



Setting up a non-governmental center for human rights in Liechtenstein

PATRICIA HORNICH – EUROPEAN SOCIAL POLICY NETWORK

ESPN FLASH REPORT 2016/5

The close link between the Office for Equal Opportunities and the Liechtenstein government had triggered criticism since 2013. By the end of 2015, the government proposed to set up a non-profit organisation, which would be an independent institution acting on its own initiative.

LEGAL NOTICE

This document has been prepared for the European Commission. However, it reflects the views only of the authors, and the Commission cannot be held responsible for any use which may be made of the information contained therein.

Description

Since 2005, the Office for Equal Opportunities, which operates under the authority of the Ministry of Society, has been designated to deal with migration, integration and social disadvantage in Liechtenstein. Additionally, the Commission for Equal Opportunities was set up in the same year as a consultative body to coordinate activities related to equal opportunities and to implement an interdepartmental anti-discrimination policy.

Due to the governmental reorganisation in 2013, the Commission for Equal Opportunities stepped down. The main reasons given were that their institutional mission as an independent and interdepartmental body could not be continued as the power of both the Office and the Commission were diminishing, and the necessary, independent staffing of the head of the Office was no longer possible. The decision taken was received with concern by many non-governmental organisations (NGOs). NGOs had been calling for years for a comprehensive national anti-discrimination act and more efforts to strengthen the credibility of Liechtenstein's human rights policies. Some Liechtenstein politicians commented individually on

this decision, but this did not lead to any official statement by political parties.

The repeated demand for a non-governmental human rights institution led to a corresponding decision of the Liechtenstein government. An independent new structured Office for Equal Opportunities and Human Rights will be set up in 2016 after approval by the Parliament. It will act independently and on its own initiative. Meanwhile, the Office for Equal Opportunities will continue its work without the support from the Commission of Equal Opportunities, which was not replaced after their resignation in 2013.

This organisation is expected to promote human rights, which will mainly benefit the vulnerable groups in Liechtenstein society (physically impaired persons, children, single mothers, asylum seekers, undocumented aliens etc.). It should also work towards a comprehensive national anti-discrimination act. These strategic goals seem to meet the criticism from NGOs and individual Liechtenstein politicians. To ensure these goals can be met, further adjustments to the existing legal provisions are necessary, as well as new legal regulations.

The report with its recommendations for approval by the parliament was released by the government on 17 November 2015 and is open for statements by the governmental Offices involved, NGOs and communities of Liechtenstein until 31 January 2016.

Outlook & Commentary

Due to the organisational changes in 2013 and the continuous demands for an independent institution to strengthen the credibility of Liechtenstein's human rights policies and work towards the establishment of a comprehensive national anti-discrimination act, the government had no alternative but to propose an independent national association for human rights.

The new initiative seems to comply with the Paris Principles adopted by the UN General Assembly in 1993, relating to the status and functioning of national institutions for the protection and promotion of human rights (e.g. monitoring any situation of violation of human rights which it decides to take up; being able to advise the Government, the Parliament

and any other competent body on specific violations; having a mandate to educate and inform in the field of human rights; etc.). It will have a legal basis, a comprehensive mandate as well as an appropriate infrastructure and financing. These factors promise considerable degree of independence vis à vis the government. Nevertheless, the institution's activities will be financed completely through the government budget. In this respect, in order to avoid conflict of interests, it was decided that the newly established organisation will have its own section in the national budget. Moreover, it will have the competence to decide on its own on the use of these financial resources.

So far, the proposed new structure and legal adaptations for the non-governmental human rights institution, as described in the governmental recommendations-report for approval by the parliament, were regarded favourably by NGOs.

The proposed new structure grants a higher level of independence from the government and greater freedom to act.

Further reading

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_SC_G.pdf?t=635858688162124450

Authors

[Patricia Hornich](#), Liechtenstein Institut