



European Network of  
National Human Rights Institutions

# Implementing the Council of Europe Recommendation on National Human Rights Institutions: The State of Play

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**The situation in Liechtenstein**



# Liechtenstein Country Report

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## Overview

### Name of NHRI and mandate:

- Liechtenstein Human Rights Association (LHRA or VMR)
- NHRI, Ombud institution and equality body

### Sources:

- NHRI: [ENNHRI, State of the Rule of Law in Europe in 2022, Liechtenstein Country Report](#)
- CoE Independent Bodies: [ECRI Country Report on Liechtenstein \(2018\)](#)

### Good practices and improvements:

- **CM Principle 1 & CM Principle 3§3: NHRI accredited in compliance with Paris Principles:** while the enabling law foresees the LHRA to be an NHRI in compliance with the Paris Principles, the Liechtenstein Association of Human Rights (LHRA) has not yet been accredited. A positive development is the LHRA Board decision to seek for accreditation in spring 2024. The delay is associated with the need to await governmental ratification of the United Nations Convention for the Protection on the Rights of Persons with Disabilities (UN CRPD), as the institution is foreseen to be mandated under the Convention as independent monitoring mechanism

- **CM Principle 3§5 and 8: access to policy-makers and involvement in legislative processes:** The LHRA reports having adequate access to information to policy makers, and is involved in all stages of legislation and policy making with human rights implications. The LHRA is regularly informed via newsletter about all legislative projects and, since 2021, on relevant upcoming public court hearings.
- **CM Principle 12: awareness and cooperation of relevant authorities:** The LHRA reports that relevant state authorities have good awareness of the LHRA mandate, independence and role. This is facilitated through annual discussion with the government about the role and competences of the LHRA, while once per term, members of all national parties of the parliament exchange with the NHRI.

### Key areas where improvement is needed:

- **CM Principle 3§6: providing legal assistance:** In line with findings of ECRI (2018), the LHRA highlights that the regulatory framework should be strengthened to allow it to bring individual and structural cases in its own name before the institutions and the courts; so as to allow individuals not to be exposed to burdensome court proceedings.
- **CM Principle 6 & 7: adequate resources to carry out the full breath of its mandate:** In line with findings of ECRI (2018), the LHRA stresses the importance of sufficient funding to cover its full mandate, especially taking into consideration the foreseen expansion of the LHRA's mandate following the ratification of the UN CRPD.
- **CM Principle 9: follow up to NHRI's recommendations:** there is no legal obligation to provide a timely and reasoned response to the institution's recommendations. As the recommendations of the LHRA are not been followed up systematically by the public authorities, the LHRA emphasizes the need to establish the duty for authorities to provide a reasoned response to the recommendations issued within a one year-period.

## Specific findings per Principle

The tables below include data on the assessment of the implementation of each Principle (i.e. the individual parts) within the Recommendation from three sources: the National Human Rights Institutions, the Sub-Committee on Accreditation of GANHRI and the Council of Europe independent bodies. Overall, the findings are considered in four overall groups: the establishment of NHRIs; the strengthening of NHRIs; a safe and enabling environment for NHRIs; and cooperation with and support for NHRIs.

### I. Establishment of NHRIs

<p><b>Principle 1</b></p>	<p>Member States should ensure that NHRIs are in place and that they are established, accredited and function in full compliance with the Paris Principles</p>
<p><b>Assessment of implementation by the institution</b></p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 3</i></p> <p>LHRA is a non-accredited, associate member of ENNHRI since September 2019.</p> <p>[...]</p> <p>ENNHRI will be supporting the Institution to seek accreditation by reference to the UN Paris Principles. The LHRA Board has decided to seek for accreditation in spring 2024.</p> <p><i>Information Provided by the NHRI in 2023</i></p> <p>The LHRA reports that the accreditation process is being delayed due to the awaited ratification of the the United Nations Convention for the Protection on the Rights of Persons with Disabilities, by Liechtenstein, under which the institution is foreseen to be mandated as independent national monitoring mechanism.</p>

<b>Assessment of implementation by CoE independent bodies</b>	<p><i>ECRI Report on Liechtenstein 2018, p. 14 (Para.16)</i></p> <p>'According to Article 1.1 of the law, the VMR is the national human rights authority as defined in the Paris Principles,...</p>
<b>Principle 2</b>	<p>Member States should provide a firm legal basis for NHRIs, preferably at the constitutional level, and/or in a law which defines the mandates and functions of such institutions, guarantees their independence and provides them with the means necessary to accomplish their functions effectively, both at national and international levels, bearing in mind existing standards and recommendations on NHRIs, in particular the Paris Principles and their interpretation developed by GANHRI's Sub-Committee on Accreditation.</p>
<b>Assessment of implementation by the institution</b>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 3</i></p> <p>The national regulatory framework applicable to the LHRA has not changed since the ENNHRI 2021 rule of law report. The Liechtenstein's institution continues to function on a legislative basis.</p> <p><i>Information Provided by the NHRI in 2023</i></p> <p>The state contribution needs to be adapted to the additional mandate under UNCRPD agreed between all stakeholders (including the Government) in the course of the undergoing UNCRPD-ratification process.</p>
<b>Assessment of implementation by CoE independent bodies</b>	<p><i>ECRI Report on Liechtenstein 2018, p. 13 (Para.15)</i></p> <p>ECRI is pleased to note that the authorities have implemented this recommendation by the Law on the Establishment of the Association for Human Rights in Liechtenstein, which entered into force on 1 January 2017. The Association for Human Rights in Liechtenstein (VMR) assumes the responsibilities and advisory services of the former Commission of Equality between Women and Men, the former</p>

	<p>Integration Commission and the former Commission for Equal Opportunity. The government also incorporated the independent services of the Equal Opportunities' Office and the duties of the Ombudsman for Children and Youth into the VMR.</p>
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## II. Strengthening of NHRIs

<p><b>Principle 3.1</b></p>	<p>Member States should ensure that the <b>mandate</b> given to NHRIs to protect and promote human rights is <b>as broad as possible and in full compliance</b> with the Paris Principles and that it allows them, inter alia, to:</p> <ul style="list-style-type: none"> <li>- <b>monitor and analyse</b> the human rights situation in the country, <b>publish reports</b> on these findings and <b>address recommendations</b> to public authorities at national, regional and local levels and, when applicable, to private entities, and present an <b>annual report</b> to the relevant authorities, including before parliament, for its consideration.</li> </ul>
<p><b>Assessment of implementation by the institution</b></p>	<p><i>Information provided by the institution in 2023</i></p> <p>The LHRA annual monitoring report analyses the national human rights situation and contains recommendations to the State authorities (policy makers, ministries, state administration...). The report is sent to all members of Parliament and the Government as well as Organizations and other Stakeholders. It is published on our website.</p>

<p><b>Principle 3.2</b></p>	<p>Member States should ensure that the <b>mandate</b> given to NHRIs to protect and promote human rights is as <b>broad as possible and in full compliance</b> with the Paris Principles and that it allows them, inter alia, to:</p> <ul style="list-style-type: none"> <li>- <b>freely address public opinion, raise public awareness</b> on human rights and <b>carry out education and training</b> programmes;</li> </ul>
<p><b>Assessment of implementation by the institution</b></p>	<p><i>Information provided by the institution in 2023</i></p> <p>The LHRA is able to freely address public opinion and raise public awareness. In order to carry out education and training programmes, the LHRA needs more financial and personal resources – also for its own capacity building.</p>
<p><b>Principle 3.3</b></p>	<p>Member States should ensure that the <b>mandate</b> given to NHRIs to protect and promote human rights is as <b>broad as possible and in full compliance</b> with the Paris Principles and that it allows them, inter alia, to:</p> <ul style="list-style-type: none"> <li>- <b>fully address all alleged human rights violations</b> by all administrative authorities, other relevant State entities and, when applicable, private entities</li> </ul>
<p><b>Assessment of implementation by the institution</b></p>	<p><i>Information provided by the institution in 2023</i></p> <p>The LHRA is mandated to fully address all alleged human rights violations.</p>



	<p>Positively, the LHRA and the government have agreed that the Institution will be mandated with the monitoring mechanism under UNCRPD.</p>
<p><b>Principle 3.4</b></p>	<p>Member States should ensure that the <b>mandate</b> given to NHRIs to protect and promote human rights is as <b>broad as possible and in full compliance</b> with the Paris Principles and that it allows them, inter alia, to:</p> <ul style="list-style-type: none"> <li>- have <b>unfettered access to all relevant premises</b>, including places of deprivation of liberty, and to all relevant individuals, in order to be able to carry out a credible examination of all issues covered by their mandate and to all relevant information, subject to possible restrictions stemming from the protection of other rights and legitimate interests and with due respect for the confidentiality of information obtained;</li> </ul>
<p><b>Assessment of implementation by the institution</b></p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 3</i></p> <p>Furthermore, the institution has the right to inspect documentation in individual cases, if the person concerned agrees (unlimited in the case of children, with the consent of the person concerned in the case of adults) and exercises the right to information from state authorities.</p>

<p><b>Principle 3.5</b></p>	<p>Member States should ensure that the <b>mandate</b> given to NHRIs to protect and promote human rights is as <b>broad as possible and in full compliance</b> with the Paris Principles and that it allows them, inter alia, to:</p> <p>- <b>monitor existing and draft policies and legislation</b> with human rights implications before, during and after their adoption in order to <b>advise</b> the State about the impact of such policies and legislation on human rights and on the activities of human rights defenders, including by <b>making relevant and concrete recommendations</b>.</p>
<p><b>Assessment of implementation by the institution</b></p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 4</i></p> <p>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.</p>
<p><b>Assessment of implementation by CoE independent bodies</b></p>	<p><i>ECRI Report on Liechtenstein, 2018, p. 14 (Para.17)</i></p> <p>According to Article 4.2.E of the law, the VMR provides opinions on draft laws, regulations and on the ratification of international conventions, to the extent that these deal with human rights (Principles 3b and 3c of GPR No. 2).</p>

<p><b>Principle 3.6</b></p>	<p>Member States should ensure that the <b>mandate</b> given to NHRIs to protect and promote human rights is as <b>broad as possible and in full compliance</b> with the Paris Principles and that it allows them, inter alia, to:</p> <p>- <b>contribute to an effective justice system</b> for all, through awareness-raising measures and facilitating access to rights and remedies and, as applicable, by providing legal assistance, being a party before the courts or, when applicable, receiving individual complaints;</p>
<p><b>Assessment of implementation by the institution</b></p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 3</i></p> <p>It has the mandate to contribute to access to justice for individuals, including through complaints handling, strategic litigation before courts, providing legal assistance to individuals, awareness raising.</p> <p>[..]</p> <p>In view of the institution, its regulatory framework should be further strengthened. The introduction of a right of appeal by institutions such as LHRA would allow LHRA to carry on advocating even more effectively for access to justice for individuals. Under such circumstances, LHRA would be able to take legal action in its own name and the person concerned would not have to expose himself.</p>
<p><b>Assessment of implementation by CoE independent bodies</b></p>	<p><i>ECRI Report on Liechtenstein 2018, p. 14 (Para.17)</i></p> <p>According to Article 4.2.B of the Law, the VMR can assist victims of human rights violations (Principle 3d of GPR No. 2). Article 5 of the Law enables the VMR to participate in judicial and administrative proceedings, as recommended in Principle 3e of GPR No. 2.</p>

	<p>[...]</p> <p>At the same time, they highlighted that the VMR is lacking the crucial competence to bring cases of individual and structural discrimination or intolerance in its own name before institutions and the courts (“Verbandsklagerecht”), as recommended in § 14d of the revised text of ECRI’s GPR No. 2. ECRI is of the opinion that this competence is important for enabling equality bodies to address issues of structural discrimination without being obliged to expose a specific victim to burdensome court proceedings</p>
<p><b>Principle 3.7</b></p>	<p>Member States should ensure that the <b>mandate</b> given to NHRIs to protect and promote human rights is as <b>broad as possible and in full compliance</b> with the Paris Principles and that it allows them, inter alia, to:</p> <ul style="list-style-type: none"> <li>- <b>encourage the signature, ratification of and accession</b> to international human rights treaties and <b>contribute to the effective implementation</b> of such treaties, as well as related judgments, decisions and recommendations as well as to <b>monitor States’ compliance with them.</b></li> </ul>
<p><b>Assessment of implementation by CoE independent bodies</b></p>	<p><i>ECRI Report on Liechtenstein, 2018, p. 14 (Para.17)</i></p> <p>According to Article 4.2.E of the law, the VMR provides opinions on [...] the ratification of international conventions, to the extent that these deal with human rights.</p>

<p><b>Principle 4</b></p>	<p>The process of <b>selection and appointment of the leadership of a NHRI</b> should be competence based, transparent and participatory, in order to guarantee the independence and pluralist representation of these institutions. It should also be based on clear, predetermined, objective and publicly accessible criteria.</p> <p>The duration of the appointment should be clearly set out in the founding legislation, so that the leadership posts of the NHRI do not stay vacant for any significant period of time.</p>
<p><i>No information</i></p>	
<p><b>Principle 5</b></p>	<p>To ensure <b>independence</b>, the enabling legislation of a NHRI should contain an <b>objective dismissal process for the NHRI leadership</b>, with clearly defined terms in a constitutional or legislative text. The dismissal process should be fair and ensure objectivity and impartiality and should be confined to only those actions which impact adversely on the capacity of the leaders of NHRIs to fulfil their mandate.</p>
<p><b>Assessment of implementation by the institution</b></p>	<p><i>Information provided by the institution in 2023</i></p> <p>There is a transparent process laid down in the statute of the LHRA regulating the dismissal of board members and of members (legal entities and private persons) of the LHRA.</p>

<p><b>Principle 6</b></p>	<p>Member States should provide NHRIs with <b>adequate, sufficient and sustainable resources</b> to allow them <b>to carry out their mandate</b>, including to engage with all relevant stakeholders in a fully independent manner and freely determine their priorities and activities.</p>
<p><b>Assessment of implementation by the institution</b></p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 3</i></p> <p>The LHRA stresses the importance of ensuring that the Institution has sufficient financial resources to carry out its mandate.</p> <p><i>Information Provided by the NHRI in 2023</i></p> <p>A rise of 0.4 fulltime equivalent is due on 1 May 2023. A rise of the state contribution in the course of the ratification of the UNCRPD is applied for (+ 60'000 CHF) in 2024.</p>
<p><b>Assessment of implementation by CoE independent bodies</b></p>	<p><i>ECRI Report on Liechtenstein, 2018, p. 24 (para.66)</i></p> <p>ECRI notes with concern that the Association for Human Rights (VMR, see already §§ 15 to 19 of this report) has only been attributed three part-time employees to fulfil all parts of its broad mandate. In total, it only received CHF 30 000 for its establishment and it will annually receive CHF 350 000 to support its operations. The VMR will need to spend most of its budget on operational costs and will be obliged to raise funds from donors for its projects and other activities related to the whole range of human rights issues covered by its broad mandate. While ECRI welcomes that the VMR is free to raise additional funds, it considers that the government should step up its funding and staffing in order to enable the VMR to implement all its functions with real impact, without being dependent on on-going fundraising efforts.</p>

<p><b>Principle 7</b></p>	<p>NHRIs should have the <b>authority to determine their staffing profile and recruit their own staff</b>, as well as <b>sufficient resources</b> available, in order to fulfil their mandate, so as to permit the employment and retention of staff and to ensure that they receive adequate training.</p>
<p><b>Assessment of implementation by the institution</b></p>	<p><i>Information provided by the institution in 2023</i></p> <p>The LHRA is free to determine its staffing but needs more resources to be able to follow-up on all its mandates.</p>
<p><b>Assessment of implementation by CoE independent bodies</b></p>	<p><i>See Principle 6 on adequate, sufficient and sustainable resources.</i></p>
<p><b>Principle 8</b></p>	<p>Member States should ensure that NHRIs enjoy <b>adequate access to information and to policy makers and legislators</b>, including timely consultations on the human rights implications of draft legislation and policy strategies.</p>
<p><b>Assessment of implementation by the institution</b></p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 4</i></p> <p>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.</p>

<p><b>Assessment of implementation by CoE independent bodies</b></p>	<p><i>ECRI Report 2018 on Liechtenstein, p. 14 (Para.17)</i></p> <p>Articles 4.2.B, D and 5 of the Law imply that the VMR has the right to hear and consider complaints and petitions concerning specific cases, as per Principle 3f of GPR No. 2. Article 13 of the Law establishes an obligation for all authorities and other public bodies to support the VMR in carrying out its tasks, in particular by providing the necessary information (Principle 3g of GPR No. 2).</p>
<p><b>Principle 9</b></p>	<p>Member States should <b>implement the recommendations of NHRIs</b> and are encouraged:</p> <ul style="list-style-type: none"> <li>- to make it a legal obligation for all addressees of NHRI recommendations to provide a reasoned reply within an appropriate time frame,</li> <li>- to develop processes to facilitate effective follow-up of NHRI recommendations, in a timely fashion and</li> <li>- include information thereon in their relevant documents and reports.</li> </ul>
<p><b>Assessment of implementation by the institution</b></p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 4</i></p> <p>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. However, the institution reports on the monitoring procedures it has carried out in its annual report, which is published. As a result, there is some public pressure to implement the LHRA's recommendations. So far, cooperation between the institution and state authorities has been satisfactory.</p> <p><i>Information Provided by the NHRI in 2023</i></p>



	<p>At the same time, The recommendations of the LHRA are not been followed up systematically by the public authorities . While the LHRA is in touch with ministries and State authorities regularly and do bring the NHRIs recommendations up on these occasions, there is no follow-up procedure or time-frame for answering to the recommendations. Thus, the LHRA recommends relevant state authorities to provide a reasoned reply to its recommendations within a one year period.</p> <p>On the side of the LHRA, follow-up is made annually in the course of the drafting of the annual report (monitoring report). The LHRA follows up on its former recommendations and adds new information, further steps taken to implement the recommendation. If there have been no developments, the LHRA reiterates its recommendations in the monitoring report.</p>
<p><b>Principle 10</b></p>	<p>When member States grant NHRIs <b>additional competences</b> to perform functions foreseen by international conventions in the field of human rights, such as the United Nations Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Convention on the Rights of Persons with Disabilities, the NHRI should <b>have access to sufficient resources to develop the capacity to effectively discharge its functions</b>, including having appropriately qualified and trained staff.</p>
<p><i>No information</i></p>	

### III. Safe and Enabling Environment

<p><b>Principle 11</b></p>	<p>Member States should ensure that NHRIs can <b>operate independently</b>, in an environment which is conducive to them carrying out their mandate in an effective manner and in a climate of <b>impartiality, integrity, transparency and fairness</b>.</p>
<p><b>Assessment of implementation by the institution</b></p>	<p><i>Information provided by the institution in 2023</i></p> <p>Independence and impartiality is laid down in the foundation act as well as in the statute.</p>
<p><b>Principle 12</b></p>	<p>Member States should <b>foster awareness</b> and the co-operation of all relevant public authorities in relation to the mandate, independence and role of NHRIs, including through training and awareness-raising activities.</p>
<p><b>Assessment of implementation by the institution</b></p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 4</i></p> <p>The relevant state authorities have good awareness of the Liechtenstein Human Rights Association'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 in detail during annual meetings with members of the government. In addition, once per term, there is an exchange with members of all national parties of the parliament. This also serves to communicate the role and competencies of the LHRA.</p>

<p><b>Principle 13</b></p>	<p>Member States should take all measures necessary <b>to protect and support NHRIs</b> against threats and harassment and any other forms of intimidation, including through ensuring <b>functional immunity</b>. Any cases of alleged reprisals or intimidation against NHRIs, their membership and staff, or against those who co-operate or seek to co-operate with them, should be promptly and thoroughly investigated and the perpetrators brought to justice.</p>
<p><b>Assessment of implementation by the institution</b></p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 4</i></p> <p>Measures necessary to protect and support the LHRA – the head of institution and staff against threats and harassment and any other forms of intimidation (including SLAPP actions) are in place. Although there is no immunity or specific penal code provisions concerning the protection of the Institution, its head and staff, the LHRA stresses that such provisions do not seem necessary.</p> <p><i>Information Provided by the NHRI in 2023</i></p> <p>The LHRA is an association with 90 members (30 of which are NGOs connected to Human Rights), 7 board members with a high standing and an operational office. This organizational structure provides sufficient checks and balances to guarantee protection against harassment</p>
<p><b>Principle 14</b></p>	<p>Member States should ensure that <b>confidential information collected</b> by NHRIs in the context of their mandate is <b>privileged and is not unduly made public</b>.</p>
<p><b>Assessment of implementation by the institution</b></p>	<p><i>Information provided by the institution in 2023</i></p> <p>Up to date, there have not been any recorded incidents endangering the LHRA sources or making the Institution’s confidential information public.</p>

## IV. Co-operation and Support

<p><b>Principle 15</b></p>	<p>Member States should <b>take effective measures to enable NHRIs to communicate and co-operate</b> with, in addition to the various levels of administration in the member States, in particular:</p> <ul style="list-style-type: none"> <li>a. counterpart institutions, where appropriate through networking and exchange of information and practices, as well as through regular meetings such as those taking place within the framework of ENNHRI and GANHRI;</li> <li>b. civil society stakeholders, in particular non-governmental organisations and human rights defenders, who should enjoy easy and safe access to NHRIs as part of an enabling environment;</li> <li>c. other human rights structures, including regional, local and/or specialised institutions, notably Ombudsman institutions and equality bodies and their respective networks, where appropriate through jointly organised activities;</li> <li>d. international and regional organisations working in related or similar fields.</li> </ul>
<p><b>Assessment of implementation by the institution</b></p>	<p><i>Information provided by the institution in 2023</i></p> <p>The Institutions reports that the government takes effective measures to ensure full compliance with CM Principle 15.</p>