



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

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Committee on the Elimination of Racial Discrimination
Eighty-first session

Summary record of the first part (public)* of the 2194th meeting

Held at the Palais Wilson, Geneva, on Monday, 27 August 2012, at 10 a.m.

Chairperson: Mr. Avtonomov

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* The summary record of the second part (closed) of the meeting appears as document CERD/C/SR.2194/Add.1.

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The meeting was called to order at 10.05 a.m.

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention *(continued)*

Fourth to sixth periodic reports of Liechtenstein (CERD/C/LIE/4-6; CERD/C/LIE/Q/4-6)

1. *At the invitation of the Chairperson, the delegation of Liechtenstein took places at the Committee table.*
2. **Mr. Frick** (Liechtenstein), introducing the fourth to sixth periodic reports of Liechtenstein (CERD/C/LIE/4-6), said that the promotion and protection of human rights at the national and international levels had been a priority for the Government for many years. Liechtenstein attached great importance to the implementation of international and regional human rights treaties, and to the strengthening of the United Nations human rights protection system. All the periodic reports, concluding observations and recommendations for Liechtenstein concerning international and regional human rights instruments were published on the website of the Office for Foreign Affairs. Liechtenstein had also participated in efforts to reform the United Nations treaty body system and in the Ad Hoc Committee of the Human Rights Council on the Elaboration of Complementary Standards to the International Convention on the Elimination of All Forms of Racial Discrimination.
3. At the national level, efforts to improve the promotion and protection of human rights had included the establishment of the Office of Equal Opportunity in 2005. The current mandate of the Office was to promote equal opportunities for all, regardless of gender, migration situation, level of integration, disabilities or sexual orientation. As part of a programme of public administration reforms the Government had recently decided to implement, the Office of Equal Opportunity was to be replaced by a fully independent body with a broad mandate for the promotion and protection of human rights. The mandate encompassed elderly people, refugees, asylum seekers, children, young people and persons with disabilities, and the issues of gender equality, migration, integration and sexual orientation. In addition, the new body would be in charge of receiving and processing complaints from individuals. The exact timing and details of the implementation of the reforms had yet to be decided.
4. The Government communicated transparently with non-governmental organizations (NGOs), most notably during the annual dialogue between the Office for Foreign Affairs and national NGOs. The aim of the dialogue was to inform NGOs about recent developments in the field of human rights and to give them a platform for the exchange of views. There were very few complaints concerning human rights in Liechtenstein and cases from his country were seldom brought before the European Court of Human Rights.
5. Liechtenstein was a small, highly industrialized country with only 36,000 inhabitants, which had therefore had a strong economic need for immigration for a long time. Over a third of the current resident population was composed of foreigners. Genuine integration of foreigners, mutual understanding and combating any forms of racism were vital elements for a peaceful and cohesive society. Genuine integration meant that all inhabitants, regardless of their origins, could participate equally in the economy, the labour market and the education and social security systems. In 2008, the new Foreigners Act had been adopted by Parliament, applying to all foreigners from outside the European Economic Area (EEA) and Switzerland. It stipulated that foreigners must acquire a basic knowledge of the German language within a certain time period if they wished to stay, and sign an integration agreement defining their specific integration goals. The State provided financial support for German courses for foreigners. In 2008, the Government had also created the position of an Integration Officer within the Immigration and Passport Office,

who was responsible for the active promotion and implementation of integration measures. He was also an easily accessible contact person who could answer foreigners' questions concerning integration. In 2010, the Government had adopted a new integration concept based on the principle "Strength through Diversity", as detailed in paragraph 63 of the periodic report. It emphasized the benefits of diversity and multilingualism for all members of society and established several measures to be taken up to 2013.

6. A central aspect of integration was the political participation of foreigners. While non-citizens did not have the right to vote in Liechtenstein, in 2011, the Government had created the integration conference, a platform for dialogue between foreigners' associations and the Government at which the problems and needs of the foreign population could be discussed directly. In the wake of the 2012 integration conference, the umbrella organization of foreigners' associations had submitted a proposal to the Government containing over 30 measures to improve the integration of foreigners. In 2010, the Swiss Association of Liechtenstein had submitted to Parliament a petition underlining its members' interest in participating in the country's political processes. Some foreigners already participated in local and national committees; there was an active community of foreigners in Liechtenstein and a constructive and respectful dialogue with the authorities.

7. The Government took various measures to prevent right-wing extremist violence, as described in paragraphs 30 and 31 of the periodic report. In 2011, the first monitoring report on such violence had been published by the Liechtenstein Institute, an independent research institute. There had reportedly been several instances of right-wing violence in 2010, but none in 2011.

8. The integration of foreigners into the local community was tracked in the status report on the situation of human rights in Liechtenstein, which had been published annually since 2011 by the Liechtenstein Institute on behalf of the Office for Foreign Affairs. The report showed that, in general, foreigners in Liechtenstein were well integrated in all sectors of public life. At the end of 2011, the rate of unemployment among foreigners had stood at 3.8 per cent, only marginally higher than the rate of unemployment among Liechtenstein citizens. However, the report also showed that there was room for improvement in other areas, such as education. Given that foreigners were underrepresented in higher education, the Office of Education had recently implemented a number of measures to improve their integration in the school system and increase the percentage of foreigners in higher education.

9. **Mr. Amir** (Country Rapporteur), after providing a brief overview of the historical, geographical and political situation of the State party, welcomed the fact that the periodic report provided follow-up to the Committee's 2007 concluding observations (CERD/C/LIE/CO/3). He noted, however, that NGOs had been given the opportunity to comment on the report as opposed to participating in its preparation. He requested additional information on the precise measures the Government was taking to combat right-wing extremism. It would appear that the absence of any reciprocal agreements with countries other than Switzerland and EEA member States resulted in fewer rights for citizens of those other countries who lived in the State party. While such different treatment was not, according to the State party, discriminatory within the meaning of article 1 of the Convention (CERD/C/LIE/4-6, para. 9), he would welcome further clarification on that matter. Paragraph 5 of the periodic report indicated that the State party was an "intercultural country". He wished to know what exactly was meant by the term "intercultural" and whether there was any sense of a hierarchy between cultures or a desire to assimilate foreign cultures into that of the State party.

10. He would welcome further information on how the principles for granting asylum and temporary protection, the legal status of refugees in need of protection, and their return

to security and dignity, were implemented in practice, bearing in mind the large number of asylum applications that were refused.

11. With regard to article 1 of the Convention, he expressed concern that, under the monist system operating in Liechtenstein, there was no general law prohibiting discrimination in the country's internal legal order. With regard to article 2 of the Convention, he welcomed the work that had been carried out to implement the recommendation contained in paragraph 15 of the Committee's previous concluding observations (CERD/C/LIE/CO/3) concerning the inclusion in the State party's report of statistical information on the representation of the various ethnic groups in public bodies and institutions. He noted, however, that the position of the State party regarding the recommendation contained in paragraph 16 of the concluding observations, concerning the establishment of an independent national human rights institution, in accordance with the Paris Principles, had not changed. With regard to the Committee's recommendation in paragraph 17 of its concluding observations, he noted that, while the amendment of the Nationality Act had brought about some changes, no measures had been taken to ensure that outcomes of municipal popular votes in relation to the naturalization applications of non-citizens were subject to legal review, and the right to appeal against decisions was still not guaranteed. The Committee's general recommendation No. 30 (2004) on discrimination against non-citizens therefore remained without effect in Liechtenstein's internal legal order.

12. With regard to article 4 of the Convention, he welcomed the efforts made by the State party to implement the recommendation in paragraph 19 of the Committee's concluding observations concerning the prohibition of organizations that promoted and incited racial discrimination. He wondered, however, to what extent victims of discrimination were able in practice to bring a complaint under the system for individual communications provided for in article 14 of the Convention, which he was pleased to see Liechtenstein had signed up to.

13. With regard to article 5, and the right to family reunification, he did not share the opinion of the State party, indicated in paragraph 38 of the report, that the differing treatment of foreigners according to whether they were Swiss or EEA citizens, or citizens of third countries, did not constitute discrimination. He wished to know what point the Government had reached in its consideration of the withdrawal of the reservations relating to the right to family life made in respect of the European Convention on Human Rights, the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child. Generally speaking, Liechtenstein had complied with the recommendation to support the learning of the German language by migrant children and their parents, contained in paragraph 21 of the Committee's concluding observations, since German lessons were given to foreign residents. With regard to article 7, he would welcome an indication by the State party of the ways in which it had implemented the Durban Declaration and Programme of Action, in line with the recommendation contained in paragraph 23 of the concluding observations.

14. Turning to areas of concern and comments of a general nature, he said the fact that a number of bodies played an active role at local and national level did not replace the right to vote for long-term foreign residents. He wished to know what the outcome was of studies carried out into the existence of right-wing extremism. Despite the Committee's recommendations, Liechtenstein had still not established a national human rights institution in line with the Paris Principles. In his view, the establishment of an ombudsman's office would help the Government implement a national plan to combat racism. He wished to know what results had been achieved by the Working Group on the Promotion of the Integration of Muslims established by the Government in 2004 to institutionalize dialogue with Muslim communities. Bearing in mind that no foreigners had been naturalized in 2010

and 2011, he asked whether Liechtenstein planned to facilitate the naturalization process for refugees and stateless persons, in line with the 1951 Convention relating to the Status of Refugees. He would welcome more information about the new asylum law that had come into force on 1 June 2012.

15. **Mr. de Gouttes** said that while he had been pleased to note the many positive aspects described in the State party report, such as the follow-up given to a number of the Committee's previous concluding observations, the fact that Liechtenstein had no general law prohibiting discrimination was a matter of concern. While participation in an association that promoted or incited racial discrimination was punishable under article 283 of the Criminal Code, that did not comply with the imperative nature of article 4 of the Convention, under which the organizations themselves, and the dissemination of their ideas, were required to be prohibited. Even if there were very few acts of racial discrimination in a country, criminal legislation played an important role of prevention and of proclaiming the values that country upheld.

16. He noted that, despite the recommendation made by the Human Rights Council in 2009 following the universal periodic review, no independent national human rights institution had been established in accordance with the Paris Principles. He wished to know the content of the first report on the human rights situation in Liechtenstein, which had been presented in January 2011 (CERD/C/LIE/4-6, para. 20), and whether it contained disaggregated statistics on ethnic groups. Similarly, he would appreciate more information about the first monitoring report on right-wing extremism presented by the Government to the public in February 2011 (*ibid.*, para. 31). He wished to know what results had been achieved by the Working Group on the Promotion of the Integration of Muslims, which had been appointed by the Government in 2004.

17. **Mr. Murillo Martínez** asked, in relation to paragraph 13 of the State party report, how long it took on average for asylum applications to be processed, and what the average percentage was of asylum seekers who found jobs. Was he correct in understanding that asylum seekers did not receive their wages until the asylum procedure had been concluded? If so, how did they subsist during that time?

18. Referring to paragraph 14 of the report, which explained the jump in asylum applications in 2009 as the result of a large number of Eritrean and Somali asylum seekers having been brought to Liechtenstein by organized smugglers, he asked what had become of the 26 persons from that group whose asylum procedures were pending at the time of submission of the report. He had noted that unemployment for migrants was higher in the case of persons of African descent; how did the State party explain that discrepancy? He asked the delegation to clarify whether the Convention was one of the treaties that enjoyed constitutional rank in Liechtenstein mentioned in paragraph 18 of the report. He wished to be informed of the findings of the study that had been carried out to investigate right-wing extremism in Liechtenstein.

19. Referring to paragraphs 33 and 35 of the report, he asked whether any distinction was made between "associations" seeking to promote or incite racial discrimination and right-wing extremist "circles" or "groups". In particular, he wished to know whether article 283 of the Criminal Code applied to "circles" and "groups" in the same way as it did to "associations". He asked what was meant by "hardship cases" in paragraph 40 of the report, which described family reunification criteria, and how such situations were dealt with. He presumed that the persons in question would be from third-party States, but would welcome more information.

20. He asked how the day-school teachers implementing the motto "I know who I am, where I come from, and I can navigate a globalized world" described in paragraph 51 of the report were recruited, and what training they received. He expressed concern that,

notwithstanding the promotion of positive concepts such as “All Careers for Everyone” and “Strength through Diversity”, migrants were detained in the same facilities as convicted prisoners. Had the situation changed since the problem had been raised in the course of the universal periodic review of 2008?

21. **Mr. Diaconu** said that Liechtenstein had adopted a highly innovative approach to the integration of foreigners, focusing on multilingualism and the protection of diversity. The goal of integration was incorporated in the Foreigners Act and the Law on the Free Movement of Persons. There was a Commission on Integration Issues, which developed strategies and offered advice to the Government, and a Working Group on the Promotion of the Integration of Muslims. He noted that foreigners from outside the EEA and Switzerland were required to sign an integration agreement on entering the country. They undertook to learn the German language and to familiarize themselves with the legal order and State structure of Liechtenstein. It would naturally take some time, presumably at least a year, to learn the language. He enquired about their status, rights and obligations during that period.

22. Treaties concluded with Switzerland and EEA States contained reciprocal rules governing the treatment of citizens of those countries. He asked whether the rules applicable to citizens of “third countries” differed only in terms of admission, residence status and freedom of movement or whether they were also subject to different socioeconomic rules, for instance in the areas of employment, education, health care and housing.

23. He asked whether any foreign nationals were members of right-wing extremist groups and whether such movements were subject to foreign influence.

24. The report referred to cases of naturalization that were decided by municipal votes. The European Commission against Racism and Intolerance had requested member States of the Council of Europe to review applications for naturalization on a case-by-case basis rather than at the level of local communities.

25. The Committee on Economic, Social and Cultural Rights had recommended (E/C.12/LIE/CO/1) that the Employment Contracts Act should be amended to ensure that the prohibition of racial and ethnic discrimination was applicable not only to the termination of an employment contract but also to recruitment, promotion and other aspects of employment.

26. The Human Rights Committee had expressed concern (CCPR/CO/81/LIE) about the persistence of xenophobia and intolerance, especially against Muslims and people of Turkish origin. He wished to know whether action was being taken to eradicate such phenomena.

27. There had been reports of de facto discrimination against women belonging to vulnerable groups. For instance, immigrant women allegedly suffered discrimination in the areas of education, employment and health-care services. Moreover, certain foreign women who worked as nightclub dancers were reportedly victims of smuggling and trafficking. He urged the State party to compile disaggregated data on such cases and to adopt targeted measures against such practices.

28. Liechtenstein had argued in the past that it was unnecessary to establish a national human rights institution because a number of specialized human rights bodies already addressed issues relating, for instance, to children, persons with disabilities and victims of discrimination. He contended that a single body with universal jurisdiction would be more effective.

29. He noted with satisfaction that Liechtenstein had accepted the universal periodic review recommendation concerning the integration of foreigners, and the enhancement of genuine respect for diversity and for different cultures and traditions.

30. **Ms. Crickley** said she understood that Liechtenstein was actually in the process of establishing a national human rights institution and would be seeking A status for the institution, i.e. full compliance with the Paris Principles. She noted that the Office of Equal Opportunity, which had been responsible for follow-up to the Durban Declaration and Programme of Action and implementation of the National Action Plan, would be disbanded and incorporated in the national human rights institution. She asked whether the institution would assume all the responsibilities of the Office of Equal Opportunity.

31. She was disappointed that there had been no direct NGO involvement in the discussion of the current periodic report. She hoped that NGOs would be encouraged to become involved in the next reporting process.

32. Referring to the integration concept entitled “Strength through Diversity”, she noted parallels between the relevant legislation and comparable European Union (EU) legislation. As she was concerned about the dissociation of the integration concept from racial discrimination, she enquired about explicit measures to address racial discrimination in that context. Paragraph 18 of the report mentioned that there was no general non-discrimination law in Liechtenstein. As most countries that followed EU procedures were required to enact such a law, she asked whether Liechtenstein had any plans to do so.

33. She asked whether immigrants entering the country were given advance notice of the integration agreement so that they could consider its implications and sign it with full and free consent.

34. She was concerned about the suggestion in paragraph 14 that the increase in applications for asylum in 2009 was attributable to organized smugglers, who had allegedly brought a large group of Eritrean and Somali asylum seekers to Liechtenstein. In her view, there might well have been other reasons for the increase in asylum seekers from the two countries mentioned.

35. She joined other Committee members in enquiring about possible double discrimination against women migrants, especially those from outside the EEA.

36. **Mr. Kemal** commended Liechtenstein, a small country, on the disproportionate role it had played in the analysis of racial discrimination and in action against all forms of discrimination. The Office for Foreign Affairs had published a landmark report in 2007 entitled “Integration of the Foreign Population in Liechtenstein”, which dealt with integration, discrimination and people’s attitudes to foreigners. Only 38 per cent of those questioned in Liechtenstein at that time had considered that immigrants tended to contribute to an increase in the crime rate. The comparable figures for Switzerland and Germany were 57 and 64 per cent respectively. Similarly, 63 per cent of those questioned in Liechtenstein had considered that immigrants were good for the economy, compared with 17 per cent in Switzerland and 26 per cent in Germany. He asked whether attitudes had improved or deteriorated in the meantime. In particular, he wished to hear about the influence of potentially violent people who expressed hatred of foreigners and might use the Internet to spread their ideas. Did the authorities monitor such activities and, if so, had they taken successful action to contain them? He also asked whether educational campaigns to promote tolerance were conducted in the country’s schools.

37. **Mr. Ewomsan** commended the State party’s acknowledgement of the contribution of foreigners to its economic success. He also welcomed the concept of integration based on cultural diversity and the related plan covering the period from 2011 to 2013. He assumed, however, that the right-wing extremists were opposed to the integration policy and that the rise in racism, xenophobia, anti-Semitism and Islamophobia seriously undermined its implementation. He therefore asked why the Working Group against Racism, Anti-Semitism, and Xenophobia had been disbanded in 2007. He also joined other

Committee members in asking whether Liechtenstein intended to establish a national human rights institution based on the Paris Principles.

38. **Mr. Thornberry** noted that, according to the report, the police were unaware of the existence of any association whose purpose was to promote or incite racial discrimination and which would therefore breach article 283 of the Criminal Code. While there was also no right-wing populist political party, there was a right-wing extremist circle of about 30 to 40 persons. He asked whether the extremist circle was too amorphous to fall within the scope of article 283 and drew attention in that connection to article 4 (b) of the Convention, which required States parties to declare illegal and prohibit not only organizations but also “organized and all other propaganda activities” which promoted and incited racial discrimination. The State party claimed to be monitoring the right-wing extremist circle, but he wondered whether it had an adequate legal basis to take action before violence erupted. He also asked to what extent racism was involved in the group’s extremism.

39. He broadly supported the concept of integration and the statement in paragraph 59 distinguishing it from assimilation.

40. **The Chairperson** said he was puzzled to note that a monument had been erected in the village of Hinterschellenberg, near the Austrian border, dedicated to the fact that the asylum-seeking remainder of the First Russian National Army of the German Wehrmacht had been allowed to stay in Liechtenstein in 1945. The leader of the group, Major General A. Holmston-Smyslowsky, had stayed in the country until his death in 1988. The Soviet Union had filed several extradition requests to no avail. He feared that the maintenance of such a monument might encourage neo-Nazi groups.

41. A group of young people had submitted a petition to the Liechtenstein Parliament in 2006 concerning the expansion of the scope of article 283 of the Criminal Code to cover the wearing or display of Nazi symbols. He asked whether action had been taken on the petition.

The public part of the meeting rose at 12.05 p.m.