

Liechtenstein National Report

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

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Introduction

Liechtenstein ratified the Framework Convention for the Protection of National Minorities on 18 November 1997. The second report was submitted on 25 March 2004 and considered by the Advisory Committee on 1 October 2004. The Committee of Ministers issued a final evaluation and adopted a resolution on the report on 7 December 2005.

Upon deposit of the instrument of ratification for the Framework Convention, Liechtenstein made a declaration indicating that Liechtenstein's ratification should be viewed as an act of solidarity, since there are no national minorities in the territory of Liechtenstein, in the sense of the Framework Convention:

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

The Advisory Committee and the Committee of Ministers of the Council of Europe recognized the application of certain provisions of the Framework Convention as limited, given the lack of national minorities in Liechtenstein. At the same time, the Advisory Committee noted that a considerable number of foreign citizens live in Liechtenstein and that the religious composition of the population is not homogeneous. In this context, the Advisory Committee attached importance to the promotion of the integration of these groups, which may be confronted with difficulties due to their religious and cultural differences. Although these groups are not considered national minorities, Liechtenstein would like to respond to the request of the Advisory Committee and the recommendations of the Committee of Ministers of 7 December 2005 and dedicates this report to the measures, which have been taken to prevent discrimination, racism and intolerance and to improve the integration of foreign citizens since the submission of the second report.

General information on Liechtenstein

As of the end of 2007, Liechtenstein had a permanent population¹ of 35,356. 33.6% of the population are foreigners. Of all the foreign citizens living in Liechtenstein, 49.1% are nationals of countries participating in the European Economic Area (EEA)², especially of Austria and Germany. 30.4% are Swiss nationals. 20.5% of the foreign population

¹ The permanent population includes all Liechtenstein and foreign citizens living in Liechtenstein who have lived in the country for 12 months or intend to stay in the country for 12 months or longer (permanent residents, yearly residents, customs officers and their families, short-term residents, and temporarily accepted persons who stay in the country for more than 12 months).

² The European Economic Area consists of the 27 Member States of the European Union and the EFTA States Iceland, Liechtenstein, and Norway.

originates from countries outside the EEA and Switzerland, they are called "Third country nationals". The largest group of Third country nationals are from Turkey (11.7%) and from countries of the former Yugoslavia (16.6%): Serbia and Montenegro, Bosnia and Herzegovina, Croatia, Macedonia, and Slovenia.

Measures to improve equal opportunities and prevent discrimination

Legal framework

Racial Discrimination is punishable according to §33(5) and §283 of the Criminal Code (StGB). Pursuant to a petition submitted by young people to Parliament calling for stricter prosecution of persons affiliated with the right-wing extremist scene, a firmer interpretation of the anti-racism criminal provision with respect to wearing and displaying racist emblems is under examination. Membership in racist groups is forbidden. Victims of racist assaults can sue for compensation as part of criminal proceedings. The protection of victims, especially psychological and material support, were further strengthened with the entry into force of the Victims Assistance Act in April 2008. Additionally, compensation is ensured for intangible injuries. Both criminal and civil law provide for legal aid to cover litigation costs, which is also granted to foreigners.

National Action Plan against Racism

The National Action Plan against Racism, launched in June 2002, focused on four areas: raise of public awareness, promotion of integration of the foreign population, improvement of the data situation, and documentation. In 2005, the working group was also mandated to coordinate the measures adopted by the Government against anti-Semitism. In 2007, the implementation of the National Action Plan against Racism has been transferred to the responsibility of the Office of Equal Opportunity, thus ensuring continuation of specific activities in connection with the fight against racism, anti-Semitism, and xenophobia. The Office of Equal Opportunity coordinates measures to bring about equal opportunity and to protect human rights, and serves as the central institution for the further development and implementation of human rights as well as human rights education. It is advised and supported by the Equal Opportunity Commission.

Fight against right-wing extremism

In July 2003, the Government established a Violence Protection Commission under the chairmanship of the National Police, one of the responsibilities of which 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, based on this study, to develop a strategy and specific concept for action to prevent an expansion of the right-wing extremist scene among young people in Liechtenstein. Such a study had been suggested by the United Nations' Committee on the

Elimination of Racial Discrimination (CERD) in its recommendations on Liechtenstein's second and third national reports. The result of the study is expected within 2009.

Sensitization and Awareness-raising

Through Awareness-raising campaigns for the broader public as well as for specific target groups the protection of human rights in general as well as issues such as respect, equal treatment, prevention of racism and violence, intercultural and respectful communication are being addressed. Particular emphasis is placed on combating anti-Semitism. One objective of the schools' curricula in Liechtenstein is to educate young people to openness and tolerance with respect to political, religious, and ideological differences and to learn about and understand human rights. They are taught to stand up for their rights and to respect the rights of others. Through exposure to other cultures, traditions, religions, and value systems, they learn to better understand their own patterns of behaviour. Special courses on these subjects are also offered to teachers, such as how to deal more effectively with violence and racism at school. The Liechtenstein Government is also aware of the importance of appropriate training measures for State personnel and accordingly offers courses in different administrative units.

Basic research and statistical data

In 2004, a research mandate was granted to the independent "Liechtenstein Institute" to identify the data deficits with respect to discrimination on the basis of nationality, race, religion, culture, and language. In 2007, other basic research projects were launched with regard to "Integration of the foreign population", "The social situation of people with disabilities", and "Homosexuals and discrimination in Liechtenstein". With the help of these studies, weaknesses in the data situation were identified, and recommendations were made on the expansion of systematic and regular data gathering, the consolidation of existing datasets and registers, the disaggregation of data, and additional basic research. Various improvements have already been initiated. For instance, the new wage statistics, published in 2008 for the first time, grant in-depth insights into the wage structure of employees in Liechtenstein, providing internationally comparable data. However, improvements are still needed in several areas. For this reason, the Government has mandated a project group to initiate concrete measures for the improvement of the data situation. Based on the European Handbook on Equality Data, this project group is currently elaborating a strategy for the systematic compilation of data in all equality areas.

Integration of Foreign Citizens

The new Foreigners Act (AuG) entered into force on 1 January 2009. The AuG regulates entry and departure, residence, family reunification, and termination of residence for all foreigners, except those of an EEA-country or Swiss citizenship. One important component of the AuG is a clear commitment to an integration policy based both on the willingness of foreigners to integrate as well as on the openness of the domestic population. The heart of the new Act is the introduction of an integration agreement between State and foreigners, entailing financial support for language courses and evidence of knowledge of the German language.

The AuG is based on a position paper on integration policy which was adopted by the Government in 2007, containing the principle of “promoting and demanding”. The goal of this principle is to promote the peaceful coexistence of all persons in Liechtenstein on the basis of common values. This position paper also includes the results of two round tables, which the Prime Minister conducted with representatives of the foreigners’ associations in 2004 on “Integration in Liechtenstein: Status Quo, Measures, and Perspectives”. At these round tables, issues as the admission of dual citizenship, offering of German-language courses, facilitated naturalization, rules governing family reunification, the establishment of an information centre, and voting rights at the municipal level were discussed.

In 2004, the Government appointed a Working Group on the Promotion of the Integration of Muslims to institutionalize the dialogue between members of the Muslim communities and the Christian population, thereby creating a climate of mutual tolerance and respect. The working group is currently discussing questions such as financial support for Muslim communities by the States, places of worship and cemeteries for Muslims, the formation of an umbrella organization for Muslim communities in Liechtenstein, and other topics of special concern to the Muslim population.

Religion

The Liechtenstein Constitution guarantees freedom of religion and conscience and protects civil and political rights irrespective of religious affiliation. The Criminal Code prohibits all forms of discrimination based on religious affiliation. According to the last population census of the year 2000, 78.4% of the resident population considered themselves members of the Roman Catholic Church, 8.3% as Evangelic (Protestant), 4.8% as Islamic and 2.8% as undenominational. 4.1% of the population did not specify their religious affiliation.

Since 2003/2004, pupils in Secondary School have the choice between a class on “Religion and Culture” and denominational religious instruction (Catholic or Protestant). A pilot project was launched in primary schools in 2007, introducing religious instruction for Muslim children. This pilot project is now being evaluated in order to be integrated into the regular curriculum. Outside school, denominational religious instruction is offered by religious communities.

Currently, an institutional disentanglement and reorganization of the relations between State and Church are under consideration. In addition to a constitutional amendment, this reform project encompasses a special Religion Act and a law on the financing of religious communities by contributions from the State and from the income and inheritance tax of natural persons. According to the draft, the Evangelic (Protestant) Church and the Evangelic-Lutheran Church as well as other Christian and non-Christian religious groups will be recognized under public law upon application.

Language

Since 2007, Standard German is used as a language of instruction in Liechtenstein kindergartens to make it easier for foreign-language children to learn the written language and to integrate. The Government has decided to introduce Standard German as the

official language of instruction at all levels of schooling beginning in 2009. So far, dialect has (partly) been used for instruction. Within the framework of mandatory schooling, foreign-language children may benefit from various language promotion programs. The expansion of care structures outside the home and the introduction of day schools, which in particular also offer accompanied learning and homework tutoring as well as lunch tables and afternoon activities, are of special importance for children of foreign-language and/or working parents. The Vocational Guidance Center also offers a mentoring program to support young people seeking apprenticeships, a service used in particular also by young foreigners.

Health care system

The benefits of the Liechtenstein health care system are equally available to all persons living in Liechtenstein. With respect to the specific needs of foreigners, the public health sector has not yet been illuminated sufficiently, however. In 2005, the Working Group against Racism, Anti-Semitism, and Xenophobia conducted a needs assessment concerning integration measures for foreign patients. Improvement measures concerning information and linguistic and cultural support for foreign patients were initiated.

Asylum-seekers and refugees

The number of asylum-seekers has declined steadily in recent years. In 2008, 26 persons applied for asylum in Liechtenstein. Liechtenstein has neither an airport nor a seaport and can only be reached by land, i.e. via Switzerland or Austria. This circumstance as well as the fact that most applications are submitted on economic or personal reasons and not on the basis of the Geneva Refugee Convention explains the relatively low number of recognized refugees in Liechtenstein. Nevertheless, since entry into force of the Refugee Act in 1998, more than 150 persons were given the opportunity to become Liechtenstein residents on humanitarian grounds, subsequent to asylum proceedings. Through its association with the Schengen/Dublin *acquis*, Liechtenstein will apply the criteria and procedures of the Dublin II regulation to determine the Member State responsible for reviewing an asylum application. The Refugee Act is therefore being adapted accordingly.

Cooperation to promote the Convention

Liechtenstein will continue the dialogue with the advisory committee and will continue to report in this form. All national reports and resolutions of the Committee of Ministers are published and can be accessed on the Internet at www.liechtenstein.li.

Liechtenstein will also continue to support the confidence-building measures of the Council of Europe, especially at the local and regional level. This opens up a further opportunity to express solidarity with the objectives of the Framework Convention.