

OSCE/ODIHR Submission of Information about an OSCE Participating State under Consideration in the Universal Periodic Review Process

Participating State: Liechtenstein

UPR Working Group Session and Date of Review: 43rd Session, February 2023

Background

1. Liechtenstein has been a participating State (pS) in the Organization for Security and Co-operation in Europe (OSCE) since 1973, and has thus undertaken and recently reaffirmed a wide range of political commitments in the “human dimension” of security as outlined in relevant OSCE Documents.¹
2. The OSCE Office for Democratic Institutions and Human Rights (ODIHR) has been mandated by OSCE pSs, including Liechtenstein, to assist them in implementing their human dimension commitments. ODIHR assistance includes election observation and assessment activities as well as monitoring and providing assessments, advice and recommendations relating to the implementation of commitments in the fields of human rights, democracy, tolerance and non-discrimination, and the situation of Roma and Sinti.
3. The present submission provides publicly available country-specific information that may assist participants in the Universal Periodic Review process in assessing the situation in Liechtenstein and its implementation of past recommendations, as well as in formulating new recommendations that may be relevant to enhancing the enjoyment of human rights and fundamental freedoms in Liechtenstein.

Election-related activities

4. In the reporting period, ODIHR observed the following elections upon invitation from Liechtenstein.

Parliamentary elections, 7 February 2021

5. ODIHR deployed a Needs Assessment Mission (NAM) in 2021, in advance of the parliamentary elections, but decided not to deploy an election observation activity during these elections.
6. Following an invitation from the authorities of the Principality of Liechtenstein issued to ODIHR to observe the 7 February 2021 parliamentary elections, ODIHR deployed a NAM from 23 to 26 November 2020 to assess the pre-election environment and preparations for the elections and to recommend whether to deploy an ODIHR election-related activity for the forthcoming elections.
7. On 7 February 2021, the 25 members of parliament were elected for a 4-year term under a proportional representation system in the principality’s two multi-mandate constituencies. The current seat allocation assigns more mandates to one of the constituencies relative to the number of voters, which may affect the equality of the vote. Some 20,400 voters were eligible to vote. While ODIHR NAM interlocutors expressed confidence in the accuracy

¹ OSCE ODIHR, *Compendium of OSCE Human Dimension Commitments: Volume 1, Thematic Compilation (third edition)*, and *Volume 2, Chronological Compilation (third edition)*, 2011; OSCE *Astana Commemorative Declaration: Toward a Security Community*, 3 December 2010.

of the voter lists, some also stated that the criteria determining the eligibility of voters studying or travelling abroad might be overly restrictive.

8. Voting is compulsory by law, and over 95 per cent of the voters vote by post, which is available without justification. The report concluded that: *“ODIHR NAM interlocutors expressed no concerns regarding postal voting, including with regard to secrecy, and opined that this type of voting will help overcome challenges posed by the COVID-19 pandemic.”*
9. Parliamentary seats are assigned to contesting candidate lists that win 8 per cent of the valid votes, which is the highest threshold in the OSCE region for individually contesting political parties. While this was not raised as a concern during the ODIHR NAM, some of its interlocutors noted that a high threshold to enter parliament, especially having the pluralization of the political spectrum and emergence of new political parties, may leave some citizens without parliamentary representation, at odds with international good practice.
10. ODIHR NAM interlocutors stated that the legal electoral framework provides clear and sufficient guidance and covers all aspects of elections. However, some ODIHR stakeholders noted that in order to reflect changing political and technological realities more accurately, some media regulations should be updated.
11. All ODIHR NAM interlocutors expressed confidence in the election administration. The report noted that: *“While logistical challenges related to the COVID-19 pandemic were noted by the election commissions representatives, they also expressed confidence that the necessary protective measures will be implemented to ensure effective conduct of the election procedures, in line with the government ordinance.”*
12. The political and campaign finance rules have been substantially reformed since the previous parliamentary elections. The report explains that the changes to the legal framework *“require registration of political parties as legal entities to become eligible for public funds, publication of audited annual financial statements by parties that include details on sources of income and expenses, include ban on anonymous donations over a certain amount, provide for oversight of party financial reporting and introduce a wide range of sanctions for breaches of the regulations”*. However, it adds that: *“despite strengthened framework for party financing, campaign financing remains largely unregulated and electoral contestants are required to include their campaign-related donations and expenses in the annual party reports. Most of the ODIHR NAM interlocutors expressed confidence in the transparency of political funding.”*
13. Most of the ODIHR NAM interlocutors did not see a significant added value of external expertise in the upcoming elections, despite some changes related to the political financing system. Based on this and other findings, the ODIHR NAM did not recommend deploying any election-related activity for the 7 February parliamentary elections.²

Tolerance and non-discrimination issues

14. OSCE pSs have made a number of commitments to promote tolerance and non-discrimination and specifically to combat hate crime, and ODIHR supports states in their

² NAM report.

implementation of those commitments.³ In this context, ODIHR produces an annual report on hate crime⁴ to highlight the prevalence of hate crimes and good practices that participating States and civil society have adopted to tackle them. ODIHR also helps participating States design and draft legislation that effectively addresses hate crimes; provides training that builds the capacity of participating States' criminal justice systems and the law-enforcement officials, prosecutors and judges that staff them; raises awareness of hate crimes among governmental officials, civil society and international organizations; and supports the efforts of civil society to monitor and report hate crimes.

15. In respect of the 2020 Hate Crime Report and ODIHR's key observations,⁵ ODIHR recognized Liechtenstein's efforts in reporting on hate crime to ODIHR as well as the increase in the number of hate crimes recorded by police. However, based on the available information, it observed that the law enforcement agencies of Liechtenstein have not recorded the bias motivations of hate crimes. In addition, ODIHR observes that Liechtenstein would benefit from raising the awareness and building the capacity of criminal justice officials about hate crimes.
16. With regard to support for hate crime victims ODIHR observes that Liechtenstein provides support to victims of hate crime as part of its general victim support scheme. The dedicated Violence Protection Commission addresses violence in the public sphere, including violence motivated by bias.⁶

³ OSCE participating States have committed to strongly condemn racial and ethnic hatred, xenophobia, discrimination, anti-Semitism and intolerance against Muslims, Christians and other religions, and have committed to address these phenomena in all their forms (Copenhagen Document, 1990). Since 2003, the OSCE participating States have established a normative framework of OSCE Ministerial Council (MC) decisions to reflect their commitments to address these phenomena: MC Decisions 4/03, 12/04, 10/05, 13/06, 10/07 and 9/09. Additionally, a number of OSCE human dimension commitments recognize the vital importance of participating States' realization of their binding human rights obligations under international treaties, such as the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR).

⁴ <http://hatecrime.osce.org>.

⁵ Findings on the information available to ODIHR on hate crimes in a particular participating State in relation to OSCE commitments are presented as Key Observations. There are, in total, 13 Key Observations linked to OSCE participating States' commitments in the area of addressing hate crime. <https://hatecrime.osce.org/our-methodology>. This methodology has been in place since the 2020 Hate Crime Report.

⁶ <https://hatecrime.osce.org/national-frameworks-liechtenstein#victimSupport>