



## SIXTH OPINION ON LIECHTENSTEIN



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

Adopted on 9 October 2023

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## SUMMARY

1. The policy of the Principality of Liechtenstein with regard to the Framework Convention for the Protection of National Minorities is determined by its declaration that no national minorities in the sense of the Framework Convention exist in its territory and that it considers its ratification as an act of solidarity in the view of the objectives of the convention. Liechtenstein declares its readiness to continue to attach particular attention to the Framework Convention and its application as an essential tool of the Council of Europe in its efforts to protect the existence of national minorities within the respective territories of the states parties, and to promote the full and effective equality of persons belonging to national minorities. In addition, as part of its development co-operation, Liechtenstein financially supports projects in favour of national minorities in South-Eastern Europe.

#### Solidarity and promotion of the objectives of the Framework Convention through international co-operation

2. In the fifth monitoring cycle, the Committee of Ministers and the Advisory Committee recommended Liechtenstein to continue promoting the objectives of the Framework Convention, including by pursuing its support to national minorities in Europe, in co-operation with the Council of Europe. In line with this recommendation, the authorities have supported activities aiming at the inclusion of Roma and other national minorities such as Ashkali and Egyptians in Bosnia and Herzegovina, Serbia and Kosovo\*<sup>1</sup> during the reporting period. The authorities are encouraged to support measures protecting national minorities in different parts of Europe and for the benefit of various national minorities as well as to consider co-operation with the Council of Europe in this context.

#### Scope of application (Article 3)

3. The authorities have informed the Advisory Committee that the declaration contained in the instrument of ratification, deposited on 18 November 1997, continues to reflect the situation in Liechtenstein that there are no national minorities within the meaning of the Framework Convention on the state territory. The Advisory Committee is not aware of any persons or groups having expressed interest in obtaining protection offered by the Framework Convention. Nevertheless, the authorities have published information about the Framework Convention, thereby implementing the respective recommendations by the Committee of Ministers and the Advisory Committee in the fifth monitoring cycle.

#### Combating incitement to hatred and discrimination (Article 6)

4. The prohibition of incitement to hatred and discrimination under criminal law is effective. Cases of incitement in this context occur rarely. However, the Committee of Ministers' and the Advisory Committee's recommendations to enact comprehensive anti-discrimination legislation beyond the criminal law framework have not been implemented.

5. Liechtenstein's integration strategy adopted in 2021 contributes to encouraging inclusion and integration in different fields in conformity with the respective recommendations made in the fifth monitoring cycle. In general, a climate of tolerance prevails in Liechtenstein.

<sup>1</sup> All reference to Kosovo, whether to the territory, institutions or population, in this text shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.

## PRIORITY RECOMMENDATIONS

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6. The Advisory Committee proposes that the Committee of Ministers make the following recommendations to Liechtenstein.

### Priority recommendations

7. The authorities should take the following priority measures to improve further the implementation of the Framework Convention, along with the implementation of all recommendations contained in this opinion.

8. The Advisory Committee calls on the authorities to amend the current legislative framework relating to discrimination beyond criminal law in order to provide comprehensive protection from all forms of discrimination.

### Other recommendations

9. The authorities are invited to take account of the detailed observations and recommendations contained in the present Opinion of the Advisory Committee.

### Follow-up to these recommendations

10. The Advisory Committee encourages the authorities to translate and publish the present Opinion into German.

## MONITORING PROCEDURE

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### Follow-up activities and awareness-raising related to the recommendations of the Fifth Opinion of the Advisory Committee

11. The Fifth Opinion was published on the government's website in English and a summary in German.<sup>2</sup>

### Preparation of the state report for the sixth cycle

12. The state report was due and received on 1 March 2023.<sup>3</sup>

### Country visit and adoption of the sixth Opinion

13. This sixth-cycle Opinion on the implementation of the Framework Convention for the Protection of National Minorities (hereinafter "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. The findings are based on information contained in the sixth state report and additional information obtained by the Advisory Committee from the authorities as well as from non-governmental sources. The Advisory Committee has not considered it necessary to organise a country visit.

14. The draft opinion, as approved by the Advisory Committee on 8 June 2023, was transmitted to the Liechtenstein authorities on 14 June 2023 for observations, according to Rule 37 of Resolution (2019)49. No observations were received from the Liechtenstein authorities.

\* \* \*

15. Given the limited scope of application of the provisions of the Framework Convention in Liechtenstein, a number of articles of the Framework Convention are not covered in the present opinion.

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<sup>2</sup> See the website of the [State Administration of the Principality of Liechtenstein](#).

<sup>3</sup> [Sixth report submitted by Liechtenstein](#), ACFC/SR/VI(2023)1, p. 2.

\* All reference to Kosovo, whether to the territory, institutions or population, in this text shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.

## SPECIFIC ASPECTS OF THE APPLICATION OF THE FRAMEWORK CONVENTION

**Solidarity and promotion of the objectives of the Framework Convention through international co-operation**

16. When depositing its instrument of ratification, Liechtenstein declared that “no national minorities in the sense of the Framework Convention exist in the territory of the Principality of Liechtenstein” and that it considers the ratification “as an act of solidarity in the view of the objectives of the Convention”.<sup>4</sup> In their sixth state report, the authorities reiterate that Liechtenstein will remain committed to the promotion of the treaty objectives.

17. To this end, Liechtenstein financially supports projects in favour of national minorities in the Western Balkans. These projects, among other things, are aimed at improving the social inclusion of Roma, Ashkali, Egyptians and persons belonging to other national minorities in the fields of education, employment and entrepreneurship. The measures are implemented in Bosnia and Herzegovina (500 000 to 600 000 Swiss Francs (CHF) per year), Kosovo\* (CHF 500 000 to 600 000 per year) and Serbia (up to CHF 100 000 per year). They address, among other aspects, the improvement of access to quality education (Bosnia and Herzegovina, Kosovo\*, Serbia), income generation and economic development in rural areas by promoting small and medium-sized enterprises, with a focus on the inclusion of persons belonging to national minorities (Bosnia and Herzegovina, Kosovo\*), housing and social inclusion (Bosnia and Herzegovina), and generating investments through including the diaspora and fostering co-operation between different ethnic communities (Kosovo\*).<sup>5</sup>

18. Having regard to the Committee of Ministers’ and the Advisory Committee’s recommendations made in the fifth monitoring cycle, the Advisory Committee welcomes that Liechtenstein has continued to promote the objectives of the Framework Convention, notably through practical support to the inclusion of national minorities in Bosnia and Herzegovina, Serbia and Kosovo\*.

19. At the same time, the Advisory Committee notes that Liechtenstein’s measures in support of national minorities were implemented in a geographically more restricted area than in the previous monitoring cycle, when Liechtenstein supported activities in eight states.<sup>6</sup> Furthermore, there is no information about co-operation with the Council of Europe in the implementation of projects, as recommended in the fifth monitoring cycle. Therefore, the Advisory Committee encourages the authorities to continue promoting the objectives of the Framework Convention by supporting measures and projects protecting national minorities in different parts of Europe and for the benefit of various national minorities, as well as to examine which projects could be implemented in co-operation with the Council of Europe.

<sup>4</sup> 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.

<sup>5</sup> Additional information provided by the authorities.

<sup>6</sup> The measures were implemented in Bulgaria, Croatia, the Czech Republic, Greece, Portugal, Romania, the Slovak Republic and Slovenia.

## ARTICLE-BY-ARTICLE FINDINGS

## Scope of application (Article 3)

20. In their sixth state report, the Liechtenstein authorities state that the declaration contained in the instrument of ratification, deposited on 18 November 1997, continues to reflect the situation in Liechtenstein that there are no national minorities within the meaning of the Framework Convention on the state territory. The authorities have published the opinions by the Advisory Committee on Liechtenstein (in English),<sup>7</sup> including the Fifth Opinion, their state reports (in German and English) as well as the text of the treaty (in German) on the government's website.

21. The Advisory Committee is not aware of any persons or groups having expressed interest in obtaining protection offered by the Framework Convention.

22. The Advisory Committee reiterates that the dissemination of information about the Framework Convention and its monitoring mechanism helps reach out to persons or groups who may benefit from the protection of the treaty.<sup>8</sup> Therefore, the Advisory Committee welcomes the publication by Liechtenstein of its state reports, the Advisory Committee's opinions and the text of the Framework Convention on the government's website, in compliance with the respective recommendations made by the Committee of Ministers and the Advisory Committee in the fifth monitoring cycle.

## Recommendation

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

## Combating incitement to hatred and discrimination (Article 6)

24. As regards the Committee of Ministers' and Advisory Committee's fifth cycle recommendations to amend the legislative framework relating to discrimination in order to provide comprehensive protection from all forms of discrimination, the authorities informed the Advisory Committee that Liechtenstein law guarantees the principle of equality and non-discrimination at constitutional and legal level in order to offer protection against disadvantages, inequalities and discrimination. The independent human rights association *Verein für Menschenrechte in Liechtenstein* (VMR) together with the Violence Protection Commission of the Government (*Gewaltschutzkommission*) and the department for Equal Opportunities prepared a national campaign to raise awareness on the prohibition of discrimination under criminal law.<sup>9</sup> The VMR also built up a database collecting and analysing all case law relating to the prohibition of discrimination in criminal law since its amendment in 2016. The data is being provided by the Public Prosecutor's Office.<sup>10</sup> Section 283 of the Criminal Code defines as criminal offences discrimination on the grounds of, *inter alia*, "race", language, nationality, ethnicity, and religion",<sup>11</sup> public incitement to hatred or discrimination and 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 grounds.

25. According to the VMR, which has *inter alia* the function of an ombudsperson, the application of the Criminal Code's anti-discrimination provision functions well in practice. However, the VMR is of the opinion that the prohibition of discrimination under criminal law is not suitable for addressing structural discrimination or discrimination in a civil law context. Comprehensive civil anti-discrimination legislation is still lacking and there are no plans to draft such legislation. The VMR believes that legislation must define discrimination beyond the criminal law framework so that it is prevented, for example, in access to education and vocational training, in employment and in the enjoyment of social benefits. Furthermore, considering that the Gender Equality Act and the Act on the Equality of Persons with Disabilities contain civil anti-discrimination provisions, the VMR proposes that comprehensive anti-discrimination legislation be drafted on this basis.<sup>12</sup>

<sup>7</sup> A summary of the Fifth Opinion was published also in German.

<sup>8</sup> See [ACFC Thematic commentary No. 4, The Framework Convention: a key tool to managing diversity through minority rights](#), para. 14.

<sup>9</sup> See the dedicated [website](#).

<sup>10</sup> See [ENNHRI \(ed.\): The state of the rule and law in Europe. Reports from National Human Rights Institutions - Liechtenstein](#), pp. 3-4.

<sup>11</sup> In German "Rasse, Sprache, Nationalität, Ethnie, Religion", see [Section 283 of the Criminal Code](#).

<sup>12</sup> See Verein für Menschenrechte in Liechtenstein, [Jahresbericht 2022](#), pp. 16-17.



26. In 2021 and 2022, the public prosecutor initiated few<sup>13</sup> proceedings for discrimination on the grounds of origin and religion under Section 283 of the Criminal Code, and very few<sup>14</sup> judgements of final instance were issued. There have been no major incidents of violence with extremist background in Liechtenstein for several years.<sup>15</sup>

27. As far as the promotion of inclusion and integration is concerned, the government in 2021 adopted an integration strategy which defines the legal and political basis of integration policy and identifies concrete goals for achieving integration, participation and equality of opportunity. Representatives of the VMR were involved in drafting the strategy which foresees state activities in the fields of education, “living together” (*Zusammenleben*), religion, equal treatment and non-discrimination.

28. As far as education is concerned, the strategy foresees specific measures concerning, in particular, awareness-raising about the possibilities of language courses and their funding shall accompany and support children and young people from non-German speaking families as early as possible in order to increase their proportion in secondary school and grammar school. In addition, sports, leisure and cultural activities shall be available to strengthen “living together” in society and the sense of belonging of migrants. At the same time, migrants will be encouraged to recognise the social and living conditions in Liechtenstein, including gender equality. In relation to religious issues, the strategy aims at promoting respect for different religious beliefs, attitudes and practices within the legal framework and continuous intercultural and interreligious dialogue. Moreover, national and local officials will be sensitised to all forms of discrimination and unequal treatment and encouraged to recognise and avoid them in their work. Incidents of racism, discrimination and multiple disadvantages shall be investigated and eliminated.<sup>16</sup> In 2022, the authorities carried out awareness-raising activities concerning the strategy, for example an integration dialogue attended by civil society representatives and exchanges with all municipalities. The strategy was also made available in plain language.<sup>17</sup>

29. The Advisory Committee notes that, in light of information provided by governmental and non-governmental institutions, the prohibition of discrimination under criminal law is effective and that discrimination in this context occurs rarely. It appreciates that the authorities have organised training on the anti-discrimination legislation *inter alia* for law enforcement agents, which contributes to ensuring that cases of discrimination are identified, investigated and punished. However, the Advisory Committee regrets that the recommendations to enact comprehensive anti-discrimination legislation have not been implemented.<sup>18</sup>

30. The Advisory Committee further notes with satisfaction that the fields of action covered by Liechtenstein’s integration strategy contribute to encouraging inclusion in different fields, including education, and are following the spirit of Article 6. It welcomes that the respective recommendations made by the Committee of Ministers and the Advisory Committee in the fifth monitoring cycle have been implemented. According to the information available, a climate of tolerance prevails in Liechtenstein.

### Recommendation

31. The Advisory Committee calls on the authorities to amend the current legislative framework relating to discrimination beyond criminal law in order to provide comprehensive protection from all forms of discrimination.

<sup>13</sup> With regard to racial discrimination under Section 283, there have been eight new proceedings in 2020, eight in 2021 and two in 2022.

<sup>14</sup> There have been six judgments, see [Regierung des Fürstentums Liechtenstein \(ed.\): Menschenrechte in Liechtenstein, Zahlen und Fakten 2022, Vaduz 2023](#), p. 129.

<sup>15</sup> See Verein für Menschenrechte in Liechtenstein, [Jahresbericht 2022](#), pp. 17-18.

<sup>16</sup> See [Integration Strategy](#) 2021.

<sup>17</sup> See *ibidem*, pp. 32-33 and [Integration Strategy in plain language](#).

<sup>18</sup> The Advisory Committee also refers to the corresponding recommendation by ECRI in its [report on Liechtenstein](#) (fifth monitoring cycle), CRI(2018)18, paras. 13-14.

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, among other languages, in German.

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