

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Strasbourg, 7 April 2014

ACFC/SR/IV(2014)006

**FOURTH REPORT SUBMITTED BY LIECHTENSTEIN
PURSUANT TO ARTICLE 25, PARAGRAPH 2
OF THE FRAMEWORK CONVENTION FOR
THE PROTECTION OF NATIONAL MINORITIES**

Received on 7 April 2014



Liechtenstein National Report

Fourth Report pursuant to article 25 paragraph 1 of
the Framework Convention of 1 February 1995 for the
Protection of national Minorities

Vaduz, 25 March 2014

RA 2014/369

Introduction

Liechtenstein ratified the Framework Convention for the Protection of National Minorities on 18 November 1997. Upon deposit of the instrument of ratification for the Framework Convention, Liechtenstein made a declaration indicating that Liechtenstein's ratification should be viewed as an act of solidarity, since there are no national minorities in the territory of Liechtenstein, in the sense of the Framework Convention:

“The Principality of Liechtenstein declares that Articles 24 and 25, in particular, of the Framework Convention for the Protection of National Minorities of 1 February 1995 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. The Principality of Liechtenstein considers its ratification of the Framework Convention as an act of solidarity in the view of the objectives of the Convention.”

The Advisory Committee and the Committee of Ministers of the Council of Europe recognised the application of certain provisions of the Framework Convention as limited, given the lack of national minorities in Liechtenstein. At the same time, the Advisory Committee noted that a considerable number of foreign citizens live in Liechtenstein and that the religious composition of the population is not homogeneous. In this context, the Advisory Committee attached importance to the promotion of the integration of these groups, which may be confronted with difficulties due to their religious and cultural differences. Although these groups are not considered national minorities, Liechtenstein would like to respond to the request of the Advisory Committee and the recommendations of the Committee of Ministers of 30 June 2010 and dedicates this report to the measures, which have been taken to prevent discrimination, racism and intolerance, to improve the integration of foreign citizens as well as to combat right-wing extremism since the submission of the previous report.

General information on Liechtenstein

As of the end of June 2013, Liechtenstein had a permanent population¹ of 36'942. 33.6% of the population are foreigners. Of all the foreign citizens living in Liechtenstein, 50.3% are nationals of countries participating in the European Economic Area (EEA)², especially of Austria and Germany. 28.8% are Swiss nationals. 20.9% of the foreign population originates from countries outside the EEA and Switzerland, they are called “third country nationals”. The largest group of third country nationals are from Turkey (29.8%) and from countries of the former Yugoslavia (46.8%): Serbia, Bosnia and Herzegovina, Kosovo, Croatia and Macedonia.

¹ The permanent population includes all Liechtenstein and foreign citizens living in Liechtenstein who have lived in the country for 12 months or intend to stay in the country for 12 months or longer (permanent residents, yearly residents, customs officers and their families, short-term residents, and temporarily accepted persons who stay in the country for more than 12 months).

² The European Economic Area consists of the 27 Member States of the European Union and the EFTA States Iceland, Liechtenstein, and Norway.

Measures to improve equal opportunities and prevent discrimination

Legal framework

Racial Discrimination is punishable according to §33(5) and §283 of the Criminal Code (StGB). Membership in racist groups is forbidden. Victims of racist assaults can sue for compensation as part of criminal proceedings. The protection of victims, especially psychological and material support, was further strengthened with the entry into force of the Victims Assistance Act in April 2008. Additionally, compensation is ensured for intangible injuries. Both criminal and civil law provide for legal aid to cover litigation costs, which is also granted to foreigners.

Protection from discrimination on the basis of personal characteristics is provided on the basis of specific provisions in specialised legislation, but it is not defined in comprehensive anti-discrimination legislation. For instance, labour law expressly provides protection of the personality of the employee. The term “personality” must be interpreted broadly, covering gender, race, nationality, sexual orientation, etc. Non-Discrimination provisions are also found in the Law on Equality of Women and Men and in the Law on the Equality of Persons with Disability.

Promotion of equal opportunities and fight against racism

The National Action Plan against Racism, launched in June 2002, focused on four areas: raise of public awareness, promotion of integration of the foreign population, improvement of the data situation, and documentation. In 2005, the working group was also mandated to coordinate the measures adopted by the Government against anti-Semitism. In 2007, the implementation of the National Action Plan against Racism has been transferred to the responsibility of the Office of Equal Opportunity. The Office of Equal Opportunity coordinates measures to bring about equal opportunity and to protect human rights, and presently serves as the central institution for the further development and implementation of human rights as well as human rights education. It is advised and supported by the Equal Opportunity Commission. Migration and integration are part of the mandate of the Office of Equal Opportunity. Furthermore, the Migration and Passport Office takes numerous duties on the integration of foreign citizens.³

At present, a reform of the institutional framework for the promotion and protection of human rights is under preparation in Liechtenstein. In 2013, the government appointed a working group led by the Ministry for Social Affairs to evaluate the possibilities to establish an independent national human rights institution.

³ See chapter on measures for the integration of foreign citizens on p. 5.

Fight against right-wing extremism

In July 2003, the Government established a Violence Protection Commission (VPC) under the chairmanship of the National Police, one of the responsibilities of which is to monitor and document the situation of right-wing extremist violence in Liechtenstein and to draw attention to dangerous developments in this area. In 2007, the Commission was mandated to conduct a sociological study on the background of right-wing extremism in Liechtenstein and, based on this study, to develop a strategy and specific concept for action to prevent an expansion of the right-wing extremist scene among young people in Liechtenstein. Such a study had been suggested by the United Nations' Committee on the Elimination of Racial Discrimination (CERD) in its recommendations on Liechtenstein's second and third national reports.

Following this recommendation, the VPC mandated the University of Applied Sciences of North-Western Switzerland to carry out a qualitative study on right-wing extremism in Liechtenstein. This study was published in September 2009 and provided the VPC with useful information on the causes of right-wing extremism as well as on the mindset of members of the right-wing extremist circle. In addition, the study expresses several recommendations on the fight against right-wing extremism.

In 2010, the Government adopted an action plan for the fight against right-wing extremism based on the results of the study. The action plan consists of a series of concrete measures to be implemented from 2010 to 2015. The measures range from awareness raising campaigns to the creation of a contact point for affected persons as well as preventive measures. A large number of the planned measures have been successfully implemented during the last years.

Since 2010, a monitoring report on incidents of right-wing extremist violence is published in Liechtenstein on a yearly basis. The reports for 2011 and 2012 did not show any cases of right-wing extremist violence in Liechtenstein.

Sensitisation and Awareness-raising

Through Awareness-raising campaigns for the broader public as well as for specific target groups the protection of human rights in general as well as issues such as respect, equal treatment, prevention of racism and violence, intercultural and respectful communication are being addressed. Particular emphasis is placed on combating anti-Semitism and right-wing extremism. One objective of the schools' curricula in Liechtenstein is to educate young people to openness and tolerance with respect to political, religious, and ideological differences and to learn about and understand human rights. They are taught to stand up for their rights and to respect the rights of others. Through exposure to other cultures, traditions, religions, and value systems, they learn to better understand their own patterns of behaviour. Special courses on these subjects are also offered to teachers, such as how to deal more effectively with violence and racism at school. The Liechtenstein Government is also aware of the importance of appropriate training measures for State personnel and accordingly courses are offered in different administrative units.

In 2010, the VPC conducted a sensitisation campaign against right-wing extremism addressing the broad public. The campaign was under the title “Facing Right-Wing Extremism Together”.

Basic research and statistical data

In 2004, a research mandate was granted to the independent “Liechtenstein Institute” to identify the data deficits with respect to discrimination on the basis of nationality, race, religion, culture, and language. In 2007, other basic research projects were launched with regard to “Integration of the foreign population”, “The social situation of people with disabilities”, and “Homosexuals and discrimination in Liechtenstein”. With the help of these studies, weaknesses in the data situation were identified, and recommendations were made on the expansion of systematic and regular data gathering, the consolidation of existing datasets and registers, the disaggregation of data, and additional basic research. Various improvements have already been initiated. Since 2008, official wage statistics are published on a yearly basis, granting in-depth insights into the wage structure of employees in Liechtenstein and providing internationally comparable data. Since 2011, a report on facts and figures on the human right situation in Liechtenstein is published by the Government on a yearly basis.

Integration of Foreign Citizens

The Foreigners Act (AuG) entered into force on 1 January 2009. The AuG regulates entry and departure, residence, family reunification, and termination of residence for all foreigners, except those of an EEA-country or Swiss citizenship. One important component of the AuG is a clear commitment to an integration policy based both on the willingness of foreigners to integrate as well as on the openness of the domestic population. The heart of the new Act is the introduction of an integration agreement between State and foreigners, entailing financial support for language courses and evidence of knowledge of the German language.

To further the integration of the foreign population, the Government in 2008 also decided to create the position of an Integration Officer within the Migration and Passport Office who is responsible for the active promotion and the implementation of integration measures. At the same time, it is an easily accessible contact person for foreigners for any questions they may have concerning integration matters. In 2010, the Government adopted the new integration concept, which is based on the principle “Liechtenstein - Strength through Diversity”, putting emphasis on the benefits of diversity and multilingualism for the society in Liechtenstein. Since 2011, the Government convenes an integration conference on a yearly basis. The conference serves a platform for dialogue between foreigners associations and the Government.

Religion

The Liechtenstein Constitution guarantees freedom of religion and conscience and protects civil and political rights irrespective of religious affiliation. The Criminal Code prohibits all forms of discrimination based on religious affiliation. According to the last

population census of the year 2010, 75.9% of the resident population considered themselves members of the Roman Catholic Church, 8.5% as Protestant and 5.4% as Islamic. 8% of the population considered themselves as undenominational or did not specify their religious affiliation.

Currently, an institutional disentanglement and reorganisation of the relations between State and Church are under preparation. In addition to a constitutional amendment, this reform project encompasses a special Religion Act. According to the draft, the Evangelic (Protestant) Church and the Evangelic-Lutheran Church shall be recognised under public law. At a later stage, other Christian and non-Christian religious groups shall have the opportunity to be recognised under public law upon application.

Language and education

Since 2009, Standard German is used as a language of instruction at all levels of school. Before 2009, dialect was (partly) used for instruction. Within the framework of mandatory schooling, foreign-language children may benefit from various language promotion programs. This includes the provision of intensive German courses for young children whose mother tongue is not German for a period of six to 12 months, prior to their integration in ordinary classes; and thereafter, supplementary courses of German from kindergarten to the end of compulsory schooling, up to a maximum of seven years. In addition, children whose first language is not German are required to attend a second year of kindergarten. The expansion of care structures outside the home and the introduction of day schools, which in particular also offer accompanied learning and homework tutoring as well as lunch tables and afternoon activities, are of special importance for children of foreign-language and working parents. In addition, a series of measures have been taken targeting parents of pupils of migrant background, in order to improve their language abilities and raise their awareness of the importance of education. For instance, the Government has funded the initiative Mother-Child German which, through German language courses, aimed to improve the integration of women of migrant background and their children.

In 2013, a new PISA education assessment study was published by OECD. The study shows that the performance of the pupils in Liechtenstein in all the covered topics is excellent. The study also shows that the results of pupils of migrant background are lower than those of Liechtenstein nationals. However, it was also shown that the performance of pupils of migrant background in Liechtenstein is on average of all OECD-countries and better compared to the neighbouring countries.

Asylum-seekers and refugees

Since the end of 2011, Liechtenstein has been an associated member of the Schengen/Dublin Acquis and has therefore applied the relevant criteria and procedures to define the Member State, which is in charge for the examination of an application for asylum. In this context, a new Asylum Law entered into force by the beginning of 2012 replacing the former Refugees Law.

The number of asylum-seekers in Liechtenstein has risen in recent years. In 2012, 74 persons applied for asylum whereas in 2013 the number of asylum-seekers climbed up to 93. In 2013, 40% of the asylum-seekers were citizens of an EU Member State or held a residence permit in one of them. 12 applicants were transferred to other European countries, which were competent for the respective asylum procedures in accordance with the Dublin regulations. 23 persons withdrew their application and 35 persons disappeared. 18 persons left the country under supervision, with valid travel documents. One person was granted asylum in Liechtenstein.

Liechtenstein has neither an airport nor a seaport and can only be reached by land, i.e. via Switzerland or Austria. This circumstance as well as the fact that most applications are submitted on economic or personal reasons, and not on the basis of the Geneva Refugee Convention, explain the relatively low number of recognised refugees in Liechtenstein.

Cooperation to promote the Convention

Liechtenstein will continue the dialogue with the advisory committee and will continue to report in this form. All national reports and resolutions of the Committee of Ministers are published and can be accessed on the Internet at www.llv.li/menschenrechte.

Liechtenstein will also continue to support the confidence-building measures of the Council of Europe, especially at the local and regional level. This opens up a further opportunity to express solidarity with the objectives of the Framework Convention.