



Office for Democratic Institutions and Human Rights

# PRINCIPALITY OF LIECHTENSTEIN

## 2009 PARLIAMENTARY ELECTIONS

OSCE/ODIHR NEEDS ASSESSMENT MISSION REPORT

15 - 16 December 2008



Warsaw  
12 January 2009

## TABLE OF CONTENTS

<b>I.</b>	<b>INTRODUCTION .....</b>	<b>1</b>
<b>II.</b>	<b>EXECUTIVE SUMMARY .....</b>	<b>1</b>
<b>III.</b>	<b>FINDINGS.....</b>	<b>3</b>
	<b>A. BACKGROUND AND POLITICAL CONTEXT .....</b>	<b>3</b>
	<b>B. LEGAL FRAMEWORK.....</b>	<b>4</b>
	<b>C. ELECTION SYSTEM.....</b>	<b>5</b>
	<b>D. ELECTION ADMINISTRATION .....</b>	<b>6</b>
	<b>E. VOTER REGISTRATION.....</b>	<b>7</b>
	<b>F. CAMPAIGN ENVIRONMENT AND CAMPAIGN/PARTY FINANCING .....</b>	<b>8</b>
	<b>G. MEDIA FRAMEWORK.....</b>	<b>9</b>
	<b>H. PARTICIPATION OF WOMEN .....</b>	<b>10</b>
<b>IV.</b>	<b>CONCLUSIONS AND RECOMMENDATIONS.....</b>	<b>11</b>
	<b>ANNEX: LIST OF MEETINGS.....</b>	<b>12</b>

**PRINCIPALITY OF LIECHTENSTEIN  
2009 PARLIAMENTARY ELECTIONS**

**OSCE/ODIHR Needs Assessment Mission Report**

**I. INTRODUCTION**

Following an invitation from the Permanent Mission of the Principality of Liechtenstein to the Office for Democratic Institutions and Human Rights (ODIHR) of the Organisation for Security and Co-operation in Europe (OSCE) to observe the parliamentary elections scheduled for 6 and 8 February 2009, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) undertook a Needs Assessment Mission (NAM) to Vaduz on 15 - 16 December 2008. The OSCE/ODIHR NAM was composed of Mr. Jonathan Stonestreet, OSCE/ODIHR Senior Election Adviser, and Ms. Tatyana Bogussevich, OSCE/ODIHR Election Adviser.

The purpose of the OSCE/ODIHR NAM was to assess the pre-electoral environment and the preparations for the parliamentary elections, and to make recommendations regarding any possible election observation activity with regard to these elections. The OSCE/ODIHR NAM met with representatives of the Government Chancellery, Ministry of Home Affairs, Office for Foreign Affairs, election commissions, State Court, municipal councils, political parties, media and civil society. A full list of meetings is included as an annex.

The OSCE/ODIHR would like to express its appreciation to the Government Chancellery of the Principality of Liechtenstein for its assistance and co-operation in organizing the OSCE/ODIHR NAM. The OSCE/ODIHR would also like to thank the representatives of other State institutions, representatives of political parties, media and civil society who took the time to meet with the OSCE/ODIHR NAM.

**II. EXECUTIVE SUMMARY**

The Principality of Liechtenstein is a constitutional monarchy. The Reigning Prince shares power with the people, who exercise their power through a directly elected unicameral Parliament (*Landtag*) and a government appointed by the Prince at the proposal of the Parliament. The 6 and 8 February 2009 parliamentary elections<sup>1</sup> were called by the Government on 18 November 2008 to elect the 25 members of the Parliament. Deputies are elected from two multi-mandate constituencies under a proportional representation system. In addition, deputy members will be elected for electoral groups that obtain seats in the Parliament.

The system and conduct of elections are regulated by the Constitution, the Act on the Exercise of Political and Civil Rights in National Affairs (Civil Rights Act), as well as by legally binding instructions issued by the Government. Interlocutors generally considered the legal framework as an adequate basis for the conduct of democratic elections, but some issues raised included the equality of the vote in the two constituencies, the voting rights of prisoners and detainees, the relatively high 8 per cent threshold for

---

<sup>1</sup> Voting on two days is an established practice aimed at ensuring greater voter participation.

representation in Parliament, and campaign and political party financing provisions. In addition, the rights of international and domestic election observers, currently ensured through a government instruction, are not regulated by legislation.

The Government is the main body responsible for the overall conduct of the parliamentary elections. Eleven Commune Election Commissions (CECs) administer the voting and counting processes at polling station level on the two days of election. Two Main Election Commissions (MECs) at the constituency level conduct the tabulation of results. Election commissions are permanent bodies whose members are nominated by political parties in proportion to the number of seats held in the Parliament. Votes are counted at both levels of election administration to ensure accuracy.

Citizens of Liechtenstein over 18 years of age and residing in the country for at least one month before an election have active and passive voting rights. Citizens residing abroad cannot vote, except for those temporarily abroad. A total of 18,857 voters are included in voters lists prepared by commune councils.

The right to nominate candidates is granted to electoral groups comprising at least 30 supporters. A total of 62 candidates from three electoral groups, the Progressive Citizen's Party (*Fortschrittliche Bürgerpartei in Liechtenstein*; PCP), the Patriotic Union (*Vaterländische Union*; PU) and Free List (*Freie Liste*; FL), will contest the upcoming elections. In addition to parliamentary candidates, the parties have also announced their respective candidates for the Government. Traditionally, the political parties' proposed candidates for Government positions are a major element of the election campaign. The parties have already launched their campaigns, the conduct and funding of which are not regulated by the election legislation.

Voters may vote in person or by mail, with postal voting being a widely used option since its introduction in 2004. Voters can cast ballots only upon submission of a personal voting card mailed in advance by commune councils. For each constituency, each electoral group has its own ballot showing its candidate list. To make his/her choice, the voter selects a ballot of one electoral group and either casts it unchanged or may delete names of candidates and/or add the names of candidates from lists of other electoral groups.

The media landscape is limited due to the small size of the population. Two daily newspapers, *Liechtensteiner Volksblatt* and *Liechtensteiner Vaterland*, which are considered to be closely affiliated with the PCP and PU respectively, are the primary sources of electoral information. Both newspapers receive considerable state subsidies under eligibility criteria challenged by the FL as not promoting balanced reporting.

There is also a state-owned radio station, *Radio Liechtenstein*, and a small state television channel, *Landeskanal*. In the run-up to the election, *Radio Liechtenstein* and *Landeskanal* will organize debates and interviews with candidates to the Parliament and the Government. The FL complained to the Government about unequal opportunities with regard to participation in debates organized by *Landeskanal* among candidates for the post of the Head of the Government.

Women were granted the right to vote only in 1984, and despite some efforts to enhance their participation, women remain underrepresented in public life. There are 19 women among the candidates. Some of the interlocutors indicated that additional measures could be used to facilitate the increased participation of women in future elections.

While some issues were raised which could indicate potential for improvements in the legal framework, the OSCE/ODIHR NAM noted the confidence of political parties in the overall integrity of the electoral process. The OSCE/ODIHR NAM recommends that no OSCE/ODIHR election observation activity be undertaken in connection with 6 and 8 February 2009 parliamentary elections. The OSCE/ODIHR also encourages the authorities of Liechtenstein to consider the issues raised by interlocutors in discussions with the OSCE/ODIHR NAM and offers its assistance upon request.

### III. FINDINGS

#### A. BACKGROUND AND POLITICAL CONTEXT

According to Article 2 of the Constitution, the Principality of Liechtenstein is a constitutional, hereditary monarchy on a democratic and parliamentary basis. The Constitution provides for power sharing between the Reigning Prince (hereafter the Prince) and the people.

The Prince, H.S.H. Hans Adam II, is the Head of the State and is vested with extensive powers. The day-to-day management of the Principality is carried out by the Hereditary Prince, H.S.H. Prince Alois. Following controversial amendments to the Constitution<sup>2</sup> in 2003, initiated by the Prince and subsequently supported by 64 per cent of voters in a referendum, the Prince has the authority to appoint and dismiss the Government, dissolve Parliament, appoint judges and sanction all laws. Succession to the throne is regulated by the Law on the Princely House, which can be amended only by the Princely House itself.

The people of Liechtenstein have considerable direct democracy rights and can launch popular initiatives and to initiate referenda to amend laws and the Constitution, to 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. Depending on the issue, between 1,000 and 1,500 citizens, or in some instances 3 to 4 communes, can launch an initiative or initiate a referendum. The Prince has the right to veto most of the acts of popular votes, however, he does not play any role in the parliamentary election process.

Executive power is vested in the Government, a collegial body consisting of a Head of the Government and four ministers. The Government is appointed by the Prince on the proposal of the Parliament and with its concurrence. The Head of the Government appointed by the Prince represents the majority party in the Parliament, currently the

---

<sup>2</sup> The Venice Commission of the Council of Europe (CoE) criticised the proposed changes as granting the Prince extraordinary discretionary powers in the legislative and executive fields without any democratic control or judicial review. *See* Opinion on the Amendments to the Constitution of Liechtenstein proposed by the Princely House of Liechtenstein, adopted by the Venice Commission on 13-14 December, 2002; [www.venice.coe.int](http://www.venice.coe.int).

PCP, with the Deputy Head usually coming from the second largest party, currently the PU.

Legislative power is exercised by the Parliament elected by popular vote for a four-year term. Members of Parliament serve on a part-time basis. The 2003 amendments to the Constitution, particularly the introduction of a veto right of the Prince on any legislation, as well as the withdrawal of the right of control of Parliament over the activities of the Prince, reduced the powers of the Parliament. Following the 2005 elections, 12 seats in the Parliament are held by the PCP, 10 by the PU and 3 by the FL.

The political landscape of Liechtenstein over the last half-century has been dominated by two centre-right political parties, the PCP and the PU. With no significant ideological differences between the programs of the two parties, voter support is strongly linked to the personalities of their leaders. Since 1930's, the PCP and the PU have been working in coalition, with only a few instances in which one party obtained an absolute majority. The centre-left FL appeared on the political scene in 1985 and identifies itself as being in opposition to the two large parties. For the first time, the FL has nominated candidates for the next Government.

## **B. LEGAL FRAMEWORK**

The primary legislation setting the framework for the conduct of elections is the Constitution, adopted in 1921 and amended in 2003, and the Civil Rights Act, adopted in 1973 and amended last in 2008. Additional regulations on specific issues such as voting rights, ballot eligibility, handling of postal votes, counting, and publication of results are provided in legally binding instructions adopted by the Government on 16 December 2008. The legislation of secondary relevance includes the laws and acts on media and information, on political party funding, as well as on the judiciary. The interlocutors of the OSCE/ODIHR NAM appeared generally satisfied with the legal framework and considered it an adequate basis for the conduct of democratic elections.

Under the Constitution, complaints relating to elections are considered by the State Court. The Court consists of five judges appointed by the Prince for a term of five years with annual replacement of one of the judges. Direct appeals to the State Court, however, are possible only after the election to contest results for a constituency or the entire country. The Court has authority to invalidate the results if it establishes that irregularities had or could have had significant impact on the result of the election.

The Civil Rights Act provides explicitly only for two types of complaints admissible during the pre-electoral period, namely with regard to voters' lists and candidate support signatures. While decisions of commune councils with regard to voters' lists are appealable to the Government, then to the Administrative Court and finally to the State Court, decisions of the Government on candidate nominations are non-appealable. The Act does not stipulate whether other types of complaints can be lodged, including those related to candidate registration, equality of campaign conditions, implementation of polling and counting procedures, and the work of election commissions. The President of the State Court noted that electoral complaints were very rare.

The Civil Rights Act does not contain provisions for election observation and is therefore not fully compliant with the 1990 OSCE Copenhagen Document.<sup>3</sup> However, Instruction No. 2 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.

### C. ELECTION SYSTEM

The Parliament of Liechtenstein is unicameral and consists of 25 representatives elected through a proportional representation system from two multi-mandate constituencies. The Constitution provides that 15 members of Parliament are to be elected from the Upper Country (*Oberland*) and 10 from the Lower Country (*Unterland*). Voting is by open list, and voters may strike candidates and/or add candidates from other lists (panachage). Mandates are allocated to electoral groups that obtain at least 8 per cent of valid votes countrywide.

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 in proportion to its population.<sup>4</sup> The OSCE/ODIHR NAM was informed that while there have been repeated discussions about the need for redistribution of seats, no political consensus was found and the status quo was retained. The current distribution of seats challenges the principle of equality in voting power<sup>5</sup>, with fewer votes winning a seat in the Lower Country than in the Upper Country<sup>6</sup>.

The threshold for representation in the Parliament has been another matter of political contention. 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. Discussions about further reduction have not resulted in an agreement. The high threshold has twice excluded the FL from representation, during 1986 and 1989 elections. The current 8 per cent threshold is one of the highest in the OSCE region.<sup>7</sup>

Candidates must be over 18 years of age and reside in the country for at least one month before elections. The right to nominate candidates is granted to electoral groups established by a minimum of 30 supporters of a voting age from the same constituency as

---

<sup>3</sup> In line with Paragraph 8 of the 1990 Copenhagen Document, the OSCE participating States have committed themselves to invite observers to follow the course of their national election proceedings.

<sup>4</sup> As of 30 June 2008, there are 23,030 residents in the Upper Country and 12,416 in the Lower Country, with total country population of 35,446 inclusive of permanent residents of foreign nationalities who have no voting right.

<sup>5</sup> The Code of Good Practice in Electoral Matters of the Council of Europe, para I.2.2 point 13, 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..." It further stipulates in point 15 that "The maximum admissible departure from the distribution criterion ... should seldom exceed 10% and never 15%, except in really exceptional circumstances."

<sup>6</sup> While the ratio in the Upper Country is one parliamentary seat per 808 registered voters, in the Lower Country, the ratio is one seat per 647 voters.

<sup>7</sup> In its judgment in the case of *Yumak and Sadak v. Turkey* (8 July 2008), the European Court of Human Rights stated that in general an electoral threshold was within the margin of appreciation of a state and that the ten per cent threshold in Turkey did not represent a violation of human rights. The Court nevertheless considered the threshold excessive ([www.echr.coe.int](http://www.echr.coe.int)).

the nominated candidates. An electoral group does not have to be a political party, although in practice electoral groups are political parties. The number of nominees on a candidate list may range from one to 15 in the Upper Country and from one to ten in the Lower Country. Each electoral group's list is printed on a separate ballot.

Eligible voters may cast their ballots in person at polling locations from 6 pm till 8 pm on 6 February 2009 and from 10 am until noon on 8 February 2009. They may also vote by mail.

Postal voting was introduced in 2004 and during the 2005 elections some 50 per cent of voters made use of the possibility. Voters wishing to vote by mail can do so up to two weeks before the election without any prior request or explanation using ballots and materials sent to all voters by commune councils. Postal votes must reach the CECs before the beginning of voting and must be accompanied by a signed declaration that the enclosed ballot represents the voter's will. Interlocutors of the OSCE/ODIHR NAM welcomed the possibility of voting by mail and did not express any concerns as regards possible breaches of secrecy.

To mark his/her choice, a voter uses a ballot paper of an electoral group he/she supports and has the right of either casting it as printed or crossing out, adding and/or replacing any candidate(s) with candidate(s) from lists of other electoral groups. The possibility to vote across party lines appears to be well accepted, and the complex voting procedures do not seem to represent a challenge for the voters. The OSCE/ODIHR NAM was informed that the number of invalid ballots is usually low<sup>8</sup>.

Each ballot gives votes both to the electoral group as a whole and to each candidate written on the ballot and not deleted. For each electoral group passing the threshold, candidates are ranked by constituency in the order of the number of votes they have received. Mandates are allocated among electoral groups using the Droop quota with largest remainder.<sup>9</sup> The mandates allocated to each electoral group are assigned to those candidates receiving the most votes. Each group is also entitled to have one deputy member per each three regular members of Parliament, but at least one deputy member in case it receives less than three mandates. The non-elected candidates who receive the most votes are declared deputy members.

#### **D. ELECTION ADMINISTRATION**

The Government of Liechtenstein holds the primary decision-making authority in the conduct of elections, with the Ministry of Home Affairs serving as the main election focal point and the Government Chancellery tasked with organization. The Government is responsible *inter alia* for calling elections, issuance of instructions to election

---

<sup>8</sup> During the 2005 elections, 1.5 per cent of ballots were invalid.

<sup>9</sup> First, votes cast for electoral groups that did not overcome 8 per cent threshold countrywide are deducted from the total number of valid votes. The number of remaining valid votes is then divided by the number of mandates in a constituency plus one and the result of the division is rounded up in all cases to a whole number. The result is the Droop quota. To determine the number of seats gained by each electoral group, the number of votes gained by a group in a constituency is divided by the Droop quota. Any remaining unassigned mandates are allocated to parties with the largest remainder(s).



commissions, printing and distribution of voting materials, confirmation of candidate nominations, allocation of mandates, and consideration of certain types of complaints.

Administration of elections is carried out by a two-tier structure, including two Main Election Commissions in each of the two constituencies and 11 Commune Election Commissions. Members of election commissions are nominated by electoral groups proportionally to their representation in the Parliament, although all electoral groups participating in an election are entitled to be represented on each commission.

The CECs are permanent bodies elected by respective commune councils for the term of four years. CECs are chaired by the heads of respective commune councils and consist of 6 members and 3 substitutes. On voting days, CECs 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 CECs are supported by counting assistants appointed by commune councils, mostly mirroring electoral group representation in commissions.

MECs are also permanent bodies appointed by the Government for the term of four year and consist of a maximum of 11 members and 6 substitutes. The duties of MECs are effectively those of re-counting ballots to verify the results submitted by CECs, as well as of correcting any mistakes that have been found. Result protocols are established at both levels with the aid of a software programme “*Wahlen Proporz*”.

A wide range of activities in the pre-electoral period are carried out by commune councils, including the preparation of voters’ lists, distribution of voting materials, preliminary review of candidate lists for candidate eligibility, and the verification of candidate list support signatures.

In the run-up to the 2009 election, the Government and an outsourced IT company will provide training to commission members on election procedures and the use of the software during count and tabulation. Voter education will mostly be carried out through mailing of instructions on voting procedures, as well as information in media.

All official bodies involved in the preparation and conduct of elections appear to enjoy the confidence of political parties and voters.

## **E. VOTER REGISTRATION**

Citizens of the country over 18 years of age and residing in the Principality for at least one month before an election are entitled to vote. The right can be exercised only at the place of permanent residence. Liechtenstein nationals studying or on a short visit abroad retain their voting right and can request that voting materials be mailed to them by commune councils<sup>10</sup>. Foreign citizens, making up some 30 per cent of the population, are not eligible to vote. Individuals under guardianship, detainees and prisoners<sup>11</sup> are

---

<sup>10</sup> Instruction No.1 on the right to vote considers specific circumstances related to the determination of residence and retention or withdrawal of the right to vote.

<sup>11</sup> In *Hirst v. United Kingdom (No. 2)* the Grand Chamber of the ECHR held that a blanket restriction on the voting rights of prisoners, “irrespective of the length of their sentence and ... of the nature or gravity of their offence ...”, was a violation of Article 3 of Protocol 1 to the ECHR.

disenfranchised. As of November 2008, 18,857 voters were eligible to cast ballots in the upcoming elections.

Voters' lists in Liechtenstein are based on the information extracted by commune councils from the permanent electronic population register. The lists are displayed for public scrutiny for 3 days not later than three weeks before an election. During this period appeals can be lodged with commune councils with regard to undue inclusion or exclusion of eligible voters. Election-day registration is not permitted.

Casting of ballots both in person and by mail is conditional on the submission of a personal voting card mailed to all registered voters by commune councils not less than two weeks before an election. Voting cards contain personal details of a voter, address, place of registration, as well as the voter's identification number and a barcode. The barcode is scanned at the polling station, which updates the electronic voter register to indicate that the voter has cast a ballot. This procedure serves as a guarantee against multiple voting.

The voter turnout is traditionally high and reached 86.5 per cent in the 2005 parliamentary elections. Under the Civil Rights Act, voting is a civic duty. Until 2004, administrative fines could be imposed for failure to vote.

#### **F. CAMPAIGN ENVIRONMENT AND CAMPAIGN/PARTY FINANCING**

The upcoming elections were called by the Government on 18 November 2008. Electoral groups had two weeks to nominate candidates, and total of 62 candidates from PCP, PU and FL have been registered by the Government. Candidate lists have been published in the print media and internet. In addition to parliamentary candidates, all three parties put forward candidates for the Government. The candidates for Government are a prominent factor in the campaign, with interlocutors stating that a large number of voters base their decision on these nominees rather than on party platforms or issues.

The election legislation of Liechtenstein does not contain any provisions on the conduct of the pre-electoral campaign. No electoral 'silence period' is envisaged. Political parties informed the OSCE/ODIHR NAM that they had already launched their campaigns, and had printed banners and electoral programs, which were to be delivered to every household.

Campaign funding is also left unregulated. Electoral groups are not limited in their campaign spending, sources of funding and types of expenditures, and are not bound by account disclosure obligations. Political parties informed the OSCE/ODIHR NAM that in practice their campaign expenditures are reported to the Government in the framework of annual financial reports obligatory for political parties receiving state funding<sup>12</sup>.

Under the Law on Contributions to Political Parties and based on the results of the 2005 elections, all three political parties have been receiving state funding comprising a fixed amount for representation in the Parliament and a further amount proportional to the number of votes gained. Interlocutors, however, noted that the required financial

---

<sup>12</sup> Upon request of the Government, an independent audit of financial reports submitted by political parties may be carried out.

reporting does not provide for transparency of accounts. The OSCE/ODIHR NAM was informed of a practice of establishing external foundations, which are not bound by financial disclosure obligations, which receive donations and in turn donate to a party.

## G. MEDIA FRAMEWORK

The media landscape in Liechtenstein is limited due to the small size of the population. Two daily newspapers, *Liechtensteiner Volksblatt* and *Liechtensteiner Vaterland*, together reach some 85 per cent of country's population and are widely relied on for information on Liechtenstein political life. Both newspapers are considered to be closely affiliated with the two major political parties, the PCP and the PU. A smaller monthly journal *FL Info* is put out by the Free List.

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 small television channel working primarily in tele-text format and covering major state events. It is accessible to anyone on request for broadcasting information of national relevance.

The freedom of media and expression are guaranteed by the Constitution. Detailed regulations pertaining to the media are contained in the Information Law (1999), the Information Regulation (1999), the Broadcasting Law (2003), the Media Law (2005) and the Law on Funding of the Media (2006). The Parliament-elected Media Commission is authorised to oversee the implementation of the legislation by the media, to issue recommendations and instructions, as well as to make warnings and to impose fines in cases of non-compliance.

With the exception of a clause applicable specifically to *Landeskanal* (see below), the legislation does not contain any specific guidelines on media conduct during elections, including requirements for equitable treatment of election contestants. Some interlocutors of the OSCE/ODIHR NAM expressed their concerns that absence of such requirements resulted in skewed reporting and unequal coverage, particularly in the press.

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 considerable direct or indirect subsidies<sup>13</sup> to print media meeting the eligibility criteria.<sup>14</sup> While the possibility is generally open to all publications, currently only *Liechtensteiner Vaterland* and *Liechtensteiner Volksblatt* are subsidised.

Interlocutors of the OSCE/ODIHR NAM in general deemed state support of print media a positive feature, stating that newspapers would otherwise not be viable in such a small market. However, some challenged the eligibility criteria, arguing that they neither

---

<sup>13</sup> Direct subsidies are lump sum annual payments for the general subsistence of a media outlet. Indirect subsidies are meant to cover specific costs incurred by media outlets on distribution/airing or on training of journalists. Both types of subsidies are paid retroactively.

<sup>14</sup> To qualify for funding, a media outlet needs to provide regular news and analytic coverage on major policy issues and events in Liechtenstein of interest to a wider public, to provide significant input to shaping public opinion, to have at least one full time employee and to print at least 10 issues per year. Decisions on the eligibility for funding are taken by the Media Commission.

promote balanced reporting, nor encourage diversity of opinion. As the two newspapers receiving subsidies are not legally bound to provide impartial reporting and both visibly support two political parties, it was suggested that media subsidies in effect constitute a form of state funding for political parties.

In the run-up to the election, *Landeskanal* will hold two debates, one among parliamentary candidates and another among candidates for the Head of the Government. *Radio Liechtenstein* plans to air a number of election-related programs, including debates and interviews.

The representatives of the Free List informed the OSCE/ODIHR NAM of a complaint they lodged with the Government with regard to the exclusion of the party from debates that will be organized by *Landeskanal* among candidates for the Head of the Government. Responding to FL's complaint, the Head of the current Government, Mr. Otmar Hasler, stated that the party was excluded for the reason that it did not put forward a candidate for the post of the Head of the Government, but only regular Government candidates. He noted in addition that the two other parties refused to debate with the FL in this format. The FL argued the approach was unfair and that it violated the provisions of the Information Law obliging state bodies to provide balanced information to the population, and provisions of the Information Regulation obliging *Landeskanal* to ensure representation of all electoral groups in election-related broadcasts. The FL informed the OSCE/ODIHR NAM that it considered seeking legal redress should no agreement be reached with the Government.

In the view of the Free List, the overall media environment is not equitable and contributes to a campaign environment that is at times not fair.

## H. PARTICIPATION OF WOMEN

Women's rights were enshrined in the country's legislation relatively recently. Equality of men and women was recognized by the Constitution in 1992 and was further underscored by the adoption of legislation on gender equality in 1999. Liechtenstein ratified the Convention on the Elimination of All Forms of Discrimination against Women in 1996.

The right to vote was granted to women only in 1984. The Government has since been undertaking efforts at promoting women's participation in political processes, including through organisation of specialized courses. The interlocutors of the OSCE/ODIHR NAM, however, agreed that these efforts did not result in considerable increases in women's participation. There are seven women in the current Parliament and four women in the Government. There are four women in the Upper Country MEC and three in the Lower Country MEC.<sup>15</sup>

Political parties stated that they make efforts at including women in candidate lists, with the two major parties stating that it was not easy to identify women willing to stand as candidates.<sup>16</sup> In the forthcoming elections, out of 62 candidates, 19 are women. The interlocutors attributed the low number of female candidates to conservative and

---

<sup>15</sup> Figures include substitute members of the Parliament, Government and election commissions.

<sup>16</sup> The FL has presented the same number of male and female candidates.

patriarchal views in the society, reluctance of women to add parliamentary duties to those at permanent employment and home, as well as reluctance to face possible defeat.

All OSCE/ODIHR NAM interlocutors stated an interest in enhancing women's participation, and some suggested that additional legal measures could be used to facilitate their participation in future elections. However, most interlocutors noted that formal quotas for gender representation would be unlikely to receive broad support.

#### **IV. CONCLUSIONS AND RECOMMENDATIONS**

While some issues were raised which could indicate potential for improvements in the legal framework, the OSCE/ODIHR NAM noted the confidence of political parties in the overall integrity of the electoral process. The OSCE/ODIHR NAM recommends that no OSCE/ODIHR election observation activity be undertaken in connection with 6 and 8 February 2009 parliamentary elections. The OSCE/ODIHR also encourages the authorities of Liechtenstein to consider the issues raised by interlocutors in discussions with the OSCE/ODIHR NAM and offers its assistance upon request.

## **ANNEX: LIST OF MEETINGS**

### **State Authorities**

#### **Office for Foreign Affairs**

Mr. Roland MARXER, Ambassador, Director  
Ms. Esther SCHINDLER, First Secretary

#### **Ministry of Home Affairs**

Dr. Erik PURGSTALLER, Government Officer

#### **Government Chancellery**

Mr. Norbert HEMMERLE, Permanent Government Secretary/Head of the Chancellery  
Mr. Peter SELE, Deputy Head

#### **State Court**

Mr. Marzell BECK, President

#### **Commune Councils**

Mr. Ewald OSPILT, Mayor of Vaduz/Chairperson of Vaduz Commune Election Commission  
Mr. Donath OEHRI, Head of the Gamprin-Bendem Commune Council/Chairperson of Gamprin-Bendem Election Commission

### **Election Administration**

Mr. Norbert VOGT, Chairperson, Main Election Commission for the Upper Country  
Mr. Alois ALLGÄUER, Chairperson, Main Election Commission for the Lower Country

### **Mass Media**

Mr. Martin FROMMELT, Chief Editor, Radio Liechtenstein  
Mr. Tino QUADERER, Chief Editor, Liechtensteiner Volksblatt  
Mr. Günther FRITZ, Chief Editor, Liechtensteiner Vaterland  
Mrs. Karin JENNY, Editor, FL Info

### **Political Parties**

Mr. Marcus VOGT, President, Progressive Citizen's Party  
Mr. Adolf HEEB, President, Patriotic Union  
Mrs. Claudia HEEB-FLECK, President, Free List  
Dr. Egon MATT, representative, Free List  
Mr. Paul VOGT, representative, Free List

### **Civil society**

Dr. Wilfried MARXER, Political Researcher, Liechtenstein Institute  
Mrs. Christel HILTI-KAUFMANN, representative, Women in Good Constitution