



Strasbourg, 07 December 2005

ACFC/INF/OP/II(2004)001

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

**SECOND OPINION ON LIECHTENSTEIN
ADOPTED ON 1 OCTOBER 2004**

EXECUTIVE SUMMARY

Liechtenstein has taken steps to improve the implementation of the Framework Convention following the adoption of the first Opinion of the Advisory Committee in November 2000 and the Committee of Ministers' Resolution in November 2001, although there is only limited potential for application of a number of provisions of this instrument in this country.

Special attention will have to be paid to the implementation and regular assessment of the National Action Plan against racism and intolerance adopted by the Government in 2003, as discrimination continues to affect people who do not share the language, culture or religion of the majority population.

TABLE OF CONTENTS

I. MAIN FINDINGS	4
Monitoring process	4
Discrimination and intolerance	4
II. ARTICLE-BY-ARTICLE FINDINGS	5
Articles 4 and 6 OF THE FRAMEWORK CONVENTION	5
Promotion of tolerance and fight against discrimination	5
III. CONCLUDING REMARKS	7
Positive developments	7
Issues of concern	7
Recommendations	7

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

SECOND OPINION ON LIECHTENSTEIN

1. The Advisory Committee adopted the present opinion on 1 October 2004 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 second State Report (hereinafter the State Report), received on 25 March 2004, and other written sources consulted by the Advisory Committee.
2. Section I below contains the Advisory Committee's main findings on key issues pertaining to the implementation of the Framework Convention in Liechtenstein. These findings reflect the more detailed article-by-article findings contained in Section II, which covers those provisions of the Framework Convention on which the Advisory Committee has substantive issues to raise.
3. Both sections make reference to the follow-up given to the findings of the first cycle of monitoring of the Framework Convention, contained in the Advisory Committee's first Opinion on Liechtenstein, adopted on 30 November 2000, and in the Committee of Minister's Resolution, adopted on 27 November 2001.
4. The concluding remarks, contained in Section III, could serve as the basis of the Committee of Ministers' forthcoming conclusions and recommendations on Liechtenstein.
5. The Advisory Committee looks forward to continuing its dialogue with the authorities of Liechtenstein as well as with non-governmental actors involved in the implementation of the Framework Convention. In order to promote an inclusive and transparent process, the Advisory Committee strongly encourages the authorities to make the present Opinion public upon its receipt.

I. MAIN FINDINGS

Monitoring process

6. Liechtenstein ratified the Framework Convention as an act of solidarity intended to further the aims of this legal instrument. Liechtenstein has stated that it does not have any national minorities within the meaning of the Framework Convention on its territory. In view of the information gathered during the first monitoring cycle, the Advisory Committee and the Committee of Ministers considered therefore that there was only limited potential for application of a number of provisions of the Framework Convention in Liechtenstein.

7. Bearing in mind the foregoing, the Advisory Committee did not consider it imperative, between the first and second monitoring cycle, to encourage follow-up activities to the same extent as it had for other States Parties. While the Advisory Committee welcomes the fact that the authorities of Liechtenstein support the aims of the Framework Convention, it regrets that they did not endeavour to make the public more aware of the Framework Convention and the results of the first monitoring cycle. It would seem, for example, that the Advisory Committee's Opinion of 30 November 2000 and the Committee of Ministers' Resolution of 27 November 2001 were neither translated into German, Liechtenstein's official language, nor distributed to groups or organisations that might have been interested in them.

Discrimination and intolerance

8. Liechtenstein has taken a number of positive steps to combat the various forms of racism, intolerance and discrimination. Discrimination continues to affect people who do not share the language, culture or religion of the majority population, particularly non-nationals who are not part of the immigrant population from neighbouring countries. In the future, special attention will have to be paid to the implementation and regular assessment of the National Action Plan against racism and intolerance adopted by the Government in 2003, which was based *inter alia* on the recommendations made by CERD in March 2002 and ECRI in June 2002.

II. ARTICLE-BY-ARTICLE FINDINGS

ARTICLES 4 AND 6 OF THE FRAMEWORK CONVENTION

Promotion of tolerance and fight against discrimination

Findings of the first cycle

9. During the first monitoring cycle, the Advisory Committee attached importance to promotion by the authorities of a spirit of tolerance and mutual respect between all persons living on the territory of Liechtenstein. It added that the authorities should try to remedy any possible integration difficulties certain groups may encounter because of religious or cultural differences.

Present situation

a) Positive developments

10. The Advisory Committee notes with satisfaction that the State Report contains relatively detailed information on the composition of the population and the characteristics of the various constituent groups. It also welcomes the fact that Liechtenstein has included information in its State Report on measures taken to improve the integration of foreign nationals and prevent racism and discrimination, even though the Government does not consider these groups as national minorities.

11. In this connection, the Advisory Committee recalls that legal provisions and other measures aimed at combating discrimination and promoting effective equality, a spirit of tolerance and intercultural dialogue must not themselves constitute a source of unjustified distinctions but protect all individuals against any form of discrimination on the grounds of language, culture, ethnic background or religion. These provisions and measures are therefore also covered by Articles 4 and 6 of the Framework Convention, the scope of which cannot be restricted to national minorities alone.

12. The Advisory Committee welcomes the adoption by the Government in February 2003 of a National Action Plan aimed at implementing the conclusions of the Durban World Conference against Racism, Racial Discrimination, Xenophobia and related Intolerance. This plan is scheduled to run for five years and is aimed in particular at making the public more aware of the various forms of racism and their causes and encouraging the integration of foreign nationals in Liechtenstein. The Advisory Committee also welcomes the setting up, in July 2003, of a Commission for the Protection against Violence to observe and document acts of violence linked to right-wing extremism and identify dangerous developments in this field.

b) Outstanding issues

13. The Advisory Committee notes that ECRI's second report on Liechtenstein¹ highlights the many significant steps taken by the authorities to combat racism and intolerance, while drawing attention to the particularly exposed position of some vulnerable groups such as persons – particularly women – of immigrant origin and Muslims, and the lack of a comprehensive integration strategy. The concluding observations of CERD also contain relevant recommendations in this respect².

Recommendations

14. The authorities should pay all the requisite attention to the full implementation of the National Action Plan and attempt to remedy the shortcomings identified both by ECRI in its second report and by CERD in its Concluding Observations, including as concerns law enforcement officers training³. It is also important that the authorities regularly assess the impact of the measures taken. As information and statistical data on the extent of discrimination in Liechtenstein are still incomplete, the authorities should make a special effort to collect data in such key areas as access to employment, education and social services.

¹ See the Second Report on Liechtenstein adopted by the European Commission against Racism and Intolerance (ECRI) on 28 June 2002, document CRI(2003)4.

² See Concluding Observations on Liechtenstein adopted on 21 May 2002 by the United Nations Committee on the Elimination of Racial Discrimination (CERD).

³ See Concluding Observations on Liechtenstein adopted on 21 May 2002 by the United Nations Committee on the Elimination of Racial Discrimination (CERD), paragraph 9.

III. CONCLUDING REMARKS

15. The Advisory Committee considers that these concluding remarks could serve as the basis for the conclusions and recommendations to be adopted by the Committee of Ministers in respect of Liechtenstein.

Positive developments

16. Liechtenstein has taken steps to improve the implementation of the Framework Convention following the adoption of the first Opinion of the Advisory Committee in November 2000 and the Committee of Ministers' Resolution in November 2001.

17. As was recognised in the first monitoring cycle, there is however only limited potential for application of a number of provisions of the Framework Convention in Liechtenstein.

Issues of concern

18. Discrimination continues to affect people who do not share the language, culture or religion of the majority population, particularly non-nationals who are not part of the immigrant population from neighbouring countries.

Recommendations

19. In addition to the measures to be taken to implement the detailed recommendations contained in sections I and II of the Opinion of the Advisory Committee, the authorities are invited to take the following measures to improve further the implementation of the Framework Convention:

- Pay requisite attention to the full implementation of the 2003 National Action Plan against racism and intolerance and regularly assess the impact of the measures taken, including through the gathering of relevant data.