

# ECRI REPORT ON LIECHTENSTEIN

(sixth monitoring cycle)



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**ECRI**  
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## FOREWORD

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The European Commission against Racism and Intolerance (ECRI), established by the Council of Europe, is an independent human rights monitoring body specialised in questions relating to the fight against racism, discrimination (on grounds of “race”, ethnic/national origin, colour, citizenship, religion, language, sexual orientation and gender identity), xenophobia, antisemitism and intolerance. It is composed of independent and impartial members appointed on the basis of their moral authority and recognised expertise in dealing with racism, xenophobia, antisemitism and intolerance.

In the framework of its statutory activities, ECRI conducts country monitoring work, which analyses the situation in each of the member States of the Council of Europe regarding racism and intolerance and draws up suggestions and proposals for dealing with the problems identified.

ECRI’s country monitoring deals with all member States on an equal footing. The work takes place in 5-year cycles. The reports of the first round were completed at the end of 1998, those of the second round at the end of 2002, those of the third round at the end of 2007, those of the fourth round in the beginning of 2014, and those of the fifth round at the end of 2019. Work on the sixth round reports started at the end of 2018.

The working methods for the preparation of the reports involve documentary analyses, a visit to the country concerned, and then a confidential dialogue with the national authorities.

ECRI’s reports are not the result of inquiries or testimonial evidence. They are analyses based on information gathered from a wide variety of sources. Documentary studies are based on a large number of national and international written sources. The in situ visit provides the opportunity to meet with the parties directly concerned (both governmental and non-governmental) with a view to gathering detailed information. The process of confidential dialogue with the national authorities allows the latter to provide, if they consider it necessary, comments on the draft report, with a view to correcting any possible factual errors which the report might contain. At the end of the dialogue, the national authorities may request, if they so wish, that their viewpoints be appended to the final ECRI report.

The sixth round country reports focus on three topics common to all member States: (1) Effective equality and access to rights, (2) Hate speech and hate-motivated violence, and (3) Integration and inclusion, as well as a number of topics specific to each one of them.

In the framework of the sixth cycle, priority implementation is requested again for two specific recommendations chosen from those made in the report. A process of interim follow-up for these two recommendations will be conducted by ECRI no later than two years following the publication of this report.

**The following report was drawn up by ECRI under its own responsibility. Unless otherwise indicated, it covers the situation up to 29 June 2023; as a rule, developments since that date are neither covered in the following analysis nor taken into account in the conclusions and proposals therein.**

## SUMMARY

**Since the adoption of ECRI's fifth report on Liechtenstein on 22 March 2018, progress has been made and good practices have been developed in a number of fields.**

As a preventive measure against hate speech, the Association for Human Rights, which performs the tasks of the equality body in Liechtenstein, in co-operation with the Commission for Protection against Violence, ran a campaign, from 21 March to 24 April 2023 that aimed at promoting tolerance and raise awareness of the general public against discrimination and hate speech.

ECRI welcomes a number of legal developments strengthening LGBTI equality. On 10 May 2021, the Constitutional Court ruled that the prohibition of stepchildren adoption by same-sex couples in Article 25 of the Registered Partnership Act was contrary to the European Convention on Human Rights. As a result, in May 2022, the Parliament approved the Government's proposal and amended the Registered Partnership Act to allow stepchildren adoption for registered same-sex couples. Subsequently, the Civil Code and Registered Partnership Act were amended to allow joint adoption for same-sex couples. These amendments entered into force on 1st June 2023.

ECRI appreciates that the Victims Assistance Office as part of the general scheme of support to victims of crime provides hate crime victims with medical, psychological, social and material support, as well as legal assistance.

As ECRI had previously recommended, the authorities commissioned a study on the problems that the different groups of migrants face. The ensuing study was published in May 2020. Based on the findings of the study, an Integration Strategy was adopted by the Government in February 2021 and a related action plan was issued in March 2022. The Strategy includes a section on the promotion of equality and work against racism and discrimination and the goals listed in it include training and sensitising public officials on national and municipal level about racism and discrimination.

ECRI notes with satisfaction Liechtenstein's decision to grant protection to Ukrainian nationals fleeing Russia's war of aggression against their home country. This protection status, known as Status S, entails rights similar to those granted under international protection.

**ECRI welcomes these positive developments in Liechtenstein. However, despite the progress achieved, some issues give rise to concern.**

The financial and human resources of the Association for Human Rights appear too scarce to allow it to effectively fulfil all its statutory tasks in preventing and combating racism and intolerance, including by means of research and investigations. In addition, its partial reliance on donations, rather than only annual budgets approved by Parliament, may put its independence at risk.

Very few institutions in Liechtenstein collect equality data on matters such as national or ethnic origin, citizenship, religion, migrant and other statuses, and even fewer publish them, which leaves the authorities without a foundation for adopting well informed equality legislation, policies and strategies.

ECRI remains concerned about the lack of a comprehensive anti-discrimination legislation, the absence of which prevents discrimination of groups of concern to ECRI to be challenged in administrative proceedings or in civil courts.

Public incitement to hatred or discrimination on the grounds of race, language, nationality, ethnicity, religion or belief, sex or sexual orientation are criminalised by Article 283 (1) of the Criminal Code. However, gender identity and sex characteristics are still missing from the prohibited grounds.

Apart from a website for migrants launched by the authorities (in German only), there is no designated public sector office specifically dedicated to providing information, responding to migrants' queries or co-ordinating relevant services made available for migrants by different authorities and other actors.

**In this report, ECRI requests that the authorities take action in a number of areas and makes a series of recommendations, including the following.**

The authorities should, as a matter of priority, initiate preparations for the drafting of a bill for a specific anti-discrimination act, including by means of establishing a working group for this purpose. The working group should, alongside members of the Association for Human Rights, include representatives of civil society or, alternatively, consultations with the Association

for Human Rights and relevant civil society actors should be organised during the process.\*

The authorities should increase the amount of time dedicated to human rights education in schools and ensure that human rights education includes the prevention of racism and intolerance, notably greater age-appropriate LGBTI awareness in the school environment. Principals and teachers should be provided with related training.

The authorities should develop a legal framework explicitly regulating the conditions and procedures concerning legal gender recognition and establish clear guidelines concerning gender reassignment procedures, in accordance with

ECRI's and other relevant Council of Europe standards.

The authorities should expand the mandate of the police digital crime unit to explicitly include the monitoring of hate speech on the internet and ensure that, where a hate speech incident possibly amounting to a violation of relevant criminal provisions is detected, it is the subject of an *ex officio* and effective investigations, in accordance with the legal obligations of the competent investigative authorities.

The authorities should, as a matter of priority, establish an information and support centre or designate an office tasked with co-ordinating other public authorities' efforts to facilitate integration and to serve as a one-stop information and service point for migrants.\*

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\* This recommendation will be subject to a process of interim follow-up by ECRI no later than two years after the publication of this report.

## FINDINGS AND RECOMMENDATIONS

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### I. EFFECTIVE EQUALITY AND ACCESS TO RIGHTS

#### A. Equality bodies<sup>1</sup>

1. The Association for Human Rights (VMR) performs the tasks of the equality body in Liechtenstein. The Association also serves as the independent National Human Rights Institution in Liechtenstein and has a broad mandate to protect and monitor human rights in Liechtenstein, including racial discrimination.<sup>2</sup>
2. At the time of ECRI's 2023 visit, the VMR identified 12 cases of alleged discrimination on grounds of relevance to ECRI that it had addressed in the period ranging from 2018 to 2022. In eight of these cases, the VMR intervened by contacting the authorities,<sup>3</sup> in three cases it offered advice and mediation services<sup>4</sup> and, in one case, it considered that no action was required.<sup>5</sup> In half of the cases, the end result was that no discrimination was found. In two cases, criminal proceedings were initiated.<sup>6</sup> In four of the cases, a remedy was found as a result of the VMR's intervention with the authorities.
3. The VMR can counsel and assist persons who claim having been discriminated against, including on grounds of relevance to ECRI. Further, it may represent victims of discrimination, racism or intolerance in court proceedings, provided the latter consent to it.<sup>7</sup>
4. However, no legal representation was provided by the VMR. One main reason for the lack of legal representation by the VMR in court is that there is virtually no anti-discrimination legal provisions in areas of relevance to ECRI other than in criminal law (i.e. Article 283 of the Criminal Code). This lacuna prevents the VMR from addressing discrimination cases properly, including possible structural discrimination (see, in this connection, section IV of the present report). Another reason for the hitherto absence of legal representation by the VMR is that it, as a matter of policy, would only provide legal representation in cases likely to result in a court precedent. This policy is a consequence of the limited financial and human resources of the VMR, which would not allow more frequent legal representation.
5. In accordance with its mandate, the VMR focuses its work on the following four areas: human rights protection, children and family, equality of gender and disability, migration and social affairs. The precise work topics and themes may vary from year to year and are listed in the VMR's annual work plans. By way of

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<sup>1</sup> The term "national specialised bodies" was updated to "equality bodies" in the revised version of GPR No. 2, which was published on 27 February 2018.

<sup>2</sup> The registration of the association in the commercial register is intended to ensure transparency. The association, as of 30 June 2023, has 92 members, out of which about 34 are organisations and 58 private persons. In addition, all municipalities in Liechtenstein may appoint observers, without voting rights. Its general assembly, which consists of all association members, appoints the board of directors for four-year periods. The board of directors, which is appointed by the General Assembly of the Association for four-year periods, consists of seven members selected on the basis of their professional competence in the areas of equal opportunities, non-discrimination, protection against violence, migration and integration, as well as according to their expertise in international law and human rights. The board's composition is balanced according to age, gender and origin. VMR has a permanent office managed by a managing director, responsible for the operational management of the association. The managing director is appointed by the board of directors.

<sup>3</sup> These concerned a ban for a third country national on exercising a profession; legal gender recognition; discrimination against EEA-nationals in a vacancy notice for employment in a position close to the authorities; discrimination in vacancy notices based on origin; disadvantages for immigrants providing care for elderly in the context of financing quarantine time in connection with Covid-19; insults and violence on the ground of homosexuality; arrest by border guards based on nationality and related house search and body search; and lack/refusal of financing of language course for deaf refugees.

<sup>4</sup> These concerned a decision not to recognise a foreign driving licence for motorbike; racist insults and treats and closure of bank account due to citizenship (linked to EU sanctions).

<sup>5</sup> There was no evidence of discriminatory grounds related to the migrant status or background of the applicant.

<sup>6</sup> In one case, it led to a conviction, whereas the outcome of the second prosecution is not known.

<sup>7</sup> Article 5 of the Law on the VMR. Usually by means of an external lawyer contracted by the VMR.

example, the 2023 work plan includes workshops to promote human rights and tolerance in schools; monitoring of the implementation of the Integration Strategy, including the promotion of the right for non-citizens to vote in local elections; inter-religious dialogue and a focus on the implementation of and possible amendments to the law on religious communities; LGBTI equality; and questions related to asylum. The plan also includes a campaign to raise awareness of Article 283 of the Criminal Code (CC), which prohibits discrimination. ECRI welcomes this campaign, especially as ECRI was told that the awareness of the legal meaning of discrimination, including in the CC, is low.

6. The Ombudsperson for Children and Youth is integrated into the VMR. The shared premises enable smooth communication, including in cases where both children and adults may have been discriminated. Monitoring the support provided to unaccompanied child asylum seekers is an element of the work plan of the Ombudsman for Children and Youth for 2023.
7. The VMR is also mandated to conduct enquiries and research related to its mandates. However, the human and financial resources are too limited to allow such activities in an extensive manner.
8. In its fifth report, ECRI expressed concerns about the VMR only having been allocated three part-time employees to fulfil all parts of its broad mandate and that it was only to receive an annual CHF 350 000 in State support for its operations, much of which would go to operational costs, not leaving enough funding for the VMR to fulfil all its tasks under its different mandates. During its 2023 visit, it was confirmed to the ECRI delegation that the number of part-time employees remained the same, corresponding to the equivalent of 1,7 full-time positions, which was expanded to the equivalent of 2,1 full-time positions as of 1 May 2023. The State budget allocation also remained the same.<sup>8</sup> Nonetheless, the VMR is entitled to receive private funding and it raises membership fees, which - for 2023 - increased the budget to a total of 440 000 CHF.<sup>9</sup> In order to be able to offer diverse services and activities, the organisation thus depends on volunteers, financial donations, including legacies and inheritances, ordinary membership fees, special collections within the association and public collections.<sup>10</sup>
9. In ECRI's view, the VMR, would need a larger annual budget, including for human resources, in order to be able to fulfil its all its tasks effectively in the field of equality, including the conduct of research and investigations. At the same time, there are questions about the possible risks the acceptance of donations pose to VMR's independence.
10. ECRI recommends that the authorities propose to Parliament an increase in the budget of the VMR, including for human resources, to an extent sufficient to allow it to carry out its tasks effectively in the field of preventing and combating racism and intolerance and to strengthen its independence in that it would not need to accept donations.

## **B. Inclusive education**

11. The Education Strategy 2025plus<sup>11</sup> entered into force in March 2021. It contains a commitment by the Liechtenstein authorities to an inclusive education for all. This Strategy was developed in 2019 under the leadership of the Ministry of Education in co-operation with the School Office, the Office for Vocational Education and

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<sup>8</sup> According to the financial framework adopted in November 2019, the annual State support would remain at the annual level mentioned above for the years 2020-2023, which given inflation means an annual cut in the already modest budget.

<sup>9</sup> The VMR has legally defined income streams. These are state contributions; membership fees; private donations; and income from its own services.

<sup>10</sup> European network of legal experts in gender equality and non-discrimination, [country report 2021 on Liechtenstein](#), page 59.

<sup>11</sup> [Bildungsstrategie 2025plus Fürstentum Liechtenstein - Startseite](#) (in German language).



Training and various education-related institutions. It serves as an orientation framework for the further development of the education system in Liechtenstein.

12. According to the authorities, the Strategy is characterised by an inclusive ethos, according to which “the education system supports all people in Liechtenstein in the development of their individual potentials and enables them to participate actively, responsibly, and in a self-determined manner in a humane, open, and democratic society”. However, one criticism expressed by civil society interlocutors and directed at teachers is that they do not encourage children with a migrant background to set ambitious goals for themselves, as regards educational paths, professions and careers.<sup>12</sup> ECRI stresses the important role teachers play in this regard and invite the authorities to instruct teachers to ensure that all children, including children with a migration background, are encouraged to reach their full potential.
13. According to Liechtenstein’s education laws and stated policies, human rights education is an integral part of the new curriculum introduced in 2021,<sup>13</sup> as is the aim to enable pupils and students to deal with diversity.<sup>14</sup> The new curriculum is being implemented gradually, in lower grades first and then progressively in higher ones. It was explained to the ECRI delegation during its visit to a primary school in Vaduz that the curriculum within an overall framework of sustainable development foresees teaching about politics, democracy and human rights, as well as about gender and equality, cultural identities and intercultural understanding. These elements are taught as part of several subjects: “ethics”, “religion”, “music” and “NMG” (*Natur, Mensch, Gesellschaft* - Nature, People and Society). In this connection, ECRI welcomes that representatives of the VMR and Amnesty International are invited to schools to give lectures about human rights.<sup>15</sup> Nonetheless, it emerged from the ECRI visit that the curriculum content related to human rights is not specific enough and that in human rights education not much attention is paid to issues relating to the prevention of racism and intolerance, including religious intolerance.
14. Furthermore, according to the LGBTQI European Education Index 2022, drawn up by IGLYO – the International Lesbian, Gay, Bisexual, Transgender, Queer and Intersex Youth & Student Organisation, Liechtenstein continues to have no mandatory curricula that would include knowledge of LGBTI issues, which was confirmed by the authorities during ECRI’s visit. Further, there is currently no mandatory teacher training on LGBTI awareness.<sup>16</sup>
15. It was explained to the ECRI delegation during the visit that many teachers prefer to invite representatives of “Love.li”,<sup>17</sup> an initiative by the Sophie von Liechtenstein Foundation, to provide sexuality education workshops to their classes. These are usually held in the fourth or fifth grade of primary school, with one day per week dedicated to these workshops over a period of several weeks. However, in the absence of any clear instructions about the scope of such education, the number of hours dedicated to it per year seems to be rather modest. Furthermore, there is little evidence that LGBTI-related issues are addressed during such workshops.

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<sup>12</sup> Integration in Liechtenstein: Sozioökonomische Potenziale und Spannungsfelder. Eine Analyse unter Berücksichtigung der Perspektiven von Zugewanderten, page 53. Available at [https://boris.unibe.ch/144949/2/ZF\\_Integration\\_Liechtenstein.pdf](https://boris.unibe.ch/144949/2/ZF_Integration_Liechtenstein.pdf) (in German only)

<sup>13</sup> Reviewable at: [Lehrplan: Liechtensteinisches Gymnasium \(lg-vaduz.li\)](https://www.lehrplan.li)

<sup>14</sup> <https://fl.lehrplan.ch/index.php?code=b161418&hilite=101kbAgvATUzc7VrX5pHvS6bZWzfRqETT>

<sup>15</sup> Human Rights Association (VMR), Annual Report 2020, p. 51. Available at [https://www.menschenrechte.li/wp-content/uploads/2019/01/IB\\_VMR\\_2020\\_web-1.pdf](https://www.menschenrechte.li/wp-content/uploads/2019/01/IB_VMR_2020_web-1.pdf) (in German language).

<sup>16</sup> IGLYO, [LGBTQI Inclusive Education Index 2022](https://www.iglyo.org/en/2022/01/10/lgbtqi-inclusive-education-index-2022/).

<sup>17</sup> See [www.love.li](https://www.love.li) (in German language).

16. ECRI recommends that the authorities take further action to increase the amount of time dedicated to human rights education in the curriculum, ensure that human rights education includes the prevention of racism and intolerance, notably greater age-appropriate LGBTI awareness in the school environment. In this context, all teachers and school principals in primary and secondary education should also be provided with suitable training by qualified trainers on i) issues related to sexual orientation, gender identity and sex characteristics and ii) addressing substantial questions on such issues in designated textbooks on sexuality education.
17. ECRI notes that there is a formal agreement between the Catholic Church (State Church) and the State of Liechtenstein concerning instruction in religion in public schools, according to which the Church sets the curriculum in religion and selects the teaching materials. Civil society representatives have criticised some of these teaching materials for including LGBTI-phobic content, notably one textbook written by a retired auxiliary in the Archdiocese of Salzburg (Austria) who has been known for controversial statements<sup>18</sup> about the LGBTI community, and whose book contains a chapter on wrong tracks of sexuality (*Irrwege der Sexualität*)<sup>19</sup> and which condemns homosexual acts as “sins”. The Liechtenstein authorities explained to ECRI that given the above agreement, they have little scope for interfering with the content of denominational religious education in public schools. Following a letter of protest against such contents, addressed to the main school authority (*Schulamt*), the Liechtenstein authorities sought an expert opinion, which established that as the content is provided by the Catholic Church, which as an institution enjoys the protection of the State, there are a priori no grounds for objections. However, the opinion further notes that criminal legislation could be applicable. ECRI takes note of the explanation provided by the authorities according to which parents may choose to have their child attend the course dedicated to “Ethics and Religions” rather than the denominational lessons. At the same time, it invites the authorities to remain highly vigilant as to the potential presence of LGBTI-phobic content in teaching materials provided in the context of curricula in religion and to take any necessary action, through appropriate channels.
18. Some interlocutors within the education sector argue that due to the very large share, in some kindergartens and primary schools even the majority,<sup>20</sup> of pupils with a migrant background, such a background is perceived as normal and there is hardly any bullying on racist / xenophobic grounds. There are however cases of bullying in schools that have been registered. That said, no disaggregated data is made available to the public. By way of example, there were 68 cases registered in 2021, out of which 16 took the form of cyberbullying. The individual school social offices keep statistics on different kind of concrete situations and challenges facing individual pupils and students, including on- and offline bullying. According to the authorities, the overall number of bullying incidences decreased in 2022. ECRI is pleased to note that as of the school year 2023/24, racism and LGBTI-phobic forms of intolerance will be included as new categories in the statistics.
19. There is a six-staged national school protocol for dealing with problematic behaviours in school, including bullying. It ranges from prevention measures before specific misbehaviours have been identified to, as an ultimate measure, exclusion of the offender from school. At the earlier stages of addressing concrete problematic behaviours, school social workers and parents concerned are involved, followed by the involvement of increasingly higher-level school authorities in case the situations are not solved or deteriorate. ECRI was further informed that

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<sup>18</sup> [Bishop Apologizes for Comparing Blessing of Gay Couples to Blessing a Concentration Camp - New Ways Ministry](#)

<sup>19</sup> [Deutscher Schulbuchpreis für Weihbischof Andreas Laun | katholisch-informiert.ch](#) (in German language).

<sup>20</sup> In Vaduz the share of children in primary school with a mother tongue other than German ranges from 25-55 % and at Kindergarten level the range is 40-90%.

guidelines for teachers about how to deal with cases of bullying are under preparation.

20. To prevent cyberbullying, the governmental Commission for Protection against Violence<sup>21</sup> initiated the "Respectfully Together" campaign to raise awareness among young people of the problems associated with cyberbullying. For this purpose, two posters designed by young people for the Free-lance Contest "Respectfully Together" were selected and distributed among Liechtenstein schools. The campaign worked with two themes: "Words leave marks" and "Cybermobbing humiliates! Stand up against peer pressure". The campaign called on children and young people to behave responsibly and respectfully towards each other and to stand up against this type of bullying. The school social workers are available to assist pupils and students who suffered from cyberbullying incidents in secondary schools.<sup>22</sup>
21. During the Covid-19 pandemic, Liechtenstein's schools were closed for seven weeks. The authorities informed ECRI that all families in need of a laptop computer for their children's distance education were provided with one and that teachers kept regular contacts with all their pupils and students.

### **C. Irregularly present migrants**

22. The number of migrants irregularly present in Liechtenstein is unknown. The only available relevant data is the number of enforced return decisions issued, at 32 in 2022, 80 in 2021, 96 in 2020, 27 in 2019 and 46 in 2018. A partial explanation for the relatively high numbers in 2020 and 2021 is that irregularly present migrants, including persons whose status became irregular such as those whose residence permits expired, were not able to leave voluntarily while travel restrictions imposed in response to the Covid-19 pandemic were in force. An average of about five migrants who were irregularly present in the country are actually escorted out of Liechtenstein each year.<sup>23</sup>
23. In its General Policy Recommendation (GPR) No. 16 on safeguarding irregularly present migrants from discrimination, ECRI calls for the creation of effective measures ("firewalls") to ensure fundamental human rights of irregularly present migrants in fields such as education, health care, housing, social security and assistance, labour protection and justice. Such firewalls should decouple the activities of state authorities which provide social services from immigration control and enforcement obligations to make sure that irregularly present migrants are not deterred from accessing their rights, due to fear of deportation. In Liechtenstein, there are no such firewalls for migrants irregularly present in the country in the fields of education, housing and employment. ECRI invites the authorities to remedy these shortcomings.
24. ECRI nonetheless notes that, according to the authorities, irregularly present migrants are entitled to emergency health care. At present, the national hospital and doctors bear the cost risk when treating persons with unclear residence and health insurance status. In certain defined situations, the persons who have to bear the costs are defined in the relevant laws.<sup>24</sup>
25. The authorities indicated that it would not be illegal for NGOs to offer food to migrants they knew were irregularly present. However, it would be an offence to

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<sup>21</sup> Established in 2003 and operating under the Ministry of the Interior, with members from the Office for Foreign Affairs, the Office for Social Services, the National Police, the School authority; the Prosecution Service and the Foundation for Open Youth Work in Liechtenstein. More information can be found on the [Commission's website](#) (in German language).

<sup>22</sup> Wieczorek Nuscha (2019), LIECHTENSTEIN, Comprehensive National-level Review Liechtenstein Twenty-fifth anniversary of the Fourth World Conference on Women and adoption of the Beijing Declaration and Platform for Action (1995) Vaduz, pp. 9-10.

<sup>23</sup> In practice usually to the closest airport in Switzerland.

<sup>24</sup> For example, if an irregularly present migrant is employed or is to be employed by an employer, medical costs in the event of accident or illness are to be covered by the employer on the basis of the Foreigners Act (AuG).

offer housing. ECRI underlines in this connection that criminalising the rental of accommodation to such migrants may expose them to exploitative or abusive situations.

26. ECRI recommends to the authorities to ensure, if necessary, by means of amending the existing legislation, that renting of accommodation to migrants irregularly present in Liechtenstein is not criminalised on the ground of their immigration or migratory status.

#### **D. LGBTI equality<sup>25</sup>**

27. According to the Rainbow Europe Map and Index for 2022, Liechtenstein is ranked 38<sup>th</sup> out of 49 countries assessed and has an overall score of 20% for all the indicators relating to the protection of the human rights of LGBTI persons in law and practice.<sup>26</sup>
28. There is no official data on the LGBTI population in Liechtenstein. In ECRI's view, the collection of equality data on LGBTI people,<sup>27</sup> in accordance with appropriate safeguards, can serve as a useful basis for clarifying the extent of their needs and the design of more and better targeted policy responses (see, in this connection, section IV of the present report).
29. Despite ECRI's previous recommendation,<sup>28</sup> the authorities have not carried out a study into the situation of LGBT(I) people and related discrimination and intolerance that the latter might experience.<sup>29</sup> In this respect, the authorities informed the ECRI delegation during the visit that a concept and a timeline would be defined for such a study in the course of 2023.<sup>30</sup>
30. ECRI recommends that the authorities commission a survey on the situation of LGBTI people in Liechtenstein and take any necessary action in the light of this study.
31. ECRI is pleased to note that, with the exception of statements made by Catholic Church representatives,<sup>31</sup> there are hardly any recorded expressions of intolerance towards LGBTI people. On 11 June 2022, the first Pride event in Liechtenstein took place in the municipality of Schaan and it received support from both the general public and the authorities, including the Minister of Social Affairs and Culture and the Mayor of Schaan. However, the State Church opposed the Pride event and in protest against the appearance of the mayor at and in support of the Pride event, the Archbishop of Vaduz refused to attend a lunch traditionally hosted by the municipality of Schaan, in connection with the annual confirmation mass held there.<sup>32</sup>

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<sup>25</sup> For terminology, see ECRI's [Glossary](#).

<sup>26</sup> ILGA Europe, Rainbow Europe Map and Index (2022), [Country Ranking – Liechtenstein](#)

<sup>27</sup> Recommendation [CM/Rec\(2010\)5](#) of the Council of Europe's Committee of Ministers on measures to combat discrimination on grounds of sexual orientation or gender identity indicates that personal data referring to a person's sexual orientation or gender identity can be collected when this is necessary for the performance of a specific, lawful and legitimate purpose. See also ECRI's [General Policy Recommendation No. 17](#) on preventing and combating intolerance and discrimination against LGBTI persons, recommendation 5.

<sup>28</sup> ECRI (2018a): § 77.

<sup>29</sup> In its 2021 conclusions, ECRI considered that this recommendation had not been implemented.

<sup>30</sup> See also, Ministry of Society and Culture, [Action Plan Equal Opportunities 2023](#) (in German), p. 3.

<sup>31</sup> For example, in 2022, the Archbishop of Vaduz called efforts to introduce marriage equality a "diabolical attack" and canceled the service at the opening of the parliamentary session following Parliament's motion on marriage equality: [Erzbischof Wolfgang Haas streicht Gottesdienst mit Abgeordneten – kath.ch](#) ; [Liechtenstein: Mgr Haas boycottet la commune qui accueille la Pride – Portail catholique suisse](#) ; See also, VMR, [Annual Report 2018](#) (in German), p. 40.

<sup>32</sup> See <https://www.kath.ch/newsd/protest-gegen-pride-erzbischof-haas-boykottiert-firmessen-mit-schaans-gemeindevorsteher/> (in German).

32. ECRI welcomes that, in 2018, the VMR reviewed the situation of LGBTI people living in Liechtenstein.<sup>33</sup> Actions to ensure greater public awareness were among the identified needs. As a result, in 2020 and 2021, the VMR organised two round tables on the situation of LGBTI children and youth with state representatives and civil society actors.<sup>34</sup> Also, in 2022 and 2023, the Office for Social Services published, in co-operation with the VMR and the association Flay, two sets of guidelines on gender identity and on coming-out and sexual orientation.<sup>35</sup> A series of press articles on LGBTI equality aimed at raising public awareness were also published by the authorities in 2022.
33. ECRI also welcomes a number of legal developments strengthening LGBTI equality. On 10 May 2021, the Constitutional Court ruled that the prohibition of stepchildren adoption by same-sex couples in Article 25 of the Registered Partnership Act<sup>36</sup> was contrary to the European Convention on Human Rights. As a result, in May 2022, the Parliament approved the Government's proposal and amended the Registered Partnership Act to allow stepchildren adoption for registered same-sex couples. Subsequently, the Civil Code and Registered Partnership Act were amended to allow joint adoption for same-sex couples. These amendments entered into force on 1<sup>st</sup> June 2023.<sup>37</sup>
34. ECRI notes with interest the Parliament's motion to the Government to prepare legislation allowing marriage for same-sex couples, which was submitted in November 2022. ECRI notes that the reasons in support of the motion include those of "forced outing" that same-sex couples may experience when they are obliged to reveal their same-sex registered partnership while filling in various forms required by the authorities and employers, be they public or private.<sup>38</sup>
35. With regard to transgender persons, since 2018, 12 applications to change the gender marker and name on official documents have been registered and granted by the Civil Registry Office. ECRI observes that the existing legal provisions<sup>39</sup> do not define the conditions and procedure for allowing or refusing an application for legal recognition of a change of name and gender. It is pleased to note that transgender persons are not required to undergo surgery or hormone therapy.<sup>40</sup> However, legal gender recognition is contingent on the presentation of a medical certificate issued by the University Hospital Zürich attesting their diagnose of "transsexuality". ECRI was also informed that costs for a change of gender marker and name are CHF 300 each.<sup>41</sup> As concerns the costs for gender reassignment procedures, these are covered by the health insurance under certain conditions.<sup>42</sup>

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<sup>33</sup> VMR (2018), *op. cit.*

<sup>34</sup> VMR, [Annual Report 2020](#) (in German), p. 47 and [Annual Report 2021](#) (in German), p. 58.

<sup>35</sup> Ein Ratgeber für Angehörige von trans Menschen, available [here](#) and Ein Ratgeber zum Coming-out, available [here](#).

<sup>36</sup> This article provided that the persons living in a registered partnership were not eligible to adopt children or to use reproductive medical procedures.

<sup>37</sup> See also, United Nations, Universal Periodic Review (2023), [National Report](#) submitted pursuant to Human Rights Council Resolution 5/1 and 16/21 Liechtenstein, pp. 17-18.

<sup>38</sup> See also, VMR (2021), *op. cit.*, p. 57.

<sup>39</sup> According to Article 87 (2) of the Persons and Companies Act, "[i]f, after entry, a notification proves to be incorrect or if an entry is otherwise to be rectified, both the registrar or the representative of public law and the parties themselves may apply to the Government for the rectification in administrative proceedings, unless the rectification is ordered in other proceedings."; Article 4, par. 1 of the Ordinance (LGBl. 1997 No. 97). According to Article 46 (1) of the Persons and Companies Act, "[t]he name may be changed on important grounds pertaining to personal, business, or professional circumstances. An important ground pertaining to personal circumstances exists in particular if the applicant wishes to receive the surname of a parent, the spouse of a parent, or a person from whom the applicant has derived their surname and whose surname has been changed."

<sup>40</sup> VMR (2021), *op. cit.*, p. 58: in February 2020, the practice of requiring proof of hormone therapy was abolished.

<sup>41</sup> See Ordinance no. 395/2013.

<sup>42</sup> If the medical examiner confirms that the medical measures proposed by doctors are suitable and necessary, also for medical and psychological reasons, not only aesthetic ones (e.g., medication, according to Article 52 of the Ordinance to the Health Insurance Act).

36. ECRI recommends that the authorities develop a legal framework explicitly regulating the conditions and procedures concerning legal gender recognition and establish clear guidelines concerning gender reassignment procedures, in accordance with ECRI's General Policy Recommendation No. 17 on preventing and combating intolerance and discrimination against LGBTI persons and other relevant Council of Europe standards.<sup>43</sup>
37. Under the present monitoring cycle, ECRI also assesses the situation of intersex persons.<sup>44</sup> Many of these persons suffer as a result of medical interventions, which are in most cases non-consensual and medically unnecessary, and have irreversible consequences. The ECRI delegation understood during the visit that their situation was largely unknown in Liechtenstein and that there is a lack of data on the issue, which renders the assessment of the situation difficult. Nonetheless, an NGO report<sup>45</sup> suggests that various practices, which include so-called sex-“normalising” surgeries, performed on intersex children are “outsourced” to hospitals in Austria and Switzerland funded by the state’s mandatory public health system.
38. ECRI furthermore notes that the UN Committee for the Elimination of Discrimination against Women recommended that Liechtenstein specifically prohibit this type of non-consensual surgeries on intersex persons and develop and implement a rights-based health-care protocol for intersex children that requires their informed consent about the performance of such surgeries.<sup>46</sup> These recommendations, which were also reiterated by the VMR,<sup>47</sup> have not yet been implemented by the authorities. ECRI strongly encourages the authorities to conduct research into the situation of intersex persons in Liechtenstein and to take action in view of the adoption of legislation that prohibits unnecessary sex-“normalising” surgery and other therapies on intersex children until such time as they are able to participate in the decision, based on the principle of free and informed consent, in accordance with ECRI's and other relevant international standards in this respect.<sup>48</sup>

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<sup>43</sup> See ECRI's GPR No. 17, recommendations 24-31; Council of Europe's Committee of Ministers (2010), *op.cit.*, §§ 20-22; Parliamentary Assembly of the Council of Europe, [Resolution 2048 \(2015\)](#): Discrimination against transgender people in Europe, §§ 6. 2 and 6.3; relevant case law of the European Court of Human Rights (see, *inter alia*, X and Y v. Romania, [nos. 2145/16 and 20607/16](#), 19 January 2021).

<sup>44</sup> Persons who are born with biological sex characteristics that do not fit societal norms or medical definitions of what makes a person male or female. See, Parliamentary Assembly of the Council of Europe, [Resolution 2191 \(2017\)](#): Promoting the human rights of and elimination discrimination against intersex people.

<sup>45</sup> Stop IGM (2018), NGO [Report](#) to the 5<sup>th</sup> evaluation of the United Nations Committee on the Elimination of Discrimination against Violence, pp. 3 and 10.

<sup>46</sup> CEDAW (2018), Concluding Observations on the fifth periodic report of Liechtenstein, [CEDAW/C/LIE/CO/5/Rev.1](#), p.10.

<sup>47</sup> VMR (2018), *op. cit.*, p. 17; VMR (2021), *op. cit.*, p. 58.

<sup>48</sup> See in particular ECRI's GPR No. 17, recommendations 32-34 and 35; Parliamentary Assembly of the Council of Europe (2017), *op.cit.*; the [Yogyakarta Principles Plus 10](#) (2017); Council of Europe's Commissioner for Human Rights (2015), [Human rights and intersex people](#).

## II. HATE SPEECH AND HATE-MOTIVATED VIOLENCE

### A. Hate speech<sup>49</sup>

39. The most recent amendments to Article 283 (1) of the Criminal Code (CC) were adopted in 2016 and made it a criminal offence to publicly incite to hatred or discrimination on the grounds of race, language, nationality, ethnicity, religion or belief, sex or sexual orientation.<sup>50</sup> According to Article 33 (1) (5) CC, an established hate motivation based on the prohibited grounds listed in Article 283 (1) CC is to be considered as an aggravating circumstance in the adjudication of any criminal offence. At the same time, ECRI regrets to note that gender identity and sex characteristics have not been included as prohibited grounds. According to the authorities, these grounds may be covered by the references to sex and sexual orientation in Article 283 (1) CC. However, ECRI is not aware of any relevant domestic court case law. In addition, in the experience of ECRI, the prohibited grounds of gender identity and sex characteristics should be expressly referred to in criminal law to have a sufficient dissuasive effect and offer suitable protection.
40. ECRI recommends that the authorities initiate a legislative process to expressly include gender identity and sex characteristics as prohibited grounds in Article 283 (1) CC, in the light of its General Policy Recommendation No. 17 on preventing and combating intolerance and discrimination against LGBTI persons.
41. Of relevance is also the Law on Media (*Mediengesetz*)<sup>51</sup>. According to Article 6.2 of the Law, media content that is likely to endanger public peace and order is inadmissible, in particular if such content incites or instigates acts of violence or condone such acts (b) or incites hatred or discrimination on the grounds of race, ethnicity, sex, religion or belief, age, disability, sexual orientation, or nationality, or condone such discrimination (e). Article 7 of this Law contains an obligation of journalistic diligence and prescribes that if the objective facts of a judicially punishable act are established in a medium, the injured person may take action under civil law against the owner of the media in which the offending content was published, be that in print or electronic, including social media.
42. ECRI gained the impression that hate speech has, overall, not been widespread in Liechtenstein. However, readers' comments to published media articles have occasionally been a forum where hate speech has occurred.<sup>52</sup> In this context, a larger number of readers' comments had to be blocked by the media outlets concerned, in particular in 2020 and 2021 in the context of the Covid-19 pandemic, which led to an increase in insults or even hate speech targeted at certain individuals or groups of concern to ECRI, in particular on the Internet.<sup>53</sup> In an effort to ensure compliance with the Media Law and in general to prevent hate speech, many media outlets have prepared internal guidelines for the production of content in their media.<sup>54</sup>
43. Representatives of the police, the prosecution service and the judiciary met by the delegation during the 2023 visit explained that there had been seven hate speech

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<sup>49</sup> See definitions of hate speech and hate crime in [ECRI's Glossary](#).

<sup>50</sup> In particular, the Criminal Code provides in Article 283 (1) that any person who publicly incites hatred or discrimination against a person or group of persons on the grounds of race, language, nationality, ethnicity, religion or belief, gender, disability, age or sexual orientation will be sentenced to a period of imprisonment of up to two years. Article 283 (1) of the Criminal Code also provides that any person who publicly discriminates against a person or a group of persons on grounds of race, language, nationality, ethnicity, religion or belief, gender, disability, age or sexual orientation in a manner contrary to human dignity must be punished by law. Furthermore, participation as a member of an association whose activity consists of promoting or inciting discrimination within the meaning of the provision is prohibited.

<sup>51</sup> Available in original language at <https://www.gesetze.li/konso/pdf/2005250000?version=13>

<sup>52</sup> See ECRI's fifth report, paragraphs 22 and 28.

<sup>53</sup> Extremismus in Liechtenstein, Monitoringbericht 2021, page 16 (in German language). These [annual reports on extremism](#) in Liechtenstein are prepared by the Liechtenstein Institute (in German language).

<sup>54</sup> Ibid.

cases in 2021, six out of which had, following complaints, been investigated by the police, some of which were later prosecuted under more than one criminal provision. The seventh, a case of a so-called reader's letter, was investigated directly by the prosecution service.<sup>55</sup> Perpetrators were sentenced to fines or suspended prison sentences.<sup>56</sup>

44. A case of particular interest was brought to the attention of ECRI, in which the defendant was convicted of the offence of dangerous threat under Article 107 (1) CC. In February and March 2017 respectively, the defendant had threatened a "dark-skinned man" in a car park and in a café in Liechtenstein in order to scare him by telling him, "You have to be careful" and "If you want, I will beat you today". The defendant was sentenced to a conditional prison term of five months and an unconditional fine of CHF 1800 (90 daily rates of CHF 20). The court considered the fact that the accused had acted out of racist motives to be an aggravating circumstance within the meaning of Article 33 (1) (5) CC.
45. ECRI was told by various independent interlocutors that there have been quite a few antisemitic statements in the public sphere in connection with the Covid-19 pandemic. However, none of them have led to formal complaints.
46. ECRI was informed that a police digital crime unit was established. However, in the absence of a legal basis for doing so, it does not monitor the Internet for hate speech.
47. ECRI recommends that the authorities expand the mandate of the police digital crime unit to explicitly include the monitoring of online hate speech and to ensure that, where a hate speech incident possibly amounting to a violation of relevant criminal provisions is detected, it is the subject of an *ex officio* and effective investigation, in accordance with the legal obligations of the competent investigative authorities.
48. In 2021, training on the application of criminal provisions pertaining to hate speech was provided to police officers, prosecutors and judges, as well as representatives of the VMR. The training materials were published in a legal journal (*Juristenzeitung*). Similar training was organised in September 2019 by the Commission for Protection against Violence, in co-operation with the International Network against Cyber Hate (INACH), for media professionals in how to address cases of hate speech.<sup>57</sup>
49. As a preventive measure against hate speech, the VMR, in co-operation with the Commission for Protection against Violence, ran a campaign, from 21 March to 24 April 2023, that aimed at promoting tolerance and raise awareness of the general public against discrimination and hate speech.<sup>58</sup>

## **B. Hate-motivated violence**

50. Article 283 CC criminalises hate-motivated violence, as a form of discrimination, as well as hate speech amounting to hate crime. Further, incitement to crime,

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<sup>55</sup> All of these cases were investigated and prosecuted under Article 283 CC. The six cases investigated by the police concerned anti-Muslim hatred and Holocaust denial in a Facebook group; offensive statements against a foreigner on a bus; antisemitic statements hate speech on Facebook; hate speech and vandalism with LGBTI-phobic motivation; antisemitic content in e-mail communication and a case pertaining to neo-Nazism.

<sup>56</sup> See also, in this connection, the 2021 monitoring report on extremism in Liechtenstein prepared by the Liechtenstein Institute, available at [https://www.liechtenstein-institut.li/download\\_file/2462/8092](https://www.liechtenstein-institut.li/download_file/2462/8092) (p. 25) (in German language).

<sup>57</sup> United Nations, Universal Periodic Review, National Report submitted pursuant to Human Rights Council Resolution 5/1 and 16/21 Liechtenstein, p. 8, available at <https://undocs.org/en/A/HRC/WG.6/43/LIE/1>

<sup>58</sup> The campaign is supported by the Department of Social Services of the Office of Social Services. The government, the national administration, the national police, all 11 municipalities, 25 other institutions and various members of the Liechtenstein Chamber of Commerce and Industry support the dissemination of messages of tolerance. The campaign messages are disseminated through a wide variety of analogue and digital channels. See: <https://www.vaduz.li/news/diskriminierung-ist-straftbar-toleranz-ist-dein-recht> or <https://www.gewaltschutz.li/aktivitaeten-und-kampagnen/diskriminierung-ist-straftbar-toleranz-ist-dein-recht> (in German language).



including violence, is punishable under Article 282 (1) CC. Incitement to terror acts is covered by Article 282 (a) CC.<sup>59</sup> As noted above, Article 33 CC contains a list of aggravating circumstances, which may prevail in the commission of a crime and which may lead to more severe punishment. A racist / xenophobic motivation is one such circumstance.

51. According to data kept by OSCE/ODHIR, the period ranging from 2018 to 2021 saw 20 hate crime cases<sup>60</sup> recorded by the police. However, most were not based on grounds of direct relevance to ECRI. The relatively high number of cases in 2021 and 2020 were mostly linked to protests against restrictions on freedom of movement and public life during the Covid-19 pandemic. Three of the twenty cases were prosecuted, and two of them had led to sentences.
52. The only case among the 20 of clear relevance to ECRI is the one in which in 2021 a gay couple was subjected to homophobic insults, harassment, and threats by a neighbour. The perpetrator also contaminated the victims' swimming pool with excrement and cigarettes.
53. ECRI welcomes the fact that support is provided to hate crime victims, as part of its general crime victim support scheme. Victims of hate crimes have the same legal status as other crime victims. The Victims Assistance Office provides medical, psychological, social, material, and legal assistance to crime victims. Urgent counselling and assistance are always provided, while long-term support is offered on a case-by-case basis.
54. ECRI is also pleased to note that the Commission for Protection against Violence addresses violence in the public sphere, including violence motivated by bias. Its Expert Group against Right-Wing Extremism trains social workers and provides advice.

### III. INTEGRATION AND INCLUSION

#### A. Migrants

55. According to 2019 data, there were 13 152 foreign nationals living in Liechtenstein, for a total population of 38 557 persons. Thus, the share of foreigners, comprising 114 nationalities,<sup>61</sup> made up about 34 % of the total population. In addition, a large number of foreigners, constituting more than half of all employees in Liechtenstein, live in neighbouring countries but cross the border on a daily basis to work in Liechtenstein. During its visit, ECRI was informed by the authorities that there were about 41 000 employees in Liechtenstein, reflecting the size of the non-resident workforce. In recent years, the countries of origin of foreigners has become more diversified, though the majority still originate from neighbouring countries.<sup>62</sup> The three most common citizenships among the foreigners in Liechtenstein are Swiss, Austrian and German, in that order, with Portuguese, Turkish and Spanish following, in that order, as well as persons coming from Kosovo\*.<sup>63</sup> The largest categories of new arrivals settling in Liechtenstein, according to 2019 data, were such coming for family reunification (67%), while the second largest group came for employment (25%).<sup>64</sup>

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<sup>59</sup> Also see paragraph 5 of ECRI's 5<sup>th</sup> report.

<sup>60</sup> 7 in 2021, 9 in 2020, 2 in 2019 and 2 in 2018. For more details, see [Liechtenstein | HCRW \(osce.org\)](https://www.osce.org/hcrw/liechtenstein).

<sup>61</sup> Integration Strategy, page 8.

<sup>62</sup> Integration in Liechtenstein: Sozioökonomische Potenziale und Spannungsfelder. Eine Analyse unter Berücksichtigung der Perspektiven von Zugewanderten, page 6, available at [https://boris.unibe.ch/144949/2/ZF\\_Integration\\_Liechtenstein.pdf](https://boris.unibe.ch/144949/2/ZF_Integration_Liechtenstein.pdf)

\* All reference to Kosovo, whether to the territory, institutions or population, in this text shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.

<sup>63</sup> Integration in Liechtenstein: Sozioökonomische Potenziale und Spannungsfelder. Eine Analyse unter Berücksichtigung der Perspektiven von Zugewanderten, page 26. Available at [https://boris.unibe.ch/144949/2/ZF\\_Integration\\_Liechtenstein.pdf](https://boris.unibe.ch/144949/2/ZF_Integration_Liechtenstein.pdf)

<sup>64</sup> Integration in Liechtenstein: Sozioökonomische Potenziale und Spannungsfelder. Eine Analyse unter Berücksichtigung der Perspektiven von Zugewanderten, page 26. Available at [https://boris.unibe.ch/144949/2/ZF\\_Integration\\_Liechtenstein.pdf](https://boris.unibe.ch/144949/2/ZF_Integration_Liechtenstein.pdf)

56. Articles 40 to 45 of the Foreigners Act (*Ausländergesetz*)<sup>65</sup> explicitly concern the promotion of integration and provide that the authorities at different levels, social partners and civil society actors should work together towards this aim.<sup>66</sup> The law foresees that an integration agreement<sup>67</sup> be concluded with adult third country migrants in connection with the granting or extension of residency permits.<sup>68</sup> According to the Act, the main purpose of the agreement is that the migrant person learns the German language<sup>69</sup> and the basics of the legal order and State structure of Liechtenstein. Nonetheless, it appears that integration programmes are not systematically made available to all migrants and where they are, they are not comprehensive.<sup>70</sup> The Law on Free Movement of Persons,<sup>71</sup> the Asylum Act and the Regulation on the Integration of Foreigners<sup>72</sup> all have some further provisions of relevance to integration.
57. In its fifth report on Liechtenstein, ECRI recommended that the authorities, as a matter of priority, commission a study about the problems that the different groups of migrants (including non-German speaking migrants, refugees, religious minorities, and cross-border commuters) face and develop a new strategy and action plan on the integration of migrants and people with migration backgrounds in all areas of life. A corresponding, quite detailed, study was published in May 2020.<sup>73</sup> Based on the study, an integration Strategy was adopted by the Government on 9 February 2021<sup>74</sup> and a related action plan<sup>75</sup> was issued in March 2022.
58. ECRI is pleased to note that the Integration Strategy includes a section on the promotion of equality and work against racism and discrimination. Goals listed in the Integration Strategy include training and sensitising public officials on national and municipal level about racism and discrimination. The publication of the Integration Strategy was preceded by relatively broad consultations, including with civil society. The March 2022 National Action Plan and other, forthcoming, implementation plans are annual. The preparation of each new plan involves an evaluation of the previous one, albeit not by an external independent evaluator. ECRI warmly welcomes the adoption of the integration study, strategy and action plans. ECRI nevertheless regrets that refugees were not explicitly covered by the Integration Strategy and encourages the authorities to ensure that refugees are included in future action plans and that future evaluations are carried out by independent evaluators.
59. ECRI notes that there are concerns, notably from the VMR, about the lack of adequate financial and human resources for the full implementation of the Integration Strategy. By way of illustration, at the time of the visit, there was only

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<sup>65</sup> Available at [AuG | Lilex - Gesetzesdatenbank des Fürstentum Liechtenstein](#) (in German language).

<sup>66</sup> Articles 4, 40-45 and 67 of this law are of relevance to integration.

<sup>67</sup> Regulated by article 41 of the Foreigners Act. According to the Liechtenstein authorities, 81 integration agreements were concluded in 2022, whereas the number was 89 in 2021; 66 in 2020; 103 in 2019 and 110 in 2018.

<sup>68</sup> For more details and concerns in this regard, see ECRI's fifth report, Paragraphs 37, 38 and 65.

<sup>69</sup> Reaching at least an A2 level of German within five years is, as a rule, required.

<sup>70</sup> Integration in Liechtenstein: Sozioökonomische Potenziale und Spannungsfelder. Eine Analyse unter Berücksichtigung der Perspektiven von Zugewanderten, page 44. Available at [https://boris.unibe.ch/144949/2/ZF\\_Integration\\_Liechtenstein.pdf](https://boris.unibe.ch/144949/2/ZF_Integration_Liechtenstein.pdf) (in German language)

<sup>71</sup> Article 5. The law is available at [PFZG | Lilex - Gesetzesdatenbank des Fürstentum Liechtenstein](#) (in German language).

<sup>72</sup> Articles 7 and 10, both about the obligation for migrants to learn the German language and the basics about the Liechtenstein society and legal order. Available at [AIV | Lilex - Gesetzesdatenbank des Fürstentum Liechtenstein](#) (in German language).

<sup>73</sup> Available at [https://boris.unibe.ch/144949/1/200623\\_Integration\\_Liechtenstein.pdf](https://boris.unibe.ch/144949/1/200623_Integration_Liechtenstein.pdf) (in German language).

<sup>74</sup> Available at <https://www.llv.li/serviceportal2/amtstellen/amt-fuer-soziale-dienste/integrationsstrategie-2021.pdf> (in German language).

<sup>75</sup> Available at <https://www.regierung.li/files/attachments/Jahresplanung-2022-Integrationsmassnahmen-637823506608119823.pdf?t=638214962535444323> (in German language).

one public official at national level who was in charge of co-ordinating the implementation measures, with certain related duties delegated to the Equal Opportunities Unit of the Office of Social Services.

60. The Office of Social Services is responsible for the financing of integration projects, public information, campaigning and other activities for the successful integration of migrants. The Office itself does not offer courses or counselling to migrants, but finances the corresponding activities of two NGOs active in Liechtenstein, namely Infra<sup>76</sup> and Mintegra.<sup>77</sup> Infra further offers primary legal aid and help to, if need be, get State-funded legal aid in court. The administrative procedure and requirements for documentation, including comprehensive data on past income, do significantly increase the threshold for applying.
61. According to the 2020 study on integration, migrants' demand for information, in particular as concerns residence permits and employment rights is very high.<sup>78</sup> In response, the first action area listed in the Integration Strategy concerns migrants' access to information and relevant services. It is noted in the Integration Strategy that co-ordination between the national Government and the municipalities, as well as with other relevant actors is missing and that there are at present no suitable platforms for such co-ordination. In the Strategy, the following goals are listed in this context: 1) recently arrived migrants encounter a welcome culture and that they are comprehensively informed, in a manner which they can understand; 2) information and support services for migrants are made available according to target group and needs, in a transparent and accessible manner; 3) low threshold counselling and information services are available at both national and municipal levels.<sup>79</sup>
62. One concrete information gap identified by the study on integration and mentioned in the Strategy concerns the offer of language courses for migrants. Information about German language courses is particularly important, as third country nationals settling in Liechtenstein are legally obliged to learn German.<sup>80</sup>
63. A welcome step in meeting the above goals is a recently launched website<sup>81</sup> for migrants, which contains very comprehensive and useful information about rules and available services of relevance to migrants, including in the policy areas of education, housing, healthcare, employment, social matters, transport, various permits and other necessary information. ECRI encourages the authorities to make the site available in English and, if possible, other most spoken languages by migrants (for example, Portuguese, Spanish and Turkish).
64. ECRI regrettably notes that there is not yet any designated public sector office<sup>82</sup> specifically dedicated to providing additional information, responding to migrants' queries or co-ordinating relevant services made available for migrants by different authorities and other actors.

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<sup>76</sup> Information and counselling office for Women (*Informations- und Beratungsstelle für Frauen*), see website at [integra :: infra.li](http://integra.li) (in German language).

<sup>77</sup> Based nearby, though in Switzerland, offers integration services to migrants, see website <https://www.mintegra.ch/> (in German language).

<sup>78</sup> Integration in Liechtenstein: Sozioökonomische Potenziale und Spannungsfelder. Eine Analyse unter Berücksichtigung der Perspektiven von Zugewanderten, page 44 Available at [https://boris.unibe.ch/144949/2/ZF\\_Integration\\_Liechtenstein.pdf](https://boris.unibe.ch/144949/2/ZF_Integration_Liechtenstein.pdf) (in German language).

<sup>79</sup> [Integration Strategy](#), page 13 (in German language).

<sup>80</sup> Article 7 of the Integration Regulation, available at [AIV | LiLex - Gesetzesdatenbank des Fürstentum Liechtenstein](http://AIV.LiLex-Gesetzesdatenbank-des-Fürstentum-Liechtenstein) (in German language).

<sup>81</sup> See [www.integration.li](http://www.integration.li) (in German language).

<sup>82</sup> Integration in Liechtenstein: Sozioökonomische Potenziale und Spannungsfelder. Eine Analyse unter Berücksichtigung der Perspektiven von Zugewanderten, page 94. Available at [https://boris.unibe.ch/144949/2/ZF\\_Integration\\_Liechtenstein.pdf](https://boris.unibe.ch/144949/2/ZF_Integration_Liechtenstein.pdf) (in German language).

65. ECRI recommends, as a matter of priority, that the authorities establish an information and support centre or designate an office tasked with co-ordinating other public authorities' efforts to facilitate integration and to serve as a one-stop information and service point for migrants.

### *Education*

66. The Migration and Passport Office (*Ausländer- und Passamt*) contributes to the cost of language courses for adults taken at certified Liechtenstein language schools during the first five years from a foreigner's arrival, provided that the attendance rate is at least 90%.<sup>83</sup> During the five years, a maximum of four courses per level are subsidised. The support amounts to 200 CHF per course. The share of the price of the course varies, as they are mainly provided by private language schools. As a rule, the State provides such support until level B1 (included). Support for reaching B2 level or higher may be granted if particular justifications are provided by the applicant.<sup>84</sup>
67. Apart from private language schools, language lessons are offered in most municipalities, mostly by volunteers. These classes promote everyday conversation skills, combined with practical skills needed for everyday life.<sup>85</sup> ECRI commends the providers of these classes for their efforts.
68. As part of its contract with the Government, the NGO Flüchtlingshilfe organises German language classes for asylum seekers.
69. Migrant children can attend kindergarten for free as of two years before primary school starts. Attendance is compulsory in the year before school starts for those children who do not speak German. According to the authorities, support for learning German is currently being developed for pre-kindergarten children.
70. For migrant children with virtually no knowledge of German, there are introduction classes including 6-12 months of intensive language teaching of German, before such children are completely integrated into regular classes.<sup>86</sup>

### *Employment*

71. The unemployment rate in Liechtenstein is remarkably low, at slightly above one percent.<sup>87</sup> Yet, the share of unemployed migrants is about twice as high, and more migrant women are unemployed than migrant men.<sup>88</sup>
72. There is only one trade union in Liechtenstein, namely the Liechtenstein Employees' Association (LANV).<sup>89</sup> It offers labour law and other relevant consultations to its members free of charge. For non-member migrant workers, the first 30 minutes are free thanks to Government support for this purpose. ECRI considers this a **good practice**.
73. There are at present 21 collective agreements negotiated by LANV. They all contain clauses stipulating that discrimination on the basis of gender, sexual

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<sup>83</sup> The subsidy is paid after the completion of the course.

<sup>84</sup> Annual Human Rights report for Liechtenstein, page 108, available at: <https://www.liv.li/files/aaa/statusbericht-menschenrechte-2021.pdf> (in German Language).

<sup>85</sup> Integration in Liechtenstein: Sozioökonomische Potenziale und Spannungsfelder. Eine Analyse unter Berücksichtigung der Perspektiven von Zugewanderten, page 95. Available at [https://boris.unibe.ch/144949/2/ZF\\_Integration\\_Liechtenstein.pdf](https://boris.unibe.ch/144949/2/ZF_Integration_Liechtenstein.pdf) (in German language).

<sup>86</sup> Integration in Liechtenstein: Sozioökonomische Potenziale und Spannungsfelder. Eine Analyse unter Berücksichtigung der Perspektiven von Zugewanderten, page 64. Available at [https://boris.unibe.ch/144949/2/ZF\\_Integration\\_Liechtenstein.pdf](https://boris.unibe.ch/144949/2/ZF_Integration_Liechtenstein.pdf)

<sup>87</sup> The unemployment rate was at 1,2 % in June and July 2023 respectively and 1,3 % in August 2023'. See [Arbeitslosigkeit \(statistikportal.li\)](https://www.statistikportal.li)

<sup>88</sup> for more details, see <https://www.statistikportal.li/de/themen/arbeit-und-erwerb/arbeitslosigkeit> (in German language).

<sup>89</sup> [LANV - Ihre Gewerkschaft](https://www.lanv.li)

orientation, national or religious affiliation is forbidden and that the integration of foreign employees must be supported and any xenophobic atmosphere avoided.

### *Housing*

74. It is difficult for migrants to find affordable accommodation in Liechtenstein. Civil society representatives explained to the ECRI delegation during the visit that discrimination is comparatively common in the areas of housing, typically based on visible personal characteristics or attributes such as names or clothing (e.g. women wearing headscarves, on the assumption that they are Muslim). When landlords refuse to rent accommodation on grounds of such visible characteristics or attributes, it is often not recognised as discrimination but considered “a personal conflict between the landlord and potential tenants”. Still, ECRI was informed by the authorities that under the Persons and Companies Act, refusal to rent accommodation to, for instance, a woman because she was wearing a headscarf, would constitute a civil law offence. However, ECRI is not aware of any relevant case law.

### *Health Care*

75. ECRI notes that the employees’ contributions to the compulsory health care system decreased in 2017. However, the share of doctors’ fees not covered by the health insurance and thus to be paid by the patient is still considered as a great burden by many migrants, to the extent that many as far as possible avoid visiting doctors.<sup>90</sup> Nonetheless, the authorities maintain that social protection and health services are provided to all legally resident individuals, with equal treatment.
76. In early 2022, the VMR, in agreement with the Office for Health and the Medical Association (*Ärztelkammer*) of Liechtenstein, launched a two-year project entitled Intercultural Interpreting in Medical Clinics (*Interkulturelles Dolmetschen in Arztpraxen*). Through the project, vouchers<sup>91</sup> are distributed to clinics wishing to participate, enabling them to employ interpreters whose services would be free of charge for specific migrant patients’ visiting the clinics. The experiences of the project have been assessed as positive and an increasing number of clinics have requested vouchers and thus to participate.<sup>92</sup> ECRI considers the project a **promising practice** and trusts that it will be extended beyond 2023.

### *Residence permits*

77. Persons with a citizenship from a State belonging to the European Economic Area (EEA) may apply for a temporary residence permit through a drawing of lots. Half of these residence permits issued each year are allocated in such a manner, either for the purpose of gainful employment (at least 56 permits per year) or for residence without gainful employment (at least 16 per year).
78. Liechtenstein does not have any particular mechanism for granting temporary residence permits to third country citizens, unless there is a bilateral migration treaty between Liechtenstein and the country in question. However, third country nationals may be granted residence permits both with and without employment rights if it is considered to be in the interest of Liechtenstein.
79. Foreign nationals who have been staying in Liechtenstein based on a residence permit for five years and more are eligible to apply for a settlement residence, provided that there is no reason for revocation of the residence permit. Among the requirements for the granting of a settlement residence permit are A2 level

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<sup>90</sup> Integration in Liechtenstein: Sozioökonomische Potenziale und Spannungsfelder. Eine Analyse unter Berücksichtigung der Perspektiven von Zugewanderten, page 54. Available at [https://boris.unibe.ch/144949/2/ZF\\_Integration\\_Liechtenstein.pdf](https://boris.unibe.ch/144949/2/ZF_Integration_Liechtenstein.pdf) (in German language).

<sup>91</sup> In the form of voucher codes.

<sup>92</sup> See [Gesundheit – Verein für Menschenrechte in Liechtenstein](#) and [82 Dolmetscher waren in Arztpraxen im Einsatz :: Radio.li](#) (in German language).

knowledge of the German language and the passing of an examination about the basics of Liechtenstein's legal system and institutions (*Staatskundeprüfung*).<sup>93</sup> In 2021, the Migration and Passport Office organised four examinations.

### *Naturalisation*

80. About a third of all residents in Liechtenstein do not have Liechtensteiner citizenship. There are five different ways of acquiring the citizenship of Liechtenstein: (1) birth;<sup>94</sup> (2) naturalisation following the ordinary procedure, which involves a referendum by the citizens in the municipality in which the applicant is residing;<sup>95</sup> (3) naturalisation as a result of marriage or registered partnership;<sup>96</sup> (4) naturalisation due to long-term residence;<sup>97</sup> (5) naturalisation due to statelessness.<sup>98</sup> In the case of naturalisation of third country nationals, the applicants should renounce their other citizenship(s) and requirements have been considered particularly strict.
81. In its fifth report, ECRI encouraged the authorities to introduce dual citizenship and progressively ease the requirements for acceding to citizenship. However, the possibility of dual citizenship was dismissed by referendum in 2020.<sup>99</sup>
82. According to the Office of Statistics and the Civil Registry Office, in 2022, there were a total of 153 naturalisations registered (98 as a result of long-term residence, 26 as a result of marriage and 29 on the basis of the ordinary procedure).<sup>100</sup> In 2021, a total of 161 foreigners residing in Liechtenstein were naturalised. With a share of 70 %, more than two-thirds of naturalised citizens received the citizenship of Liechtenstein in 2021 as a result of long-term residence. A further 17 % were naturalised as a result of marriage and around 15 % on the basis of the ordinary procedure. ECRI invites the authorities to consider easing long-term residence requirements for acceding to citizenship.

### *International or temporary protection*

83. Liechtenstein received a relatively large number of Ukrainians fleeing the war following Russia's aggression against Ukraine, namely 507 by 21 December 2022, in addition to which there were 77 asylum applications from other countries that year. Ukrainian nationals were granted a so-called Protection Status S (*Schutzstatus S*),<sup>101</sup> which entails rights similar to those granted under international protection. ECRI welcomes Liechtenstein's decision to grant protection to Ukrainians fleeing the war.
84. Asylum seekers for whom there is not yet any decision hold what is referred to as "Status N". Failed asylum seekers who cannot be returned are given a provisional admission for one year at the time, known as "Status F".

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<sup>93</sup> Art. 27 of the Foreigners Act (*AuG, LGBl.* 2008 No. 311) available at [AuG | Lilex - Gesetzesdatenbank des Fürstentum Liechtenstein](#) (in German language) and Article 4c of the Civil Right Act (*Bürgerrechtsgesetz*), available at <https://www.gesetze.li/konso/1960.23> (in German language).

<sup>94</sup> Based on (§ 4 LGBl. 1996 No. 124). Children of a Liechtensteiner mother or father acquire Liechtensteiner citizenship. This also applies in principle to adopted children (adoption in lieu of a child) and as a rule to children born out of wedlock. See <https://www.llv.li/inhalt/11325/amtstellen/aussereheliche-kinder-liechtensteiner-vater> (in German language) and <https://www.llv.li/inhalt/11700/amtstellen/kinder-liechtensteiner-mutter-stgh-199636> (in German language).

<sup>95</sup> § 6 LGBl. 2008 No. 306). See also [Zivilstandsamt \(ZSA\) - Ordentliches Verfahren \(Abstimmung\) \(llv.li\)](#) (in German language).

<sup>96</sup> For details, see <https://www.llv.li/inhalt/1509/amtstellen/infolge-eheschliessung> (in German language) or <https://www.llv.li/inhalt/112220/amtstellen/infolge-eingetragener-partnerschaft> (in German language)

<sup>97</sup> See <https://www.llv.li/inhalt/11587/amtstellen/infolge-langerfristigem-wohnsitz> (in German language).

<sup>98</sup> See <https://www.llv.li/inhalt/149/amtstellen/infolge-staatenlosigkeit> (in German language).

<sup>99</sup> For the detailed results of the referendum, see [Abstimmungen Liechtenstein](#) (in German language).

<sup>100</sup> As of 15 December 2022.

<sup>101</sup> The relevant legislation is available [here](#) (in German language).

85. Family reunification for recognised refugees is as a rule restricted to spouses and underaged children.<sup>102</sup> People with “Status F” can apply for family reunification after a three-year waiting period, but only if they fulfil additional requirements, notably that they are not dependent on welfare benefits. Under the Foreigners Act, family members wishing to move to Liechtenstein for family reunification outside the asylum context, need to prove that they have already reached an A1 level of German language in their country of origin.<sup>103</sup>
86. The VMR and the Ombudsperson for Children and Youth have criticised the fact that unaccompanied child asylum seekers aged 16 plus are usually accommodated in reception centres housing adults, after a review of the case by the Office for Social Services. This is allowed by the 2017 Asylum Regulation (*Asylverordnung*).<sup>104</sup> ECRI encourages the authorities to review accommodation arrangements for unaccompanied child asylum seekers, in the light of international standards, including the Council of Europe’s Guide on family-based care for unaccompanied and separated children developed by the Council of Europe’s Steering Committee for Human Rights.<sup>105</sup>
87. Asylum seekers, beneficiaries of temporary protection and provisionally admitted persons are allowed and encouraged to work. They have to present their work contract to the Migration and Passport Office, Asylum Division, which needs to give approval for the person hired to start work. However, as a rule,<sup>106</sup> and apart from what the law refers to as a motivational 3 CHF per hour, the entire salary earned is held back by the Refugee Council to cover the cost of social assistance granted to the person in question.<sup>107</sup> This arrangement ends only once the person is granted a permanent residence permit, when the person leaves the country, or at the latest five years after the first application for asylum or temporary protection was submitted. The social assistance costs will then be deducted from the income, and the remainder paid out. While protection decisions are usually taken within six months, provisionally admitted persons’ salaries might thus be withheld for several years. ECRI invites the authorities to review the existing arrangements for work applicable to asylum seekers and provisionally admitted persons in order to allow an environment that is potentially more conducive to integration.

## **B. Religious communities**

88. In October 2022, the authorities organised an “Integration Dialogue” meeting with NGOs and religious communities. ECRI encourages the authorities to pursue their plans to hold such meetings on an annual basis.
89. The share of Muslim migrants in Liechtenstein has increased over the last decades.<sup>108</sup> The Islamic Community of Liechtenstein asked the Government to support it in finding suitable premises for practicing the Muslim faith. Further, on 10 August 2021, the community submitted a petition to the Parliament entitled “Equal rights for Muslims in Liechtenstein”, which the Parliament referred to the

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<sup>102</sup> According to Article 4 of the Asylum Ordinance, persons having lived in *de facto* partnerships with recognised refugees may be eligible for family reunification. See [AsylV | Lilex - Gesetzesdatenbank des Fürstentum Liechtenstein](#) (in German language).

<sup>103</sup> Liechtenstein annual [Human Rights report](#), page 71 (in German Language).

<sup>104</sup> [VMR Annual Report 2021](#), page 29 (in German language).

<sup>105</sup> See <https://rm.coe.int/steering-committee-for-human-rights-cddh-guide-on-family-based-care-fo/1680a4d5d9>

<sup>106</sup> Exceptionally, asylum seekers, persons benefitting from temporary protection, and provisionally admitted people, including families consisting of people with these migration statuses, may upon individual assessment keep up to two thirds of their salaries minus the cost of the rent, where applicable, if they are employed and have (rent or own) a flat and their salaries are sufficient to be considered sufficient to secure their subsistence (according to Article 32, Paragraph 4 of the Asylum Regulation, *Asylverordnung* in original language).

<sup>107</sup> 2021 Human Rights Report by the Liechtenstein Institute, page 67. Available at <https://www.llv.li/files/aaa/statusbericht-menschenrechte-2021.pdf> (in German Language).

<sup>108</sup> Integration in Liechtenstein: Sozioökonomische Potenziale und Spannungsfelder. Eine Analyse unter Berücksichtigung der Perspektiven von Zugewanderten, page 38. Available at [https://boris.unibe.ch/144949/2/ZF\\_Integration\\_Liechtenstein.pdf](https://boris.unibe.ch/144949/2/ZF_Integration_Liechtenstein.pdf)

Government on 1 September 2021. According to the authorities, the requests expressed in the petition have been partly fulfilled. At the time of ECRI's visit in March 2023, this community had found premises for its activities, which it was in the process of purchasing, with its own funds.

90. The second Muslim association in Liechtenstein is the Turkish Islamic Culture Organisation (*Türkisch Islamischen Kulturverein*). This association uses the "Green Mosque" in Eschen as a place of worship.
91. In its fifth report, ECRI considered the creation of a Muslim burial site a matter of urgency.<sup>109</sup> The absence of a Muslim cemetery is a long-standing issue<sup>110</sup> to which no solution had been found by the time of ECRI's sixth visit.
92. In the light of the above, ECRI refers to its revised GPR No. 5 on preventing and combating anti-Muslim racism and discrimination,<sup>111</sup> and more precisely Recommendation 42 therein, concerning the removal of discriminatory legal or administrative obstacles to construction of places for worship and funeral rites.
93. ECRI recommends that the authorities ensure that a suitable burial site is found for the Muslim communities, in the light of its revised General Policy Recommendation No. 5 on preventing and combating anti-Muslim racism and discrimination.

#### IV. TOPICS SPECIFIC TO LIECHTENSTEIN

##### A. Anti-discrimination legislation

94. The principle of equality between citizens is enshrined in Article 31.1 of the Constitution of Liechtenstein. It has been extended to foreign nationals following a position held by the Constitutional Court in 2014.<sup>112</sup> However, ECRI cannot but regret the detrimental effect the lack of a comprehensive anti-discrimination legislation has on Liechtenstein's efforts to prevent and combat various forms of discrimination of relevance to ECRI,<sup>113</sup> which may partly stem from a lack of full recognition and understanding of the forms of discrimination which may occur in Liechtenstein. This lacuna explains to a great extent the absence of civil law discrimination cases as there is hardly any legal ground for making civil law complaints against discrimination. A related consequence is that the absence of such an anti-discrimination law deprives the VMR of an essential legal basis for its work.
95. The authorities have argued that the adoption of a general anti-discrimination law would contradict the liberal economic order of the country.<sup>114</sup> ECRI however considers that this view on the preferred economic model should not be allowed to prevent the adoption of comprehensive anti-discrimination legislation in line with ECRI's GPR No. 7 on national legislation to combat racism and racial discrimination as well as other relevant standards. It recalls its recommendation in its fourth (§33) and fifth report (§ 14) respectively, for the drafting and adoption of such anti-discrimination legislation, which should also provide easy access to judicial and administrative proceedings, and which should contain provisions about the sharing of the burden of proof and dissuasive sanctions in case of breaches. In the absence of such legislation, victims of discrimination will be discouraged from seeking redress and if they do, their chances of success will be limited as long as the only course of legal action is a criminal law procedure.

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<sup>109</sup> See paragraph 58 of ECRI's fifth report on Liechtenstein.

<sup>110</sup> Raised among others by the VMR in its 2019 [annual report](#), page 17 (in German language).

<sup>111</sup> Available [here](#).

<sup>112</sup> See paragraph 8 of ECRI's fifth report.

<sup>113</sup> Apart from criminal law provisions pertaining to hate crime and discrimination, there are legal provisions with some potential bearing in an anti-discrimination context. However, such provisions are of more marginal relevance and, where they exist, they are spread over various legal acts, including the Persons and Companies Act and the Common Civil Code.

<sup>114</sup> European network of legal experts in gender equality and non-discrimination, [country report 2021 on Liechtenstein](#), page 13.



96. ECRI recommends, as a matter of priority, that the authorities initiate preparations for the drafting of a bill for a specific anti-discrimination act, including by means of establishing a working group for this purpose. The working group should, alongside members of the Association for Human Rights, include representatives of civil society or, alternatively, consultations with the Association for Human Rights and relevant civil society actors should be organised during the process.

#### **B. Equality data collection**

97. A major difficulty in assessing the extent of possible discrimination on grounds relevant to ECRI is the lack of relevant data collection.

98. Liechtenstein's Data Protection Act (*DPA*) 78 aims at implementing the EU general data protection rules,<sup>115</sup> and entered into force on 1 January 2019. It governs the protection of the fundamental rights of natural persons with regard to the collection and processing of their personal data.

99. Only few institutions collect relevant data, and even fewer publish them, though some would make them available upon request. The VMR collects relevant data, shares some of it in its annual reports and may share further collected data upon request. The Liechtenstein Institute collects data and makes its related analyses available.

100. ECRI considers it crucial for the authorities to develop suitable equality data collection systems involving all relevant actors, including on matters such as national or ethnic origin, citizenship, religion, migrant and other statuses in order to be able to assess to what extent the anti-discrimination measures taken contribute to effective equality and as a basis for introducing further measures to this end.

101. ECRI recommends that the authorities step up their efforts to collect comprehensive gender disaggregated equality data, in a co-ordinated manner between the relevant ministries and other public bodies, the Association for Human Rights and civil society organisations, and make such data publicly available, while respecting the principles of informed consent, self-identification and confidentiality. The data collected should only be used for the promotion of equality and assessing the effectiveness of anti-discrimination measures.

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<sup>115</sup> EU Directive 2016/680. In addition, the EU General Data Protection Regulation 2016/679 applies in Liechtenstein as from 25 May 2018.

## INTERIM FOLLOW-UP RECOMMENDATIONS

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The two specific recommendations for which ECRI requests priority implementation from the authorities of Liechtenstein are the following:

- (§65) ECRI recommends that the authorities establish an information and support centre or designate an office tasked with co-ordinating other public authorities' efforts to facilitate integration and to serve as a one-stop information and service point for migrants.
- (§96) ECRI recommends that the authorities initiate preparations for the drafting of a bill for a specific anti-discrimination act, including by means of establishing a working group for this purpose. The working group should, alongside members of the Association for Human Rights, include representatives of civil society or, alternatively, consultations with the Association for Human Rights and relevant civil society actors should be organised during the process.

A process of interim follow-up for these two recommendations will be conducted by ECRI no later than two years following the publication of this report.

## LIST OF RECOMMENDATIONS

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The position of the recommendations in the text of the report is shown in parentheses.

1. (§10) ECRI recommends that the authorities propose to Parliament an increase in the budget of the VMR, including for human resources, to an extent sufficient to allow it to carry out its tasks effectively in the field of preventing and combating racism and intolerance and to strengthen its independence in that it would not need to accept donations.
2. (§16) ECRI recommends that the authorities take further action to increase the amount of time dedicated to human rights education in the curriculum, ensure that human rights education includes the prevention of racism and intolerance, notably greater age-appropriate LGBTI awareness in the school environment. In this context, all teachers and school principals in primary and secondary education should also be provided with suitable training by qualified trainers on i) issues related to sexual orientation, gender identity and sex characteristics and ii) addressing substantial questions on such issues in designated textbooks on sexuality education.
3. (§26) ECRI recommends to the authorities to ensure, if necessary, by means of amending the existing legislation, that renting of accommodation to migrants irregularly present in Liechtenstein is not criminalised on the ground of their immigration or migratory status.
4. (§30) ECRI recommends that the authorities commission a survey on the situation of LGBTI people in Liechtenstein and take any necessary action in the light of this study.
5. (§36) ECRI recommends that the authorities develop a legal framework explicitly regulating the conditions and procedures concerning legal gender recognition and establish clear guidelines concerning gender reassignment procedures, in accordance with ECRI's General Policy Recommendation No. 17 on preventing and combating intolerance and discrimination against LGBTI persons and other relevant Council of Europe standards.
6. (§40) ECRI recommends that the authorities initiate a legislative process to expressly include gender identity and sex characteristics as prohibited grounds in Article 283 (1) CC, in the light of its General Policy Recommendation No. 17 on preventing and combating intolerance and discrimination against LGBTI persons.
7. (§47) ECRI recommends that the authorities expand the mandate of the police digital crime unit to explicitly include the monitoring of online hate speech and to ensure that, where a hate speech incident possibly amounting to a violation of relevant criminal provisions is detected, it is the subject of an *ex officio* and effective investigation, in accordance with the legal obligations of the competent investigative authorities.
8. (§65) ECRI recommends, as a matter of priority, that the authorities establish an information and support centre or designate an office tasked with co-ordinating other public authorities' efforts to facilitate integration and to serve as a one-stop information and service point for migrants.
9. (§93) ECRI recommends that the authorities ensure that a suitable burial site is found for the Muslim communities, in the light of its revised General Policy Recommendation No. 5 on preventing and combating anti-Muslim racism and discrimination.
10. (§96) ECRI recommends, as a matter of priority, that the authorities initiate preparations for the drafting of a bill for a specific anti-discrimination act, including by means of establishing a working group for this purpose. The working group should, alongside members of the Association for Human Rights, include representatives of civil society or, alternatively, consultations with the Association

for Human Rights and relevant civil society actors should be organised during the process.

11. (§101) ECRI recommends that the authorities step up their efforts to collect comprehensive gender disaggregated equality data, in a co-ordinated manner between the relevant ministries and other public bodies, the Association for Human Rights and civil society organisations, and make such data publicly available, while respecting the principles of informed consent, self-identification and confidentiality. The data collected should only be used for the promotion of equality and assessing the effectiveness of anti-discrimination measures.

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