

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

**Country report 2017 on the non-discrimination directives
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Abbreviations

AA	Act on Aviation
AABP	Act on Assistance for Blind People
AAVCO	Act on Aid for Victims of Criminal Offences
ABP	Association for Assisted Living in Liechtenstein
ACC	Act on the Constitutional Court
ACPP	Act on Company Personnel Plan
ACRPD	Act on Central Register of Personal Data
ACUSSC	Act on Civil Union for Same-Sex Couples
ACY	Act on Children and Youth
ADI	Act on Disability Insurance
AEPO	Act on the Employment of Public Officials
AEICT	Act on Employment in Industry, Commerce and Trade
AEPD	Act on Equality of People with Disabilities
AEPO	Act on Employment of Public Officials
AEWM	Act on Equality between Women and Men
AF	Act on Foreigners
AFM	Act on Free Movement of Persons of EEA and Swiss citizens
AIC	Act on Information and Consultation of Employees in Business Enterprises
AM	Act on Media
AMA	Act on Marriage
AMCLC	Act on Mediation in Civil Law Cases
APPS	Act on the Pension Scheme for Public Servants
APS	Act on Postal Services
APR	Act on Political Rights
ARAF	Act on Rent Allowance for Families
AS	Act on Statistics
ASANP	Act on Supplementary Aid to the National Old Age and Widow's/Widower's Pension
ASA	Act on State Administration
ASH	Act on Social Help
ASE	Act on School Education
AVT	Act on Vocational Training
CCC	Common Civil Code
CCP	Code of Civil Procedure
ECHR	European Convention on Human Rights
DPA	Data Protection Act
LC	Constitution of the Principality of Liechtenstein
NOWP	National Old Age and Widow's/Widower's Pension
PC	Penal Code
PCL	Personal and Corporate Law

0 INTRODUCTION

0.1 The national legal system

Liechtenstein's constitution defines Liechtenstein as 'a constitutional, hereditary monarchy on a democratic and parliamentary basis'¹ where 'the power of the State is embodied in the Reigning Prince and the People'.² This means that political power is shared equally between the elected Parliament/the people and the monarch. However, the Prince must approve every law and financial resolution in order for it to attain legal force.³ Article 45 of the Constitution states that the Parliament (*Landtag*) is the 'legal organ which represents and asserts the rights and interests of the people in relation to the government in accordance with the constitution'. In respect of international relations, the Parliament is not allowed to amend a treaty that has already been signed by the Government, although it can accept or reject it completely. In addition, the people have the direct democratic rights of initiative and referendum, including the right to hold a referendum on international treaties. New laws, and amendments to laws and the constitution, therefore, can also be initiated and decided on by the people in a popular vote.

The members of the Government are selected on the recommendation of the Parliament and are appointed by the reigning Prince. The Government consists of five members, including the Prime Minister, who has to countersign the laws and financial resolutions that have been passed by the Parliament and have been signed by the reigning Prince.⁴

The legal system is dual. Criminal and civil law is handled by the Ordinary Courts (*Landgericht*); appeals in the first instance are treated by the Upper Court (*Obergericht*), and ultimately by the High Court (*Oberster Gerichtshof*). In cases of dispute between citizens and organs of the state, the Administrative Court (*Verwaltungsgericht*) and the Constitutional Court (*Staatsgerichtshof*) act as the relevant courts of law.

The legal system requires that all laws must be in conformity with the constitution and with relevant international treaties. Article 104(1) of the constitution requires that a Constitutional Court be established as a court of public law to protect the rights guaranteed by the constitution, to decide in conflicts of jurisdiction between the courts and the administrative authorities, and to act as a disciplinary court for government ministers. Article 104(2) states that the Constitutional Court shall have jurisdiction to review the constitutionality of laws and international treaties and the legality of Government ordinances, and that in such matters, it may declare their annulment.

The national laws of Liechtenstein and the international treaties that have primary relevance for anti-discrimination in Liechtenstein are listed in the appendix 1.

In 2016 Liechtenstein's Government signed the Council of Europe Convention on preventing and combating violence against women and domestic violence.

0.2 List of main legislation transposing and implementing the directives

As a Non-Member State of the EU and a small country with a strong international orientation, Liechtenstein relies on stable and predictable international rules. Thus, Liechtenstein's relations within the framework of the EEA and the EU play an important role in Liechtenstein's policy. Regarding the adoption of international law, Liechtenstein follows a monist approach. In 2013 Liechtenstein committed itself to signing the

¹ Article 2 of the Constitution of the Principality of Liechtenstein: (English version; copy link into web browser) <https://www.gesetze.li/lilexprod/dloadpdf.jsp?smatik=201>.

² Article 2 of the Constitution.

³ Article 9 of the Constitution.

⁴ Constitution of the Principality of Liechtenstein: (English version; copy link into web browser) <https://www.gesetze.li/lilexprod/dloadpdf.jsp?smatik=201>.

Convention on the Rights of Persons with Disabilities. The Government of Liechtenstein has appointed an inter-office working group to assess the need for preparation of its ratification. Unfortunately, up to the date of this report, Liechtenstein has still not signed the Convention on the Rights of Persons with Disabilities (UNCRPD), including the Optional Protocol to the Convention on the Rights of Persons with Disabilities. The main reason for this status is the lack of administrative resources within this area. In addition, the latest changes to the governmental organisation and the creation of the new Association of Human Rights as the independent national human rights institution in Liechtenstein in 2016 did not speed-up the process of preparation for the UNCRPD ratification.

The Office for Foreign Affairs is responsible for the necessary coordination of the specialist offices and representations abroad. In 2016 there were no relevant legislative amendments in relation to non-discrimination.

Title of Legislation	Date of adoption	Date of entry into force	Date of latest amendments	Grounds covered	Material Scope
Act on Equality of People with Disabilities (Gesetz über die Gleichstellung von Menschen mit Behinderungen; Behindertengleichstellungsgesetz; BGIG; LGBI. 2006 no 243) ⁵	25 October 2006	1 January 2007	LGBI. 2016, no. 273	Disability	All sectors
Act on Disability Insurance (Invalidenversicherung; IVG; LGBI. 1959 no. 5) ⁶	23 December 1959	1 January 1960	LGBI. 2016 Nr. 235	Disability	Insurance ; goods; assistance ; employment
Common Civil Code (Allgemeines Bürgerliches Gesetzbuch; ABGB) ⁷	1 June 1811	18 December 1812	LGBI. 2016 Nr. 267	Nationality, pregnancy	General
Penal Code (Strafgesetzbuch; StGB; LGBI. 1988 no 37) ⁸	24 June 1987	1 January 1989	LGBI. 2016 Nr. 161	Race, national origin, ethnicity, language, religion, belief	Penalties
Act on Foreigners (Ausländergesetz;)	17 September 2008	1 September 2011	LGBI. 2016 Nr. 506	Integration (nationality , race,	All sectors

⁵ <https://www.gesetze.li/lilexprod/lgsystpage2.jsp?formname=showlaw&lqblid=2006243000&queltigdate=02032016>.

⁶ <https://www.gesetze.li/lilexprod/lgsystpage2.jsp?formname=showlaw&lqblid=1960005000&queltigdate=02032016>.

⁷ <https://www.gesetze.li/lilexprod/lgsystpage2.jsp?formname=showlaw&lqblid=1003001000&queltigdate=02032016>.

⁸ <https://www.gesetze.li/lilexprod/lgsystpage2.jsp?formname=showlaw&lqblid=1988037000&queltigdate=02032016>.

AuG; LGBl. 2008 no. 311) ⁹				ethnic origin)	
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Directive 2000/43/EC (Council Directive implementing the principle of equal treatment between persons irrespective of racial or ethnic origin) has not been transposed at all (except in terms of Annex XVIII) to EEC law and therefore to national law in Liechtenstein.

The new Association for Human Rights, which was approved by the Liechtenstein Government and Parliament in 2016 and has replaced the former Office for Equal Opportunities, made some legislative changes necessary. The following changes in national law with regard to human rights and anti-discrimination will therefore come into force on 01 January 2017.

Title of Legislation:
Act on the Association of Human Rights in Liechtenstein (<i>Gesetz über den Verein für Menschenrechte in Liechtenstein</i> ; VMLG), LGBl. 2016 no. 504.
Act on the amendment of the Children and Youth Act (<i>Gesetz über die Abänderung des Kinder- und Jugendgesetzes</i>), LGBl. 2016 no. 507.
Act on the amendment of the Act on Equality between Women and Men (<i>Gesetz über die Abänderung des Gleichstellungsgesetzes</i>), LGBl. 2016 no. 505.
Act on the amendment of the Act on Foreigners (<i>Gesetz über die Abänderung des Ausländergesetzes</i>), LGBl. 2016 no. 506.

⁹ <https://www.gesetze.li/lilexprod/lgsystpage2.jsp?formname=showlaw&lgblid=2008311000&gueltigdate=02032016>.

1 GENERAL LEGAL FRAMEWORK

The Liechtenstein Constitution includes the following articles dealing with non-discrimination:

Article	Type of clause	Grounds covered	Material scope
Article 27bis ¹⁰ of the Liechtenstein Constitution	A general clause	Basic principle of equality of all Liechtenstein citizens	General
Article 37(1) of the Liechtenstein Constitution ¹⁰	An explicit clause that guarantees freedom of religion and conscience	Religion, belief	General
Article 39 of the Liechtenstein Constitution ¹⁰	A specific clause stating that the exercise of civil and political rights is not dependent on religious affiliation	Religion, belief	General
Article 40 of the Liechtenstein Constitution ¹⁰	A clause covering freedom of speech (<i>Meinungsfreiheit</i>)	Religion, belief	General
Article 41 of the Liechtenstein Constitution ¹⁰	A clause covering the right of assembly and association (<i>Vereins- und Versammlungsrecht</i>)	Not explicitly specified	General

These provisions do not apply to all areas covered by the directives. Their material scope is not broader than those of the directives. There are no specific provisions in relation to disability, sexual orientation, age and racial/ethnic origin in the Constitution.

These provisions are directly applicable.

These provisions can be enforced against private actors (in addition to against the State).

There is no constitutional provision protecting the grounds dealt with in the directives.

<p>General anti-discrimination prohibition in the Constitution Articles:31 Which grounds are covered? Equality of all Liechtenstein citizens.</p>	<p>Please specify whether this is a general anti-discrimination clause, a specific one, a general equality clause, etc. It is a general clause on equality between persons with Liechtenstein citizenship. The rights and duties of foreigners are covered by specific acts. There are no provisions in relation to disability, sexual orientation etc. in the Constitution.</p>
<p>Are constitutional provisions directly applicable? Yes</p>	<p>If yes, are they directly applicable against private individuals? Yes</p>

¹⁰ Constitution of the Principality of Liechtenstein: (English version; copy link into web browser) <https://www.gesetze.li/lilexprod/dloadpdf.jsp?smatik=201>.

2 THE DEFINITION OF DISCRIMINATION

2.1 Grounds of unlawful discrimination explicitly covered

The following grounds of discrimination are explicitly prohibited in national law:

- religion
- belief
- disability
- race
- origin
- gender
- sexual orientation

Article 39 of the Liechtenstein Constitution (LC) states that the exercise of civil and political rights is not dependent on **religious affiliation**. It also refers to the possibility of exceptions in respect of particular subjects, which can result from specific rules in certain laws.

The Act on Equality of People with Disabilities (*Gesetz über die Gleichstellung von Menschen mit Behinderungen; Behindertengleichstellungsgesetz; AEPD/BGIG*)¹¹ protects individuals against any kind of discrimination based on **disability**.

The Liechtenstein Act on Children and Youth (ACY)¹² protects children and young persons from discrimination due to **sexism, racism, political radicalisation** or violence (Articles 1 and 63).

The Liechtenstein Act on Postal Services (APS)¹³ explicitly prohibits any discrimination based on **political, religious**, or ideological grounds (Article 5) for any kind of postal services.

The Liechtenstein Act on Media (AM)¹⁴ declares that media content will be considered to be illegal if it incites or supports discrimination based on **racial or ethnic origin, gender, religion, age, disability or sexual orientation**. The act is applicable to media companies and media owners in the territory of Liechtenstein, whereas the Penal Code (*Strafgesetzbuch*)¹⁵ is applicable to a wider circle of persons. In Article 283 of the Penal Code, religion and race or ethnicity are mentioned in relation to acts of discrimination that are subject to criminal liability. The other grounds mentioned by the Act on Media, such as age, disability, sexual orientation and so on, are not explicitly mentioned in the Penal Code and therefore need judicial interpretation in court cases.

Article 18(3) of the Liechtenstein Act on Aviation (AA)¹⁶ governs the process of acceptance of foreign licences. In this context, discrimination due to nationality is explicitly excluded.

The Liechtenstein Act on Employment of Public Officials (AEPO)¹⁷ regulates protection against dismissal in reference to the AEWM¹⁸ and the AEPD (Article 22(3)).

¹¹ Gesetz über die Gleichstellung von Menschen mit Behinderungen; Behindertengleichstellungsgesetz; AEPD/BGIG, LGBl. 2006, no. 243

¹² Kinder- und Jugendgesetz vom 10 Dezember 2008 (KJG), LGBl. 2009, no. 29.

¹³ Gesetz vom 18 Dezember 1998 über das liechtensteinische Postwesen (Postgesetz; PG), LGBl. 1999, no. 35.

¹⁴ Mediengesetz (MedienG) vom 19 Oktober 2005, LGBl. 2005 Nr.250.

¹⁵ Strafgesetzbuch (StGB) vom 24 Juni 1987; LGBl. 1988, no. 37.

¹⁶ Gesetz vom 15 Mai 2002 über die Luftfahrt (Luftfahrtgesetz, LFG), LGBl. 2003 Nr. 39.

¹⁷ Gesetz vom 24 April 2008 über das Dienstverhältnis des Staatspersonals (Staatspersonalgesetz; StPG), LGBl. 2008 Nr. 144.

¹⁸ Gesetz vom 10 März 1999 über die Gleichstellung von Frau und Mann; Gleichstellungsgesetz; LGBl. 1999, no. 96.

The Liechtenstein Act on Information and Consultation of Employees in Business Enterprises (AIC)¹⁹ states in Article 10 that employees are not allowed to be treated less favourably due to their involvement in an organisation for workers' representation.

2.1.1 Definition of the grounds of unlawful discrimination within the directives

There is no specific discrimination law in Liechtenstein. Thus, no definitions of any of the grounds of discrimination are provided by a specific law on discrimination. The basic principle of equality in terms of nationality, ethnic or social origin, language and religion of all Liechtenstein citizens was granted in the Government's national, political position paper, (published 2007), without giving any further definition or interpretation of the grounds of discrimination. For definitions, a reference was made to the European Convention on Human Rights (ECHR).²⁰ Furthermore, the Liechtenstein Constitutional Court pointed out in 2005 that 'according to the settled case law of the Constitutional Court the ECHR holds a constitutional status'.²¹ Therefore, the definitions given within the ECHR at least from then on have been applicable to Liechtenstein and the above given laws.

Additionally, for specific definitions of the grounds of discrimination, reference can be made to the International Convention on the Elimination of All Forms of Racial Discrimination of 4 November 1950, which entered into force in Liechtenstein on 31 March 2000.²²

Race or ethnic origin

Liechtenstein's legal framework does not contain any specific legal definition regarding discrimination on grounds of ethnic origin. Various criminal offences are listed in Article 283 of the Penal Code (*Strafgesetzbuch*),²³ which give an additional definition of discrimination on grounds of race in terms of practical usage. Thus, legal interpretation would be necessary to provide guidance on the limits/scope of 'ethnic origin' or 'race'.

Religion or belief

The Liechtenstein legal framework does not contain a specific legal definition of religion or belief. An interpretation of how 'religion' is defined could be based on Article 9 of the European Convention on Human Rights (ECHR).²⁴

Disability

Article 3 of the AEPD gives a definition of disability:

'the result of a deficiency of functions that is not just temporary and is based on a physiological, mental, or psychological condition or an impairment of sensory functions which constitutes a possible complication for participation in the labour

¹⁹ Gesetz vom 23 Oktober 1997 über die Unterrichtung und Anhörung der Arbeitnehmerschaft in den Betrieben (Mitwirkungsgesetz; MWG), LGBl. 1997, no. 211.

²⁰ EMRK, LGBl. 1982, Nr. 60, Art. 14:
https://www.gesetze.li/lilexprod/lgsystpage2.jsp?formname=showlaw&lqblid=1982060001&version=2&search_loc=text&lqblid_von=1982060000&sel_lawtype=conso&compl_list=1&rechts_gebiet=0&menu=0&tablesel=0&observe_date=27.04.2016.

²¹ See Constitutional Court 2005/89:
<http://www.gerichtsentscheide.li/default.aspx?mode=suche&txt=EMRK&gericht=2&vonjahr=2005&bisjahr=2006&id=1601&backurl=?mode=suche%26txt=EMRK%26gericht=2%26vonjahr=2005%26bisjahr=2006>.

²² Internationales Übereinkommen zur Beseitigung jeder Form von Rassendiskriminierung, LGBl. 2000, no. 80. Definition: It defines racial discrimination in Article 1 as: 'any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.'

²³ Strafgesetzbuch vom 24 Juni 1987, LGBl. 1988, no. 37.

²⁴ Konvention vom 4 November 1950 zum Schutze der Menschenrechte und Grundfreiheiten, LGBl. 1982, no. 60/1.

market. Such a condition is not deemed temporary if it is likely to last for more than 6 months.'

It is important to note that the national law refers to 'physiological, mental and physical' conditions that result in disabilities without any interpretation of limitation based on illness. Furthermore Recital 17 of Directive 2000/78/EC is reflected in national law under Article 10(3) of the AEPD.²⁵

Beside Liechtenstein's commitment to sign the Convention on the Rights of Persons with Disability, no further action took place and there were no legislative amendments in 2016 within the non-discrimination field. Thus, the influence of the Convention is not fully reflected in Liechtenstein's national law, including the definition of disability as mentioned above.

Age

The law is silent on the definition of age in respect of discrimination. Only one definition is given in the Liechtenstein Act on Children and Youth (ACY), stating that children and young people up to and including the age of 18 enjoy special protection.

Sexual orientation

The Act on Civil Union for Same-Sex Couples (ACUSSC)²⁶ contains no definition of sexual orientation. Persons living in a registered partnership within the meaning of the Act ACUSSC between Persons of the Same Sex are treated on an equal footing with married couples regarding social security and occupational pensions (Article 30). Therefore, the Act on Civil Union for Same-Sex Couples does not explicitly prohibit discrimination on the ground of sexual orientation in respect to social protection, but grants the same benefits to registered same-sex couples as to married heterosexual couples.

2.1.2 Multiple discrimination

In Liechtenstein, prohibition of multiple discrimination, understood as disability in combination with some other characteristic, is included in the law.

The AEPD states in Article 23 (in combination with Article 5) that multiple discrimination must be taken into account when deciding on the compensation for immaterial damages at a court trial. Nevertheless there is no definition or description of grounds of multiple discrimination in the sense of listing possible grounds or even combinations of grounds to fall under the term 'multiple discrimination'. There are no provisions regarding multiple discrimination on other grounds (religion or belief, sexual orientation, race and ethnic origin or age). There are no plans for the adoption of such rules known to the authors.

In Liechtenstein there is no case law dealing with multiple discrimination.

Is multiple discrimination explicitly prohibited in national law?
Yes. Title of the law: Act on Equality of People with Disabilities (<i>Behindertengleichstellungsgesetz</i>) Abbreviation: AEPD/BGIG Date of adoption: 25.10.2006 Entry into force: 01.01.2007

²⁵ Gesetz vom 25 Oktober 2006 über die Gleichstellung von Menschen mit Behinderungen (Behindertengleichstellungsgesetz; BGIG), LGBl. 2006, no. 243.

²⁶ Gesetz vom 16 März 2011 über die eingetragene Partnerschaft gleichgeschlechtlicher Paare (Partnerschaftsgesetz; PartG), LGBl. 2011, no. 350.

Latest amendments: LGBI. 2016, no. 273 Grounds protected: Disability Article: 5(1), 23(3)

2.1.3 Assumed and associated discrimination

a) Discrimination by assumption

In Liechtenstein the national law (including case law) does not explicitly prohibit discrimination based on perception or assumption of what a person is. The law is silent in terms of assumed discrimination. From the regulations in Article 26 of the AEPD it can be said, that if a person claims assumed discrimination he/she has to prove that in consideration of all circumstances it is more likely than not, that the facts substantiated by her/him are truthful.

Is assumed discrimination prohibited in national law?
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Judicial interpretation required.

Title of the law: Act on Equality of People with Disabilities (<i>Behindertengleichstellungsgesetz</i>)
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Abbreviation: AEPD/BGIG

Date of adoption: 25.10.2006

Entry into force: 01.01.2007

Latest amendments: LGBI. 2016, no. 273
--

Grounds protected: Disability

Article: Art. 26

b) Discrimination by association

In Liechtenstein the national law (including case law) does not explicitly prohibit discrimination based on association with persons with particular characteristics. The law is silent in terms of discrimination by association. From the regulations in Article 26 of the AEPD it can be said, that if a person claims to be discriminated against by association, he/she has to prove that in consideration of all circumstances it is more likely than not that the facts substantiated by her/him are truthful.

The AEPD prohibits discrimination against persons who assist people with a disability on a temporary basis or who take care of them, or who report or take action against an act of discrimination on the grounds of disability (Article 5(4)).

Is discrimination by association prohibited in national law?

Judicial interpretation required.

Title of the law: Act on Equality of People with Disabilities (<i>Behindertengleichstellungsgesetz</i>)
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Abbreviation: AEPD/BGIG

Date of adoption: 25.10.2006

Entry into force: 01.01.2007

Latest amendments: LGBI. 2016, no. 273
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Grounds protected: Disability

Article: 26, 5 (4)

2.2 Direct discrimination (Article 2(2)(a))

a) Prohibition and definition of direct discrimination

In Liechtenstein, direct discrimination is prohibited in national law on grounds of disability (AEPD Article 6(1)) and on grounds of gender (AEWM Article 1a).²⁷ Direct discrimination is defined in Liechtenstein law as occurring when a person is treated less favourably than another person has been or would be treated in a comparable situation.

b) Justification of direct discrimination

Direct discrimination is only explicitly prohibited by law in terms of disability and gender. With regards to all other grounds, there exists no such explicit statement in the law. Thus, exceptions and different treatment are allowed in the working environment if, for instance, special knowledge, skills, physical conditions or other characteristics are required for a job. These 'objectively justified' provisions can also be relevant for people with disabilities (Article 10(3) AEPD). In addition, public service jobs can be restricted to Liechtenstein citizens, but race and ethnicity would not be permitted as selection criteria.

As an example, the question whether skin colour could be held to be a genuine occupational requirement for an actor in a movie cannot be answered by the authors. Judicial interpretation would be required and the person claiming the discrimination would have to produce evidence.

In Liechtenstein there are no specific requirements for a test to justify direct discrimination. As long as there are obvious reasons for specific requirements, it would not be interpreted as discriminating against people with other characteristics.

Is direct discrimination prohibited in national law?	Definition
<p>Yes.</p> <p>Title of the Law: Act on Equality of People with Disabilities (<i>Behindertengleichstellungsgesetz</i>) Abbreviation: AEPD/BGIG Date of adoption: 25.10.2006 Entry into force: 01.01.2007 Latest amendments: LGBl. 2016, no. 273 Grounds protected: Disability Article: 6(1)</p>	<p>Is direct discrimination defined? Yes Law: Act on Equality of People with Disabilities (<i>Behindertengleichstellungsgesetz</i>) Article: 6(1)</p> <hr/> <p>Is the definition equivalent to that of the directives? Yes Law: Act on Equality of People with Disabilities (<i>Behindertengleichstellungsgesetz</i>) Article: 6(1)</p>

2.2.1 Situation testing

a) Legal framework

In Liechtenstein situation testing is not mentioned by any national legislative act. Furthermore, there are no defined conditions for using this kind of evidence in court and as there are no relevant legal cases so far, there is no evidence as to how courts would handle such cases.

Whether situation testing could be accepted by the court as evidence under the general evidence rules in the civil procedure code remains an open question, as there is no case law. Therefore, judicial interpretation would be required.

²⁷ Gesetz vom 10 März 1999 über die Gleichstellung von Frau und Mann; Gleichstellungsgesetz; LGBl. 1999, no. 96.

b) Practice

In Liechtenstein situation testing is not used in practice. There are no activities known to the authors for any preparation of situation testing in connection with discrimination in the near future in Liechtenstein.

Is situation testing clearly permitted by law?	No. The law is silent about situation testing.
Is situation testing admissible as evidence in court?	Judicial interpretation is required. Title of the law: Code of Civil Procedure (<i>Zivilprozessordnung</i>) Abbreviation: CCP/ZPO Date of adoption: 10.12.1912 Entry into force: 11.12.1912 Latest amendments: LGBl. 2016, no. 405 Grounds protected: Unspecified Article: -
Is situation testing used in practice?	Not to the knowledge of the author.
By whom is situation testing used in practice?	N/A

2.3 Indirect discrimination (Article 2(2)(b))

a) Prohibition and definition of indirect discrimination

In Liechtenstein, indirect discrimination is explicitly prohibited and defined in national law on grounds of disability (AEPD Article 6(2)) and gender (AEWM Article 1a).²⁸ Indirect discrimination is defined as occurring when apparently neutral provisions, criteria or procedures would put persons of a specific ground of discrimination at a particular disadvantage compared to other persons. There are no legal prohibitions on indirect discrimination in relation other grounds in place.

The definition given in the national law as stated above complies with those given in the directives.

b) Justification test for indirect discrimination

According to the AEPD (Article 6(2)) different treatment is objectively justified if provisions, criteria or procedures are necessary in order to achieve a legitimate aim, although no specific justification test is mentioned. In addition, the means of achieving that aim must be appropriate. Liechtenstein law thus states that justification of indirect discrimination is possible in certain situations.

The justification for indirect discrimination in Liechtenstein law is compatible with the directives.

c) Comparison in relation to age discrimination

²⁸ Gesetz vom 10 März 1999 über die Gleichstellung von Frau und Mann; Gleichstellungsgesetz; LGBl. 1999, no. 96.

The AEWG and the AEPD do not include age discrimination. There is no further law quoting the directive in respect of age discrimination.

Is indirect discrimination prohibited in national law?	Definition
<p>Yes.</p> <p>Title of the Law: Act on Equality of People with Disabilities (<i>Behindertengleichstellungsgesetz</i>) Abbreviation: AEPD/BGIG Date of adoption: 25.10.2006 Entry into force: 01.01.2007 Latest amendments: LGBl. 2016, no. 273 Grounds protected: Disability Article: 6(2)</p>	<p>Is indirect discrimination defined? Yes. Indirect discrimination is when apparently neutral provisions, criteria or procedures would put persons of a specific ground of discrimination at a particular disadvantage compared to other persons. Law: AEPD Article: 6(2)</p>
	<p>Is the definition equivalent to that of the directives? Yes. Law: AEPD Article: 6(2)</p>

2.3.1 Statistical evidence

a) Legal framework

In Liechtenstein there are national rules permitting data collection. The Data Protection Act (DAG),²⁹ which refers to EU Directive 95/46/EG of 24 October 1995, governs the processing of sensitive data and communicating personal data to a third party, e.g. collecting personal data from natural persons and legal entities.

Article 5(1) of the DPA³⁰ sets out rules for the use of collected data. The DPA contains no explicit regulation regarding data collection for the purposes of litigation and positive action measures. The officials of the Data Protection Agency would have to decide whether data collection for purposes of litigation and positive action measures would be allowed—or not—in a specific case. Data collection without the explicit duty to inform the involved person about the collection of data is allowed for statistical or scientific purposes (Article 5(1) of the DPA).

Racial or ethnic origin:

Article 3(1)(e) of the DPA defines data regarding race/ethnicity as especially sensitive personal data that require particular protection.

Religion or belief:

Article 3(1)(e) of the DPA defines data regarding religious, ideological or political beliefs as especially sensitive personal data that require particular protection.

Disability / Age / Sexual orientation:

²⁹ Gesetz vom 14 März 2002 über den Datenschutz (Datenschutzgesetz; DSG), LGBl. 2002, no. 55.

³⁰ Datenschutzgesetz vom 14 März 2002 (DSG), LGBl. 2002, no. 55
https://www.gesetze.li/lilexprod/lgsystpage2.jsp?formname=showlaw&lgblid=2002055000&version=7&search_text=Datenschutzgesetz&search_loc=text&sel_lawtype=conso&compl_list=1&rechts_gebiet=0&menu=0&tablesel=0&observe_date=18.05.2017

Data collection in respect of information about disability, age and sexual orientation is not explicitly mentioned in the DPA but could be subsumed under 'data on personal privacy', which is treated as sensitive personal data that must be protected.

b) Practice

In Liechtenstein statistical evidence in order to establish indirect discrimination is not used in practice. Statistical evidence is not explicitly permitted by national law in order to establish indirect discrimination. The same applies to case law, although there is no general restriction on the use of statistical data. However, one can assume that any evidence, including evidence from statistical data, is admissible in court. Up to now, no case of discrimination has been brought to court using statistical data as evidence.

Is there any legislation regulating the collection of personal on data collection?	<p>Yes.</p> <p>Title of the law: Data Protection Act (<i>Datenschutzgesetz</i>) Abbreviation: DPA/DSG Date of adoption: 14.03.2002 Entry into force: 01.08.2002 (except Arts. 28 and 33 which entered into force on the day of announcement) Latest amendments: LGBl. 2014 Nr. 347</p> <p>Article: entire act</p>
Are there non-legislative measures governing data collection?	<p>No.</p>
Which data are considered as sensitive data?	<p>Data regarding race/ethnicity, religious, ideological or political beliefs are especially sensitive personal data that require particular protection.</p> <p>Information about disability, age and sexual orientation is not explicitly mentioned in the DPA but could be subsumed under the regulations of the following act:</p> <p>Title of the law: Data Protections Act (<i>Datenschutzgesetz</i>) Abbreviation: DPA/DSG Date of adoption: 14.03.2002 Entry into force: 01.08.2002 (except Arts. 28 and 33, which entered into force on the day of the specific announcement). Latest amendments: LGBl. 2014 Nr. 347</p> <p>Article: 3(1)(e)</p>
Are statistical data admissible as evidence in court?	<p>Judicial interpretation is required.</p> <p>Title of the law: Code of Civil Procedure (<i>Zivilprozessordnung</i>) Abbreviation: CCP/ZPO Date of adoption: 10.12.1912 Entry into force: 11.12.1912 Latest amendments: LGBl. 2013, no. 416 Article: 266 et seq.</p>
Is statistical evidence used in practice?	<p>No. So far, it has not been used in courts or by NGOs. There are neither distinct legal provisions nor any respective case law on this issue.</p>
By whom?	<p>-</p>

2.4 Harassment (Article 2(3))

a) Prohibition and definition of harassment

In Liechtenstein, harassment is prohibited by national law. It is defined. The main act regarding anti-discrimination prohibits harassment within its specific scope on grounds of disability (AEPD Article 8). In general, harassment is defined as unwanted modes of behaviour towards a person with the purpose or effect of violating the dignity of the person and of creating an intimidating, hostile, degrading, humiliating or abusive environment. Such behaviour can relate to a person's disability.

In Liechtenstein harassment does explicitly constitute a form of discrimination. Article 8 of the AEPD clearly states that harassment constitutes discrimination without limitations on the scope of this regulation. Thus, juridical interpretation would be necessary to identify certain legal barriers of the scope of the law.

b) Scope of liability for harassment

In Liechtenstein, where harassment is perpetrated by an employee, the employer and the employee are liable. In relation to the AEPD and the AEWG, the individual practising discrimination or harassment can be held liable under the terms of Article 5 of the AEWG³¹ and/or Article 23 of the AEPD.

Employers may be held liable for the actions of their employees. Article 10(2) of the AEPD states that discrimination also exists when an employer, in the event of harassment by employees, fails to act to remedy the situation in accordance with statutory regulations and the norms and standards in the labour contract. This means that the employer can also be punished.

Is harassment prohibited in national law?	Definition
Yes. Title of the Law: Act on Equality of People with Disabilities (<i>Behindertengleichstellungsgesetz</i>) Abbreviation: AEPD/BGIG Date of adoption: 25.10.2006 Entry into force: 01.01.2007 Latest amendments: LGBl. 2016, no. 273 Grounds protected: Disability Article: 8:	Is harassment defined? Yes. Law: AEPD Article: 8 Is the definition equivalent to that of the directives? Yes. Law: AEPD Article: 8

2.5 Instructions to discriminate (Article 2(4))

a) Prohibition of instructions to discriminate

In Liechtenstein, instructions to discriminate are prohibited in national law. Instructions are defined. Article 9 of the AEPD states that discrimination also occurs when a person instructs another to discriminate or harass someone on the grounds of disability.

In Liechtenstein instructions do explicitly constitute a form of discrimination in the sense set out above. The AEPD states this without limitations on the scope of the regulation. Thus, juridical interpretation would be necessary to identify certain legal barriers of the scope of the law

³¹ Gesetz vom 10 März 1999 über die Gleichstellung von Frau und Mann; Gleichstellungsgesetz; LGBl. 1999, no. 96.

b) Scope of liability for instructions to discriminate

In Liechtenstein the instructor and the discriminator are liable. Article 9 of the AEPD, stipulates liability for people who give instructions to another person to discriminate against others. It can be assumed that employers can be held directly liable for the actions of their employees as long as they are directly involved in the instruction to discriminate against others (see also PC Article 283).

Based on the given law, there exists no general exclusion-clause of being held liable for persons who discriminated on any grounds other than disability and gender because s/he received the instruction to do so by another person. There are no specific provisions regarding the liability of people who give the instructions to discriminate (e.g. to what extent they can be held liable) and the person who discriminated against another person because s/he received such an instruction. Judicial interpretation is required as such a situation would have to be evaluated and legally decided based on the individual case, given that the degree of the dependency relationship between the person giving the instruction to discriminate and the person who discriminated might be of relevance regarding the question of punishment.

Is instruction to discriminate prohibited in national law?	Definition
Yes on grounds of disability. Title of the Law: Act on Equality of People with Disabilities (<i>Behindertengleichstellungsgesetz</i>) Abbreviation: AEPD/BGIG Date of adoption: 25.10.2006 Entry into force: 01.01.2007 Latest amendments: LGBl. 2016, no. 273 Grounds protected: Disability Article: 9	Is instruction to discriminate defined? Yes. Law: AEPD Article: 9

2.6 Reasonable accommodation duties (Article 2(2)(b)(ii) and Article 5 Directive 2000/78)

a) Implementation of the duty to provide reasonable accommodation for people with disabilities in the area of employment

In Liechtenstein the duty to provide reasonable accommodation is included in the law indirectly through the prohibition of indirect discrimination. The AEPD provides no provision to set up reasonable accommodation for people with disabilities in general, but Article 7(3) of the AEPD states that indirect discrimination has occurred if no attempts have been made to accommodate the situation of the person concerned. In cases where indirect discrimination is a consequence of barriers, Article 7(4) states that it must be proved whether other legal provisions regarding accessibility exist, and if so, whether the legal tasks have been fulfilled.

If the requirements set out in other laws have not been met, and barriers exist as a result, the existence of those barriers will be regarded as indirect discrimination. This would be the case, for example, if a public building did not provide wheelchair access as that is a legal requirement stated in Articles 11 and 12 of the AEPD.

The provisions of Articles 19 and 20 of the AEPD are rather vague, saying that the state supports the integration of people with disability, and that the community may establish appropriate programmes. Thus, given that binding and strong legal obligations on employers are lacking in Liechtenstein legislation, adaptations to workplaces and other integrative activities are developed on a case-by-case basis.

b) Practice

Article 10(1) and (2) of the AEPD specify the extent of the duty to make provisions for the avoidance of discrimination within the area of working world. In addition, Article 7 of the AEPD lists the type of disproportionate burden (*unverhältnismässige Belastungen*) that may justify unequal treatment and prevent this from being regarded as indirect discrimination (cf. 2.3a for the definition of indirect discrimination). In detail, Article 7(2) specifies that the following criteria in particular have to be taken into consideration when deciding whether the likely burden is 'disproportionate':

- the costs of the accommodation;
- the resources of the enterprise;
- the extent to which public assistance is available;
- the time period between the entering into force of the AEPD and the complaint;
- the effect on the general interest of people with disabilities.

Regarding public assistance, Articles 17 to 21 of the AEPD provide rules on Government aid in the above stated cases.

c) Definition of disability and non-discrimination protection

Articles 11 to 14 of the AEPD make no distinction in the definition of a disability for the purposes of claiming a reasonable accommodation via the prohibition of indirect discrimination or with regard to protection through the general non-discrimination rules.

Does national law establish a duty to provide for reasonable accommodation for people with disabilities in employment?

Yes.

The AEPD provides a duty that focuses on accessibility to accommodation for people with disabilities.

Title of the Law: Act on Equality of People with Disabilities
(*Behindertengleichstellungsgesetz*)

Abbreviation: AEPD/BGIG

Date of adoption: 25.10.2006

Entry into force: 01.01.2007

Latest amendments: LGBl. 2016, no. 273

Grounds protected: Disability

Article: 7, 11-14

d) Duties to provide reasonable accommodation in areas other than employment for people with disabilities

There exists no individualised reactive duty to provide reasonable accommodation outside the field of employment in Liechtenstein. However, legal accessibility obligations are provided in the AEPD and the regulations (*Verordnung*) to the AEPD. The provisions and obligations address the public sector to a much greater extent than the private sector. Public buildings, traffic infrastructure and transport systems have to be created or adapted in a barrier-free way. Private house owners, on the other hand, are only legally forced to guarantee accessibility if a building consists of six or more apartments. Private transport is excluded from accessibility obligations.

Article 7 of the AEPD defines exceptions that do not count as discrimination based on disproportionate burden. Article 7(3) says, that if the removal of the conditions that create disadvantages are a disproportionate burden within the scope of Article 7, there might be still the possibility of discrimination if no reasonable measures are taken to realise a

substantial improvement of the situation such that it comes as close as possible to equal treatment of the affected person. Thus, the definition of 'disproportionate burden' as detailed in Article 7 of the AEPD does not differ between cases in areas of employment and those outside employment. There is no case law known to the authors nor has any been officially published.

e) Failure to meet the duty of reasonable accommodation for people with disabilities

In Liechtenstein failure to meet the duty of reasonable accommodation via the prohibition of indirect discrimination does count as discrimination. The law is silent about the classification of failures to meet the obligation of reasonable accommodation as indirect discrimination. Therefore, judicial interpretation would be required.

Article 26 of the AEPD on the burden of proof states in Article 26(1) that when a person claims to be discriminated against according to Articles 5 to 10, that person must make the claim credible. But in cases of direct discrimination, according to Article 26(2) of the AEPD, it is obligatory on the defendant to prove that it is more likely than not that the claim of unequal treatment in the sense of discrimination has another reason and that this reason is crucial. Article 26(3) states that when making a complaint about harassment or indirect discrimination, it is obligatory on the defendant to prove that in consideration of all circumstances it is more likely than not that the facts substantiated by him are legally truthful. The provisions of Article 26 refer to the section on the protection against discrimination in general and in employment (Articles 5 to 10 of the AEPD).

The second part of Article 26 states that the defendant may try to prove that he has a non-discriminatory reason for the difference in treatment and that that reason is of crucial importance to the defendant, in respect of his economic and/or social environment. This can also be applied to the right to reasonable accommodation. If the defendant can come up with a sensible and crucial reason for him to have ignored the law on reasonable accommodation the courts can exonerate him.

f) Duties to provide reasonable accommodation in respect of other grounds

In Liechtenstein there is no duty to provide reasonable accommodation in respect of other grounds in the public and/or the private sector.

	Does national law provide a duty to provide for reasonable accommodation for other grounds than disability?
Race or ethnic origin	No. There is no duty to provide reasonable accommodation for grounds other than disability known to the authors.
Religion or belief	No. There is no duty to provide reasonable accommodation for grounds other than disability known to the authors.
Age	No. There is no duty to provide reasonable accommodation for grounds other than disability known to the authors.
Sexual orientation	No. There is no duty to provide reasonable accommodation for grounds other than disability known to the authors.

g) Accessibility of services, buildings and infrastructure

In Liechtenstein national law requires buildings and infrastructure to be designed and built in a disability-accessible way.

Article 13 of the AEPD states a duty to provide reasonable accommodation for people with disabilities outside of their employment. However, buildings that were built before the act came into force must be adapted at the next major renovation to make them accessible. Buildings that cannot be adapted, for any reason, may be exempted by the Government.

Section C of the AEPD, which provides regulations for buildings and public transportation facilities regarding the accessibility and suitability for people with disabilities, is not restricted to the employment area and includes general duties to provide accessibility (see Article 7 of the AEPD).

Section C of the AEPD provides regulations for buildings and public transportation facilities regarding their accessibility and suitability for people with disabilities. These rules can be seen as a general duty to provide accessibility, which exists in the absence of an individual request. According to the AEPD, public buildings must be constructed in a way that gives people with disabilities the possibility to move around freely. If buildings are not convenient for people with disabilities—especially public places—they must be adapted in order to give people with disabilities the freedom to move around freely as soon as work has been completed on the building. Houses with six or more apartments that were constructed before the law entered into force must be adapted at the first major renovation that the house undergoes in order to give people with disabilities access and free movement. If such a building is constructed under the new law, it must be accessible from the beginning. These subjects are covered in Articles 11 to 14 of the AEPD.

Article 23(5) on legal claims states that:

'If the discrimination consists in the violation of the provisions on accessibility and adaptability according to articles 11 to 16, the assertion of claims under section 1 and 2 is excluded. If in civil cases the claim is made that discrimination is based on a violation of the provisions on the accessibility and adaptability, the court shall rule on the objection without interrupting the process itself.'

This clearly shows that the national law requires public buildings and infrastructures to be designed, built, and possibly adapted in a disability-accessible way. If anyone fails to comply, the courts must decide on the penalties.

Article 3(1)(g) of the AEPD defines accessibility as follows: accessibility is given when built features of the landscape designed for public use are accessible and usable for people with disabilities in the usual way, without any particular difficulty and in principle without assistance from others. According to Article 12 of the AEPD, new public buildings must be constructed in an accessible way and existing buildings must be adapted as soon as they are renewed. Private housing areas with more than six apartments also have to be accessible to people with disabilities and Article 14 of the AEPD states that residential buildings may only be subsidised if they are adaptable.

Exceptions can be made in respect of public buildings (Article 12(7) AEPD) and also to private housing areas if the terrain makes it difficult to realise accessibility (Article 13(1)). The Office for Equality of People with Disabilities must be consulted before an exception is permitted.

No specific regulations about services available to the public being accessible (with the exception of public transport vehicles) are known to the authors. There is a special exception in respect of election procedures; in practice, on the occasion of each election or referendum in Liechtenstein, the Government issues setup guidelines to guarantee accessibility to all voters. Nevertheless, there are differences between individual polling stations depending on when the building was built and when the latest renovations were carried out (see above).

h) Accessibility of public documents

Article 17 of the AEPD states the obligation of society in general, including the authorities and the Government — as elected representatives of the Liechtenstein population — to take into consideration the special requirements of people with disabilities when interacting

with them. This obligation is combined with the right of people with speech, hearing or visual impairments to use familiar facilities or tools (e.g. sign language), when communicating with official authorities in Liechtenstein. This includes also the availability – on request – of forms and documents relating to court cases and official notices in a format that is understandable and comprehensible to disabled people, without additional cost.

Regarding voting and tax declaration documents, there are no legally binding regulations in place. The Act on Political Rights (APR; *Volksrechtegesetz*) is silent on this topic. In practice, voting documents (including ballot papers) are designed according to the internal guidelines of the Government. These guidelines were introduced in 2006. Thus, comparing the internal guidelines of the Government with the rules of easy language for people with disabilities (published by the Organisation of the Disabled)³² it can be said that the voting documents are not completely accessible to people with learning difficulties (as a group of people with disabilities). Regarding accessibility to services, disabled voters are entitled to the right to request assistance to mark the ballot paper. This right is subject to the approval of the national electoral commission. This right is stated in Article 49(2) of the APR.

Article 56a of the Act on Media (AM; *Mediengesetz*)³³ states the obligation for all broadcasters to implement adequate measures to ensure that their programmes are made accessible to hearing-impaired and visually-impaired people. Article 2 of the AM defines broadcasters and all persons who provide media content in terms of their responsibilities to the general public. Thus, there is a legal obligation for broadcasters to ensure that the media content of election debates and broadcasts by political parties etc. is accessible to people with hearing or visual impairments.

³² Source (copy link into Web browser): http://www.leichtesprache.org/images/Regeln_Leichte_Sprache.pdf.

³³ Mediengesetz (MedienG), 19 Oktober 2005, LGBl. 2005 no. 250. Source: <https://www.gesetze.li/lilexprod/lgsystpage2.jsp?formname=showlaw&lqblid=2005250000&queltiqdate=02032016>.

3 PERSONAL AND MATERIAL SCOPE

3.1 Personal scope

3.1.1 EU and non-EU nationals (Recital 13 and Article 3(2) Directive 2000/43 and Recital 12 and Article 3(2) Directive 2000/78)

In Liechtenstein, the following residence/citizenship/nationality requirements are applied for protection under the relevant national laws transposing the directives:

The basic rights of Liechtenstein citizens and foreigners are stated in the Constitution of the Principality of Liechtenstein of 1921.

Article 31 of the Liechtenstein Constitution states that all citizens are equal before the law. The term citizen is to be understood as referring to all persons holding Liechtenstein national citizenship without distinction of sex.³⁴ Foreigners are excluded from this definition. The rights of foreigners are governed by treaty and, in the absence of any treaty, by reciprocal law. Furthermore the LC states in Article 39 that the exercise of civil and political rights is not dependent on religious affiliation.

Regarding the AEPD, there is no distinction made between Liechtenstein citizens and others.

Special provisions regarding racial discrimination are contained in Article 283 of the Penal Code (PC).³⁵ Again, there is no distinction made between Liechtenstein citizens and foreigners. Protection against racial discrimination is independent of citizenship. Thus, foreigners are also entitled to protection from racial discrimination

There are no further national laws dealing with discrimination based on grounds of race or origin.

3.1.2 Natural and legal persons (Recital 16 Directive 2000/43)

a) Protection against discrimination

In Liechtenstein the personal scope of anti-discrimination law covers natural persons for the purpose of protection against discrimination. In terms of legal persons, judicial interpretation is required to a certain extent. The Personal and Corporate Law Act (PCL)³⁶ distinguishes between a natural person (*natürliche Person*) and a legal person (*juristische Person*) in the context of discrimination protection and measures against discrimination, etc. Concerning protection against discrimination on grounds of disability, the AEPD focuses on natural persons. This is defined in Articles 2 and 3(2) of the AEPD. As the term 'person' is defined as referring to members of both female and male gender, the law applies to both women and men. Article 23(1) of the AEPD covers the restitution of any financial losses incurred and compensation for the personal detriment suffered. Only persons, i.e. natural persons, are mentioned in that section.

b) Liability for discrimination

In Liechtenstein the personal scope of anti-discrimination law covers natural and legal persons for the purpose of liability for discrimination. The law regarding discrimination

³⁴ The phrase 'without distinction of sex' makes sense because in the German language there is a difference between male citizens (*der Landesangehörige*) and female citizens (*die Landesangehörige*). The constitution only uses the male term (*der Landesangehörige*), but this term also includes women. This was explicitly stated in an act amending the constitution (LGBl. 1971, no 22).

³⁵ Strafgesetzbuch (StGB) vom 24 Juni 1987; LGBl. 1988, no. 37.

³⁶ Personen- und Gesellschaftsrecht (PGR) vom 20 Januar 1926, LGBl. 1926 Nr. 4.

(AEPD) does not make a difference between natural and legal persons regarding liability. Thus it can be assumed that national law is valid for natural as well as legal persons.

	Protection against discrimination	Liability for discrimination
Natural persons	<p>Yes.</p> <p>Title of the Law: Act on Equality of People with Disabilities (<i>Behindertengleichstellungsgesetz</i>) Abbreviation: AEPD/BGIG Date of adoption: 25.10.2006 Entry into force: 01.01.2007 Latest amendments: LGBl. 2016, no. 273 Grounds protected: Disability Article: 2</p>	<p>Judicial interpretation required.</p> <p>Title of the Law: Act on Equality of People with Disabilities (<i>Behindertengleichstellungsgesetz</i>) Abbreviation: AEPD/BGIG Date of adoption: 25.10.2006 Entry into force: 01.01.2007 Latest amendments: LGBl. 2016, no. 273 Grounds protected: Disability Article: 1 and 5</p>
Legal persons	<p>Judicial interpretation required.</p> <p>Title of the Law: Act on Equality of People with Disabilities (<i>Behindertengleichstellungsgesetz</i>) Abbreviation: AEPD/BGIG Date of adoption: 25.10.2006 Entry into force: 01.01.2007 Latest amendments: LGBl. 2016, no. 273 Grounds protected: Disability (violation of the accessibility regulations in Art. 27 to 29) Article: 31</p>	<p>Yes.</p> <p>Title of the Law: Act on Equality of People with Disabilities (<i>Behindertengleichstellungsgesetz</i>) Abbreviation: AEPD/BGIG Date of adoption: 25.10.2006 Entry into force: 01.01.2007 Latest amendments: LGBl. 2016, no. 273 Grounds protected: Disability Article: -</p>

3.1.3 Private and public sector including public bodies (Article 3(1))

a) Protection against discrimination

In Liechtenstein, the personal scope of national law covers private and public sector including public bodies under specific conditions for the purpose of protection against discrimination. Basically the AEPD is applicable to both the private and public sector. Nevertheless, within the AEPD there are some regulations that restrict the application of the law to the private sector (Article 2(2) of the AEPD). For example, the AEPD in relation to housing is not applicable to non-public buildings with less than six apartment units that are without state funding.

Within the Common Civil Code³⁷ regulations to protect natural persons against discrimination generally use the phrase 'protection of the personality of the employee'. Section C, VII, Article 27 refers to the 'protection of the personality of the employee', which can be interpreted as protection against discrimination on various grounds. Furthermore, Section C, I Articles 8(a) and 8(b) state that discrimination on ground of gender by an employer is against the law. There is no case law known to the authors on this issue in Liechtenstein.

³⁷ Common Civil Code (copy link into web browser):
https://www.gesetze.li/lilexprod/lgsystpage2.jsp?formname=showlaw&lqblid=1003001000&version=14&search_text=ABGB&search_loc=text&sel_lawtype=conso&compl_list=1&rechts_gebiet=0&menu=0&tablesel=0&observe_date=04.05.2016.

Article 283 of the Penal Code rules that penalties apply in cases of discrimination on grounds of race, national origin, ethnicity, language, religion or belief and without any restriction to the public or private sector, and therefore include public bodies.

b) Liability for discrimination

In Liechtenstein, the personal scope of the AEPD covers private and public sector including public bodies for the purpose of liability for discrimination.

Within the Common Civil Code (CCC) employers are implicitly held liable in case of discrimination against employees. This includes public and private sector employers. The Common Civil Code is not very specific in regards to the grounds of discrimination (see Article 27 of Section C, VII of the CCC). Only gender is explicitly mentioned in the section on prohibition of discrimination (Section C, Article 9 of the CCC). There is no case law known to the authors regarding such discrimination in Liechtenstein.

Article 74 of the Penal Code rules that legal persons, without any restriction to the public or private sector, can be held liable for discrimination against others. Penalties apply against discrimination on grounds of race, national origin, ethnicity, language, religion or belief.

	Protection against discrimination	Liability for discrimination
Public sector including public bodies	<p>Yes</p> <p>Title of the Law: Act on Equality of People with Disabilities (<i>Behindertengleichstellungsgesetz</i>) Abbreviation: AEPD/BGIG Date of adoption: 25.10.2006 Entry into force: 01.01.2007 Latest amendments: LGBl. 2016, no. 273 Grounds protected: Disability Article: 2 and 3</p>	<p>Judicial interpretation required.</p> <p>Title of the Law: Act on Equality of People with Disabilities (<i>Behindertengleichstellungsgesetz</i>) Abbreviation: AEPD/BGIG Date of adoption: 25.10.2006 Entry into force: 01.01.2007 Latest amendments: LGBl. 2016, no. 273 Grounds protected: Disability Article: 2 and 3</p>
	<p>Judicial interpretation required .</p> <p>Title of the Law: Common Civil Code (<i>Allgemeines Bürgerliches Gesetzbuch</i>) Abbreviation: CCC/ABGB Date of adoption: 01.06.1812 Entry into force: 18.12.1812 Latest amendments: LGBl. 2016 Nr. 267 Grounds protected: gender, other grounds are summarised under the term of "protection of the personality of the employee" Article: Art. 27 of sec. VII</p>	<p>Yes.</p> <p>Title of the Law: Common Civil Code (<i>Allgemeines Bürgerliches Gesetzbuch</i>) Abbreviation: CCC/ABGB Date of adoption: 01.06.1812 Entry into force: 18.12.1812 Latest amendments: LGBl. 2016 Nr. 267 gender, other grounds are summarised under the term of "protection of the personality of the employee" Article: 8a, 8b, Art. 9 and Art. 27</p>
	<p>No</p> <p>Title of the Law: Penal Code (<i>Strafgesetzbuch</i>) Abbreviation: PC/StGB Date of adoption: 24.06.1987</p>	<p>Yes.</p> <p>Title of the Law: Penal Code (<i>Strafgesetzbuch</i>) Abbreviation: PC/StGB Date of adoption: 24.06.1987</p>

	<p>Entry into force: 01.01.1989 Latest amendments LGBl. 2016 Nr. 161 Grounds protected: Race, national origin, ethnicity, language, religion or belief Article: -</p>	<p>Entry into force: 01.01.1989 Latest amendments LGBl. 2016 Nr. 161 Grounds protected: Race, national origin, ethnicity, language, religion or belief Article: 74a and 74g</p>
Private sector	<p>Yes.</p> <p>Title of the Law: Act on Equality of People with Disabilities (<i>Behindertengleichstellungsgesetz</i>) Abbreviation: AEPD/BGIG Date of adoption: 25.10.2006 Entry into force: 01.01.2007 Latest amendments: LGBl. 2016, no. 273 Grounds protected: Disability Article: 2 and 3</p>	<p>Yes.</p> <p>Title of the Law: Act on Equality of People with Disabilities (<i>Behindertengleichstellungsgesetz</i>) Abbreviation: AEPD/BGIG Date of adoption: 25.10.2006 Entry into force: 01.01.2007 Latest amendments: LGBl. 2016, no. 273 Grounds protected: Disability Article: 2 and 3</p>
	<p>Judicial interpretation required</p> <p>Title of the Law: Common Civil Code (<i>Allgemeines Bürgerliches Gesetzbuch</i>) Abbreviation: CCC/ABGB Date of adoption: 01.06.1812 Entry into force: 18.12.1812 Latest amendments: LGBl. 2016 Nr. 267 Grounds protected: gender, other grounds are summarised under the term of "protection of the personality of the employee" Article: Art. 27 of sec. VII</p>	<p>Yes.</p> <p>Title of the Law: Common Civil Code (<i>Allgemeines Bürgerliches Gesetzbuch</i>) Abbreviation: CCC/ABGB Date of adoption: 01.06.1812 Entry into force: 18.12.1812 Latest amendments: LGBl. 2016 Nr. 267 gender, other grounds are summarised under the term of "protection of the personality of the employee" Article: 8a, 8b, Art. 9 and Art. 27</p>
	<p>No.</p> <p>Title of the Law: Penal Code (<i>Strafgesetzbuch</i>) Abbreviation: PC/StGB Date of adoption: 24.06.1987 Entry into force: 01.01.1989 Latest amendments LGBl. 2016 Nr. 161 Grounds protected: Race, national origin, ethnicity, language, religion or belief Article: -</p>	<p>Yes.</p> <p>Title of the Law: Penal Code (<i>Strafgesetzbuch</i>) Abbreviation: PC/StGB Date of adoption: 24.06.1987 Entry into force: 01.01.1989 Latest amendments LGBl. 2016 Nr. 161 Grounds protected: Race, national origin, ethnicity, language, religion or belief Article: 74a and 74g</p>

3.2 Material scope

3.2.1 Employment, self-employment and occupation

In Liechtenstein, national legislation in terms of discrimination on the ground of disability is explicitly covered and applies to all sectors of private and public employment, self-employment and occupation, including contract work, self-employment, military service and holding statutory office, for the ground of disability.

Directive 2000/43/EC has not been transposed at all (except in terms of Annex XVIII) to EEC law and therefore to national law in Liechtenstein.

Article 10(1) of the AEPD states that people with disabilities may not be discriminated against as employees in the public and in the private sector or at any other workplace, either directly or indirectly.

Beside these explicit anti-discrimination provisions in the AEPD, no specific antidiscrimination law exists. For other grounds of discrimination, judicial interpretation is required to confirm whether rather general anti-discrimination provisions in the Constitution, in international treaties and in national law are sufficient to protect against discrimination. There is no case law known to the authors on this issue.

3.2.2 Conditions for access to employment, to self-employment or to occupation, including selection criteria, recruitment conditions and promotion, whatever the branch of activity and at all levels of the professional hierarchy (Article 3(1)(a))

In Liechtenstein, national legislation prohibits discrimination in the following areas: conditions for access to employment, to self-employment or to occupation, including selection criteria, recruitment conditions and promotion, whatever the branch of activity and at all levels of the professional hierarchy for the ground of disability in both private and public sectors as described in Directive 2000/78.

Article 5 of the AEPD states that nobody shall be discriminated against due to disability.

There are exceptions to this general rule in Article 10(3) and (4). Article 10(3) of the AEPD states that discrimination does not apply in cases where special attributes are necessary to fulfil the professional task and the disabled person concerned does not have such an attribute.

Article 10(4) states that wages may be set in relation to merit, without this being regarded as discrimination. Article 10(1), paragraphs (a) to (k) of the AEPD cover recruitment, employment, and conditions for access to self-employment.

As there are no specific references in the AEPD it can be assumed that the scope of discrimination covers all aspects of the conditions for access to employment, self-employment or occupation. However, in relation to the public sector, discrimination is further limited by the Act on the Employment of Public Officials³⁸ (AEPO), which explicitly states the guarantee of equal opportunities for women and men (Article 4(2)(f)), as well as the integration of people with special needs, such as people with disabilities (Article 4(2)(i)), as an objective of personnel policy, whereas there are no such positive statements relating to the private sector.

Apart from the AEPD, no specific national law exists on the conditions for access to employment, self-employment or occupation, including selection criteria, recruitment conditions and promotion, whatever the branch of activity and at all levels of the professional hierarchy for the other grounds (race/ethnic origin, religion/belief, age and sexual orientation), in both private and public sectors, as described in the directives. Therefore judicial interpretation is required to confirm, whether the general anti-discrimination provision in the Constitution (LC) are sufficient to protect against discrimination.

³⁸ Gesetz vom 24 April 2008 über das Dienstverhältnis des Staatspersonals (Staatspersonalgesetz; StPG), LGBl. 2008 Nr. 144.

Is discrimination with regard to access to employment prohibited by national law?	Yes. Title of the Law: Act on Equality of People with Disabilities (<i>Behindertengleichstellungsgesetz</i>) Abbreviation: AEPD/BGIG Date of adoption: 25.10.2006 Entry into force: 01.01.2007 Latest amendments: LGBl. 2016, no. 273 Grounds protected: Disability Article: 10
Is discrimination with regard to access to self-employment prohibited by national law?	Yes. Title of the Law: Act on Equality of People with Disabilities (<i>Behindertengleichstellungsgesetz</i>) Abbreviation: AEPD/BGIG Date of adoption: 25.10.2006 Entry into force: 01.01.2007 Latest amendments: LGBl. 2016, no. 273 Grounds protected: Disability Article: 10
Is discrimination with regard to access to occupation prohibited by national law?	Yes. Title of the Law: Act on Equality of People with Disabilities (<i>Behindertengleichstellungsgesetz</i>) Abbreviation: AEPD/BGIG Date of adoption: 25.10.2006 Entry into force: 01.01.2007 Latest amendments: LGBl. 2016, no. 273 Grounds protected: Disability Article: 10

3.2.3 Employment and working conditions, including pay and dismissals (Article 3(1)(c))

In Liechtenstein national legislation prohibits discrimination only on the ground of disability in the following areas: working conditions, including pay and dismissals, for all five grounds and for both private and public employment. There are explicit anti-discrimination provisions in the AEPD (Article 10), the AEWG (Article 3) and the Common Civil Code (Article 9) including discrimination on the ground of disability.

Article 30 of the Act on Civil Union for Same-Sex Couples (ACUSSC)³⁹ stipulates equal treatment for pension rights in the event of a divorce, regardless of whether the person was living in a legally recognised same-sex partnership in accordance with the ACUSSC, or in a marriage (see also Article 86b of the AMA).⁴⁰ The equivalent ruling is also stated in Article 54 of the National Old Age and Widow's/Widower's Pension Act (NOWP).⁴¹

The laws and articles mentioned above refer to regulations regarding avoiding discrimination in the area of employment and working conditions, including payment and dismissal, based on different grounds. For other grounds of discrimination, judicial interpretation is required to confirm whether the rather general provisions in the Constitution, in international treaties and in national law are sufficient to protect against

³⁹ Gesetz vom 16 März 2011 über die eingetragene Partnerschaft gleichgeschlechtlicher Paare (Partnerschaftsgesetz; PartG), LGBl. 2011, no. 350.

⁴⁰ Art. 86 b) of the Act on Marriage, Ehegesetz (EheG) vom 13. Dezember 1973, LGBl. 1974 Nr. 20.

⁴¹ Gesetz vom 14 Dezember 1952 über die Alters- und Hinterlassenenversicherung (AHVG), LGBl. 1952, no. 29.

discrimination. Nevertheless, race and religion as grounds for discrimination are not covered by any specific law.

3.2.3.1 Occupational pensions constituting part of pay

Retirement planning in Liechtenstein is based on three pillars: the general national pension, the company pension, and private savings. The first two mentioned are regulated by law and mandatory elements in the working environment. Regarding the given anti-discrimination provisions in Liechtenstein, there is no distinction made between wages and occupational pension payments. Thus, the same anti-discrimination provisions apply.

The given legal provisions within the occupational pensions legislation do not explicitly allow or preclude discrimination on the ground of disability. The Act on Company Personnel Plan (ACPP) (Article 3)⁴² releases employers from the obligation to implement an occupational pension for the individual employee if that employee is two-thirds disabled.

Article 34 of the ACPP grants the employee the right to participate in the occupational pension scheme on his or her own behalf. Hence there is no obligation on the employer to contribute. So far there has been no legal claim against this law in respect of being discriminated against. Nevertheless juridical interpretation would be required to see whether this provision falls under the given anti-discrimination law of the AEPD.

However, without any discrimination, there are differences in the amount of pension, since the company pension in particular depends on how much capital was paid into the pension account during a person's professionally active years. To a lesser degree, the general national pension is also dependent on the duration of professional career, but the differences between the minimum and the maximum pensions are not so great. For these reasons, people with limited opportunities on the labour market have significantly lower pensions than others.

No specific law exists regarding discrimination on grounds of race and religion, thus, judicial interpretation is required.

Is discrimination with regard to employment and working conditions prohibited by national law?

Yes. Discrimination on grounds of disability is prohibited.

Title of the Law: Act on Equality of People with Disabilities (<i>Behindertengleichstellungsgesetz</i>)
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Abbreviation: AEPD/BGIG

Date of adoption: 25.10.2006

Entry into force: 01.01.2007

Latest amendments: LGBl. 2016, no. 273
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Grounds protected: Disability

Article: 10

3.2.4 Access to all types and to all levels of vocational guidance, vocational training, advanced vocational training and retraining, including practical work experience (Article 3(1)(b))

In Liechtenstein, national legislation regarding disability in the context of Directive 2000/78 applies to vocational training outside the employment relationship, such as that provided by technical schools or universities, or such as adult lifelong learning courses.

⁴² Gesetz vom 20 Oktober 1987 über die betriebliche Personalvorsorge (BPVG); LGBl 1988, no. 12.

The AEDP (Article 10(1)) covers all types and stages of vocational training and education. This includes access to careers guidance, vocational training, retraining, and further training, as well as access to practical professional experience. In addition to the AEDP, the Act on Vocational Training (AVT, Article 1c)⁴³ promotes, among other things, equal treatment of women and men as well as the elimination of discrimination against people with disabilities in relation to any vocational training system.

<p>Is discrimination with regard to training prohibited by national law?</p> <p>Yes.</p> <p>Title of the Law: Act on Equality of People with Disabilities (<i>Behindertengleichstellungsgesetz</i>) Abbreviation: AEPD/BGIG Date of adoption: 25.10.2006 Entry into force: 01.01.2007 Latest amendments: LGBl. 2016, no. 273 Grounds protected: Disability Article: 10(1)</p>
<p>Yes.</p> <p>Title of the Law: Act on Vocational Training (<i>Berufsbildungsgesetz</i>) Abbreviation: AVT/BBG Date of adoption: 13.03.2008 Latest amendments: LGBl. 2015 Nr. 212 Entry into force: 05. August 2008 Grounds protected: Disability and gender Article: 1</p>

3.2.5 Membership of, and involvement in, an organisation of workers or employers, or any organisation whose members carry on a particular profession, including the benefits provided for by such organisations (Article 3(1)(d))

In Liechtenstein, national legislation based on disability (Article 10(1) of the Act on Equality of People with Disabilities) prohibits discrimination in the following areas: membership of, and involvement in workers or employers' organisations as formulated in the directives for both private and public employment.

There is no specific case law regarding this topic known to the authors.

<p>Is discrimination with regard to membership of, and involvement in, workers', employers' and professional organisations prohibited by national law?</p> <p>Yes.</p> <p>Title of the Law: Act on Equality of People with Disabilities (<i>Behindertengleichstellungsgesetz</i>) Abbreviation: AEPD/BGIG Date of adoption: 25.10.2006 Entry into force: 01.01.2007 Latest amendments: LGBl. 2016, no. 273 Grounds protected: Disability Article: 10(1)</p>
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⁴³ Berufsbildungsgesetz (BBG) vom 13 März 2008, LGBl. 2008, no. 103.
https://www.gesetze.li/lilexprod/lgsystpage2.jsp?formname=showlaw&lglid=2008103000&version=3&search_text=BBG&search_loc=abk_list&sel_lawtype=conso&compl_list=1&rechts_gebiet=0&menu=0&tablesel=0&observe_date=18.05.2017

3.2.6 Social protection, including social security and healthcare (Article 3(1)(e) Directive 2000/43)

In Liechtenstein, national legislation does not prohibit discrimination by specific anti-discrimination provisions in the following areas: social protection, including social security and healthcare as formulated in the Racial Equality Directive. Liechtenstein provides social security services to all individuals in the sense of equal treatment.

For grounds of sexual orientation the Act on Civil Union for Same-Sex Couples states that regarding social security and occupational pensions (Article 30) the same rules apply to same-sex couples as to heterosexual married couples. Therefore, the Act on Civil Union for Same-Sex Couples does not explicitly prohibit discrimination on the ground of sexual orientation in respect to social protection (it prohibits discrimination in general in the respective areas), but grants the same benefits to registered same-sex couples as to married heterosexual couples.

Nevertheless the Constitution of the Principality of Liechtenstein lays down the basic principle of equality. Article 27bis states that 'human dignity shall be respected and protected', and that 'no one may be subjected to inhuman or degrading treatment or punishment.' Article 31 notes that 'all Liechtenstein citizens shall be equal before the law.' This equality rule is, through international treaties such as the ECHR, extended to non-nationals as well, with the exception of political rights, especially voting rights.

Within the AEPD, discrimination in the context of social protection (e.g. social security or healthcare) is not explicitly listed. Under Article 2 of the AEPD, all areas of life of people with disabilities are covered and therefore social protection falls under the anti-discrimination regulation of the act.

3.2.6.1 Article 3.3 exception (Directive 2000/78)

There are payments of various kinds made by state schemes or similar, including state social security or social protection schemes, which refer to the exceptions in Article 3.3 of the Employment Equality Directive. There are no national problems known to the authors based on these exceptions.

Is discrimination with regards to social protection, including social security and healthcare prohibited by national law?	
Racial or ethnic origin	<p>Judicial interpretation required.</p> <p>Title of the law: Constitution of Liechtenstein (<i>Verfassung des Fürstentums Liechtenstein</i>) Abbreviation: LC Date of adoption: 05.10.1921 Entry into force: 05.10.1921 Latest amendments: LGBl. 2011, no. 594 Grounds protected: all (no listing of specific grounds) Article: Article 27bis</p>
Religion or belief	<p>Judicial interpretation required.</p> <p>Title of the law: Constitution of Liechtenstein (<i>Verfassung des Fürstentums Liechtenstein</i>) Abbreviation: LC Date of adoption: 05.10.1921 Entry into force: 05.10.1921 Latest amendments: LGBl. 2011, no. 594 Grounds protected: all (no listing of specific grounds) Article: Article 27bis</p>

	<p>There exists no specific regulation within national law. Nevertheless the Constitution of the Principality of Liechtenstein includes the basic principle of equality. Concerning religion and belief, the Constitution states that freedom of belief and conscience (<i>Glaubens- und Gewissensfreiheit</i>) is guaranteed (Article 37)⁴⁴.</p>
Disability	<p>Judicial interpretation required.</p> <p>Title of the law: Constitution of Liechtenstein (<i>Verfassung des Fürstentums Liechtenstein</i>) Abbreviation: LC Date of adoption: 05.10.1921 Entry into force: 05.10.1921 Latest amendments: LGBl. 2011, no. 594 Grounds protected: all (no listing of specific grounds) Article: Article 27bis</p> <p>There exists no specific regulation within national law. Nevertheless the Constitution of the Principality of Liechtenstein includes the basic principle of equality. Concerning disability the Constitution in combination with the Act on Social Help and the Act on Equality of People with Disabilities provide anti-discrimination provisions.</p>
	<p>Yes.</p> <p>Title of the Law: Act on Equality of People with Disabilities (<i>Behindertengleichstellungsgesetz</i>) Abbreviation: AEPD/BGIG Date of adoption: 25.10.2006 Entry into force: 01.01.2007 Latest amendments: LGBl. 2016, no. 273 Grounds protected: Disability Article: 2</p>
Age	<p>Judicial interpretation required.</p> <p>Title of the law: Constitution of Liechtenstein (<i>Verfassung des Fürstentums Liechtenstein</i>) Abbreviation: LC Date of adoption: 05.10.1921 Entry into force: 05.10.1921 Latest amendments: LGBl. 2011, no. 594 Grounds protected: all (no listing of specific grounds) Article: Article 27bis</p> <p>There exists no specific regulation within national law. Nevertheless the Constitution of the Principality of Liechtenstein includes the basic principle of equality (Article 27bis)⁴⁵.</p>
Sexual orientation	<p>Judicial interpretation required.</p> <p>Title of the law: Constitution of Liechtenstein (<i>Verfassung des Fürstentums Liechtenstein</i>) Abbreviation: LC</p>

⁴⁴ Verfassung des Fürstentums Liechtenstein vom 5 Oktober 1921 (LC), LGBl. 1921, no. 15, <https://www.gesetze.li/lilexprod/lgsystpage2.jsp?formname=showlaw&lqblid=1921015000&queltiqdate=02032016>.

⁴⁵ Verfassung des Fürstentums Liechtenstein vom 5 Oktober 1921 (LC), LGBl. 1921, no. 15, <https://www.gesetze.li/lilexprod/lgsystpage2.jsp?formname=showlaw&lqblid=1921015000&queltiqdate=02032016>.

	<p>Date of adoption: 05.10.1921 Entry into force: 05.10.1921 Latest amendments: LGBl. 2011, no. 594 Grounds protected: all (no listing of specific grounds) Article: Article 27bis</p> <p>There exists no specific regulation within national law. Nevertheless the Constitution of the Principality of Liechtenstein includes the basic principle of equality (Article 27bis).</p>
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3.2.7 Social advantages (Article 3(1)(f) Directive 2000/43)

In Liechtenstein, national legislation does not prohibit discrimination in the following areas: social advantages as formulated in the Racial Equality Directive.

In Liechtenstein, the lack of definition of social advantages does not raise problems. Based on the anti-discrimination provisions of the Constitution, it can be assumed that discrimination is prohibited for disability, age and sexual orientation, nevertheless judicial interpretation is necessary.

Liechtenstein has a wide range of benefits to groups of persons with lower incomes. Thus, tax reduction for families, child birth grants, monthly extra pay for children, discounts for access to public buses and facilities for young and old people and many other benefits have been implemented. Support in this regard is not interpreted as discriminating against others. The benefits are provided to all people or to people with special characteristics, e.g. age or income, yet do not discriminate on any grounds such as disability, sexual orientation, race and ethnicity, religion and belief. Discrimination is not explicitly prohibited with regards to the provision of these social benefits.

The Act of National Old Age and Widow's /Widower's Pension (NOWP) covers aspects of the old age pension with reference to the Act on Disability Insurance (ADI; *Invalidenversicherung*; IVG)⁴⁶ which could be understood to mean that discrimination on the ground of disability with regards to social advantages is prohibited by national law, but judicial interpretation is required.

The Act on Civil Union for Same-Sex Couples states in Article 30 that regarding occupational pension the same rules apply to same-sex couples as apply to heterosexual married couples. Thus, the Act on Civil Union for Same-Sex Couples does not explicitly prohibit discrimination regarding social advantages on the ground of sexual orientation.

Is discrimination with regards to social advantages prohibited in national law?	
Racial or ethnic origin	<p>Judicial interpretation required. In relation to racial or ethnic origin the law is silent about specific social advantages. Judicial interpretation based on the Constitution is necessary: Title of the law: Constitution of Liechtenstein (<i>Verfassung des Fürstentums Liechtenstein</i>) Abbreviation: LC Date of adoption: 05.10.1921 Entry into force: 05.10.1921 Latest amendments: LGBl. 2011, no. 594 Grounds protected: all (no listing of specific grounds) Article: 27 bis</p>

⁴⁶ Invalidenversicherung; IVG; LGBl. 1959 no. 5, <https://www.gesetze.li/lilexprod/lgsystpage2.jsp?formname=showlaw&lglbid=1960005000&queltigdate=02032016>.

Religion or belief	<p>Judicial interpretation required.</p> <p>In relation to religion or belief the law is silent about specific social advantages. Judicial interpretation based on the Constitution is necessary:</p> <p>Title of the law: Constitution of Liechtenstein (<i>Verfassung des Fürstentums Liechtenstein</i>)</p> <p>Abbreviation: LC</p> <p>Date of adoption: 05.10.1921</p> <p>Entry into force: 05.10.1921</p> <p>Latest amendments: LGBl. 2011, no. 594</p> <p>Grounds protected: all (no listing of specific grounds)</p> <p>Article: 27 bis</p>
Disability	<p>Judicial interpretation required.</p> <p>There exists no specific regulation within national law. Nevertheless the Constitution of the Principality of Liechtenstein includes the basic principle of equality. Concerning disability the Constitution in combination with the Act of National Old Age and Widow's /Widower's Pension and the Act on Equality of People with Disabilities provide anti-discrimination provisions.</p> <p>Title of the law: Constitution of Liechtenstein (<i>Verfassung des Fürstentums Liechtenstein</i>)</p> <p>Abbreviation: LC</p> <p>Date of adoption: 05.10.1921</p> <p>Entry into force: 05.10.1921</p> <p>Latest amendments: LGBl. 2011, no. 594</p> <p>Grounds protected: all (no listing of specific grounds)</p> <p>Article: 27 bis</p>
Age	<p>Judicial interpretation required.</p> <p>There exists no specific regulation within national law. Nevertheless the Constitution of the Principality of Liechtenstein includes the basic principle of equality.</p> <p>Title of the law: Constitution of Liechtenstein (<i>Verfassung des Fürstentums Liechtenstein</i>)</p> <p>Abbreviation: LC</p> <p>Date of adoption: 05.10.1921</p> <p>Entry into force: 05.10.1921</p> <p>Latest amendments: LGBl. 2011, no. 594</p> <p>Grounds protected: all (no listing of specific grounds)</p> <p>Article: 27 bis</p>
Sexual orientation	<p>Judicial interpretation required.</p> <p>There exists no specific regulation within national law. Nevertheless the Constitution of the Principality of Liechtenstein includes the basic principle of equality.</p> <p>Title of the law: Constitution of Liechtenstein (<i>Verfassung des Fürstentums Liechtenstein</i>)</p> <p>Abbreviation: LC</p> <p>Date of adoption: 05.10.1921</p> <p>Entry into force: 05.10.1921</p> <p>Latest amendments: LGBl. 2011, no. 594</p> <p>Grounds protected: all (no listing of specific grounds)</p> <p>Article: 27 bis</p>

3.2.8 Education (Article 3(1)(g) Directive 2000/43)

In Liechtenstein, national legislation does not prohibit discrimination in the following areas: education as formulated in the Racial Equality Directive. Liechtenstein law says nothing about specific educational measures in relation to racial or ethnic origin, age, sexual orientation and religion or belief. Nevertheless, the Constitution of the Principality of Liechtenstein includes the basic principle of equality. Article 27bis states that 'human dignity shall be respected and protected' and that 'no one may be subjected to inhuman or degrading treatment or punishment.' Article 31 notes that 'all Liechtenstein citizens shall be equal before the law.'

No major anti-discrimination case law in the field of education involving migrants is known to the authors. In addition, no major policies that aim to address discrimination against migrants in education are known to the authors.

There are non-discrimination provisions in connection with occupational training (in primary and secondary education): Article 10(1) of the AEPD states that discrimination on grounds of disability is prohibited in the field of access to occupational training. The term 'occupational training' can be interpreted to cover education for people with disabilities in Liechtenstein.

a) Pupils with disabilities

In Liechtenstein the general approach to education for pupils with disabilities does not raise problems.

Article 18 of the AEPD states:

- 1) The State shall ensure that children and young people with disabilities receive early intervention and a basic training that is customized to their specific needs. Decisive are the provisions of the Act on School Education (ASE).
- 2) The State promotes appropriate forms of training for pupils as well as adequate training and support for teachers to integrate children and young people with disabilities into regular schools. The rules of the Act on School Education and the Act on Teachers are decisive.⁴⁷
- 3) The State shall further ensure that children and young people with disabilities receive vocational education with respect to their special needs, abilities and interests. The State can participate in the disability-related costs, provided they are not covered by insurance and other benefits.'

Based on these general duties to take specific needs of pupils with disabilities into account regarding their education, the Act on Vocational Training (AVT, Article 1c)⁴⁸ prohibits discrimination against people with disabilities in any area of vocational training. The specific needs of people with disabilities in respect of their pre-vocational training (in terms of basic education and training) have to be considered, based on Article 16 of the AVT, through the possibility of shortening or extending the training period. These are the two issues that are explicitly mentioned by the AVT.

The priority in the legal framework is to include disabled children within mainstream education. However, in practice, in many cases children and young people with disabilities — especially those with intellectual impairments — attend the Special Education Centre.⁴⁹ There they have the chance to attend a Special Education Day School,⁵⁰ which gives them

⁴⁷ Schulgesetz vom 15 Dezember 1971, LGBl. 1972 no. 7; Lehrerdienstgesetz vom 26. November 2003, LGBl. 2004 no 4.

⁴⁸ Berufsbildungsgesetz (BBG) vom 13 März 2008, LGBl. 2008, no. 103.

⁴⁹ Heilpädagogisches Zentrum, located in Schaan.

⁵⁰ Sonderpädagogische Tagesschule.

individual tuition and prepares them for the professional world. There are also various other organisations that provide children, young people and adults with an interesting and varied programme that they can attend after school, during weekends and holidays. If possible, children are integrated into the regular schools and assistance by professionals is given in such cases.

Approximately 39 % of pupils with disabilities in Liechtenstein are taught and supported by the Special Education Day School per year (in 2015/2016 this amounted to 58 pupils). Approximately 55 % of all pupils with disabilities are integrated into the mainstream school system in Liechtenstein and the rest are taught in special needs schools abroad. After the given mandatory school years, there exists only partial integration of pupils with disabilities into the post-compulsory school system in Liechtenstein.

b) Trends and patterns regarding Roma pupils

In Liechtenstein, there are no specific patterns existing in education regarding Roma pupils, such as segregation.

There are no specific problems that need to be addressed concerning Roma or other minorities. A Roma minority does not exist in Liechtenstein.

Is discrimination with regards to education prohibited in national law?	
Racial or ethnic origin	<p>Judicial interpretation is required.</p> <p>The law says nothing about specific educational measures in relation to racial or ethnic origin. Nevertheless the Constitution of the Principality of Liechtenstein includes the basic principle of equality. Article 27bis states that 'human dignity shall be respected and protected and that no one may be subjected to inhuman or degrading treatment or punishment'. Article 31 notes that 'all Liechtenstein citizens shall be equal before the law.'</p> <p>Title of the law: Constitution of Liechtenstein (<i>Verfassung des Fürstentums Liechtenstein</i>) Abbreviation: LC Date of adoption: 05.10.1921 Entry into force: 05.10.1921 Latest amendments: LGBl. 2011, no. 594 Grounds protected: all (no listing of specific grounds) Article: 27bis, 31</p>
Religion or belief	<p>Judicial interpretation is required.</p> <p>The law says nothing about specific educational measures in relation to racial or ethnic origin. Nevertheless the Constitution of the Principality of Liechtenstein includes the basic principle of equality. Article 27bis states that 'human dignity shall be respected and protected and that no one may be subjected to inhuman or degrading treatment or punishment.'</p> <p>Title of the law: Constitution of Liechtenstein (<i>Verfassung des Fürstentums Liechtenstein</i>) Abbreviation: LC Date of adoption: 05.10.1921 Entry into force: 05.10.1921 Latest amendments: LGBl. 2011, no. 594 Grounds protected: all (no listing of specific grounds) Article: 27bis, 31</p>
Disability	Yes.

	<p>Title of the Law: Act on Equality of People with Disabilities (<i>Behindertengleichstellungsgesetz</i>) Abbreviation: AEPD/BGIG Date of adoption: 25.10.2006 Entry into force: 01.01.2007 Latest amendments: LGBl. 2016, no. 273 Grounds protected: Disability Article: 10(1)</p>
Age	<p>Judicial interpretation is required.</p> <p>The law says nothing about specific educational measures in relation to racial or ethnic origin. Nevertheless the Constitution of the Principality of Liechtenstein includes the basic principle of equality. Article 27bis states that 'human dignity shall be respected and protected and that no one may be subjected to inhuman or degrading treatment or punishment.'</p> <p>Title of the law: Constitution of Liechtenstein (<i>Verfassung des Fürstentums Liechtenstein</i>) Abbreviation: LC Date of adoption: 05.10.1921 Entry into force: 05.10.1921 Latest amendments: LGBl. 2011, no. 594 Grounds protected: all (no listing of specific grounds) Article: 27bis</p>
Sexual orientation	<p>Judicial interpretation is required.</p> <p>The law says nothing about specific educational measures in relation to racial or ethnic origin. Nevertheless the Constitution of the Principality of Liechtenstein includes the basic principle of equality. Article 27bis states that 'human dignity shall be respected and protected and that no one may be subjected to inhuman or degrading treatment or punishment.'</p> <p>Title of the law: Constitution of Liechtenstein (<i>Verfassung des Fürstentums Liechtenstein</i>) Abbreviation: LC Date of adoption: 05.10.1921 Entry into force: 05.10.1921 Latest amendments: LGBl. 2011, no. 594 Grounds protected: all (no listing of specific grounds) Article: 27bis</p>

3.2.9 Access to and supply of goods and services which are available to the public (Article 3(1)(h) Directive 2000/43)

In Liechtenstein, national legislation does not prohibit discrimination in the following areas: access to and supply of goods and services as formulated in the Racial Equality Directive.

The national law on discrimination says nothing about access to and supply of goods and services in relation to the grounds of racial or ethnic origin, religion or belief, or sexual orientation. Nevertheless, the Constitution of the Principality of Liechtenstein includes the basic principle of equality. Article 27bis states that 'human dignity shall be respected and protected and that no one may be subjected to inhuman or degrading treatment or punishment.'

Regarding the ground of disability, the AEPD aims to eliminate and prevent discrimination against people with disabilities and covers therefore the access to and supply of goods and services within Article 2(1). It aims to guarantee equal participation by people with

disabilities in the daily life of society. Nevertheless the AEPD does not include a specific provision to explicitly prohibit discrimination against people with disability regarding access to and supply of goods and services. Article 2(2) covers some exceptions from the general non-discrimination regulations in Article 2(1), e.g. privately offered goods and services, as far as they do not include specific items for people with disabilities, are excluded from the non-discrimination law (for example, if a beautician offers her services in a treatment room within her private building, the AEPD regulations regarding accessibility do not apply).⁵¹ Based on Article 2 of the AEPD it can be said that the production / sale (in terms of services) of goods that cannot be used by certain disabled people because of their impairment, cannot be treated as a form of discrimination. This also applies to the supply of such goods.

Article 9 of the Act on Health Insurance (*Krankenversicherungsgesetz*) states that equal treatment regarding the access to and supply of goods and services must be given and that discrimination on grounds of age is not allowed.

3.2.9.1 Distinction between goods and services available publicly or privately

In Liechtenstein national law only distinguishes between goods and services available to the public (e.g. in shops, restaurants, banks) and those only available privately (e.g. limited to members of a private association) as mentioned in Article 2(2) of the AEPD. This Article covers some exceptions from the general non-discrimination regulations in Article 2(1) as far as they are privately offered goods and services that do not include specific items for people with disabilities. Based on Article 2(1) it can be said that the production / sale (in terms of services) of goods that cannot be used by certain disabled people because of their impairment cannot be treated as a form of discrimination. This also applies to the supply of such goods.

Article 2 of the AEPD states that all areas of life of people with disabilities are equally affected by the non-discrimination act. Exceptions to this general clause are listed in Article 2(2) of the AEPD and include: private offerings of goods and services that are not explicitly defined for people with disabilities; non-public buildings that fulfil specific conditions; private transportation and roads.

To capture differences in treatment on the grounds of age and disability relating to social insurance, one has to distinguish between obligatory and voluntary insurance. According to the Act on Health Insurance (Art. 9),⁵² insurance companies have to offer the obligatory benefits without consideration of the age and health of the applicant. For insurance benefits outside the obligatory regulations, insurance companies are free to define age limits and to exclude insurance for diseases from which the applicant has suffered in the past (Articles 8 and 9 of the Act on Health Insurance).

The Act on Company Personnel Plan (ACPP) (Article 3)⁵³ allows different treatment of employees in case of a disability. It releases employers from the obligation to implement an occupational pension for the individual employee if that employee is two-thirds disabled. Thus, unequal treatment is possible on grounds of disability. Nevertheless, Article 34 of the ACPP grants the employee the right to participate in the occupational pension scheme on his or her own behalf but without the obligation on the employer to contribute. People with a degree of disability of more than 60 % and of the official retirement age are given a 'helplessness allowance' in addition to the state pension (see Article 3bis of the Act of

⁵¹ Where such a service was offered in a building open to the public, the anti-discrimination prohibitions of the AEPD would apply.

⁵² Gesetz vom 24 November 1971 über die Krankenversicherung (KVG); LGBl. 1971, no 50.

⁵³ Gesetz über die betriebliche Personalvorsorge (BPVG), LGBl. 1988, no. 12;
https://www.gesetze.li/lilexprod/lgsystpage2.jsp?formname=showlaw&lgbliid=1988012000&version=5&search_text=Betriebliche+Altersvorsorge&search_loc=text&sel_lawtype=conso&compl_list=1&rechts_gebiet=0&menu=0&tablesel=0&observe_date=29.06.2016.

Supplementary Aid to the National Old Age and Widow's/Widower's Pension (ASANP) in combination with Article 67bis of the Act on the National Old Age and Widow's /Widower's Pension).⁵⁴ The degree of disability, on the other hand, is defined and stated by the disability insurance.

Is discrimination with regards to access to and supply of <u>goods</u> prohibited in national law?	
Racial or ethnic origin	No. Liechtenstein national law has no specific regulations.
Religion or belief	No. Liechtenstein national law has no specific regulations.
Disability	Judicial interpretation required. Title of the Law: Act on Equality of People with Disabilities (<i>Behindertengleichstellungsgesetz</i>) Abbreviation: AEPD/BGIG Date of adoption: 25.10.2006 Entry into force: 01.01.2007 Latest amendments: LGBl. 2016, no. 273 Grounds protected: Disability Article: 2(1, 2)
Age	Yes, valid only in the insurance field. Title of the Law: Act on Health Insurance (<i>Krankenversicherungsgesetz</i>) Abbreviation: AHI/KVG Date of adoption: 24.11 1971 Entry into force: 01.01.1972 Latest amendments: LGBl. 2016 Nr. 02 Grounds protected: age / disability Article: 9
Sexual orientation	No. Liechtenstein national law has no specific regulations.

Is discrimination with regards to access to and supply of <u>services</u> prohibited in national law?	
Racial or ethnic origin	No. Liechtenstein national law has no specific regulations.
Religion or belief	No. Liechtenstein national law has no specific regulations.
Disability	Judicial interpretation required. Title of the Law: Act on Equality of People with Disabilities (<i>Behindertengleichstellungsgesetz</i>) Abbreviation: AEPD/BGIG Date of adoption: 25.10.2006 Entry into force: 01.01.2007

⁵⁴ Gesetz über die Alters- und Hinterlassenenversicherung (AHVG), LGBl 1952, no. 29; https://www.gesetze.li/lilexprod/lgsystpage2.jsp?formname=showlaw&lglid=1952029000&version=10&search_text=AHV&search_loc=text&sel_lawtype=conso&compl_list=1&rechts_gebiet=0&menu=0&tablesel=0&observe_date=29.06.2016.

	Latest amendments: LGBL. 2016, no. 273 Grounds protected: Disability Article: 2(1, 2)
Age	Yes, valid only in the insurance field. Title of the Law: Act on Health Insurance (<i>Krankenversicherungsgesetz</i>) Abbreviation: AHI/KVG Date of adoption: 24.11 1971 Entry into force: 01.01.1972 Latest amendments: LGBL. 2016 Nr. 02 Grounds protected: age / disability Article: 9
Sexual orientation	No. Liechtenstein national law has no specific regulations.

3.2.10 Housing (Article 3(1)(h) Directive 2000/43)

In Liechtenstein, national legislation in respect of disability prohibits discrimination in the following areas: housing as formulated in the Racial Equality Directive. There are no similar regulations that provide protection on the grounds of race and ethnic origin or any other grounds.

The national law on equality of people with disabilities (AEPD) covers housing within Articles 11 to 13. The AEPD protects people with disabilities by ensuring access to public buildings. To this end, the Government is obliged to consult the Office for Equal Opportunities (from 2017 onwards the Association of Human Rights) as well as recognised associations for people with disabilities, before formal approval for construction work is granted. Private housing areas with more than six apartments must also be accessible to people with disabilities and Article 14 of the AEPD states that residential buildings may only be subsidised if they are adaptable to provide accessibility (if they are not already accessible). Thus, the AEPD ensures accessibility but has no explicit provisions prohibiting discrimination in the field of housing. In respect of accessibility, the AEPD has an exception for private buildings with fewer than six apartments in a private housing area. For those buildings the AEPD prohibitions do not come into force and therefore a landlord of such a private building can refuse to rent his property to a disabled person on the grounds of disability. Furthermore, in such a situation, the legally defined measures for adaptations to building to make them accessible for people with disabilities do not apply.

No major anti-discrimination case law involving migrants in the field of housing is known to the authors. In addition, the authors know of no major policies that aim to address discrimination against migrants in the field of housing in Liechtenstein.

3.2.10.1 Trends and patterns regarding housing segregation for Roma

In Liechtenstein there are no patterns of housing segregation and discrimination against the Roma.

There are no specific problems that need to be addressed concerning Roma since there is no Roma minority living in Liechtenstein. Turks, Kosovars and other foreigners living in Liechtenstein have the same status as Liechtenstein nationals with respect to different grounds of discrimination. Discrimination on grounds of race, ethnicity or nationality is generally forbidden in the Liechtenstein Constitution and in the penal legislation, though not stated clearly in the law regarding housing. In relation to housing segregation, the Convention on the Elimination of All Forms of Racial Discrimination states in Article 3 that the Contracting States Parties are obliged to avoid any actions of segregation based on

discrimination.⁵⁵ Housing segregation does not occur in the largely rural areas of Liechtenstein.

Is discrimination with regards to housing prohibited in national law?	
Racial or ethnic origin	No. No specific regulations currently exist in relation to racial or ethnic origin.
Religion or belief	No. No specific regulations currently exist in relation to religion or belief.
Disability	No. No specific regulations currently exist. ⁵⁶
Age	No. No specific regulations currently exist in relation to age.
Sexual orientation	No. No specific regulations currently exist in relation to sexual orientation.

⁵⁵ Internationales Übereinkommen zur Beseitigung jeder Form von Rassendiskriminierung, LGBl 2000 Nr.80.

⁵⁶ The AEPD ensures accessibility but has no explicit provisions prohibiting discrimination with regard to housing.

4 EXCEPTIONS

4.1 Genuine and determining occupational requirements (Article 4)

In Liechtenstein national legislation provides for an exception for genuine and determining occupational requirements.

The AEPD (Article 10(3)) states, that exceptions from general anti-discrimination rules can be allowed if special skills, physical condition etc. are required for a job, thus potentially excluding people with disabilities from such jobs.

There are no such reservations for other grounds.

Does national law provide an exception for genuine and determining occupational requirements?
Yes. Title of the Law: Act on Equality of People with Disabilities (<i>Behindertengleichstellungsgesetz</i>) Abbreviation: AEPD/BGIG Date of adoption: 25.10.2006 Entry into force: 01.01.2007 Latest amendments: LGBl. 2016, no. 273 Grounds protected: Disability Article: 10(3)

4.2 Employers with an ethos based on religion or belief (Article 4(2) Directive 2000/78)

In Liechtenstein national law does not provide for an exception for employers with an ethos based on religion or belief. Apart from the ECHR,⁵⁷ there is no specific legislation dealing with discrimination against people in the case of employers with an ethos based on religion or belief. ECHR, like several other international treaties, is relevant to Constitutional Court decisions and thus can have an effect on decisions regarding discrimination.

In Liechtenstein, the Catholic Church still enjoys a special status by comparison with other religious communities. The current Government's efforts to establish a plan for disentangling the state and the church are a challenge.⁵⁸ There are no specific provisions or case law on this subject. Judicial interpretation is required to see how rather general provisions in the Constitution and in international treaties, e.g. the ECHR, are applicable. Currently, there is no public discussion on any clash of values, e.g. sexual orientation equality and freedom of religion, ongoing in Liechtenstein.

- Religious institutions affecting employment in state funded entities

In Liechtenstein religious institutions are permitted to select people (on the basis of their religion) and to hire or to dismiss someone from a job when that job is in a state entity or in an entity financed by the state. Article 16(4) of the Constitution states that the respective church-related institutions are responsible for religious education in school. The funding is ensured by the state. Provisions on Catholic religion classes are stated in an agreement between the Liechtenstein Government and the Archdiocese Vaduz as of 21 January 2003. According to this agreement, the Catholic teachers are selected by the Catholic Church. They must have the necessary theological qualifications as well as

⁵⁷ European Convention on Human Rights (Europäische Menschenrechtskonvention), LGBl. 1982 no 60/1.

⁵⁸ Latest statement of the Government regarding 'disentangling the state and the church', (*Trennung von Staat und Kirche*) as of 6 April 2016: <http://www.landtag.li/kleineanfragen.aspx?nid=4350&auswahl=4350>.

pedagogical and didactical qualifications, and they must have church permission to teach Catholic religion classes. They are nominated by the church and appointed by the state.

So far there exists no case law on the potentially discriminatory selection of teachers of religion, but this area might become an issue in the future because there have been continuing efforts over many years to loosen the close ties between church and state. In autumn 2012, the parliament debated both a new draft concordat with the Vatican and a new law on religion. In future, the trend for those religious communities officially recognised (by regulation) will be to place them on an equal footing. The new rules also include provision for the churches to be financed through a special tax (*Mandatssteuer*), and there will also be new rules covering religious instruction in schools. The negotiations between the communities of Liechtenstein and the Catholic Church regarding this issue have not been finalised in 2016 and are still ongoing.

Does national law provide an exception for employers with an ethos based religion or belief?

No.

4.3 Armed forces and other specific occupations (Article 3(4) and Recital 18 Directive 2000/78)

In Liechtenstein national legislation does not provide for an exception for the armed forces in relation to age or disability discrimination (Article 3(4), Directive 2000/78).

Liechtenstein abolished its armed forces in 1868. Since then Liechtenstein has focused on a neutral position with an independent and active foreign policy. Due to the fact that there are no armed forces in Liechtenstein, no discrimination can occur in this area.

4.4 Nationality discrimination (Article 3(2))

a) Discrimination on the ground of nationality

In Liechtenstein national law includes exceptions related to difference of treatment based on nationality. Free movement of persons, one of the basic European freedoms, is restricted in Liechtenstein with respect to taking up residence. This is a crucial issue for Liechtenstein. The annually available number of residence permits is limited according to a special treaty between Liechtenstein and the European Union as a result of the access of Liechtenstein to the European Economic Area (EEA) in 1995. This special regulation was introduced because Liechtenstein already had a high share of foreigners among its resident population (as at the end of 2015 the proportion was 33.8 %). Following this agreement, the Liechtenstein Government differentiates between persons of Swiss and EEA nationality, and persons of third countries, when applying different procedures and quotas. This is also valid for integration requirements, e.g. family reunion. However, there is no discrimination between permanent residents with respect to a specific nationality. The specific regulations are laid down for persons with EEA and Swiss nationality in the Act on Free Movement of EEA Persons and Swiss citizens.⁵⁹ In respect of persons with third country nationality, the Act on Foreigners (AF) regulates residency rights.⁶⁰

In Liechtenstein, nationality (as well as citizenship) is not explicitly mentioned as a protected ground in anti-discrimination provisions in the national law. The Constitution of Liechtenstein (*Verfassung des Fürstentum Liechtenstein*), the Act on Free Movement of EEA Persons and Swiss citizens (*Personenfreizügigkeitsgesetz*)⁶¹ and the Act of Foreigners

⁵⁹ Gesetz über die Freizügigkeit für EWR- und Schweizer Staatsangehörige (PFZG), LGBl. 2009, no. 348.

⁶⁰ Gesetz vom 17 September 2008 über die Ausländer (Ausländergesetz; AuG), LGBl. 2008, no. 311.

⁶¹ This Act is part of the national law in Liechtenstein.

(*Ausländergesetz*) include specific regulations regarding nationality but no anti-discrimination provisions.

b) Relationship between nationality and 'race or ethnic origin'

Regarding racial discrimination, the Penal Code does not explicitly list nationality as a ground of discrimination. There is no regulation or definition within the Liechtenstein law that defines the relationship between 'nationality' and 'race or ethnic origin'. Therefore judicial interpretation is needed.

Is nationality an explicitly protected ground in national law on discrimination?	Does the specialised body have an explicit mandate to deal with nationality discrimination?
No.	<p>Yes.</p> <p>The Office for Equal Opportunities deals with migration and integration. Therefore one of its concerns is the equal treatment of residents in Liechtenstein regardless of their nationality or ethnic origin.</p> <p><i>If not, does it do so in practice?-</i></p>

4.5 Work-related family benefits (Recital 22 Directive 2000/78)

a) Benefits for married employees

In Liechtenstein it cannot be determined whether benefits given only to those employees who are married are unlawful as there are no legal provisions or case law dealing with benefits provided by an employer to employees in respect of their partners.

However, taking into account the high importance of the freedom of contracts in Liechtenstein, one might assume that such benefits are lawful. Thus, for instance, it is likely that benefits for extra holiday leave only for married couples would not be interpreted as discriminating against others. However, the law is silent on this subject and judicial interpretation would be required. In the state administration, marriage and registered partnerships are treated equally in relation to such benefits. This is not necessarily the case for other employers, namely employers in the private sector.

According to Article 2b of the ACPP⁶² benefit claims from a company pension scheme must be treated equally in respect of registered partnerships and married persons, based on the Act on Civil Union for Same-Sex Couples (ACUSSC).⁶³

b) Benefits for employees with opposite-sex partners

In Liechtenstein it would most likely constitute unlawful discrimination if an employer were only to provide benefits to those employees with opposite-sex partners. Due to the ACUSSC, discrimination on grounds of sexual orientation must be interpreted as unlawful, although it is not explicitly stated in the law and is thus dependent on judicial interpretation. Hence, benefits cannot be confined to opposite-sex partners. The principle of equality of same-sex partnerships and opposite-sex partnerships (e.g. married couples) is stated in various acts covering special issues, such as the Act on the Pension Scheme for Public Servants (APPS Article 3a)⁶⁴ or the Act on the National Old Age and

⁶² Gesetz vom 20 Oktober 1987 über die betriebliche Personalvorsorge (BPVG); LGBl 1988, no. 12.

⁶³ Gesetz über die eingetragene Partnerschaft gleichgeschlechtlicher Paare (PartG), LGBl. 2011, no. 350.

⁶⁴ Gesetz vom 20 Dezember 1988 über die Pensionsversicherung für das Staatspersonal (Pensionsversicherungsgesetz; PVG), LGBL. 1989, no. 7.

Widow's/Widower's Pension (NOWP Article 54bis),⁶⁵ which entered into force after the enactment of the ACUSSC.

Whether or not different treatment is lawful would require judicial interpretation. There exists no case law on this subject so far.

4.6 Health and safety (Article 7(2) Directive 2000/78)

a) Exceptions in relation to disability and health/safety

In Liechtenstein there are no exceptions to the prohibition of direct discrimination on the ground of disability for reasons related to health and safety known to the authors.

Does national law provide an exception for health and safety in relation to disability?
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No.

4.7 Exceptions related to discrimination on the ground of age (Article 6 Directive 2000/78)

4.7.1 Direct discrimination

In Liechtenstein national law does not provide an exception for direct discrimination on age. The anti-discrimination legislation of Liechtenstein does not prohibit discrimination on the grounds of age and there are no relevant provisions regarding this. Different treatment, based on age, in some specific areas is admitted by law (see section 4.7.1 a below).

a) Justification of direct discrimination on the ground of age

In Liechtenstein it is not possible – in principle or under specified circumstances – to justify direct discrimination on the ground of age. The anti-discrimination legislation of Liechtenstein does not prohibit discrimination on the grounds of age and there are no relevant provisions regarding that (apart from the special protection of children). Hence, there are no exceptions. Since age as a ground of discrimination is not explicitly stated in the law, discrimination on the ground of age cannot be justified. As age discrimination is not mentioned, unequal treatment in employment is therefore allowed, for instance by defining a minimum or a maximum age when hiring employees.

There is no case law in 2016 known to the authors referring to this issue.

b) Permitted differences of treatment based on age

In Liechtenstein, national law neither explicitly permits nor prohibits differences of treatment based on age for any activities within the material scope of Directive 2000/78. Although there is no general prohibition of discrimination on the grounds of age, some specific age-related regulations exist, for example:

- the special protection of children (the Liechtenstein Act on Children and Youth (ACY)⁶⁶ as well as the regulation on Special Provisions for the Protection of Young Employees);⁶⁷
- the Decree on the Organisation of the Police (Article 56), which states that, in general, a candidate for the police must not be older than 35 years;

⁶⁵ Gesetz vom 14 Dezember 1952 über die Alters- und Hinterlassenenversicherung (AHVG), LGBl. 1952, no. 29.

⁶⁶ Kinder- und Jugendgesetz vom 10 Dezember 2008 (KJG), LGBl. 2009, no. 29.

⁶⁷ Verordnung vom 22 März 2005 zum Arbeitsgesetz (ArGV V) (Sonderbestimmungen über den Schutz der jugendlichen Arbeitnehmer), LGBl. 2005, no. 69.

- the Act on Foreigners (Article 13e)⁶⁸ states that an application for a residence and working permit can be refused if various factors - including the age of the applicant - suggest that the applicant might not be able to achieve long-term integration into society and the world of work, according to Article 41 of the Act on Foreigners.
- c) Fixing of ages for admission or entitlements to benefits of occupational pension schemes

In Liechtenstein, national law allows occupational pension schemes to fix ages for admission to the scheme or entitlement to benefits, taking up the possibility provided for by article 6(2).

The ACPP (Act on Company Personnel Pension) states in Articles 3(2) and 4(1)(c)⁶⁹ that insurance is mandatory for employees who fulfil the following criteria:

- They are insured through the occupational pension fund (AHV, IV);
- Their annual salary reaches at least two thirds of the maximum pension from the occupational pension fund;
- in the case of old age pension: a minimum age of 23 years, if the employment is not limited in time (i.e. temporary);
- in the case of disability pension: a minimum age of 17.

4.7.2 Special conditions for young people, older workers and persons with caring responsibilities

In Liechtenstein there are special conditions set by law for older or younger workers in order to promote their vocational integration. Positive measures are frequently taken to support younger or older people in regard to their opportunities in the labour market. Such conditions are found in the provisions on the protection of young employees based on the regulation (*Verordnung*) to the Act on Employment (regulation on Special Provisions for the Protection of Young Employees, LGBl. 2005 no. 69). According to this regulation, the employment of children (*Kinder*, i.e. persons below 16 years), and young persons (*Jugendliche*, i.e. persons below 18 years) who attend school, is forbidden. Exceptions can be permitted. There are numerous provisions concerning the exclusion of special employment duties (e.g. dangerous work) as well as working hours, rest time, night work etc.

The Office for Vocational Training and Career Counselling⁷⁰ is mainly active in advising older persons on finding employment and/or educational training. In addition, the Office of Education supports young people who fulfil certain criteria with scholarships.⁷¹ There are no further special conditions known to the authors.

In Liechtenstein, people with disabilities who do not live in residential facilities are predominantly cared for within the family. Such care is mostly provided on a voluntary basis by relatives and has not yet been legally regulated.

4.7.3 Minimum and maximum age requirements

In Liechtenstein there are no exceptions permitting minimum and/or maximum age requirements in relation to access to employment (notably in the public sector) and training. Minimum and maximum age requirements are not regulated by the legislation as long as it is not child labour.

⁶⁸ Gesetz vom 17 September 2008 über die Ausländer (Ausländergesetz; AuG), LGBl. 2008, no. 311.

⁶⁹ Gesetz vom 20 Oktober 1987 über die betriebliche Personalvorsorge (BPVG); LGBl 1988, no. 12.

⁷⁰ Amt für Berufsbildung und Berufsberatung (ABB): <http://www.llv.li/#/1757>.

⁷¹ Schulamt (SA): <http://www.llv.li/#/11631/schulamt>.

4.7.4 Retirement

a) State pension age

In Liechtenstein there is a state pension age, at which individuals must begin to collect their state pension. The state-imposed and generally applicable, pensionable retirement age is 64 for women as well as for men (Article 36 of the NOWP). If an individual wishes to work longer, the pension can be deferred. According to Article 74 of the NOWP, it is possible to work until the maximum age of 70.

On the other hand it is also possible to draw the pension at a maximum of four years in advance by accepting fixed reductions in the monthly payable amount (Article 73 of the NOWP) or to defer the pension for a maximum of 6 years (ending at the age of 70), and receiving a higher pension afterwards. Thus, according to Articles 73 and 74 of the NOWP, an individual can collect state pension (which is a certain pension share of the full amount) and still work.

There is no specific case law in Liechtenstein known to the authors in respect of the directive requirements on unlawful discrimination.

b) Occupational pension schemes

In Liechtenstein there is a legally defined age when people can begin to receive payments from occupational pension schemes and other employer-funded pension arrangements. The pension age is defined by Article 8 of the ACPP⁷² and corresponds to the above mentioned pension age for state pension. Based on the same regulation as for the state pension age, an individual who wishes to enter into retirement earlier than the stated pension age can draw the pension in advance. Early retirement by law can start four years before reaching the legally defined pension age. Occupational pension schemes are free to prolong this period according to their statutory retirement regulations. Thus, they can offer their insurance holders an earlier pension age by contract. Such early retirement has the consequence that the pension is paid at a reduced rate.

If an individual wishes to work longer, payments from such occupational pension schemes can be deferred and through the longer working and pension-contribution period, the future pension payments increase.

There is no specific case law in Liechtenstein known to the authors in respect with the directive requirements on unlawful discrimination.

c) State imposed mandatory retirement ages

In Liechtenstein there is a state-imposed mandatory retirement age. The state-imposed retirement-age is 64 for all sectors and regardless of gender. It is possible, however, to draw a pension from a maximum of four years earlier (Article 73 of the NOWP) or to extend the working period up to the age of 70 (Article 74 of the NOWP). In both cases the choice of doing so is generally up to the employee. Nevertheless in terms of working longer, the employee needs an employer who supports the adjustment in the sense of employing the person longer. Within the last two to three years there has been a political discussion on changing the age of retirement for economic and demographic reasons.⁷³ The discussion is still ongoing and focuses primarily on the state pension fund.⁷⁴ European developments in this area might influence relevant national regulation in the future.

⁷² Gesetz vom 20 Oktober 1987 über die betriebliche Personalvorsorge (BPVG); LGBl 1988, no. 12.

⁷³ Interview with H.S.H. Prince Hans-Adam II: <http://www.vaterland.li/index.cfm?ressort=home&source=lv&id=21429>.

⁷⁴ Letter to The head of government, 10/2012 (copy link into Web browser): http://www.llv.li/files/srk/pdf-llv-rk_stellungnahme_PV_Freie%20Liste.pdf. Article in the local daily newspaper, 01/2013:

d) Retirement ages imposed by employers

The retirement age is defined by Article 8 of the ACPP and corresponds to the above mentioned retirement age for state pension. Thus, Liechtenstein national law does not permit employers to define different pension ages by contract and/or collective bargaining and/or unilaterally in relation to the company pension schemes.

Employers, both public and private, have the right to set specific retirement ages for their specific company pension schemes in the sense of early retirement with payment deductions etc. as a voluntary – and therefore positive – option for the employee. Nevertheless, the minimum and the maximum age of retirement must be in line with the age given by law.

e) Employment rights applicable to all workers irrespective of age

Age is not defined as a permissible reason for dismissal in national law. Furthermore, there is no upper age limit for protection against unfair dismissal. Employers can impose retirement at the pension age of 64 without liability for unfair dismissal. Thus, even if the employee wishes to work longer (prolong the pension age of 64 to 70), there is no legal binding condition on the employer to do so. The relevant provisions apply to all workers irrespective of their age.

f) Compliance of national law with CJEU case law

In Liechtenstein, national legislation is not in line with the CJEU case law on age regarding compulsory retirement.

Directive 2000/78 prohibits discrimination on grounds of age in the field of employment and occupation. However, the directive does not preclude national measures that are necessary for the protection of very specific reasons, meaning that national legislature can provide, in certain cases, for differences of treatment based on age, and this will not, therefore, be treated as discrimination. The anti-discrimination legislation of Liechtenstein does not define discrimination on the grounds of age and there are no relevant provisions regarding this. Different treatment in some specific areas based on age is not prohibited by law. Since age as a ground of discrimination is not explicitly stated in the law, discrimination on the ground of age does not need to be justified and unequal treatment in employment is therefore allowed, for instance by defining a minimum or a maximum age when hiring employees.

There is no national legislation aiming to control age discrimination or demanding proportionality in age requirements. Therefore it can be said that national legislation has not implemented the content and rationale of Directive 2000/78 regarding discrimination on the grounds of age. However, documented and practical treatment of age limits in employment in Liechtenstein comply with the CJEU case law (e. g. Liechtenstein police requirements profile⁷⁵ / Wolf CJEU 12 January 2012) and are therefore in line with Article 4.1 of Directive 2000/78.

Does national law allow for direct discrimination on the ground of age (provide an	Judicial interpretation is required. The anti-discrimination legislation of Liechtenstein does not define discrimination on the grounds of age and there are no relevant provisions regarding this. Different treatment in some
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⁷⁵ <http://www.vaterland.li/index.cfm?ressort=liechtenstein&source=lv&id=21429>.
<http://www.landespolizei.li/Polizeiiberuf.aspx>.

<p>exception for age)?</p>	<p>specific areas based on age is possible by law (see section 4.7.1 a above). Nevertheless the Constitution of the Principality of Liechtenstein includes the basic principle of equality. Article 27bis states that 'human dignity shall be respected and protected and that no one may be subjected to inhuman or degrading treatment or punishment.'</p> <p>Title of the law: Constitution of Liechtenstein (<i>Verfassung des Fürstentums Liechtenstein</i>) Abbreviation: LC Date of adoption: 05.10.1921 Entry into force: 05.10.1921 Latest amendments: LGBl. 2011, no. 594 Article: 27bis</p>
<p>Do the justifications for direct discrimination on the ground of age comply with the directive?</p>	<p>Judicial interpretation is required.</p> <p>As there is no regulation about discrimination on grounds of age, no comparison with the directive is possible.</p>
<p>Is there a State imposed mandatory retirement age?</p>	<p>Yes.</p> <p>Title of the law: Act of National Old Age and Widow's /Widower's Pension (<i>Gesetz über die Alters- und Hinterlassenenversicherung</i>) Abbreviation: NOWP / AHVG Date of adoption: 14.12.1952 Entry into force: 15.12.1952 Latest amendments: LGBl. 2016, no. 230 Grounds protected: age Article: 55</p>

4.7.5 Redundancy

a) Age and seniority taken into account for redundancy selection

In Liechtenstein national law does not permit age or seniority to be taken into account in selecting workers for redundancy. The anti-discrimination legislation of Liechtenstein does not explicitly define discrimination on the grounds of age. Nevertheless, Article 46 of the CCC⁷⁶ defines redundancy due to reasons based on personal attributes (age would be defined as a personal attribute in judicial interpretation)⁷⁷ as improper and therefore against the law.⁷⁸

b) Age taken into account for redundancy compensation

In Liechtenstein, national law provides compensation for redundancy in general, in line with the given anti-discrimination prohibitions. As age is not permitted by law to be taken into account in selecting workers for redundancy, no age-related redundancy compensation would be in line with the law. Thus, in the case of an improper redundancy based on personal attributes (age would be defined as a personal attribute in judicial interpretation

⁷⁶ Allgemeines bürgerliches Gesetzbuch (ABGB), publiziert im ASW, LGBl.1967, no. 34.

⁷⁷ Public statement of a Liechtenstein law firm: <http://www.wanger.net/schuldrecht/items/wann-ist-eine-kuendigung-des-arbeitsvertrags-missbraeuchlich.html>.

⁷⁸ Allgemeines bürgerliches Gesetzbuch (ABGB), publiziert im ASW, LGBl.1967, no. 34.

based on Article 46 of the CCC) this would be classified as improper and therefore against the law.

4.8 Public security, public order, criminal offences, protection of health, protection of the rights and freedoms of others (Article 2(5), Directive 2000/78)

In Liechtenstein national law includes exceptions that seek to rely on Article 2(5) of the Employment Equality Directive. The below listed special regulations include exceptions that seek to rely on Article 2(5) of the Employment Equality Directive:

- the Liechtenstein Act on Children and Youth (ACY);⁷⁹
- the bylaw on Special Provisions for the Protection of Young Employees;⁸⁰
- the Decree on the Organisation of the Police;⁸¹
- the Act on Foreigners;⁸²
- the Act of National Old Age and Widow's /Widower's Pension.⁸³

There are no other provisions explicitly referring to these issues.

4.9 Any other exceptions

There are no other exceptions to the prohibition of discrimination (on any ground) provided by national law in Liechtenstein.

⁷⁹ Kinder- und Jugendgesetz vom 10 Dezember 2008 (KJG), LGBl. 2009, no. 29.

⁸⁰ Verordnung vom 22 März 2005 zum Arbeitsgesetz (ArGV V) (Sonderbestimmungen über den Schutz der jugendlichen Arbeitnehmer), LGBl. 2005, no. 69.

⁸¹ Verordnung vom 22 August 2000 über den Dienstbetrieb und die Organisation der Landespolizei (PoIDOV); LGBl. 2000, no 195.

⁸² Gesetz vom 17 September 2008 über die Ausländer (Ausländergesetz; AuG), LGBl. 2008, no. 311.

⁸³ Gesetz vom 14 Dezember 1952 über die Alters- und Hinterlassenenversicherung (AHVG), LGBl.1952, no. 29.

5 POSITIVE ACTION (Article 5 Directive 2000/43, Article 7 Directive 2000/78)

a) Scope for positive action measures

In Liechtenstein, positive action in respect of disability is permitted in national law.

Basically only the AEPD, implementing Directive 2000/78, states that positive action is permissible and does not constitute discrimination. Article 4 on positive measures in the AEPD states: 'Specific measures to achieve equal participation of people with a disability in daily life within society are not considered to be discriminatory.' The AEPD allows for positive measures to integrate people with disabilities. However, most positive measures are soft law and Liechtenstein does not have any kind of quotas. Article 19 of the AEPD covers integration programmes for people with disabilities (education, employment, accommodation, transport, culture, sports) and Article 20 covers pilot projects of integration into work life. Within the AEPD other grounds are not covered. Additionally there are no similar definitions of positive action measures against discrimination based on religion or belief, age, racial or ethnic origin or sexual orientation in any other specific national law. This corresponds with the fact that there are no specific laws on these grounds of discrimination. Furthermore, there is no comprehensive anti-discrimination act in Liechtenstein, covering all grounds of discrimination. Positive action measures on grounds other than disability are not clearly stated in the law as a legal commitment. Nevertheless, measures have been implemented. These have mainly been communication campaigns, such as campaigns in relation to foreigners or old people. Such activities are directly supported by the government (via the activities of the Office for Equal Opportunities or the integration department of the Immigration and Passport Office), or indirectly by mandating private associations with such tasks.

b) Main positive action measures in place on national level

Articles 17 to 20 of the AEPD state that different measures in favour of people with disabilities may be supported. Article 19(3) of the AEPD⁸⁴ specifies that various programmes may be implemented and supported by the government, including programmes on vocational training and integration as well as on housing. Article 20 states that pilot projects on the integration of people with disabilities into the work environment may be supported by society. The term 'society' is not elaborated any further, but one can assume that it refers to the government and the municipalities, and perhaps to disability insurance and other public services. One of the measures – according to Article 20 – is financial support in order to adapt a workplace to the special needs of a person with disability.

There are additional measures in the field of education; this part of the act declares that the state will provide early intervention and basic education according to the Education Act, that the state supports special schools with special training for teachers, and that the state will make sure that these children and young people have a chance in the working world. Priority is given to the integration of people with disabilities into regular schools.

Liechtenstein Disability Insurance⁸⁵ (AHV-IV-FAK Liechtenstein) supports potential employment with various services, e.g. wage subsidies that motivate businesses to employ people with reduced work performance.

No major positive action measures related to migrants or to promote their integration in employment are known to the authors.

⁸⁴ Gesetz vom 25 Oktober 2006 über die Gleichstellung von Menschen mit Behinderungen (Behindertengleichstellungsgesetz; BGIG), LGBl. 2006, no. 243.

⁸⁵ AHV-IV-FAK Liechtenstein: <http://www.ahv.li/leistungen/iv/berufliche-massnahmen/>.

6 REMEDIES AND ENFORCEMENT

6.1 Judicial and/or administrative procedures (Article 7 Directive 2000/43, Article 9 Directive 2000/78)

- a) Available procedures for enforcing the principle of equal treatment

In Liechtenstein the following procedures exist for enforcing the principle of equal treatment.

Article 25 of the AEPD states that the civil courts (part of the ordinary courts) are the appropriate authority to decide upon complaints against discrimination on the ground of disability. Claims are adjudicated according to the CCP.

Complaints relating to the anti-discrimination provisions of the Penal Code (race, national origin, ethnicity, language, religion and belief) are also adjudicated by the ordinary courts in the first instance (Article 283 of the Penal Code).⁸⁶ Claims based on the Convention on the Elimination of All Forms of Racial Discrimination, which came into force in Liechtenstein in 2000, can be brought to court in the same way as those claims based on national law, e.g. the AEPD.

Procedures for addressing discrimination are not the same for employment in the private sector and the public sector. In private disputes, the ordinary court is the first judicial authority, whereas in disputes between individuals and the public sector it is the Administrative Court (part of the public jurisdiction), followed by the Constitutional Court as the court of last instance.

The out-of-court settlement of disputes is regulated by Article 594 to 616 of the CCP.⁸⁷ Furthermore, in 2005 the Act on Mediation in Civil Law Cases (AMCLC)⁸⁸ entered into force. This law defines mediation and mediators as well as the rights and duties of mediators. Details concerning the necessary qualifications of a mediator are stated in the bylaw to the Act on Mediation in Civil Law Cases.⁸⁹ However, mandatory mediation in particular law cases has not yet been introduced. If this were to be implemented, it might open the way to making a complaint without the financial risk of undertaking a court process. However, there are no current discussions about such an extended use of mediation.

- b) Barriers and other deterrents faced by litigants seeking redress

There is no legal provision that requires the use of a lawyer when bringing a complaint before the court, although using a lawyer is probably helpful. Article 25 of the CCP states that court procedures can be carried out either in person or by a representative (e.g. a lawyer). Articles 63 to 73 of the CCP concern assistance for court trials (*Verfahrenshilfe*). Assistance has to be provided for persons if they are not able to finance a trial without this having a negative effect on their ability to feed themselves properly. This holds for anyone, not just for people with disabilities or other groups with specific characteristics.

The time schedule for court proceedings is regulated by particular acts, or, where that is not the case, the judge can decide on deadlines with respect to the needs and the character of the specific court case.

⁸⁶ Strafgesetzbuch (StGB), LGBl. 1988, no. 37.

⁸⁷ Gesetz vom 10 Dezember 1912 über das gerichtliche Verfahren in bürgerlichen Rechtsstreitigkeiten (Zivilprozessordnung; ZPO), LGBl. 1912 Nr. 9/1.

⁸⁸ Gesetz vom 15 Dezember 2004 über die Mediation in Zivilrechtssachen (Zivilrechts-Mediations-Gesetz; ZMG), LGBl. 2005 Nr. 31.

⁸⁹ Verordnung vom 12 April 2005 zum Gesetz über die Mediation in Zivilrechtssachen (Zivilrechts-Mediations-Verordnung; ZMV), LGBl. 2005, no. 71.

Since Liechtenstein is a very small country and all national judicial authorities are located in Liechtenstein, the travelling distances to the courts are very short.

c) Number of discrimination cases brought to justice

In Liechtenstein there are no available statistics on the number of cases related to discrimination brought to justice.

Discrimination law cases that are prosecuted by national courts are not generally open to the public. Whether the case and the judgement are made open to the public depends on the court's decision. The main criteria for a court decision to be published or not are the interest of the public and the protection of the privacy of the parties involved.

d) Registration of discrimination cases by national courts

In Liechtenstein discrimination cases are not registered as such by national courts.

As stated under paragraph c above, no specific statistics on discrimination court cases are made public.

6.2 Legal standing and associations (Article 7(2) Directive 2000/43, Article 9(2) Directive 2000/78)

a) Engaging on behalf of victims of discrimination (representing them)

In Liechtenstein associations/organisations/trade unions are entitled to act on behalf of victims of discrimination if they have been mandated by the victim as a representative.

Article 25 of the AEPD states that court trials have to be carried out according to the Code of Civil Procedure (CCP), with the exception of the provision with respect to the burden of proof in Article 26. Basically the CCP states that court procedures can be carried out in person or by a representative (Article 25 of the CCP). The representative may be a lawyer, but the CCP (Articles 26 and 28) does not restrict the term to lawyers, and a representative can be any authorised, mandated person. There are no provisions with respect to the engagement of associations acting on behalf of a person raising a complaint. The mandating of a representative must be authorised by the person raising the complaint.

b) Engaging in support of victims of discrimination

In Liechtenstein associations/organisations/trade unions are entitled to act in support of victims of discrimination under specific criteria.

The AEPD is silent about any regulation of associations entitled to act in support of victims of discrimination joining already ongoing proceedings. The Code of Civil Procedure (CCP) states in Articles 11, 17 and the following articles⁹⁰ that the admission of a third party to participate or intervene in a case, makes the individual a party to the judicial proceeding. With the consent of the parties involved in the judicial case, the third party as intervener can even take the place of the party for whom he/she intervened.

<i>Does national law provide for standing to act on behalf of victims?</i>	Claim on one's own behalf for discrimination on ground of
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⁹⁰ Gesetz vom 10 Dezember 1912 über das gerichtliche Verfahren in bürgerlichen Rechtsstreitigkeiten (Zivilprozessordnung; ZPO), LGBl. 1912 Nr. 9/1 (copy link into Web browser); https://www.gesetze.li/lilexprod/lgsystpage2.jsp?formname=showlaw&lqblid=1912009001&version=15&search_text=bürgerlichen_Rechtsstreitigkeiten&search_loc=text&sel_lawtype=conso&compl_list=1&rechts_gebiet=0&menu=0&tablese_l=0&observe_date=29.06.2016.

<p>Yes.</p> <p>Title of the Law: Act on Equality of People with Disabilities (<i>Behindertengleichstellungsgesetz</i>) Abbreviation: AEPD/BGIG Date of adoption: 25.10.2006 Entry into force: 01.01.2007 Latest amendments: LGBl. 2016, no. 273 Grounds protected: Disability Article: 31</p>	<p>disability in the fields of employment, accessibility of services and goods, education, integration.</p>
<p>Does national law provide for standing to act in support of victims? Yes.</p> <p>Title of the law: Code of Civil Procedure (<i>Zivilprozessordnung</i>) Abbreviation: CCP/ZPO Date of adoption: 10.12.1912 Entry into force: 11.12.1912 Latest amendments: LGBl. 2016, no. 405 Grounds protected: Unspecified Article: 11 and 17</p>	<p>Based on the general legal provision in the CCP, no specific fields are listed. Thus, one can assume that standing to act in support of victims is valid in the fields of employment, accessibility of services and good, education and integration.</p>

c) Actio popularis

In Liechtenstein national law allows, under specific conditions, associations/ organisations/ trade unions to act in the public interest on their own behalf, without supporting or representing a specific victim (*actio popularis*).

Whether associations are allowed to act in the public interest on their own behalf depends on the relevant law. Article 31 and Articles 27 to 29 of the AEPD entitle associations for people with disabilities to make legal claims on their own behalf for accessibility provisions in public buildings, for accessibility of public roads and traffic areas, and for accessibility on public transport systems. There are preconditions, which are that such associations must be based in Liechtenstein and have been in existence for at least five years. They can make such claims in their own name (cf. paragraph 7e below).

In addition, according to the Act on the Constitutional Court (ACC),⁹¹ the Constitutional Court decides on the compatibility of laws and regulations (*Verordnung*) with the constitution and international treaties. Concerning regulations, inter alia, 100 or more individuals entitled to vote can demand a review of the provision by the Constitutional Court (Article 20 of the ACC) within one month following the publication of the respective regulation. Associations are not allowed to ask for such a review, but Article 20 of the ACC gives them the opportunity to collect the required number of signatures in order to have a regulation examined by the Constitutional Court.

The above mentioned provisions cover the review of regulations. Concerning the verification of the compatibility of laws and international treaties with the constitution, the right to demand a review by the Constitutional Court is restricted to other courts, to the government, municipalities, administrative bodies, or the constitutional court itself, depending on the case.

Is actio popularis permitted by national law in discrimination cases?	If not, is it permitted in areas other than discrimination?
Yes	-

⁹¹ Gesetz vom 27 November 2003 über den Staatsgerichtshof (StGHG), LGBl. 2004, no. 32.

<p>Title of the Law: Act on Equality of People with Disabilities (<i>Behindertengleichstellungsgesetz</i>) Abbreviation: AEPD/BGIG Date of adoption: 25.10.2006 Entry into force: 01.01.2007 Latest amendments: LGBI. 2016, no. 273 Grounds protected: Disability Article: 31</p>	
<p>Yes.</p> <p>Title of the law: Act on the Constitutional Court (<i>Staatsgerichtshof</i>) Abbreviation: ACC/StGHG Date of adoption: 27.11.2003 Entry into force: 20.01.2004 (announcement) Latest amendments: LGBI. 2016, no. 410 Grounds protected: all (no listing of specific grounds) Article: 20 (Associations are not allowed to ask for reviews, but Art. 20 of the ACC gives them the opportunity to collect the required number of signatures in order to have a regulation examined by the Constitutional Court.)</p>	-

d) Class action

In Liechtenstein national law allows organisations/trade unions to act in the interest of more than one individual victim (*class action*) for claims arising from the same event.

Class action is possible under Liechtenstein law but there is no case known to the authors regarding discrimination, regardless of the ground. There are no specific provisions regarding class action in the sense of a concentrated process filed by an association on behalf of a group of identifiable individuals affected by the same discrimination. However, referring to Articles 11 and 25 of the CCP,⁹² joint claimants (*Streitgenossen*), with or without a legal representative, are generally possible in case law. However, certain conditions have to be fulfilled. These are:

- the claimants must form a legal community with respect to the subject of litigation or they must be entitled in law or in fact on the same grounds;
- the claims of the claimants must be based on similar matters of law or facts which form the subject-matter of the dispute and at the same time allocates jurisdiction to the court for each individual claimant.

In this sense class actions are possible, but there is as yet no case law or any case pending which relates to this issue.

Is class action permitted by national law in discrimination cases?	If not, is it permitted in areas other than discrimination?
<p>Yes.</p> <p>Title of the law: Code of Civil Procedure (<i>Zivilprozessordnung</i>) Abbreviation: CCP/ZPO</p>	-

⁹² Gesetz vom 10 Dezember 1912 über das gerichtliche Verfahren in bürgerlichen Rechtsstreitigkeiten (Zivilprozessordnung; ZPO), LGBI. 1912 Nr. 9/1.

Date of adoption: 10.12.1912 Entry into force: 11.12.1912 Latest amendments: LGBl. 2016, no. 405 Grounds protected: Unspecified Article: 11 and 25	
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6.3 Burden of proof (Article 8 Directive 2000/43, Article 10 Directive 2000/78)

In Liechtenstein, national law requires a full shift of the burden of proof from the complainant to the respondent in cases of direct and indirect discrimination as well as harassment. In terms of reasonable accommodation the AEPD lists disproportional burdens in Article 7 (please see chapter 2.6 (b) above). The shift in the burden of proof applies also to cases concerning reasonable accommodation.

Article 26 on burden of proof in the AEPD states that:

- 1) When a person claims to be discriminated against according to Arts. 5 to 10, this person shall make this claim credible.
- 2) With reference to direct discrimination, it is obligatory on the defendant to prove that it is more likely in consideration of all circumstances that another reason claimed by him was crucial for the difference in treatment.
- 3) When citing a reference to harassment as well as indirect discrimination, it is obligatory on the defendant to prove that in consideration of all circumstances it is more likely that the facts substantiated by him are truthful.'

There has been hardly any case law regarding discrimination. There has not been a full shift of the burden of proof in those cases where information is publicly available.

Does national law provide for a shift of the burden of proof in discrimination cases?	Do the rules on burden of proof comply with the directives?
Yes. Title of the Law: Act on Equality of People with Disabilities (<i>Behindertengleichstellungsgesetz</i>) Abbreviation: AEPD/BGIG Date of adoption: 25.10.2006 Entry into force: 01.01.2007 Latest amendments: LGBl. 2016, no. 273 Grounds protected: Disability Article: 26	Yes. The rules of the national law can be seen as in line with the provisions of the directives.

6.4 Victimization (Article 9 Directive 2000/43, Article 11 Directive 2000/78)

In Liechtenstein there are legal measures of protection against victimisation. The AEPD states that any adverse consequence as a reaction to a complaint or similar proceedings, in compliance with the principle of equal treatment on grounds of disability (as defined by the AEPD) is forbidden. The complainant must not be penalised in response to a complaint or to the launching of a legal process to secure a ban on discrimination. Similarly, anyone who appears as a witness or informant in court proceedings, or who supports a person affected by discrimination, must not be penalised or disadvantaged (Article 23(4) of the AEPD).

Does national law include protection against victimisation in employment discrimination cases?	Does this protection extend to areas outside employment?

<p>Yes.</p> <p>Title of the Law: Act on Equality of People with Disabilities (<i>Behindertengleichstellungsgesetz</i>) Abbreviation: AEPD/BGIG Date of adoption: 25.10.2006 Latest amendments: LGBl. 2016, no. 273 Entry into force: 01.01.2007 Grounds protected: Disability Article: 23(4)</p>	<p>Yes</p> <p>Protection against victimisation in discrimination cases based on disability is granted by Article 5 of the AEPD</p>
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6.5 Sanctions and remedies (Article 15 Directive 2000/43, Article 17 Directive 2000/78)

a) Applicable sanctions in cases of discrimination – in law and in practice

Article 23(1) of the AEPD states that in any case the person concerned is entitled to restitution of any financial losses incurred, and to compensation for the personal detriment suffered. The victim can also request an injunction to ban or prevent the threat of future discrimination or to eliminate existing discrimination (Article 23(2)). In assessing the extent of compensation for the immaterial injury, the length of the period of discrimination, the seriousness of the act, the extent of the detriment and whether there has been multiple discrimination, must be taken into account in particular (Article 23(3)). In case of a valid claim of discrimination on the ground of disability regarding reasonable accommodation, the court may order the defendant to carry out specific measures to fulfil their duty to provide reasonable accommodation.

b) Ceiling and amount of compensation

Article 23(1) of the AEPD (discrimination on grounds of disability) states that, in any case the person concerned is entitled to restitution of any financial losses incurred, and to compensation for the personal detriment suffered. No limit is stated in the law.

c) Assessment of the sanctions

Regarding the Act on Equality of People with Disabilities and the Act on Equality between Women and Men it can be said that the available sanctions are likely to be effective and proportionate as required by the directives. As there is no data available regarding the effectiveness or proportionality of the given sanctions and as almost no case law in this regard exists, it is not possible to give a final assessment as to whether the sanctions are dissuasive or not. So far, a very low number of victims actually bring their cases to court and even if they do so, there is no public data available about the details of the case and the ruling.

Article 23(1) of the AEPD (discrimination on grounds of disability) states that the person concerned is entitled in any case to restitution of any financial losses incurred and to compensation for the personal detriment suffered. No limit is stated in the law. Article 23(3) lists the criteria for evaluating the amount of non-pecuniary damages.

There are no provisions on the maximum amount of compensation with respect to other grounds of discrimination.

<p>Can sanctions, as foreseen by national law, be considered as effective?</p>	<p>Yes.</p> <p>Title of the Law: Act on Equality of People with Disabilities (<i>Behindertengleichstellungsgesetz</i>) Abbreviation: AEPD/BGIG Date of adoption: 25.10.2006</p>
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	<p>Entry into force: 01.01.2007 Latest amendments: LGBl. 2016, no. 273 Grounds protected: Disability Article: 23(1 to 3)</p>
<p>Can sanctions, as foreseen by national law, be considered as proportionate?</p>	<p>Yes</p> <p>Title of the Law: Act on Equality of People with Disabilities (<i>Behindertengleichstellungsgesetz</i>) Abbreviation: AEPD/BGIG Date of adoption: 25.10.2006 Entry into force: 01.01.2007 Latest amendments: LGBl. 2016, no. 273 Grounds protected: Disability Article: 23(1 to 3)</p>
<p>Can sanctions, as foreseen by national law, be considered as dissuasive?</p>	<p>No.</p>
<p>Do sanctions comprise the payment of compensation according to national law?</p>	<p>Yes</p> <p>Title of the Law: Act on Equality of People with Disabilities (<i>Behindertengleichstellungsgesetz</i>) Abbreviation: AEPD/BGIG Date of adoption: 25.10.2006 Entry into force: 01.01.2007 Latest amendments: LGBl. 2016, no. 273 Grounds protected: Disability Article: 23(1)</p>
<p>Is there a ceiling on damages according to national law?</p>	<p>No.</p>

7 BODIES FOR THE PROMOTION OF EQUAL TREATMENT (Article 13 Directive 2000/43)

- a) Body/bodies designated for the promotion of equal treatment irrespective of racial/ethnic origin according to Article 13 of the Racial Equality Directive

Given that Directive 2000/43 has not been transposed into Liechtenstein law, no body has been officially designated according to Article 13.

Liechtenstein has designated for the promotion of equal treatment the bodies listed below, with partly differing tasks.

The **Office for Equality of People with Disabilities**⁹³ was set up by the Government according to Article 22 of the AEPD after the act entered into force in 2007. The office is attached to the (private) Association for People with Disabilities and acts independently.

The **Office for Equal Opportunities** (*Stabsstelle für Chancengleichheit*) was created based on Article 22 of the AEW⁹⁴ and regarded as the main administrative body covering the broadest spectrum of issues concerning disadvantage and discrimination for most of 2016. The office was mandated by the Government to cover the following grounds of discrimination: disability, sexual orientation, migration and integration, social disadvantage. Race and ethnic origin have not been formally mentioned as the responsibility of the Office for Equal Opportunities, but as discrimination on grounds of race or ethnicity is generally forbidden in the Liechtenstein Constitution and in the penal legislation, it can be assumed that they also came under the spectrum of issues that the Office for Equal Opportunities had to deal with. The Office for Equal Opportunities coordinated measures to bring about equal opportunity and to protect human rights, and served as the central institution for the further development and implementation of human rights as well as human rights education.

Since the governmental reorganisation in 2013 and the subsequent resignation of the Commission for Equal Opportunities, there were repeated demands from many non-governmental organisations for a comprehensive national anti-discrimination act and more efforts to strengthen the credibility of Liechtenstein's human rights policies, which forced the Liechtenstein Government to set up a new organisation. On 10 December 2016 the new and independent national **Association for Human Rights** (no longer linked to the Government) was founded in Liechtenstein. The new association will act independently from January 2017 onwards and will bring together various tasks currently performed by different governmental offices and NGOs in Liechtenstein. The status of this association and the relevant legal provisions had been laid down in a new law, the Act of the Association for Human Rights in Liechtenstein (*Gesetz über den Verein für Menschenrechte in Liechtenstein*; VMLG).⁹⁵

As a result out of the new organisation, the former Office for Equal Opportunities will be dissolved by the beginning of 2017 and its responsibilities integrated into the new Association for Human Rights.⁹⁶ The Ombudsman's Office for Children and Young Persons,

⁹³ Liechtensteiner Behinderten-Verband: <http://www.lbv.li/>.

⁹⁴ Gesetz vom 10 März 1999 über die Gleichstellung von Frau und Mann; Gleichstellungsgesetz; LGBl. 1999, no. 96.

⁹⁵ Gesetz vom 4. November 2016 über den Verein für Menschenrechte in Liechtenstein (VMRG), LGBl. 2016, no 504; link: https://www.gesetze.li/lilexprod/lgsystpage2.jsp?formname=showlaw&lglbid=2016504000&version=1&search_text=Menschenrechte&search_loc=text&sel_lawtype=conso&compl_list=1&rechts_gebiet=0&menu=0&ablese=0&observe_date=26.01.2017

⁹⁶ As Directive 2000/43 has not been transposed in Liechtenstein, the body has not been officially designated in accordance with Article 13.

based on the Act on Children and Youth (ACY)⁹⁷ continues to exist within the new Association for Human Rights.

The Association for Human Rights promotes human rights, and so will mainly benefit the vulnerable groups in Liechtenstein society (physically, intellectually or psychosocially disabled persons, children, single mothers, asylum seekers, religious minorities, undocumented foreigners etc.). It will also work towards a comprehensive national anti-discrimination act, covering the grounds of religion, belief, disability, race, origin, gender and sexual orientation.

In the meantime, the Office for Equal Opportunities continued its work without the support of the Equal Opportunity Commission, which was not replaced after the resignation of the commissioners in 2013.

<p>Is there a specialised body explicitly designated to deal with racial and ethnic discrimination according to the requirements of Directive 2000/43, article 13? (if there are several designated bodies, please repeat the template for each body)?</p>	<p>Yes.</p> <p>Name of the body: Office for Equal Opportunities Date of creation: 2005 (from 1996 until 2005 the body was active solely as an 'office for equal treatment between men and women') Date of designation as specialised body: 2005 Date of entry in function: 2005 - since then the body is designated to deal with racial and ethnic discrimination as well as other issues. General mandate: yes Title of the Law: Act on Equality of People with Disabilities (<i>Behindertengleichstellungsgesetz</i>) Abbreviation: AEPD/BGIG Date of adoption: 25.10.2006 Entry into force: 01.01.2007 Latest amendments: LGBl. 2012, no. 269 Grounds protected: Disability, social disadvantages, sexual orientation, migration and integration (even if race and ethnic origin are not explicitly mention in the engagement list of the Office for Equal Opportunities, they can be understood as included under migration and integration). Article: 22</p>
	<p>Yes.</p> <p>Name of the body: Association for Human Rights Date of creation: 2016 (replacing the Office for Equal Opportunities from 2017 onwards) Date of designation as specialised body: 2016 Date of entry in function: 2017 General mandate: yes Title of the Law: Act of the Association for Human Rights in Liechtenstein (<i>Gesetz über den Verein für Menschenrechte</i>) Abbreviation: VMLG Date of adoption: 04.11.2016 Entry into force: 01.01.2017 Latest amendments: LGBl. 2016, no. 504 Grounds protected: human rights (religion, belief, disability, race, origin, gender and sexual orientation) Article: 4</p>

⁹⁷ Kinder- und Jugendgesetz vom 10 Dezember 2008 (KJG), LGBl. 2009, no. 29.

<p>Is this specialised body also competent to deal with grounds other than racial and ethnic origin?</p>	<p>Yes.</p> <p>Name of the body: Office for Equal Opportunities Date of creation: 2005 Date of designation as specialised body: 2005 Date of entry in function: 2005 - since then the body is designated to deal with racial and ethnic discrimination as well as other issues. General mandate: yes Title of the Law: Act on Equality of People with Disabilities (<i>Behindertengleichstellungsgesetz</i>) Abbreviation: AEPD/BGIG Date of adoption: 25.10.2006 Entry into force: 01.01.2007 Latest amendments: LGBl. 2012, no. 269 Grounds protected: Gender, race and ethnicity, nationality interpreted as part of migration and integration, sexual orientation Article: 19</p> <p>This administrative department deals with the broadest spectrum of issues relating to disadvantage and discrimination on grounds of disability, sexual orientation, migration, integration, race/ethnicity and social disadvantage. The primary focus is on the Act on Equality between Women and Men (AEWM). The grounds of sexual orientation, migration, integration, race/ethnicity and social disadvantages are not explicitly mentioned in the national law, but follow a governmental request.</p>
	<p>Yes.</p> <p>Name of the body: Association for Human Rights Date of creation: 2016 (replacing the Office for Equal Opportunities from 2017 onwards) Date of designation as specialised body: 2016 Date of entry in function: 2017 General mandate: yes Title of the Law: Act of the Association for Human Rights in Liechtenstein (Gesetz über den Verein für Menschenrechte) Abbreviation: VMLG Date of adoption: 04.11.2016 Entry into force: 01.01.2017 Latest amendments: LGBl. 2016, no. 504 Grounds protected: human rights (religion, belief, disability, race, origin, gender and sexual orientation) Article: 4</p>
<p>Is there any other national institution, in addition to the designated specialised body, also dealing with discrimination issues?</p>	<p>Yes.</p> <p>Name of the institution: Office for Equality of People with Disabilities Date of creation: 01/2007 Date of designation as specialised body: 2007 Date of entry in function: 2007 Protected grounds: disability General mandate: yes⁹⁸</p>

⁹⁸ The Office for Equality of People with Disabilities has the legal mandate to promote equality between disabled and non-disabled people, eliminate discrimination in law and practice, providing corporate governance to the national authority in matters related to people with disabilities and acting as a central point of information and consulting for queries relating to disability issues in Liechtenstein.

	<p>Title of the Law: Act on Equality of People with Disabilities (<i>Behindertengleichstellungsgesetz</i>) Abbreviation: AEPD/BGIG Date of adoption: 25.10.2006 Entry into force: 01.01.2007 Latest amendments: LGBl. 2012, no. 269 Grounds protected: Disability Article: 22</p>
	<p>Yes.</p> <p>Name of the institution: Ombudsman Office for Children and Young Persons Date of creation: 10/2009 Date of designation as specialised body: 2009 Date of entry in function: 2009 Protected grounds: rights of children and young persons General mandate: yes Title of the Law: Act on children and youth (<i>Kinder- und Jugendgesetz</i>) Abbreviation: KJG Date of adoption: 10.03.1999 Latest version dated: 13.04.2011, LGBl. 2011, no. 212 Latest amendments: LGBl. 2011, no. 212 Entry into force: 05.05.1999 (announcement) Grounds protected: age Article: 96 to 100</p>

In addition, the **integration department of the Immigration and Passport Office**⁹⁹ serves as the institution to provide advice to people and to carry out activities aimed towards the better integration of migrants. The integration department is responsible for integration agreements, integration courses, public information, campaigning and other activities for a successful integration of migrants in Liechtenstein. It is based on the Act on Foreigners.¹⁰⁰ In cases of discrimination on grounds of race, ethnicity or nationality the integration department refers to the new Association for Human Rights.

b) Status of the designated body/bodies – general independence

The Office for Equality of People with Disabilities is attached to the (private) Association for People with Disabilities and acts independently. Access to financial resources is given via membership fees, donations, allowances, and state subsidies.

The Office for Equal Opportunities was subordinate to the Government department of Society and Social Welfare. In the following areas the office acted independently: advising administrative bodies and private persons in equality affairs; supporting victims of discrimination; public information; undertaking research; and making recommendations to administrative bodies and private stakeholders (Article 19(3) AEWM).

The new Association for Human Rights 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 that it decides to take up, being able to advise the Government, Parliament and any other competent body on specific violations, having a mandate to educate and inform in the field of human rights, etc.). The new Association of Human Rights is not attached to the Government.

⁹⁹ Integrationsbüro: <http://www.llv.li/#/11302/integration>.

¹⁰⁰ Gesetz vom 17 September 2008 über die Ausländer (Ausländergesetz; AuG), LGBl. 2008, no. 311.

According to Article 1 of the Act of the Association for Human Rights in Liechtenstein the office acts independently as a national institution in respect to all issues regarding human rights. It has a legal basis, a comprehensive mandate, sufficient infrastructure and financing. These factors promise a considerable degree of independence vis à vis the government.

The Association for Human Rights and the relevant legal basis come into force on 1 January 2017. Therefore the Association for Human Rights did not have the legal recognition to carry out actions in 2016, even though it was established.

The integration office is part of the Immigration and Passport Office and is thus dependent on the Government.

c) Grounds covered by the designated body/bodies

The Office for Equal Opportunities is committed to promoting equal opportunities in the following areas: equality between women and men, disability, migration and integration (including race and ethnic origin), social disadvantages, and sexual orientation. Furthermore, the Government mandated the office to raise awareness and to combat discrimination for any of the mandated grounds. The Office for Equal Opportunities was the active body until the end of 2016.

The mandate of the new Association of Human Rights, which replaces the Office for Equal Opportunities as of 1 January 2017, covers the same grounds. The corresponding legal act does not explicitly list the grounds covered by the new body, instead it covers all areas of human rights and violation against them. Thus, the new association has a broad mandate, including discrimination on all grounds listed by the directives as well as nationality. The main objective in terms of children and young persons will be the implementation of the UN Convention on the Rights of the Child, and providing assistance and information for children and young persons in all areas of life.

Neither the Office for Equal Opportunities nor the Association of Human Rights have a mandate to deal with integration agreements for migrants in Liechtenstein. The integration department is responsible for integration courses, public information, campaigning and other activities for the successful integration of migrants. However, in cases of discrimination on grounds of race, ethnicity or nationality the integration department will refer to the new Association of Human Rights from 2017 onwards.

The Office for Equality of People with Disabilities focuses on discrimination on grounds of disability.

The integration office at the Immigration and Passport Office focus more on integration than on non-discrimination, although these aspects cannot be clearly separated.

d) Competences of the designated body/bodies – and their independent exercise

Up to 2016 the Office for Equal Opportunities acted independently in the following fields: advising administrative bodies and private persons in equality affairs; supporting victims of discrimination; public information; conducting research; and making recommendations to administrative bodies and private stakeholders. This former Office for Equal Opportunities had the mandate to publish independent surveys and reports. During 2016 it has not done so. Furthermore, no officially available recommendations regarding discrimination were made in 2016.

The new Association for Human Rights in Liechtenstein, operational from January 2017, has a legal basis and a comprehensive mandate as well as an appropriate infrastructure

and financing. These factors promise a considerable degree of independence vis à vis the Government. Nevertheless, the institution’s activities will be financed mainly through the Government budget. In this respect, in order to avoid conflicts of interest, it was decided that the newly established organisation would have its own section in the national budget. Moreover, it will have the power to decide on the use of its financial resources on its own.

The Office for Equality of People with Disabilities acts independently. Whether assistance can be provided depends on financial and staff resources. As a non-governmental organisation, the office is largely dependent on volunteers and financial donors.

The former Ombudsman Office for Children and Young Persons was supposed to act independently. In 2016 no recommendations on discrimination issues in respect of children were published. The Ombudsman Office for Children and Young Persons assisted individuals in issues concerning official authorities (e.g. the Education Authority).

The Act on Aid for Victims of Criminal Offences (AAVCO) also provides for assistance of victims. This Office for Aid for Victims of Criminal Offences advises victims for free and supports victims by financial means. The office also assists victims at court trials. The office is part of the Department of Social Services, but is supposed to act independently (Article 9(1) AAVCO).

<p>Does the body have a mandate to provide independent assistance to victims?</p>	<p>Yes.</p> <p>Name of the body: Office for Equal Opportunities¹⁰¹ Date of creation: 2005 (from 1996 until 2005 the body was active solely as an ‘office for equal treatment between men and women’) Date of designation as specialised body: 2005 Date of entry in function: 2005 - since then the body is designated to deal with racial and ethnic discrimination as well as other issues. General mandate: yes Title of the Law: Act on Equality of People with Disabilities (<i>Behindertengleichstellungsgesetz</i>) Abbreviation: AEPD/BGIG Date of adoption: 25.10.2006 Entry into force: 01.01.2007 Latest amendments: LGBl. 2012, no. 269 Grounds protected: Disability, social disadvantages, sexual orientation, migration and integration Article: 21</p>
	<p>Yes</p> <p>Name of the institution: Office for Equality of People with Disabilities Title of the Law: Act on Equality of People with Disabilities (<i>Behindertengleich-stellungsgesetz</i>) Abbreviation: AEPD/BGIG Date of adoption: 25.10.2006 Entry into force: 01.01.2007 Latest amendments: <i>LGBl. 2016, no. 273</i> Grounds protected: Disability</p>

¹⁰¹ The Office for Equal Opportunities is replaced by the Association of Human Rights with the same competencies as of 2017.

	Article: Art. 22
Does the body have a mandate to conduct independent surveys?	<p>Yes.¹⁰²</p> <p>Name of the body: Office for Equal Opportunities¹⁰³ Date of creation: 2005 (from 1996 until 2005 the body was active solely as an 'office for equal treatment between men and women') Date of designation as specialised body: 2005 Date of entry in function: 2005 General mandate: yes Title of the Law: Act on Equality of People with Disabilities (<i>Behindertengleichstellungsgesetz</i>) Abbreviation: AEPD/BGIG Date of adoption: 25.10.2006 Entry into force: 01.01.2007 Latest amendments: LGBl. 2012, no. 269 Grounds protected: Disability, social disadvantages, sexual orientation, migration and integration Article: -</p>
	<p>No.</p> <p>Name of the institution: Office for Equality of People with Disabilities Title of the Law: Act on Equality of People with Disabilities (<i>Behindertengleichstellungsgesetz</i>) Abbreviation: AEPD/BGIG Date of adoption: 25.10.2006 Entry into force: 01.01.2007 Latest amendments: <i>LGBl. 2016, no. 273</i> Grounds protected: Disability Article-</p>
Does the body have a mandate to publish independent reports?	<p>Yes.</p> <p>Name of the body: Office for Equal Opportunities¹⁰⁴ Date of creation: 2005 (from 1996 until 2005 the body was active solely as an 'office for equal treatment between men and women') Date of designation as specialised body: 2005 Date of entry in function: 2005 General mandate: yes Title of the Law: Act on Equality of People with Disabilities (<i>Behindertengleichstellungsgesetz</i>) Abbreviation: AEPD/BGIG Date of adoption: 25.10.2006 Entry into force: 01.01.2007 Latest amendments: LGBl. 2012, no. 269 Grounds protected: Disability, social disadvantages, sexual orientation, migration and integration Article: -</p>

¹⁰² The Office for Equal Opportunities had the mandate to conduct independent surveys, but no such surveys were conducted in 2016. The Office for Equal Opportunities was replaced by the Association of Human Rights with the same competencies as of 2017.

¹⁰³ The Office for Equal Opportunities was replaced by the Association of Human Rights with the same competencies as of 2017 (based on Articles 4 and 15 of the Act of the Association for Human Rights in Liechtenstein (Gesetz über den Verein für Menschenrechte)¹⁰³.

¹⁰⁴ The Office for Equal Opportunities was replaced by the Association of Human Rights with the same competencies as of 2017 (based on Articles 4 and 15 of the Act of the Association for Human Rights in Liechtenstein (Gesetz über den Verein für Menschenrechte)¹⁰⁴.

	<p>Yes.</p> <p>Name of the institution: Office for Equality of People with Disabilities Title of the Law: Act on Equality of People with Disabilities (<i>Behindertengleichstellungsgesetz</i>) Abbreviation: AEPD/BGIG Date of adoption: 25.10.2006 Entry into force: 01.01.2007 Latest amendments: LGBl. 2016, no. 273 Grounds protected: Disability Article: Art. 22</p>
Does the body have a mandate to issue recommendations on discrimination issues?	<p>Yes</p> <p>Name of the body: Office for Equal Opportunities¹⁰⁵ Date of creation: 2005 (from 1996 until 2005 the body was active solely as an 'office for equal treatment between men and women') Date of designation as specialised body: 2005 Date of entry in function: 2005 General mandate: yes Title of the Law: Act on Equality of People with Disabilities (<i>Behindertengleichstellungsgesetz</i>) Abbreviation: AEPD/BGIG Date of adoption: 25.10.2006 Entry into force: 01.01.2007 Latest amendments: LGBl. 2012, no. 269 Grounds protected: Disability, social disadvantages, sexual orientation, migration and integration Article: -</p>
	<p>Yes.</p> <p>Name of the institution: Office for Equal Opportunities Title of the Law: Act on Equality of People with Disabilities (<i>Behindertengleichstellungsgesetz</i>) Abbreviation: AEPD/BGIG Date of adoption: 25.10.2006 Entry into force: 01.01.2007 Latest amendments: LGBl. 2016, no. 273 Grounds protected: Disability Article: Art. 22</p>

e) Legal standing of the designated body/bodies

In Liechtenstein the designated bodies (Office for Equal Opportunities, the Commission for Equal Opportunities and the Office for Equality of People with Disabilities) do not have legal standing to bring discrimination complaints on behalf of identified victims or to intervene in legal cases concerning discrimination. The same will be true for the new Association of Human Rights, which will replace the previous Office and Commission from 2017 onwards.

The Office for Equal Opportunities, the Commission for Equal Opportunities (from 2017 the new Association of Human Rights) and the Office for Equality of People with Disabilities can advise victims, but they cannot bring a complaint to the court on behalf of the victims.

¹⁰⁵ The Office for Equal Opportunities was replaced by the Association of Human Rights with the same competencies as of 2017 (based on Articles 4 of the Act of the Association for Human Rights in Liechtenstein (Gesetz über den Verein für Menschenrechte)¹⁰⁵.

Associations for people with disabilities, which are based in Liechtenstein and have been in existence for at least five years, are entitled to make legal claims on their own behalf for accessibility provision in public buildings, accessibility of public roads and traffic areas, and accessibility on public transport systems. They can do this in their own name (Article 31, Articles 27 to 29 of the AEPD).

There are no relevant provisions on the legal standing of designated bodies concerning other grounds of discrimination.

f) Quasi-judicial competences

In Liechtenstein the bodies are not quasi-judicial institutions.

The Office for Equal Opportunities and the Commission for Equal Opportunities, as well as the Office for Equality of People with Disabilities, are not judicial bodies. None of their roles can be interpreted as being quasi-judicial. Their statements have no binding legal character and they do not automatically trigger a right of action (in court). The same situation will apply to the Association of Human Rights from 2017 onwards.

g) Registration by the body/bodies of complaints and decisions

In Liechtenstein the Office for Equal Opportunities and the Office for Children and Young People register the number of complaints and decisions (by ground, field, type of discrimination, etc.). These data are available to the public. The same does not apply for the Office for Equality of People with Disabilities. At this point it is unclear how the new Association of Human Rights will act.

The Office for Equal Opportunities published a yearly activity report¹⁰⁶ up to 2013 as part of the official annual report of the government (*Rechenschaftsbericht der Regierung*). Part of this report was the number of contacts/complaints which were made at the office without giving the grounds, fields or type of discrimination. Furthermore the various activities in the different fields of discrimination were outlined in the report. The Office for Equal Opportunities did not publish official statistics on complaints and court decisions by different grounds, fields or types of discrimination since the office did not provide any statistical data itself. From 2014 onwards, the annual report of the Government no longer included the activity report of the Office for Equal Opportunities. Some general statements about the most relevant activities have been integrated into the report, but with no details.

The former Office for Children and Young People published an annual report¹⁰⁷ about the tasks and activities of the office. An overview on the number of complaints and decisions in relation to the Office for Children and Young People was given within the annual report, but there were no comprehensive statistics available regarding case law etc.

The Office for Equality of People with Disabilities published a yearly report, giving information about the annual activities and the financial status. There is no information available about registrations of complaints and legal decisions.

Is the designated specialised body a quasi-judicial institution?	Are its decisions binding?
No.	No –the above mentioned institutions act as advisors.

h) Roma and Travellers

¹⁰⁶ Link: <http://www.llv.li/files/srk/Rechenschaftsbericht%202013-mit%20Landesrechnung.pdf>.

¹⁰⁷ Link: <http://www.oskj.li/Portals/0/docs/Tätber.14%20Oskj,%20KOMPR.pdf>.

Roma and Travellers are not a priority issue since there is no Roma minority living in Liechtenstein nor are there Travellers. There are no specific problems that need to be addressed concerning Roma and Travellers at this time.

8 IMPLEMENTATION ISSUES

8.1 Dissemination of information, dialogue with NGOs and between social partners

- a) Dissemination of information about legal protection against discrimination (Article 10 Directive 2000/43 and Article 12 Directive 2000/78)

The dissemination of information concerning legal protection against discrimination is not directly promoted by state organs. However, the state supports private agencies that are active in this regard.

- b) Measures to encourage dialogue with NGOs with a view to promoting the principle of equal treatment (Article 12 Directive 2000/43 and Article 14 Directive 2000/78)

The Association for People with Disabilities gives assistance to people with disabilities in many regards. Much of the public information work is done via the Liechtenstein daily newspapers. There are many news articles and so on addressed to the public through this media channel. Information on websites is important as well. The association runs its own website. The following webpage contains links to websites related to one or another aspect of disability [<http://www.lbv.li/Links-FL.php#>].

The Liechtenstein Employees' Association¹⁰⁸ provides information and support for members as well as for non-members. However, the Liechtenstein Employees' Association is rather weak. Only a small share of workers are members of the association and thus it lacks financial and staff resources.

'Flay' is an organisation for gay people. It provides information about legal protection against discrimination based on sexual orientation.

There are several other organisations that campaign against discrimination as well as for education on discrimination. They also provide information on legal protection and rights in cases of discrimination.

During the process of developing new legal provisions there are regular consultations (*Vernehmlassung*). Relevant social groups are invited to make comments and statements on draft bills. These eventually have an impact on the final version of an act.

- c) Measures to promote dialogue between social partners to give effect to the principle of equal treatment within workplace practices, codes of practice, workforce monitoring (Article 11 Directive 2000/43 and Article 13 Directive 2000/78)

When it comes to the role of the state as an employer, the objective is to act as an employer with responsibility, taking into account the needs of underprivileged groups such as people with disabilities or women (Article 4 of the AEPO).¹⁰⁹

The state leaves negotiations between the employees' association and the employers to a high degree to the social partners themselves. State interventions are restricted mainly to the monitoring of the respective laws. The foundation SAVE (founded 12/2007) is maintained jointly by the Liechtenstein Employees' Association and the Chamber of Commerce. SAVE has set up a central parity commission (*Zentrale Paritätische Kommission*) in order to monitor collective labour agreements (*Gesamtarbeitsverträge*).¹¹⁰

- d) Addressing the situation of Roma and Travellers

¹⁰⁸ ArbeitnehmerInnenverband (LANV): <http://www.lanv.li>.

¹⁰⁹ Gesetz vom 24 April 2008 über das Dienstverhältnis des Staatspersonals (Staatspersonalgesetz; StPG), LGBl. 2008 Nr. 144.

¹¹⁰ SAVE, Link: <http://www.zpk.li/>

There are no specific problems that need to be addressed concerning Roma and Travellers at this time. Therefore no specific body or organ is appointed to carry out such work.

8.2 Compliance (Article 14 Directive 2000/43, Article 16 Directive 2000/78)

a) Mechanisms

The legal system of Liechtenstein demands that laws are in accordance with the Constitution and relevant international law; regulations have to be in harmony with the respective laws and the constitution. Thus, complaints to the courts can ultimately result in the Constitutional Court declaring a provision null and void.

b) Rules contrary to the principle of equality

There are no laws or regulations known to the authors that are contrary to the principle of equality and are legally in force. Nevertheless, there are some areas of equality of treatment that are not explicitly regulated or where no specific law is in place. These areas are mainly related to unequal treatment on grounds of nationality (i.e. different treatment of nationals and foreigners, different treatment of EEA-foreigners, Swiss nationals and third country nationals), religion (i.e. privileged status of the Catholic Church), sex (i.e. different treatment of men and women in insurance contracts) or sexual orientation (i.e. different rights of married couples and same-sex couples).

9 COORDINATION AT NATIONAL LEVEL

The following Government departments are responsible for dealing with issues, or coordinating issues, regarding non-discrimination:

- Ministry for Social Affairs (integration, equal opportunities, social services);
- Ministry for Home Affairs, Justice and Economics;
- Ministry for Foreign Affairs, Education and Culture.

The ministries are involved in different aspects of discrimination. The Ministry for Social Affairs is responsible for the implementation of the AEWG and, since 2016, the office for integration and equal treatment. Thus, the Ministry for Social Affairs is the leading ministry within the government concerning discrimination. Cooperation between the different ministries is quite close since the government, by constitution, is collegiate and decisions are taken collectively.

Finally, the new independent national Association for Human Rights will promote human rights in areas that mainly affect the weakest groups in Liechtenstein's society (persons with disabilities, children, single mothers, asylum seekers, undocumented foreigners etc.) and coordinate activities with respect to equal opportunities. Additionally, it will have to address the implementation of an interdepartmental anti-discrimination policy.¹¹¹

¹¹¹ Government report for consultation: <http://www.llv.li/files/srk/vnb-scg.pdf>
Government bill 2016 for submission to the Parliament:
<http://bua.gmg.biz/BuA/default.aspx?year=2016&nr=57&content=449861478&erweitert=true>

10 CURRENT BEST PRACTICES

Liechtenstein set up a triple T programme for refugees, based on the educational philosophy, 'We train the trainers' trainer', to support them in their particular life situations. The Liechtenstein Government hopes that this will have a multiplier effect that goes far beyond the limited resources at its disposal. The Liechtenstein language project is a German language programme for refugees with a strong focus on oral communication skills rather than writing. Within a very short period of time, the participants gain knowledge for their initial orientation in society, especially with regard to the basic structures of coexistence and everyday life. This is central for integration in society and for easier entry to the working world.

The Office for Aid for Victims of Criminal Offences advises victims for free and supports victims by financial means. The office also assists victims at court trials. The office is part of the Department of Social Services, but is supposed to act independently (Article 9(1) AAVCO). It is legally based on the Act on Aid for Victims of Criminal Offences (AAVCO).

The Association for Assisted Living in Liechtenstein (ABP) – *Verein für Betreutes Wohnen, (VBW)*¹¹² offers personal assistance and support for professional rehabilitation and integration with training opportunities in various activity areas. ABP also offers care at the external workplace as a means to secure employment.

Liechtenstein Disability Insurance¹¹³ (AHV-IV-FAK Liechtenstein) supports potential employment with various services. It offers career counselling, assumes the additional costs for professional basic and continuing employment due to disability and funds trial employment relationships to assess employability. With capital assistance, it encourages disabled people to start up their own business. Wage subsidies motivate businesses to employ people with reduced work performance.

The Social Pedagogical Office of the Liechtenstein Association of People with Disabilities¹¹⁴ supports people seeking work by means of joint consideration of realistic employment options and demands at the proposed workplace as well as helping in searching for jobs.

¹¹² Verein für Betreutes Wohnen: <http://www.vbw.li/arbeitsstrainingsprogramm/>.

¹¹³ AHV-IV-FAK Liechtenstein: <http://www.ahv.li/leistungen/iv/berufliche-massnahmen/>.

¹¹⁴ LBV, Sozialpädagogische Fachstelle: <http://www.lbv.li/Sozialpaedagogische-Fachstelle.php>.

11 SENSITIVE OR CONTROVERSIAL ISSUES

11.1 Potential breaches of the directives (if any)

With reference to Liechtenstein it has to be said, that Directive 2000/43/EC has not been transposed at all (except in terms of Annex XVIII which has been adopted to EEC law and therefore to national law in Liechtenstein). No further attempts have been made so far to incorporate the directive into the EEA Agreement or national law.

Directive 2000/78/EC was not incorporated into the EEA Agreement, based on the fact that the legal background of the directive was not declared compatible with the EEA Agreement. The directive is based on the former Article 13 of the EEC Treaty (today Article 19 TFEU), which was brought into the EC Treaty by the Amsterdam Treaty. A similar legal basis does not exist in the EEA Agreement. Therefore it was concluded that the directive did not fall within the territory covered by the EEA Agreement. Liechtenstein has refrained from implementing the directives autonomously. Regulations with regard to disability have been transposed from the directive into national law.

11.2 Other issues of concern

The recommendations of the Council of Europe Commissioner for Human Rights made in 2012¹¹⁵ state:

'Persons with disabilities lack sufficient employment possibilities, in spite of several constructive measures, such as subsidies for making adjustments to the workplace to improve accessibility and for paying a part of the salary of disabled employees. Further measures should be explored to promote integration of people with disabilities into the job market in both the public and private sector. A prompt ratification of the United Nations Convention on the Rights of Persons with Disabilities would demonstrate that the Liechtenstein authorities are determined to do their utmost to protect the human rights of persons with disabilities.'

Nevertheless the Liechtenstein Government declared in 2013, that the recommendations made during its universal periodic review¹¹⁶ on 30 January 2013 are welcome. After thorough consideration and consultation, Liechtenstein accepted the recommendation to ratify the Convention on the Rights of Persons with Disabilities by the next UPR.¹¹⁷ Liechtenstein's Government pointed out that the special challenge for the implementation of international human rights conventions is the considerable workload involved in meeting reporting obligations. Moreover, the demands arising from the conventions to create special structures are not easy to meet for a small state such as Liechtenstein. To satisfy the claim of international human rights standards to universality and to make Liechtenstein's foreign policy credible, Liechtenstein must continue to aim for a high level of domestic implementation in the field of human rights.

The focus of Liechtenstein's involvement in ECtHR reform continues to be on the national implementation of the ECHR in the states parties as well as on safeguarding the right of individual complaint and the independence of the ECtHR.

¹¹⁵ Thomas Hammarberg, after his visit to the country on 23-24 February 2012. Press release of 28 February 2012 (copy link into Web browser): http://www.coe.int/en/web/commissioner/view/-/asset_publisher/ugj3i6qSEkhZ/content/the-commissioner-for-human-rights-recommends-further-measures-to-strengthen-the-protection-against-discrimination/pop_up?_101_INSTANCE_ugj3i6qSEkhZ_viewMode=print&_101_INSTANCE_ugj3i6qSEkhZ_languageId=en_GB.

¹¹⁶ Recommendations out of the second cycle universal periodic review (UPR): http://www.llv.li/files/aaa/pdf-llv-aaa-2_upr-staatenbericht-en.docx.pdf.

¹¹⁷ Statement of the Liechtenstein government regarding the second cycle universal periodic review (UPR): http://www.llv.li/files/aaa/pdf-llv-aaa-reaktion_auf_empfehlungen_en.pdf.

Liechtenstein still needs to make further efforts to challenge discrimination. As such, a comprehensive anti-discrimination act, covering all grounds of discrimination would be welcome. Although the European Convention on Human Rights (ECHR)¹¹⁸ and other international treaties are binding to the Liechtenstein jurisdiction, there are no clear legal anti-discrimination provisions at the national level covering all grounds of discrimination.

In general, there has not been a lot of case law so far in relation to discrimination on grounds of race or ethnic origin, age, disability, religion or belief and sexual orientation. Currently, very few victims actually bring their cases to court. Case law in regard to race or ethnic origin, age, disability and sexual orientation is almost non-existent. Regarding religion and belief there has been only one case as of February 2014 within the last four years.¹¹⁹

Furthermore, as there has not been any case law so far in which situation testing or statistical data was used as evidence in cases of discrimination, no prior judgment can be made about its acceptance, or in relation to ethical or methodological issues, etc. This issue could be described as unknown terrain within the legal framework of Liechtenstein.

Generally speaking, the national courts do not usually amend national case law based on developments in other jurisdictions.

¹¹⁸ Convention of 4 November 1950 on the Protection of Human Rights and Fundamental Freedoms, LGBl. 1982, no. 60/1.

¹¹⁹ Reference number: RA 2011/2986-4292; decision as of VGH 2013/134; VGH 2013/131, VGH 2013/133, VGH 2013/135 as of 21.02.2014. Address of the webpage: <http://www.gerichtsentseide.li/default.aspx?mode=gerichte&prim=3&value=2014&id=4042&backurl=?mode=gerichte%26prim=3%26value=2014>.

12 LATEST DEVELOPMENTS IN 2016

Unfortunately, in 2016 the Liechtenstein Government made no progress regarding the ratification of the Convention on the Rights of Persons with Disabilities. The Government had already declared its intention to ratify the convention in 2013 and it remains to be seen whether the Government will keep its word to do so by the next UPR.¹²⁰

The close link between the Office for Equal Opportunities and the Liechtenstein Government had triggered criticism since 2013. Therefore, the Government established an independent national Association for Human Rights in 2016, based on organisational changes within the governmental administrative structure. The setup of the new Association for Human Rights complies 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. to monitor any situation of violation of human rights which it decides to take up, be able to advise the Government, the Parliament and any other competent body on specific violations, have a mandate to educate and inform in the field of human rights, etc).

12.1 Legislative amendments

On 10 December 2016 the new national Association for Human Rights was founded in Liechtenstein. The relevant legal provisions were laid down in a new law, the Act on the Association for Human Rights in Liechtenstein (*Gesetz über den Verein für Menschenrechte in Liechtenstein*; VMLG).¹²¹

12.2 Case law

In 2016 there has been no official case law in Liechtenstein regarding discrimination on grounds of race or ethnic origin, religion or belief, disability, age or sexual orientation.

There is no case law in respect of Roma. As of today, there are very few Roma in Liechtenstein.

¹²⁰ Statement of the Liechtenstein Government regarding the second cycle universal periodic review (UPR): http://www.llv.li/files/aaa/pdf-llv-aaa-reaktion_auf_empfehlungen_en.pdf.

¹²¹ Act on the Association of Human Rights in Liechtenstein (*Gesetz über den Verein für Menschenrechte in Liechtenstein*; VMLG), LGBl. 2016 no. 504. Available at: https://www.gesetze.li/lilexprod/lgsystpage2.jsp?formname=showlaw&lglid=2016504000&version=1&search_text=Menschenrechte&search_loc=text&sel_lawtype=conso&compl_list=1&rechts_gebiet=0&menu=0&tablesel=0&observe_date=26.01.2017

ANNEX 1: TABLE OF KEY NATIONAL ANTI-DISCRIMINATION LEGISLATION

Please list below the **main transposition and anti-discrimination legislation** at both federal and federated/provincial level.

Country: Liechtenstein

Date: 31 December 2016

<p>Act on Equality of People with Disabilities</p>	<p>Title of the Law: Act on Equality of People with Disabilities (<i>Gesetz über die Gleichstellung von Menschen mit Behinderungen; Behindertengleichstellungsgesetz</i>) Abbreviation: AEPD/BGIG Date of adoption: 25.10.2006 Latest amendments: LGBl. 2016, no. 273 Entry into force: 01.01.2007 Web link: https://www.gesetze.li/lilexprod/lgsystpage2.jsp?formname=showlaw&lgbliid=2006243000&gueltigdate=02032016 Grounds covered: Disability</p> <p>Civil/administrative/criminal law: Civil/Administrative Law</p> <p>Material scope: All sectors</p> <p>Principal content: Equality of people with disabilities; prohibition of discrimination; support for people with disabilities; reasonable accommodation for persons with disability; pilot projects for integration into work environment.</p>
<p>Act on Disability Insurance (<i>Invalidenversicherung</i>)</p>	<p>Title of the law: Act on Disability Insurance (<i>Invalidenversicherung</i>) Abbreviation: IVG Date of adoption: 23.12.1959 Latest amendments: LGBl. 2016 Nr. 235 Entry into force: 04.02.1960 Web link: https://www.gesetze.li/lilexprod/lgsystpage2.jsp?formname=showlaw&lgbliid=1960005000&gueltigdate=02032016 Grounds covered: Disability</p> <p>Civil/administrative/criminal law: Civil/Administrative Law</p> <p>Material scope: Insurance; goods; assistance; employment</p> <p>Principal content: Financial support for people with disabilities; direct and indirect assistance to improve living and working conditions; support of care homes and sheltered workshops</p>
<p>Act on Civil Union for Same-Sex Couples (Partnerschaftsgesetz)</p>	<p>Title of the law: Act on Civil Union for Same-Sex Couples (<i>Gesetz vom 16 März 2011 über die eingetragene Partnerschaft gleichgeschlechtlicher Paare</i>) Abbreviation: ACUSSC/PartG Date of adoption: 16.03.2011 Latest amendments: - Entry into force: 01.09.2011 Web link: https://www.gesetze.li/lilexprod/lgsystpage2.jsp?formname=showlaw&lgbliid=2011350000&gueltigdate=02032016 Grounds protected: sexual orientation</p> <p>Civil/administrative/criminal law: Civil Law</p> <p>Material scope: Same-sex registered partnership</p> <p>Principal content: Official Recognition of same-sex partnership/same-sex couples</p>
<p>Common Civil Codes (<i>Allgemeines</i>)</p>	<p>Title of the Law: Common Civil Code (<i>Allgemeines Bürgerliches Gesetzbuch</i>) Abbreviation: CCC/ABGB Date of adoption: 01.06.1812 Latest amendments: LGBl. 2016 Nr. 267</p>

<i>Bürgerliches Gesetzbuch</i>)	Entry into force: 18.12.1812 Web link: https://www.gesetze.li/lilexprod/lgsystpage2.jsp?formname=showlaw&lgbliid=1003001000&gueltigdate=02032016
	Grounds covered: Nationality, pregnancy
	Civil/administrative/criminal law: Civil Law
	Material scope: General Principal content: Civil rights
Penal Code (<i>Strafgesetzbuch</i>)	Title of the Law: Penal Code (<i>Strafgesetzbuch</i>) Abbreviation: PC/StGB Date of adoption: 24.06.1987 Latest amendments: LGBl. 2016 Nr. 161 Entry into force: 22.10.1988 (announcement) Web link: https://www.gesetze.li/lilexprod/lgsystpage2.jsp?formname=showlaw&lgbliid=1988037000&gueltigdate=02032016
	Grounds covered: Race, national origin, ethnicity, language, religion, belief
	Civil/administrative/criminal law: Criminal Law
	Material scope: Penalties Principal content: Prohibition of racial discrimination by threat of punishment
Act on Foreigners (<i>Ausländergesetz</i>)	Title of the law: Act on Foreigners (<i>Ausländergesetz</i>) Abbreviation: AuG Date of adoption: 17.09.2008 Latest amendments: LGBl. 2016 Nr. 506 Entry into force: 15.12.2008 Web link: https://www.gesetze.li/lilexprod/lgsystpage2.jsp?formname=showlaw&lgbliid=2008311000&gueltigdate=02032016
	Grounds covered: Integration (nationality, race, ethnic origin)
	Civil/administrative/criminal law: Civil Law
	Material scope: regulation regarding foreigners in Liechtenstein Principal content: Specific regulation in context to nationality
<i>Constitution of the Principality of Liechtenstein (Verfassung des Fürstentums Liechtenstein)</i>	Title of the law: Constitution of the Principality of Liechtenstein (Verfassung des Fürstentums Liechtenstein) Abbreviation: LC Date of adoption: 5.10.1921 Latest amendments: LGBl. 2010, no. 372 Entry into force: 5.10.1921 Web link: https://www.gesetze.li/lilexprod/lgsystpage2.jsp?formname=showlaw&lgbliid=1921015000&version=5&search_text=Verfassung&search_loc=text&sel_la_wtype=conso&compl_list=1&rechts_gebiet=0&menu=0&tablesel=0&observe_date=18.05.2017
	Grounds covered: national origin
	Civil/administrative/criminal law: all
	Material scope: regulation equal treatment of all Liechtenstein citizens Principal content: Specific regulation in context to religion and belief
<i>Act of the Association for Human Rights</i>	Title of the law: Act of the Association for Human Rights (Gesetz über den Verein für Menschenrechte in Liechtenstein) Abbreviation: VMRG Date of adoption: 104.11.2016 Latest amendments: - Entry into force: 01.01.2017 Web link: https://www.gesetze.li/lilexprod/lgsystpage2.jsp?formname=showlaw&lgbliid=2016504000&version=1&search_text=Menschenrechte&search_loc=text&s

	<p>el_lawtype=conso&compl_list=1&rechts_gebiet=0&menu=0&tablesel=0&observe_date=26.01.2017</p> <p>Grounds covered: Race, national origin, ethnicity, language, religion, belief, sexual orientation, age</p> <p>Civil/administrative/criminal law: Civil Law</p> <p>Material scope: promotes human rights</p> <p>Principal content: promotion of human rights</p>
Act on Equality between Women and Men (Gleichstellungsgesetz)	<p>Title of the law: Act on Equality between Women and Men (Gesetz über die Gleichstellung von Frau und Mann)</p> <p>Abbreviation: GLG (AEWM)</p> <p>Date of adoption: 10.03.1999</p> <p>Latest amendments: LGBl. 2015 no. 33</p> <p>Entry into force: 01.01.2017</p> <p>Web link: https://www.gesetze.li/lilexprod/lgsystpage2.jsp?formname=showlaw&lqblid=1999096000&version=5&search_text=Gleichstellungsgesetz&search_loc=text&sel_lawtype=conso&compl_list=1&rechts_gebiet=0&menu=0&tablesel=0&observe_date=18.05.2017</p> <p>Grounds covered: equal treatment of men and women</p> <p>Civil/administrative/criminal law: Civil Law</p> <p>Material scope: equal treatment of men and women</p> <p>Principal content: equal treatment of men and women</p>
Act on the National Old Age and Widow's /Widower's Pension (Gesetz über die Alters- und Hinterlassenenversicherung)	<p>Title of the law: Act on the National Old Age and Widow's /Widower's Pension (Gesetz über die Alters- und Hinterlassenenversicherung)</p> <p>Abbreviation: AHVG</p> <p>Date of adoption: 14.12.1952</p> <p>Latest amendments: LGBl. 2016 no. 230</p> <p>Entry into force: 15.12.1952</p> <p>Web link: https://www.gesetze.li/lilexprod/lgsystpage2.jsp?formname=showlaw&lqblid=1952029000&version=11&search_text=AHVG&search_loc=abk_list&sel_lawtype=conso&compl_list=1&rechts_gebiet=0&menu=0&tablesel=0&observe_date=18.05.2017</p> <p>Grounds covered: age, disability</p> <p>Civil/administrative/criminal law: Civil Law</p> <p>Material scope:</p> <p>Principal content: pension insurance</p>

ANNEX 2: TABLE OF INTERNATIONAL INSTRUMENTS

Country: Liechtenstein

Date: 31 December 2016

Instrument	Date of signature	Date of ratification	Derogations/reservations relevant to equality and non-discrimination	Right of individual petition accepted?	Can this instrument be directly relied upon in domestic courts by individuals?
European Convention on Human Rights (ECHR)	23 November 1978 ¹²²	8 September 1982	Art. 64 and Art. 6(1): Regarding publicity of trials, several existing national legal provisions that might limit publicity shall remain valid.	Yes	Yes
Revised European Social Charter	Not signed ¹²³	Not ratified	N/A	N/A	N/A
International Covenant on Civil and Political Rights (CCPR)	16 December 1966 ¹²⁴	10 December 1998	Art. 26: 'The Principality of Liechtenstein reserves the right to guarantee the rights contained in article 26 of the Covenant concerning the equality of all persons before the law and their entitlement without any discrimination to the equal protection of the law only in connection with other rights contained in the present Covenant.'	Yes	Yes

¹²² Europäische Menschenrechtskonvention, LGBl. 1982 no. 60/1), <https://www.gesetze.li/lilexprod/lgsystpage2.jsp?formname=showlaw&lglid=1982060001&gueltigdate=02032016>.

¹²³ Source: <http://www.conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=163&CM=7&DF=26/10/2008&CL=ENG>.

¹²⁴ Internationaler Pakt vom 16 Dezember 1966 über bürgerliche und politische Rechte; LGBl. 1999 no. 58. <https://www.gesetze.li/lilexprod/lgsystpage2.jsp?formname=showlaw&lglid=1999058000&gueltigdate=02032016>.

Instrument	Date of signature	Date of ratification	Derogations/ reservations relevant to equality and non-discrimination	Right of individual petition accepted ?	Can this instrument be directly relied upon in domestic courts by individuals?
Framework Convention for the Protection of National Minorities	No signature. Direct Ratification ¹²⁵	18 September 1997	Declaration that no national minorities are present in Liechtenstein and that the ratification has to be seen as an act of solidarity with the goals of the convention.	No specific regulation is given within the framework. Nevertheless Article 3 is accepted, saying that 'Persons belonging to national minorities may exercise the rights flowing from the principles enshrined in the framework Convention individually as well as in community with others'	No signature. Direct Ratification
International Covenant on Economic, Social and Cultural Rights (CESRC)	No signature. Direct Ratification	10. December 1998 ¹²⁶	No derogations.	Yes	Yes

¹²⁵ Rahmenübereinkommen vom 1. Februar 1995 zum Schutz nationaler Minderheiten; LGBl. 1998 no. 10, <https://www.gesetze.li/lilexprod/lgsystpage2.jsp?formname=showlaw&lglid=1998010000&gueltigdate=02032016>.

¹²⁶ Internationaler Pakt vom 16. Dezember 1966 über wirtschaftliche, soziale und kulturelle Rechte; LGBl. 1999 no. 57, <https://www.gesetze.li/lilexprod/lgsystpage2.jsp?formname=showlaw&lglid=1999057000&gueltigdate=02032016>.

Instrument	Date of signature	Date of ratification	Derogations/ reservations relevant to equality and non-discrimination	Right of individual petition accepted ?	Can this instrument be directly relied upon in domestic courts by individuals?
Convention on the Elimination of All Forms of Racial Discrimination (CERD)	No signature. Direct Ratification	1 March 2000 ¹²⁷	Art. 14: Only applicable if a case is not investigated by another international agency at the same time	Yes	Yes. Pursuant to article 14, paragraph 2, of the Convention, the Constitutional Court has been designated as competent to 'receive and consider petitions from individuals and groups of individuals within the jurisdiction of Liechtenstein who claim to be victims of a violation of any of the rights set forth in the Convention.'
Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)	No signature. Direct Ratification	22 December 1995 ¹²⁸	Art. 3 of the Liechtenstein Constitution regarding the succession to the throne etc. laid down by the Princely House in the form of a Law on the Princely House (male primogeniture etc.)	Yes	Yes
Protocol 12, ECHR	4 November 2000	Not ratified.	N/A	N/A	N/A

¹²⁷ Internationales Übereinkommen zur Beseitigung jeder Form von Rassendiskriminierung, LGBl. 2000 no. 80, <https://www.gesetze.li/lilexprod/lgsystpage2.jsp?formname=showlaw&lqblid=2000080000&queltiqdate=02032016>.

¹²⁸ Übereinkommen zur Beseitigung jeder Form von Diskriminierung der Frau; LGBl. 1996 no. 164, <https://www.gesetze.li/lilexprod/lgsystpage2.jsp?formname=showlaw&lqblid=1996164000&queltiqdate=02032016>.

Instrument	Date of signature	Date of ratification	Derogations/ reservations relevant to equality and non-discrimination	Right of individual petition accepted ?	Can this instrument be directly relied upon in domestic courts by individuals?
ILO Convention No. 111 on Discrimination	Not Signed. Liechtenstein is not an ILO member state	N/A	N/A	N/A	N/A
Convention on the Rights of the Child (CRC)	30 September 1990	22 December 1995	On 1 October 2009, the Government of Liechtenstein informed the Secretary-General that it had decided to withdraw the declaration concerning article 1 and the reservation concerning article 7 made upon ratification of the Convention. The text of the declaration withdrawn reads as follows: 'According to the legislation of the Principality of Liechtenstein children reach majority at 20 years of age. However, Liechtenstein law provides for the possibility to prolong or to shorten the duration of minority.' The text of the reservation withdrawn reads as follows: 'The Principality of Liechtenstein reserves the right to apply the	Yes	Yes

Instrument	Date of signature	Date of ratification	Derogations/ reservations relevant to equality and non-discrimination	Right of individual petition accepted ?	Can this instrument be directly relied upon in domestic courts by individuals?
			Liechtenstein legislation according to which Liechtenstein nationality is granted under certain conditions.'		
Convention on the Rights of Persons with Disabilities (CRPD)	Not Signed	N/A	N/A	N/A	N/A