



**Meeting of the States Parties
to the Convention on the
Rights of the Child**

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COMMITTEE ON THE RIGHTS OF THE CHILD

Forty-first session

SUMMARY RECORD OF THE 1094th MEETING (Room B)

Held at the Palais Wilson, Geneva,
on Friday, 13 January 2006, at 3 p.m.

Chairperson: Ms. ALUOCH

SUMMARY

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
(*continued*)

Second periodic report of Liechtenstein (*continued*)

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The meeting was called to order at 3 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES (agenda item 4) (*continued*)

Second periodic report of Liechtenstein (CRC/C/136/Add.2; list of issues to be taken up (CRC/C/LIE/Q/2); State party's written replies (CRC/C/LIE/Q/2/Add.1)) (*continued*)

1. *At the invitation of the Chairperson, the delegation of Liechtenstein resumed their places at the Committee table.*
2. Mr. WENAWESER (Liechtenstein) said that the reservations to the Convention on the Rights of the Child were regularly reviewed with a view to their withdrawal in accordance with the Vienna Declaration and Programme of Action. Thus, Liechtenstein had already withdrawn its reservation to Article 10, paragraph 2. It also planned to withdraw its reservation to Article 7 once it had ratified the 1954 and 1961 International Conventions on statelessness.
3. With respect to the ILO conventions, in 2000 the Liechtenstein Government had consulted ILO's legal office and determined that the said conventions would be open to it only if it became a member of the Organization.
4. Mr. WOLFINGER (Liechtenstein) explained that in Liechtenstein compulsory schooling was free, but that parents bore the cost of books, textbooks and school supplies. However, though there was no rule in this regard, most municipalities did provide teaching materials free of charge at the primary level and the State paid a 25% share of the cost of teaching materials at the secondary level. A proposal to make teaching materials free for the entire period of compulsory schooling (from 6 to 16 years) was currently under study and should be approved within two years
5. Mr. WENAWESER (Liechtenstein) said that violence in the family and juvenile delinquency did not seem more widespread in certain ethnic groups. Juvenile delinquency had not increased in Liechtenstein, but the statistics were misleading: Indeed, given the size of the population, the figures were very low and the number of persons convicted could double or treble without revealing a fundamental trend.
6. Mr. FILALI wanted to know what measures were being taken by the State party to stop the recent phenomena of violence and xenophobia, to contain the rise of the extreme right, and to place all communities on an equal footing.
7. Mr. WALCH (Liechtenstein) said that the Government emphasized communication and that following the terrorist attacks that had occurred in the United States and in Europe, it had two years earlier created a working group in charge of Muslim integration. Questions such as the practice of religion and the recruitment of imams were therefore being discussed with all parties concerned to find mutually agreeable solutions. It should be specified that the first Muslim immigrants, mostly Turks, had arrived in Liechtenstein only in 1968 and that the Muslim community currently numbered some 1,200 people. At the request of the Muslim community, the Government had granted permanent residence status to an imam who was to teach Islam to children in an extracurricular context, provided the courses given were in German so that the contents of the teaching could be monitored.

8. Ms. KIND (Liechtenstein) said that many events and demonstrations were being organized in the country, in particular in schools, to fight racism and racial discrimination, and that the efforts made were now bearing fruit (13 complaints in 2003, only 4 in 2004). The Social Affairs Directorate and the Anti-Violence Commission were working together to make parents and children aware of these issues and to encourage tolerance.

9. Mr. WOLFINGER (Liechtenstein) added that the projects and programmes instituted in schools were intended more to defuse interethnic tensions and conflicts than to quell racist aggression as such. The situation was far from alarming.

10. It ought to be mentioned in that connection that the percentage of young foreigners, including the second and third generation, being educated in Liechtenstein's educational establishments was certainly very high, but that the majority came from neighbouring German-speaking countries (Germany, Austria, Switzerland) and thus shared the same culture. The rest were a legacy of the European immigration of the 1960s and 70s or came from southeastern Europe, mainly Turkey. Intense efforts were being made to support their integration, in particular on the linguistic level.

11. Mr. WALCH (Liechtenstein) hailed the essential role being played by NGOs and young people's associations in the fight against exclusion, xenophobia and violence. Sporting clubs offered the benefit of allowing young people to mingle with their peers from different nationalities and cultures, thus breaking down prejudices and narrowing the gulf of incomprehension that might otherwise exist.

12. Mr. WENAWESER (Liechtenstein) said that as schooling was compulsory in Liechtenstein, schools did accommodate students with disabilities, but that the authorities would have exact statistics on their numbers only when "disability" had been clearly defined, which it should be once the law on disabilities was promulgated, later that year.

13. Mr. WOLFINGER (Liechtenstein) pointed out that children with disabilities could either attend the "therapeutic education centre", with a current capacity of 115 students, half of them from abroad, or receive their education within the integrated educational system; some forty children had made that choice.

14. Mr. WENAWESER (Liechtenstein) explained that Liechtenstein was a State with a monistic tradition, so that international law became an integral part of its domestic legal system provided its level of specificity was sufficient. As regards implementation of the Convention, adjustments were still necessary, and the law on youth now in preparation should represent progress in that regard, in particular with respect to the principle of the child's best interests. Freedom of religion was part of the Civil Code, which set the minimum age for the choice of a religious denomination at 15.

15. Mr. RANZONI (Liechtenstein) added that the Convention could in general be invoked directly in Liechtenstein's courts and that national legislation gave children the same rights as were provided in the Convention.

16. Mr. WENAWESER (Liechtenstein) said that in Liechtenstein no juveniles had to date received a custodial sentence; however, should that occur, as the country had no specialized detention centre, the juvenile offenders would serve the sentence in Austria.

17. Various means were employed in Liechtenstein to sensitize children, parents and legal guardians to the provisions and principles of the Convention. Each year on 20 November—Universal Children’s Day—the text of the Convention was published in the national newspapers, an electronic version being also available on the Internet in English and German. For the 2004 edition of Universal Children’s Day, “listening benches”, aimed at recording children’s interests, wishes and concerns and acquainting the qualified services therewith, were set up nationwide for the second time. The Social Affairs Directorate put out an outreach booklet on the Convention.

18. Finally, it should be noted that the upcoming law on youth would oblige professional groups, in particular medical personnel, to take an active part in implementing State policies.

19. Mr. WALCH (Liechtenstein) said that family allowances were paid every month to all eligible residents regardless of nationality or economic situation, even if the child lived abroad. On the other hand, the birth grant, a one-time payment, was means-tested and was paid only to women that had lived in Liechtenstein for three years or whose husband had been a resident for five years.

20. Ms. KIND (Liechtenstein) said that the courts intervened only when a child was in danger because of its parents’ difficulties and it became necessary to entrust the child to other family members or a legal guardian. If the difficulties were momentary and the family or close relations were able to provide the necessary assistance, the courts did not intervene.

21. Sociopaedagogical group homes were homes that took in eight to ten children or adolescents experiencing difficulties with their family. To avoid breaking family bonds, the parents regularly took part in group home meetings and the children returned home once a month. In general, that interaction with the parents made for a considerable improvement of the parent-child relationship. When fostering was decided on, the law required Social Services to pay at least one visit a year to the foster home or family. In practice, foster families, which were selected following a thorough investigation, were regularly monitored. In the event of adoption, a two-year adaptation period was provided to enable the parent-child relationship to be formed, following which the court would agree to the adoption.

22. Mr. PARFITT asked whether the children placed in Austria or Switzerland remained the responsibility of the Liechtenstein authorities.

23. Mr. WENAWESER (Liechtenstein) said that Liechtenstein remained legally responsible for the child but was not involved in any day-to-day matters, in particular as regards parental visits, which were within the purview of the Austrian or Swiss authorities.

24. Ms. KIND (Liechtenstein) added that the Social Affairs Directorate closely monitored the children sent abroad, at regular intervals, so as to know them well, as these children were to return to Liechtenstein after a few years.

25. Ms. SMITH asked whether the biological parents’ consent was mandatory for a child to be adopted.

26. Mr. WENAWESER (Liechtenstein) replied that the biological parents’ written consent was indeed necessary for an adoption, as was like a declaration of the country of origin if the child came from abroad.

27. Ms. BAROUK-HASLER (Liechtenstein) said that measures taken to fight legal “drugs” like alcohol and cigarettes under the youth protection policy were based on the principle that children who drink or smoke should be educated and not punished. Public awareness campaigns had been carried out since 1998 to persuade adults to set an example, and the new law on youth strictly prohibited the sale of alcohol to minors.
28. Mr. WOLFINGER (Liechtenstein) said that the schools also helped to prevent alcoholism by means of projects developed by teachers in cooperation with social workers.
29. Mr. WENAWESER (Liechtenstein) said that a new alcoholism and smoking prevention campaign, set to last one to four years, would be launched in 2006. It would stress public awareness and practical assistance measures, for in Liechtenstein, as elsewhere in Europe, alcoholism and tobacco addiction were more serious problems than the abuse of illegal drugs. A survey would be done in 2009 to assess the results obtained.
30. Ms. KIND (Liechtenstein) said that, under the diversion policy pursued since 2000, the person in charge of the sociopaedagogical follow-up of young people worked in cooperation with the prosecutor’s office and the Social Affairs Directorate. This was much faster than a legal procedure and gave excellent results, because it made it possible to bring the young person in immediately for an examination and discussion of his or her behaviour. The law on youth courts was to be amended in late 2006 or early 2007 so as to include diversion measures—which already existed in practice—making it possible to avoid formal conviction and imprisonment of the perpetrator while protecting the victim’s interests.
31. Mr. ZERMATTEN asked whether the person in charge of sociopaedagogical follow-up could be alerted by the school, the parents or the person concerned himself (herself).
32. Ms. KIND (Liechtenstein) said that when a juvenile committed an offence, the police informed the person in charge of sociopaedagogical follow-up as well as the prosecutor’s office. The young person’s situation was reviewed to determine, for example, whether he or she was in danger or required counselling, or whether his or her parents needed assistance. The prosecutor’s office then received a report on the child and decided how to proceed.
33. Mr. WALCH (Liechtenstein) said that health insurance was obligatory in Liechtenstein and that if a foreign resident, including a juvenile, was not already covered by insurance in his or her own country, that person’s employer was obliged to provide coverage.
34. Mr. WOLFINGER (Liechtenstein) said that the prevention of teen pregnancies was among the Government’s long-term objectives. For that reason, issues of sexuality and HIV/AIDS prevention were being debated in schools.
35. Ms. KIND (Liechtenstein) noted that on average only one child was born each year to a juvenile mother. However, to prevent any increase in the number of such births, specialist physicians gave advice to the most vulnerable teenage girls, in particular those who skipped school, had financial problems, or had already been in trouble with the law. In that connection, paragraph 235 of the report under

consideration was inaccurate: there was indeed psychological care—and free of charge, at that—for teenage girls in need of advice.

36. Ms. BAROUK-HASLER (Liechtenstein) said that breastfeeding was encouraged by hospital nursing staff and that insurance companies gave lower rates to women who nursed their child for the first 10 months.

37. Hyperactive children were treated by paediatricians, who generally were not in favour of systematic prescription of drugs and preferred to take a case-by-case approach after meeting the parents and the daycare staff, who knew the child well.

38. Mr. WENAWESER (Liechtenstein), noting that no one in Liechtenstein was excluded from health insurance, said he would provide further information on the question of reimbursement for antiretrovirals, but was confident that they would be paid for like any other drug.

39. Mr. ZERMATTEN asked whether juveniles taken into police custody shared cells with adults.

40. Mr. FILALI wanted to know, in that connection, how long juveniles could be detained, whether they could have family visits, and how quickly they must be arraigned.

41. He asked why the mother was systematically granted custody of the child when the parents were unmarried, thus depriving fathers of their parental responsibility.

42. As the supply of textbooks and teaching aids in primary education was under municipal rather than State jurisdiction, he would like the delegation to indicate whether there were inequalities between regions and communes in that regard.

43. Finally, he would appreciate receiving further information on the status of sexual minorities in the State party.

44. Mr. RANZONI (Liechtenstein) said that under the law on the police force, the maximum duration of police custody was two days. It should be noted that there had been no provisional detention of juveniles for the last five years and that should it occur, children would be systematically kept separate from adults.

45. Mr. WOLFINGER (Liechtenstein) said that all municipalities took care that textbooks were distributed to everyone free of charge.

46. Ms. KIND (Liechtenstein) said that when two people living together had a child, its custody was granted to both parents, but that the father had no right to his biological child if he did not live with its mother. Such was not the case of divorced fathers, who were granting joint custody of their children.

47. Mr. WENAWESER (Liechtenstein) said that discrimination was prohibited in Liechtenstein regardless of its nature, and that that included discrimination based on sexual preference. The Equal Opportunity Office had been given explicit responsibility, inter alia, for issues of discrimination based on sexual preference.

48. The CHAIRPERSON asked whether there were HIV screening services in the State party, so that the persons concerned need not go to Switzerland or Austria to obtain that type of services, as appeared currently to be the case.

49. Mr. WENAWESER (Liechtenstein), supported by Ms. KIND, said that, if the persons concerned most often preferred to take the HIV/AIDS screening test in a neighbouring country, the only reason was that Liechtenstein's small population did not make for much anonymity or confidentiality. There was an Office responsible for issues of sexuality and HIV/AIDS, employing two people, whose job it was to provide advice on those issues.

50. Mr. POLLAR was pleased with the quality both of the report submitted by Liechtenstein and of the oral presentation made by the members of the delegation.

51. Mr. WENAWESER (Liechtenstein) thanked Committee members for their kind attention to the review of the second periodic report of Liechtenstein and assured them that close attention would be paid to the final observations, which would be published nationwide.

The meeting rose at 4:40 p.m.