

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

COUNCIL OF EUROPE



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***Fourth Opinion on Liechtenstein
adopted on 21 May 2014***

SUMMARY

The Liechtenstein authorities have continued to pay attention to the integration of non-nationals and the promotion of tolerance and inter-cultural dialogue. A comprehensive government concept on integration was adopted in December 2010 based on the principle “Liechtenstein – Strength through Diversity”. Integration support continues to be focused mainly on the promotion of German language skills, which remain a precondition for the issuance of permanent residence permits. An institutional reform is underway to establish an independent human rights institution in line with the Paris Principles.

Recommendations:

- **Pursue an open and comprehensive approach towards integration, including the promotion of equal opportunities in schools such as through increased mother-tongue learning, and strengthen measures aimed at the promotion of tolerance and inter-cultural respect among the majority population;**
- **Amend the current legislative framework to provide comprehensive protection from all forms of discrimination and pursue the establishment of an independent body responsible for the effective investigation of and follow-up to all cases of discrimination.**

TABLE OF CONTENTS

I. KEY FINDINGS.....	3
Monitoring process	3
General overview of the present situation	3
Assessment of measures taken to implement the recommendations from the third cycle	3
II. ARTICLE-BY-ARTICLE FINDINGS.....	4
Article 6 of the Framework Convention.....	4
III. CONCLUSIONS	8

I. KEY FINDINGS

Monitoring process

1. This fourth 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 23 of Resolution (97) 10 of the Committee of Ministers. The findings are based on information contained in the fourth [State Report](#), received in a timely manner from the authorities on 7 April 2014, and other written sources available to the Advisory Committee. In view of the absence of recognised national minorities in Liechtenstein, this Opinion – like previous ones – contains an assessment of measures undertaken by the authorities only with regard to Article 6 of the Framework Convention, which explicitly extends its protection to all persons living on the territory of a member state.

General overview of the present situation

2. The authorities have continued to pay attention to the integration of non-nationals and the promotion of tolerance and inter-cultural dialogue. A comprehensive government concept on integration was adopted in December 2010 based on the principle “Liechtenstein – Strength through Diversity”. Integration support continues to be focussed mainly on the promotion of German language skills, which remain a precondition for the issuance of permanent residence permits. An institutional reform is underway to establish an independent human rights institution in line with the Paris Principles.

Assessment of measures taken to implement the recommendations from the third cycle

3. There have been no amendments to the anti-discrimination legislation. The Equal Opportunities Office continues to be under-resourced and the implementation of the National Action Plan against Racism is incomplete. Efforts are, however, being made to address these shortcomings, among others through the establishment of an independent human rights institution with a comprehensive mandate and increased human and financial resources.

II. ARTICLE-BY-ARTICLE FINDINGS

Article 6 of the Framework Convention

Promotion of tolerance and inter-cultural dialogue

4. Liechtenstein society continues to be made up in substantial parts by foreigners,¹ most of who originate from the EU and EEA states. Consecutive surveys conducted by the Liechtenstein Institute on attitudes and perceptions in society towards migrants in Liechtenstein reveal broadly positive opinions among the population with high proportions considering that foreigners add creativity and economic stimulus to the country. The authorities maintain a number of measures to further the integration of migrants, concentrating mainly on the promotion of German language skills as a tool to enhance attainment in the education and employment fields. A new integration concept was adopted in December 2010, based on the principle “Liechtenstein – Strength through Diversity”, which, according to the State Report, places emphasis on the benefits of diversity and multilingualism for society in Liechtenstein.

5. The Advisory Committee notes, however, the apparent absence of a broader policy to promote multilingualism in society, including as regards the languages of migrant communities. While the authorities pay considerable attention to the issue of education as a tool for integration and Liechtenstein enjoys excellent ratings in OECD comparative studies, children of migrant communities continue to be disproportionately represented in lower-level schools, which has a direct negative effect on their later achievement in the labour market. Although this phenomenon is not specific to Liechtenstein, the Advisory Committee considers that particular attention must be paid to ensuring that the effective equality of children with diverse language backgrounds in schools is enhanced through specific and targeted measures. It points in this regard to substantial research suggesting the benefits of mother tongue learning for broader academic achievement in life, including the proficient learning of second languages, among others through the promotion of bi- and multilingual education models.² Opportunities for foreigners’ associations to apply for funding for Sunday schooling in native languages exist; however, these are reportedly insufficient to respond to the needs of communities and are often difficult to implement due to a shortage of adequately trained teachers who possess the required qualifications.

6. The Advisory Committee notes that the promotion of German language knowledge remains a precondition for the issuance of permanent residence permits to any foreigner. While acknowledging the importance of official language skills for the integration of society, the Advisory Committee reiterates its standpoint that pressure and conditionality are generally inappropriate tools for the promotion of integration, and that the relevant strategies must not

¹ At the end of June 2013, Liechtenstein had a permanent population of 36,942. 33.6% of the population are foreigners. Only some 21% of the foreigners originate from “third countries”, i.e., non EU or EEA states. See State Report, page 2.

² See ACFC Thematic Commentary on Language Rights of Persons Belonging to National Minorities, para. 39.

rely disproportionately on efforts to be made by migrants. It encourages the authorities to strengthen measures aimed at promoting openness and tolerant attitudes among the majority population, in particular through the enhancement of inter-cultural and inter-religious content in the school curriculum and environment at all levels to raise awareness of and appreciation for Liechtenstein's diversity.

7. The Advisory Committee is further concerned by amendments to the Law on Foreigners of March 2011 which establish non-reliance on social benefits as one of the eligibility criteria for permanent residence. This regulation may discourage entitled non-nationals from applying for social benefits.³ It also appears at odds with the overall aim contained in Article 6.1 of the Framework Convention of promoting mutual respect and co-operation among all persons living on the territory, irrespective of their economic situation.

8. The Advisory Committee welcomes the promotion of dialogue and exchange through the organisation of conferences on integration matters in 2011 and 2012, providing an opportunity for foreigners' associations to voice their concerns and make suggestions for possible improvements, including as regards the availability of German language courses for migrant communities. It also welcomes in this context the plan for a possible transfer of the unit dealing with integration questions from the Migration and Passport Office to an entity dealing with human rights and equality issues. This move is meant to ensure the promotion of effective equality among migrant communities in a comprehensive manner and not solely through the angle of immigration legislation, and to address the lack of clarity regarding the distribution of competences and tasks between both entities.

9. The Advisory Committee finally welcomes the attention paid in a variety of cultural events and media programmes to the experiences of and particular contributions to society made by non-nationals. Theatre performances such as "BuntLounge" or "Colourful Lounge" in which the individual stories of migrants are told and discussed constitute good practice as they add to an overall openness towards and respect for foreigners in Liechtenstein.

Recommendations

10. The Advisory Committee encourages the authorities to further promote inter-cultural awareness and respect for diversity in society. In particular, they should focus on the promotion of equal opportunities in schools, including through appropriate measures in the field of mother-tongue learning.

11. The Advisory Committee further calls on the authorities to maintain an open and comprehensive approach towards the integration of migrants, including those in need of social assistance, and to strengthen tolerance-building measures directed towards the majority population.

³ See also ECRI Report on Liechtenstein (fourth monitoring cycle), December 2012, para. 56.

Protection from discrimination and hate-motivated offences

12. The Advisory Committee notes that international human rights treaties are directly applicable in Liechtenstein, substantially broadening the discrimination-related protective framework provided for in the 1921 Constitution. Article 283 of the Criminal Code prohibits racist acts such as the incitement to hatred or discrimination based on the grounds of race, religion or ethnic origin, and Article 33-5 establishes racist or xenophobic motivation as an aggravating circumstance for any offence. Civil law provisions against discrimination exist in some sectors, such as the Employment Contract Act. However, there is no comprehensive civil and administrative legal framework against all forms of racial discrimination.⁴ The number of cases brought to the attention of the authorities alleging racial discrimination or hate crime remains negligible and efforts are being made to swiftly prosecute and sanction such incidents.

13. The Advisory Committee observes, however, that the scarcity of complaints related to racial discrimination brought forward to the authorities does not necessarily reflect the absence of any discrimination but may also point to a limited awareness among the public of available legal remedies, or the inapplicability of the legal framework to the actual context. Indeed, cases of discrimination in access to employment as well as remuneration and promotion continue to be reported, among others on the grounds of language – which is not included in the actionable grounds for discrimination.⁵ The Advisory Committee considers that given the high number of foreigners residing in Liechtenstein and the particular focus placed on language abilities in the country's integration strategy, the legislative framework should be amended to comprehensively prohibit discrimination on grounds of colour, ethnic origin, citizenship, religion or language, in the public and private sectors, and in all areas, in line with ECRI's General Policy Recommendation No. 7.⁶

14. The Advisory Committee further notes consistent criticism from international monitoring bodies regarding the lack of independence of the Equal Opportunities Office from the Government, and the fact that it does not have a comprehensive mandate.⁷ Its resources are widely considered insufficient for the implementation of the 2002 National Action Plan against Racism, which includes the raising of public awareness, the promotion of integration of the foreign population, improvement of the data situation, and documentation.⁸ The Advisory

⁴ See also Concluding Observations on the fourth to sixth periodic reports of Liechtenstein, adopted by the Committee on the Elimination of All Forms of Racial Discrimination in August 2012. CERD/C/LIE/CO/4-6.

⁵ Article 46(1)(a) of the Employment Contract Act, for instance, prohibits termination of a labour relation on the grounds of race, colour, descent, nationality or ethnic origin but does not extend to complaints related to remuneration, nor to the grounds of language or religion. See ECRI Report, December 2012, para. 31.

⁶ See ECRI General Policy Recommendation No. 7 on national legislation to combat racism and racial discrimination, adopted on 13 December 2002.

⁷ See consecutive reports of ECRI and CERD concluding observations. See also UN Universal Periodic review, January – February 2013, and the statement by the Council of Europe Commissioner for Human Rights in February 2012.

⁸ See State Report, page 3.

Committee welcomes the fact that an institutional reform is underway to establish an independent national human rights institution in line with the Paris Principles. The Advisory Committee understands that the Institution is to deal comprehensively with the protection of human rights, including the investigation of complaints involving racial discrimination and sanctioning of averred cases, while awareness-raising and training activities on non-discrimination standards are to remain in the government sphere, probably within the Ministry of Social Affairs. The Advisory Committee welcomes these plans and expects that they will be accompanied with an appropriate increase in resources to implement the National Action Plan against Racism effectively, including as regards adequate dissemination of information among the population to ensure that all persons are encouraged to bring cases of discrimination to the attention of the appropriate authority and seek prompt investigation and sanctioning.

Recommendations

15. The Advisory Committee strongly encourages the authorities to amend the current legislative framework relating to hate crime and racial discrimination in order to provide comprehensive protection from all forms of discrimination in line with ECRI standards.
16. The Advisory Committee encourages the authorities to pursue the ongoing institutional reforms and establish, without undue delay, an independent body that is comprehensively mandated with the investigation of and appropriate follow-up to all cases of discrimination through binding and enforceable decisions.

III. CONCLUSIONS

17. The Advisory Committee considers that the present concluding remarks and recommendations could serve as the basis for the resolution to be adopted by the Committee of Ministers with respect to the implementation of the Framework Convention by Liechtenstein.

18. The authorities are invited to take account of the observations and recommendations contained in Sections I and II of the Advisory Committee's Fourth Opinion. In particular, they should take the following measures to improve further the implementation of the Framework Convention:

- **Pursue an open and comprehensive approach towards integration, including the promotion of equal opportunities in schools such as through increased mother-tongue learning, and strengthen measures aimed at the promotion of tolerance and inter-cultural respect among the majority population;**
- **Amend the current legislative framework to provide comprehensive protection from all forms of discrimination and pursue the establishment of an independent body responsible for the effective investigation of and follow-up to all cases of discrimination.**