



COUNCIL CONSEIL
OF EUROPE DE L'EUROPE

18 May 2001

Advisory Committee on the Framework Convention for the Protection of National Minorities

Comments of the Government of Liechtenstein on the Opinion of the Advisory
Committee on the Report on the Implementation of the Framework
Convention for the Protection of National Minorities in Liechtenstein

1. Introduction

The Government of Liechtenstein welcomes the opportunity to comment on the report of the Advisory Committee since it attaches great importance to the mechanism for the protection of national minorities provided for by the Framework Convention. It is for this reason that Liechtenstein has ratified the Framework Convention as an act of solidarity in the view of the objectives of the Convention. The remarks under section 2.1 are made in a spirit of constructive and ongoing dialogue with the Advisory Committee. The comments addressed to the Committee of Ministers are to be found under section 2.2.

2. Comments on the opinion of the Advisory Committee

2.1. Comments on the specific comments in respect of Articles 1 - 19

With regard to the asylum requests mentioned in paragraph 15 of the report, the Government of Liechtenstein shares the view of the Advisory Committee according to which the promotion by the authorities of a spirit of tolerance and mutual respect between all persons living on the territory of Liechtenstein is important. The issue mentioned in paragraph 15, however, goes beyond the scope of the Framework Convention since it concerns in the case of Liechtenstein foreigners and asylum seekers.

As regards asylum seekers, it can be stated that in the period from 1998 to 2000 as many as 600 refugees (i.e. about 2% of the residing population), most of them from the former Yugoslavia, found shelter in Liechtenstein. Desirous of ensuring entry into the country without excessive bureaucracy to persons seeking protection from the armed conflict in Kosovo, Liechtenstein decided at a very early stage to grant blanket protection to the refugees.^{1[1]} After the fighting ended, Liechtenstein participated in Switzerland's highly regarded repatriation assistance programme for Kosovo refugees. Most of the refugees took part in the programme and returned to their homeland.^{2[2]}

In order to educate the population and, in particular, young people, on the situation of refugees as well as on the national refugee policy and, therefore, to combat prejudice and prevent xenophobic tendencies, various information activities were conducted in schools and in the Youth Parliament in 2000. Refugee children are required to attend school, in accordance with the Refugees Act^{3[3]} and with the ruling of the Supreme

^{1[1]} In accordance with art. 55 of the Refugees Act, LGBI. 1998 No. 107.

^{2[2]} Because refugees in Liechtenstein were allowed to work (Art. 32 of the Refugees Act, LGBI. 1998 No. 107), they were able to accumulate savings for their return during their stay in Liechtenstein, and this, coupled with the financial support that they received from the Government under the repatriation assistance programme, subsequently made it considerably easier for returnees to make a new start in their homeland. Some 120 persons, most of them from Kosovo, still remain in Liechtenstein as asylum seekers.

^{3[3]} Art. 32 of the Refugees Act, LGBI. 1998 No. 107.

Court. This also contributes to efforts at integration and promotes mutual understanding.

2.1. Comments on the proposed conclusions and recommendations by the Committee of Ministers

With respect to the proposed conclusions and recommendations by the Committee of Ministers in respect of Article 34[4], the Government of Liechtenstein reiterates that according to the Declaration contained in the instrument of ratification deposited on 18 November 1997, Articles 24 and 25 of the Convention are to be understood having regard to the fact that no national minorities in the sense of the Framework Convention exist in the territory of the Principality of Liechtenstein. Furthermore, Liechtenstein considers its ratification of the Framework Convention as an act of solidarity in the view of the objectives of the Convention.

No national minorities in the sense of the Framework Convention existing in the territory of Liechtenstein, the Government of Liechtenstein considers it impossible to apply the Framework Convention on an article-by-article basis for the following reasons:

With regard to the religious groups mentioned in the written reply dated 11 May 2000, it has to be added that the smaller groups besides the dominant group of Catholics (Protestant group or other confessions) consist to a very large extent of foreigners, the latter not being considered as minorities in the sense of the Framework Convention. Moreover, it seems to be useful to add, as supplementary information, that Article 37 of the Constitution as well as Article 9 of the European Convention on Human Rights (ECHR) guarantee the freedom of belief and conscience, this, however, being rather a matter under the ECHR system than under the one of the Framework Convention (cf. paragraph 30 of the Explanatory report of the Framework Convention).

Although foreigners do not fall under the category of minorities in the sense of the Framework Convention, it may be pointed out, that there are many foreigners who have lived in Liechtenstein for decades together with the local population. The proportion of foreigners residing in Liechtenstein amounts to over one-third of the total population of about 33'000. In addition, there are almost 10'000 frontier commuters working in Liechtenstein. Even taking into account the fact that most of these foreigners come from the neighbouring German-speaking countries, it can be stated that Liechtenstein has gone a long way towards integration of foreigners.

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4[4] Article 3 provides :

1. Every person belonging to a national minority shall have the right freely to choose to be treated or not to be treated as such and no disadvantage shall result from this choice or from the exercise of the rights which are connected to that choice.

2. Persons belonging to national minorities may exercise the rights and enjoy the freedoms flowing from the principles enshrined in the present framework Convention individually as well as in community with others.