



**International covenant
on civil and
political rights**

Distr.
GENERAL

CCPR/C/SR.2205
27 July 2004

Original: ENGLISH

HUMAN RIGHTS COMMITTEE

Eighty-first session

SUMMARY RECORD OF THE 2205th MEETING

Held at the Palais Wilson, Geneva,
on Friday, 16 July 2004, at 3 p.m.

Chairperson: Mr. AMOR

CONTENTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLE 40 OF THE COVENANT (continued)

Initial report of Liechtenstein (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.04-42811 (E) 200704 270704

The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLE 40 OF THE COVENANT (agenda item 6) (continued)

Initial report of Liechtenstein (continued) (CCPR/C/LIE/2003/1; CCPR/C/81/L/LIE)

1. At the invitation of the Chairperson, the members of the delegation of Liechtenstein resumed their places at the Committee table.
2. The CHAIRPERSON invited the delegation to respond to the remaining questions raised by members of the Committee at the previous meeting.
3. Mr. LANGENBAHN (Liechtenstein) said that under an amendment to the Police Act adopted in 2001 new powers had been given to the police to deal with cases of domestic violence, especially against women and girls. An offender could be expelled immediately from the household and not allowed to return for 10 days. The victim could apply for a court order to extend the prohibition for up to a further three months. There was no appeal against the initial 10-day police order of expulsion, which was immediately executed. A person who breached the prohibition could be fined up to 6,000 Swiss francs (Sw F) and taken into custody for 24 hours. In practice, there were about 10 such cases each year.
4. Ms. HOCH (Liechtenstein) said that the Office for Gender Equality collaborated with similar offices in Austria and Switzerland but there was no formal working group. An example of existing cooperation was a joint web site of women's organizations in the three countries.
5. Mr. WALCH (Liechtenstein), responding to a question about the prerequisites for naturalization and grounds for rejection of applications, said that the only criterion was at least five years' residence in Liechtenstein.
6. Mr. WENAWESER (Liechtenstein) said that the Committee's point concerning the tendency in the report to focus on the European Convention on Human Rights was well taken. Although there was certainly greater awareness in the country of the European Convention, he hoped that the dialogue with the Committee would help to publicize the Covenant. The individual complaint procedure under the European Convention was also better known than the procedure under the Optional Protocol to the Covenant. The Protocol had, however, been published and members of the legal profession were well aware of its existence.
7. Liechtenstein's reservation to article 20 of the Covenant had been partially withdrawn and would in all likelihood be fully withdrawn in the near future.
8. He assured the Committee that the revised Constitution was fully compatible with the Covenant.
9. No formal declaration of a state of emergency was required under article 10 of the Constitution but an appeal against a state of emergency could be filed with the Constitutional Court. A state of emergency could be extended for up to six months, following which it automatically expired and could be extended only with the approval of Parliament.

10. The possible broader impact on the advancement of women of the laws on hereditary succession to the throne, which discriminated against the female line, was a staple topic of debate in Liechtenstein. He agreed that the number of women in leadership positions, in public life or elsewhere, had a positive effect on their status in society.
11. Liechtenstein had ratified the Rome Statute of the International Criminal Court, which prohibited immunity for Heads of State.
12. Mr. SHEARER, expressing appreciation for Liechtenstein's excellent report and helpful responses, said he was surprised to hear that the reservation to article 20 of the Covenant had been only partially withdrawn, since there was no mention of any such reservation by Liechtenstein in the official status list maintained by the Secretary-General.
13. Mr. DEPASQUALE asked who took the initial decision to order a person allegedly guilty of domestic violence to leave the family home. In the absence of an official inquiry, was there any procedure for allowing the alleged aggressor to contest the initial decision?
14. Mr. WENAWESER (Liechtenstein) confirmed that the partial reservation to article 20 still existed. The matter would be taken up with the Office of Legal Affairs at United Nations Headquarters.
15. Mr. LANGENBAHN (Liechtenstein) said that in cases of domestic violence the competent police officers decided to issue an expulsion order solely on the basis of their perception of whether there was a risk of escalating violence if the aggressor was not removed. They could issue such an order even in the absence of an application by the victim. There was no appeal against the initial order but endorsement of the expulsion by the chief of police was required within three days.
16. The CHAIRPERSON invited the delegation to respond to questions 13 to 21 of the list of issues (CCPR/C/81/L/LIE).
17. Mr. LANGENBAHN (Liechtenstein), responding to question 13, said that the right to life had been included in the list, in article 10 of the Constitution, of rights that were non-derogable in a state of emergency, a guarantee that was considered even stronger than the constitutional guarantee of the right to life. Furthermore, the European Convention on Human Rights was self-executing international law and therefore directly applicable.
18. The Police Act of 1989 was modelled on a comparable Swiss law. The United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials had been adopted in 1990, one year later. The provisions of the Police Act constituted an integral part of initial and in-service police training. The use of firearms was allowed only in cases of self-defence, direct endangerment of another person's life or health, attempted escape by a person convicted of a serious crime, and attempted flight by a person strongly suspected of seriously endangering the life or health of third parties. Firearms could also be used to rescue hostages and to prevent serious crimes, such as terrorist acts, intended to endanger the population or large sections of the population. The same rules applied to the firing of warning shots.

19. Uniformed police officers carried a firearm, a multi-purpose truncheon and a pepper spray. They could be used only on the basis of the principle of proportionality, which meant using them only if it was necessary to achieve the intended and lawful purpose and effective in achieving that purpose. Officers were also required to use the least rigorous means available. Two kinds of bullets were used, one by ordinary police officers and the other more dangerous kind by members of special weapons and tactics (SWAT) teams. Every officer and police car was equipped with bullet-proof jackets. Every use of any weapon must be reported immediately to the chief of police. Before using a firearm, officers must identify themselves and give a clear warning, if circumstances so allowed. There should be no foreseeable danger to third parties and the use of firearms was prohibited in lawful or unlawful assemblies. Special units were trained to break up such assemblies (usually involving hooliganism) by other means. During the past 10 years firearms had been used only twice, once in 1996 when a police officer had fired a warning shot to stop a robber and the second time in 1999 when a weapon smuggler had been shot by Swiss border control personnel on Liechtenstein soil after he had killed a border control officer and injured another. The last case of an officer falling in the line of duty had occurred in 1989.

20. Replying to question 14 of the list of issues, he said that there were plans to recognize the right of a prisoner to inform a person of his or her choice immediately after entering prison. That had been the practice for many years for prisoners on remand, in police custody and in administrative custody in the light of the self-executing rules of the European Convention on Human Rights. Where delays occurred on grounds relating to prosecution, a complaint to the administrative authorities could be filed. A detainee was informed of the right to choose a lawyer at the latest during the first questioning by an investigating judge. A defence counsel was appointed free of charge if the detainee could not afford a lawyer. There was no provision in the Code of Criminal Procedure for the presence of counsel during police questioning but a detainee could remain silent and insist on first consulting a lawyer. Detainees could meet counsel in private unless there was a danger of collusion, in which case the Code of Criminal Procedure allowed a court official to be present prior to indictment. That provision had not been invoked for the past two years because there were serious doubts as to its compatibility with the European Convention.

21. Under the law on the execution of sentences, a medical examination by a doctor or nurse was required within 24 hours after imprisonment. Standard procedures were prescribed for the examination and the keeping of medical records, to which police officers and prison warders were denied access.

22. Detainees were entitled to a visit by family members or other persons for at least 30 minutes each week. However, two visits a week had been allowed in practice for many years. In addition, detainees could see their lawyer or a doctor, therapist, pastor or social worker at any time provided that prison security and order were not disturbed.

23. Responding to question 15 of the list of issues, he said that solitary confinement did not exist in Liechtenstein. Limitation of contact with other prisoners or persons outside the prison did not involve isolation and was known as "imprisonment with restrictions". Contacts with relatives might be restricted for a short time after arrest in order to carry out house searches or make further arrests if those measures might otherwise be compromised. The fact that

Liechtenstein had only one prison meant that contact with other prisoners had to be restricted more frequently than in other countries. The detainee mentioned in a report by the European Committee for the Prevention of Torture had been held under “imprisonment with restrictions” for six months, during which period his visiting and correspondence rights had not been restricted. He had asked not to be given employment in prison as he wished to spend his time studying his case documents.

24. “Imprisonment with restrictions” could be ordered by a court if there was a danger of collusion, or by the prison authorities in order to maintain internal order or security or to protect the interests of certain prisoners. In the case of disciplinary measures, restrictions could be imposed on visits for a maximum of three weeks, but not on visits by lawyers and the other persons already mentioned. “Imprisonment with restrictions” could be ordered by a court for up to two months where a prisoner was on remand owing to a risk of collusion and up to six months where there was an additional reason for imprisonment. Any extension required High Court approval and the remand prisoner could file a complaint with the High Court about restrictions ordered by the court. A complaint against restrictive orders by prison authorities could be filed with the Administrative Court.

25. The delivery of correspondence could be delayed in exceptional circumstances but letters to the authorities, for instance containing complaints or appeals, could not be withheld.

26. A 1999 report by the Committee for the Prevention of Torture had praised the conditions in Vaduz prison. Further improvements in leisure facilities had been made in the past two years.

27. There were no women police officers. One part-time officer had resigned and had not yet been replaced owing to the lack of qualified female candidates. No woman had applied for a post of prison officer that had fallen vacant one and a half years previously. As the average number of prisoners held in Vaduz Prison was 14, there was no shortage of prison staff.

28. Mr. WENAWESER (Liechtenstein), replying to a question raised by Mr. Shearer, said that the State party had deposited with the Secretary-General a withdrawal of the reservation to article 20, paragraph 2, of the Covenant. The reservation to article 20, paragraph 1, remained in force.

29. Mr. WALCH (Liechtenstein), replying to question 16 of the list of issues, said that Liechtenstein welcomed foreign citizens with a valid residence permit and those entering as tourists. A brochure available in 12 languages was handed to all foreigners who had been granted a residence permit.

30. Under certain circumstances, a foreigner could have his or her residence permit withdrawn, or the extension of a permit could be denied, in which case expulsion ensued. His delegation preferred the term “expulsion” to “deportation”. All decisions relating to the expulsion of foreigners were taken in compliance with the law; in the past five years none had been expelled solely on the grounds that they represented a substantial burden on society. Such grounds were only likely to be invoked when the circumstance of being a “substantial burden” was of a person’s own making or continuous. In the majority of cases, expulsion orders were

issued if the foreigner was deemed to pose a threat to public security. Any such decision was taken in compliance with domestic and international legal obligations relating to the movement of persons. Legislation provided for recourse against expulsion orders.

31. Mr. WENAWESER (Liechtenstein), responding to question 17, said that, in 2003, a body composed of the Reigning Prince, representatives of Parliament and the Minister of Justice had been established to nominate judges, who were subsequently elected by Parliament. The duties of chairing that body, as well as exercising casting votes, fell to the Prince. The representatives of Parliament and the Prince could each appoint an equal number of candidates. Once a judge had been elected, he or she was formally appointed by the Prince. If Parliament rejected a candidate nominated by the Prince, it was required to nominate an alternative candidate within one month and order a popular vote. Although the nominating body could only recommend candidates with the approval of the Prince, Parliament could nominate candidates previously rejected by the latter as alternative candidates. The Prince was bound to appoint the alternative candidate if he or she was elected by popular vote. Such arrangements limited the Prince's veto powers over the appointment of judges.

32. Article 95, paragraph 2, of the new Constitution guaranteed the independence of the judiciary and regulated the involvement of non-judicial organs in judicial proceedings. Judges were independent vis-à-vis the Government and Parliament, and, with the exception of the right to pardon, vis-à-vis the Reigning Prince.

33. The body entrusted with the nomination of judges had been established in conformity with Human Rights Committee recommendations on the independence of the judiciary.

34. Tenure for both regular judges and alternate judges in the Constitutional Court and the Administrative Court was five years; re-election was possible. Terms of office were structured so that one judge and one alternate judge left office, or were re-elected, each year. The independence of Administrative Court judges was strengthened by the fact that their term of office no longer corresponded to the legislative term of Parliament. The absence of lifelong tenure for judges did not undermine the judges' independence. A fixed term of at least three years, in conjunction with freedom from removal, was sufficient to ensure judges' independence. Liechtenstein practice in that regard was consistent with the jurisprudence of the European Court of Human Rights on the independence of the judiciary.

35. Mr. WALCH (Liechtenstein) said that the events of 11 September 2001 had changed attitudes towards the Muslim community everywhere, and Liechtenstein was no exception. However, considerable efforts had been made to address discrimination against Muslims.

36. In 2002, a working group had been set up to develop a national action plan for the effective implementation of the Durban Declaration and Programme of Action. The plan, which had been formally adopted in February 2003, aimed at sensitizing the public to the issue of racism and xenophobia through awareness-raising campaigns and the dissemination of relevant information. It also provided for the establishment of a monitoring system for complaints and follow-up in relation to racist and discriminatory acts. Another main objective was the development and implementation of a comprehensive programme for the integration of foreigners and the promotion and support of existing initiatives in that regard.

37. In June 2004, a high-level meeting of representatives of concerned government departments and foreign associations had been held with a view to promoting dialogue on the priorities and perspectives for further integration of the foreign population. The findings of a relevant survey conducted among foreign associations in 2000 had been taken into consideration. The Government promoted a participatory approach that fostered mutual integration. A working group composed of representatives of the two largest Muslim associations and the State had been established to consider specific measures for the integration of Muslims.

38. The Government had also convened a commission to assess special integration needs in areas where the right to equality of opportunity was not fully guaranteed. Pursuant to recommendations by the commission, an equal opportunities office would be established to coordinate efforts and provide advice for foreigners in relation to, inter alia, religion, sexual orientation and disability. A group of high-ranking officials would assist the office by coordinating equal opportunity questions at the cross-departmental level. It would act as an advisory body to the Government, recommend specific measures for the integration of foreigners with special needs, monitor developments, and evaluate the success of the measures taken. Foreigners living or working in Liechtenstein played a vital role in the country's economy and contributed substantially to its welfare.

39. Turning to question 19, he said that, while the Roman Catholic Church currently enjoyed special status, the Constitution protected all religions. The ongoing debate on the redefinition of the traditional relationship between the Catholic Church and the State had thus far produced no tangible results. The Catholic and Protestant Churches received regular annual contributions of about Sw F 300,000 and Sw F 50,000 respectively. Smaller religious groups were eligible to apply for financial support in the form of sponsorships for associations of foreigners or specific projects. All religious groups were exempt from tax and State subsidies for all forms of religious education were provided for by law.

40. According to a census conducted in 2000, 78.4 per cent of the Liechtenstein population were Roman Catholics, 8.3 per cent were Protestants and 4.8 per cent Muslims. Liechtenstein had two Muslim prayer-rooms and three mosques were situated nearby in neighbouring countries. As of 2001, Muslim worship was formally recognized. However, the question of financing mosques and imams had yet to be resolved.

41. Ms. HOCH (Liechtenstein), replying to question 20, said that limitations on the right to freedom of expression could be imposed where exercise of that right posed a threat to the rights or reputation of others, national security, public order or public health or morals. The criminalization of offences against religious peace, as stipulated in articles 188 to 191 of the Liechtenstein Penal Code, applied to both the private and public spheres. The relevant articles were modelled on the corresponding articles in the Austrian Penal Code. Decisions handed down by Austrian courts, as well as expert commentaries on those articles, could be invoked by Liechtenstein courts in relation to their implementation. No complaint relating to those provisions had been received in the past 10 years.

42. Defendants had the right to appeal to the Administrative Court or the Constitutional Court against decisions taken pursuant to the restrictions on the freedom of opinion and information detailed in the Law on Persons and Companies and the State Security Act.

43. In order to ensure transparency of government activities, two new Internet web sites had been established to provide information on Liechtenstein in general and on the activities of the public authorities in particular.

44. Mr. WALCH (Liechtenstein), referring to question 21 of the list of issues, said that the right of linguistic minorities to use their language among themselves was protected by law. The Government provided the necessary infrastructure for classes for foreign children in the language, customs and culture of their country of origin. The classes were organized by foreign associations.

45. The CHAIRPERSON invited the Committee to put further questions to the delegation of Liechtenstein.

46. Mr. ANDO asked whether any complaints had been lodged in connection with discrimination against Muslims and how the State party obtained relevant data. He also asked whether the statistics relating to religious affiliation included non-resident foreigners working in Liechtenstein.

47. Mr. WALCH (Liechtenstein) said that the figures related exclusively to Liechtenstein residents.

48. Mr. ANDO asked for clarification of the circumstances in which religious minorities could receive State funding.

49. In connection with the written response to question 20, he wondered how the State party defined the difference between “religious peace” and “public peace”, and whether it might be possible to include “religious peace” in the definition of “public peace”.

50. The strong likelihood of family ties between an accused person and a member of the judiciary resulting from the State party’s high population density might appear to represent a danger to the independence of the judiciary. He asked whether, in recognition of that danger, the Liechtenstein authorities provided for special judicial sittings, as was customary in some countries where the same situation existed.

51. Mr. BHAGWATI wished to know whether the amendment to the provision for the appointment of judges effectively gave the Reigning Prince the power to weigh the scales in deciding who should be appointed as a judge, because the Prince and Parliament each appointed the same number of members to the appointing body, and the Prince held the casting vote. Only when there was a difference of opinion would the matter go to Parliament. He therefore wished to know whether there were any minimum qualifications for candidates who could be appointed to that body by the Prince. He was concerned that the renewable nature of the five-year term of office might erode the independence of judges. He asked whether a judge could be removed from office during that five-year period, and if so on what grounds, in accordance with what procedure and by whom. He wished to know how non-judicial judges were appointed and what judicial functions, if any, they discharged. In which circumstances were the five alternate judges called upon to act as judges in the Supreme Court or the Court of Appeal?

52. He asked whether it was correct that appellate and certiorari proceedings were decided without a prior oral hearing (para. 112). That amounted to the elimination of all the relevant safeguards so far as those proceedings were concerned, because the courts were not required to give a prior oral hearing at all but merely reached a decision on the basis of the records. He wished to know whether the Government had any plans to amend the legislation so that its reservation to article 14, paragraph 1, of the Covenant ceased to have any effect in that regard. He enquired what happened in the event that a judgement was not delivered within the eight days stipulated. In addition, what additional grounds for placing restrictions on hearings being held and judgements being pronounced in public were provided for under domestic legislation? The fact that the appellate courts delivered judgements in criminal matters without a prior oral hearing jeopardized the principle that there must be reasoned judgement in both the trial court and the appellate court. Lastly, he wished to know whether there had been any cases of compensation being awarded for unlawful arrest or miscarriage of justice.

53. Sir Nigel RODLEY said that although some of the Committee's questions dealt with hypothetical situations, such hypotheses could sometimes become reality in times of stress. He wished to know whether the principle of proportionality applied with respect to the use of force in defence of assets or of a third person (para. 62). He also wished to know the extent to which that same principle of proportionality applied to police using firearms against persons who were attempting to evade arrest by escaping (para. 63). It was alarming that, in 1996, a police officer had deemed it necessary to endanger lives for the purposes of stopping a robber, when he had fired a warning shot. Clear rules were needed in order to ensure real proportionality between the level of force used and the desired objective.

54. He asked whether persons detained were informed prior to any interrogation of their right to remain silent. He requested clarification regarding the time frame for a person's appearance before a magistrate, since the possibility of a deferment of up to three days, on top of the initial 24-hour deadline for questioning, would seem to indicate that a person might be detained for up to four days without access to a judicial authority, which would raise questions with respect to the right to prompt access to such an authority.

55. The Committee used the term "solitary confinement" to describe isolation from the rest of the prison population and "incommunicado detention" to describe isolation from the outside world. Although the delegation was free to use its own terms, "imprisonment with limitations" gave rise to some confusion because it seemed to relate to restrictions on internal and external access. He was particularly interested in the use of such "limitations" for the purposes of preventing collusion. The delegation's replies had indicated that a court could impose "imprisonment with limitations" on a prisoner on remand for up to two months, due to the danger of collusion only, and up to six months for any additional reason for imprisonment. It was not clear to him why that term might need to be extended for a further four months if the only reason for imprisonment was the risk of collusion, particularly as it had been implied that such persons would in any case have access to family members and lawyers. The possibility of such persons being held in total seclusion from other prisoners raised issues for the Committee with respect to articles 9 and 10, and perhaps even article 7, of the Covenant.

56. Liechtenstein clearly did have minorities on its territory within the fairly broad meaning of the term under article 27 of the Covenant. What mattered, however, was that the rights of

such persons were protected. He had been particularly interested to hear about foreign children receiving instruction in their mother tongue and their native cultures, and requested further information on how that teaching took place, the infrastructure it required and the nature of the classes organized by the associations in question.

57. Mr. KÄLIN asked whether a threat to somebody's life in the form of the death penalty would constitute grounds for refusing extradition. He noted that the Committee had changed its jurisprudence on that matter in 2003, to the effect that States parties that had abolished the death penalty were not entitled to extradite a person to a country where he or she would face execution. He also asked what lessons had been learned from a ruling against Liechtenstein by the European Court of Human Rights with respect to the independence of the judiciary vis-à-vis the Reigning Prince, and what safeguards had been put in place as a result.

58. Mr. LALLAH wished to know more about the process by which judges were elected. In particular, he wished to know how candidates applied and whether they were required to campaign for election.

The meeting was suspended at 4.50 p.m. and resumed at 5.15 p.m.

59. Mr. WENAWESER (Liechtenstein) said that his delegation would submit information in writing on the more detailed questions that it was unable to answer immediately.

60. Mr. WALCH (Liechtenstein) confirmed that the statistics indicating a percentage of the population referred to the resident population only and did not include cross-border commuters. People did have the right to report any harassment to the police. However, to his knowledge there had been only a single case of harassment of a member of an ethnic minority that had been brought to the attention of the police; other incidents were difficult to substantiate. For that reason, Liechtenstein's approach focused on awareness-raising activities. There were around 90 different minorities living in Liechtenstein, without their presence creating any significant problem. When difficulties did emerge, it was with minorities that did not share a common culture with Liechtenstein. Most foreigners reported no problems with integration, and Liechtenstein did not have many significant population groups from very different cultural backgrounds; the Muslim Turkish minority was one of the few exceptions. His Government's approach was to initiate dialogue with minorities, as it had done through the group for the integration of Muslims. He noted that the first Turkish citizen had come to Liechtenstein as recently as 1968, and that recognition of the diversity of Liechtenstein society was a new phenomenon.

61. The question of financial support for other religious communities by the State or by the municipalities was decided on a case-by-case basis. How the public reacted to cultural minorities was important, as integration was a task for the whole of society. Raising awareness was the most successful strategy vis-à-vis foreigners who wanted to become part of Liechtenstein society.

62. Mr. WENAWESER (Liechtenstein) said that public peace was a broader concept than religious peace, and they were therefore considered separately in the context of the Penal Code.

Regarding the possible impact of the small size of the population on the independence of the judiciary, judges recused themselves in cases that involved their relatives. There were a large number of non-nationals of Liechtenstein who held senior judicial positions.

63. Responding to questions raised by Mr. Bhagwati, he said that non-judicial judges were laymen who had not received any formal legal training. They were never the sole judicial figure in any court. No criteria had yet been established for the joint body for the nomination of judges, but certain criteria could be set in future. Liechtenstein's Constitution was still very new, and many rules and regulations had yet to be brought into line with it. Many senior judicial bodies provided for the possibility of re-election, and he did not think that had any impact on the independence of the judiciary. Disciplinary proceedings were the only mechanism through which a judge could be dismissed during his or her regular term. More detailed replies to those questions would be submitted to the Committee in writing. Replies to other questions raised, including procedure in the event that a judgement had not been handed down after eight days, proceedings in camera, compensation for unlawful arrest, and the involvement of alternate judges, would also be submitted in writing. He requested that any outstanding questions should be submitted to the delegation in writing.

64. Mr. LANGENBAHN (Liechtenstein) said that the use of firearms in self-defence was permitted if one's assets were endangered, for example in cases of burglary. There were, however, restrictions resulting from the principle of proportionality, under which the act of defence by a person must be proportional to the severity of the offence committed against him. The permissibility of the use of a firearm depended on the extent of the violence used against the person, and the value of the assets being protected. Thus in certain cases the use of a firearm in self-defence was an offence under the law.

65. Persons being questioned by the police had the right to remain silent. However, under the Code of Criminal Procedure the police were not duty bound to inform detainees of that right or of the right to a defence counsel. The first obligation to explain those rights lay with the examining judge. Regarding the duration of pre-trial detention, the initial period of two months could be extended to six months. He did not think that the extension was due to additional reasons for imprisonment, such as collusion or the danger of the detainee escaping. He agreed with the Committee that such a concept was illogical. A misunderstanding might have been brought about by an error in the translation of the delegation's statement. He would endeavour to look into the reasons for extending pre-trial detention periods and submit a reply in writing.

66. Sir Nigel RODLEY asked how long a person could be held in pre-trial detention without access to a lawyer and without being brought before a judicial officer.

67. Mr. WENAWESER (Liechtenstein) said that his delegation would provide answers to those questions in writing. He did not think non-nationals who were not permanent residents should be granted the same rights as national minorities, in accordance with the Committee's general comment No. 23. Liechtenstein did not extradite persons to countries where they could face the death penalty. Regarding the case mentioned by Mr. Kälin, in a similar scenario under the new Constitution it would in fact be possible for the complainant to address the Constitutional Court. Such situations could no longer arise under the new Constitution, since

the Prince could no longer reject a person nominated for judicial office. It should be noted that a person standing for judicial office could, in some circumstances, be elected by popular vote. There again, further information would be submitted to the Committee in writing.

68. Responding to the question put by Mr. Lallah on whether candidates for judicial office ran campaigns, he said that since the system was new, there had not yet been any practical experience of that kind. However, he did not think it would be possible, since only the joint body discussed applications. In the event that there was a stalemate in the joint body a popular vote would be held, and it was possible that in such cases there might be campaigns.

69. Mr. ANDO pointed out that the Committee considered the granting of subsidies from the national budget to the Catholic community to be a form of religious discrimination.

70. The CHAIRPERSON invited the delegation to submit further replies to the Committee's questions within three days and thanked it for having opened a dialogue with the Committee. He was particularly pleased that Liechtenstein was planning to withdraw its reservations to the Covenant. The Government's efforts to improve integration were commendable, as was the fact that Liechtenstein did not extradite people to countries where they might face the death penalty.

71. The Committee was concerned about extreme-right movements in Liechtenstein, and believed that intolerance and discrimination were the result of a lack of comprehension between certain population groups, and insufficient preventive measures by the Government. Cultural differences should be seen as a source of enrichment for a country, not as a reason for segregation. Efforts must be made to increase public awareness of human rights issues in that regard.

72. Further information was required on certain issues, including the conditions in which detainees were held, and their access to linguistic, social and financial assistance while in detention. Women's rights in Liechtenstein were a cause of concern to the Committee, particularly the fact that women did not have access to the throne and were under-represented in public life. Many women were not supported by men, and measures must be taken to ensure that discrimination against women was prevented.

73. Mr. WENAWESER (Liechtenstein) thanked the members of the Committee for their questions and the interest they had shown in his country. The Government was committed to the promotion of human rights but was aware that much remained to be done. Additional written replies to the Committee's questions would be submitted within three days, as requested.

The meeting rose at 6 p.m.