sciences). In addition, intercultural projects aim to promote integration and to contribute in a preventive way to the fight against intolerance and racism. Various fundraising campaigns for children/schools in developing countries and countries in transition are conducted. These campaigns are often long-term, annual support projects with the goal of developing the idea of solidarity among students. Language exchanges, specific workshops on topics such as world religions and violence, and visits by representatives of other cultures or of international aid organizations are intended to cultivate interest in other cultures, reduce fears and prejudices, and promote tolerance for others and other ways of thinking.

### **10.3 Leisure, recreation, and cultural activities (art. 31, CRC)**

274. Extracurricular youth work as sociocultural animation is supported by the State. This youth development work is accomplished through specialized support and counseling of persons and organizations active in extracurricular child and youth work. The Children and Youth Division of the Office of Social Affairs is primarily responsible. The Division observes and analyzes developments in the area of children and young people and reacts by way of public information, raising awareness of topics relevant to young people, providing impulses, ideas, initiatives, and the development of projects. Regional and international exchange is also promoted, as well as cooperation and networking in the youth field.

275. The State also contributes financially, by way of individual contributions or annual contributions to organizations/institutions or individuals, such as for youth camps, film presentations, festivals, information and public relations work, and participation in international events or continuing education. The guidelines on the promotion of youth development measures as part of the Youth Act were renewed by the Government at the beginning of 2003 and were presented to the public in a special brochure.

276. An Association of Liechtenstein Youth Organizations acts as the umbrella organization with the task of coordinating, networking, and providing information on extracurricular, open youth work. In addition to publishing the quarterly youth magazine FLASH, the Association organizes activities and projects, takes positions on questions of youth policy, and promotes the career development of experts in the field. The largest youth organization is the Liechtenstein Scouts. Youth centers, facilities, and meets can be found in almost all Liechtenstein municipalities. The youth center staff members offer recreational programs, counseling, and guidance.

### *School of art*

277. The Liechtenstein School of Art was founded in 1993 as an extracurricular educational facility for children, young people, and adults. On 1 January 2002, it was transformed into an autonomous institution under public law (LGBI. 2002 No. 22). Creative people are given the opportunity to acquire creative understanding and skills in free painting, drawing, photography, and new media. The School of Art is in principle open to all interested persons and is geared toward children, young people, and adults.

278. Children five and above may take classes. In special children groups, specialized teachers introduce them to the world of colors, forms, and structures. To the extent that they are relevant to the visual arts, performance, linguistic, and musical skills are also included. Art instruction aims to give children the opportunity to discover their talents in a stimulating environment without the pressure of grades. Young people have the option of receiving special instruction through admission to the University of Applied Sciences, with a view to a career. The School of Art is funded by contributions by the State and the municipalities as well as tuition.

### *Music school*

279. The Liechtenstein Music School is also an autonomous institution under public law with the purpose of providing instruction in instrumental and voice music and of promoting the musical life of the country. In 2002, 93 instructors taught at the Music School. Analogous to the School of Art, the State contributes to the funding of the Music School (State 50%, municipalities 25%); the remaining costs must be covered by tuition.

### *Theater*

280. The Liechtenstein theater (TaK - Theater on the Kirchplatz) offers a special child and youth program on stage and on screen. For two years, the Young Theater Association of Liechtenstein has offered over 50 young people annually the opportunity to participate artistically. Primary school students may already gain their first experiences on stage in the children's theater workshop. Building on these experiences, they may later join the Youth Theater Club or the Theater Project for young people under 21. The Association works in collaboration with the Theater on the Kirchplatz, ensuring a professional foundation in technical matters, advertising, infrastructure, and administration.

### *Sports*

281. A new Sports Act (LGBI. 2000 No. 52) and the Ordinance on School Sports, "Youth and Sport", Popular Sports, Sports for People with Disabilities, and Sports for Seniors (LGBI. 2000 No. 149) now governs the promotion of sports at the national and municipal level. Individual sports associations and clubs are supported with annual contributions. In addition, support is granted in the areas of infrastructure, participation in world and European championships, preparations for competitions, international sports events in Liechtenstein, and "Youth and Sport" expert courses. "Youth and Sport" is the Swiss institution for the promotion of popular, competitive, and elite sports for children and young people, in which Liechtenstein also participates.

282. According to the Liechtenstein Youth Study (1999), a large percentage of young people (80%) are active in sports. 44% of those surveyed are even members of sports clubs. The most popular sports among young people include cycling, inline skating, skiing and swimming, followed by a variety of team sports.

## **11. Special protective measures**

### **11.1 Children in emergency situations**

#### *11.1.1 Refugee children (art. 22, CRC)*

283. In 1998, a new Law on the Acceptance of Asylum Seekers and Persons in Need of Protection (Refugee Act) and the corresponding Ordinance entered into force (LGBI. 1998 No. 107; LGBI. 1998 No. 125). They govern *inter alia* the principles of granting asylum and the legal status of asylum seekers, persons temporarily admitted, and persons in need of protection. Temporarily admitted persons are those who have not been granted asylum, but the enforcement of the repatriation order would not be possible, permissible, or reasonable. Persons in need of protection are those belonging to groups whose life, security, or liberty is endangered due to general violence, foreign aggression, grave violations of human rights, or other serious disturbances of the public order.

284. The Refugee Division of the Immigration and Passport Office is responsible for the implementation of the Refugee Act. The Division conducts the necessary inquiries and decides whether an asylum application is to be considered, and forwards its findings to be decided by the Government. The Government then decides on whether to grant or deny asylum. Decisions by the Government may be appealed to the Administrative Court. An asylum center is available for housing asylum seekers, persons temporarily admitted, and persons in need of protection, and in some cases, appropriate housing is organized in the municipalities. The care of asylum seekers and persons in need of protection has been assigned to the private Liechtenstein Refugee Aid Society for autonomous implementation. The Refugee Aid Society runs the asylum center and organizes the recruitment, instruction, and employment of aid representatives for questioning and legal counseling. The State funds the Refugee Aid Society. Recognized refugees receive a permit to stay in Liechtenstein and, if necessary, are assisted by the Office of Social Affairs.

285. A total of 340 asylum applicants under the age of 18 at the time of their presence in the country were registered in Liechtenstein between 1998 and August 2003. Over two thirds of the minors (282) had fled during the war in the former Yugoslavia. The numbers in 1998 and 1999 are therefore unusually high. In the remaining years, between 10 and 24 underage asylum seekers were registered each year. They come from a total of 14 different countries (see table).<sup>22</sup> In the last five years, no minors have been accepted as recognized refugees.

286. In the period under review, 22 unaccompanied minors were registered with the Refugee Aid Society. They generally had relatives or close acquaintances in Liechtenstein or in nearby Switzerland who maintained a close relationship with the young people.

287. There are only isolated child-specific and youth-specific programs and measures for underage asylum seekers. Due to the low number of cases, it is possible to react on an individual basis to needs. For minors accompanied by their family, parents remain primarily responsible. Upon request and in case of need, however, the Refugee Aid Society offers assistance.

#### Asylum seekers under 18

Country of origin	1998	1999	2000	2001	2002	2003	Total
Armenia	3	1					4
Azerbaijan				1			1
Bosnia and Herzegovina		4		1		3	8
Bulgaria						1	1
Czech Republic		2					2
Kazakhstan					1	2	3
Morocco		1					1
Macedonia				12	3	2	17
Mongolia						1	1
Poland						1	1
Russia					3	4	7
Ukraine		1			2		3
Turkey	1	8					9
Yugoslavia	66	183	18	10	1	4	282
Total	70	200	18	24	10	18	340

288. Children of asylum seekers and of persons in need of protection who are of mandatory school age are given access to primary schools, continuing schools, and vocational training institutions (article 32 (4) and article 62 (4) of the Refugee Act). School attendance is therefore open to all children and young people. Asylum seekers enjoy the same conditions as children in the rest of the population. Children whose native language is not German are given special support in schools. Students without any knowledge of German are taught German intensively for one year (22 lessons per week). After this year, they are integrated into the regular school system, if possible. Foreign-speaking students who already have some preexisting knowledge of German are integrated immediately into regular schools, but receive additional instruction in German (1-2 lessons per week). Underage asylum seekers also have the opportunity to attend continuing schools and to begin an apprenticeship. The beginning of the apprenticeship depends on the current status of the asylum process. Beginning an apprenticeship does not automatically guarantee a permit to stay until the apprenticeship is completed.

#### *Family reunification*

289. Spouses of recognized refugees and their underage children are granted asylum if the family was separated during the escape and seeks reunification in Liechtenstein. Subject to the same conditions, other close relatives of a person living in Liechtenstein may be granted asylum, if special circumstances speak in favor of reunification in Liechtenstein. In an analogous manner, spouses of persons in need of protection and their underage children are also granted temporary protection, if the family has been separated by the events leading to the need for



protection and wishes to be reunited in Liechtenstein. In other cases, the Government decides on family reunification (articles 40 and 66 of the Refugee Act). Family reunification is not provided for asylum applicants and temporarily admitted persons.

### *International cooperation*

290. Within the scope of its possibilities, Liechtenstein participates in the harmonization of European refugee policy and in solving refugee problems abroad and at the international level. It supports international aid organizations in their work. It works together in particular with the Office of the UN High Commissioner for Refugees (UNHCR) and supports its work financially.

#### *11.1.2 Children in armed conflicts (art. 38, CRC), including physical and psychological recovery and social reintegration (art. 39, CRC)*

291. Liechtenstein signed the Optional Protocol to the CRC on the involvement of children in armed conflict on 8 September 2000. Ratification is currently under preparation. Since Liechtenstein does not have armed forces and there are therefore no corresponding legal norms, the question of the minimum age for recruitment and participation in hostilities has no practical importance in Liechtenstein itself. The ratification of the Optional Protocol is therefore primarily to be considered as an act of solidarity.

292. In the context of emergency aid, Liechtenstein primarily participates through financial contributions in the recovery and reintegration of children who are victims of armed conflicts.<sup>23</sup>

293. An active contribution is made through the temporary admission of children into Liechtenstein. In a former children's home, children primarily from Eastern European countries such as Bulgaria, Ukraine, Romania, and Hungary spend three-week vacations year-round. After the war in Kosovo, children from the conflict areas were also admitted. This project, organized by the Liechtenstein Red Cross and funded by the State, celebrated its 10th anniversary in 2002. Around 1,600 children each year enjoy a carefree time and fill up on energy and courage. In addition to clothing and toys, the aim is for children take home many good memories.

## **11.2 Children in contact with juvenile justice**

### *11.2.1 The juvenile justice system (art. 40, CRC)*

294. The provisions concerning juvenile justice have not changed significantly since the first report. The general provisions of criminal procedure and the Juvenile Court Act continue to apply. The age of the child and reintegration are taken into account in that the Juvenile Court Act applies in conjunction with the provisions of the Youth Act on the protection of minors, youth development, and youth welfare. The lowering of the age of majority to 18 years now corresponds to the age of criminal responsibility, which already was fixed at 18 by the Juvenile Court Act. The gray area that made judging and sentencing of 18-20-year-olds more difficult has now been eliminated. The minimum age continues to be 14. Proceedings against children younger than 14 are suspended by the court.

295. According to the estimates of the National Police and the Juvenile Criminal Court, Liechtenstein has not experienced any dramatic developments with respect to juvenile delinquency. Since 2000, the police statistics have listed the number of juvenile offenders under the heading "identified perpetrators". Between 2000 and 2002, the figures indicate that 10-20% of the cases investigated were perpetrated by minors. The main offenses are damage to property, vandalism, graffiti, and simple theft. With respect to the approximately 40 to 60 cases of bodily harm each year, the proportion of juvenile perpetrators is between 15% and 20%. Over this time period, no juvenile perpetrators were identified in cases of violent crime. The proportion of minors perpetrating drug offenses was 30% of all persons charged, i.e., a total of 130 cases in the three years mentioned.

296. The Juvenile Criminal Court does not maintain any official statistics, but figures are available from a study conducted between 1990 and the end of 1999.<sup>24</sup> The overall development does not show any general increase in cases. Individual extreme annual fluctuations are most likely due to an increase in police inspections in the area of narcotics. By far the most frequent violations are in the area of road traffic, namely more than 50% of all cases. These are followed by offenses against the Criminal Code at 19%. The study also indicates a significant increase in damage to property in 1998 and 1999. These findings correspond to the experiences of the National Police. Damage to property often occurs at night, not seldom under the influence of alcohol, and without concrete motives. Damage is often perpetrated against public buildings and facilities as well as motor vehicles.<sup>25</sup>

297. The proportion of narcotics offenses is 17%, primarily the consumption of cannabis. The number of cases relating to the Youth Act and the Gun Control Act are comparatively small.

298. The number of incidents increased in the years 2000 to 2002, which may in part be due to the increase in the number of law enforcement staff, especially in the Office of the Public Prosecutor and the National Police. An actual increase since 1999 appears to have occurred in the area of bodily harm, however, which confirms at the judicial level that the potential for violence among young people has increased. After six charges brought for bodily harm in 1999, there were three in 2000, nine in 2001, and 14 in 2002.

#### *11.2.2 Children deprived of liberty, including all forms of arrest, detention or imprisonment (art. 37 (b)-(d), CRC)*

299. No sentences have been given in recent years that include unconditional detention.

#### *11.2.3 The punishment of minors, especially with respect to the prohibition of the death penalty and life imprisonment (art. 37 (a), CRC)*

300. The idea of education and reformation is the focus of the penalties imposed on minors. In addition, special attention is paid that the further progress of young people - especially with respect to career - is not made more difficult than necessary. In the case of warnings or suspended sentences, for instance, an entry is made in the criminal records, but third parties, including apprenticeship business, do not have access. The costs of the proceedings are also regularly declared to be uncollectible (article 32 of the Juvenile Court Act).

301. In cases of offenses against the Narcotics Act or the Road Traffic Act, perpetrators are practically only sentenced to fines. In the case of rare offenses or crimes according to the Criminal Code, only warnings are given as a rule, i.e., especially in less serious cases, or the fine or prison sentence is suspended for a certain probationary period. Fines and prison sentences are only rarely ordered, and even then generally suspended.

302. Since the middle of August 2000, a new procedure has been applied in cases of violations of the Youth Act provisions. With the goal of attaining decriminalization of young people, criminal proceedings are usually avoided entirely, but in return, a pedagogical discussion is conducted with the young people and their parents. This approach functions pursuant to a splitting procedure, according to which adults, such as the storekeeper or bar owner, are punished with the appropriate fines, but only diversion measures are applied to the young people themselves. The asymmetric treatment of adults and young people is expected to increase the effectiveness of the protection of minors. The pedagogical discussion both avoids stigmatizing the young person and enables an early recognition of danger. Since this process has been introduced, the number of inspections has increased, and the two-year test phase has been assessed as positive. In 2002, 16 personal discussions and one telephone discussion were held. In a special case, ten young people and their parents were invited jointly to participate in a discussion. The Government has been requested to continue authorization of this method.

303. In 2003, a private organization was put in charge of probation assistance. Its mandate includes the search for potential opportunities for extrajudicial compensation, with the goal of organizing charitable work, for instance, and of further expanding existing diversion measures.

#### *11.2.4 Physical and psychological recovery and social reintegration of children (art. 39, CRC)*

304. A new Victims' Assistance Act is currently in development. According to the request by Parliament to the Government, the new Act will provide that victims of crimes (persons whose physical, sexual, or psychological integrity has been directly affected by a crime, as well as their spouses, children, parents and other persons who are close to them in a similar way) receive effective assistance in the form of counseling and compensation. This Act will apply to all victims, independent of age. Special rules for minors concern the exception to the confidentiality requirement for the Victims Assistance Office. In the case of children and young people, there will be a reporting right to law enforcement authorities, if there is a serious danger that underage victims could again become victims of a crime. Counseling and support in overcoming the traumatic experience as well as financial compensation will promote the social reintegration of the victim. A draft of the Victims' Assistance Act will be circulated for consultations among interested parties in spring 2004.

### **11.3 Children in situations of exploitation, including physical and psychological recovery and social reintegration of the child**

#### *11.3.1 Economic exploitation of children, including child labor (art. 32, CRC)*

305. Labor law provisions are currently under revision. The Government plans to set out the special protection provisions for young workers in a separate ordinance. This new

Youth Workers' Protection Ordinance will not only separate out the provisions relevant to young people, but will also fully implement in Liechtenstein law EU Directive 94/33/EC of 22 June 1994 on the protection of young workers.

306. Existing Liechtenstein labor law already contains special protection provisions for children and young people. These provisions cover all underage workers and employees, including those in agriculture, private households, and family businesses. In principle, the employment of children under 15 is prohibited. Exceptions are made for running errands (from the age of 13) and light labor (from the age of 14). Authorization may also be granted on an exceptional basis to test apprenticeship opportunities and for internships. Depending on the age and type of work, different daily and weekly maximum working hours apply. Young people may work a maximum of eight hours per day. In general, work at night and on Sundays is not permitted, although exceptions may be approved in certain cases.

307. Young people are generally prohibited from engaging in dangerous labor. This includes activities that, by their nature or due to the working conditions, may be harmful to the health, safety, and personal development of the child or young person. The new Youth Workers' Protection Ordinance will include these activities in a list, which will be reviewed and revised every five years by experts. The Ordinance will also explicitly prohibit all activities exposing children and young people to physical, psychological, moral, or sexual abuse, such as prostitution, the production of pornography, and pornographic performances.

#### *11.3.2 Drug addiction (art. 33, CRC)*

308. Drug policy has been geared toward decriminalization since 1997, according to the principle "prevention instead of repression, and integration instead of exclusion". Primarily responsible for prevention is the Minors' Protection Bureau of the Children and Youth Division. The Bureau is responsible for education, counseling, and information. Important projects included the addiction prevention campaign "The courage to educate" in 1998, and currently a program for the early identification of susceptibility. This interactive educational program for the early identification of susceptibility was produced on behalf of the Commission on Addiction in cooperation with the "aha - Tips and information for young people" association. About 500 CDs will be distributed beginning in the autumn of 2003 to the target group, as part of education events.

309. The core responsibilities of the Children and Youth Division include developing minors' protection provisions and monitoring their compliance. New provisions, also with respect to age limits for the consumption of addictive substances, are currently being discussed in the context of the Youth Act revision. In addition to monitoring of providers (restaurants, stores), the Children and Youth Division provides target groups with information on products, as part of consumer protection, identifies risks and dangers, and conducts educational training for parents and adults.

310. If young people violate minors' protection provisions, the goal is to intervene in an educational manner, rather than to punish. Adults, however, are charged with violations. In this respect, the "pedagogical discussion" must be seen as a preventive measure. This new procedure in case of violations of minors' protection provisions envisions a decriminalization of young

people. A pedagogical discussion with the young people and their parents replaces the usual procedure before the Juvenile Criminal Court. This new approach is complemented by increased monitoring of the minors' protection provisions.

311. The strategy of decriminalizing narcotics consumption should include supplemental measures. These measures would allow the Public Prosecutor or the judge to terminate proceedings, if the affected person fulfills certain conditions, such as therapy. The Government intends to present a draft law to this effect to Parliament. The new drug policy was also the impetus for introducing the new probation assistance system in April 2003. Probation assistance is expected to provide positive impulses for the reintegration of criminal offenders.

312. The most recent figures concerning the consumption of addictive substances are contained in the Liechtenstein Youth Study of 1999. Young people were asked questions regarding the consumption of tobacco, alcohol, and other addictive substances.

313. With respect to the consumption of tobacco, approximately two thirds of the 12 to 20-year-olds surveyed indicated that they do not smoke. The remaining third was divided into 15% occasional smokers and 16% daily smokers. The main entry age for smoking is at around 15 to 16 years. Young women begin to smoke later, but their proportion of smokers is about the same. The most frequent smokers among the young people surveyed are 19 to 20-year-old young men and apprentices.

314. More than a quarter of the young people surveyed consider themselves abstinent with respect to alcohol. 3% indicate that they consume alcohol regularly, i.e., almost every day. One quarter drink alcoholic beverages at least once a week. The strong, age-dependent increase of young people who drink alcohol at least once a week is striking. The increase is linear, at about 5% per birth year. 7% of those under 14 indicated that they drink alcohol at least once a week, and 2% that they drink alcohol every day. Among male 12 to 15-year-olds, 14% drink at least once a week and 4% every day. Contact with alcohol occurs significantly earlier than contact with nicotine. 45% of 12 to 14-year-olds have already tried alcohol, while only 22% have already smoked a cigarette. There is a significantly higher percentage of those consuming alcohol (about 70%) than smokers (40%). A direct correlation exists between tobacco consumption and alcohol consumption. Those who do not drink alcohol also do not smoke, as a general rule.

315. The consumption of illegal drugs could only be partially surveyed, and many young people refused to answer. About 40% of young people indicated that their friends had already consumed illegal drugs. This concerned primarily cannabis products (hashish/marijuana) (38%), ecstasy (17%), stimulants (14%), LSD (11%), and cocaine (9%). As expected, older age groups had more experience with illegal drugs than younger age groups.

316. According to information provided by the police, the proportion of young people in relation to all persons charged with drug abuse remains constant at about 30%. Between the ages of 14 and 19, the greatest manifestation of drug use is the consumption of cannabis. The Juvenile Criminal Court also does not in general note an increase in proceedings initiated relating to narcotics offenses. Most cases concern the consumption and free transmission of "soft drugs", i.e., primarily cannabis products.

*11.3.3 Sexual exploitation and sexual abuse (art. 34, CRC)*

317. Criminal law has been tightened with respect to offenses against sexual autonomy and other sexual offenses (LGBI. 2001 No. 16). The penalty for sexual abuse of minors has been increased, and the beginning of the statute of limitations has been raised to the 18th birthday. In addition, child pornography and abuse abroad have been criminalized.

318. The provisions on the protection of minors with respect to employment are currently under revision. The planned new Youth Workers' Protection Ordinance will explicitly prohibit labor in which children and young people are subject to physical, psychological, moral, or sexual abuse, namely prostitution, the production of pornography, and pornographic performances.

319. In December 1999, an interdisciplinary expert group was founded, consisting of experts in psychology, therapy, medicine, and law, that deals with the sexual abuse of children. The group is primarily a contact point for professional helpers who are confronted with cases of sexual abuse in the context of their practical work. The expert group primarily counsels specialists, not victims. In 2002, the expert group was contacted in 12 suspected cases of sexual abuse. The number of cases is increasing, although this does not necessarily signify an increase in the number of actual occurrences. It may be assumed that increased public information work has raised public awareness, leading to a greater willingness to report cases. The expert group assumes that the number of unreported cases continues to be large.

320. The expert group is also engaged in linking existing assistance systems such as counseling centers and therapists, as well as in continuing training for specialists. The group also intends to introduce a standard for concrete approaches to be taken when cases become known. As part of its public information work, the group has published a brochure containing the most important information that should help affected persons recognize signs and react appropriately. An awareness-raising campaign is currently under development. The expert group also regards regional cooperation as important.

321. An impulse for further improvements was given by the conference in Budapest (2001) jointly organized by the Council of Europe and UNICEF on the protection of children against sexual exploitation. The central themes were sex tourism, child pornography, and trafficking in children. The plan of action adopted envisions the development of a joint strategy binding on all members. The plan provides for special measures in legal proceedings as necessary instruments to protect sexually exploited or abused children. These measures include sensitive questioning of witnesses, in order to avoid direct confrontation between victims and perpetrators in criminal proceedings, as well as trial assistance for children. These measures have already been implemented in Liechtenstein in practice. Appropriate technical measures have been taken to allow adversarial questioning of children to be conducted on the premises of the Office of Social Affairs. Further improvements are planned as part of the revision of the Code of Criminal Procedure (*see victim protection*).

322. In addition to the expert group, the National Police receives reports of suspicion, as well as the Office of Social Affairs and the Court of Justice; each year, these authorities register different numbers of cases. In 2002, for example, the police received 15 reports of sexual

offenses against minors, the expert group 12 reports of suspicion, the Office of Social Affairs 11, and 13 proceedings were initiated before the Court of Justice. These irregularities also confirm the suspicion of the expert group that a not insignificant number of unreported cases exist.

323. The revised sexual crimes legislation now also penalizes the sexual abuse of minors if the act was committed abroad (article 64 paragraph 1 subparagraph 4a of the Criminal Code). No proceedings have been initiated by Liechtenstein law enforcement authorities on the basis of this provision so far, however.

#### *Victim protection*

324. After completion of the amendment to the sexual crimes legislation, work was commenced to revise the Liechtenstein Code of Criminal Procedure. The goal of the revision is to improve the protection of victims in criminal proceedings and especially to take the interests of young victims and victims of sexual offenses better into account. Key points of the Victims' Protection Act are, subject to approval by Parliament, sensitive questioning, once-only testimony, and questioning by an expert.<sup>26</sup> The draft law is expected to be presented to Parliament the beginning of 2004.

325. **Sensitive questioning:** The introduction of sensitive questioning of witnesses is one of the most important novelties and the heart of the draft law. Witnesses who are particularly in need of protection, due to their young age or emotional condition, are questioned in a room separate from the perpetrator, and the questioning is recorded with a video camera. This saves the victim from a direct confrontation and also avoids the additional strain of a tense situation. In the cases of young victims of sexual offenses, this approach is mandatory, otherwise it is ordered upon request.

326. **Once-only testimony:** Young victims and all persons, including adults, who may have been violated in their sexual sphere by a criminal act, are given the option of refusing to testify in the final proceedings if they have already been questioned (sensitively) in an adversarial manner (usually in the pretrial phase before the investigating judge), i.e., including both parties. This ensures that victims in particular need of protection must in general only appear and testify once before the court. This largely obviates further emotional stress and protects the victim to the extent possible.

327. **Questioning by experts:** The revision intends to create the possibility of transferring the questioning especially of underage witnesses to experts. Thanks to their training and experience, experts are able to shape the questioning through child-sensitive communication in a way that new traumas are avoided.

328. Additional new measures in the interest of victim protection include the introduction of witness assistance, which gives every witness access to a trusted person, the protection of the private sphere through explicit secrecy requirements and prohibitions from making information public, as well as special care, notification, and information requirements, such as the possibility to notify victims of the release of the accused person from pretrial detention. Finally, the revision provides for detailed provisions on the exclusion of the public and television, radio,

film, and photography. In addition, the official duty to disclose will be limited substantively and clarified, so that criminal charges need not be filed in the course of official activities whose effectiveness relies on a personal confidential relationship. This measure is intended to prevent that immediate criminal prosecution interferes with psychosocial interventions that may often be in the better interest of the victim. Charges must be filed, however, if they are necessary to protect the victim or other persons from danger. This rule is also important in the area of victim assistance and provides guidance for the development of confidentiality requirements for officially constituted counseling offices.

329. The procedural age of protection for young victims will presumably be fixed at 16 instead of 14, as had been initially contemplated, in order to take into account corresponding international efforts. This also responds to a concern often expressed in the course of consultations.

330. Questioning by a person of the same gender as well as a corresponding composition of the court cannot yet be enshrined in law, due to the lack of sufficient personnel of both genders. In practice, however, the Liechtenstein National Police questions in particular young or female victims of sexual offenses using female police officers.

#### *11.3.4 Sale, traffic and abduction (art. 35, CRC)*

331. At the Millennium Summit from 6-8 September 2000 in New York, Liechtenstein signed the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. The ratification of this protocol is on the list of priorities of the Liechtenstein Government. In order to fully guarantee the protective measures, a number of legal and organizational adjustments must be made prior to ratification. In particular, it will be necessary to accede to the Hague Convention on Adoption, in order to counter abuses in international adoptions. This step is currently in preparation. As soon as these adjustments have been made, the Optional Protocol can be ratified.

332. On 15 March 2003, Liechtenstein signed the Protocol to the UN Palermo Convention to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. The ratification process is currently underway. Liechtenstein is simultaneously engaged at the European level and actively takes part in the negotiations on a convention of the Council of Europe on trafficking in persons.

#### **11.4 Children of minorities or indigenous groups (art. 30, CRC)**

333. Since 1 March 1998, Liechtenstein has been a party to the European Charter for Regional or Minority Languages of 5 November 1992 (LGBl. 1998 No. 9) and the Framework Convention for the Protection of National Minorities of 1 February 1995 (LGBl. 1998 No. 10). In a declaration, Liechtenstein stated that the ratification constitutes an act of solidarity with the objectives of the conventions, since no national minorities or indigenous people live in the territory of the Principality of Liechtenstein.



### Notes

- <sup>1</sup> The European Economic Area consists of the 15 Member States of the European Union and the EFTA States Iceland, Liechtenstein, and Norway. The 10 new EU Member States are scheduled to join the EEA on 1 May 2004.
- <sup>2</sup> Due to the small size of the country, the life expectancy in Liechtenstein is not measured. These figures are taken from the Statistical Yearbook of Switzerland for 2001 and correspond to the life expectancy of the Swiss population.
- <sup>3</sup> International Covenant on Civil and Political Rights, Convention on the Elimination of All Forms of Discrimination against Women, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the International Convention on the Elimination of All Forms of Racial Discrimination.
- <sup>4</sup> Unemployment rate as of October 2003: 2.2% (Office of Economic Affairs).
- <sup>5</sup> See list of the supported projects in the framework of International Humanitarian Cooperation in the Annex.
- <sup>6</sup> Appeal of 9 May 2003 against the Decision of the Government of the Principality of Liechtenstein of 22/23 April 2003, RA 2003/918-2580.
- <sup>7</sup> Appeal of 11 April 2000 against the Decision of the Government of the Principality of Liechtenstein of 8 February 2000, RA 0/321-2580.
- <sup>8</sup> Share of foreigners as of 31 December 2002: 34.2% (Office of Economic Affairs).
- <sup>9</sup> Declaration of the EEA Council No. 1/95 of 10 March 1995 on the entry into force of the Agreement on the European Economic Area for the Principality of Liechtenstein.
- <sup>10</sup> Decision of the EEA Joint Committee No. 191/1999 of 17 December 1999 amending Annexes VIII (Right of establishment) and V (Free movement of workers) to the EEA Agreement.
- <sup>11</sup> Population statistics as of 31 December 2002 (years of birth 1985-2002), Office of Economic Affairs.
- <sup>12</sup> Publication of the Government Legal Services, September 2003.
- <sup>13</sup> Meeting of Parliament of 12 December 2001.
- <sup>14</sup> CPT/Inf. (2002) 33; [www.cpt.coe.int](http://www.cpt.coe.int).
- <sup>15</sup> Proportion of foreigners as of 31 December 2002: 34.2% (Office of Economic Affairs).
- <sup>16</sup> Appeal against the Decision of the Administrative Court (VBI 2001/147) of 12 June 2002, StGH 2002/84.

<sup>17</sup> These figures have been systematically compiled by the Office of Education since 2002.

<sup>18</sup> Meeting of Parliament of 12 December 2001.

<sup>19</sup> See list of contributions in the framework of International Humanitarian Cooperation in the Annex.

<sup>20</sup> See the overview of the Liechtenstein school system in the Annex.

<sup>21</sup> See list of contributions in the framework of International Humanitarian Cooperation in the Annex.

<sup>22</sup> See statistics on underage asylum applicants, especially with regard to age distribution, in the Annex.

<sup>23</sup> See list of contributions in the framework of International Humanitarian Cooperation in the Annex.

<sup>24</sup> Juvenile crime in the Principality of Liechtenstein. An analysis of Juvenile Court documents. Diploma thesis (2001).

<sup>25</sup> See tables and diagrams on juvenile crime in the Annex.

<sup>26</sup> Publication of the Government Legal Services, September 2003.

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