

**QUESTIONNAIRE TO MEMBER STATES PREPARED BY THE
OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER
FOR HUMAN RIGHTS, PURSUANT TO DECISION PC.1/10 OF
THE PREPARATORY COMMITTEE OF THE DURBAN REVIEW
CONFERENCE AT ITS FIRST SESSION (A/62/375)**

ANSWERS OF LIECHTENSTEIN

Core questions

Question 1: Can you assess the implementation of the Durban Declaration and Programme of Action in your country?

On the basis of the DDPA Liechtenstein implemented several measures and programs in the framework of a National Action Plan against Racism, concentrating on areas that have been identified as requiring improvement by international and regional expert bodies such as the Committee on the Elimination of Racial Discrimination (CERD), the Commissioner for Human Rights and the Commission against Racism and Intolerance of the Council of Europe. Improvements have been achieved with regard to the legislation, awareness raising and the dissemination of relevant information throughout various sectors and levels of society, in statistics and basic research on the situation of foreigners and migrants as well as in structural terms (establishing a standing body charged with questions of discrimination). On some issues the follow-up is already under way, e.g. in respect of the further the prevention and elimination of right-wing tendencies, the gathering and disaggregation of official statistics on discrimination, etc. In all, the implementation of the DDPA in combination with the above-mentioned continuous dialogue with international and European expert bodies has been very successful and will be followed-up further.

Question 2: Can you assess contemporary manifestations of racism, racial discrimination, xenophobia and related intolerance as well as initiatives in this regard with a view to eliminating them in your country?

Manifestations of racism, racial discrimination, xenophobia and related intolerance have been decreasing in the last years and are very rare in general: In 2007 there was one single investigation based on the relevant article of the criminal code as well as three xenophobic motivated incidents recorded in Liechtenstein. However, a small right-wing extremist scene is becoming increasingly interlinked with other countries and is getting more polarized than a few years ago. The Government has therefore mandated the Violence Protection Commission to develop a strategy against right-wing extremism in Liechtenstein. In 2007 the Commission on Violence Protection requested the University for Applied Sciences of Basel (Switzerland) to undertake a sociological research study on root causes of extremism, in particular right-wing extremism, in Liechtenstein. Results are expected by 2009. Counter measures will be drawn from these results, aiming at further reducing the right-wing scene and preventing additional young people from becoming ideologized. Of note in this connection is also the

current review of the anti-racism penal provision contained in § 283 StGB (Criminal Code) with respect to a criminalization of the carrying of racially discriminating emblems (see the response to question 25). If the law is tightened in this respect, it would make it more difficult for right-wing extremist persons in Liechtenstein to make public appearances. Statistical data from which possible discrimination on the grounds of national, ethnic or social origin, language, religion or color could be drawn, are not comprehensively available. In 2004 a two-year research mandate on identifying discrimination in general as well as racial discrimination in all fields of society was awarded to the independent "Liechtenstein Institute". The research report of 2005 provides a differentiated analysis of deficits in the data situation and formulates recommendations for future systematic surveys and analyses. A project group within the public administration is currently tasked with improving the official statistical collection of data relating to racism and discrimination as well as the disaggregation of data in the context of discrimination.

Question 3: Please identify concrete measures and initiatives for combating and eliminating all manifestations of racism, racial discrimination, xenophobia and related intolerance in order to foster the effective implementation of the Durban Declaration and Programme of Action.

Following the Durban Conference, the Liechtenstein Government established a Working Group tasked with the elaboration of a five year National Action Plan against Racism (following NAP). The NAP was approved by the Government in 2003 concentrating on a series of prevention measures on the basis of awareness building and promoting better integration of foreign persons. Between 2003 – 2007 a series of preventive measures and projects have been conducted in cooperation with the public administration, with NGO's and representatives of different sectors of the society. Research projects on improving the data situation and on migration and integration have been conducted. A more restrictive interpretation or a revision of article 283 Criminal Code with regard to the public display of racist paraphernalia is currently under examination. Detailed activities in the framework of the NAP are referred to below and documented in the annual reports to the Government. In 2005 the Office of Equal Opportunity was established. In 2007 the working group implementing the NAP transferred its mandate to this standing body, thereby securing a long-term follow up of these issues.

Question 4: How would your Government assess the effectiveness of the existing Durban follow-up mechanism and other relevant United Nations mechanisms dealing with the issue of racism, racial discrimination, xenophobia and related intolerance in order to enhance them?

Liechtenstein attaches high importance to the worldwide implementation of the existing standards to prevent and combat all forms of racism, racial discrimination, xenophobia and related intolerance without prioritization. To this end, universal ratification and implementation of the International Convention on the Elimination of All Forms of Racial Discrimination as well as regular reporting to the CERD are crucial. The Durban follow-up mechanism has so far neglected to strengthen measures aimed at inducing UN member States which are not yet parties to the ICERD and its individual complaint mechanism to adhere to this legal instrument and its monitoring regime without delay. In addition, the establishment of specialized regional monitoring mechanisms, such as the European Commission on Racism and Intolerance, should be promoted in the Durban follow-up process.

Question 5: What are the steps taken by your Government to ratify and/or implement the International Convention on the Elimination of All Forms of Racial Discrimination and give proper consideration of the recommendations of the Committee on the Elimination of Racial Discrimination?

Liechtenstein ratified the Convention in 2000 and provided to the Committee on the Elimination of Racial Discrimination three country reports without delay. The recommendations of the Committee are being implemented in the framework of the National Action Plan against Racism, taking into account the CERD-follow-up mechanisms as well as obligations under other international and regional regimes related to the Elimination of racism, racial discrimination, xenophobia and related intolerance. The recommendations of the Committee are published on the official website of the Government.

Question 6: Please identify and share good practices achieved in the fight against racism, racial discrimination, xenophobia and related intolerance in your country.

Liechtenstein holds as a good practice the centralizing of questions relating to the fight against racial discrimination and related intolerance within one central standing body in the public administration also serving as contact point for interested persons and victims likewise. In this way, implementation of measures as well as reporting obligations under different international and regimes can be better coordinated. The Office of Equal Opportunity in Liechtenstein not only deals with issues of racial discrimination but also with other forms of discrimination in general. The Office is backed up by a high level Commission of Equal Opportunity, headed by the Permanent Government Secretary and consisting of the Chief of Police as well as the Directors of the six national offices dealing with the cross cutting issue of equal opportunity..

Annex

Measures of prevention, education and protection aimed at the eradication of racism, racial discrimination, xenophobia and related intolerance at the national level

1. What measures have been taken to prohibit racial discrimination in all its forms and to guarantee the right of everyone without distinction, to equal enjoyment of human rights, notably of the rights listed below:

- (a) Equal treatment before tribunals and all other organs administering justice;

Since 1921 the Liechtenstein Constitution contains the equal protection clause. During the last two decades Liechtenstein has become a party to a considerable number of regional and international human rights treaties, including six core UN human rights instruments. These instruments stipulate that all rights contained therein must be protected for all persons under the jurisdiction of the State party without any distinction. According to the permanent jurisprudence of the Constitutional Court since 1983, the principle of equal treatment under article 31, paragraph 1 of the Liechtenstein Constitution is also applicable to foreign persons, who may invoke the fundamental rights included in the Constitution and consequently appeal to the Constitutional Court.

(b) Equal rights to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution;

The Criminal Code of Liechtenstein penalizes violence or bodily harm of any person without discrimination and stipulates in article 33 as special aggravating circumstances if the perpetrator has acted out of racist, xenophobic, or other particularly reprehensible motives.

As a concrete Durban follow-up measure the Working Group against Racism, Anti-Semitism and Xenophobia, appointed by the Government to implement a National Action Plan against Racism in Liechtenstein, organized a training program in October 2002 within the national police on the topic of human rights and the fight against racism. This topic was integrated into general police training starting in 2003. Over the course of 2003, various lectures and discussions on the respect for human rights and the prevention of racial discrimination were held within the public administration.

- (c) Equal rights to participate in the political process;

Equal rights with regard to the freedom of opinion, of association and of assembly are guaranteed to all Liechtenstein inhabitants. Non-citizens are not entitled to participate in voting and election processes. However, measures to better integrate the needs of non-citizens in political decision-shaping are taken by the Government as well as local authorities: e.g. round tables with foreigners' associations and working groups focussing on integration and on special concerns of non-citizens.

- (d) Equal rights to freedom of religion and belief;

Equal rights to freedom of religion and belief is guaranteed in article 37 of the Constitution. A traditionally Christian country, Liechtenstein particularly works towards a better implementation of issues related to the religious freedom of its Muslim community. Financial contributions are provided to the Muslim associations and a pilot project integrating tuition of Islam in the regular religious school education has been started. A working group composed of State officials as well as representatives of the Muslim community addresses regulations regarding graveyards and worship places as well as religious education.

(e) Equal rights to remuneration for work of equal value;

The same legal provisions apply to the employment contracts of all employees working in Liechtenstein. The social partners may conclude wage agreements and collective employment agreements. The principle of freedom of contract in Liechtenstein labour law is coupled with a well-developed system of subsidies and allowances aiming to ensure that all people dispose of sufficient financial resources for an appropriate standard of living.

(f) Equal rights to adequate housing;

Liechtenstein has a liberal housing market which is open for all applicants. Any kind of discrimination is unlawful and can therefore be taken legal action against. No systematic discrimination of the foreign population in renting accommodation can be observed. Liechtenstein guarantees housing allowances for all residing families whose annual earnings lie below a certain income limit (LGBI. 2000, Nr. 202).

(g) Equal rights to highest attainable standard of physical and mental health. Equal rights to quality public health, medical care, social security and social services;

Equal rights to quality public health is guaranteed. Health insurance is mandatory for all inhabitants and no cases of non-coverage are reported. As a concrete Durban follow-up measure, the Working Group against Racism, Anti-Semitism and Xenophobia in 2005 organized a round table on “integration and health” with representatives of the Liechtenstein health care system on issues of special concern for foreign or migrant persons. In order to further investigate in the findings of this round table a national conference on integration and health is foreseen.

Since Liechtenstein’s accession to the EEA, Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community and implementing Regulation (EEC) No 574/72 have been directly applicable in Liechtenstein. Swiss citizens enjoy the same conditions as EEA/EU citizens. The rules also apply to officials and students, and it is planned to expand their personal scope of application to all insured persons, including non-employed persons. The regulation applies to all legal provisions concerning branches of social security that affect benefits pertaining to sickness and maternity, disability, age, survivors, workplace accidents and occupational diseases, death benefits, unemployment, and family allowances. An organized exchange of benefits takes place within the member States. Citizens of non EU-member States (so called “third countries”) employed in Liechtenstein are subject to the legal social insurance systems. An exemption from mandatory occupational pension plans exists for employees who are not continuously employed in Liechtenstein and who have sufficient

pension coverage abroad. The benefits of Old Age and Survivors' Insurance, Disability Insurance, and occupational pension plans are also paid out if the insured party's residence is no longer in Liechtenstein.¹

- (h) Equal rights to all levels of quality education and training;

Equal rights to education and training is guaranteed. Access to education is non-discriminatory. Criteria such as citizenship, gender, social and ethnic background are irrelevant for school attendance and vocational training. Schooling is mandatory for every child living in Liechtenstein, and continuing education is oriented according to the abilities and performance of each child. Basic education is free of charge. Contributions are made to the cost of higher education by means of loans and stipends, dependent on the income and assets of the parents.

The Liechtenstein curriculum and the design and development of school as a whole are oriented according to established core principles applicable to all schools and school levels. According to these core principles, schools are open to all children and young people regardless of origin, religion, and gender and adopt an open attitude with respect to political, religious, and ideological issues.

- (i) Equal participation to cultural life; and
- (j) Equal rights of access to places or services?

No discrimination with regard to participation to cultural life and equal rights of access to places or services is recorded. The new Act on the Equality of Persons with Disabilities, entered into force in 2007, codifies the equal participation of persons with disabilities in all spheres of society and stipulates concrete building measures to open up access to public buildings, hotels and restaurants, medical practices etc. for disabled persons.

Legislative, judicial, regulatory, administrative and other measures to prevent and protect against racism, racial discrimination, xenophobia and related intolerance

2. Has your Government adopted and implemented or strengthened any national legislation and/or administrative measures that expressly and specifically counter racism and prohibit racial discrimination, xenophobia and related intolerance, whether direct or indirect, in all spheres of public life, in accordance with their obligations under the International Convention on the Elimination of All Forms of Racial Discrimination, ensuring that their reservations are not contrary to the object and purpose of the Convention and/or amended national legislation and administrative provisions that may give rise to such forms of discrimination?

In 2000, the Criminal Code has been amended, establishing sanctions for the commission of or incitement to racist acts and the dissemination of racist ideas. Since 2006 a more restrictive

¹ This principle is limited in the case of Disability Insurance, which pays 25%-benefits (benefits in cases of a low degree of disability) only to persons living in Liechtenstein.

interpretation with regard to the public display of racist paraphernalia is under examination. In 2004, Liechtenstein accepted the individual complaints procedure defined in article 14 ICERD. In 2005 the promotion of integration of foreigners was codified in the revision of the Ordinance on the Movement of Persons (PVO). In 2005 the Government established the Office of Equal Opportunity aiming at promoting equal opportunity for all in Liechtenstein throughout all spheres of society. Several measures in this regard have been taken, inter alia a Working Committee on Integration² consisting of members of public administration as well as NGO's and foreigners' associations has been set up. In 2007 the Government adopted a position paper on Integration Policy setting forth the principle of equal opportunity for all inhabitants irrespective of their national, ethnic or social origin, their language, religion or color.

Equal participation in political, economic, social and cultural decision-making

3. Please indicate measures taken to ensure that your Government's political and legal systems reflect the multicultural diversity within your society and improve democratic institutions so that they are fully participatory.

Political participation is bound to the Liechtenstein citizenship, irrespective of the ethnic origin of a person. The Liechtenstein national administration, including the justice administration, has an international composition - officials mainly come from Liechtenstein, Switzerland, and Austria: The judges of the Constitutional Court (StGH) are composed of six Liechtenstein citizens, two Austrian citizens, and two Swiss citizens. The Administrative Court (VGH) consists of nine Liechtenstein citizens and one Austrian citizen. The Court of Justice is composed of seven Liechtenstein citizens, five Austrian citizens, and two Swiss citizens. The Court of Appeal (OG) consists of 21 Liechtenstein citizens, six Austrian citizens, and three Swiss citizens. The Office of the Public Prosecutor (STA) has seven prosecutors, including three Liechtenstein and four Austrian citizens. The Chief Prosecutor is Austrian. At the time of this report the Act on Acquisition and Loss of Citizenship is being amended and a new Aliens Law³ as well as a new Asylum Act are being elaborated

Establishment and reinforcement of independent specialized national institutions and mediation

4. Has your Government established, strengthened, reviewed and/or reinforced the effectiveness of independent national human rights institutions working on issues of racism, racial discrimination, xenophobia and related intolerance? Has your Government provided them with the competence and capacity for investigation, research, education and public awareness activities to combat these phenomena? Please specify their mandates.

In 2005 the national Office of Equal Opportunity was established, focusing on issues of gender equality, integration of foreigners, disability, age, religion and sexual orientation. Its

2 "Arbeitskreis Integration"

3 Gesetz über die Ausländerinnen und Ausländer ohne EWR-oder Schweizer Staatsangehörigkeit (AuG)

mandate includes in particular issues of racial discrimination. The Office works towards centralizing all issues of discrimination and is mandated to lodge complaints against actions taken or omitted by the local and central authorities. While in financial terms it is not independent from the Government, it enjoys a central coordinating role within the national administration and offers direct and uncomplicated access to its services as well as nationwide networking and coverage.

Policies, practices and strategies

Action-oriented policies and action plans, including affirmative action to ensure non-discrimination

5. Has your Government established and/or implemented a national action plan to promote diversity, equality, equity, social justice, equality of opportunity and the participation of all? Please provide the High Commissioner for Human Rights with such action plan and other relevant materials on the measures undertaken in order to implement the provisions of the Durban Declaration and Programme of Action or any other action considered.

The five-year National Action Plan (NAP) against Racism was approved by the Government in 2003 and implemented by a especially created Working Group against Racism, Anti-Semitism and Xenophobia. It places its focus on prevention mainly through awareness raising and promoting integration of persons with foreign origin. Basic groundwork with regard to gathering and evaluating statistical data, fact finding reports and research projects are also part of the NAP. NAP-activities are being implemented on the basis of a rolling planning laid down in annual reports. The five-year mandate of the special Working Group implementing NAP ended in 2007. Its tasks were transferred to the regular mandate of the standing national Office of Equal Opportunity guaranteeing a long-term follow-up of the issues.

6. Has your Government established national programmes, including affirmative or positive measures, to promote equal access of individuals and groups of individuals who are or may be victims of racial discrimination to social services, employment, housing, education, health care, etc.?

See answer 10.

7. Has your Government adopted or strengthened national programmes for eradicating poverty, underdevelopment, marginalization, social exclusion and economic disparities taking into account the needs of victims of racism, racial discrimination, xenophobia and related intolerance?

The social security system in Liechtenstein is of a very high standard and aims i.a. at eradicating social exclusion and economic disparities within the population. Numerous social benefits and public assistance provisions guarantee an appropriate standard of living with regard to housing, health and adequate remuneration to all inhabitants without discrimination.

8. What steps have been taken to tackle multiple discrimination based on the grounds of race, colour, descent or national or ethnic origin as well as on other related grounds such as sex, language, religion, political or other opinion, social origin, property, birth or other status?

By establishing one central contact point for all forms of discrimination within the public administration - namely the Office of Equal Opportunity - the issue of multiple discrimination is being approached with very high effectiveness. Victims of multiple discriminations can lodge a complaint at the Office and will receive support accordingly.

9. What measures have been taken to combat racial discrimination against women and girls and to ensure the incorporation of race and gender analysis in the implementation of all aspects of the Programme of Action and your national plan of action?

The above mentioned Office of Equal Opportunity, developed from the Office of Gender Equality, disposes of a broad and long-term expertise regarding gender issues. Together with NGOs the Office addresses concerns of women and girls of foreign origin in concrete programmes.

Data collection and disaggregation, research and study

10. Does your Government collect and analyse statistical data at the national level on the situation of victims of racism, racial discrimination, xenophobia and related intolerance broken down by economic and social indicators, in order to monitor the situation of marginalized groups, evaluate legislation and elaborate development policies?

Statistical data on hate crimes⁴ including racial violence are collected by the National Police. In 2004 a two-year research mandate on identifying discrimination in general as well as racial discrimination in all fields of society was awarded to the independent "Liechtenstein Institute". The research report of 2005 provides a differentiated analysis of deficits in the data situation and formulates recommendations for future systematic surveys and analyses. On the basis of these recommendations, in 2007 a comprehensive integration report⁵ was elaborated identifying the need for action with regard to Integration Policy in the above mentioned areas. On the basis of this basic groundwork national programs including targeted measures to promote equality as indicated above shall be elaborated. As a first step, a project group within the public administration is tasked with improving the official statistical collection of data relating to racism and discrimination as well as the disaggregation of data in the context of discrimination.

4In its working definition, OSCE identifies a hate crime as: (A) Any criminal offence, including offences against persons or property, where the victim, premises, or target of the offence are selected because of their real or perceived connection, attachment, affiliation, support, or membership of a group as defined in Part B.

(B) A group may be based upon a characteristic common to its members, such as real or perceived race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, or other similar factor.

5 "Integration of the foreign population in Liechtenstein. A review of facts, motives, measures and the need for political action with regard to integration."

Education and awareness-raising

11. Please indicate ways your Government has taken to increase the level of awareness about the scourges of racism and promote the values of acceptance, tolerance and cultural diversity. In this connection, how effective are the measures, in the fields of teaching, anti-racism education, including programmes addressed to young people, culture, information, media campaigns and sports which have been undertaken to combat racism, racial discrimination, xenophobia and all manifestations of related intolerance?

In 2005 the Government launched a media and awareness-raising campaign entitled “No Exclusion” aiming at raising the awareness of the broader public with respect to ethnic and cultural exclusion. In 2007 Liechtenstein actively participated in the Year of Equal Opportunity under the motto: “For Diversity! Against Discrimination!”, in which course a wide range of activities have been implemented with regard to combat various forms of discrimination. In 2006 the youth campaign of the Council of Europe entitled “all different – all equal” consisted of a range of activities with regard to sensitizing young people to the advantages of diversity was coordinated by the Office of Social Affairs and the Office of Equal Opportunity. In 2007 and 2008 the prevention campaign “Respect – please” concerned with youth violence and its various manifestations – including right-wing extremist violence – has been conducted by the Violence Protection Commission under the patronage of the Liechtenstein Government. The goals of the campaign include a critical discussion 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. In 2008 the Liechtenstein Football Association, financially supported by the Government, launched the awareness-raising campaign “All Different, All Equal” in order to sensitize the public for the conjunctive power of sports and as a motto for various football activities.

The Liechtenstein Educational System promotes actively all efforts towards better integration of foreign children and young people. The program “German as a second Language” as well as intensive German lessons for non-German speaking pupils is included in the regular curriculum. On the other hand, the educational system aims at the preservation of multiculturalism through offering classes of local history and language of various countries as well as religious classes in all main religious denominations and a neutral religious education class. In general, knowing and understanding other cultures and religions is a main issue and a cross-cutting topic in the school curriculum throughout all levels of education.

12. Please indicate the measures taken to strengthen anti-racist and gender-sensitive human rights training for public officials, including personnel in the administration of justice, particularly law enforcement, judicial, correctional, prison and security officials, as well as among health-care, school, immigration and border officials.

In 2002 a training program on human rights and the fight against racism was conducted for aspirants to the National Police. Since then, this topic has been integrated into general police training: basic police training includes a total of 24 lessons/hours on human rights/racism. The topic of how to deal with foreigners and members of other cultures is also discussed in the Community Policing course, which is taught in 28 lessons. In the autumn of 2006, the National Police also conducted an internal seminar on hate crime.

Over the course of 2003, lectures and discussions on the respect for human rights and the prevention of racial discrimination were held in the Office of Social Affairs and the Criminal Police. The Conference of Office Directors and the Conference of School Directors were briefed on the National Action Plan against Racism and asked for their cooperation. In 2004 and 2005, an awareness-raising event on racism was initiated and co-funded for the apprentices of the National Administration with an expert in intercultural conflict-resolution. In the same years two seminars were organized and co-funded within the National Administration on the topic of "Intercultural Communication". In 2005, the National Action Plan against Racism was presented in the newsletter for the staff of the Liechtenstein National Administration, and all Offices were called upon to contact the Working Group against Racism, Anti-Semitism and Xenophobia with questions relating to the topic of racism. In the same year a roundtable on "integration and health" with representatives of health-care was initiated, including a lecture on the topic of "Discrimination in Healthcare" by a Swiss expert for intercultural questions. Also in 2005, the Commission for Equal Opportunity was established. The high level Commission tasked with the coordination of all questions related to equal opportunities is headed by the Permanent Government Secretary and consists of the Chief of Police as well as the Directors of the following six national offices: Office of Equal Opportunity, Office of Social Affairs, Office of Education, Immigration and Passport Office, Office of Economic Affairs and Office for Foreign Affairs.

Lectures on the topic of integration and combating racism were initiated at the Senior Education Association. Lectures on equal opportunity as well as on the promotion of tolerance for people of a different background, gender, religion, or with disabilities have been held in the course of 2007 at the newly established "Parent's University" at the Liechtenstein University of Applied Sciences.

Information, communication and the media, including new technologies

13. While taking all necessary measures to guarantee the right to freedom of opinion and expression, what steps have been taken to declare an offence punishable by law all acts of racial violence or incitement to such acts as well as the dissemination of ideas based upon racial superiority or hatred and, particularly through new information and communications technologies, including the Internet?

All acts of racial violence, public incitement to such acts and the dissemination of ideas based upon racial superiority or hatred, also via new technologies, are punished according to article 283 of the Liechtenstein Criminal Code. Criminal investigations generally take into account all new information and communications technologies in securing digital traces. The IT-Unit within the National Police is currently being enlarged and Liechtenstein will join the G8 network of contact points against cybercrime in the course of 2008.

Ratification of and effective implementation of relevant international and regional legal instruments on human rights and non-discrimination

14. If your country is not yet party to the International Convention on the Elimination of All Forms of Racial Discrimination and to any other international instrument listed in paragraphs 77 and 78 of the Durban Programme of Action, please indicate:

(a) What are the considerations which may have prevented its ratification or its accession to the instruments?

(b) What steps have been taken or are being planned with a view to ratification of or accession to the instruments?

15. If your country has not yet made the declaration under article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination, please indicate what are the considerations which may have prevented making the declaration.

Liechtenstein has ratified the International Convention on the Elimination of All Forms of Racial Discrimination in 2000. In 2004, Liechtenstein made the declaration under article 14.

Strengthen partnerships with civil society

16. What steps have been taken to strengthen cooperation and develop partnerships with non-governmental organizations and all other civil society actors to harness their experience and expertise combating racism, racial discrimination, xenophobia and related intolerance?

There is a close cooperation between governmental bodies and non-governmental organizations as well as private actors in the area of preventing racism, namely awareness-raising, preventing discrimination, promoting integration of foreigners etc. Most NGO-Projects and –programs as well as some private initiatives in this context are financially supported by Government funds.

Provision of effective remedies, recourse, redress and other measures at the national level

17. What measures exist to investigate and prosecute unlawful acts of racism and racial discrimination and to combat impunity for crimes with a racist or xenophobic motivation?

According to article 283 of the Criminal Code perpetrators of unlawful acts of racism can be punished with a prison sentence for up to two years. Article 33 clause 5 considers as special aggravating circumstance if a perpetrator of a crime has acted out of racist, xenophobic, or other particularly reprehensible motives.

18. What judicial and other remedies exist for persons against any acts of racial discrimination which violate their human rights and what evidence is there to consider that these remedies are effective and adequate?

Besides the judicial remedies referred to in answer 17 the victim of acts of discrimination can lodge a complaint with the Office of Equal Opportunity.

19. Has your Government taken any measures to eliminate “racial profiling” understood as the practice of police and other law enforcement officers relying, to any degree, on race, colour, descent or national or ethnic origin as the basis for subjecting persons to investigatory activities or for determining whether an individual is engaged in criminal activity?

So far no incidents of „racial profiling“ have been reported and no such tendencies are being observed in the practice of the police and other law enforcement officers. The Government has therefore not taken any respective measures in this regard.

Victims of racism, racial discrimination, xenophobia and related intolerance

People of African descent

20. What measures has your Government taken to facilitate the participation of people of African descent in all political, economic, social and cultural aspects of society and in the development of the society?

No specific measures in this regard have been taken due to the very low figures of people of African descent (23 out of 35'168 in 2006) in Liechtenstein.

21. What measures has your Government taken to provide additional investments in the health-care system, education on public health, electricity, drinking water and environmental control, as well as other affirmative or positive action initiatives for people of African descent?

See answer 20.

Indigenous peoples

22. What constitutional, administrative, legislative, judicial and other measures has your Government taken, to guarantee the full exercise of human rights and fundamental freedoms of indigenous peoples and/or amended national Constitution, laws, legal systems and policies to be in conformity with relevant international human rights instruments, norms and standards?

No measures in this regard have been taken due to the fact that there are no indigenous peoples in Liechtenstein.

23. Has your Government taken any measure to ensure consultation with indigenous representatives in the process of decision-making concerning policies and measures that directly affect them?

See answer 22.

Migrants

24. Has your Government reviewed and, where necessary, revised its immigration laws, policies and practices which may be inconsistent with international human rights instruments with a view to eliminating all discriminatory policies and practices against migrants?

In the framework of the ongoing political discussion and policy implementation on immigration and on the integration of migrants, based on mutual respect and understanding, the Liechtenstein Government has elaborated a new draft Aliens Law. The draft has been submitted to a broad-based consultation procedure among interested groups (including NGOs)

and institutions. All contributions, including those introducing proposals for amendment of the draft, are being considered by the Government. Based on the results of the consultation procedure the Government intends to submit the bill to Parliament in Summer 2008.

Refugee, asylum-seekers and displaced persons

25. What measures has your Government taken to comply with their obligations under international human rights, refugees and humanitarian law relating to refugee, asylum-seekers and displaced persons?

Liechtenstein is party to the 1951 Convention relating to the Status of Refugees and its protocol of 1967 and has signed the 1954 Convention relating to the Status of Stateless Persons. The revision of the current Asylum Act (1998), aiming at the improvement of legal certainty, the clarification of competences and processes as well as definitions, is planned to be submitted to parliament by spring 2009. The revision is in line with relevant international humanitarian law, with EU-standards and takes into account the positions of UNHCR. The Revision of the Act on Acquisition and Loss of Citizenship, taking into account the concerns of stateless persons is planned to be discussed by Parliament in Summer 2007.

Other victims

26. What steps have been taken to guarantee the rights of persons belonging to minorities, including Roma/Gypsy/Sinti, to enjoy their own culture, to profess or practise their own religion, to use their own language and to participate effectively in the cultural, social, economic, and political life in order to protect them from any form of racism, racial discrimination, xenophobia and related intolerance they are or may be subjected to?

No steps have been taken in this regard since there are no Roma/Gypsy/Sinti minorities living in Liechtenstein.

27. Have measures been taken to counter anti-Semitism, anti-Arabism and Islamophobia and the emergence of movements based on racism and discriminatory ideas concerning these communities?

In 2001 the Government appointed an Independent Commission of Historians to assess the role of Liechtenstein in the Second World War. After four years of work, the Commission presented a general report supplemented by individual studies on specific topics. A summary of the report as well as the conclusions of the Government and a comprehensive catalogue of measures against anti-Semitism in Liechtenstein and abroad can be accessed on the official website of Liechtenstein.⁶ Since 2006 the Liechtenstein Government annually appeals to the population for participating in the official hour of commemoration at the International Holocaust Remembrance Day on 27 January. At the same day schools hold platforms of discussions on the Holocaust. In 2006 the Liechtenstein Association of friends of Yad Vashem organized a seminar on this issue for school teachers including a visit to the Yad

⁶ www.liechtenstein.li/Staat/Regierung/UnabhängigeHistorikerkommission

Vashem Center in Jerusalem. In the same year the Government provided financial support to the Yad Vashem Center as well as to the Jerusalem Foundation for the Center of Jewish-Arabic Education in Jerusalem. On the Holocaust Remembrance Day in 2007, the Association of the Liechtenstein Friends of Yad Vashem, financially supported by the Government, organized a concert of the Philharmonic of the Nations, consisting of young musicians from more than 40 countries.

28. Has your Government devised, enforced and strengthened measures to prevent, combat and eliminate all forms of trafficking in women and children, in particular girls?

In February 2008 Liechtenstein ratified the UN Convention on organized cross-border crime (Palermo Convention) as well as the Protocol concerning the smuggling of illegal immigrants by land, sea or air and the Protocol concerning the prevention, combating and punishment of trafficking in human beings and especially the trafficking in women and children. In the course of the ratification process, national authorities meet regularly in order to develop a common understanding of the phenomenon, identifying responsibilities of the different authorities as well as elaborating a cooperation model on the handling of cases of trafficking in human beings in Liechtenstein. In 2007 the Criminal Code was amended according to the provisions in the above mentioned protocols, punishing the trafficker with up to 3 years imprisonment.
