

**ECRI CONCLUSIONS
ON THE IMPLEMENTATION
OF THE RECOMMENDATIONS
IN RESPECT OF LIECHTENSTEIN
SUBJECT TO INTERIM FOLLOW-UP**

Adopted on 11 December 2015¹

Published on 1 March 2016

¹ Unless otherwise indicated, any developments which occurred after 22 May 2015, date on which the response of the Liechtenstein authorities to ECRI's request for information on measures taken to implement the recommendations chosen for interim follow-up was received, are not taken into account in this analysis.

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FOREWORD

As part of the fourth round of ECRI's monitoring work, a new process of interim follow-up has been introduced with respect to a small number of specific recommendations made in each of ECRI's country reports.

Accordingly and in line with the guidelines for the fourth round of ECRI's country-by-country work brought to the attention of the Ministers' Deputies on 7 February 2007¹, not later than two years following the publication of each report, ECRI addresses a communication to the Government concerned asking what has been done in respect of the specific recommendations for which priority follow-up was requested.

At the same time, ECRI gathers relevant information itself. On the basis of this information and the response from the government, ECRI draws up its conclusions on the way in which its recommendations have been followed up.

It should be noted that these conclusions concern only the specific interim recommendations and do not aim at providing a comprehensive analysis of all developments in the fight against racism and intolerance in the State concerned.

¹ CM/Del/Dec(2007)986/4.1.

1. *In its report on Liechtenstein (fourth monitoring cycle) published on 19 February 2013, ECRI recommended that the Liechtenstein authorities clearly specify the respective responsibilities of the new Office for Social Affairs and of the Ombudsman's Office and that, in particular, they designate the latter as the national specialised body for combating racism and racial discrimination. It emphasised the need to ensure that this body is entirely independent and is responsible, inter alia, for: hearing and considering complaints, providing assistance to victims, initiating and participating in court proceedings, monitoring legislation and providing advice to legislative and executive authorities, raising awareness on issues of racism and racial discrimination among society and promoting policies and practices to ensure equal treatment, as per ECRI's GPR No. 2.*

In its last report on Liechtenstein ECRI took note of the authorities' plans to create a new Office for Social Affairs and to set up an independent Ombudsman Office. The authorities have informed ECRI that, at present, three administrative entities are involved in the fight against racism and discrimination: the Equal Opportunities' Office (EOO) continues being responsible for combating racism and promoting integration through public campaigns, the Commission for the Prevention of Violence is responsible for combating racially motivated violence and the Migration and Passport Office (MPO) remains in charge of the integration of foreigners. The government is still in the process of reforming this system and tasked, in 2013, a working group with drawing up a consultation report on the matter. In May 2015, 25 organisations submitted a petition on the establishment of an independent body in charge of protecting human rights. On 10 June 2015 Parliament transmitted this petition to the government.

Given the above, ECRI considers that this recommendation has not been implemented. It encourages the authorities to bring their reform plans to fruition as soon as possible.

2. *In its report on Liechtenstein (fourth monitoring cycle) ECRI strongly recommended that the Liechtenstein authorities abrogate the following provisions of the Law on Foreigners: Article 49 providing that a permanent residence permit can be withdrawn, inter alia, if the non-national or his/her dependant is permanently and to a high degree dependent on social welfare; Article 69 (2)(e) providing for the obligation of the Welfare Office to inform the Foreigners and Passports Office of any person receiving more than 75 000 Swiss francs in social benefits; and Article 27 (3) and (4), providing that receipt of social benefits is an obstacle to securing a permanent residence permit.*

The three articles mentioned in this recommendation have not been amended since the adoption of ECRI's fourth report on Liechtenstein. The authorities have however informed ECRI about plans to revise Articles 49 and 27 of the Law on Foreigners in the light of ECRI's recommendation. On this basis ECRI concludes that this recommendation has not been implemented.

3. *In its report on Liechtenstein (fourth monitoring cycle) ECRI recommended that the Liechtenstein authorities ensure that issues relating to the integration of non-nationals are addressed by the social agencies, with a clear allocation of responsibility.*

As already mentioned above, the issue of integration is dealt with by, on the one hand, the MPO and, on the other hand, the EOO. In § 95 of its fourth report on Liechtenstein, ECRI criticised the Government's decision to place the Integration Officer, responsible for integration agreements, within the MPO, which is also responsible for measures of control and for the enforcement of the law.

According to the information transmitted by the authorities, the MPO is still responsible for the integration of foreigners including the conclusion of integration agreements, the control of compliance with such agreements and the organisation of language courses. The above mentioned reform project also aims at creating a clear division of responsibility between the FPO and the EOO with regard to the integration of foreigners.

In the light of the above, ECRI considers that this recommendation has not been implemented.

