

LIECHTENSTEIN

Fifth Report

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

Vaduz, 16 June 2020

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Introduction

Liechtenstein ratified the Framework Convention for the Protection of National Minorities on 18 November 1997. On the occasion of the deposit of the instrument of ratification of the Framework Convention, a declaration was made stating that Liechtenstein's accession is to be considered an act of solidarity, since there are no national minorities on its territory within the meaning of the Framework Convention.

Nonetheless, since the ratification of the Convention, Liechtenstein has submitted four country reports on national measures to prevent discrimination, racism and intolerance, to better integrate foreign nationals and to combat right-wing extremism.

The present fifth report of Liechtenstein is also devoted to such measures that have been taken since the submission of the fourth country report in March 2014.

Measures to Promote Equal Opportunities and to Protect Against Discrimination

Amendments to the Law

To ensure effective legal protection against discrimination and multiple discrimination, art. 283 of the Liechtenstein Criminal Code (StGB)¹ was amended. The new provision entered into force in April 2016 and now contains a comprehensive prohibition of discrimination. While previously, only racial discrimination constituted a criminal offence, public incitement to hatred or discrimination on the basis of language, nationality, ethnicity, religion, ideology, gender, disability, age, or sexual orientation is now also a criminal offence punishable by a custodian sentence of up to two years. The refusal to offer a service that is intended for the general public to a person or group of persons on the basis of the aforementioned characteristics is also punishable.

National Human Rights Institution According to the Paris Principles

In November 2016, the Liechtenstein Parliament adopted the Law on the Liechtenstein Human Rights Association (VMRG)², which forms the legal basis for Liechtenstein's national human rights institution based on the Paris Principles and entered into force on 1 January 2017. Parliament also approved the financial contribution to the institution for the next three years, which amounts to CHF 350,000 per year. In order to ensure that the new institution can operate in an independent manner, the legal form of a non-profit association was chosen pursuant to the Law on Persons and Companies (PGR).

Under the VMRG, the Liechtenstein Human Rights Association (VMR) has both ombudsman functions and a broad mandate to protect and promote human rights in Liechtenstein. Its tasks include advising public authorities and private individuals on human rights issues, assisting victims of human rights violations, informing the public about the human

¹ Liechtenstein Law Gazette (LGBI) 1988 no. 37

² Liechtenstein Law Gazette (LGBI) 2016 no. 504

rights situation in Liechtenstein, conducting investigations and recommending appropriate measures to public authorities and private individuals, issuing opinions on draft laws and ordinances and the ratification of international conventions, and promoting dialogue and national and international cooperation with bodies relevant to human rights. Pursuant to Article 5 VMRG, the VMR may, with the consent of a victim of a human rights violation, participate in judicial and administrative proceedings either on behalf of or in support of the victim. In December 2016, the VMR adopted its articles of association and elected its board for the 2017-2020 term of office, consisting of seven competent individuals from Liechtenstein and abroad. The secretariat has been in operation since June 2017, and the association has 1.7 full-time equivalent positions. The VMR currently has adequate personnel and financial resources and the capacity to generate additional funds. In November 2019, Parliament decided to maintain the annual State contribution to the VMR in the amount of CHF 350,000 for the years 2020 to 2023.

By its own account, the VMR applied for membership in the European Network of National Human Rights Institutions in the course of 2019. The association received confirmation of its membership on 26 September 2019. The VMR will adapt its structures and processes towards future accreditation with the Global Alliance of National Human Rights Institutions.

For the years 2018 and 2019, the VMR set three thematic priorities, one of which was the implementation of a migration and integration strategy for foreigners.

Sensitisation and Awareness-raising

1. Media Sensitisation against Hate Speech

Beginning in the fall of 2018, the Violence Protection Commission (GSK) intensified its activities to prevent so-called "hate speech" by repeatedly meeting with the chief editors of Liechtenstein's daily newspapers to discuss the phenomenon of hate speech in letters to the editor. The GSK also organised a workshop for Liechtenstein media representatives in September 2019 with the project leader of the NGO International Network Against Cyber Hate (INACH), in order to provide them with know-how, options for action and tools for dealing more effectively with hate and incitement to hatred in letters to the editor and online forums. The workshop dealt with definitions of hate speech, its manifestations and triggers, online hate and hate speech against journalists, camouflage strategies in the dissemination of hate speech, the effects of hate speech and approaches to combat it. Against this background, one of the two Liechtenstein daily newspapers published a summer talk on hate speech with a GSK member in order to sensitise the population for the phenomenon of hate speech. Among other things, the interview dealt with the definition of hate speech, the necessary state commitment to combat and prevent it, the connection to so-called "hate crimes", and the role of politics in intensifying or defusing the phenomenon, and specifically addressed the situation in Liechtenstein.

The Commission's awareness-raising activities on hate speech are, among other things, a response to the recommendations of the European Commission against Racism and Intolerance (ECRI) in its fifth country report on Liechtenstein. ECRI concluded that hate speech

also occurs in Liechtenstein, especially in letters to the editor and against Muslims, refugees, migrants and LGBT people.

2. Islam Study

In June 2016, the Ministries for Social Affairs and Home Affairs commissioned the Liechtenstein Institut with the preparation of a study on Muslim life in Liechtenstein. The study was taken note of by the Government in September 2017 and presented to the general public by the Ministries for Social Affairs and Home Affairs and the Liechtenstein Institute in October 2017.

The aim of the study was to learn more about Muslim life, the various Muslim groups, associations and people in Liechtenstein in order to gain a better understanding of the Muslim community. The study constitutes the first basic analysis of Muslim life in Liechtenstein. In terms of content, the study touches on the areas of social policy and equal opportunities as well as security and education policy. In its comments in response to the study, the Government focused on integration and the coexistence of different religions in Liechtenstein.

3. Holocaust Remembrance Day

In 2002, the Ministers of Education of the Council of Europe member states decided to introduce a day to commemorate the Holocaust and prevent crimes against humanity. Since 2006, the Liechtenstein Government has held an official annual Holocaust Remembrance Day. The commemoration is organised in close cooperation with the Association of Liechtenstein Friends of Yad Vashem and opened by high-ranking politicians at ministerial level or by the President of the Parliament. The commemoration is announced and documented in the Liechtenstein media, it is public and always very well attended. It makes an active contribution to the public commemoration of the victims of National Socialism and thus also contributes to raising awareness of contemporary extremist narratives.

Combating Right-Wing Extremism

The annual report on incidents of right-wing extremist violence commissioned by the Violence Protection Commission from the Liechtenstein Institute since 2010 was thematically extended in 2015 to cover all forms of extremism. Since then the report has also documented incidents of political, political-religious, or other ideologically motivated violence. Between 2011 and 2015, no right-wing extremist incidents and since 2015, no major incidents of violence or criminal incidents with an extremist background have been recorded in Liechtenstein. The report serves the GSK, among other things, as the basis for its monitoring activities to prevent public violence, extremism, and youth violence.

Integration of Foreigners

New Migration Study and Integration Strategy

With decision of 20 March 2018, the Government set up a working group to develop an updated integration strategy based on the previous integration concept from 2010. The

working group is chaired by the Ministry for Social Affairs. Other members of the working group are the Migration and Passport Office, the Office of Social Services, the Office for Foreign Affairs as a guest member and the Liechtenstein Human Rights Association. As a first step, the working group commissioned the Swiss Centre of Expertise in Human Rights and the University of Applied Sciences St. Gallen to prepare a comprehensive migration study to shed light on the situation of migrants in Liechtenstein in all areas of life. The study was completed in May 2020 and will serve as a basis for the upcoming update of the integration strategy. The preparation of a migration study is in line with an urgent recommendation by ECRI, which in its fifth country report in 2018 requested Liechtenstein to commission a study on the problems faced by various migrant groups.

Asylum Seekers and Refugees

International Solidarity

Every year, Liechtenstein spends at least CHF 2.7 million on international refugee and migration projects. Since 2012, in the Syrian context alone, CHF 5.1 million were spent on emergency aid and education programmes for refugees. Since 2014, Liechtenstein has taken in 23 Syrian refugees from Turkey and ten asylum seekers from Greece, even though legally not obliged to do so.

Amendment of the Asylum Law

Due to the refugee crisis in 2015, the need to adapt the existing asylum procedure also became apparent in Liechtenstein. The amendments of the asylum law in 2017 and 2018 have accelerated the asylum procedure and expanded the legal aid services available to asylum seekers. As a result, the duration of asylum procedures could be shortened considerably, giving asylum seekers quicker certainty about their status and thus their future. Prior to the amendments, numerous subsidiary proceedings, for example for legal aid or the granting of suspensive effect, had to be conducted before a decision on the substance of the case could be taken and subsequently become legally binding.

In addition to accelerating and optimising procedures, free legal aid was expanded as an accompanying measure. In addition to the explanation of rights and obligations and advice on procedures and opportunities, this includes in particular advice and support in the appeal procedure. Thanks to the expansion of the legal aid services, asylum seekers can file a complaint with the Administrative Court in accordance with the legal requirements, if desired together with an application for legal aid, and thus effectively exercise their constitutional right of appeal. During legal counselling, asylum-seekers can instruct their legal adviser why the decision of the government or the competent member of the government is incorrect and why they wish to challenge it. The legal adviser takes up these arguments and dresses them in the legally prescribed form of a complaint to the Administrative Court. This, in turn, enables the Administrative Court to deal with the arguments in the appeal and assess them legally, thus giving asylum seekers effective access to justice.

Liechtenstein Languages

The charitable foundation Liechtenstein Languages (LieLa) has been offering language courses for refugees and asylum seekers since 2016. LieLa is under the patronage of H.R.H Hereditary Princess Sophie von und zu Liechtenstein and is financially supported by the Government, H.S.H. Prince Hans-Adam II von und zu Liechtenstein and other charitable foundations and companies. The language learning method "Neues Lernen" (New Learning) offered by LieLa has been further developed in Liechtenstein over the last 30 years and has been specifically adapted to the linguistic and social situation of refugees and asylum seekers. The method systematically incorporates the right, emotional hemisphere of the brain through a variety of techniques, thereby achieving rapid learning results. The method is suitable for very different learning levels and for non-literate language course participants of all age groups. LieLa's method allows for the training of full-time and volunteer employees to become language teachers. Based on the "train-the-trainer" approach, LieLa further trains language trainers who are able to teach LieLa language courses and train new language teachers.

In November 2019, the Liechtenstein Government decided to fund a language learning programme for Syrian and Iraqi refugees in Turkey, initiated by the Office for Foreign Affairs, in the amount of CHF 1.1 million. The project will run for three years (2020-2022). LieLa will train staff provided by the NGO RET International to become language teachers and language trainers. RET International's staff will teach Turkish and English to refugees in South-East Turkey. In addition to the 2'136 people participating in the courses, another 10'500 people will benefit indirectly from the language learning programme, especially family members. The extensive project was presented at the first Global Refugee Forum in Geneva in December 2019 as one of Liechtenstein's contributions to the implementation of the Global Compact on Refugees.