



# Convention on the Rights of the Child

Distr.: General  
4 March 2010  
Original: English

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## Committee on the Rights of the Child

Fifty-third session

11-29 January 2010

### Consideration of reports submitted by States parties under article 8 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

#### Concluding observations: Liechtenstein

1. The Committee considered the initial report of Liechtenstein (CRC/C/OPAC/LIE/1) at its 1484th meeting (CRC/C/SR.1484), held on 22 January 2010, and adopted at its 1501st meeting held on 29 January 2010 the following concluding observations.

#### A. Introduction

2. The Committee welcomes the submission of the State party's initial report under the Optional Protocol, which gives substantive information on the legislative and other measures applicable in the State party with respect to the rights guaranteed by the Optional Protocol. The Committee appreciates the constructive and informative dialogue held with the State party's delegation.

#### B. Positive aspects

3. The Committee takes note of information that the State party has no national armed forces. Furthermore, the Committee welcomes the following:

(a) The enactment of the new Children and Youth Act, which makes reference to the Convention on the Rights of the Child, in February 2009;

(b) The appointment for a period of four years of the first Ombudsman for children, in October 2009;

(c) The active participation at international fora and support for strengthening relevant international mechanisms, including the Special Representative of the Secretary-General and the International Criminal Court,

(d) The support to projects in the area of rights of the child and children affected by armed conflict, as well as mine action and victim assistance, especially at multilateral level, through contributions to UNICEF and UNDP, and ICRC;

(e) The support to civil society organizations active in the protection of children in armed conflict.

4. Furthermore the Committee commends the State party on its accession to, or ratification of, inter alia:

(a) The United Nations Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, in 2008;

(b) The Rome Statute of the International Criminal Court in 2001;

(c) The Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction in 1998.

## **I. General measures of implementation**

### **Dissemination and awareness**

5. The Committee, while noting State party's efforts to raise awareness of human rights, in particular that human rights education is a component of school curricula at all levels of education, is concerned that no specific dissemination of the Optional Protocol has been undertaken.

**6. The Committee recommends, in light of article 6, paragraph 2 of the Optional Protocol that the State party ensure that the principles and provisions of the Optional Protocol are widely disseminated to the general public, State officials and among children.**

### **Training**

7. The Committee welcomes the organization, with support from the Office of Social Affairs, of an international training seminar for youth workers, aiming at deepening the understanding of human rights in youth work. The Committee is however concerned at the lack of information on training on human rights standards and the provisions of the Optional Protocol for all relevant professional groups within Liechtenstein.

**8. The Committee recommends that the State party develop awareness-raising, education and training programmes on the provisions of the Optional Protocol for relevant professional groups working with children (including asylum-seeking, refugee and migrant children who may have been recruited or used in hostilities), notably law enforcement and immigration officers, judges, social workers, media professionals, and legislators.**

### **Independent monitoring**

**9. The Committee notes with appreciation the appointment in October 2009 of the first Ombudsperson for children, and recommends that the State party ensure that it is independent, in accordance with the principles relating to the status of national institutions (The Paris Principles), and vested with a mandate to monitor the**

implementation of the Convention and the Optional Protocol, as well as with adequate human, technical and financial resources. In this regard, the Committee draws attention to its general comment No. 2 (2002) on national human rights institutions .

## **II. Prevention**

### **Compulsory recruitment**

10. The Committee notes that the Constitution provides for mandatory conscription in the event of emergency of “every man fit to bear arms”, up to the completion of his 60th year, whereby a minimum age for conscription is not specified. The Committee is concerned that there is no legal guarantee against the recruitment of persons under the age of 18 in the event of war or emergency.

11. **Regardless of the prohibition of the acquiring, possessing or carrying of weapons by persons under the age of 18 contained in the Weapons Act, the Committee recommends that the State party establish clear legal guarantees to protect persons under the age of 18 from recruitment in the case of war or an emergency.**

### **Peace education**

12. **With reference to its general comment No. 1 (2001) on the aims of education, the Committee recommends that the State party undertake efforts to include peace education in the school curricula, with special reference to crimes covered by the Optional Protocol.**

## **III. Prohibition and related matters**

### **Criminal legislation and regulations in force**

13. The Committee notes the State party’s declaration upon ratification and information that it does not maintain national armed forces since 1868, and that there have not been non-state armed groups present in its territory. The Committee notes that the establishing and recruiting for armed groups is criminalized in the State party (art. 279 of the Criminal Code). The absence of armed forces or groups does not, however, exclude the possibility of individuals or groups undertaking efforts to recruit children for foreign armed forces or groups; consequently the Committee is concerned that the recruitment of children is not explicitly defined as a crime in the Penal Code. Furthermore, the Committee regrets the lack of information on war crimes provisions in national legislation aimed at criminalizing the conscription or enlistment of children under the age of 15 into national armed forces or using them to participate actively in hostilities, in accordance with the Rome Statute of the International Criminal Court, to which Liechtenstein is party.

14. **The Committee recommends that the State party revise relevant legislation, taking into account relevant international instruments to which it is party, including the Rome Statute of the International Criminal Court, and include provisions which explicitly criminalize violations of the provisions of the Optional Protocol regarding the recruitment and involvement of children in hostilities. Furthermore, the State party is recommended to include a definition of direct participation in hostilities.**

### **Jurisdiction and extradition**

15. The Committee notes information that extradition from the State party is guided, inter alia, by the Liechtenstein Act on Mutual Assistance and that extradition of alleged offences under the Optional Protocol could be conducted on the basis of articles 279 (regarding armed groups) and 104a (regarding human trafficking) of the Penal Code. Nevertheless, the Committee regrets the lack of an explicit reference in the State party's legislation to the possibility of extradition of persons who committed offences addressed in the Optional Protocol and that extradition is subject to the criterion of double criminality.

16. **The Committee recommends that the State party ensure that domestic legislation enables it to establish and exercise extra-territorial jurisdiction over war crimes of conscription and enlistment of children in hostilities and furthermore recommends that the State party strengthen measures to establish extraterritorial jurisdiction over crimes under the Optional Protocol without the criterion of double criminality.**

## **IV. Protection, recovery and reintegration**

### **Assistance for physical and psychological recovery**

17. The Committee welcomes the measures adopted by the State party to provide protection, rehabilitation and other assistance for children affected by armed conflicts in their countries of origin. The Committee notes information from the State party that no cases have come to their attention of child victims of practices prohibited under the Optional Protocol among refugees and asylum-seekers. The Committee notes information that, however, not all assessment interviews are conducted in the presence of an NGO, as provided for in the asylum procedure. In this respect, the Committee is concerned at the lack of an identification mechanism of these children and regrets that, if needed, specific recovery and reintegration programmes and services would not be available for them.

18. **The Committee recommends that, in the context of the asylum procedure, the State party conduct all assessment interviews in the presence of an NGO or other independent observer where necessary and to develop measures to identify, and systematically collect data on, refugee, asylum-seeking as well as migrant children within its jurisdiction who may have been recruited or used in hostilities abroad and ensure that these children receive appropriate care and treatment, including multidisciplinary assistance for their physical and psychological recovery and their social reintegration.**

## **V. International assistance and cooperation**

19. **The Committee recommends that the State party continue and strengthen its financial support for multilateral and bilateral activities to address the rights of children involved in armed conflict, in particular by promoting preventive measures as well as physical and psychological recovery and social reintegration of child victims of acts contrary to the Optional Protocol.**

## **VI. Other legal provisions**

20. Given the potential connection between the sale of children and their recruitment into armed groups, the Committee while noting the statement by the delegation on steps taken towards ratification of the Optional Protocol on the sale of children, child prostitution and child pornography and that it is expected to take another two years, the Committee invites the State party to expedite enactment of domestic laws that would allow for the ratification of the Optional Protocol as a matter of priority.

21. The Committee encourages the State party to become a member of the International Labour Organisation and to ratify ILO Convention No. 182 (1999) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

## **VII. Follow-up and dissemination**

22. The Committee recommends that the State party take all appropriate measures to ensure the full implementation of the present recommendations, *inter alia*, by transmitting them to the Parliament for appropriate consideration and further action.

23. In light of article 6, paragraph 2, of the Optional Protocol, the Committee recommends that the initial report submitted by the State party and the concluding observations adopted by the Committee be made widely available to the public at large in order to generate debate and awareness of the Optional Protocol, its implementation and monitoring.

## **VII. Next report**

24. In accordance with article 8, paragraph 2 of the Optional protocol, the Committee requests the State party to include further information on the implementation of the Optional Protocol in its next periodic report under the Convention on the Rights of the Child, in accordance with article 44 of the Convention.

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