



## **European network of legal experts in gender equality and non-discrimination**

### **NEWS REPORT**

<b>Country:</b>	Liechtenstein
<b>Title:</b>	Setting up a national center for human rights
<b>Date:</b>	22 January 2016
<b>Expert:</b>	Patricia Hornich and Nicole Mathé
<b><u>Context</u></b>	
<b>Issue at stake:</b>	The government has proposed to set up a non-profit organisation which will serve as an institution acting independently and on its own initiative
<b>Ground of discrimination:</b>	All grounds
<b>Source:</b>	National equality body, policy development
<b>Field:</b>	Employment, social protection, social advantages, access to goods and services, education
<b>Applicable law:</b>	Draft legislation concerning the modification of the Gender Equality Act, Art. 18 and 19

### **Content**

#### **Policy development:**

Before 1996 Liechtenstein had no specific institution in place regarding human rights. In 1996 the Office for Equal Opportunities was established. Until 2005 the Office was solely active as an "office for equal treatment between men and women". Since 2005 the body is designated to deal with disability, gender, migration and integration (including race and ethnicity), sexual orientation and social disadvantage. The office is assigned to the Ministry of Society based on the By-law of the governmental and administration organization (Regierungs- und Verwaltungsorganisationsverordnung (RVOV), 28.03.2013, LGBI 2013, no. 163). Additionally the Commission for Equal Opportunities was set up and appointed by the government as a consultative body in order to address issues of equality in all spheres of life. The Commission was established to coordinate activities with respect to equal opportunities and to implement an interdepartmental anti-discrimination policy.

Due to the governmental reorganization in 2013, the members of the Equal Opportunity Commission stepped down from their function as commissioners. The main reasons for this were that their institutional mission of independent and interdepartmental handling could not be continued; the Office and the Commission were lacking the power to decide on its own on the use of financial resources as the institution had no financial budget and therefore not the competence; and the necessary, independence of the head of the Office was no longer granted as the organisational reorganisation imposed by the government in 2013 lead to establishing the Government as a decision-maker regarding the staffing.

The decision taken was received with concern within many non-governmental

organisations and some Liechtensteiner politicians. They had been calling for years for a comprehensive national anti-discrimination act as well as for more efforts to strengthen the credibility of Liechtenstein's human rights policies. Since currently, clear legal anti-discrimination provisions at the national level covering all grounds of discrimination are missing in Liechtenstein.<sup>1</sup>

After numerous clarifications and discussions, the Liechtensteiner government has decided to establish an independent national association for human rights and to reorganise the duties of the governmental Offices by law. Therefore the government proposes to set up a non-profit organisation which serves as an institution acting independently and on its own initiative. This makes it necessary to adjust the current legal provisions and to enact new legal regulations.

The governmental report for consultation provides for the transfer of the governmental tasks of the Office for Equal Opportunities to the Office for Social Services whereas the independent tasks of the Office for Equal Opportunities will be transferred to the national association for human rights. Newly integrated into the association for human rights shall be the ombudsperson for children and adolescents. By that new organisation the Office for Equal Opportunities, the Commission for Equal Opportunities and the Gender Equality Commission shall be dissolved in the future.

Therefore the government created a recommendation-report for approval by parliament, which is open for statements of the involved governmental Offices, non-governmental organisations and communities of Liechtenstein until 31 of January 2016. After January 2016 the government will discuss the outcome and submit a resolution for a recommendation to the parliament.

The new independent institution should promote human rights which mainly affect the weakest groups in Liechtenstein's society (physically impaired persons, children, single mothers, asylum seekers, undocumented aliens etc.). Furthermore it will provide recommendations to the relevant authorities and advise them regarding the implementation of recommended activities or processes.

### **Key points of analysis:**

The new initiative seems to comply with the Paris Principles adopted by the UN General Assembly in 1993.<sup>2</sup> The new independent institution should promote human rights which mainly affect the weakest groups in Liechtenstein's society. Such a national institution to promote the implementation of human rights in Liechtenstein would help to strengthen the credibility of Liechtenstein's human rights policies and work towards the establishment of a comprehensive national anti-discrimination act. With regard to gender equality much has been achieved but there is still need for action in order to reach effectively existing gender equality and the elimination of stereotypical societal roles based on gender.

### **Internet link source:**

Office for Equal Opportunities:

<http://www.llv.li/#/12395/stabsstelle-chancengleichheit>

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<sup>1</sup> Press releases: <http://www.vaterland.li/liechtenstein/vermishtes/Chancengleichheit-wie-weiter;art171,109690>; <http://www.volksblatt.li/nachricht.aspx?p1=fl&id=54196&src=vb>; statements of non-governmental organisations:

[http://www.infra.li/Portals/0/Downloads/INFRA\\_Jahresbericht\\_2013\\_Web.pdf](http://www.infra.li/Portals/0/Downloads/INFRA_Jahresbericht_2013_Web.pdf);  
[http://www.frauenhaus.li/Portals/0/docs/Jahresbericht\\_2013Homepage.pdf](http://www.frauenhaus.li/Portals/0/docs/Jahresbericht_2013Homepage.pdf).

<sup>2</sup> It has a legal basis, a comprehensive mandate, sufficient infrastructure and financing, guaranteed independence vis à vis the government, pluralistic representation of social forces as well as accessibility for particularly vulnerable groups.

Ministry for Social Affairs - Press release:

<http://www.regierung.li/news1.aspx?id=100630&nid=7215>

Governmental report for consultation:

[http://www.regierung.li/files/attachments/Vernehmlassungsbericht\\_SCG.pdf?t=635858688162124450](http://www.regierung.li/files/attachments/Vernehmlassungsbericht_SCG.pdf?t=635858688162124450)

All accessed 04/01/2016.