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I. INTRODUCTION

Following an invitation from the authorities of the Principality of Liechtenstein to observe the 5 February 2017 parliamentary elections and in accordance with its mandate, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) undertook a Needs Assessment Mission (NAM) from 29 November to 1 December. The NAM included Lusine Badalyan, OSCE/ODIHR Senior Election Adviser, and Vladimir Misev, OSCE/ODIHR Election Adviser.

The purpose of the mission was to assess the pre-election environment and preparations for the parliamentary elections. Based on this assessment, the NAM should recommend whether to deploy an OSCE/ODIHR election-related activity for the forthcoming elections, and if so, what type of activity best meets the identified needs. Meetings were held with officials from state institutions and the election administration, as well as with representatives of political parties, media and civil society. A list of meetings is annexed to this report.

The OSCE/ODIHR would like to thank the Government Chancellery of the Principality of Liechtenstein for its assistance and cooperation in organizing the NAM. The OSCE/ODIHR would also like to thank all of its interlocutors for taking the time to meet with the NAM and to share their views.

II. EXECUTIVE SUMMARY

On 5 February 2017, voters will elect 25 members of parliament for a 4-year term. The parliament is elected under a proportional representation system from two multi-mandate constituencies. The law assigns more seats to one of the constituencies than it qualifies for in proportion to the number of voters there, which potentially affects the equality of the vote. Seats are allocated to contestants that obtain at least eight per cent of valid votes countrywide, which is one of the highest thresholds in the OSCE region. However, most OSCE/ODIHR NAM interlocutors were generally supportive of the existing threshold and did not raise concerns regarding the equality of vote.

The conduct of elections is regulated by the Constitution, the Civil Rights Act and Government instructions. In 2012, the legal framework was amended to broaden suffrage rights for some categories of voters, such as prisoners and persons with mental disabilities, in line with international standards and obligations. In addition, the amendments reduced the number of voting days from two to one. The legislation explicitly provides for complaints only with regard to voter lists and candidate registration, but does not stipulate whether other types of complaints can be lodged, including those related to the campaign, voting and counting procedures, as well as the work of election commissions. All OSCE/ODIHR NAM interlocutors expressed general confidence in the election-related legal framework and the judiciary.

The Government is responsible for calling elections, issuing instructions to election commissions, candidate registration, printing and distribution of voting materials, allocation of mandates, and consideration of certain types of complaints. The elections are administered by a two-tier structure,
Principality of Liechtenstein
Parliamentary Elections, 5 February 2017

including two Main Election Commissions and 11 Commune Election Commissions. Members of
election commissions are nominated by electoral groups and all electoral contestants are entitled to
be represented in each commission. Overall, about a third of the election commission members are
women. All OSCE/ODIHR NAM interlocutors expressed confidence in the election administration.

Voting is compulsory, but not enforced. Postal voting is possible from up to two weeks until two
days before the election day without any prior request or explanation. Postal voting was introduced
in 2004, and during the 2013 elections some 95 per cent of voters voted by post. None of the
OSCE/ODIHR NAM interlocutors expressed concerns regarding secrecy of postal votes.

Citizens over 18 years of age with permanent residence in the country for at least one month before
the election day have the right to vote. As of 1 December 2016, some 19,900 voters are eligible to
vote. The voter lists are displayed for public scrutiny for three days not later than four weeks before
the election day. Most OSCE/ODIHR NAM interlocutors expressed confidence in the accuracy of
the voter lists.

Every voter has the right to stand as candidate if nominated by an electoral group established by a
minimum of 30 voters from the same constituency as the candidate. A total of 71 candidates were
ominated by 4 political parties, including 19 women. The law does not provide for gender quotas
for the electoral lists. The OSCE/ODIHR NAM interlocutors stated that political parties face
difficulties with finding candidates for their lists, and that women are in particular reluctant to enter
politics.

The legislation does not regulate the conduct of the election campaign. Contestants mostly
campaign through the print media. According to OSCE/ODIHR NAM interlocutors the
personalities of the parliamentary candidates attract more voters than the party programs or
campaign platforms. In addition, political parties put forward candidates for ministerial positions; a
practice that is considered to boost the support from the voters. Most OSCE/ODIHR NAM
interlocutors expect the campaign to focus on domestic issues, such as the economy and austerity
measures, social equality, education and healthcare.

Political parties may receive public and private funding. The legislation does not prescribe limits on
the amount of donation to parties or electoral contestants, nor does it require disclosure of the
donor’s identity. Electoral groups are not limited in their campaign spending, sources of funding
and types of expenditures, and are not bound by account disclosure obligations. According to some
OSCE/ODIHR interlocutors, campaign financing lacks transparency. Most interlocutors, however,
noted that the party funding system did not require further improvement.

Freedom of media and expression are guaranteed by the Constitution. The media landscape consists
of a few printed and broadcast media. Two daily newspapers together reach some 85 per cent of the
country’s population and are closely affiliated with the two major political parties. Although the
legislation does not contain any specific guidelines on media conduct during elections, the main
broadcast media intended to hold debates among and interviews with the candidates.

The legislation does not contain provisions for election observation and does not, therefore, fully
implement paragraph 8 of the 1990 OSCE Copenhagen Document. However, draft Government
instruction stipulates that domestic and international observers are allowed to observe.

The OSCE/ODIHR NAM noted the confidence of all its interlocutors in the integrity of the
electoral process and the professionalism and impartiality of the election administration. No
significant concerns were expressed with regard to the respect for fundamental freedoms,
transparency of the electoral process, candidate registration, and election day proceedings. In addition, the authorities of Liechtenstein have given consideration to the findings of the previous OSCE/ODIHR NAM report and introduced measures aimed at addressing some of the concerns raised before, such as voting rights. However, some aspects of the electoral process, in particular political party and campaign finance, could still benefit from review.

Based on this, the OSCE/ODIHR NAM does not recommend deploying any election-related activity for the 5 February parliamentary elections. The OSCE/ODIHR stands ready to assist Liechtenstein in any future electoral reform and encourages the authorities to consider issues of concern raised in this and previous reports, including campaign finance regulations.

III. FINDINGS

A. BACKGROUND AND POLITICAL CONTEXT

According to the Constitution, the Principality of Liechtenstein is a constitutional, hereditary monarchy on a democratic and parliamentary basis with power shared between the Reigning Prince (hereafter the Prince) and the people. The Prince is the Head of State and is vested with extensive powers. The Prince has the authority to appoint and dismiss the Government, dissolve the parliament, appoint judges, and sanction all laws and acts adopted by referenda.\footnote{In respect of the constitutional amendments in 2003, initiated by the Prince and subsequently supported by a referendum, the Council of Europe’s Commission for Democracy through Law (Venice Commission) in 2002 adopted \textit{Opinion on the Amendments to the Constitution of Liechtenstein Proposed by The Princely House of Liechtenstein} in which among others criticized the proposed changes and extended powers of the Prince, which would reduce the powers of parliament.} Voters enjoy broad democratic rights and can launch popular initiatives and initiate referenda to amend laws and the Constitution.\footnote{Depending on the issue, between 1,000 and 1,500 citizens, or in some instances 3 to 4 commune councils, can launch an initiative or call for a referendum.} They can also submit a motion of no confidence in the Prince, to abolish the monarchy, to convene the parliament, and to elect judges in cases of disagreement between the parliament and the Prince.

Executive powers are vested in the government, a collegial body consisting of a head of government and four ministers. In the current government, two ministers are women. The members of the government are appointed by the Prince on the proposal of the parliament and with its concurrence.

Legislative powers are exercised by the parliament (\textit{Landtag}) elected by popular vote for a four-year term. The parliament has 25 seats and its members serve on a part-time basis. Following the 2013 elections, 10 seats in the parliament are held by the Progressive Citizen’s Party (PCP), 8 by the Patriotic Union (PU), 4 by the Independents (DU) and 3 by the Free List (FL). Women hold only six seats in the outgoing parliament.

In the last several decades, the political landscape has been dominated by two parties, the PCP and the PU, usually ruling in a coalition. Since 1930 there have been only few instances in which one party obtained an absolute majority. The FL and Independents appeared on the political scene in 1985 and 2013, respectively.
B. LEGAL FRAMEWORK AND ELECTORAL SYSTEM

The conduct of elections is regulated by the 1921 Constitution, amended in 2003, the 1973 Civil Rights Act, lastly amended in 2012 and Government instructions adopted before each elections. Other relevant legislation includes the laws and acts on media, political party funding, and the judiciary. All of the OSCE/ODIHR NAM interlocutors expressed general confidence in the electoral legal framework.

The legislation was recently amended to provide broader suffrage rights for prisoners, detainees and voters under guardianship, bringing it closer in line with international obligations and standards. The amendments also broadened the voting rights for persons with mental disabilities. Namely, the blanket prohibition of the voting rights for persons with mental disabilities was abolished and it is now decided by case-specific court rulings. In addition, the amendments reduced the number of voting days from two to one.

The legislation provides explicitly for complaints with regard to voter lists and candidate registration. Complaints against the decisions of commune councils on voter lists can be filed with the Government whose decisions can then be appealed with the Administrative Court and the State Court as a final instance. However, Government decisions on candidate registration cannot be appealed. The legislation does not stipulate whether other types of complaints can be lodged, including those related to equality of campaign conditions, implementation of voting and counting procedures and the work of election commissions. Under the Constitution, the election results of a single constituency or of the entire country can be appealed to the State Court. The State Court has the authority to invalidate the election results if the indentified irregularities had or could have had a significant impact on the outcome. OSCE/ODIHR NAM interlocutors appeared generally satisfied with the judicial system and stated that in the last 20 years not a single election-related complaint was lodged.

The parliament is elected under a proportional representation system from 2 multi-mandate constituencies; 15 members are elected from the Upper Country (Oberland) and 10 from the Lower Country (Unterland). The current distribution of seats per constituency was introduced in 1988 and sought to protect the interests of the smaller Lower Country by assigning it more seats than it qualified for based on its population, which may affect the equality of the vote. Voters can choose from open list of candidates, and may strike and/or add candidates from other lists. According to the OSCE/ODIHR NAM interlocutors, the possibility to vote across party lines appears to be well accepted and the complex voting procedures do not pose a challenge for the voters. During the 2013

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3 The changes were introduced in the Civil Rights Act in 2012, following a judgment by the European Court of Human Rights, in the case Frodl vs Austria. According to the changes, a voter can be disenfranchised only for committing serious crimes.

4 The Principality of Liechtenstein has not signed and ratified the 2006 United Nations Convention on the Rights of Persons with Disabilities (UN CRPD). Deprivation of the right to vote on the basis of mental disability is inconsistent with Articles 12 and 29 of the CRPD.

5 Complaints related to violations of the fundamental rights can also be lodged to the State Court, however all other instances should be first exhausted.

6 The State Court is also the Constitutional Court and it consists of five judges appointed by the Prince for a five-year term with annual replacement of one of the judges.

7 As of 30 June 2015, there are 24,049 residents in the Upper Country and 13,419 in the Lower Country. Paragraph I.2.2. 13 of the Venice Commission Code of Good Practice in Electoral Matters states that “Equality in voting power requires constituency boundaries to be drawn in such a way that seats are distributed equally among the constituencies, in accordance with a specific apportionment criterion, e.g. the number of residents in the constituency.”
parliamentary elections, some 54 per cent of the voters used the opportunity to vote across party lines or strike candidates from the list, and some 2 per cent of ballots were invalid.

Seats are allocated to electoral groups that obtain at least eight per cent of valid votes countrywide – this is one of the highest thresholds in the OSCE region. The parliamentary discussions on a threshold reduction initiated by the FL in 2014 have not resulted in an agreement. With exception of the FL representatives, most of the OSCE/ODIHR NAM interlocutors seemed generally supportive of the existing threshold.

C. ELECTION ADMINISTRATION

The Government holds the primary decision-making authority and is responsible, among other things, for calling elections, issuing instructions to election commissions, candidate registration, printing and distribution of voting materials, allocation of mandates, and consideration of certain types of complaints.

The elections are administered by a two-tier structure, including Main Election Commissions (MEC) in each of the 2 constituencies and 11 Commune Election Commissions (ComEC) in each of the 11 communes. Members of election commissions are nominated by electoral groups in proportion to their representation in the parliament with all electoral contestants entitled to be represented in each commission. Overall, some 34 per cent of the election commissions’ members are women. OSCE/ODIHR interlocutors informed NAM that some of the electoral contestants decided not to nominate representatives to all commissions due to lack of human resources.

MECs are permanent bodies appointed by the Government for a four-year term and consist of up to 11 members and 6 substitutes. Approximately, 32 per cent of the MEC members are women. The duties of MECs are effectively those of re-counting ballots to verify the results submitted by ComECs, as well as of correcting any mistakes that have been found in the protocols. Result protocols are established at both MEC and ComEC levels.

The ComECs are permanent bodies elected by respective commune councils for a four-year term. ComECs are chaired by the heads of respective commune councils and consist of up to six members and three substitutes. More than one third of the ComEC members are women. On election day, ComECs serve as polling station commissions and are responsible for the conduct of voting, counting and transfer of results to the MECs. During counting, apart from regular members, the ComECs are supported by counting staff appointed by commune councils.

A wide range of activities in the pre-electoral period are carried out by the commune administration, including the preparation of voter lists, distribution of voting materials, preliminary review of candidate lists for candidate eligibility, and the verification of candidate list supporting signatures. The Government representatives informed the OSCE/ODIHR NAM that the chairpersons of the election commissions will be trained. All OSCE/ODIHR NAM interlocutors expressed confidence in the election administration.

Voting is compulsory but it is not enforced since 2004. Voters may cast their ballots in person at polling stations on the election day from 10.30 am until 12 pm. In order to cast a ballot, a voter

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8 Set at 18 per cent in the aftermath of the World War II to prevent radical parties from entering the parliament, the threshold was reduced to 8 per cent in 1973. The high threshold has twice excluded the FL from representation, during 1986 and 1989 elections.

9 The voter turnout is traditionally high and during the 2013 elections was 79.8 per cent.
must present a personal voting card, which is mailed to all registered voters by commune councils at least two weeks before the election day and contains personal details of a voter, address, place of registration, voter’s identification number and a barcode.10

Postal voting is possible from up to two weeks until two days before the election day without any prior request or explanation.11 Postal votes must reach the ComEC two days before the beginning of voting and must be accompanied by a signed declaration that the enclosed ballot represents the voter’s will. Postal voting was introduced in 2004 and during the 2013 elections some 95 per cent of voters voted by mail. None of the OSCE/ODIHR NAM interlocutors expressed concerns regarding secrecy of postal votes.

D. VOTER REGISTRATION

Citizens over 18 years of age with permanent residence in the country for at least one month before the election day have the right to vote. Voters on a study or short visits abroad retain their voting rights and can request voting materials to be mailed to them by the commune councils.

As of 1 December 2016, some 19,900 voters are eligible to vote. Voter lists are based on the information extracted by commune councils from the permanent electronic population register. They are displayed for public scrutiny not later than four weeks before the election day for three days.12 During this period, undue inclusion or exclusion of eligible voters can be appealed with commune councils. Voters can be included on the voter list on the election day upon decisions of a ComEC and presentation of supporting documents for evidence. Voter lists can be shared with contestants under conditions which provide for the protection of personal data. Most OSCE/ODIHR NAM interlocutors expressed confidence in the accuracy of the voter lists.

E. CANDIDATE REGISTRATION

Eligible voters over 18 years of age with residence in the country for at least one month before the elections are eligible to stand as candidates. The right to nominate candidates is granted to electoral groups established by a minimum of 30 voters from the same constituency as the candidates.13 The number of nominees on a candidate list may range from 1 to 15 in the Upper Country and from 1 to 10 in the Lower Country. Each electoral group’s list is printed on a separate ballot.

The OSCE/ODIHR NAM was informed that a total of 71 candidates were nominated by 4 political parties, including 19 women. The legislation does not provide for gender quotas for the electoral lists. The OSCE/ODIHR NAM interlocutors stated that political parties in general face difficulties with finding candidates for their lists. According to OSCE/ODIHR NAM interlocutors, women are in particular reluctant to enter politics due to barriers posed by traditions and family-related reasons.14 Women were granted the right to vote in 1984.

10 The barcode is scanned at the polling station to identify the voter and to indicate that the voter has voted. This procedure serves as a guarantee against multiple voting.
11 Ballot papers and voting materials are sent to all registered voters by respective commune councils.
12 During the previous elections, voter lists were displayed for public scrutiny for three days no later than three weeks prior to elections.
13 An electoral group does not have to be a political party, although in practice they are political parties.
14 Liechtenstein has ratified the 1981 Convention on the Elimination of All Forms of Discrimination of Women in 1995 and subsequently adopted legislation on gender equality in 1999. The forthcoming public administration reform envisages the activities of the Office for Equal Opportunities to be transferred to the new Office for Social Affairs and Society from 2017. The UN Human Rights Council in its 2013 Universal Period Review Report notes that women are underrepresented in many areas in particular in the labour market and in the political bodies.
F. CAMPAIGN AND CAMPAIGN FINANCE

The legislation does not regulate the conduct of the election campaign. Political parties mostly campaign through the print media and to some extent broadcast and social media or canvassing. According to OSCE/ODIHR NAM interlocutors, the personalities of the parliamentary candidates attract more voters than the party programmes or campaign platforms. In addition, political parties put forward candidates for ministerial positions – a practice that is considered to boost the support from the voters.\textsuperscript{15} Most OSCE/ODIHR NAM interlocutors expect the campaign to focus on the domestic issues such as the economy and austerity measures, social equality, education and healthcare.

Political parties may receive public and private funding. Public funding is available to political parties represented in the parliament and those who have obtained at least three per cent of the votes in both constituencies during the previous parliamentary elections. Legal entities and individuals can also donate to the political party or electoral contestant, however there are no limits on the amount of donation and there are no legal requirements for disclosure of the identity of a donor.\textsuperscript{16}

Electoral groups are not limited in their campaign spending, sources of funding and types of expenditures, and are not bound by account disclosure obligations. The 2016 Evaluation Report of the Council of Europe’s Group of States against Corruption (GRECO) concluded that party and campaign funding system is largely unregulated and provided a number of recommendations for improving its transparency.\textsuperscript{17} The OSCE/ODIHR NAM was informed that the state intended to provide its response on the GRECO report by October 2017.

Most OSCE/ODIHR NAM interlocutors maintained that the party funding system does not require further improvement, although one political party considered the system unfair. A motion submitted in parliament in August 2013 raised a number of concerns and asked the Government to adopt measures to improve the transparency of political funding, but was not endorsed.\textsuperscript{18}

G. MEDIA

The freedom of media and expression are guaranteed by the Constitution. Detailed regulations pertaining to the media are contained in the 1999 Information Law, the 1999 Information Regulation, the 2003 Broadcasting Law, the 2005 Media Law and the 2006 Law on Funding of the Media. The Media Commission, elected by the parliament for a term of four years, is authorized to take decisions related to state subsidies, oversee the implementation of the legislation, to issue recommendations, instructions and warnings, and to impose fines in cases of non-compliance.\textsuperscript{19}

The media landscape is limited due to the small size of the population and consists of a few printed and broadcast media. Two daily newspapers, \textit{Liechtensteiner Volksblatt} and \textit{Liechtensteiner...
Vaterland, together reach some 85 per cent of country’s population. Both newspapers are closely affiliated with the two major political parties, the PCP and the PU, respectively. Non-periodical publications, in a form of newsletters, are printed by the Independents and the FL. In the broadcasting sector, the state-owned Radio Liechtenstein operates under public service obligations and is required to ensure objectivity, impartiality, accuracy and diversity in its programs. Landeskanal is a state-owned television channel while IFLTV is privately owned media outlet.

Although the legislation does not contain any specific guidelines on media conduct during elections, including requirements for equitable treatment, all electoral contestants can purchase political advertisement on the media and can present their views. Most OSCE/ODIHR NAM interlocutors opined that the print media shaped the public opinion and the so-called ‘Letters to the Editors’ are frequently used to express different opinions and are highly followed by the readership. The OSCE/ODIHR NAM was informed that Radio Liechtenstein and IFLTV would have specialized elections-related programs during the campaign and intended to hold debates among and interviews with candidates.

Under the Law on Funding of the Media, in the interests of preserving the diversity of opinions and enhancing the editorial quality, the Government grants subsidies to media that meet eligibility criteria. While the possibility is open to all media, currently Liechtensteiner Vaterland and Liechtensteiner Volksblatt receive most of the subsidies. A small portion of the public funds is allocated to IFLTV. Due to the political affiliation of the print media, some OSCE/ODIHR NAM interlocutors expressed concern that these funds give support to the two largest political parties.

H. ELECTION OBSERVATION

The legislation does not contain provisions for election observation and is, therefore, at odds with paragraph 8 of the 1990 OSCE Copenhagen Document. However, the draft Government instruction on preparations and voting procedures stipulates that domestic and international observers are allowed to follow the preparations and conduct of elections, as well as counting and tabulation procedures. Citizen organizations expressed full trust and confidence in the electoral process and do not plan to undertake election observation activities. Civil society organization Jugendrat Liechtenstein will produce a voter education brochure in which voting procedures and electoral contestants will be presented mostly to young voters.

IV. CONCLUSIONS AND RECOMMENDATION

The OSCE/ODIHR NAM noted the confidence of all its interlocutors in the integrity of the electoral process and the professionalism and impartiality of the election administration. No significant concerns were expressed with regard to the respect for fundamental freedoms,
transparency of the electoral process, candidate registration, and election day proceedings. In addition, the authorities of Liechtenstein have given consideration to the findings of the previous OSCE/ODIHR NAM report and introduced measures aimed at addressing some of the concerns raised before, such as voting rights. However, some aspects of the electoral process, in particular political party and campaign finance, could still benefit from review.

Based on this, the OSCE/ODIHR NAM does not recommend deploying any election-related activity for the 5 February parliamentary elections. The OSCE/ODIHR stands ready to assist Liechtenstein in any future electoral reform and encourages the authorities to consider issues of concern raised in this and previous reports, including campaign finance regulations.
ANNEX: LIST OF MEETINGS

**Government Chancellery**
Peter Sele, Head of Chancellery Services

**Ministry of Foreign Affairs**
Ambassador Martin Frick, Director of the Office for Foreign Affairs

**Ministry of Home Affairs**
Claudia Gerner, Senior Advisor to the Minister of Home Affairs

**Financial Affairs Unit**
Andreas Gritsch, Head of the Financial Affairs Unit

**State Court**
Marzell Beck, President

**Election Administration**
Martin Nägele, Main Election Commission/Upper Country
Jörg Biedermann, Main Election Commission/Lower Country
Ewald Ospelt, Mayor of Vaduz and Chairperson of Vaduz Commune Election Commission
Donath Oehri, Head of the Gamprin-Bendern Commune and Chairperson of Gamprin-Bendern Election Commission

**Political Parties**
Thomas Banzer, President of the Progressive Citizen’s Party
Günther Fritz, President of the Patriotic Union
Pepo Frick, President of the Free List

**Media**
Patrik Schädler, *Liechtensteiner Vaterland* newspaper, Chief Editor
Martin Frommelt, Radio Liechtenstein, Chief Editor
Peter Kölbel, *1FLT V*, Chief Editor

**Civil Society Organizations**
Wilfried Marxer, Political Researcher, Liechtenstein Institute
Claudia Heeb-Fleck, Infra, Managing Director,
Brian Haas, President of *Jugendrat* Liechtenstein