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**REPORT SUBMITTED BY LIECHTENSTEIN
PURSUANT TO ARTICLE 25, PARAGRAPH 1,
OF THE FRAMEWORK CONVENTION FOR
THE PROTECTION OF NATIONAL MINORITIES**

**NATIONAL REPORT OF LIECHTENSTEIN
(Received on 3 March 1999)**

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**NATIONAL REPORT OF LIECHTENSTEIN
FIRST REPORT PURSUANT TO ARTICLE 25 PARAGRAPH 1 OF THE
FRAMEWORK CONVENTION
FOR THE PROTECTION OF NATIONAL MINORITIES
OF 1 FEBRUARY 1995**

I. GENERAL INFORMATION

1 Country and people

1. 1. Geography

The territory of the Principality of Liechtenstein is enclosed between Switzerland and Austria and covers a surface area of 160 km². Liechtenstein is divided into 11 rural communes, the two largest accounting for some 5,000 inhabitants each. A quarter of the land area is in the Rhine valley, while the other three quarters are on the slopes of the Rhine valley and in the inner Alpine area. Vaduz is the capital and the seat of the State authorities.

1.2. Historical overview

Archaeological finds bear witness to the fact that the territory of the present-day Principality of Liechtenstein has been permanently settled since the fourth millennium B.C. In the year 15 B.C., Rhaetia became a Roman province. During the Roman period, the Rhaetia culture became Christianized and Romanized. In the fifth century, Alemanni invaded the collapsing Roman empire and mixed with the existing population. Germanization of the culture continued up until the 12th century. Under Charlemagne, as a result of the centralization of imperial power, the former province of Rhaetia became a county.

The County of Vaduz came into being in 1342 as a result of inheritances. The Counts von Werdenberg-Sargans zu Vaduz were granted Imperial Immediacy in 1396, thus laying the foundations for the sovereignty that has been maintained until the present day. The next rulers, the Barons von Brandis, inherited the northern part of present-day Liechtenstein, the Lordship of Schellenberg, thus establishing the borders of the modern Principality.

In 1699, Prince Hans Adam von Liechtenstein purchased the Lordship of Schellenberg and in 1712 the County of Vaduz. In 1719 the Emperor Charles VI united the two territories and raised them to the rank of the Imperial Principality of Liechtenstein.

During the Napoleonic wars, Liechtenstein too became a theatre of war, in 1799. In 1806 Napoleon dissolved the All German Empire and founded the Confederacy of the Rhein, in which Liechtenstein was incorporated as a sovereign State. In 1814/15, as a result of the Congress of Vienna, Liechtenstein became a member of the newly created German Confederation.

1862 a constitutional monarchy was instituted, by means of the Constitution proclaimed by Prince Johann II. It guaranteed civil liberties and gave the Landtag (Parliament) the right to participate in legislation and in approval of the budget. This period also saw the beginning of the industrialization of Liechtenstein, a process which was also advanced by the 1852

Customs Treaty with Austria-Hungary. The country's infrastructure was improved, and tourism began to develop around the turn of the century. The country was however still very poor, and many people emigrated or sought work abroad.

The First World War resulted in a pronounced setback to economic development. In 1923 a Customs Treaty was concluded with Switzerland.

Since the 1940s Liechtenstein has enjoyed flourishing economic development, accompanied by a continual improvement of social and cultural institutions.

In recent decades, Liechtenstein has also played a more prominent role in the foreign policy sphere, and has become a member of important international organizations.

1.3. Population

At the end of 1997, Liechtenstein had a population of 31,320. Of this number, 34.3 per cent were foreigners. About two thirds of the foreign residents are from Switzerland, Austria and Germany. Other countries of origin are Italy (7.6 per cent), Turkey (7.5 per cent), the Federal Republic of Yugoslavia (3.5 per cent), Portugal (3.3 per cent), Spain (2.4 per cent) and Bosnia-Herzegovina (2.3 per cent).

1.4. Religion

At the end of 1997, 79.7 per cent of the total population were Roman Catholic and 7.3 per cent Protestant (no information provided by 7.8 per cent).

The Constitution of Liechtenstein guarantees freedom of belief and conscience to all persons. In addition, it guarantees civil and political rights regardless of religious confession. On grounds of freedom of religion, it is possible to opt out of religious education in the public schools. Under the Constitution, the Roman Catholic Church is the State church of Liechtenstein. Apart from the Roman Catholic Church the Protestant Church also receives financial support by the State. As a result of the establishment of the archdiocese of Liechtenstein the relation between the State and the Church is currently being examined.

1.5. Language

According to the Constitution, the German language is the national and official language in Liechtenstein. As colloquial language a German dialect with Alemannic characteristics is generally spoken.

1.6. Reception and status of non-citizens

Due to the close links with Switzerland on the basis of the Customs Treaty and to the integration into the European Economic Area, a distinction is made on the basis of the origin of the foreign population. The report of the European Commission against Racism and Intolerance on Liechtenstein makes in this connection the following observations:

„ Swiss citizens are in a privileged situation (on a basis of reciprocity) as regards the possibility to work in Liechtenstein without an approval (Grenzgangerbewilligung)¹. The citizens of members of the European Economic Area (EEA) also enjoy privileges (e.g. right to exercise their profession, right to participate in the national social security system...).

Apart from this, non-citizens are equally treated concerning their rights and duties. Public schools, public health services etc are available to all non-citizens.

The Liechtenstein authorities mention in their reply to ECRI's questionnaire that certain groups of non-citizens may experience problems in their integration because of their religious and cultural differences from the majority population. However, for most of the non-citizens integration is harmonious, due to the lack of significant differences in language, culture or religion. The small size of the country, the low level of urbanisation and the attitude of the authorities towards non-citizens also account for the lack of real tension concerning non-citizens."

Associational life:

"All associations are according to their statutes non-political and open to non-citizens, and non-citizens are generally well represented, particularly in the fields of sport and culture. The activities of associations of non-citizens include meeting and formulating a common position vis-a-vis the authorities in Liechtenstein and their authorities in their home- countries. Most such associations are very active in the fields of sport and culture, presenting national celebrations etc. Representation in the media is without restrictions: although non-citizens do not generally have their own communications channels, they can use the Liechtenstein press and private radio (there is no national TV)."²

Awareness-raising:

"Governmental and non-governmental campaigns have been launched to demonstrate the situation and concerns of non-citizens living in Liechtenstein and to promote their integration. Young people in particular are targeted. Such initiatives should be continued."

Monitoring the situation:

"All official sources state that few problems of racism and discrimination exist in Liechtenstein. One possible way in which the authorities might monitor the situation would be to conduct a survey or opinion poll among the Liechtenstein citizens to ascertain whether any underlying intolerance does intact exist even if no incidents have been reported. Furthermore, non-citizens might also be asked about their experience of living in Liechtenstein, as some forms of discrimination may exist which are not reported."

In order to strengthen the legal basis for the prevention of racist practices, the Government has assigned to a working group the task of drawing up a supplement to the Penal Code introducing penal provisions against racism and national socialist activities. It is planned to submit a corresponding bill to the Landtag this year. With this adjustment to the national legislation, the basis for Liechtenstein's accession to the 1965 United Nations Convention on the Elimination of All Forms of Racial Discrimination should also be laid.

2. Form of Government and Constitution

2.1. Form of Government

The Principality of Liechtenstein is a hereditary constitutional monarchy with democratic and parliamentary foundations. The power of the State is vested in the Prince and the people. In

order to maintain a separation of powers, the executive (Government), the legislature (the Landtag) and the judiciary (the courts system) each possess their own rights.

The Constitution in force today dates back to the year 1921, and was the outcome of a process of renewal in the aftermath of the First World War. As compared with the previous Constitution, dating from-1862, it was able to effect a considerable expansion of the rights of the people as against the Prince, *inter alia*, by introducing elements of direct democracy.

2.2. Fundamental rights and freedoms

The Constitution of the Principality of Liechtenstein guarantees a series of fundamental rights. Specifically, these comprise the right to freedom of domicile and inheritance, personal freedom, domestic authority, protection of the secrecy of correspondence and written communications, the right of due process before a duly appointed judge, inviolability of private property, freedom of trade, freedom of belief and conscience, the right to free expression and press freedom, the right to free association and assembly, the right to petition and the right of appeal.

The Constitution also guarantees equality before the law for all citizens and lays down that the rights of aliens shall be determined in the first instance by treaties, or, in the absence of such, on a basis of reciprocity.

2.3. Prince

Prince Hans Adam II von und zu Liechtenstein occupies a strong position in the State structure of Liechtenstein. The Prince is the Head of State and represents the State in all its relations with foreign countries, without prejudice to the necessary co-operation of the responsible Government. He appoints the members of the Government on the proposal of the Landtag, and, with the exception of the members of the Jury Court and the Criminal Court, also the judges of the civil and penal courts, as well as the President of the Administrative Court. He has the right to issue pardons and to annul criminal proceedings. The right to assume emergency powers and the right to dissolve the Landtag for valid reasons further strengthen the position of the Prince. Moreover, every law requires the approval of the Prince in order to come into effect. In the exercise of his powers the Prince is also bound by the provisions of the Constitution.

2.4. The Landtag

Liechtenstein's Parliament, the Landtag, is elected every four years. The Landtag consists of 25 deputies. They are elected by universal, equal suffrage through direct and secret ballot, in accordance with the proportional representation system. During the current term (1997-2001), three parties are represented in the Landtag. The Fatherland Union (VU), with 13 seats, holds an absolute majority. The Progressive Citizen's Party of Liechtenstein (FBPL) has 10 seats, while the Free List (FL) is represented by 2 seats.

2.5. The Government

The Government comprises five members: the Head of Government, the Deputy Head of Government and three further members. The members of the Government are appointed by the Prince on the proposal of the Landtag. The Head of Government has the right to countersign all decrees and orders issued by the Prince, as well as legislation endorsed by the

Prince. The Government is the supreme executive authority, and has under it some 30 departments, a number of diplomatic missions abroad, and offices. The work of the administration is supported by some 50 commissions and advisory councils.

The Government has the authority to issue orders, and hence is also a legislative body. Orders may however only be promulgated in the context of laws and State treaties.

2.7. Communes

In Liechtenstein, great importance is attached to the autonomy of the communes. The Constitution lays down the scope of their independent activity. The voters in each commune elect a Commune Council headed by a mayor who, depending on the size of the commune, performs his duties full-time or part-time. The commune authorities independently conduct the necessary transactions and manage the property of the commune. The citizens can appeal their decisions by means of a referendum.

2.8. Jurisdiction

Jurisdiction is divided into public law (extraordinary) jurisdiction and ordinary jurisdiction. Public law jurisdiction is exercised by the Board of Administrative Appeal and the State Court. The Board of Administrative Appeal hears appeals against decisions and orders of the Government or representative commissions. The functions of the State Court include namely the protection of the rights guaranteed by the Constitution and established in the European Convention on Human Rights as well as the International Covenant on civil and political rights. It also verifies the constitutionality of laws and the legality of government ordinances.

The regular jurisdiction comprises the administration of justice in civil and penal cases. The court of first instance is the Princely National Court in Vaduz. In disputed civil proceedings, before a suit can be brought in the National Court, a reconciliation procedure must be conducted at the place of residence of the defendant. Only if this fails, application can be made to the national court as the court of first instance. The court of second instance is the Princely High Court and the court of third instance the Princely Supreme Court. Both of these are collegial courts.

3. Economy

3.1. Economic area

Since the entry into force in 1924 of the Customs Treaty with Switzerland, Liechtenstein and Switzerland have constituted a common economic area. The border between the two States is open, while the border with Austria is guarded by Swiss customs officers. Under the Currency Agreement with Switzerland, the legal tender in Liechtenstein is the Swiss franc. Since 1 May 1995 Liechtenstein has been a participant in the European Economic Area, forming a single domestic market together with the 15 member States of the European Union as well as Norway and Iceland.

3.2. Structure of economy

Liechtenstein is a modern industrial and services State with worldwide contacts. Its economic success in recent decades has been based on favourable overall conditions resulting from

liberal economic legislation and tax advantages for resident companies. These are made possible not least as a result of an efficient financial services system.

3.3. Structure of employment

Liechtenstein's small size and the prevailing economic upturn have resulted in a situation where a large proportion of the labour force commutes across the national border (cross-border workers). At the end of 1997, 14,732 employed people resided in Liechtenstein, and a further 8,743, or 37.2 per cent of the total work force, commuted in from neighbouring countries.

In 1997, 53 per cent of the workforce was employed in the services sector and 45.7 per cent in industry and trade. Although Liechtenstein was an agricultural country until the 1940s, agriculture is no longer of major significance in the national economy. Only 1.3 per cent of the labour force is still employed in the primary sector.

3.4. Unemployment

In international terms, unemployment is low. At the end of 1998, the unemployment rate was at 2 per cent.

3.5. Education system

The public education system in Liechtenstein consists of the compulsory education and various forms of further education (technical college, apprenticeships, vocational school, evening school). There is an International Academy for Philosophy in Liechtenstein. Apart from this, Liechtenstein has no university. Access to university education in neighbouring States, however, is guaranteed by treaties. Compulsory school attendance is for nine years, from the age of 7 to 16. It consists of five years of primary school and four years of secondary school (upper secondary school (Gymnasium): eight years).

Under the terms of the Education Act, the establishment and operation of private schools in Liechtenstein is subject to authorization. Authorization is granted if generally accessible instruction in conformity with the regulations and consistent with the purposes of education in Liechtenstein is guaranteed. The curricula of private schools must be in conformity with the curricula for the public schools. Currently, there are three private schools in Liechtenstein.

Non-German-speaking children who are subject to compulsory education have the opportunity of attending courses in their mother tongue and the geography of their home country. The courses are organized by private bodies. The necessary infrastructure (classes within the class timetable, school premises) is generally provided by the State.

In order to promote their integration, intensive courses in the German language are conducted for incoming children over the age of eight who do not yet possess a sufficient knowledge of German. The purpose of the intensive course is to enable the children to enter the appropriate grade and the appropriate type of school after at most one school year. So that the integration will also be successful in social terms, the children are familiarized with conditions in Liechtenstein.

4. International human rights conventions and Liechtenstein law

4.1. Liechtenstein's Participation in international human rights conventions

As a member of the United Nations and the Council of Europe, Liechtenstein has ratified a number of European and international conventions relating to the protection of human rights. These are, *inter alia*:

- Convention on the Status of Refugees, of 28 July 1951
- Protocol on the Status of Refugees, of 31 January 1967
- Convention on the Elimination of All Forms of Discrimination against Women, of 18 December 1979
- Convention on the Rights of the Child, of 20 November 1989
- European Convention for the Protection of Human Rights and Fundamental Freedoms as well as several Protocols
- European Charter of Regional- or Minority Languages, of 5 November 1995
- International Covenant on economic, social and cultural rights, of 16 December 1966
- International Covenant on civil and political rights, of 16 December 1966
- Optional Protocol to the International Covenant on civil and political rights, of 16 December 1966

Liechtenstein abides by the principle that international treaty obligations should be entered into only when they can be complied with. According to the prevailing doctrine, international treaties have at least the status of law within the domestic legal order.

4.2. Information on human rights conventions

All laws, and thus also international agreements, are discussed in the Landtag and have to be publicized. Therefore, they are accessible to the public. The public is actively informed of international human rights instruments by the Government at the time of parliamentary approval and entry into force, and thereafter as required. Given the fact, however, that the European Convention on Human Rights is repeatedly referred to in speeches and written opinions, it may be assumed that there is a high level of awareness of this instrument.

II. INFORMATION WITH REGARD TO THE FRAMEWORK CONVENTION

1 Declaration

Liechtenstein ratified the Framework Convention for the Protection of National Minorities on 18 November 1997 with the following declaration contained in the instrument of ratification:

The Principality of Liechtenstein declares that Articles 24 and 25, in particular, of the Framework Convention for the Protection of National Minorities of 1 February 1995 are to be understood having regard to the fact that no national minorities in the sense of the framework Convention exist in the territory of the Principality of Liechtenstein. The Principality of Liechtenstein considers its ratification of the Framework Convention as an act of solidarity in the view of the objectives of the Convention.

2. Advisory committee

Taking into consideration the fact the Liechtenstein is not directly concerned by the issue of national minorities, the Government has decided to abstain from presenting the candidatures of experts from Liechtenstein for election to the advisory committee under the Framework Convention.

3. Confidence-building measures

Liechtenstein has also expressed its solidarity in the view of the objectives of the Framework Convention by making voluntary financial contributions to the confidence- building measures of the Council of Europe