

**Consideration of the second and third periodic report of Liechtenstein
by the Committee on the Elimination of Racial Discrimination**

Geneva, 27 and 28 February 2007

Introductory Statement by Liechtenstein

Mr. Chairman,
Distinguished members of the Committee,
Ladies and Gentlemen,

At the outset, I wish to offer you the apologies of Ambassador Norbert Frick, Permanent Representative of Liechtenstein in Geneva, who is unfortunately not able to attend this meeting because of an unforeseeable change in his meeting schedule that occurred at very short notice. I will do my best to replace him as head of our delegation. My name is Patrick Ritter and I'm the Deputy Permanent Representative of Liechtenstein to the United Nations in New York. The other members of our delegation are:

- Ms. Veronika Marxer, Office for Equal Opportunities
- Ms. Regine Walzl, Immigration and Passport Office
- Mr. Jules Hoch, Head of the Criminal Police
- Mr. Michael Jehle, Judge at the Court of Justice
- Ms. Alicia Längle, Office for Foreign Affairs
- Ms. Isabel Frommelt, Permanent Mission of Liechtenstein to the United Nations in Geneva

The Liechtenstein Government attaches high importance to the international and regional human rights agreements and their implementation, and it therefore strives to fulfill all its reporting requirements in a timely and substantive manner – even if this is not always easy for a small country with limited human resources and many diverse reporting obligations. At the same time, Liechtenstein is committed to strengthening the system of human rights protection within the framework of the United Nations. The treaty bodies are an important pillar of this system. Liechtenstein is therefore following the reform of the treaty bodies with great interest and was honored to make an active contribution to this reform debate as host of the two expert seminars on treaty body reform in 2003 and 2006 (Malbun I and II).

Mr. Chairman,

We welcome the opportunity to discuss with you today the second and third periodic report of Liechtenstein under the ICERD and hope that the relatively large size and diverse composition of our delegation will contribute to a fruitful dialogue. This dialogue is highly valuable since your committee assembles outstanding international expertise in the issues at hand. It takes place just two weeks after the official launch of the “European Year of Equal Opportunities for All” in Liechtenstein. This event attracted considerable NGO participation and a lot of attention among the general public. It constituted another building block in the efforts of the Liechtenstein authorities to raise public awareness for the importance of the fight against racial discrimination and for the potential of genuine integration. The political interest in genuine and mutually beneficial integration has also been underscored by the personal commitment of the head of Government. Close involvement of civil society in the ongoing discussions at local and national level is another feature I would like to mention in this respect. Such involvement of a large proportion of the population may result in a somehow reduced speed of reform measures. It has, on the other hand, the great advantage that political decisions are better anchored in the constituencies, which is particularly important for a political system with strong direct-democratic elements. The potential benefits of those direct-democratic elements for the fight against racial discrimination are reflected in the initiative taken by a group of youth who managed to gather enough support for a parliamentary petition to strengthen the criminal code with regard to the display of symbols with racist connotations. The fact that this initiative was taken and pursued by young people with the support of the Office of Equal Opportunities gives us hope that the close involvement of civil society in the awareness-raising measures of the Liechtenstein authorities is bearing fruit.

Mr. Chairman

After these introductory comments I wish to turn now to the list of questions put by the Rapporteur (Mr. Thornberry). In order not to overload this one hour introduction of ours, our delegation decided to address the main questions in the following four thematic clusters: “legal aspects”, “equal opportunity and integration of foreigners”, “combating right wing extremism” and “statistics and documentation”. In this way we can give you a comprehensive overview of the most relevant improvements which have been made in the fight against racial discrimination since the presentation of our initial country report in 2002. You will find detailed written answers to all questions put by the Rapporteur in the document that has been shared with you at the outset of this presentation.

Legal Aspects (Michael Jehle)

Mr. Chairman,
Distinguished members of the Committee,
Ladies and Gentlemen,

With respect to the legal aspects, you are certainly interested in the enforcement of the provisions of the Convention in criminal law. As stated in the initial country report, Liechtenstein criminal law was expanded in preparation for ratification of the ICERD. § 283 of the Criminal Code defines racial discrimination in accordance with article 1 of the Convention. Among other offences, it also criminalizes membership in an association that engages in promoting or inciting racial discrimination. This allows the prosecution of the members of such associations. In concrete individual cases, Parliament could enact the prohibition of such an organization at the level of a special law.

Since the last report, five cases went to court under § 283 of the Criminal Code. These proceedings concerned discriminatory acts against foreign persons and persons of other races in the form of insults/verbal abuse and the possession of propaganda material/devotional objects. One case arose from religious fanaticism. No physical assaults occurred in any of these cases. Four cases resulted in a conviction, and one perpetrator was acquitted. Another case was suspended already during police investigations.

With respect to the scope of application of § 283 of the Criminal Code, a petition was submitted to the Liechtenstein Parliament in October 2006 with the goal of criminalizing the carrying of Nazi emblems and racially discriminating symbols. The young petitioners demand in particular that the propagation of inhuman ideologies, of whatever form, be prohibited. They call for the existing legal foundation to be specified in more detail, in order to more effectively combat this form of racist propaganda. The petition was unanimously forwarded by Parliament to the Government. Legal research in this respect is currently being conducted by the Ministry of Justice.

With regard to developments of the general legal regime governing the application of the ICERD in Liechtenstein, I also wish to mention the revision of the Constitutional Court Act, following amendments of the Liechtenstein Constitution which were adopted by popular vote in 2003. The revision included the extension of the competence of the Court to hear individual complaints in accordance with article 14 of the ICERD. Before that revision, this competence was limited to individual complaints under the European Convention on Human Rights to which Liechtenstein had acceded in 1982.

Thank you for your attention.

Equal Opportunity and Integration of Foreigners (Veronika Marxer)

Mr. Chairman,
Distinguished members of the Committee,
Ladies and Gentlemen,

As the officer responsible for Migration and Integration of Foreigners within the Office of Equal Opportunity, it is an honor for me to present the current developments on this topic.

An important step on the path towards a society free from discrimination was the establishment of the Office of Equal Opportunity and its accompanying Commission in February 2005. The responsibilities of the Commission, which is appointed by the Government, and the Office of Equal Opportunity include coordinating questions across Government offices relating to equal opportunity, specifying relevant strategies, drafting recommendations and proposals for the attention of the Government for measures in the area of equal opportunity, and advising the Government in this regard. Observing developments in equal opportunity, monitoring the measures taken, and public outreach relating to overarching questions of social significance are also integrated in the mandate of the Commission and the Office.

Migration and the integration of foreigners in Liechtenstein is one of topic areas dealt with by the Office and the Commission. Allow me to present a few figures in this regard as of June 2006: 11,904 foreigners from 90 countries live in Liechtenstein. This constitutes 34% of the total population of Liechtenstein. About 57% come from Switzerland, Austria, and Germany, the rest predominantly from Italy, Turkey, Portugal, Serbia, Montenegro, and Spain. Most of these foreigners came to work in Liechtenstein about 40 years ago; the rest arrived in the course of family reunification. Additional information on the composition of the Liechtenstein population and other key data and facts on Liechtenstein are available in the brochure “Liechtenstein in figures”, which we have brought distributed.

Against the background of this multinational composition of the permanent population of Liechtenstein, the Office and the Commission have developed an integration concept, which the Government is currently evaluating. The concept is based on the revised Ordinance on the Movement of Persons of November 2004, in which the integration of foreigners was for the first time legally enshrined as a political objective – this should be considered not only a milestone for a coherent integration policy, but also an important factor to prevent racial discrimination. The desire to accept foreigners in a fundamentally positive manner is namely the most important precondition for the tolerant and peaceful coexistence of people of different origins. Additional remarks on this topic and the English translation of the applicable provisions of the Ordinance on the Movement of Persons can be found in the written response to question 7.

The majority of the Liechtenstein population is a member of the Christian faith. In recent years, the number of persons with Muslim religious affiliation has grown. Muslims now constitute about 5% of the population, the largest non-Christian religious community in Liechtenstein. The Government has expended particular effort in advancing mutual understanding and the integration of the group, as illustrated by the establishment of a special Working Group on the Integration of Muslims by the Government in 2004. The Working Group is currently considering the acquisition of premises for the exercise of the Muslim religion, the creation of last resting-places for Muslims in Liechtenstein, and the introduction of Islamic religious instruction at the primary school level (see the written explanations in this regard under question 6). Various integration measures for Muslims have already been implemented or initiated: In 2005, the Prime Minister presented the inventory of books on Islam procured by the National Library to the broader public, in order to give the Liechtenstein population a greater understanding of the cultural and religious backgrounds and values of Islam. In the spring of 2006, the Government also decided to make an annual religious contribution of CHF 25,000 available to the Islamic communities. This corresponds approximately to the annual State contribution per capita that is also given to the Christian denominations.

By participating in various transnational events and campaigns against racial discrimination and discrimination in general, Liechtenstein advocates mutual respect and understanding between all people and between people with different ethnic backgrounds: In this connection, our country participated in the poster campaign of the Swiss Commission against Racism entitled “No Exclusion” in 2005, in the Council of Europe campaign “all different – all equal” in 2006, and currently in the “European Year of Equal Opportunity for All”. As part of these campaigns, a broad palette of events was carried out in Liechtenstein in cooperation with civil society. A detailed description of the activities planned for 2007 as part of the European Year of Equal Opportunity can be found in the written response to question 7. If you wish, I will be happy to provide you with a written list of the Liechtenstein-specific activities in the framework of the two previous campaigns.

This concludes my remarks – thank you very much for your attention.

Combating Right Wing Extremism (Jules Hoch)

Mr. Chairman,
Distinguished members of the Committee,
Ladies and Gentlemen,

In my function as the Chief of the Criminal Police and as the Head of the Violence Protection Commission appointed by the Government in 2003, one of the issues I deal with is the phenomenon of right-wing extremism. Please allow me to make a few remarks on the development in recent years in this regard.

Although the last few years have been rather quiet with respect to the public appearance of persons with a right-wing extremist background and fewer incidents and clashes occurred than in the preceding years, we have nevertheless found that a small core group of right-wing extremists has become increasingly networked with groups abroad and has become more strongly politicized than just a few years ago. Two weeks ago, the Government therefore mandated the Violence Protection Commission to develop a strategy against right-wing extremism in Liechtenstein by the end of the year. The goal is to keep the right-wing scene as small as possible and to prevent further young people from becoming ideologized. In this regard, we will draw on relevant regional and international expertise. The content of the individual criminal offenses with a right-wing extremist or racist background which occurred in the reporting period is included in our responses to question 11 by the Rapporteur.

The prevention campaign “Respect – please” is concerned with youth violence and its various manifestations – including right-wing extremist violence. The campaign is being conducted by the Violence Protection Commission under the patronage of the Liechtenstein Government from February 2007 to July 2008. The goals of the campaign include a critical consideration of the topic of youth violence, the participation of young people in finding solutions, the elaboration of measures to prevent violence, and the practice of violence-free communication and conciliatory measures. The basis of the campaign is a documentary film and pedagogical film material on the topic of youth violence that were produced and developed between 2004 and 2006. The film also underscores that youth violence cannot be treated as a bagatelle and that it arises from social problems that must be taken seriously.

I thank you for your attention.

Statistics and Documentation (Alicia Längle)

Mr. Chairman,
Distinguished members of the Committee,
Ladies and Gentlemen,

As a member of the Working Group against Racism, Anti-Semitism, and Xenophobia appointed by the Government in 2002, I will be happy to provide you with information on the more recent developments in the areas of statistics and documentation. The Working Group against Racism, Anti-Semitism, and Xenophobia not only has the mandate to implement the five-year National Action Plan against Racism in Liechtenstein, but also to implement the recommendations of your Committee and the European Commission against Racism and Intolerance in Liechtenstein or to coordinate their implementation. It is also the responsibility of the Working Group to coordinate activities to combat anti-Semitism. We report on our activities annually to the Government. The 2006 Annual Report was adopted by the Government two weeks ago and is currently being translated into English. If you wish, I will be happy to send you a copy. I have already brought the 2005 Annual Report along to provide you with.

The responsibilities of the Working Group include documentation of incidents of racial discrimination, anti-Semitism, and xenophobia in Liechtenstein as well as gathering statistical data in this regard. The study commissioned from the independent Liechtenstein Institute in 2004 on statistical data on racism and discrimination was concluded in 2005. In particular, the conclusions of the study highlight gaps in the collection of both “hard” and “soft” data in connection with racism and discrimination and refer to concrete measures to improve the data situation. At the beginning of last year, the Government took note of these recommendations and derived the following implementation measures:

- A project group was appointed to improve the official statistical compilation of data relating to racism and discrimination. The project group was mandated to present the Government with a proposal for better statistical compilation and evaluation of this data, taking data protection into account. A report is expected by the end of 2007.
- The Working Group against Racism, Anti-Semitism, and Xenophobia was mandated to draft a status report for the attention of the Government on the situation of racism and integration by the summer of 2007. Supplementing the above-mentioned report of the project group, it will focus in particular on the improved accessibility of “soft data”.

I would like to take this opportunity to point out that another study of the Liechtenstein Institute will be presented tomorrow, the 28th of February. The study commissioned by the NGO group Migration – Integration entitled “Migration and Integration: History – Problems – Perspectives” should be viewed as follow-up research on the above-mentioned study and was drafted in close consultation with the Working Group against Racism, Anti-Semitism, and Xenophobia. This study will certainly provide additional information relating to the questions discussed in our meeting today and tomorrow.

In connection with the compilation of statistical material in general, however, the size of the country and its administration must be considered. Disaggregation of personal data in a country with only 35,000 inhabitants is relatively sensitive with respect to violations of the right to privacy. At the same time, it has to be stressed that the extent of specific statistical data gathering will also depend on restraints in staff resources at the level of the national office for statistics, which is comprised of only 9 persons, and at the level of the local authorities. Finally, the Government believes that a breakdown of the data by specific characteristics that may be relevant to discrimination should be omitted in cases in which the perception of ethnic differences would give rise to a newly created breeding ground for discrimination. This would run contrary to the goal of such a survey and to social peace.

Thank you very much for your attention.

With this, Mr. Chairman, we conclude the presentation of our answers to the list of questions. We hope that we could address the issues in question extensively enough and are looking forward to continuing the dialogue with the Rapporteur and all other members of the Committee.