



**International Convention on
the Elimination
of all Forms of
Racial Discrimination**

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Seventieth session
19 February - 9 March 2007

**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 second and third periodic reports of Liechtenstein, submitted in one document (CERD/C/LIE/3), at its 1800th and 1801st meetings (CERD/C/SR.1800 and 1801), held on 27 and 28 February 2007. At its 1813th meeting (CERD/C/SR.1813), held on 8 March 2007, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the report submitted by the State party which is in conformity with the reporting guidelines. The Committee also expresses appreciation for the open dialogue held with the delegation and for the comprehensive and frank answers given orally and in writing to the list of issues and to the wide range of questions raised by members. It appreciates the opportunity thus provided to pursue constructive dialogue with the State party.

B. Positive aspects

3. The Committee welcomes the adoption by the State party of a National Action Plan against Racism, in February 2003.

4. The Committee welcomes the establishment, in June 2002, of the Working Group for a National Action Plan against Racism (renamed the Working Group against Racism, Anti-Semitism, and Xenophobia in August 2005).
5. The Committee notes with appreciation the establishment of the Office of Equal Opportunity and its accompanying Commission in February 2005.
6. The Committee welcomes the statement of the State party indicating its plans to establish the Office of Children's Ombudsman.
7. The Committee notes with satisfaction the adoption, in November 2004, of the revised Ordinance on the Movement of Persons, in which the integration of foreigners was legally enshrined as a State objective, and the establishment, in November 2006, of the Task Force on Integration within the Office of Equal Opportunity.
8. The Committee notes with appreciation the establishment by the State party, in 2004, of the Working Group on the Integration of Muslims and various measures undertaken by the Working Group.
9. The Committee notes with satisfaction the establishment, in 2001, of the Independent Commission of Historians, to study the role of Lichtenstein in the Second World War, and welcomes the publication, in 2005, of its final report and the conclusions.
10. The Committee welcomes the establishment, in February 2007, of the Violence Protection Commission, aimed at developing a strategy against right-wing extremism.
11. The Committee welcomes the civil society initiative that has resulted in the adoption of a Parliamentary petition to amend the Criminal Code so as to enable the criminalization of the display of symbols with racist connotations.
12. The Committee notes with satisfaction the appointment by the State party of a project group aimed at improving the compilation of statistics and the evaluation of data relating to racism and discrimination.
13. The Committee welcomes the participation by the State party in: the "No Exclusion" campaign of the Swiss Commission against Racism, in 2005; the "all-different - all equal" campaign, in 2006; and the "European Year of Equal Opportunities for All" initiative, in 2007.
14. The Committee notes with appreciation that the State party made the optional declaration provided for in article 14 of the Convention in March 2004.

C. Concerns and recommendations

15. The Committee takes note of the concern of the State party that in light of the small size of the country, individual privacy may be endangered when disaggregating statistical data on the basis of ethnicity or national origin. Given the significant proportion of non-citizens in the

population of the State party (34 per cent), the Committee is however concerned about the lack of socio-economic data disaggregated by nationality and ethnic group that would facilitate the evaluation of existing policies and programmes. The Committee also notes the absence of available data on the political representation of ethnic groups in the State party, “for reasons of data protection” (art. 2 and 5 c)).

The Committee recommends, in accordance with paragraph 8 of the reporting guidelines, that the State party take the necessary measures to collect disaggregated statistical data that would allow for an assessment of the socio-economic status of various ethnic groups in the population. Furthermore, the Committee requests that the State party include, in its next periodic report, statistical information on the representation of the various ethnic groups in public bodies and institutions.

16. The Committee, while welcoming the establishment of the Commission for Equal Opportunities (CEO), notes that the Commission does not fully meet the criteria required by the Principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles, General Assembly resolution 48/134, annex), and regrets that the State party does not envisage establishing a national human rights institution in line with the Paris Principles (art. 2).

The Committee encourages the State party to consider the establishment of an independent national human rights institution, in accordance with the Paris Principles which would, inter alia, contribute to monitoring and evaluating progress in the implementation of the Convention.

17. The Committee notes with concern that, pursuant to the Act on Facilitated Naturalization (2000), Liechtenstein citizenship is granted on the basis of 30 years of permanent residence, which, in the Committee’s view, is excessively lengthy. The Committee is also concerned that the fast-track procedure, which requires five years of permanent residence and a favourable outcome of popular vote in the local municipality in which the applicant is resident, may be discriminatory due to the absence of objective criteria against which such decisions are made (art. 2).

In light of its general recommendation 30 (2004) on discrimination against non-citizens, the Committee recommends that the State party consider amending the *Act on Facilitated Naturalization (2000)* with a view to reducing the required period of residence in the naturalization procedure, and ensure that particular groups of non-citizens are not discriminated against with regard to access to citizenship. The Committee also urges the State party to take the necessary measures to ensure that outcomes of municipal popular votes in relation to the naturalization applications of non-citizens are subject to legal review and that the right to appeal against decisions is guaranteed.

18. While acknowledging the State party’s efforts to address right-wing extremist and anti-Semitic crimes, including the establishment of the Violence Protection Commission, the

Committee is concerned about the rise in xenophobic and right-wing tendencies among youths and that a core group of Liechtenstein right-wing extremists are becoming increasingly networked with groups abroad (art. 2).

The Committee encourages the State party to continue to monitor all tendencies which may give rise to racist and xenophobic behaviour, and recommends that it undertake a sociological study of the phenomenon of right-wing activities in order to acquire a more accurate picture of the problem and its root causes. The Committee requests the State party to report back on the results of the study, as well as measures taken and progress made.

19. While noting that article 283 of the Criminal Code provides for criminalization of membership in organizations that promote or incite racial discrimination, the Committee is concerned about the absence of a penal provision in the State party that prohibits racist organizations in line with the requirements of article 4 (b) of the Convention (art. 4 (b)).

The Committee recommends that the State party adopt specific legislation in accordance with article 4 (b) of the Convention and underlines the preventive role of such legislation.

20. The Committee notes with concern that pursuant to the Ordinance on the Movement of Persons, the right to family reunification is dependent on the financial capacity of the applicant, which, in the Committee's view, amounts to indirect discrimination against minority groups who tend to suffer from socio-economic marginalization, and in particular, women belonging to minority groups. The Committee also notes with regret that due to the lack of available statistical data on rejected applications for family reunification, disaggregated by ethnicity or nationality, the State party is unable to assess the extent to which indirect discrimination has occurred as a result of the restrictive conditions of the current legislation regarding family reunification (art 5 d iv)).

The Committee recommends that the State party review its legislation to ensure that the right to family reunification is guaranteed to every person without discrimination based on national or ethnic origin. The Committee also urges the State party to assess, by inter alia, collection of statistical data, the extent to which the financial conditions for spousal reunification may amount to indirect discrimination against minority groups who tend to suffer from socio-economic marginalization, and report back to the Committee in this regard in its next periodic report.

21. While the Committee welcomes the efforts made by the State party to support the learning of the German language by migrant children and their mothers so as to address the relatively poor educational performance of children with foreign mother tongues, the Committee notes with concern that the language disadvantage may not be the sole reason for the difficulties experienced by these children in the school system. In this connection, the Committee notes the finding by the State party that "the more foreign the parents, the greater

their need for support structures” (written replies to the list of issues, page 15) (arts. 5 e) v) and 7).

In addition to the intensive language classes to support the learning of the German language by migrant children and their parents, the Committee recommends that the State party consider the adoption of additional measures to address the particular learning disadvantage faced by these children, by, inter alia, ensuring that child support and other social services take into consideration the particular needs of parents of foreign origin, and training of teachers in culturally sensitive teaching methods.

22. The Committee recommends that the report of the State party be made readily available to the public at the time of their submission, and that the observations of the Committee with respect to these reports be similarly publicized.

23. The Committee recommends to the State party that it continue to take into account the relevant parts of the Durban Declaration and Programme of Action when implementing the Convention in the domestic legal order, in particular in respect of articles 2 to 7 of the Convention, and that it include in its next periodic report information on further action plans or other measures taken to implement the Durban Declaration and Programme of Action at the national level.

24. The Committee invites the State party to submit its core document in accordance with the requirements of the Common Core Document in the Harmonised Guidelines on Reporting, recently approved by the international human rights treaty-bodies (HRI/MC/2006/3 and Corr.1).

25. The State party should within one year provide information on the way it has followed up on the Committee’s recommendations contained in paragraphs **17 and 18**, pursuant to paragraph 1 of rule 65 of the rules of procedure.

26. The Committee recommends that the State party submit its fourth periodic report jointly with its fifth periodic report, due on 22 March 2009, as a single comprehensive report on the implementation of the Convention, and that it address all points raised in the present concluding observations.
