

# **LIECHTENSTEIN**

## **BRIEFING FOR THE HUMAN RIGHTS COUNCIL UNIVERSAL PERIODIC REVIEW – 15<sup>th</sup> session, 2013**

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Global Initiative to  
**End All Corporal Punishment  
of Children**

*Corporal punishment of children breaches their rights to respect for human dignity and physical integrity and to equal protection under the law. It is recognised by the Committee on the Rights of the Child and other treaty bodies, as well as by the UN Secretary General’s Study on Violence against Children, as a highly significant issue, both for asserting children’s status as rights holders and for the prevention of all forms of violence.*

*In June 2006, the Committee on the Rights of the Child adopted General Comment No. 8 on “The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment”, which emphasises the immediate obligation on states parties to prohibit all corporal punishment of children, including within the home. Other treaty bodies and also regional human rights mechanisms have condemned all corporal punishment. In October 2006, the report of the UN Secretary General’s Study on Violence against Children was submitted to the General Assembly. It recommends universal prohibition of all corporal punishment as a matter of priority.*

*The Global Initiative to End All Corporal Punishment of Children has regularly briefed the Committee on the Rights of the Child on this issue since 2002, since 2004 has similarly briefed the Committee Against Torture, the Committee on the Elimination of Discrimination Against Women, the Committee on Economic, Social and Cultural Rights and the Human Rights Committee, and in 2011 began briefing the Committee on the Rights of Persons with Disabilities. There is growing progress across all regions in challenging this common form of violence against children. But many states persist in ignoring treaty body recommendations to prohibit and eliminate all corporal punishment. We hope the Working Group of the UPR will give particular attention to states’ response, or lack of response, to the concluding observations from treaty bodies on this issue, as well as to the recommendations made during the first cycle of the UPR.*

**Since the initial UPR of Liechtenstein in 2008, legislation has come into force which prohibits all corporal punishment of children, complying with the state’s obligations under the Convention on the Rights of the Child and other human rights instruments.**

**We hope the Human Rights Council will note the achievement of law reform to prohibit corporal punishment in Liechtenstein. We hope states will raise the issue during the review in 2013 and recommend to Liechtenstein that the state undertake measures to implement the law and eliminate corporal punishment in practice.**

## **1 The initial review of Liechtenstein by the Human Rights Council (2008)**

1.1 Liechtenstein was reviewed in the first cycle of the Universal Periodic Review in 2008 (session 3). The issue of corporal punishment of children was included in the compilation of UN information<sup>1</sup> and the summary of stakeholders' information.<sup>2</sup> The following recommendation was made:

“Prohibit by law all forms of corporal punishment of children, without exception (France)”<sup>3</sup>

1.2 The Government accepted the recommendation and, in doing so, stated that legislation had been introduced which explicitly prohibited corporal punishment of children.<sup>4</sup>

1.3 The Global Initiative is pleased to confirm that the Children and Youth Act (2008), which came into force in January 2009, explicitly prohibits all corporal punishment of children, including by parents in the home. However, we have no information regarding efforts to ensure implementation of the law.

## **2 Corporal punishment of children in Liechtenstein**

2.1 Corporal punishment of children is prohibited in the home and all other settings. Article 146a of the Civil Code (1811, as amended 1993) states that the use of force and the infliction of physical and mental suffering are not allowed in childrearing. Explicit prohibition of all corporal punishment was enacted in 2008 and came into force in January 2009. Article 3 of the Children and Youth Act (2008) states (unofficial translation): “(1) Children and young people have the rights outlined in the Convention on the Rights of the Child and to the following measures: (a) protection notably against discrimination, neglect, violence, abuse and sexual abuse; (b) education/upbringing without violence: corporal punishment, psychological harm and other degrading treatment are not accepted .... (2) Children can address the Ombudsperson when they believe their rights have been violated.”

## **3 Recommendations by human rights treaty monitoring bodies**

3.1 In 2006, the **Committee on the Rights of the Child**, in addition to recommending law reform to prohibit corporal punishment, recommended that the state party “undertake awareness-raising campaigns and education programmes aimed at parents, professionals and children concerning non-violent forms of discipline and participatory forms of child-rearing and education, and [...] study the prevalence of corporal punishment of children in the family”.<sup>5</sup>

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<sup>1</sup> 24 September 2008, A/HRC/WG.6/3/LIE/2, Compilation of UN information, para. 31

<sup>2</sup> 15 September 2008, A/HRC/WG.6/3/LIE/3, Summary of stakeholders information, para. 14

<sup>3</sup> 7 January 2009, A/HRC/10/77, Report of the Working Group, para. 65(24)

<sup>4</sup> 29 February 2009, A/HRC/10/77/Add.1, Report of the Working Group: Addendum

<sup>5</sup> 16 March 2006, CRC/C/LIE/CO/2, Concluding observations on second report, paras. 22 and 23