



**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 1092nd MEETING (Room B)

Held at the Palais Wilson, Geneva,
on Friday, 13 January 2006, at 10 a.m.

Chairperson: Ms. ALUOCH

SUMMARY

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

Second periodic report of Liechtenstein

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The meeting was called to order at 10:00 a.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 during the examination of the second periodic report of Liechtenstein (CRC/C/LIE/Q/2); written replies of the Government of Liechtenstein to the list of issues to be taken up (CRC/C/LIE/C/Q/2/Add.1))

1. *At the invitation of the Chairperson, the delegation of Liechtenstein took places at the Committee table.*

2. Mr. POLLAR took from his examination of the periodic report of Liechtenstein and complementary sources of information a very positive overall appreciation of the situation of children in that country, both as regards enjoyment of their rights and the way the Convention was implemented there. As the report did not mention a single case of violation of Convention rights, he wondered whether it should be deduced that no violations had in fact occurred. Was any recourse provided if such a violation did occur? If so, of what nature?

3. It would be useful to know what point had been reached in Liechtenstein's legislative review to supplement its anti-racism and anti-discrimination provisions, and whether the State party was following up the results of the assistance which, in the form of international cooperation, it was providing to other States in implementing the Convention, in particular to make sure the funds in fact reached the intended recipients.

4. Ms. VUCKOVIC-SAHOVIC would like to know whether secondary-school students, whether Protestant or Catholic, were able to take general religious instruction, and would also like precise details on religious instruction in elementary schools, where there was an appreciable percentage of students of foreign origin.

5. The delegation might indicate whether Liechtenstein planned to generalize the prohibition of corporal punishment.

6. Mr. PARFITT asked for details on the legislation and follow-up mechanisms adopted by Liechtenstein in accordance with the Paris Principles Relating to the Status of National Institutions for the Promotion and Protection of Human Rights, in particular with respect to the responsibilities and jurisdiction of the ombudsman for children and young people. It did not appear that NGOs had been associated with the development of the periodic report, whereas their role in the delivery of certain services seemed significant, and so additional details on their status in the State party would be desirable.

7. Mr. ZERMATTEN would like to have details on what weight was given to the child's word in legal proceedings, in particular in the context of civil proceedings and family law. It would be interesting to know whether children were systematically heard during civil proceedings relating to them, and as of what age; whether this was mandatory when a child been disciplined in the course of his or her schooling; and whether protective measures were provided when a child was heard in court, such as the use of audio or video media to adduce evidence instead of having the child appear in court.

8. It would be useful to know whether the experiment of the Youth Parliament was to be renewed, as the report indicated that it had been inconclusive, and whether the new youth legislation referred to that initiative.

9. Mr. LIWSKI asked what guarantees were provided in the State party's legislation of the right of association of children and adolescents. The initiatives of young people's associations had their value in helping to prevent violence and so it would be interesting to know whether there were any such in Liechtenstein to cope with the increase in violence in the educational environment.

10. Was it possible for children of foreign origin to join to protect their rights, in particular in the face of racism, while preserving their traditions, their culture and their individuality?

11. Mr. FILALI asked why Liechtenstein had taken so long to withdraw its reservations to Articles 7 and 10 of the Convention and had not yet ratified such important instruments as ILO Conventions Nos. 138, on the minimum age for admission to employment, and 182, on the worst forms of child labour.

12. The delegation might indicate what precautions were being taken by Liechtenstein to fight discrimination against young people of foreign origin and to prevent them from feeling excluded, in particular in recreational and social activities.

13. Ms. KHATTAB would like to know whether ethnicity was or was not a decisive factor in cases of family violence and of juveniles in conflict with the law, whether the authorities were endeavouring to sensitize the population, in particular members of ethnic groups whose culture countenanced corporal punishment, to the harmful nature of such acts, and whether family violence was more widespread in underprivileged social categories.

14. She noted with satisfaction that the annual share of the budget devoted to education was some 15% and that the State subsidized private schools. Noting that education was free, except for schoolbooks, which were parents' responsibility—and that indeed some communes did provide these books to children free of charge—, she asked whether children from underprivileged backgrounds in communes that did not bear the cost of textbooks received any assistance.

15. The report indicated that the number of difficult pupils was on the rise and that the incidence of absenteeism, negative attitudes towards teachers and racism was increasing. While conceding that this problem was not unique to Liechtenstein, she wondered how the State party was dealing with it and combating the rise of racism and xenophobia.

16. While the amount of money set aside for programmes and services for children with disabilities was of course laudable, it was regrettable that Liechtenstein had not provided statistics on the number of children with disabilities.

17. Ms. SMITH, noting that according to the report any ratified agreement had the force of law as of its entry into force and that no implementing order was required provided its provisions were sufficiently explicit for rulings to be based thereon, asked whether all provisions of the Convention on which such agreements were based had been duly incorporated into national legislation and whether all such legislation was aligned with the Convention.

18. She also wanted to know whether the principle of the child's best interests was embodied in a specific provision of national legislation, stressing the importance of such a measure even if the said principle was broadly respected in practice, and what provisions of national legislation expressly laid down children's right of association and freedom of religion, as well as their right to be involved in decisions made with regard to them.

19. The CHAIRPERSON was surprised that in a case submitted to the administrative tribunal the Convention had merely been cited, whereas, since it had the force of law, it should have been directly applied.

20. In addition, given the increase in violence among young people and hence, undoubtedly, in the need for assistance, there was a need to know as of what age children were able to consult a physician or request psychological help without their parents' consent.

The meeting was suspended at 10:50 a.m.; it resumed at 11:10 a.m.

21. Ms. KIND (Liechtenstein) said that the Social Affairs Directorate, which had the duty of providing essential State services for children, received any complaints of attacks on children's physical and psychological integrity. It was imperative for any person who became aware that a child was at risk, neglected or ill-treated to so report to the Directorate. After the adoption of the new law on youth, that obligation would also be binding on all members of the medical profession and other professionals who became aware of such situations. When so informed, the Directorate took the requisite measures to protect the child. The revision of the law on youth would lead to the institution of a position of children's ombudsman.

22. Mr. WENAWESER (Liechtenstein) said that there were currently no plans to enact new anti-racism provisions apart from those contained in the Civil Code and Penal Code.

23. As regards international cooperation, Liechtenstein was providing support to assistance programmes for children within a bilateral framework and taking care that the assistance was properly employed. It also provided its support to multilateral institutions such as UNICEF, which themselves ensured that assistance was properly employed.

24. Mr. WOLFINGER (Liechtenstein) said that the relationship between Church and State had greatly altered over the last few years and that since the 2003–2004 school year high school student had had the opportunity to choose between Catholic or Protestant religious instruction or a new course entitled "Religion and Culture", which was open to all. It was still possible to be exempted from attending any course of religious instruction.

25. Mr. WENAWESER (Liechtenstein) pointed out that corporal punishment was illegal in all situations, both at school and at home.

26. Ms. KIND (Liechtenstein) read out the article of the Civil Code relating to acts of violence and corporal punishment.

27. Mr. ZERMATTEN noted that the situation in Liechtenstein seemed close to what was observed in Switzerland, which had outlawed "family chastisement", that is, corporal punishment within the family, in the Civil Code, but had not done so in the Penal Code; thus, a criminal complaint had to be filed in order to prosecute the

perpetrator of corporal punishment within a family, and that was very rare. In Switzerland, there was zero tolerance for corporal punishment in schools and institutions, but not within the family, as a 2005 report had indicated. Liechtenstein appeared to be in a similar situation and so efforts needed to be made there, as in Switzerland, to stamp out corporal punishment within the family.

28. Ms. KHATTAB, Ms. SMITH and Ms. VUCKOVIC-SAHOVIC recommended, in order to effectively prevent corporal punishment of children, particularly those from cultural backgrounds where such acts were countenanced, that the authorities develop a penal provision expressly prohibiting corporal punishment at school and within the family and set suitable penalties.

29. Mr. WENAWESER (Liechtenstein) said that the Penal Code did mention bodily and psychological suffering, but that more explicit wording seemed necessary.

30. Ms. KIND (Liechtenstein) indicated that the Social Affairs Directorate was conducting a publicity campaign, aimed in particular at the various ethnic groups by whom corporal punishment was not considered blameworthy, to inform them of the provisions of the Civil Code. That campaign was combined with assistance work with the families to propose methods of upbringing that did not involve violence.

31. Mr. WENAWESER (Liechtenstein) noted that the ombudsman, whose position was to be created under the draft legislation on juveniles, would be mandated to: arbitrate in cases of conflict between children and adolescents and municipal or national institutions with responsibility for youth and young people's organizations; represent the interests of the children and adolescents vis-à-vis the courts and municipal and national authorities, institutions and organizations with responsibility for children and adolescents; oversee the implementation of the Convention on the Rights of the Child; render an opinion on any bill or ordinance particularly affecting young people; foster awareness of his or her activities.

32. Mr. PARFITT, noting that the ombudsman would have a significant role to play in prevention, asked whether that official would be responsible to Parliament and the Minister of Social Affairs or would be independent, and whether he or she would have the authority to provide young people in financial difficulties with legal aid.

33. Ms. BAROUK HASLER (Liechtenstein) replied that the ombudsman would be fully independent and that Liechtenstein already had a system of officially appointed lawyers for people unable to afford a lawyer in private practice.

34. Mr. WENAWESER (Liechtenstein) pointed out that a complaint mechanism already existed and that the entry into force of the new law would bring noticeable improvements.

35. Associations providing assistance to refugees and help with probation, as well as the Reproductive Health and HIV Prevention Office, had taken part in the drafting of the report and provided information. Liechtenstein did not have an NGO specializing in children's issues. The law on juveniles called for children to have a say in decision making on subjects of concern to them, at the municipal level through the mandatory creation of commissions on children and youth and at the national level through the creation of a new body, the Advisory Council on Children

and Youth, which would undoubtedly be involved in the drafting of future reports to the Committee.

36. Mr. PARFITT asked whether the ombudsman would be issuing an independent report.

37. Ms. BAROUK HASLER (Liechtenstein) thought the ombudsman should issue an independent report with the assistance of young people's organizations.

38. Mr. RANZONI (Liechtenstein) pointed out that children under 10 years of age could be questioned by the Social Affairs Office. There was no age limit for questioning children. In the event of divorce, the child had the right to be heard and in that regard, as with many other provisions, Liechtenstein's family law was similar to Switzerland's.

39. The new Code of Penal Procedure called for easier means of taking the testimony of young people needing protection; hence, they could be questioned without having to face the perpetrator of the offence and the interrogation session was recorded using a video camera, thus avoiding confrontation. Young victims could refuse to testify at the trial if they had already been questioned once under this facilitated testimony procedure.

40. Ms. BAROUK HASLER (Liechtenstein) explained why the "Youth Parliament" had been abandoned in 2002: its members—chosen by lottery—had not attended the meetings for lack of motivation. The new form of representation instituted the previous year, which was more binding, had been more successful; the delegated speakers elected under the new system would report to the Government on project implementation. That structure, whose work was deliberative rather than decisive, was still at an experimental stage and would be subject to evaluation. Moreover, various groups and young people's associations were working very actively in the field.

41. Mr. RANZONI (Liechtenstein) indicated that the welfare officers posted in some schools since 2003 were making a very active contribution to the development of relations between young people, the institutions and the teachers. Some were participating in a mediation process, and the country's sole lycée had several student associations, which would mediate in the event of a conflict.

42. Mr. WOLFINGER (Liechtenstein) said that the rare cases of violence that had occurred in schools had been between students rather than between students and teachers. The country's schools were doing yeoman service in integrating young immigrants while seeking to preserve these young people's identity and religious culture. That role was mainly played by the teachers of German as a foreign language, whose role extended to providing advice to families.

43. Mr. LIWSKI asked whether young people's associations, in and out of school, were taking action to support that twofold process of integration and identity preservation.

44. Ms. SMITH wanted to know whether there were democratic school institutions that ensured young people could have a say in decisions concerning life in the establishment, and whether harassment was a problem in school.

45. Mr. WOLFINGER (Liechtenstein) replied that cases of harassment did occur but were dealt with by welfare officers and the schools' psychological support

services. School democracy did exist, and was indeed the rule, not the exception. Most of the country's schools had a student body numbering between 100 and 150, so dialogue was easily established. Staff meetings brought together student representatives and school officials.

46. A council comprising experts from various directorates and ministries was charged with promoting equity and equal opportunity in various fields. The State was moreover in contact with various foreigners' associations and regularly organized meetings at which the latter set out their problems and solutions were sought jointly.

47. Where children with disabilities were concerned there was an "integrated" system, whereby the children were schooled in ordinary classes with additional personnel, and a "separate" system, at a specialized institution or abroad. The choice of one system or the other was for the parents to make. Liechtenstein was equipped with a centre for children with disabilities, which could not, however, accommodate all disabilities: blind children, in particular, had to go to Switzerland or Austria for their education.

48. Mr. PARFITT asked whether institutions accommodating deaf children were boarding schools or day centres.

49. Mr. WOLFINGER (Liechtenstein) replied that the therapeutic and educational centre for children with disabilities did not board children. All children were taken home by bus. Those parents who so desired could place their child in a boarding school in Switzerland or Austria.

50. Ms. KHATTAB asked why Liechtenstein sent certain children with behavioural problems to Austria.

51. Ms. KIND (Liechtenstein) said that ten years earlier Liechtenstein had set up a sociopaedagogical supervisory arrangement to accommodate children with behavioural problems, so that they could in fact remain in the country. The children that had to be placed in a psychiatric ward were sent to Switzerland or Austria because Liechtenstein lacked any such institution.

52. Mr. WOLFINGER (Liechtenstein) said that most children with behavioural problems remained in school in Liechtenstein.

53. Mr. FILALI noted that many nationalities lived together in Liechtenstein and asked whether those various communities had associations to support the development of their culture, whether they were authorized to teach their language and values, and whether such associations received State financial assistance.

54. Mr. WALCH (Liechtenstein) said that Liechtenstein had nationals of approximately 160 nationalities and that the most numerous communities were the German, Swiss and Austrian ones. The largest foreign communities had set up associations to promote their cultures.

55. Mr. FILALI asked whether it was possible for the smaller communities, Moroccan or Turkish for example, to teach their own languages and, if so, whether they received State support.

56. Mr. WOLFINGER (Liechtenstein) said that the State supported community associations wishing to teach their language and culture in the schools. An ordinance provided that schools must support these associations by making

classrooms available to them. The Italian and Spanish communities often took advantage of that provision. Teachers were seconded from, or paid by, the embassies of the countries concerned.

57. Mr. POLLAR asked whether the State party coordinated issues related to visits of children detained outside the country and provided support to parents in that regard.

58. He would also like to know whether the State had set up a procedure for the professional evaluation of legal and medical advisers working at child welfare institutions in Liechtenstein.

59. Ms. KHATTAB, noting that according to the report a mother had to have lived three years in Liechtenstein to be entitled to maternity benefit but that the corresponding requirement for paternity leave was five years, asked what justification there was for that discrimination. The delegation might also indicate whether the allowance for dependent children was given only to recipients of the maternity benefit.

60. Mr. PARFITT, noting that 35 children under 18 had been separated from their parents and placed in State custody in 2004, wanted to know under what circumstances such a separation was imposed and whether a court took action when a grandparent or close relative of the family offered to take custody of the child because the child's well-being seemed to the latter to be in danger.

61. It would be useful, too, to know how the sociopaedagogical supervisory arrangement for young people actually worked, and in particular whether one centre accommodated all children or whether there were a number of structures around the country, and how their return to their families was organized.

62. The delegation might also specify how much time social workers spent each year visiting foster families in Liechtenstein and how long an adoptable child was placed in a foster family before adoption.

63. Mr. ZERMATTEN asked whether there was really an increase in violence in the country, as indicated in the report, as the statistics in the written replies did not seem to show any spectacular increase.

64. Noting that drug consumption was still not very significant but that alcohol consumption by very young people was a problem, he asked what protective policy had been instituted and whether there were restrictions on the sale of alcohol in cafés, bars and restaurants, and shops, as such measures were known to have a deterrent effect.

65. He wanted to know the results of the youth justice diversion project undertaken in Liechtenstein in 2000, the effect of which was to withdraw the consideration of certain situations from the judiciary and to entrust them instead to a social authority that employed paedagogical methods, and what institutions were in charge of this paedagogical endeavour.

66. Mr. LIWSKI asked whether immigrant families' children had access to compulsory medical insurance, whether measures to prevent teenage pregnancies were included in sex education programmes, and whether an evaluation had been done of the decision to include psychotherapy in the scope of primary health care.

67. The delegation might also indicate what the incidence of breastfeeding was in Liechtenstein, as that practice was a preventive measure with a positive effect on the child's health, and what types of drugs and treatments were recommended to control hyperactivity syndrome.

68. The CHAIRPERSON asked what kind of assistance was available to pregnant girls and whether persons taking the HIV/AIDS screening test in Liechtenstein who were found to be HIV-positive were entitled to free treatment.

The meeting rose at 12:40 p.m.