



Office for Democratic Institutions and Human Rights

PRINCIPALITY OF LIECHTENSTEIN
PARLIAMENTARY ELECTIONS
7 February 2021

ODIHR NEEDS ASSESSMENT MISSION REPORT
23 – 26 November 2020



Warsaw
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**PRINCIPALITY OF LIECHTENSTEIN
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ODIHR Needs Assessment Mission Report

I. INTRODUCTION

Following an invitation from the authorities of the Principality of Liechtenstein to observe the 7 February 2021 parliamentary elections and in accordance with its mandate, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) undertook a Needs Assessment Mission (NAM) from 23 to 26 November. The NAM included Vladimir Misev, ODIHR Senior Adviser on New Voting Technologies, and Oleksii Lychkovakh, ODIHR Election Adviser.

The purpose of the mission was to assess the pre-election environment and preparations for the parliamentary elections. Based on this assessment, the NAM should recommend whether to deploy an ODIHR election-related activity for the forthcoming elections, and if so, what type of activity best meets the identified needs. Meetings were held with officials from state institutions and the election administration, as well as with representatives of political parties, media and civil society. A list of meetings is annexed to this report.

ODIHR would like to thank the Government Chancellery of the Principality of Liechtenstein for its assistance and co-operation in organizing the NAM. ODIHR would also like to thank all of its interlocutors for taking the time to meet with the NAM and to share their views.

II. EXECUTIVE SUMMARY

On 7 February 2021, 25 members of the parliament will be elected for a 4-year term under a proportional representation system. For the parliamentary elections the country is divided into two multi-mandate constituencies. The current seat allocation assigns more mandates to one of the constituencies than it qualifies for in proportion to the number of voters, which may affect the equality of the vote. Seats are assigned to contesting lists of candidates that obtain eight per cent of the valid votes countrywide; this threshold is one of the highest in the OSCE region. Some ODIHR NAM interlocutors, including electoral contestants opined that the relatively high threshold may leave parts of the population without a parliamentary representation, at odds with international good practice.

The conduct of elections is regulated by the 1921 Constitution, the 1973 Citizens Political Rights Act and government instructions adopted ahead of each national election. These are complemented by legislation on media, political party funding, and the case law. In May 2019, the parliament amended the Law on Payment of Contributions to Political Parties aiming to improve transparency of the political party and campaign finance. A vast majority of the ODIHR NAM interlocutors expressed general confidence in the electoral legal framework and stated that it provides clear and sufficient guidance and covers all electoral aspects. At the same time, some stakeholders opined that in order to reflect changing political and technological realities more accurately, some media regulations need to be updated.

The government performs key election management functions and has overall responsibility over the election process. At the lower level, elections are administered by a two-tier system, comprising two Main Election Commissions (MEC) and 11 Commune Election Commissions (ComECs). Political

parties are represented in the election commissions proportionally to their representation in the parliament and some electoral stakeholders noted lack of capacities to appoint members. Some 46 per cent of MEC and 40 percent of ComEC members are women. All ODIHR NAM interlocutors expressed confidence in the election administration. Representatives of election commissions met by ODIHR NAM noted that they received comprehensive training from the government and that additional advice is available upon request. While logistical challenges related to the COVID-19 pandemic were noted by the election commissions representatives, they also expressed confidence that the necessary protective measures will be implemented to ensure effective conduct of the election procedures, in line with the government ordinance.

Voting is compulsory by law. Traditionally, over 95 per cent of the voters vote by post which is available from up to two weeks until two days before the election day and without any justification. Voters may also cast their ballots in person at polling stations on the election day for 1.5 hours. ODIHR NAM interlocutors expressed no concerns regarding postal voting, including with regard to secrecy, and opined that this type of voting will help overcome challenges posed by the COVID-19 pandemic.

Citizens over 18 years of age with permanent residence in the country for at least one month before the election day have the right to vote. Some 20,400 voters are currently eligible to vote, a slight increase compared to previous parliamentary elections. Voter lists are based on the information extracted by commune councils from the permanent population register and are displayed for public scrutiny. Most ODIHR NAM interlocutors expressed confidence in the accuracy of the voter lists, but some indicated that criteria determining eligibility of voters studying or travelling abroad might be overly restrictive.

All eligible voters have the right to stand as candidates. The right to nominate candidate list is granted to electoral groups established by a minimum of 30 voters from the same constituency. Contrary to international good practice, a voter could sign in support of only one list. A total of 75 candidates, including 23 women, nominated by five political parties are running in these elections. There are no legally established mechanisms to promote women political participation. In August 2020 a referendum was held to amend the Constitution with a provision on promotion of balanced representation of women and men in political bodies. While the referendum did not succeed, political parties noted to ODIHR NAM that they increased the number of women candidates on their lists and intend to put forward female candidates for positions in the government.

The conduct of the election campaign is largely unregulated and political parties can campaign at any point. Contestants mostly campaign through newspapers and recently via social networks and, to some extent, on broadcast media. Direct canvassing is rare and ODIHR NAM interlocutors opined that COVID-19 related restrictions will have little effect on their campaigning activities, as meetings with voters are usually on a small scale. They also mentioned that, along with the government response to the pandemic, social welfare, including healthcare and pension system, infrastructure development, environmental issues and optimizing state administration will dominate as the campaign topics.

The political party funding system has been substantially reformed since the last parliamentary elections. In response to previous ODIHR findings and following the Council of Europe's Group of States against Corruption (GRECO) recommendations, in May 2019 the Law on Payment of Contributions to Political Parties (LPCPP) was amended. The changes require registration of political parties as legal entities to become eligible for public funds, publication of audited annual financial statements by parties that include details on sources of income and expenses, include ban on anonymous donations over certain amount, provide for oversight of party financial reporting and introduce wide range of sanctions for breaches of the regulations. In September 2020, GRECO noted

significant progress in addressing its prior recommendations, but also emphasized that further tightening of regulations on anonymous donations and establishment of an independent political finance oversight body could be considered. Moreover, despite strengthened framework for party financing, campaign financing remains largely unregulated and electoral contestants are required to include their campaign-related donations and expenses in the annual party reports. Most of the ODIHR NAM interlocutors expressed confidence in the transparency of political funding.

The legislation does not offer any specific regulation on electoral media coverage. The media landscape is dominated by two daily newspapers, which together reach some 85 per cent of the population, and few broadcast media. Contestants' campaign messages are disseminated via the main newspapers which are affiliated with the country's two largest political parties and subsidized by the state budget. For these elections, all parties are offered to post a presentation video in online versions of the newspapers. Some ODIHR NAM interlocutors expressed concerns that a large portion of the state support is channelled to the outlets that are affiliated with two major parties, while the political environment is becoming increasingly diverse. They also suggested that the allocation of public funding to media should better reflect current political environment, as well as development of online media.

The law provides a possibility to complain on voter and candidate registration. At odds with OSCE commitments, the law does not offer clear guidance on how other complaints, including those related to campaign, voting and counting procedures and the work of election commissions, should be handled. ODIHR NAM interlocutors raised no concerns over the complaints and appeals system in place and underlined that in the last decades no election-related complaints were lodged.

Contrary to OSCE commitments, the legislation does not contain provisions for election observation. The government assured the ODIHR NAM that international observers will be allowed to follow the preparations and conduct of elections, as well as counting and tabulation procedures. Citizen organizations expressed confidence in the electoral process and praised accessibility to the voting premises and postal voting options as facilitating the voting of persons with disabilities. They, however, noted that potential improvement could be made by producing easy-to-read and to understand election materials and having the debates between contestants broadcast with subtitles or supported by sign language.

All ODIHR NAM interlocutors expressed full confidence in the electoral process noting professionalism and reliability in all aspects of the electoral administration. Most of them did not raise any concerns with regard to respect for fundamental rights and freedoms, including treatment of contestants by the authorities and their access to the media. The authorities made progress in addressing some shortcomings previously identified in the field of party finance. While the implementation of newly introduced party finance rules would benefit from the review, most of the ODIHR NAM interlocutors did not see a significant added value of an external expertise of the upcoming elections.

Based on this, the ODIHR NAM does not recommend deploying any election-related activity for the 7 February parliamentary elections. ODIHR stands ready to assist Liechtenstein in any future electoral reform and encourages the authorities to consider issues of concern raised in this and previous reports.¹

¹ In paragraph 25 of the [1999 OSCE Istanbul Document](#), OSCE participating States committed themselves “to follow up promptly the ODIHR’s election assessment and recommendations”. See also the ODIHR [electoral recommendations database](#).

III. FINDINGS

A. BACKGROUND AND POLITICAL CONTEXT

According to the Constitution, the Principality of Liechtenstein is a hereditary monarchy governed on a parliamentary basis with the powers of the state embodied in the Reigning Prince (hereafter the Prince) and the people. The Head of State is the Prince who has substantial powers, including the authority to dissolve the parliament, appoint and dismiss the government, appoint judges, and to suspend legal acts, even adopted by referenda.² Voters can initiate referenda and submit motions of no confidence in the Prince, to abolish the monarchy, to convene the parliament, and to elect judges in cases of disagreement between the parliament and the Prince.

Executive powers are vested in the government, consisting of a head of government and four ministers.³ In the current government, two ministers are women. The members of the government are appointed by the Prince on the proposal of the *Landtag* (parliament) that is elected by popular vote for a four-year term. The parliament comprises 25 members that serve on a part-time basis. According to the Constitution, the parliament is the main legislative body and among other responsibilities adopts the state budget, supervises the work of the government and public administration and participates in the conclusion of international treaties.

Following the 2017 elections, the governing coalition is represented by the Progressive Citizen's Party (PCP) with nine parliamentary seats and the Patriotic Union (PU) with eight seats. The opposition comprises the Independents (DU) with five seats and the Free List (FL) with three seats. In 2018 the DU faction split into two groups, with three members of parliament representing newly created Democrats for Liechtenstein party and another two remaining with DU. Despite having a female vice-president, the outgoing parliament has only three women, a significant decrease compared to the previous composition of the parliament. Traditionally, the political landscape has been dominated by two parties, the PCP and the PU, usually ruling in a coalition. The FL and DU appeared on the political scene in 1985 and 2013, respectively. The newly established Democrats for Liechtenstein party intends to run in the 2021 parliamentary elections for the first time.

ODIHR has previously deployed two NAMs to Liechtenstein since 2008, most recently, in connection with the 2017 parliamentary elections. Both NAMs noted confidence of all its interlocutors in the integrity of the electoral process and the professionalism and impartiality of the election administration, did not recommend deploying any election-related activity for parliamentary elections and encouraged the authorities to consider issues of concern, including campaign finance regulations.⁴

B. LEGAL FRAMEWORK AND ELECTORAL SYSTEM

The electoral legal framework comprises the 1921 Constitution (amended in 2003), the 1973 Citizens Political Rights Act (lastly amended in 2012) and three government instructions (re-issued before each election). The instructions deal with voters' rights, voter register and eligibility requirements, electoral preparations, voting procedures and methods and the procedures for establishment of

² Previously, the Council of Europe's Commission for Democracy through Law (Venice Commission) criticized the extensive powers of the Prince in its 2002 [Opinion on the Amendments to the Constitution of Liechtenstein Proposed by The Princely House of Liechtenstein](#).

³ Each of the country's two regions, the Upper Country (*Oberland*) and the Lower Country (*Unterland*), is entitled to at least two members of the government. Alternate ministers must come from the same region as their respective ministers.

⁴ See all prior [ODIHR reports on Liechtenstein](#).

election results.⁵ The election framework is complemented by legislation on media, political party funding, and the judiciary. Overall, the election legislation remains largely unchanged since the last parliamentary elections, with the exception of the Law on Payment of Contributions to Political Parties (LPCPP). A vast majority of the ODIHR NAM interlocutors expressed general confidence in the legal framework and stated that it provides clear and sufficient guidance and covers all electoral aspects. At the same time, some stakeholders opined that in order to reflect changing political and technological realities more accurately, some of media regulations need to be updated (See *Media* section).

The parliament is elected under a proportional representation system from two multi-mandate constituencies; 15 members are elected from the Upper Country (*Oberland*) and 10 from the Lower Country (*Unterland*). The number of registered voters of the Lower Country is almost half of that in the Upper Country and, contrary to the international good practice, the current seat allocation may affect the equality of the vote.⁶

Each contesting list is represented by a separate ballot with an open list of candidates. Voters may express their preferences by striking and/or adding candidates from other lists. Each ballot cast gives votes both to the list and to all candidates on the ballot that were not struck out. These options are well utilized by voters with some 59 per cent of the voters having used them in 2017 parliamentary elections. Despite its relative complexity, the preferential voting procedures appear to be clear for most of the voters, with no more than two per cent invalid ballots cast in recent elections.

To be eligible for parliamentary seats, electoral groups should obtain at least eight per cent of valid votes cast nationwide. While the threshold is one of the highest in the OSCE region, most of the ODIHR NAM interlocutors did not raise any concerns and noted that it prevents radical elements from entering the parliament.⁷ However, some opined that with the pluralization of the political spectrum and emergence of new political parties, some parts of the population might be left without a parliamentary representation, at odds with international good practice.⁸ For each electoral group passing the threshold, candidates are ranked within the constituency in the order of the number of votes they have received. Mandates are allocated among electoral groups using the Droop quota with largest remainder.

C. ELECTION ADMINISTRATION

The government performs key election management functions and is responsible, among other things, for calling elections, issuing instructions, registration of candidates, printing and distribution of voting materials, allocation of mandates, and consideration of certain types of complaints.

⁵ ODIHR NAM was informed, that instructions for 2021 parliamentary elections will be issued on 15 December.

⁶ The current seats allocation was introduced in the 1980's aiming to protect the interests of the smaller Lower Country. Paragraph I.2.2. 13 of the Venice Commission [Code of Good Practice in Electoral Matters](#) states that "Equality in voting power requires constituency boundaries to be drawn in such a way that seats are distributed equally among the constituencies, in accordance with a specific apportionment criterion, e.g. the number of residents in the constituency."

⁷ Due to the high threshold FL was twice excluded from representation, during the 1986 and 1989 elections. ODIHR NAM interlocutors pointed out that currently at least two parties are at risk of not passing the threshold in these elections. Set at 18 per cent in the aftermath of the World War II to prevent radical parties from entering the parliament, the threshold was reduced in 1973.

⁸ See Paragraph 141 of the [2010 ODIHR and Venice Commission Guidelines on Political Party Regulation](#). See also the [2010 Venice Commission Report on thresholds and other features of electoral systems which bar parties from access to Parliament](#).

At the lower level, elections are administered by a two-tier structure, comprising two Main Election Commissions (MEC) and 11 Commune Election Commissions (ComECs). Members of election commissions are nominated by political entities in proportion to their representation in the parliament. All contestants are entitled to be represented in each commission. Some 46 per cent of MEC and 40 percent of ComEC members are women.

MECs are permanent bodies appointed by the government for a four-year term and consist of up to 11 members and 6 substitutes. The MEC chairpersons are appointed by the government based on the proposal of the political parties, usually from the party with best election result in the respective constituency. The MECs are responsible for re-counting ballots and verification of the results submitted by ComECs, as well as for correcting any mistakes that have been identified in the result protocols established by ComECs. After the recount, the MECs compile new result protocol. Both the ComECs and the MECs are using the IT system “*SESAM Wahlen Proporz*” for summarizing election results and producing result protocols. Unchanged ballots are recorded in blocs and changed ballots are entered individually. There is a two-person-rule for processing the changed ballots, and these two persons must be from different parties.⁹

The ComECs are permanent bodies that consist of up to six members and three substitutes elected by respective commune councils for a four-year term and led by the heads of respective commune councils. On election day, ComECs serve as polling station commissions and are responsible for the conduct of voting, counting and transfer of results to the MECs. During counting, apart from regular members, the ComECs are supported by counting staff appointed by commune councils. Some electoral stakeholders noted lack of capacities to appoint their members in the ComECs.

Communes perform a wide range of election preparation activities, such as voter lists management, distribution of voting materials and initial verification of registration documents submitted by candidate lists, including checking candidate eligibility and candidate list supporting signatures. All ODIHR NAM interlocutors expressed confidence in the election administration. Representatives of election commissions met by the ODIHR NAM noted that they received comprehensive training from the government and that additional advice is available at any time. While logistical challenges related to the COVID-19 pandemic were noted by the election commissions representatives, they also expressed confidence that the necessary protective measures will be implemented to ensure effective conduct of the election procedures, in line with the government ordinance.

Voting is compulsory by law. Despite that this norm it has not been enforced for almost two decades, voter turnout is traditionally high and was over 75 per cent in last two parliamentary elections. Voters may cast their ballots in person at polling stations on election day from 10.30 am until 12 noon. To receive a ballot, a voter must present a personal voting card, which is delivered to all voters at least two weeks before the election day and contains voter’s address, place of registration, identification number and a barcode. The barcode is scanned and the “voter check-in” system in place at every polling station helps identify the voter and indicates if the voter has voted already.¹⁰

Postal voting is available from up to two weeks until two days before the election day without any justification.¹¹ Voting by post was introduced in 2004 and in recent parliamentary elections in 2013 and 2017 over 95 per cent of voters chose this voting method. According to ODIHR NAM interlocutors, in these elections some two per cent of the ballots cast by post were declared invalid

⁹ The system is installed centrally on a state administration server. The ComECs and MECs access it via virtual client. The access is protected and requires an authentication via username, password and sms-code. The responsible persons within the commissions then enter their personalised password to access the system.

¹⁰ This procedure aims to serve as safeguard against multiple voting.

¹¹ Ballot papers and voting materials are sent to all voters along with their voting cards.

mostly due to missing voter's signature on the voting card. ODIHR NAM interlocutors expressed no concerns regarding postal voting, including with regard to secrecy, and opined that this option will help overcome challenges posed by the COVID-19 pandemic.

D. VOTER REGISTRATION

Citizens over 18 years of age with permanent residence in the country for at least one month before the election day have the right to vote. Since the amendments in 2012, the blanket prohibition of voting rights for persons with intellectual and psychosocial disabilities is decided by case-specific court rulings, which still does not fully comply with international standards.¹² The Principality of Liechtenstein signed the 2006 United Nations Convention on the Rights of Persons with Disabilities in September 2020 and is yet to ratify it. According to the government, there are several laws and regulations that need to be adopted prior to the ratification. Voters studying or on short visits abroad retain their voting rights and can request voting materials to be mailed to them by the communes.

Some 20,400 voters are currently eligible to vote, a slight increase compared to previous parliamentary elections. Voter lists are created based on the information extracted by communes from the permanent population register. The lists are available for public check for three days, starting four weeks before the election day. Voters are entitled to check their own the data and can appeal undue inclusion or exclusion to the communes. Voters can be included on the voter list on election day by the ComEC if "his or her omission from the list is an obvious mistake". Most ODIHR NAM interlocutors expressed confidence in the accuracy of the voter lists, some of them, however, indicated that the criteria determining eligibility of voters studying or travelling abroad might be overly restrictive.¹³

E. CANDIDATE REGISTRATION

All eligible voters have the right to stand as candidates. The right to nominate a candidate list is granted to electoral groups established by a minimum of 30 voters from the same constituency.¹⁴ The number of nominees on a list may range from 1 to 15 in the Upper Country and from 1 to 10 in the Lower Country. At odds with international good practice, a voter could sign in support of only one list, which could limit political pluralism and reveal voter's political preferences.¹⁵ Data of voters who signed in support of a list is verified by communes. In case signatures are disqualified, a contestant is given two days to re-submit missing signatures. The signature collection process is not sufficiently regulated and, according to ODIHR NAM interlocutors, there is no database of signatures against which the supporting signatures could be verified.

All five political parties with a total of 75 candidates, including 23 women, are running in these elections. While women were granted the right to vote in 1984 and their representation in legislature is low, 3 out of 25 members, there are no legally established mechanisms to promote women political

¹² Article 12 of the [2006 United Nations Convention on the Rights of Persons with Disabilities](#) states that "Parties shall recognize that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life.

¹³ These criteria are usually laid down in the government instruction on voting rights and eligibility. The instructions issued for previous elections, connected voting rights with official residence in Liechtenstein. According to the government only minor changes are introduced to the substance of the instructions between elections.

¹⁴ Although an electoral group does not have to be a registered political party, in practice only parties nominated candidates for the forthcoming elections. (see also *Campaign and Campaign Finance*)

¹⁵ See Paragraph 77 of the [2010 ODIHR and Venice Commission Guidelines on Political Party Regulation](#), which states that "in order to enhance pluralism and freedom of association, legislation should not limit a citizen to signing a supporting list for only one party".

participation or internal party policies for gender quotas on the candidate lists.¹⁶ In August 2020 a referendum was held to amend the constitution with a provision on promotion of balanced representation of women and men in political bodies. While the proposal was rejected, political parties noted to ODIHR NAM that they increased number of women candidates on their lists and intend to put forward female candidates for the positions in the government.¹⁷ They also stated that women are in particular reluctant to accept candidate nomination due to “traditions and family-related reasons.”¹⁸ The political parties met by the ODIHR NAM noted a general challenge of finding candidates and gave that as one of the reasons for often nominating fewer candidates than the upper limit per constituency allows.¹⁹

F. CAMPAIGN AND CAMPAIGN FINANCE

The conduct of the election campaign is largely unregulated and political parties can campaign at any point. Contestants mostly campaign through newspapers and recently via social networks and, to some extent, in broadcast media. Direct canvassing is rare and ODIHR NAM interlocutors opined that COVID-19 related restrictions will have little effect on their campaigning activities, as meetings with voters usually are on a small scale. They also mentioned that, along with the government response to the pandemic, social welfare, including healthcare and pension system, infrastructure development, environmental issues and optimizing state administration will dominate the campaign. To attract voters, political parties usually announce their candidates for the cabinet, including their proposal for the prime-minister post.²⁰

The political party funding system has been substantially reformed since the last parliamentary elections. In response to previous ODIHR findings and following the Council of Europe’s Group of States against Corruption (GRECO) recommendations on reform of the party finance system, in May 2019 the Law on Payment of Contributions to Political Parties (LPCPP) was amended. This includes, among others, the requirement for the party to register as a legal entity to become eligible for public funds, publication of audited annual financial statements by parties that include details on sources of income and expenses, ban on anonymous donations over 300 Swiss francs (CHF), oversight of party financial reporting by the Finance Unit of the government and introduction of a wide range of sanctions (including suspension of public funding, fines up to CHF 50,000 and up to 6 months imprisonment) for the breaches of the party finance regulations.²¹

In its September 2020 report, GRECO noted that it terminates its “compliance procedure in respect of Liechtenstein” since the authorities made “significant progress” in addressing its prior recommendations related to party and campaign finance, but also emphasized that further tightening

¹⁶ ODIHR NAM interlocutors also pointed to the increase in number of women elected in 2019 local elections, with current number of female local councilors, including mayors, comprising some 40 per cent.

¹⁷ Only 21.2 per cent of voters supported the amendment.

¹⁸ In response to the UN Human Rights Council’s [2013 Universal Period Review Report](#), that noted women are underrepresented in many areas in particular in the labour market and in the political bodies in January 2018 the Government submitted its [National report to the UN Human Rights Council](#), where it indicated its activities to achieve balanced representation of both genders in political life. To enhance women political participation, the [Women Network](#) non-government organization is implementing a project “[Diversity in Politics](#)”. The project, among other includes compiling and publication of “Election Barometer”, aimed at informing voters on the diversity of list composition and platforms of the contestants. The organization informed the ODIHR NAM, that despite public subsidies to media to implement, among other, their social function, none of them agreed to publish this voter information for free.

¹⁹ Part-time occupancy as a member of the parliament and suspension of certain social security schemes were also named as some of the reasons.

²⁰ Several political parties mentioned to ODIHR NAM that they increased a number of female candidacies for the governmental positions, including for the post of the prime-minister.

²¹ 1 CHF equals approximately EUR 0.93.

of regulations on anonymous donations and establishment of an independent political finance oversight body could be considered. Moreover, the campaign financing remains largely unregulated and electoral contestants are required to include their campaign-related donations and expenses in the annual party reports.

Political parties are financed by public and private funds. Public funding is available to parliamentary political parties and those who have obtained at least three per cent of the votes in each constituency in the previous parliamentary elections.²² Legal entities and individuals can also donate without any limits on the amount of donation.²³ Contributions from foreign sources remain unregulated.

While contestants are not limited in their campaign expenditures, those have to be reported within annual financial reports according to the new requirements introduced (including sources of funding and types of expenditures). Most of the ODIHR NAM interlocutors expressed confidence in the transparency of the political funding.

G. MEDIA

The media are regulated by numerous acts including the Constitution, the 1999 Information Law, the 1999 Information Regulation, the 2003 Broadcasting Law, the 2005 Media Law and the 2006 Law on Funding of the Media.²⁴

The media landscape is limited due to the small media market. Broadcast media are represented by the state-owned *Radio Liechtenstein*, three private TV channels – the *IFLTV*, *ARCADIA TV* and *Dorfnetz Infokanal*, the state-owned television *Landeskanal* and nine information channels of the communes (*Gemeindekanäle*). Print media include two dailies, *Liechtensteiner Volksblatt* and *Liechtensteiner Vaterland*, one weekly, *LieWo*, and one monthly, *Lie:Zeit*.

Public broadcasters are required to ensure objectivity, impartiality, accuracy and diversity in their programmes. The legislation does not offer specific regulation on media coverage during elections. Political parties can purchase political advertisement in media.²⁵ Most of election related media coverage is offered by print dailies, *Liechtensteiner Vaterland* and *Liechtensteiner Volksblatt*, whose combined circulation reaches some 85 per cent of country. Both newspapers are affiliated with the two major political parties, the PCP and the PU, respectively. Traditionally, contestants' campaign messages are distributed via 'Letters to the Editors' in these newspapers. In addition, for these elections, parties are offered an additional presentation video in the online versions of these outlets.

Due to the small advertisement market, government subsidies represent significant sustainability factor for the media. Decisions on the eligibility for funding are taken by the Media Commission elected by the parliament for a term of four years.²⁶ The Commission also oversees media compliance, issues recommendations and instructions and have the authority to sanction media with a warning or

²² For the year 2019 the Government allocated CHF 55,000 to each political party and a total of CHF 710,000 – in proportion to the number of votes obtained. In addition, a private foundation has a practice of donating an equal amount of some CHF 5,000 to each political party annually.

²³ The May 2019 amendments require political parties to publish their “regulations” on donations online.

²⁴ In 2020 Liechtenstein started to implement the [Directive \(EU\) 2018/1808 of the European Parliament and of the Council of 14 November 2018](#) amending [Directive 2010/13/EU](#) on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive).

²⁵ Some parties mentioned to ODIHR NAM that cannot afford the price of the paid political advertisement. The legislation prohibits purchasing airtime on the public *Radio Liechtenstein* by electoral contestants.

²⁶ The Commission consists of five members, including its president. Senior public officials, employees of political party and media owners cannot be members.

fine. The *Liechtensteiner Vaterland* and *Liechtensteiner Volksblatt* receive most of the subsidies, while a small portion of the public funds is allocated to *IFLTV*. Some ODIHR NAM interlocutors expressed concern that a large portion of the state support is channelled to the outlets that are affiliated with two major parties, while the political environment is becoming increasingly more diverse. They mentioned that the allocation of public funding to media should be corrected to better reflect this, as well as development of online media.

H. COMPLAINTS AND APPEALS

The law provides a possibility to complain over voter and candidate registration. If the complainant believes that fundamental rights were violated an appeal can be also be lodged to the State (Constitutional) Court after exhausting all other instances.

Complaints regarding the voter lists can be filed with the Government and then be appealed at Administrative Court and the State (Constitutional) Court as a final instance.²⁷ At odds with OSCE commitments, the law does not offer clear guidance on how other complaints, including those related to the campaign, voting and counting procedures and the work of election commissions should be handled.²⁸

The election results, either of a single constituency or of the entire country, can be appealed to the State (Constitutional) Court. The Court has the authority to invalidate the election results if the identified irregularities had or could have had a significant impact on the outcome. ODIHR NAM interlocutors raised no concerns over the complaints and appeals system in place and underlined that in the last decades no election-related complaints were lodged.

I. ELECTION OBSERVATION

The legislation does not contain provisions for election observation and is, therefore, at odds with paragraph 8 of the 1990 OSCE Copenhagen Document.²⁹ The government assured the ODIHR NAM that international observers will be allowed to follow the preparations and conduct of elections, as well as counting and tabulation procedures, in line with the provisions from the draft instructions. The election commissions informed ODIHR NAM that they will allow observation, if such requests follow formal accreditation procedure by the government.

Citizen organizations expressed confidence in the electoral process and praised accessibility to the voting premises and postal voting options as facilitating the voting of persons with disabilities. They, however, noticed that an improvement could be made by producing easy-to-read and to understand election materials and having the debates between contestants broadcast with subtitles or supported

²⁷ The State (Constitutional) Court consists of five judges appointed by the Prince for a five-year term with annual replacement of one of the judges. The State (Constitutional) Court judges work on a part-time basis, often working in law firms as attorneys in parallel.

²⁸ See Paragraph 5.10 of the [1990 OSCE Copenhagen Document](#) states that “everyone will have an effective means of redress against administrative decisions, so as to guarantee respect for fundamental rights and ensure legal integrity”.

²⁹ Paragraph 8 of the [1990 OSCE Copenhagen Document](#) states that “participating States consider the presence of observers, both foreign and domestic, can enhance the electoral process for States in which elections are taking place. They therefore invite observers from any other CSCE participating States and any appropriate private institutions and organizations who may wish to do so to observe the course of their national election proceedings, to the extent permitted by law.”

by sign language.³⁰ Another focus of civil society during these elections will be on strengthening diversity in politics by examining gender equality policies of the contestants.

IV. CONCLUSIONS AND RECOMMENDATION

All ODIHR NAM interlocutors expressed full confidence in the electoral process noting professionalism and reliability in all aspects of the electoral administration. Most of them did not raise any concerns with regard to respect for fundamental rights and freedoms, including treatment of contestants by the authorities and their access to the media. The authorities made progress in addressing some shortcomings previously identified in the field of party finance. While the implementation of newly introduced party finance rules would benefit from review, most of the ODIHR NAM interlocutors did not see a significant added value of an external expertise of the upcoming elections.

Based on this, the ODIHR NAM does not recommend deploying any election-related activity for the 7 February parliamentary elections. ODIHR stands ready to assist Liechtenstein in any future electoral reform and encourages the authorities to consider issues of concern raised in this and previous reports.³¹

³⁰ The representatives of the organization of persons with disabilities informed the ODIHR NAM that they are working on the implementation of these objectives, which were, among others, set by the [2019 Report on implementation of steps necessary for the ratification](#) of the [2006 United Nations Convention on the Rights of Persons with Disabilities](#) by Liechtenstein.

³¹ In paragraph 25 of the [1999 OSCE Istanbul Document](#), OSCE participating States committed themselves “to follow up promptly the ODIHR’s election assessment and recommendations”. See also the ODIHR [electoral recommendations database](#).

ANNEX: LIST OF MEETINGS

Government Chancellery

Peter Sele, Deputy Head of the Government Chancellery/Head of Chancellery Services

Ministry of Foreign Affairs

Ambassador Martin Frick, Director of the Office for Foreign Affairs

Ministry of Home Affairs

Nicole Maag, Senior Advisor to the Minister of Home Affairs

Financial Affairs Unit

Andreas Gritsch, Head of the Financial Affairs Unit

Constitutional/State Court

Hilmar Hoch, President

Election Administration

Franz Watcher, Main Election Commission/Upper Country

Judith Hoop, Main Election Commission/Lower Country

Maria Jaiser-Eberle, Head of Ruggell Commune and Chairperson of Ruggell Commune Election Commission

Hansjörg Büchel, Head of Balzers Commune and Chairperson of Balzers Election Commission

Political Parties

Markus Vogt, President, Progressive Citizen's Party

Günther Fritz, President, Patriotic Union

Thomas Ladeger, Secretary-General, Free List

Harry Quaderer, President, Independents

Thomas Rehak, President, Democrats for Liechtenstein

Media

Patrik Schädler, *Liechtensteiner Vaterland* newspaper, Chief Editor

Tanja Cisse, Radio Liechtenstein, Head of Information

Hannes Matt, *Liechtensteiner Volksblatt*, Editor

Civil Society Organizations

Alicia Längle, National Human Rights Office

Christine Schädler, Organisation for the Rights of People with Disabilities

Petra Eichele, Women's Network