



FIFTH OPINION ON LIECHTENSTEIN

Advisory Committee
on the Framework
Convention for
the Protection of
National Minorities
(ACFC)

Adopted on 1 February 2021

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Secretariat of the Framework Convention for the Protection of National Minorities
Council of Europe
F-67075 Strasbourg Cedex
France

www.coe.int/minorities

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SUMMARY OF THE FINDINGS

1. The Principality of Liechtenstein has stated in its instrument of ratification that no national minorities in the sense of the Framework Convention for the Protection of National Minorities (hereinafter “the Framework Convention”) exist in its territory and that it has ratified the Framework Convention as an act of solidarity in the view of the objectives of the treaty. In accordance with this objective, Liechtenstein co-finances, in the framework of the European Economic Area (EEA), initiatives to support Roma inclusion in different States. These activities contribute to the implementation of the Framework Convention and recommendations by the Advisory Committee in some States.

2. At national level, Liechtenstein has established an independent body responsible for the effective investigation of and follow-up to all cases of discrimination. In addition, Liechtenstein has revised its Criminal Code and provided protection from all forms of discrimination. The authorities have also intensified activities to prevent hate speech, thereby contributing to promoting tolerance and inter-cultural respect among the population.

RECOMMENDATIONS

3. The Advisory Committee considers that the following recommendations could serve as the basis for the resolution to be adopted by the Committee of Ministers with respect to Liechtenstein:

Recommendations¹

4. The Advisory Committee encourages the Liechtenstein authorities to continue promoting the objectives of the Framework Convention, including by pursuing their support to national minorities in Europe, in co-operation with the Council of Europe.

5. The Advisory Committee further invites the authorities to continue disseminating information about the Framework Convention and the protection it offers.

6. The Advisory Committee encourages the authorities to amend the current legislative framework relating to discrimination in order to provide comprehensive protection from all forms of discrimination and improve disaggregated data collection. In addition, the Advisory Committee calls on the authorities to continue promoting effective equality, inter-cultural awareness and respect for diversity in society.

¹ The recommendations below are listed in the order of the corresponding Articles of the Framework Convention.

MONITORING PROCEDURE

Follow-up activities related to the recommendations of the Fourth Opinion of the Advisory Committee

7. The Liechtenstein authorities have made public the Fourth Opinion² as well as the corresponding Committee of Ministers' Resolution.³ Considering that there is only limited scope of application of the provisions of the Framework Convention by Liechtenstein, the Advisory Committee has not proposed a follow-up meeting concerning the fourth monitoring cycle.

Preparation of the state report for the fifth cycle

8. The state report was due on 1 March 2019 and submitted on 13 July 2020.⁴ The Advisory Committee has also consulted the *Verein für Menschenrechte in Liechtenstein* (Liechtenstein Human Rights Association).

Country visit and adoption of the Fifth Opinion

9. The Advisory Committee has not carried out a visit to Liechtenstein after receipt of the fifth state report. This fifth-cycle opinion on the implementation of the Framework Convention by Liechtenstein was adopted in accordance with Article 26(1) of the Framework Convention and Rule 25 of Resolution (2019)49 of the Committee of Ministers.⁵ The findings are based on the report submitted by Liechtenstein. The draft opinion, as approved by the Advisory Committee on 7 October 2020 was transmitted to the Liechtenstein authorities on 14 October 2020 for observations, according to Rule 37 of Resolution (2019)49. The Liechtenstein authorities informed the Secretariat on 22 December 2020 that they had no observations.

² ACFC Fourth Opinion on Liechtenstein, adopted on 21 May 2014.

³ Resolution CM/ResCMN(2015)4 on the implementation of the Framework Convention for the Protection of National Minorities by Liechtenstein.

⁴ Outline for State Reports to be submitted under the fifth monitoring cycle of the Framework Convention. The report has been made public by the authorities.

⁵ The submission of the state report, which was due in March 2019, was regulated by Resolution (97)10. However, the adoption of this opinion was regulated by Resolution (2019)49 on the revised monitoring arrangements under Articles 24 to 26 of the Framework Convention for the Protection of National Minorities, as adopted by the Committee of Ministers on 11 December 2019.

ARTICLE-BY-ARTICLE FINDINGS

Promotion of the objectives of the Framework Convention (Article 2)

10. In accordance with its declared aim of promoting the objectives of the Framework Convention, Liechtenstein supports initiatives for national minorities in the framework of the European Economic Area (EEA). Liechtenstein contributes, with Norway and Iceland, to the funding of measures to support States achieving their targets on Roma inclusion and implementing their national Roma integration strategies. The measures are implemented in Bulgaria, Croatia, the Czech Republic, Greece, Portugal, Romania, the Slovak Republic and Slovenia. The grants support activities in the areas of education, employment, housing, healthcare and anti-discrimination. The EEA co-operates with the Council of Europe in this context.

11. The Advisory Committee welcomes the efforts by Liechtenstein, in the framework of the EEA, to support Roma inclusion and the related co-operation with the Council of Europe. It is pleased to note that the thematic fields covered by the activities correspond to recommendations made in the Advisory Committee's opinions on different States.

12. The Advisory Committee encourages the Liechtenstein authorities to continue promoting the objectives of the Framework Convention. To this effect, the Advisory Committee invites the authorities to continue their support to national minorities in Europe, in co-operation with the Council of Europe.

Scope of application (Article 3)

13. When depositing its instrument of ratification, Liechtenstein declared that no national minorities in the sense of the Framework Convention exist in its territory and that Liechtenstein considers its ratification "as an act of solidarity in the view of the objectives of the Convention".⁶

14. While not being aware of any persons or groups who expressed interest in the protection of the Framework Convention, the Advisory Committee notes with satisfaction the publication by Liechtenstein of its state reports and the Advisory Committee's opinions on the government's website which helps to reach out to persons or groups who may benefit from the protection of the Framework Convention.⁷

15. The Advisory Committee commends the authorities of Liechtenstein for the commitment and European solidarity they have demonstrated by ratifying the Framework Convention. It hopes that Liechtenstein's ratification as an act of solidarity encourages States which have not yet ratified the Framework Convention to do so.

16. The Advisory Committee welcomes the publication by the authorities on the government's website of the Advisory Committee's opinions, the state reports and the Framework Convention. The Advisory Committee further invites the authorities to continue disseminating information about the Framework Convention and the protection it offers.

Combatting discrimination and hate crime, including hate speech (Article 6)

17. While acknowledging that there is only limited scope of application of the provisions of the Framework Convention in Liechtenstein, the Advisory Committee welcomes the fact that Liechtenstein has taken specific measures in conformity with the spirit of Article 6.

18. In 2016, the Liechtenstein Parliament adopted the Law on the Liechtenstein Human Rights Association (*Verein für Menschenrechte in Liechtenstein*, VMR). The VMR has both the functions of an ombudsperson 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 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 co-operation with bodies relevant to human rights. 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.

19. The Advisory Committee observes that, by establishing the *Verein für Menschenrechte in Liechtenstein*, the authorities have ensured that an independent body responsible for the effective investigation of and follow-up to all cases of discrimination can work in this country, as recommended by the Advisory Committee in the fourth monitoring cycle.

20. In order to ensure effective legal protection against discrimination and multiple discrimination, Article 283 of the Criminal Code was amended in 2016. While previously only discrimination on the basis of race, ethnic origin and religion constituted a criminal offence, public incitement to hatred or discrimination on the basis of *inter alia* language and nationality is now also considered 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. From

⁶ Declaration contained in the instrument of ratification deposited on 18 November 1997, Council of Europe Treaty Office. See also the Comments of the Government of Liechtenstein on the Opinion of the Advisory Committee on the Report on the Implementation of the Framework Convention for the Protection of National Minorities in Liechtenstein of 18 May 2001. Liechtenstein has made a similar declaration when ratifying the European Charter for Regional or Minority Languages.

⁷ See ACFC Thematic commentary No. 4, The Framework Convention: a key tool to managing diversity through minority rights, para. 14.

June 2011 to the end of 2019, 22 suspected cases of discrimination have been investigated and four cases of discrimination were confirmed by courts.⁸ Furthermore, in 2018 the authorities set up an inter-ministerial working group dealing with recommendations from different international monitoring bodies, including concerning the prevention of discrimination.

21. The Advisory Committee notes with satisfaction that the amendment of the Criminal Code provides enhanced protection from discrimination under criminal law. In order to ensure the effective implementation of the legal framework, the Advisory Committee considers that law enforcement agents should be appropriately trained to ensure that discrimination is identified and recorded, as well as duly investigated and punished through targeted, specialised and prompt action. It is also essential to follow up the application of the Criminal Code by continued collection of data on the number of criminal offences of incitement of hatred and discrimination on the basis of race, language, nationality, ethnicity and religion that are reported to the police, prosecuted and on the number of sentences passed by courts. While welcoming the amendment of the Criminal Code, the Advisory Committee considers that efforts have to be pursued to amend the legislative framework to comprehensively prohibit discrimination on grounds of colour, ethnic origin, citizenship, religion or language, in the public and private sectors, and in all areas.

22. In order to address hate speech, the Liechtenstein authorities have repeatedly met with the editors-in-chief of the country's daily newspapers. In 2019, a training on how to deal with hate speech in letters to the editor and online fora was organised for media representatives. In addition, the VMR organised a campaign ("Respekt bitte!") against hate speech in newspapers.⁹

23. In their state report, the authorities have provided information about additional measures taken to promote tolerance and inter-cultural respect among the population in line with the Advisory Committee's recommendations in the fourth monitoring cycle. A governmental working group is currently preparing a revision of the 2010 integration strategy. Apart from different ministries, the working group involves the VMR. The authorities have also commissioned a study on Islam in Liechtenstein, focusing on integration and the coexistence of different religions.¹⁰ Furthermore, the authorities commission annually a report on different forms of extremism. According to these reports, no major incidents of violence or criminal incidents with an extremist background have been recorded in Liechtenstein since 2015. In addition, the Holocaust Remembrance Day has been organised in Liechtenstein since 2006. As the annual commemorations are documented in the media and attended by high-ranking politicians, they contribute to raising awareness of contemporary extremist narratives.

24. The Advisory Committee encourages the authorities to amend the current legislative framework relating to discrimination in order to provide comprehensive protection from all forms of discrimination and improve disaggregated data collection. In addition, the Advisory Committee calls on the authorities to continue promoting effective equality, inter-cultural awareness and respect for diversity in society.

⁸ See Susanne Quaderer: "Vier Verurteilungen wegen Diskriminierung", in: Liechtensteiner Vaterland, 10 June 2020, p. 5. The VMR received seven complaints concerning discrimination in 2019, a total of 11 complaints in 2018 and a total of 12 complaints in 2017 (data for 2018 and 2017 not disaggregated by grounds), see its annual reports of 2019 (p. 8), 2018 (p. 19) and 2017 (p. 18), <https://www.menschenrechte.li/category/ueber-uns/jahresberichte-vmr/>. These complaints have not resulted into court proceedings.

⁹ See VMR annual report of 2019, p. 16 (https://www.menschenrechte.li/wp-content/uploads/2020/04/Jahresbericht_VMR_2019.pdf).

¹⁰ Liechtenstein-Institut (ed.): Islam in Liechtenstein. Demografische Entwicklung, Vereinigungen, Wahrnehmungen, Herausforderungen. Bericht im Auftrag der Regierung des Fürstentums Liechtenstein, Barend 2017.

The Advisory Committee on the Framework Convention for the Protection of National Minorities is an independent body that assists the Committee of Ministers of the Council of Europe in evaluating the adequacy of the measures taken by the Parties to the Framework Convention to give effect to the principles set out therein.

The Framework Convention for the Protection of National Minorities, adopted by the Committee of Ministers of the Council of Europe on 10 November 1994 and entered into force on 1 February 1998, sets out principles to be respected as well as goals to be achieved by the states, in order to ensure the protection of national minorities. The text of the Framework Convention is available in English and French, as well as in German among many other languages.

This opinion contains the evaluation of the Advisory Committee in respect of Liechtenstein.

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