

ADVANCE UNEDITED VERSION

Distr.: General
31 August 2012

Original: English

Committee on the Elimination of Racial Discrimination

Eighty-first session

6 – 31 August 2012

Consideration of reports submitted by States parties under article 9 of the convention

Concluding observations of the Committee on the Elimination of Racial Discrimination

Liechtenstein

1. The Committee considered the fourth to sixth periodic reports of Liechtenstein (CERD/C/LIE/4-6), submitted in one document, at its 2194th and 2195th meetings (CERD/C/SR.2194 and CERD/C/SR.2195), held on 27 August 2012. At its 2202nd meeting (CERD/C/SR.2202), held on 31 August 2012, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the combined fourth to sixth periodic reports of the State party, in line with the Committee's reporting guidelines (CERD/C/2007/1). The Committee also welcomes the submission of the common core document by the State party.

3. The Committee commends the State party for its oral presentation and the open, constructive and focused dialogue with the multi-sectoral delegation.

B. Positive aspects

4. The Committee notes the State party's ongoing efforts to revise its legislation in areas of relevance to the Convention, including:

a) Entry into force on 1 January 2010 of the Law on the Free Movement of Persons and associated ordinance, applicable to EEA and Swiss citizens;

b) Entry into force on 1 January 2009 of the new Foreigners Act and associated ordinance, applicable to persons who are not citizens of EEA and Switzerland;

c) Revision of the Citizenship Act in 2008 (5b Citizenship Act, LGBI. 2008 No. 306 & 4a Citizenship Act), LGBI. 2008 No. 306), granting citizenship upon application to stateless persons and foundlings and the entry into force on 10 December 2008 of the revision to the Law on the Acquisition and Loss of Liechtenstein Citizenship (Citizenship Act) (LGBI. 2008 No. 306).

5. The Committee welcomes that since the consideration of the third periodic report, the State party ratified or acceded to the following international instruments:

- a) 1954 Convention Relating to the Status of Stateless Persons (25 September 2009);
- b) 1961 Convention on the Reduction of Statelessness (25 September 2009);
- c) Convention Against Transnational Organized Crime, 2000 (20 February 2008), the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, 2000, (the Palermo Protocol) (20 February 2008) and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, 2000 (20 February 2008).

6. The Committee also welcomes a number of positive developments, activities as well as administrative measures taken by the State party to fight racial discrimination and promote diversity, including:

- a) The establishment in 2009 of the Commission on Integration Issues and the adoption by the Government in December 2010 of a new comprehensive integration concept;
- b) Adoption in 2010 by the Government of a Catalogue of Measures against Right-Wing Extremism (MAX) and the launching in 2010 of the awareness-raising campaign “Facing Right-Wing Extremism Together”.

7. The Committee notes with satisfaction the appointment in October 2009 of the first Ombudsman for children for a period of four years.

C. Concerns and recommendations

National legislation against racial discrimination

8. While the Committee takes note of the State party's monist system whereby an international treaty becomes part of national law upon ratification and entry into force without the need for special implementing legislation, it is concerned at the absence of comprehensive legislation against racial discrimination. (art. 1)

Recalling its general recommendation 14 (1993) on article 1 (1), the Committee recommends that the State party consider enacting specific legislation that explicitly prohibits racial discrimination.

Criminalization of racial discrimination

9. While noting that article 283(1)(7) of the Criminal Code provides for criminalization of membership in organizations that promote or incite racial discrimination, the Committee remains concerned at the lack of legislation that specifically prohibits racist organizations. (art. 4)

The Committee recalls its general recommendation 15 (1993) on article 4, and recommends that the State party adopt legislation that specifically prohibits

organizations promoting racial discrimination, in accordance with the full scope of article 4 of the Convention.

National human rights institution

10. The Committee takes note of the State party's decision to discontinue the Office of Equal Opportunities and replace it with a fully independent body for human rights with a broad mandate for the promotion and protection of human rights, including receiving and processing complaints from individuals. (art. 2)

In light of its general recommendation 17 (1993) on the establishment of national institutions to facilitate the implementation of the Convention, the Committee recommends that the State party establish a single independent human rights institution with a broad mandate, in line with the Principles relating to the Status of National Institutions adopted by the United Nations General Assembly in resolution 48/134 of 20 December 1993 (The Paris Principles), that would also cover the specificity of the mandates of all existing institutions.

Access to citizenship

11. While noting the entry into force in 2008 of the revision to the Law on the Acquisition and Loss of Liechtenstein Citizenship (Citizenship Act), the Committee is concerned that there have been no changes in the facilitated naturalization procedure requiring 30 years of residence and ordinary naturalization procedures subject to municipal popular votes. (art. 2)

In light of its general recommendation 30 (2004) on non-citizens, the Committee recommends that the State party consider amending the Act on Facilitated Naturalization with a view to reducing the required period of residence for the acquisition of citizenship and consider introducing the right to appeal and legal review under the ordinary naturalization procedure subject to municipal popular votes.

Integration of foreigners

12. While noting that persons from "third countries", who are not citizens of Switzerland or countries from the European Economic Area, have to sign an integration agreement with the authorities which defines the specific goals of their integration, the Committee is concerned that such persons are not informed in advance about their status, rights and obligations or about the consequences of failure to sign such an agreement, and thus may not be sufficiently protected against racial discrimination. (arts. 2 and 5)

Recalling its general recommendation 20 (1996) on article 5 of the Convention, the Committee recommends that the State party ensure that foreigners from "third countries", who are to sign the integration agreement, are informed about it in advance and are protected against racial discrimination during the fulfilment of its terms, especially regarding their residency status and freedom of movement and in the areas of employment, education, health care and housing.

Situation of women belonging to vulnerable groups

13. The Committee is concerned about possible discrimination against certain categories of migrant women, including victims of trafficking or domestic violence, or divorced women from countries outside the European Economic Area and Switzerland, in terms of residence status and socio-economic situation. (art. 5)

In light of its general recommendation 25 (2000) on gender-related dimensions of racial discrimination and general recommendation 30 (2004) on non-citizens, the Committee recommends that the State party ensure that migrant women and other women in vulnerable situations, including those subjected to trafficking, domestic

violence or who are divorced, are able to retain their residency status and socio-economic situation and are not subject to double discrimination.

Situation of refugees and asylum-seekers

14. While noting the entry into force of the new Asylum Law in June 2012, the Committee is concerned that the new Law does not provide for facilitated naturalization of refugees and stateless persons. (art. 5)

Recalling its general recommendation 22 (1996) on refugees and displaced persons, the Committee recommends that the State party consider amending the Asylum Law to provide for facilitated naturalization of refugees and stateless persons.

D. Other recommendations

Ratification of other treaties

15. Bearing in mind the indivisibility of all human rights, the Committee encourages the State party to consider ratifying those international human rights treaties which it has not yet ratified, in particular treaties the provisions of which have a direct bearing on the subject of racial discrimination, such as the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

Follow-up to Durban Declaration and Programme of Action

16. In light of its general recommendation No. 33 (2009) on follow-up to the Durban Review Conference, the Committee recommends that the State party give effect to the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account the Outcome Document of the Durban Review Conference, held in Geneva in April 2009, when implementing the Convention in its domestic legal order. The Committee requests that the State party include in its next periodic report specific information on action plans and other measures taken to implement the Durban Declaration and Programme of Action at the national level.

Dissemination

17. The Committee recommends that the State party's reports be made readily available and accessible to the public at the time of their submission, and that the observations of the Committee with respect to these reports be similarly publicized in the official and other commonly used languages, as appropriate.

Follow-up to concluding observations

18. In accordance with article 9, paragraph 1, of the Convention and rule 65 of its amended rules of procedure, the Committee requests the State party to provide information, within one year of the adoption of the present conclusions, on its follow-up to the recommendations contained in paragraphs 10 and 12 above.

Paragraphs of particular importance

19. The Committee also wishes to draw the attention of the State party to the particular importance of recommendations in paragraphs 9, 11 and 13 and requests the State party to provide detailed information in its next periodic report on concrete measures taken to implement these recommendations.

Preparation of the next periodic report

20. The Committee recommends that the State party submit its seventh and eighth periodic reports in a single document, due on 10 February 2016, taking into account the guidelines for the CERD-specific document adopted by the Committee during its seventy-first session (CERD/C/2007/1), and that it address all points raised in the present concluding observations. The Committee also urges the State party to observe the page limit of 40 pages for treaty-specific reports and 60-80 pages for the common core document (see harmonized guidelines for reporting contained in document HRI/GEN.2/Rev.6, para. 19).
