



**International covenant  
on civil and  
political rights**

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HUMAN RIGHTS COMMITTEE  
Eightieth session

**LIST OF ISSUES TO BE TAKEN UP IN CONNECTION WITH  
THE CONSIDERATION OF THE INITIAL REPORT OF THE  
PRINCIPALITY OF LIECHTENSTEIN (CCPR/C/LIE/2003/1)**

**Constitutional framework in which the Covenant is implemented (art. 2)**

1. According to the report, international treaties have at least the force of statutory law in Liechtenstein (para. 45). What status does the Covenant have in the domestic legal order?
2. The report indicates (para. 49) that after the amendment of the Constitutional Court Act, individuals may file complaints to a court in case of violations of rights guaranteed by the Covenant. Please indicate whether the Covenant has been invoked before the courts of Liechtenstein and, if so, with what results.
3. Does the State party intend to withdraw the reservations to articles 14, 17, 24, and 26 it entered upon ratification of the Covenant?
4. In the dual system of government of the Principality, the power of the State is vested in the Prince and in the people (para. 12). According to information before the Committee, constitutional amendments which were approved by referendum in March 2003 introduced important changes to this system. Please provide information on the following issues: the extent of the Prince's powers to appoint and dismiss government officials; the sanctioning of laws by the Prince Regnant; changes introduced to the procedure for amending the Constitution; the status of the Prince's immunity; and changes introduced to the rules of royal succession.

**Equality of men and women and prohibition of discrimination (arts. 3 and 26)**

5. Please indicate what measures are taken in practice to promote greater participation by women in Government and the decision-making processes. Please provide up-to-date statistics in this respect.

6. Please provide up-to-date information on the impact of the award of recognition instituted in 1999 (para. 51) as a tool for raising awareness about issues of gender equality. What has been the practical impact of the administrative measures referred to in paragraph 164 to counteract the *de facto* unequal treatment of women and girls?
7. Liechtenstein's declaration on article 3 of the Covenant states that this provision does not constitute an impediment to the constitutional rules on the hereditary succession to the throne of the Reigning Prince. The report explains that this is due to the fact that the laws governing the hereditary succession to the throne of the Reigning Prince do not provide for female hereditary succession (paras. 52 and 53). Please provide further information on the compatibility of this declaration with article 3 of the Covenant.
8. What measures are being implemented in practice to address right-wing extremism among young people? Please provide information on the measures taken to address this phenomenon in the educational system. How does the State party implement the new provision of the Penal Code (2000) which criminalizes membership in a group that promotes or incites racial discrimination (para. 157)? What measures have been taken to train the police, prosecuting authorities and the courts on the contents of new criminal law provisions on racism?
9. Please clarify why the equal protection clause set out in the Constitution is only applicable to citizens (paras. 33 and 45). Is the State party considering amending the Constitution to ensure equality for all individuals legally under the jurisdiction of Liechtenstein?
10. According to the information before the Committee, a referendum was held in 2003 by which naturalization requirements were changed to facilitate the naturalization of long-term residents. Please provide additional information on the system of popular vote for the granting of citizenship.

#### **Derogation (art. 4)**

11. Under what circumstances and in what manner may certain rights be restricted, even without any legal basis, in instances of "clear and present danger"? (para. 34).
12. According to information before the Committee, the constitutional amendments approved by referendum in March 2003 have granted the Princely House powers to derogate from certain rights. How are these powers considered compatible with article 4 of the Covenant?

#### **Right to life (art. 6), right to liberty and security of person (art. 9), and rights of persons deprived of their liberty (art. 10)**

13. Liechtenstein's Constitution contains no special provision protecting the right to life (para. 61). Does the State party plan to recognize this right constitutionally? To what extent is the police power to use firearms under the Police Act and the National Administration Act compatible with the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (para. 63)?
14. How soon after arrest can a suspect contact his/her lawyers or family, and how soon and how often is he/she entitled to a medical examination?

15. According to information before the Committee, there have been cases of prisoners being held in solitary confinement for long periods. This situation also affects prisoners on remand. What measures are taken or envisaged to reduce the frequency of prisoners being held in solitary confinement, especially prisoners on remand? In this connection, please provide detailed information on prison conditions in general and on the issue of staff shortages, in particular female staff.

#### **Aliens (art. 13)**

16. A permissible ground for the deportation of a foreign citizen with a residence permit is that the foreign citizen or a person under the foreign citizen's care is considered a substantial burden to the social welfare system (para. 105). Please explain how this provision is applied in practice and how it is considered compatible with the Covenant.

#### **Independence of the judiciary (art. 14)**

17. Please provide information on the extent of the powers granted to the Princely House by the March 2003 referendum on constitutional amendments to appoint and dismiss judges. According to the report, judges of the Appeal Court are appointed for four-year terms (para. 18). Please comment on how this limited tenure affects the independence of the judiciary.

#### **Freedom of religion (art. 18)**

18. According to information before the Committee, intolerance and prejudice towards Muslims, particularly women, have increased after the events of 11 September 2001. If this is so, what measures have been taken to deal with the situation?

19. The Constitution establishes the Roman Catholic Church as the official State Church (para. 6). According to the report, the Government provides financial support to the Catholic Church as well as to the Protestant Church. Please clarify whether other religious groups are provided with such a grant, and if not, why?

#### **Freedom of expression (art. 19)**

20. Please elaborate on the limitations that can be imposed on freedom of expression. In this connection, please clarify how the provision of the Penal Code on criminal offences against religious peace is applied in practice (para. 144). Please explain in detail what measures have been adopted to implement the Public Information Act (para. 147).

#### **Rights of minorities (art. 27)**

21. According to the report, Liechtenstein does not recognize the existence of linguistic minorities (para. 174). Please explain the discrepancy between this statement and the information provided by the State party concerning the composition of its population, according to which, for example, almost 8 per cent of the population is of Turkish origin (para. 2).

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