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ADVISORY COMMITTEE ON THE FRAMEWORK CONVENTION FOR THE PROTECTION OF NATIONAL MINORITIES

Third Opinion on Liechtenstein,
adopted on 26 June 2009

EXECUTIVE SUMMARY

Liechtenstein has, in recent years, adopted new legal and institutional measures to strengthen protection against discrimination, racism and intolerance and to foster integration of persons with different ethnic, linguistic or religious background. Further efforts have been made to promote dialogue and mutual understanding between all persons living on its territory.

A more comprehensive and resolute policy is needed to ensure effective implementation of the principles of equality and non-discrimination in respect of all and additional measures should be taken to prevent, combat and monitor manifestations of intolerance and xenophobia.

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**ADVISORY COMMITTEE ON THE FRAMEWORK CONVENTION FOR THE
PROTECTION OF NATIONAL MINORITIES**

THIRD OPINION ON LIECHTENSTEIN

1. The Advisory Committee adopted the present Opinion on Liechtenstein in accordance with Article 26 (1) of the Framework Convention and Rule 23 of Resolution (97) 10 of the Committee of Ministers. The findings are based on information contained in the State Report (hereinafter the State Report), received on 18 March 2009, and other written sources consulted by the Advisory Committee.
2. Section I below contains the Advisory Committee's main findings on key issues pertaining to the implementation of the Framework Convention in Liechtenstein. These findings reflect the more detailed article-by-article findings contained in Section II, which cover those provisions of the Framework Convention on which the Advisory Committee has substantive issues to raise.
3. Both sections make extensive reference to the follow-up given to the findings of the monitoring of the Framework Convention, contained in the Advisory Committee's first and second opinions on Liechtenstein and in the Committee of Ministers' corresponding resolutions.
4. The concluding remarks, contained in Section III, could serve as the basis for the Committee of Ministers' forthcoming conclusions and recommendations on Liechtenstein.
5. The Advisory Committee looks forward to continuing its dialogue with the authorities of Liechtenstein as well as with non-governmental actors involved in the implementation of the Framework Convention. In order to promote an inclusive and transparent process, the Advisory Committee strongly encourages the authorities to make the present Opinion public upon its receipt. The Advisory Committee would also like to bring to the attention of State Parties that, on 16 April 2009, the Committee of Ministers adopted new rules for the publication of the Advisory Committee's Opinion and other monitoring documents, aiming at allowing increased transparency and sharing of information on the monitoring findings and conclusions with all parties involved at an early stage (see Resolution CM/Res (2009) 3 amending Resolution (97) 10 on the monitoring arrangements under Articles 24-26 of the Framework Convention for the protection of National Minorities).

I. MAIN FINDINGS

Monitoring process

6. The Advisory Committee welcomes the support given by Liechtenstein to the aims of the Framework Convention and the spirit of co-operation of the authorities in the monitoring process. It recalls that, according to the authorities of Liechtenstein, there are no national minorities within the meaning of the Framework Convention in Liechtenstein.

7. The Advisory Committee stresses that the third State Report regarding the implementation of this Convention was transmitted in a timely manner and contains up-to-date information on the measures taken to give follow-up to the recommendations of previous cycles.

8. In addition, the Advisory Committee welcomes the publication of its second Opinion, in English and German, on the homepage of the national administration of Liechtenstein, as part of the efforts to raise awareness on integration and tolerance and to prevent racism and discrimination. It also takes note of the authorities' commitment, as expressed in the State Report, to continue their dialogue with the Advisory Committee as a way to express further their solidarity with the objectives of the Framework Convention.

9. In the light of the above, the Advisory Committee has not considered it necessary to promote follow-up activities between the second and third monitoring cycles to the same extent as in other State Parties.

General overview on the implementation of the Framework Convention after two monitoring cycles

10. While acknowledging that there is only limited potential for the application of the Framework Convention in Liechtenstein, the Advisory Committee welcomes the fact that Liechtenstein has taken specific measures to ensure, as appropriate, the implementation of the Framework Convention. It is pleased to note that, while adopting the position described above with regard to the scope of application of the Framework Convention, the authorities of Liechtenstein expressed an open approach in their dialogue with the Advisory Committee.

11. In particular, it notes that the State Report includes information on measures taken to improve the integration of immigrants and to prevent racism and discrimination against them, even though these groups are not considered as national minorities. The Advisory Committee welcomes the fact that, by so doing, the authorities have implicitly recognised the relevance of Article 6 of the Framework Convention in respect of Liechtenstein, in view of the growing cultural diversity of Liechtenstein society.

12. The Advisory Committee invites the authorities to preserve the possibility for persons belonging to other groups, including non-citizens where appropriate, to be included in the future in the application of the Framework Convention.

Tolerance and protection against discrimination

13. The Advisory Committee notes that significant steps have been taken to create conditions conducive to dialogue and mutual understanding between all persons living on the territory of Liechtenstein. In particular, specific measures have been taken to promote effective integration of immigrants and to protect them against discrimination and hostile attitudes.

14. The legal and institutional framework pertaining to the implementation of the principles of equality and non-discrimination has developed and various measures have been taken to improve intercultural dialogue and raise awareness of the population and public administration about human rights, tolerance and respect for diversity.

15. Nevertheless, difficulties are still reported for persons of different ethnic, linguistic or religious background in a number of sectors, including employment, housing and education. The language barrier still causes problems in terms of effective participation in these sectors of public life. In addition, hostile attitudes towards such persons continue to be reported, although the general climate is one of tolerance and mutual understanding.

16. More generally, the national plan against racism remains to be fully implemented and requires more resolute efforts, in particular in the context of the worrying trends noted in terms of right-wing extremism.

II. ARTICLE-BY-ARTICLE FINDINGS

Article 6 of the Framework Convention

Tolerance and protection against discrimination

Advisory Committee's recommendations following two cycles of monitoring

17. In its first two Opinions on Liechtenstein, the Advisory Committee drew the attention of the authorities to the situation of more vulnerable groups, in particular women of immigrant origin and of Muslim religion. The authorities have been encouraged to constantly monitor the situation in this respect, including through the collection of statistical data on the extent of discrimination and on the situation of the different groups in various fields.

18. More generally, the Advisory Committee encouraged the authorities to fully implement the 2003 national action plan aiming at fighting against racism, discrimination and xenophobia and to promote better integration of immigrants. It stressed the importance of the promotion of tolerance and mutual respect between all persons living in Liechtenstein.

Present situation

19. The Advisory Committee welcomes the fact that the authorities have continued to take measures to improve integration of immigrants and prevent racism and discrimination against them. It considers as a positive step the fact that the integration of immigrants has been legally enshrined as a State objective¹ and wishes to highlight in this respect that, according to official sources, at the end of 2007, foreigners represented a substantial part (33.6%) of the permanent population of Liechtenstein (33,356 persons).

20. The Advisory Committee notes that the new Foreigners Act, which entered into force on 1 January 2009, reflects the authorities clear willingness to implement a more efficient integration policy. A position paper adopted in 2007 contains the main principles underlying the Government's integration policy.

21. The Advisory Committee notes with interest that, as indicated in the State Report, "promoting and demanding" is the main principle guiding the authorities' action in this area, considered by the authorities as the most suitable way to ensure, on the basis of common values, peaceful coexistence of all persons in Liechtenstein. It also understands that, under the new legislation, Liechtenstein will conclude integration agreements with foreign-language immigrants, and that knowledge of the German language is an important commitment to be taken by immigrants under these agreements.

22. The Advisory Committee takes note of the authorities' commitment to foster integration and acknowledges the importance of language as a tool for integration. It notes that specific financial support has been allocated for the measures envisaged as part of this policy, in particular those aiming to foster the German language teaching. It would, however, like to stress that integration involves both the majority and the minority communities and should not rely disproportionately on the efforts to be made by the immigrants. It welcomes the fact that the above-mentioned integration policy also includes measures intended to increase openness and improve attitudes towards new groups within the majority population and strongly encourages

¹ See Revised Ordinance on the Movement of Persons, November 2004.

the authorities to be pro-active in this regard. In particular, the Advisory Committee considers it essential that the authorities put emphasis, in their action, on combating and sanctioning racism and intolerance and on awareness-raising measures. The Advisory Committee would also like to stress that respect and support to the preservation of the identity and culture of persons of different ethnic origin are important pre-conditions to their successful integration.

23. The Advisory Committee notes the efforts that are being made to strengthen the legal framework pertaining to the protection against racism and discrimination, including through increased protection and support to the victims of such acts, as provided by the Victims Assistance Act adopted in April 2008. It also takes note of the establishment of the Violence Protection Commission and of its specific new functions in this sphere.²

24. The Advisory Committee notes that, under Article 31 of the Constitution of Liechtenstein, the principle of equality before the law only applies to citizens and that the protection of the rights of foreigners is only ensured through international treaties and on the basis of reciprocity. The Advisory Committee is concerned that this situation does not provide a sufficient legal basis for the enjoyment of the rights of immigrants living in Liechtenstein, even though these persons represent a substantial part of the total population. It calls on the authorities to examine this situation and to identify the most appropriate ways to remedy it. In this context, it strongly welcomes the efforts made by the authorities of Liechtenstein in recent years to collect data with respect to discrimination in various areas, and to identify areas where the situation of persons belonging to vulnerable groups requires more resolute measures of support from the State.

25. At the institutional level, the Advisory Committee notes the establishment, in 2005, of the Office for Equal Opportunities as a key institution tasked to coordinate the implementation of the national action plan against racism and of the integration measures contained therein. The Office also serves as a contact point in the national administration for victims of discrimination. The Advisory Committee considers it particularly important that the authorities provide all the resources needed for the effective and independent operation of the Office.

26. The establishment of a Working Group on the Integration of Muslims as an institutional channel for dialogue between members of the Muslim communities and the authorities is also a positive step. According to the State Report, discussions are currently ongoing on issues of interest to the Muslim communities, such as the establishment of an umbrella association, the issue of cemeteries and places of worship, and access to public financial support. In 2007, religious instruction for Muslim children was introduced in primary schools as a pilot project and, following evaluation, might be integrated in the regular curriculum.

27. A reform is currently under discussion with regard to existing arrangements pertaining to the relations between the State and the Church and public support to religious organisations. The Advisory Committee expects that an inclusive and non-discriminatory approach will be favoured in the definition of the State's new policy in this sphere. It notes in this context that, according to different sources, religious denominations do not always benefit from equal access to public

² As mentioned in the State Report, one of the responsibilities of the Violence Protection Commission established under the chairmanship of the National Police, is "to monitor and document the situation of right-wing extremist violence in Liechtenstein and to draw attention to dangerous developments in this area". In 2007, the Commission was mandated to conduct a sociological study on the background of right-wing extremism in Liechtenstein and to develop a strategy and specific concept for action to prevent an expansion of right-wing extremism among young people.

funds. The Advisory Committee encourages the authorities to take duly into account the size and needs of the various religious communities in the current process of reform.

28. Specific projects have been implemented to support families and in particular women of immigrant background through the provision of German language courses, counselling services and information. Support has also been provided to multicultural projects, including NGO projects, aiming to facilitate the integration of families.

29. Further efforts have also been made in terms of education and awareness-raising about human rights and the principles of equality and non-discrimination, respect for diversity and intercultural dialogue. Multicultural and human-rights related contents have been included in the school curriculum and, at the same time, special courses have been provided to teachers, to better prepare them for working in a multicultural environment. Similar courses have been offered to the staff of public administration, including the police.

30. Notwithstanding these positive steps, the Advisory Committee however regrets to note that difficulties are still reported with regard to the situation of immigrants and their integration in society. Different sources report that persons of different ethnic origin, in particular asylum-seekers and women of immigrant background, continue to face difficulties in their efforts to rent accommodation or to find employment. With regard to employment, the Advisory Committee notes that the scope of the prohibition of discrimination on the basis of race, colour, descent, nationality or ethnic origin in the Employment Contracts Act is limited to the contracts' termination and that it does not cover aspects such as recruitment, remuneration and promotion.

31. It also appears that immigrant children, due *inter alia* to language barriers, face difficulties in adequately integrating education. According to different sources, these pupils have lower school performance, are likely to attend lower-standard secondary schools and are under-represented in higher levels of secondary education. To improve access and effective integration of these children in school, additional support measures are needed, such as intensive language classes, extra tuition and information and awareness-raising measures for families. In addition, the initiatives taken to improve the education system's ability to address the specific needs of these children should be pursued and developed further.

32. The Advisory Committee acknowledges the general climate of tolerance and mutual understanding in Liechtenstein. It notes that new steps have been taken in recent years to improve intercultural relations and to address shortcomings noted in this respect (see measures mentioned above as well as, for details, the State Report).

33. The Advisory Committee has however been informed that instances of xenophobia and intolerance continue to be reported against persons of different ethnic origin and religion, notably against Muslim and persons of Turkish origin. Moreover, a worrying increase in xenophobic and other extremist tendencies has been noted in recent years among youth and cases of violence due to such groups have been reported, including in schools. It commends the authorities' commitment to ensure constant monitoring of the situation as well as the efforts made to develop a comprehensive strategy to prevent, measure and combat the expansion of such manifestations, in particular among the youth. The Advisory Committee welcomes these efforts as it considers that such trends are a source of deep concern and require immediate action. More generally, it calls on the authorities to take more resolute steps to improve attitudes in society towards immigrants and to ensure full respect for their rights.

Recommendations

34. The Advisory Committee encourages the authorities to adopt a more comprehensive policy to ensure the implementation of the principles of equality and non-discrimination in respect of all persons living on the territory of Liechtenstein, including through the adoption of a more comprehensive anti-discrimination legislation. The initiatives taken to promote equal opportunities in various areas of life should be pursued and developed further.
35. More resolute measures should be taken to facilitate the effective integration of persons of a different ethnic origin, while supporting efforts to preserve their identity.
36. Further efforts should be made to ensure full implementation of the national action plan against racism. The authorities should continue to monitor closely manifestations of racism and xenophobia and take adequately measures to combat and sanction them. Particular attention should be paid to recent worrying tendencies in this respect.

III. CONCLUDING REMARKS

37. The Advisory Committee considers that the present concluding remarks could serve as the basis for the conclusions and recommendations to be adopted by the Committee of Ministers with respect to Liechtenstein.

Positive developments following two cycles of monitoring

38. The authorities have made increased efforts to improve integration of immigrants and prevent racism and discrimination against them. New steps have been taken to strengthen the legal and institutional framework pertaining to the protection against discrimination and racism.

39. Increased attention has been paid to the collection of data with respect to discrimination in various areas and in respect of the different groups.

40. A number of supportive measures have been adopted, in particular in terms of language teaching, religious education, counselling and information, for persons with different ethnic, linguistic and religious background.

41. In addition, new information and awareness-raising activities about non-discrimination, respect for human rights and diversity have been organised by the authorities and the civil society. Such activities have involved schools and teachers but also the public at large and specific sectors concerned, such as the public administration and the police.

Issues of concern following two cycles of monitoring

42. The legal framework pertaining to the fight against discrimination still needs to be improved, including through the development of a comprehensive anti-discrimination legislation.

43. In practice, further efforts are needed to combat difficulties faced by foreign nationals in certain sectors, including housing and employment and in particular to ensure equal opportunities in access to quality education for children belonging to all groups. There is also a need to pursue and develop further the supportive measures taken in the field of language teaching, with adequate financial support by the State.

44. Instances of xenophobia and intolerance against persons of different ethnic origin and religion, notably against Muslims and persons of Turkish origin, are still reported. Worrying trends have been noted in recent years in this regard, in particular among the youth, that require urgent action by the authorities.

45. The effective integration and participation of persons of different ethnic, language or religious background remains a challenge for the authorities and requires increased efforts.

Recommendations:

46. In addition to the measures to be taken to implement the detailed recommendations contained in Sections I and II of the Advisory Committee's Opinion, the authorities are invited to take the following measures to improve further the implementation of the Framework Convention:

- take further steps to improve the integration of persons belonging to different groups and adopt a comprehensive policy to ensure effective implementation of the principles of equality and non-discrimination in respect of all;

- pursue and develop efforts to ensure full implementation of the national action plan against racism and take more resolute measures to prevent, combat and monitor any manifestations of intolerance and xenophobia.