

**STATUS OF HUMAN RIGHTS IN THE PRINCIPALITY OF LIECHTENSTEIN
FOR THE 43RD SESSION OF THE
UNIVERSAL PERIODIC REVIEW**

Introduction

1. The European Centre for Law and Justice (ECLJ) is an international, non-governmental organization dedicated to promoting and protecting human rights around the world. The ECLJ also holds Special Consultative status before the United Nations Economic and Social Council. This report discusses the status of human rights in the Principality of Liechtenstein (Liechtenstein) for the 43rd session of the Universal Periodic Review (UPR).

Background

2. Liechtenstein is located in Europe and has an estimated population of 39,711 people, of which immigrants make up about 67%.¹ Of the total population, 73.4% identify as Roman Catholic, 6.3% as Reformed Protestant, 5.9% as Muslim, 1.3% as Christian Orthodox, 1.2% as Lutheran, 0.7% as other Protestant, 0.3% as other Christian, 0.8% as other, 7% as none, and 3.3% as unspecified.²

3. Liechtenstein's previous review was held on January 24, 2018.³ As a result of the review, Liechtenstein received 126 recommendations, 84 of which were accepted by Liechtenstein.⁴ One recommendation made by France and noted by Liechtenstein, was that the government "[e]ase the very strict legislation on abortion."⁵ There were only a few recommendations made regarding the issue of human trafficking, including a recommendation made by the Maldives and supported by Liechtenstein that the government "[c]ontinue to take measures against human trafficking by adopting a gender-sensitive asylum procedure that responds to the specific needs of women and girl victims of trafficking."⁶ There were no specific recommendations made regarding religious freedom.

Legal Framework

4. The Constitution of Liechtenstein provides for basic human rights and freedoms. Article 27bis(1) states that "[h]uman dignity shall be respected and protected," and Article 27ter(1) states that "[e]very person shall have the right to life."⁷ Liechtenstein's abortion laws do give true meaning to these provisions, making the country a world leader in rights for the unborn.

5. Liechtenstein's abortion regulations are in line with the majority of U.N. Member States. Under Liechtenstein's laws, abortion is illegal in most circumstances, with exceptions for life and health of the mother, rape, and under-aged victims.⁸

6. Liechtenstein's abortion laws also generally reflect the principles enshrined in the Convention on the Rights of Child (CRC), the International Covenant on Civil and Political rights (ICCPR), and the Universal Declaration of Human Rights (UDHR). For instance, under Article 6 of the CRC, to which Liechtenstein is a party,⁹ "States Parties recognize that every child has the inherent right to life."¹⁰ Further, "States Parties shall ensure to the maximum extent possible the survival and development of the child."¹¹ Liechtenstein is also a party to the ICCPR.¹² Under Article 6, "[e]very human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life."¹³

Abortion

7. Since the previous UPR, Liechtenstein has not undertaken efforts to expand abortion. This is commendable, especially in light of the fact that many countries in Europe have begun to strip away protections from preborn babies. In fact, within Europe, 42 countries permit abortion on request with a gestational limit of at least 12 weeks.¹⁴ Liechtenstein remains one of only six countries in Europe, which does not allow abortion on request or on broad socioeconomic grounds.¹⁵ However, while Liechtenstein may be in the minority within Europe, Liechtenstein's laws on abortion fall in line with a majority of countries in the world.

8. Most countries understand that there is no “international right to abortion.” As such, a majority of the world has strict limitations when it comes to taking the life of a preborn baby. Out of the 193 U.N. Member States, an overwhelming majority (112) of them have strict limits on abortion: twenty countries prohibit abortion altogether; forty-two countries only permit abortion where the mother's life is at risk; and fifty only allow abortion to preserve the health of the mother.¹⁶ Even in the sixty-two countries that have varying gestational limits for on-demand abortions, the majority of them (53) have a gestational limit of twelve weeks or less, while some allow only up to fourteen weeks.¹⁷ Only eleven countries allow abortion throughout pregnancy for social and economic grounds, including for rape, incest, or fetal impairment.¹⁸ Only two countries broadly allow pre-viability abortion.¹⁹ And finally, there are only six extreme outliers among the nations, including China and North Korea, which do not have a law indicating any gestational limit on abortion, though their regulatory mechanisms vary.²⁰

9. It can clearly be seen that, while abortion regulations vary across the world, the one thing that almost every country agrees on is that the state maintains an interest in protecting life, not only of women and girls, but for all its citizens, including preborn babies. This is such a foundational interest that it is enshrined in international, national, and local laws.

10. The UDHR, one of the most respected documents reinforcing human rights, states that “recognition of the inherent dignity and of the equal and inalienable rights of *all* members of the human family is the foundation of freedom, justice and peace in the world,”²¹ and that “[e]veryone has the right to life”²² Again, Article 6 of the ICCPR likewise states that “[e]very human being has the inherent right to life. This right shall be protected by law.”²³ And the preamble of the United Nations Charter states that “the peoples of the United Nations determined . . . to reaffirm faith in fundamental human rights, in the dignity and worth of the human person”²⁴ It is important to note that, while virtually all international treaties contain provisions for the protection and promotion of the right to life, not one contains a “right to abortion.” Furthermore, the 1994 Cairo Conference on Population and Development urged U.N. Member States to “reduce the recourse to abortion”²⁵ and to “take appropriate steps to help women avoid abortion, *which in no case should be promoted as a method of family planning.*”²⁶

11. Liechtenstein understands that abortion is one of the gravest of all offenses against human life and justice because it entails the deliberate killing of an innocent human being. Any justification of abortion (aside from the extremely rare life vs. life situations where a mother is at risk of dying from continuing the pregnancy) fundamentally rests on the proposition that some members of the human race do not have even the most basic of human rights, i.e., the right to life. That proposition violates the international laws mentioned above. Human life has inherent value that transcends extenuating circumstances such as the possibility that there might be physical abnormalities. Babies born with Down syndrome are capable of living long and otherwise healthy lives, and tests used to detect abnormalities are not consistently reliable. A country has not only the right, but the duty to protect each and every innocent life.²⁷

12. Abortion can also cause physical harm to the mother, beyond the harm (i.e., death) to the preborn child. This can result directly from the procedure itself (e.g., perforation of the uterus,²⁸ laceration of the cervix²⁹), from the deprivation of the health benefits of continuing pregnancy (e.g., eliminating the protective effect of a full-term pregnancy against breast cancer),³⁰ or by masking other dangerous symptoms (e.g., a woman with an infection or an ectopic pregnancy may believe her symptoms are merely normal after-effects of abortion, leading her to delay seeking medical help).³¹ Remarkably, although prepared by pro-abortion activists and lacking in any legal authority, the World Health Organization's newly published 2022 "Abortion care guideline" also acknowledges the complications of abortion.³²

13. Abortion also causes women terrible side effects post-procedure, such as leading to drug abuse to suicidal thoughts.³³ All of these factors contribute to the negative and even devastating effects abortion has on women and girls and are further evidence of why Liechtenstein has every right to protect women and preborn children from the devastating effects of abortion.

Human Trafficking

14. Liechtenstein also appears to be an outlier in the area of human trafficking. While countries made recommendations in this area during the previous review, no cases of trafficking have been reported in Liechtenstein in recent years. During the prior review however, foreign nightclub dancers "who were granted short-term residence permits until February 2016 were identified as a vulnerable group."³⁴ Since February 2016, Liechtenstein has stopped issuing short-term residence permits, so this does not seem to be an issue any longer for this UPR.³⁵ Further, sexual violence against women appears to be extremely low, with not a single incident of rape reported in the year 2020.³⁶

15. To further bolster Liechtenstein's commitment to end human trafficking, the Liechtenstein Initiative for a Financial Sector Commission on Modern Slavery and Human Trafficking (Initiative) was launched in September of 2018.³⁷ The Initiative is a partnership between Liechtenstein, Australia, the Netherlands, the United Nations University Centre for Policy Research, and the Liechtenstein private sector, which "aims to put the financial sector at the heart of global efforts to end modern slavery and human trafficking and accelerate action in eradicating these practices."³⁸ As its first action, the Initiative released a report that was a Blueprint for ending trafficking and modern day slavery. The Blueprint sets out five goals to bolster the financial industry's response to modern slavery and human trafficking. Each goal is based on a set of proposed actions. These include:

- Increasing resources for financial investigations of modern slavery and human trafficking
- Developing better indicators of trafficking-related money laundering and terrorist financing risks
- Promoting collaboration across the sector on human rights due diligence and social risk mapping
- Developing detailed leverage guidance
- Investing in digital and social finance, including microfinance, to serve the most vulnerable.³⁹

The Blueprint also gave rise to Finance Against Slavery and Trafficking (FAST).

16. From September 2018 – 2019, FAST held four formal meetings across the world to discuss ways in which the global financial market can address and prevent human trafficking worldwide.⁴⁰ In addition to these meetings, "over 100 informal consultations took place with

stakeholders.”⁴¹

17. Since the launch of FAST, it has worked with key partners who have helped disseminate and promote the implementation of the Blueprint all over the world.

18. Furthermore, the Association of Certified Anti-Money Laundering Specialists have teamed up with FAST to provide the first-ever modern slavery and human trafficking awareness certificate, a free training course raising awareness of the financial footprints left by these crimes.⁴²

Recommendations

19. Liechtenstein is a world leader on protecting the rights of preborn babies and combatting human trafficking. Despite being one of the world’s smallest countries, Liechtenstein serves as a role model to other nations on how a society can protect fundamental human rights. Liechtenstein should reject any calls to weaken or remove its protections for the preborn. Liechtenstein should be commended on its commitment to protect the most basic human right, the right to life, whether it be from abortion or human trafficking.

¹ *Liechtenstein*, THE WORLD FACTBOOK (Jul. 7, 2022), <https://www.cia.gov/the-world-factbook/countries/liechtenstein/>.

² *Id.*

³ *Universal Periodic Review – Liechtenstein*, OHCHR, <https://www.ohchr.org/en/hr-bodies/upr/li-index> (last visited July 20, 2022).

⁴ *Liechtenstein*, OHCHR, https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session29/LI/LIECHTENSTEIN_Infographic_29th.pdf.

⁵ *UPR of Liechtenstein (3rd Cycle – 29th Session): Thematic List of Recommendations*, OHCHR, at A/HRC/38/16/Add.1, <https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session29/LI/MatriceRecommendationsLiechtenstein.docx>.

⁶ *Id.*

⁷ CONSTITUTION OF THE PRINCIPALITY OF LIECHTENSTEIN 1921 (rev. 2011) arts. 27bis(1) & 27ter(1), https://www.constituteproject.org/constitution/Liechtenstein_2011?lang=en.

⁸ Strafgesetzbuch vom 24. Juni 1987 [StGB] [Criminal Code of 24 June 1987] § 96, https://adsdatabase.ohchr.org/IssueLibrary/LIECHTENSTEIN_Criminal%20Code.pdf (Liech.); *id.* § 74.

⁹ *Ratification Status for Liechtenstein*, OHCHR, https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=100&Lang=EN (last visited July 20, 2022).

¹⁰ Convention on the Rights of the Child art. 6, *adopted* Nov. 20, 1989, 1577 UNTS 3, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>.

¹¹ *Id.*

¹² *Ratification Status for Liechtenstein*, *supra* note 9.

¹³ International Covenant on Civil and Political Rights art. 6, *adopted* Dec. 16, 1966, 999 U.N.T.S. 171 [hereinafter ICCPR], <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>.

¹⁴ *The World’s Abortion Laws*, CTR. FOR REPROD. RTS. (Feb. 23, 2021), https://reproductiverights.org/sites/default/files/WALM_2021update_V1.pdf.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

²¹ G.A. Res. 217 (III) A, Universal Declaration of Human Rights, preamble (Dec. 10, 1948) (emphasis added).

²² *Id.* art. 3 (emphasis added).

²³ ICCPR, *supra* note 13 (emphasis added).

²⁴ U.N. Charter preamble.

²⁵ U.N., *Report of the International Conference on Population and Development*, ¶ 8.25, U.N. Doc. A/CONF/F.171/13/Rev.1 at 58 (Sept. 5-13, 1994), https://www.un.org/development/desa/pd/sites/www.un.org.development.desa.pd/files/icpd_en.pdf.

²⁶ *Id.* ¶ 7.24 (emphasis added).

²⁷ *Id.*

²⁸ Brian R. Pridmore & Dennis G. Chambers, *Uterine Perforation During Surgical Abortion: A Review of Diagnosis, Management and Prevention*, 39 AUSTL. & N.Z. J. OBSTETS. & GYNAECOL. 349, 349 (1999).

²⁹ *Abortion & Pregnancy Risks*, LA. DEP'T OF HEALTH, <https://ldh.la.gov/page/915> (last visited July 21, 2022).

³⁰ See Justin D. Heminger, *Big Abortion: What the Antiabortion Movement Can Learn from Big Tobacco*, 54 CATH. U.L. REV. 1273, 1290 nn.119 & 121 (2005).

³¹ See generally *Physical Effects of Abortion: Fact Sheets, News, Articles, Links to Published Studies and More*, UNCHOICE, www.theunchoice.com/physical.htm (last visited July 21, 2022) (noting that abortion can lead to infection and future ectopic pregnancies).

³² WORLD HEALTH ORG., ABORTION CARE GUIDELINE 79 (2022), <https://www.who.int/publications/i/item/9789240039483>.

³³ Priscilla K. Coleman, et al., *Women Who Suffered Emotionally from Abortion: A Qualitative Synthesis of Their Experiences*, 22 J. AM. PHYSICIANS & SURGEONS 113, 116-17 (2017), available at <https://www.jpands.org/vol22no4/coleman.pdf>.

³⁴ Hum. Rts. Council, National Report Submitted in Accordance with Paragraph 5 of the Annex to Human Rights Council Resolution 16/21: Liechtenstein, ¶ 76, U.N. Doc. A/HRC/WG.6/29/LIE/1 (Nov. 1, 2017), https://digitallibrary-un.org/translate/goog/record/1629672?_x_tr_sl=ar&_x_tr_tl=en&_x_tr_hl=en&_x_tr_pto=sc#record-files-collapse-header.

³⁵ *Id.*

³⁶ Vijay Darda, *Liechtenstein, A New Hope for the World!*, THE DAILY GUARDIAN (Nov. 25, 2021, 12:50 AM), <https://theguardian.com/liechtenstein-a-new-hope-for-the-world/>.

³⁷ A BLUEPRINT FOR MOBILIZING FINANCE AGAINST SLAVERY AND TRAFFICKING, LIECHTENSTEIN INITIATIVE, at iii (2019), <https://www.fastinitiative.org/wp-content/uploads/Blueprint-DIGITAL-3.pdf>.

³⁸ *Id.*

³⁹ Liechtenstein Initiative Launches Finance Against Slavery and Trafficking (FAST), Embassy of the Principality of Liechtenstein, <https://www.liechtensteinusa.org/article/liechtenstein-initiative-launches-finance-against-slavery-and-trafficking-fast> (last visited July 28, 2022).

⁴⁰ BLUEPRINT, *supra* note 37.

⁴¹ FAST, *supra* note 39.

⁴² Commit Yourself to Fighting Modern Slavery and Human Trafficking, ACAMS, <https://www.acams.org/en/training/certificates/fighting-modern-slavery-and-human-trafficking#overview-ce6f8a18>.