Liechtenstein 2025

Information from: Liechtenstein Human Rights Association

Independence, effectiveness, resilience and establishment of NHRIs

International accreditation status and SCA recommendations

The Liechtenstein Association of Human Rights (Verein für Menschenrechte in Liechtenstein; VMR) 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 and as the Monitoring Mechanism under Article 33 (2) UN CRPD.

ENNHRI will be supporting the Institution to seek accreditation by reference to the UN Paris Principles. The VMR Board wrote to the SCA in 2024 to request it be considered for accreditation.

The accreditation status of the VMR will be considered by the SCA during its second session of 2025.

Follow-up to international and European actors' recommendations on NHRIs and relevant developments

NHRI follow-up on the recommendations concerning their institution, issued by European actors

As an EEA-member, Liechtenstein is obliged to implement EEA-relevant EU law regarding human rights. Furthermore, Liechtenstein is committed to the CoE Ministers Recommendation 2021/1 on NHRIs and all applicable rulings of the UN. The VMR has submitted the recommendations to the government and discussed their implications.

Gender perspective

The government is currently developing a national gender equality strategy on the basis of a CEDAW-recommendation from 2017. The VMR is part of the development process and will also implement actions in its own work.

Regulatory framework

Changes in regulatory framework

In the context of the ratification of the Convention on the Rights of Persons with Disabilities (CRPD) (ratified in January 2024), the VMR has been appointed as the responsible body to implement a monitoring mechanism according to Art. 33 (2) CRPD. In the process the VMR 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 VMR 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.).

Mandate strengthened to contribute to access to justice

In terms of strategic litigation before courts:

The mandate hasn't changed since 2022, but in 2024, the VMR launched a pilot project on strategic litigation with private funding. The goal is to obtain more human rights case law in Liechtenstein.

In terms of providing legal assistance to individuals:

The mandate hasn't changed since 2022, but the VMR offers initial legal assistance to individuals in human rights cases. If a consultation produces critical legal questions the VMR cannot answer itself, it provides initial legal assistance. For these cases, the VMR has agreements with law firms in Liechtenstein. In the context of strategic litigation, the VMR offers legal assistance not only initially, but also for the whole procedure under the following criteria:

- It falls under Liechtenstein jurisdiction;
- It is a litigable human right;
- It is a natural person;
- VMR has the affected person's consent.

The VMR is currently searching for more private funding for legal assistance.

NHRI regulatory framework should be strengthened

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

There is a comprehensive anti-discrimination penal code, but there is no comprehensive anti-discrimination law in the civil law in Liechtenstein. In its monitoring report 2023 (p. 18), the VMR addresses the need for such a law in

Liechtenstein.

Consequently, there is also no official Equality Body in Liechtenstein. Even though the VMR fulfills most of the conditions for an Equality Body, it obtained no such mandate. In the context of a comprehensive anti-discrimination law in Liechtenstein, the mandate of an Equality Body as well as its membership to Equinet should also be discussed.

NHRI enabling and safe space

State authorities' good awareness of the NHRI's mandate, independence and role

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

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

Access to information and involvement in legislation and policy-making processes

The VMR 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 VMR is informed about all legislative projects of the government via newsletter and, since 2021, also about all upcoming public court hearings.

Timely and reasoned responses to NHRI recommendations

The addressees of the VMR'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 VMR. However, the recommendations are published in the VMR's annual report, forming some public pressure for implementation. So far, though, cooperation between the institution and state authorities has been satisfactory.

Functional immunity / Measures to protect NHRI staff

No gaps in the protection and support of the VMR – head of institution and staff – regarding threats and harassment or any other forms of intimidation (including SLAPP actions) have been identified, so far. There is no immunity or specific penal code provisions concerning the protection of the Institution, its

head and staff.

Adequate resources

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

To be able to fulfil its additional mandate, the VMR has been granted more financial resources since 2024 (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.). Nevertheless, the VMR needs further resources to implement and coordinate an independent and participatory monitoring mechanism by including experts and persons with disabilities. For 2025 the VMR plans to forward this issue to the government.

As a general rule, the VMR stresses the importance of ensuring enough state funding to enable the institution to carry out its mandate.

NHRI's recommendations to national authorities

The independence and effectiveness of the VMR could be strengthened by establishing a right of associational appeal for the NHRI - the right for the NHRI to intervene in court cases (submit appeals) in its name as a party to the proceedings, on behalf of individuals. This would also improve access to justice for individuals, lead to more case law on human rights and therefore to more effective implementation of human rights in Liechtenstein.

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Information from: Liechtenstein Human Rights Association

Human rights defenders and civil society space

Activities of NHRIs to support civil society space and Human Rights Defenders

NHRI initiatives in 2024 to promote civil society space and human rights defenders

Joint meetings and/or roundtables

The VMR organises and coordinates annual roundtables on the asylum situation and on gender equality. At these roundtables, NGO/HRD as well as state actors discuss their positions and exchange views. This is a means to strengthen NGO/HRD and make their voices heard. Other sporadic roundtables e.g. on child custody or LGBTQ+ rights have been initiated as a reaction to current developments or needs.

NHRI actions to protect civil society space and human rights defenders (HRDs)

Monitoring

According to Art. 4 (2) of the VMR act, the VMR monitors the human rights situation in Liechtenstein in general and publishes an annual monitoring report (Monitoring report 2023). The VMR does not specifically monitor the protection of civil society space and human rights defenders.

Complaints handling

According to Art. 4 (2) lit. b) of the VMR Act, the VMR handles complaints regarding human rights violations. In 58 consultations to the VMR in 2024 no consultation/complaint concerned the protection of civil society space and human rights defenders.

Legal assistance

Since its foundation, the VMR has not identified the necessity of legal assistance regarding the protection of civil society space and human rights defenders.

Recommendations & opinions

According to Art. 4 (2) lit. d) and 3) of the VMR Act, the VMR may give recommendations to public and private organisations, and present its opinions to government proposals. In 2024 the VMR made 5 recommendations to the government or public authorities and wrote 2 opinions on government proposals (guardianship law and implementation of EU-directive 2022/2381 on improving the gender balance among directors of listed companies).

Capacity building

VMR provides capacity building and training of civil society observers for asylum interviews.

Examples of NHRI engagement in this area with international and regional mechanisms in support of human rights defenders and civil society

Since 2022, the VMR has been visited by GREVIO, GRECO and Congress of Local and Regional Authorities from the Council of Europe, as well as CRC and UNICEF (child friendly cities initiative) and UNCHR Office for Switzerland and Liechtenstein by the UN. The VMR organized an exchange between the UN-High Commissioner on Human Rights, Volker Turk, and 16 NGO/HRD in January 2024. The exchange not only provided the possibility for NGO/HRD to express concerns and wishes. The UN Commissioner also supported, strengthened and motivated the NGO/HRD to continue their work and make their voices heard.

The VMR fosters the exchange with the state working group on the implementation of international human rights' recommendations in Liechtenstein. The VMR thereby takes into account and promotes NGO/HRD views towards the state working group.

As VMR is an association, the VMR gathers most civil society human rights organizations as members. According to Art. 4 (2) f) of the VMR act, the VMR fosters cooperation and information among them. This is also a means of strengthening NGO/HRD.

NHRIs providing specific support to women human rights defenders (WHRDs) or LGBTQ+ human rights defenders:

All civil society organisations and networks who defend women or LGBTQ+ rights are members of the VMR. The VMR coordinates an annual round table on gender equality with state and non-state actors. It maintains regular communication and cooperation with women and LGBT+ organisations and supports their work in content and resources (See the VMR Annual Report 2024 , page 15).

NHRI's recommendations to national and regional authorities

- Actively seek the dialogue with NGO/HRD
- Publicly acknowledge the work of NGO/HRD for human rights and an inclusive society.

Liechtenstein 2025

Information from: Liechtenstein Human Rights Association

Functioning of justice systems

Significant challenges affecting access to justice and/or effective judicial protection

Independence and impartiality of judiciary

In February 2023, the Government has issued a proposal for a judiciary reform for public consultation. The proposal has been debated in the parliament in the form of a Government's Report and Proposal in June 2024 and adopted in November 2024 according to the government proposal 105/2004.

In the process, the VMR released a public statement against the decrease of judicial authorities and held conversations with representatives of the judiciary system as well as the bar association.

After initial criticism by the parliament and other organizations when the government proposed to decrease the number of judicial authorities from three to two, the government changed its proposal. The main changes in the judiciary system are:

- Integration of the Administrative Court into the Supreme Court.
- Full-time judges for the Supreme and Constitutional Court.
- Temporarily continued employment after retirement age and the possibility of part time employment for judges and prosecutors.
- New learning and evaluation process (probation period) for judges at the Court of Justice.
- Installation of a so-called "pool of judges" at level of the Court of Appeal to ensure topical expert committees and more flexibility.

Liechtenstein 2025

Information from: Liechtenstein Human Rights Association

Media freedom, pluralism and safety of journalists

Challenges affecting media freedom

Decline in media pluralism

There are two media types in Liechtenstein: Private media that may be subsidised by the state with the media funding law, and media under public law (fully funded by the state). Private media is bound to the media law. All but one media outlet are private media (One daily newspaper: Liechtensteiner Vaterland, one television channel: 1FLTV, online news platforms,

e.g. Landesspiegel and several topical publications that are published periodically). The only media under public law (Liechtenstein broadcast act) is Radio Liechtenstein. In addition, the state offers the «Landeskanal» as electronic medium for public information. The Liechtenstein municipalities also use such a form of public information ("Gemeindekanal").

It's noteworthy, that after one of the two daily print media outlets had to go out of business in 2023, 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 amended proposal, granting more financial support to media has been adopted by the parliament in December 2024. The revised act on media subsidy will enter into force in May 2025.

In October 2024, the political party «Demokraten pro Liechtenstein» launched a petition for a referendum to repeal the Liechtenstein Broadcast Act by the end of 2025. As the referendum was successful and the consecutive popular in favour of the referendum the only radio station under public law, Radio Liechtenstein, will not be supported from the government under public law anymore. Hence, there will be no media outlet under public law in Liechtenstein anymore, other than the "Landeskanal".

Although these developments pose no urgent threat to human rights, the VMR is still concerned that this is a limitation of media diversity as well as plurality of public opinions in Liechtenstein.

Independence and effectiveness of media regulatory bodies

Government proposal No. 143/2024 foresees an amendment of the Media Act (p. 21ff.). Besides the possibility to contact the Swiss Press Council, the government intends to create an independent ombudsperson, responsible for alleged violations of: media content, journalistic diligence or the Journalism Code (Journalistenkodex).

Access to public interest information/documents

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

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Other challenges to the rule of law and human rights

In its fourth evaluation round, GRECO published its interim compliance report for Liechtenstein in March 2024, which covers the topic of corruption prevention in respect of members of parliament, judges and prosecutors. GRECO concluded that Liechtenstein has implemented or dealt with in a satisfactory manner six of the sixteen recommendations of the Fourth Round Evaluation report. Additionally, eight recommendations have been partly implemented and two have not been implemented.

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