



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### Concluding observations on the combined third and fourth periodic reports of Liechtenstein\*

#### I. Introduction

1. The Committee considered the combined third and fourth periodic reports of Liechtenstein<sup>1</sup> at its 2738th and 2739th meetings,<sup>2</sup> held on 11 and 12 September 2023, and adopted the present concluding observations at its 2756th meeting, held on 22 September 2023.

2. The Committee welcomes the submission of the combined third and fourth periodic reports of the State party, under the simplified reporting procedure, which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses its appreciation for the constructive dialogue held with the multisectoral delegation of the State party.

#### II. Follow-up measures taken and progress achieved by the State party

3. The Committee welcomes the progress achieved by the State party in various areas, including the ratification of or accession to international instruments, in particular the ratification of the Optional Protocol on the sale of children, child prostitution and child pornography in 2013 and the Optional Protocol on a communications procedure in 2017. The Committee notes with appreciation the legislative, institutional and policy measures adopted to implement the Convention, in particular the entry into force of the Children and Youth Act in 2009 and the establishment of the Office of the Ombudsperson for Children and Young People within the Association for Human Rights and of the Children and Youth Advisory Council. It welcomes the State party's withdrawal of its declaration concerning article 1 of the Convention, on the age of majority, and of its reservation to article 7, on the right to nationality.

#### III. Main areas of concern and recommendations

4. The Committee reminds the State party of the indivisibility and interdependence of all the rights enshrined in the Convention and emphasizes the importance of all the recommendations contained in the present concluding observations. The Committee would like to draw the State party's attention to the recommendations concerning the following areas, in respect of which urgent measures must be taken: respect for the views of the child

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\* Adopted by the Committee at its ninety-fourth session (4–22 September 2023).

<sup>1</sup> [CRC/C/LIE/3-4](#).

<sup>2</sup> See [CRC/C/SR.2738](#) and [CRC/C/SR.2739](#).



(para. 19); abuse and neglect (para. 22); children with disabilities (para. 29); mental health (para. 32); and asylum-seeking and refugee children (para. 39).

5. The Committee recommends that the State party ensure the realization of children's rights in accordance with the Convention, the Optional Protocol on the involvement of children in armed conflict and the Optional Protocol on the sale of children, child prostitution and child pornography throughout the process of implementing the 2030 Agenda for Sustainable Development. It urges the State party to ensure the meaningful participation of children in the design and implementation of policies and programmes aimed at achieving all 17 Sustainable Development Goals as far as they concern children.

## A. General measures of implementation (arts. 4, 42 and 44 (6))

### Reservations

6. The Committee reiterates its previous recommendation<sup>3</sup> and encourages the State party to consider withdrawing its remaining reservation, regarding article 10 (1) of the Convention.

### Legislation

7. While noting the entry into force of the Children and Youth Act of 2009 and the reform of 2015 of the law on parents and children, the Committee recommends that the State party carry out a systematic child rights impact assessment of these laws and other legislation concerning children in the light of its obligations under the Convention.

### Comprehensive policy and strategy

8. While taking note of the Government Programme 2021–2025, which includes measures on childcare, the Committee encourages the State party to prepare a comprehensive policy on children that encompasses all areas covered by the Convention and the Optional Protocols thereto and, on the basis of the policy, to develop a strategy with the elements necessary for its application that is supported by sufficient human, technical and financial resources.

### Coordination

9. The Committee notes the State party's information that the Children and Youth Service under the Office of Social Services is responsible for coordinating activities and implementing children's rights. While regretting the lack of information on the effectiveness of the work of that service, the Committee recommends that the State party ensure that the coordinating body is at a high interministerial level and that it has a clear mandate and sufficient authority to coordinate all activities related to the implementation of the Convention at the national, cross-sectoral and municipal levels. The State party should ensure that the coordinating body is provided with the human, technical and financial resources necessary for its effective operation.

### Allocation of resources

10. The Committee notes with appreciation the increase in allocations under the Children and Youth Act, in particular to activities related to child protection, but regrets the lack of information on the allocation of resources by sector and by target group, such as children in disadvantaged and marginalized situations. In this regard, and with reference to its general comment No. 19 (2016) on public budgeting for the realization of children's rights, the Committee recommends that the State party:

<sup>3</sup> CRC/C/LIE/CO/2, para. 5.

(a) Establish a budgeting process that includes a child rights perspective and specifies clear allocations to children in the relevant sectors and agencies, including specific indicators and a tracking system;

(b) Define budgetary lines for all children, with special attention paid to those in disadvantaged or marginalized situations who may require affirmative social measures, and make sure that those budgetary lines are protected even in situations of economic crisis, natural disasters or other emergencies;

(c) Establish mechanisms to monitor and evaluate the adequacy, efficacy and equitability of the distribution of resources allocated to the implementation of the Convention and the Optional Protocols thereto.

#### Data collection

11. While noting the data provided by the State party on school enrolments, the Committee refers to its general comment No. 5 (2003) on general measures of implementation of the Convention and recommends that the State party:

(a) Strengthen its data-collection system to ensure that it covers all areas of the Convention and that the data collected are disaggregated by age, sex, disability status, geographical location, national origin and socioeconomic background in order to facilitate analysis of the situation of all children, in particular those in situations of vulnerability, with due regard to the right of children to privacy;

(b) Ensure that the statistical data and indicators are shared among the ministries and relevant stakeholders concerned and used for the formulation, monitoring and evaluation of policies, programmes and projects for the effective implementation of the Convention;

(c) Take into account the conceptual and methodological framework set out in the guidelines of the Office of the United Nations High Commissioner for Human Rights entitled *Human Rights Indicators: A Guide to Measurement and Implementation* when defining, collecting and disseminating statistical information.

#### Independent monitoring

12. With reference to the Office of the Ombudsperson for Children and Young People within the Association for Human Rights, the Committee recommends that the State party ensure that the national human rights institution is in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and encourage it to apply for accreditation with the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions. The Committee also recommends that the State party ensure that the Office of the Ombudsperson for Children and Young People is provided with adequate and sustainable human, technical and financial resources to allow it to effectively carry out its mandate, including receiving individual complaints from children, while guaranteeing the privacy and protection of children who are victims of crime and undertaking monitoring, follow-up and verification activities for victims.

#### Dissemination, awareness-raising and training

13. The Committee recommends that the State party:

(a) Ensure systematic, mandatory and ongoing training on children's rights for all professionals working with and for children, in particular teachers, social workers, law enforcement officials, health-care personnel, immigration and asylum officers and staff working in all forms of alternative care, and the media;

(b) Continue raising awareness among children on their rights under the Convention and the Optional Protocols thereto, including the right to remedies at the national level and under the Optional Protocol on a communications procedure.

### International cooperation

14. Recalling target 17.2 of the Sustainable Development Goals, the Committee encourages the State party to further increase its official development assistance in order to meet the internationally agreed target of 0.7 per cent of gross national income and to undertake a child rights impact assessment of its international development policy.

### Children's rights and the business sector

15. With reference to its general comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights and to the Guiding Principles on Business and Human Rights, the Committee notes the Finance against Slavery and Trafficking initiative and other measures taken by the State party and recommends that the State party:

(a) Establish a clear regulatory framework for businesses operating in or managed from the State party to ensure that their activities do not negatively affect human rights or endanger environmental and other standards, in particular those relating to children's rights;

(b) Ensure the effective implementation by companies, including in the financial and banking sector, of international and national environmental and health standards, effectively monitor the implementation of those standards, apply appropriate sanctions and provide remedies when violations occur, and ensure that appropriate international certification is sought;

(c) Require companies to undertake due diligence in their operations and across supply chains and to undertake assessments, consultations and full public disclosure of the impacts of their business activities on the environment, health and children's rights and their plans to address such impacts beyond philanthropic activities.

## B. General principles (arts. 2, 3, 6 and 12)

### Non-discrimination

16. While taking note of paragraph 283 of the Criminal Code, which contains a prohibition of discrimination on multiple grounds, including gender identity, and recalling target 10.3 of the Sustainable Development Goals, the Committee recommends that the State party adopt a comprehensive law against discrimination, continue strengthening the implementation of its existing legislation and combat discrimination against children in marginalized and disadvantaged situations, in particular lesbian, gay, bisexual and transgender children, children of same-sex parents, children with disabilities, children in situations of migration and children from single-parent and/or low-income families.

### Best interests of the child

17. With reference to its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee notes the State party's information that the law on parents and children defines the best interests of the child and recommends that the State party:

(a) Strengthen its efforts to ensure that this right is appropriately integrated and consistently interpreted and applied in all legislative, administrative and judicial proceedings and decisions as well as in all policies, programmes and projects that are relevant to and have an impact on children;

(b) Develop procedures and criteria to provide guidance to all relevant persons in authority for determining the best interests of the child in every area as a primary consideration.

### **Respect for the views of the child**

18. The Committee welcomes the establishment of the Children and Youth Advisory Council and the State party's information that children must be involved in social decision-making processes and are provided with the opportunity to comment on draft legislation affecting them. Nevertheless, the Committee is concerned that children below the age of 15 have limited opportunities to be heard and to participate in decision-making on issues affecting them. The Committee also notes the State party's information that the motion to lower the voting age to 16 was rejected.

19. **With reference to its general comment No. 12 (2009) on the right of the child to be heard, the Committee recommends that the State party:**

(a) **Continue its efforts to identify the issues that are most important to children, to hear their views on those issues and to find out how well their voices are heard in family decisions affecting their lives and the channels through which they currently and potentially have the most influence on national and local decision-making;**

(b) **Promote the meaningful and empowered participation of all children, in particular younger children, within the family, communities and schools and include children in decision-making in all matters related to children;**

(c) **Conduct consultations with children on the voting age and, should the voting age be lowered, ensure that it is supported by active citizenship and human rights education in order to ensure early awareness among children that rights are to be exercised as part of citizenship, with autonomy and responsibility, and ensure that the measure does not lend itself to undue influence.**

## **C. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)**

### **Corporal punishment**

20. While noting that the Children and Youth Act prohibits corporal punishment, and with reference to its general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, the Committee recommends that the State party continue its efforts to implement its legislation by enhancing awareness-raising campaigns and parenting education programmes, including for professionals working with and for children, and to promote attitudinal change within the family and the community with a view to eradicating the practice of corporal punishment and promoting positive, non-violent and participatory forms of child-rearing and discipline.

### **Abuse and neglect**

21. While welcoming the ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence and noting that the State party criminalizes violence against children, the Committee is concerned that the State party does not have a policy or an action plan on protecting children from and preventing violence against children. The Committee is also concerned that the State party does not collect data on the incidence of violence against children and lacks awareness-raising campaigns aimed at preventing violence.

22. **With reference to its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence and recalling target 16.2 of the Sustainable Development Goals, the Committee recommends that the State party:**

(a) **Develop and adopt a policy and action plan to combat violence against children, including domestic violence, that includes prevention, protection and rehabilitation measures;**

(b) **Strengthen awareness-raising and education programmes – including campaigns – with the involvement of children, in order to formulate a comprehensive strategy for preventing and combating child abuse;**

(c) Establish a national database of all cases of violence against children and undertake a comprehensive assessment of the extent, causes and nature of such violence;

(d) Strengthen the response to reports of violence, abuse and neglect of children, including by increasing the number of trained professionals, and formalize coordination and collaboration between the health and law enforcement sectors with the aim of ensuring a unified approach to the provision of support services for children who are victims of violence, abuse or neglect.

#### **Sexual exploitation and abuse**

23. The Committee recommends that the State party:

(a) Coordinate the activities of different agencies and actors in order to facilitate the prevention of and protection of children from sexual exploitation and abuse, paying particular attention to children in disadvantaged and vulnerable situations, including by raising the awareness of children through the provision of information adapted to their age and maturity, in a language that they understand and that is sensitive to gender and culture;

(b) Strengthen professional capacity and software tools to detect and investigate child sexual abuse and exploitation online;

(c) Ensure that persons who have regular contact with children, such as caregivers and teachers, are informed about issues related to sexual exploitation and abuse of children through awareness-raising activities and training;

(d) Ensure the development of programmes and policies for the prevention of sexual exploitation and abuse of children and the recovery and social reintegration of children who are victims of sexual exploitation and abuse;

(e) Ensure that all children who are victims or witnesses of violence have prompt access to child-friendly and multisectoral remedies and comprehensive support and are not subjected to secondary victimization.

#### **Harmful practices**

24. With reference to joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2019) on harmful practices, noting the criminalization of female genital mutilation in the State party since 2011 and recalling target 5.3 of the Sustainable Development Goals, the Committee recommends that the State party:

(a) Establish protection schemes for victims of female genital mutilation and other harmful practices, encourage the reporting of such practices to relevant authorities and ensure victims' access to social, medical, psychological and rehabilitative services, free of charge, and to redress, including through international cooperation and assistance;

(b) Ensure that no one is subjected to unnecessary medical or surgical treatment during infancy or childhood, guarantee bodily integrity, autonomy and self-determination to the children concerned and provide families with intersex children with adequate counselling and support;

(c) Educate and train medical and psychological professionals on sexual diversity, and related biological and physical diversity, and on the consequences of unnecessary surgical and other medical interventions for intersex children.

**D. Family environment and alternative care (arts. 5, 9–11, 18 (1) and (2), 20, 21, 25 and 27 (4))**

**Family environment**

25. While noting that the law on parents and children provides for the best interests of the child to be taken into account in all matters and in particular in matters related to the custody of the child, the Committee recommends that the State party:

- (a) Strengthen the capacity-building of judicial and administrative decision makers to undertake assessments of the best interests of the child, also ensuring that the views of children who are capable of forming their views, irrespective of their age, are taken into consideration in matters related to custody;
- (b) Support families in taking care of young children, including by introducing flexible working arrangements and increasing paid parental leave;
- (c) Implement the recommendations of the report of the working group on family and work-life balance;
- (d) Ratify the Convention on the International Recovery of Child Support and Other Forms of Family Maintenance, the Protocol on the Law Applicable to Maintenance Obligations and the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children.

**Children deprived of a family environment**

26. While noting the efforts made by the State party to support families in need in order to prevent the institutionalization of children, the Committee draws the State party's attention to the Guidelines for the Alternative Care of Children and recommends that the State party:

- (a) Ensure that social protection policies and practices are guided by the principle that financial and material poverty – or conditions directly and uniquely attributable to such poverty – should never be the sole justification for removing a child from parental care, for receiving a child into alternative care or for preventing a child's social reintegration;
- (b) Support and facilitate family-based care for children wherever possible, and strengthen the system of foster care for children who cannot stay with their families;
- (c) Ensure adequate safeguards and clear criteria, based on the needs as well as the best interests of the child, for determining whether a child should be placed in alternative care;
- (d) Continue strengthening the human, technical and financial resources allocated to alternative care centres and relevant child protection services in order to facilitate the rehabilitation and social reintegration of children resident in such centres to the greatest extent possible;
- (e) Establish a complaints mechanism accessible to children, in particular children in institutions, in order to protect them from possible risks of violence, abuse or exploitation.

**Children of incarcerated parents**

27. The Committee notes the State party's information that only prisoners awaiting trial, prisoners awaiting extradition and prisoners awaiting deportation are incarcerated in the State party, while convicts sentenced by Liechtenstein courts are transferred to Austrian prisons for the execution of sentences and are subject to the rules of the Austrian corrections system. The Committee regrets, however, that the State party did not provide any information on the situation of children of parents incarcerated in Liechtenstein or abroad and the policies in place to protect children's visitation rights.

## **E. Children with disabilities (art. 23)**

28. The Committee notes that the Disability Equality Act of 2006 and the Education Strategy 2025 are aimed at combating discrimination against and promoting inclusive education of children with disabilities. The Committee regrets, however, the lack of information on the number and situation of children with disabilities in the State party in general and those who receive education in mainstream schools, special schools and in vocational schools in Austria and Switzerland. The Committee is concerned that the concept of reasonable accommodation is not incorporated into relevant legislation, which may contribute to de facto discrimination against children with disabilities, and that there is a lack of reasonable accommodation provided in mainstream schools for children with intellectual and psychosocial disabilities.

29. **With reference to its general comment No. 9 (2006) on the rights of children with disabilities, the Committee urges the State party:**

- (a) **To adopt a human rights-based approach to disability;**
- (b) **To set up a comprehensive strategy for the inclusion of children with disabilities;**
- (c) **To organize the collection of data on children with disabilities, which is necessary for putting in place appropriate policies and programmes for children with disabilities;**
- (d) **To continue its efforts towards ensuring that children with disabilities have access to education in mainstream schools, in which reasonable accommodation and individual supports should be given as necessary;**
- (e) **To further train and assign specialized teachers and professionals in integrated classes providing individual support and all due attention to children with learning difficulties;**
- (f) **To promote the acquisition of competencies and skills by children and young people with disabilities in order to enhance their work opportunities and facilitate their transition from school to employment, including by providing educational opportunities not far from their homes.**

## **F. Basic health and welfare (arts. 6, 18 (3), 24, 26, 27 (1)–(3) and 33)**

### **Health and health services**

30. **With reference to its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, the Committee recommends that the State party:**

- (a) **Systematically and regularly collect data on food security and nutrition for children, including those relevant to breastfeeding, overweight and obesity, in order to identify the root causes of obesity and overweight;**
- (b) **Promote, protect and support breastfeeding in all policy areas where breastfeeding has an impact on child health, including obesity, certain non-communicable diseases and mental health, and fully implement the International Code of Marketing of Breast-milk Substitutes.**

### **Mental health**

31. The Committee is concerned about reports that rates of depression and anxiety have increased among adolescents in the State party, in particular during and following the coronavirus disease (COVID-19) pandemic, and that depression and anxiety affect, in particular, those in difficult family situations or with lower socioeconomic status, victims of adverse experiences and those with chronic health conditions. The Committee is also concerned about the low number of adolescents suffering from depression and anxiety who consult mental health professionals.



32. Recalling target 3.4 of the Sustainable Development Goals, the Committee recommends that the State party:

- (a) Ensure mental health screening of children in consultation with primary care providers to allow early detection and treatment;
- (b) Establish mental health programmes targeting children in difficult family situations or with lower socioeconomic status, victims of adverse experiences and those with chronic health conditions. Such programmes should also include the adults surrounding children, such as their parents, teachers and sports coaches;
- (c) Provide sufficient human, technical and financial resources for mental health services, including for the prevention of suicidal behaviour, adapted to children's needs.

#### **Adolescent health**

33. With reference to its general comment No. 4 (2003) on adolescent health and development in the context of the Convention and general comment No. 20 (2016) on the implementation of the rights of the child during adolescence and recalling target 5.6 of the Sustainable Development Goals, the Committee welcomes the 2015 revision of the Criminal Code with regard to the decriminalization of abortion under certain conditions and recommends that the State party:

- (a) Adopt a comprehensive sexual and reproductive health policy for adolescents and ensure that sexual and reproductive health education is part of the mandatory school curriculum and targeted at adolescent girls and boys, with special attention paid to preventing early pregnancy and sexually transmitted infections;
- (b) Decriminalize abortion in all circumstances and ensure access to safe abortion and post-abortion care services for adolescent girls, making sure that their views are always heard and given due consideration as part of the decision-making process;
- (c) Collect data and provide information on the use of alcohol, tobacco and cannabis among children and adolescents;
- (d) Address the incidence of drug use by children and adolescents by, inter alia, providing children and adolescents with accurate and objective information and life skills education on preventing substance abuse, including tobacco and alcohol, and develop accessible and youth-friendly drug dependence treatment services.

### **G. Children's rights and the environment (arts. 2, 3, 6, 12, 13, 15, 17, 19, 24 and 26–31)**

34. Recalling its general comment No. 26 (2023) on children's rights and the environment, with a special focus on climate change, and target 13.3 of the Sustainable Development Goals and taking note of the environmental protection legislation of the State party, the Committee recommends that the State party:

- (a) Continue its efforts to raise children's awareness of and preparedness for environmental degradation, including climate change, by incorporating it into all levels of school curricula and teacher training programmes;
- (b) Ensure active child participation in decision-making on environmental issues, in particular by developing an action plan to respond to children's special needs and vulnerabilities;
- (c) Adopt legislation and public policy to ensure that public and private financial institutions assess, disclose and address, scientifically and in accordance with the Paris Agreement, how their direct and indirect investments in infrastructure and activities related to fossil fuels contribute to emissions of greenhouse gases that exacerbate climate change and cause other social and environmental hazards that negatively affect the rights of children, and ensure that such institutions are held

accountable for the climate and environmental harms that they generate through carbon-intensive industries, both domestically and extraterritorially.

#### **Standard of living**

35. The Committee draws attention to target 1.3 of the Sustainable Development Goals and recommends that the State party continue to publish comprehensive data on children affected by poverty and further strengthen measures to provide such children with adequate living standards.

### **H. Education, leisure and cultural activities (arts. 28–31)**

#### **Education and early childhood development**

36. Recalling targets 4.1 and 4.2 of the Sustainable Development Goals, the Committee welcomes the almost 100 per cent attendance at primary schools and the establishment of the Coordination and Advisory Office for the Promotion of Early Childhood Development and the Education Strategy 2025 and recommends that the State party:

- (a) Take measures to increase the representation of children in disadvantaged and marginalized situations, in particular those with a migration background, at the secondary school and university levels;
- (b) Continue strengthening existing education programmes aimed at integrating children with a migration background into the education system;
- (c) Continue strengthening efforts and allocating resources for the development and expansion of early childhood education, based on a comprehensive and holistic policy of early childhood care and development;
- (d) Strengthen efforts to combat bullying in schools and train education professionals on the identification of bullying in schools and cyberbullying, and the steps to be taken when such cases are identified, and the dissemination of tools to promote the prevention of such circumstances.

#### **Rest, leisure, recreation and cultural and artistic activities**

37. With reference to its general comment No. 17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts, the Committee recommends that the State party:

- (a) Strengthen its efforts to guarantee the right of the child to rest and leisure and to engage in play and recreational activities appropriate to the age of the child, including by adopting and implementing play and leisure policies with sufficient and sustainable resources;
- (b) Provide children, including those with disabilities and children in marginalized and disadvantaged situations, with safe, accessible and inclusive outdoor spaces for play and socialization and public transport to access such spaces;
- (c) Provide access to artistic and cultural activities to all children, including children in marginalized and disadvantaged situations.

### **I. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)–(d) and 38–40)**

#### **Asylum-seeking and refugee children**

38. The Committee welcomes the adoption of the Integration Strategy, which is aimed at improving the integration of children with a migration background, including asylum-seeking children, but remains concerned that:

(a) Despite no child being detained in the past 10 years, the Foreigners Act allows the detention of children above the age of 15;

(b) The age-assessment method does not take into account psychological, cognitive or behavioural factors;

(c) The asylum regulations of 2017 allow for the accommodation of unaccompanied children above the age of 16 together with adults and such children are not provided with the necessary care and protection.

**39. With reference to its general comment No. 6 (2005) on treatment of unaccompanied and separated children outside their country of origin, the Committee urges the State party, with immediate effect:**

(a) **To revise its legislation in order to prohibit the detention on immigration grounds of all children below the age of 18. The obligation not to deprive the child of liberty should extend to the child's parents and requires that the authorities opt for non-custodial solutions for the whole family;**

(b) **To ensure that all alternatives to the detention of children be associated with strict safeguards and subject to effective external and independent monitoring;**

(c) **To guarantee sufficient human, technical and financial resources, throughout its jurisdiction, for specialist and child-specific support, protection, legal representation, social assistance and access to education for unaccompanied migrant children and build the capacities of law enforcement officials;**

(d) **To ensure that the best interests of the child are a primary consideration in all decisions and agreements in relation to asylum-seeking or migrant children.**

#### **Administration of child justice**

**40. With reference to its general comment No. 24 (2019) on children's rights in the child justice system, the Committee takes note of the Juvenile Court Act and urges the State party to bring its child justice system fully into line with the Convention and other relevant standards. In particular, the Committee urges the State party:**

(a) **To promote non-judicial measures, such as diversion, mediation and counselling, for children accused of criminal offences and, wherever possible, the use of non-custodial sentences, such as probation or community service, for children;**

(b) **To ensure that detention, including pretrial detention, is used as a measure of last resort and for the shortest possible period of time and that it is reviewed on a regular basis with a view to its withdrawal;**

(c) **To ensure that children aged between 14 and 18 convicted of a crime are not placed in Austrian prisons too far from their homes and that they are able to maintain regular contact with their families;**

(d) **To limit the duration of pretrial detention by law, ensure that the circumstances under which such a time limit can exceptionally be extended are clearly defined in law, and ensure regular review of pretrial detention;**

(e) **To ensure, in the exceptional situations in which deprivation of liberty is justified as a measure of last resort, that children are not detained together with adults and that detention conditions are in compliance with international standards, including with regard to access to education and health services.**

## **J. Follow-up to the Committee's previous concluding observations and recommendations concerning the implementation of the Optional Protocols to the Convention**

### **Optional Protocol on the involvement of children in armed conflict**

41. While noting that the State party has no armed forces and hence no legislation governing the minimum age for members of the armed forces to participate in hostilities, the Committee regrets the scarcity of information on the implementation of some recommendations contained in its concluding observations on the State party's initial report under the Optional Protocol on the involvement of children in armed conflict.<sup>4</sup> In this regard, the Committee reiterates its recommendations that the State party:

- (a) Establish clear legal guarantees to protect persons under the age of 18 from recruitment into armed forces;<sup>5</sup>
- (b) Include in its legislation a definition of direct participation in hostilities;<sup>6</sup>
- (c) Systematically collect data on refugee, asylum-seeking and migrant children within its jurisdiction who may have been recruited or used in hostilities abroad and ensure that such children receive appropriate care and treatment, including multidisciplinary assistance for their physical and psychological recovery and their social reintegration.<sup>7</sup>

## **K. Ratification of international human rights instruments**

42. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, consider ratifying or finalize the ratification of the following core human rights instruments to which it is not yet a party:

- (a) Convention on the Rights of Persons with Disabilities;
- (b) International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
- (c) International Convention for the Protection of All Persons from Enforced Disappearance.

## **L. Cooperation with regional bodies**

43. The Committee recommends that the State party continue to cooperate with the Council of Europe on the implementation of the Convention and other human rights instruments, both in the State party and in other States members of the Council.

# **IV. Implementation and reporting**

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

44. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented. The Committee also recommends that the combined third and fourth periodic reports and the present concluding observations be made widely available in the languages of the country.

<sup>4</sup> [CRC/C/OPAC/LIE/CO/1](#).

<sup>5</sup> Ibid., para. 11.

<sup>6</sup> Ibid., para. 14.

<sup>7</sup> Ibid., para. 18.

## **B. National mechanism for reporting and follow-up**

45. The Committee recommends that the State party establish a standing government structure to coordinate and prepare reports to and engage with international and regional human rights mechanisms, and to coordinate and track national follow-up to, and implementation of, treaty obligations and the recommendations and decisions emanating from the mechanisms. The Committee emphasizes that such a structure should be adequately and continuously supported by dedicated staff and should have the capacity to consult systematically with the national human rights institution and civil society.

## **C. Next report**

46. The Committee will establish and communicate the due date of the combined fifth and sixth periodic reports of the State party in due course, in line with the envisaged predictable reporting calendar based on an eight-year review cycle, and following the adoption of a list of issues and questions prior to reporting, if applicable, for the State party. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines<sup>8</sup> and should not exceed 21,200 words.<sup>9</sup> In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the Committee cannot be guaranteed.

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<sup>8</sup> [CRC/C/58/Rev.3](#).

<sup>9</sup> General Assembly resolution 68/268, para. 16.