

Liechtenstein 2024

Information from: Liechtenstein Human Rights Association (LHRA)

Follow-up to last year's rule of law recommendations

As Liechtenstein is not part of the European Union, it is not affected by the 2023 EU Rule of Law Report, etc. However, the process of implementing the recommendations of the latest [GRECO-report](#) is still going on. Until September 2022 only one of 16 recommendations by GRECO has been implemented. Six others have been implemented partially. GRECO invited the Government to present a report about further progress until end of June 2023. In February 2023, the Government has issued a [proposal for a judiciary reform](#) for public consultation. The proposal, however, has not been presented to the parliament in the form of a Government's Report and Proposal yet.

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Independence, effectiveness and establishment of NHRIs

International accreditation status and SCA recommendations

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The Liechtenstein Association of Human Rights (LHRA) is a non-accredited, associate member of ENNHRI since September 2019. It was founded in December 2016 by 26 non-governmental organisations through the Liechtenstein Human Rights Association Act. It serves as an Ombuds body with a broad mandate to protect and promote human rights in Liechtenstein. The institution also acts as the Ombuds Office for Children and Young People.

ENNHRI will be supporting the Institution to seek accreditation by reference to the UN Paris Principles. The LHRA Board has decided to seek accreditation in

spring 2024, due to a delay in the ratification process to UNCRPD, which will add a mandate to the LHRA.

Regulatory framework

Regulatory framework

In the context of the [ratification of the Convention on the Rights of Persons with Disabilities \(CRPD\)](#) (ratified in January 2024), the LHRA has been appointed as the responsible body to implement a monitoring mechanism according to Art. 33 (2) CRPD. In the process, the [LHRA Act](#) (Article 1 Para. 2 Lit. b, Article 4, and some minor changes) has been adapted accordingly.

To be able to fulfil this task, the Liechtenstein Human Rights Association's (LHRA) has been granted additional financial resources (see [Government's Report and Proposal No. 100/2023](#), page 63 and pages 71ff., [Government's Report and Proposal No. 74/2023](#), pages 24ff. and pages 42f.). Since its foundation, the LHRA's financial framework has been based on a four-year financial resolution by Parliament. The current financial resolution ended in 2023. On the basis of a parliamentary decision in November 2023, the budget of the LHRA will be revised upon annually during the adoption of the annual state budget by the parliament.

NHRI enabling and safe environment

NHRI enabling and safe environment

The relevant state authorities are aware of the LHRA's mandate, independence and role.

Due to the detailed legal basis of the LHRA, the mandate, independence and role of the institution is well documented and clear. The competences and role of the LHRA are regularly discussed during annual meetings with members of the government and all national parties represented in the parliament.

The LHRA has adequate access to information and to policy makers and is involved in all stages of legislation and policy making with human rights implications. The LHRA is informed about all legislative projects of the government via newsletter and, since 2021, also about all upcoming public court hearings.

The addressees of the LHRA's recommendations are not legally obliged to provide a timely and reasoned reply and to respond to the institution's recommendations. It would be helpful to include a corresponding obligation in the founding act of the LHRA. However, the recommendations are published in the LHRA's annual report, forming some public pressure for implementation. So

far, though, cooperation between the institution and state authorities has been satisfactory.

Measures necessary to protect and support the LHRA – head of institution and staff -against threats and harassment and any other forms of intimidation (including SLAPP actions) are in place. The LHRA stresses the importance of ensuring enough state funding to enable the institution to carry out its mandate. There is no immunity or specific penal code provisions concerning the protection of the Institution, its head and staff.

NHRI's recommendations to national and regional authorities

NHRI's recommendations to national and regional authorities

Establishing a right of associational appeal for NHRIs would improve access to justice for individuals and strengthen LHRA's position in a grievance.

Designating LHRA as an independent monitoring body under the UNCRPD would strengthen independence. However, this would require an appropriate amendment to the legal basis and additional government-funded resources for LHRA.

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Checks and balances

Separation of powers

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The additional executive powers given during the Covid-19 pandemic have been brought back to the state they were before. Other than that, the LHRA has not identified an eradication of the separation of powers.

The [constitutional court dealt with the situation of deputy representatives in the parliament](#) when they leave the party they campaigned for during elections. The court decided that the election of a representative must be rated higher than party interests, contrary to the parliamentary proceedings beforehand.

The LHRA holds regular meetings with all parliamentary groups, the government, and the judiciary authorities at which all relevant issues, including those concerning the separation of powers, are discussed. There has not been a dedicated campaign or initiative though.

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Securitisation's impact on the rule of law and human rights

There is no evidence that increased securitisation narrative/ practice has resulted in laws, processes and practices which negatively impact on human rights and/or the rule of law.

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Implementation of European Courts' judgments

There have not been any European Courts' judgements regarding Liechtenstein lately. Hence, the LHRA has not undertaken any action to support implementation of the European courts' judgments in Liechtenstein.

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Other challenges to the rule of law and human rights

It's not a pressing challenge, but still noteworthy that after one of the two daily print media outlets had to close its doors, there is only one daily newspaper left in Liechtenstein (see also [the government's press release](#)). Hence, the government made a [proposal](#) to promote the media diversity in Liechtenstein. The proposal has not been presented to the parliament in the form of a Government's Report and Proposal yet.

The LHRA perceives the access to information on vulnerable and marginalised groups as a particular challenge. Government agencies, as well as the LHRA, have little data on vulnerable or marginalised individuals or groups. A comprehensive research as a basis for long-term inclusion strategies would be needed here.

NHRI's recommendations to national and regional authorities

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The LHRA recommends State authorities to pursue comprehensive research and gather relevant data on vulnerable, marginalised groups and individuals as well as adopt long-term inclusion strategies.

