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**Study on Homophobia, Transphobia and Discrimination on  
Grounds of Sexual Orientation and Gender Identity**

**Sociological Report: Liechtenstein**

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## **A. Executive summary**

1. The population of Liechtenstein is about 35,600 persons (2008 figures). The country is divided into 11 rural municipalities, with no large cities.
2. In 2007, a survey on homosexuality was conducted among the resident population, along with interviews of lesbians and gay men. Overall, homosexual persons feel discriminated against, even though they considered the general situation as having improved. Compared to the general population twice as many (71%) lesbians and gay men were of the opinion that homosexual persons were discriminated against because of their sexual orientation. The percentage of homosexual persons who had experienced insults, molestation or threats (53 %) was higher than in the general population.
3. FLAY, the local NGO representing lesbians and gay men, and the Office for Equal Opportunities are active in promoting the rights of LGBT persons. In 2008 and 2009, the two organisations ran a poster campaign, promoting the view "that love shall always be respected". Some of the posters were vandalised and a subsequent opinion pool of a local newspaper indicated that a minority of the readers (33%) did not find it reasonable to advertise in favour of respect for same-sex love. However, the majority (67%) of the readers supported the campaign.
4. In 2009, FLAY organised a 'coming out day' and reportedly got positive feedback from the media and the public. Even though FLAY had no problems with renting space, there are no permanent LGBT venues in Liechtenstein.
5. Whereas hate crimes according to the Penal Code constitute an aggravating factor, hate speech would not be considered an aggravating factor. No incidents of hate crimes have been reported. Some incidents of hate speech have been expressed in the media.
6. Civil marriage or registration of same-sex couples is not recognised. A working group under the Ministry of Justice has been mandated by a Parliamentary resolution to draft a law on registered partnerships. The draft of the partnership law was published 14 April 2010. The law shall regulate areas such as heritage, pension, etc. Adoption and fertility treatments are explicitly prohibited in the draft of the partnership law.
7. Family reunification is possible and the Office for Equal Opportunities has dealt with two cases, one with a positive result and one still pending.
8. Sexual orientation or gender identity is not recognised as a ground for obtaining asylum. However, if an asylum seeker arrives from a country where homosexuality is punished with imprisonment or the death penalty, she or he would not be sent back..
9. All persons living in Liechtenstein have equal access to social security and social protection regardless of their sexual orientation and gender identity. The public pension does not offer benefits to unmarried partners.
10. Sex education is a part of the school curriculum. The extent of such education is up to the respective teacher. A sex education service is offered by the Institute for Sexual Questions.
11. There is no specific legislation with regard to homophobia/transphobia or discrimination on the grounds of sexual orientation or gender identity.

12. The right to own land and homes, as well as the right to inheritance, is not dependent on sexual orientation or gender identity
13. All persons living or working in Liechtenstein are subject to compulsory health insurance. No special legislation exists with regards to sexual orientation or gender identity. So far same-sex couples are treated like individuals and not as a couple or partnership. With regards to discrimination there is no discrimination on an individual basis but there is discrimination as there is no regulation that same-sex couples are treated like a couple.
14. No cases are known where LGBT persons have been denied access to goods and services on the grounds of sexual orientation or gender identity.
15. The legislation ensures the compliance of the media with prohibition against freedom of discrimination, freedom of expression and equal opportunity and treatment.
16. There have been no court cases/convictions with regards to sexual orientation or gender identity or otherwise relevant for this report.
17. According to the local NGO, FLAY, they only know about one or two cases of transgender or intersex persons living in Liechtenstein.
18. No systematic compilation of data takes place with regards to gender identity or sexual orientation.

## **B. Data Collection**

19. Data have been collected for this report through:
  - A study of available online and print data on the situation regarding homophobia, transphobia and discrimination on grounds of sexual orientation and gender identity in Liechtenstein.
  - Data collection through interviews in Vaduz 21 - 22 March 2010 with:
20. Authorities:
  - The Ministry of Justice
  - The Criminal Investigation Department of the National Police (also acting as the OSCE hate crime focal point)
21. NGOs:
  - FLAY - Verein für Schwule und Lesben Liechtenstein und Rheintal (the National Organization for LGB persons in Liechtenstein).
22. National Human Rights Structures:
  - The Office of Equal Opportunity
23. Legal Expert:
  - Dr. Sigrid Launois-Mayer

## C. Findings

### C.1. Public opinion and attitudes towards LGBT persons

24. In 2007 a survey similar to the Eurobarometer was carried out in Liechtenstein, including a separate survey of homosexual respondents.<sup>1</sup> The survey showed that 51% of the population thought that discrimination on grounds of sexual orientation is "widespread" (36%) or "very widespread" (15%). Only discrimination on grounds of race was assessed to be more widespread.
25. 71% of the homosexual respondents thought that discrimination on grounds of sexual orientation is "widespread", and 29% thought that it is "very widespread". This amounts to *all* homosexual respondents being of the opinion that discrimination is widespread or very widespread.
26. 58% of the population thought that homosexuality is still a taboo in their country (close to the EU average of 55 %) - 87 % of the homosexual respondents were of the same opinion.
27. 60% of the population thought that enough was done to counter discrimination (on all grounds) in Liechtenstein - only 4% of the homosexual respondents were of the same opinion.
28. 48% of the population were of the opinion that most people in Liechtenstein would treat a homosexual the same as every other person - 40% of the homosexual respondents were of the same opinion.
29. In 2008 and 2009, FLAY, the national NGO representing LGBT persons, and the Office for Equal Opportunities [Stabsstelle für Chancengleichheit] ran a poster campaign<sup>2</sup>. While posters were sprayed over with negative remarks, letters to the editors in 2009 indicated that most people thought that the damage of the posters went too far. 17 letters were in favour of the poster campaign and 11 against (written by the same 3-5 persons). According to the head of the Crime Investigation Division of the National Police, the topic was discussed broadly in public places. Also here it became clear that people in general did not accept such destructive acts.<sup>3</sup> Subsequent to the campaign, the newspaper *Liechtensteiner Vaterland* ran an indicative opinion poll on the website asking if it was "reasonable that the Office for Equal opportunities advertises in favour of respect for same-sex love." 67% of the online respondents answered "yes" to the question (and 33% "no").<sup>4</sup>

### C.2. Freedom of assembly and association

30. No problems have been encountered with freedom of assembly and association in Liechtenstein in relation to LGBT activities.

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1 Wang J., *Homosexuelle Menschen und Diskriminierung in Liechtenstein*. Kurzbericht. Institut für Sozial- und Präventivmedizin. Universität Zurich, 2007.

2 See chapter 3.3 Freedom of expression.

3 Interview with The Criminal Investigation Department of the National Police, 22 March 2010.

4 *Liechtensteiner Vaterland*, Umfrage der Woche, [www.vaterland.li/index.cfm?voted=1&votingKategorieID=1](http://www.vaterland.li/index.cfm?voted=1&votingKategorieID=1), accessed 9 November 2009.

31. In 2009, FLAY organised a 'coming out day' with a stand in the centre of Vaduz and a party in the evening. The press covered the activities in a neutral/positive way and the organisers were surprised about the positive feedback they got from the media and the public.<sup>5</sup>
32. They had no problems with renting the space for the party.
33. No pride parades have been carried out. People from Liechtenstein normally attend the big parade in Zürich instead.
34. There are no permanent LGBT venues in Liechtenstein. Spontaneous venues are done from time to time and are published on the web-page of Flay ([www.flay.li](http://www.flay.li)).

### **C.3. Freedom of expression**

35. There are no accounts of restrictions of freedom of expression of LGBT persons.

### **C.4. Hate crime - hate speech**

36. In a survey from 2007,<sup>6</sup> 70% of the homosexual respondents reported having experienced violence at least once in their life - 21% within the last year. The reason for the violence was, however, not specified. The figures for the general population were 55% and 21% respectively.
37. The survey further shows that whereas 18% of the general population have experienced threats or harassment, this goes for 40% of the homosexual respondents.
38. FLAY has, in cooperation with the Stabsstelle für Chancengleichheit, since 2007 carried out an annual poster campaign with the slogan: "Love is... always to be respected".<sup>7</sup> During the 2009 campaign a number of the posters were vandalised with words such as "pervert" or "abnormal". FLAY reported the vandalism to the police. An individual collected the destroyed posters and gave them to the police. The police did investigate the incident, but did not find the perpetrator.<sup>8</sup>
39. In relation to the poster campaign some homophobic letters were printed such as comparing homosexual persons with paedophiles<sup>9</sup>, but the main impression was that the public and the news papers condemned the vandalism. One of the comments from a citizen in a newspaper was: "Honestly, what century are we living in?", an indication that the vandals were not as tolerant as they should be.<sup>10</sup>
40. Para 33 (5) in the Penal Code of Liechtenstein (StGB 2008) states that "if a perpetrator commits racist, xenophobic or other similar acts, this would be an aggravating factor"<sup>11</sup>. Hate speech is not considered an aggravating factor.<sup>12</sup>

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5 Interview with FLAY, 21 March 2010.

6 Wang J., *Homosexuelle Menschen und Diskriminierung in Liechtenstein*. Kurzbericht. Institut für Sozial- und Präventivmedizin. Universität Zurich, 2007.

7 FLAY, 2 November 2009, Verschmierte Plakate, [www.flay.li](http://www.flay.li), accessed 9 November 2009.

8 Interview with FLAY, 21 March 2010 and the Criminal Investigation Department of the National Police, 22 March 2010.

9 FLAY, 2 November 2009, Verschmierte Plakate, [www.flay.li](http://www.flay.li), accessed 9 November 2009.

10 Interview with FLAY, 21 March 2010.

11 Strafgesetzbuch (StGB 2008 §33,5): "Besondere Erschwerungsgründe. Ein erschwerungsgrund ist es insbesondere, wenn der Täter: (...) aus rassistischen, fremdenfeindlichen oder anderen besonders verwerflichen beweggründen gehandelt hat;"

12 Interview with the Criminal Investigation Department of the National Police, 22 March 2010.

41. Regarding hate crimes or hate speech no incidents have been reported, but some cases with negative LGBT attitudes printed in newspapers have been detected.<sup>13</sup>

### C.5. Family issues

42. Liechtenstein does not recognise same-sex registered partnership or same-sex marriage, but limited cohabitation rights (for example, family reunification) for same-sex couples. At the time of writing, a draft law on registered partnership is in process.
43. Same-sex partners cannot jointly adopt a child and same-sex partners cannot adopt each other's biological children. Fertility treatment for lesbians is illegal in Liechtenstein. A working group under the Ministry of Justice is working on drafting a law on registered partnership, taking inspiration from the Swiss partnership law. It was established two and a half years ago after a debate in the Parliament where a resolution was passed stating that a draft law on registered partnership should be made.
44. The resolution was passed on 27 October 2007 and reads:
45. 'The government is mandated to draft a bill on registered partnership of same-sex partners and to submit it to the Landtag. The bill seeks to eliminate the legal discrimination against same-sex couples and provide them with the opportunity to legally protect their relationship.'<sup>14</sup>
46. Of the 25 Members of Parliament, 19 voted for the resolution and 6 voted against.
47. The draft of the partnership law was published 14 April 2010 and has been sent out to interested authorities/parties. These parties will then have the possibility to file their comment/recommendations until 16 July 2010. And the law should be approved by Parliament before the end of 2010.<sup>15</sup>
48. However, it should be expected that a Catholic association, named CREDO – Laienbewegung des Erzbistums Chur (which also write homophobic letters to the newspaper in connection to the incident with the poster campaign, and cooperates with activist Gabriele Kuby known for her publications against gender mainstreaming<sup>16</sup>) will demand a referendum and will try to collect the 1,000 signatures from citizens that would be demanded to request such referendum.<sup>17</sup> The law is important for same-sex couples as it gives the opportunity to regulate areas such as heritage, pension etc. via the registered partnership.<sup>18</sup>
49. Adoption and fertility treatments are explicitly prohibited in the draft of the partnership law. FLAY has been asked by parliamentarians not to bring up the issue if they want a partnership law at all.<sup>19</sup> And the Ministry of Justice stated that 'If adoption is included in the draft law, there will be no law at all.'<sup>20</sup>

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13 Interview with FLAY, 21 March 2010 and the Criminal Investigation Department of the National Police, 22 March 2010.

14 Landtagsprotokolle, [www.landtag.li/protokolle/default.aspx?mode=suche&txt=gleichgeschlechtlich&krit=1&vonjahr=1997&vonmonat=1&bisjahr=2010&bismonat=12&id=2907&backurl](http://www.landtag.li/protokolle/default.aspx?mode=suche&txt=gleichgeschlechtlich&krit=1&vonjahr=1997&vonmonat=1&bisjahr=2010&bismonat=12&id=2907&backurl), accessed 23 September 2010, and interview with the Ministry of Justice and the Office for Equal Opportunities, 22 March 2010.

15 Interview with FLAY, 21 March 2010 and Dr. Sigrid Launois-Mayer (legal expert), 22 March 2010.

16 Gabriele Kuby's website, [www.gabriele-kuby.de](http://www.gabriele-kuby.de), accessed 18 August 2010.

17 Interview with the Ministry of Justice and the Criminal Investigation Department of the National Police, 22 March 2010.

18 Interview with FLAY, 21 March 2010.

19 Ibid.

20 Interview with the Ministry of Justice, 22 March 2010.

50. Regarding marriage, a couple can annul their marriage if one or both partners are sexually incapable. In the draft of the new partnership law the requirement of sexual capacity is not a requirement to enter the partnership.
51. The opponents of the law state that it will be against the Catholic values of Liechtenstein.<sup>21</sup>
52. The Office for Equal Opportunities has received two question on when the registered partnership would be passed by Parliament.<sup>22</sup>
53. Family reunification is possible and the Office for Equal Opportunities has dealt with two cases in that respect. In one of them, the Office recommended that the partner of a lesbian was granted reunification even if she did not meet the minimum requirement (30 years of age and proof of having been in the relationship for at least 5 years). The case is still pending.<sup>23</sup>
54. The only data regarding illustrating problems for LGBT persons with their family regard an enquiry to the Office for Equal Opportunities from a young man having problems with his family. A case as such was never established.<sup>24</sup>

#### **C.6. Asylum and refugee issues**

55. Liechtenstein has ratified the Geneva 1951 Convention in 1956. Up to now no persons have been granted asylum or subsidiary protection due to a claim of persecution on the grounds of sexual orientation or gender identity.
56. In the context of asylum and/or subsidiary protection the legal system accepts close relatives like spouses and children as family members but not same-sex partners.
57. The health care needs of everybody, also transgender persons, are covered for the duration of their asylum procedure.
58. There is no statistical information available and there is no anecdotal evidence on any cases.<sup>25</sup>

#### **C.7. Social security, social care and insurance**

59. Everybody has equal access to social security and other social protection measures, including employment and unemployment benefits, health insurance or care or benefits, other social insurance and pension benefits without discrimination on the basis of sexual orientation or gender identity.
60. Everybody has the same access to poverty reduction strategies and programmes as well as to appropriate public or private social care and other services such as advice and personal help without discrimination on the basis of sexual orientation or gender identity. Same-sex couples are treated as individuals.

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<sup>21</sup> Interview with Dr. Sigrid Launois-Mayer (legal expert), 22 March 2010.

<sup>22</sup> Interview with the Office of Equal Opportunities, 22 March 2010.

<sup>23</sup> The legal report as well as interview with FLAY, 21 March 2010 and Office of Equal Opportunities, 22 March 2010.

<sup>24</sup> Interview with the Office of Equal Opportunities, 22 March 2010.

<sup>25</sup> The above section is based on input from the legal report as well as interview with FLAY, 21 March 2010 and Dr. Sigrid Launois-Mayer (legal expert), 22 March 2010.

61. However, the fact that same-sex couples are not legally recognised means that same-sex partners do not have access to partner benefits enjoyed by cohabiting different-sex couples or married couples.
62. The public pension does not offer benefits to unmarried partners. However, several private pension funds do include unmarried partners in their policies.<sup>26</sup>
63. Body modifications related to gender identity, gender reassignment surgeries are not in the official catalogue of mandatory insurance contributions and might therefore have to be paid for by private insurance. However, no such cases are known.
64. There have been no court cases in connection with violations of the right to social security/care of LGBT persons due to homophobic/transphobic motivation.
65. No statistical information is available.<sup>27</sup>

### **C.8. Education**

66. Liechtenstein has nine mandatory years of schooling. The Liechtenstein curriculum and the design and further development of schools as a whole are based on specific guiding principles applicable to all schools and school levels. School is open to all children/young people free of charge, without regards to origin, religion or gender.
67. Although education is directed to the development of each student's personality, abilities and talents, no special legislation exists on how to deal with sexual orientation or gender identity.
68. The school curriculum includes sexual education. The extent of such education is up to the respective teacher. Furthermore, there is an Institute for sexual questions and HIV-prevention, which is a special government service. One of the tasks of this Institute is the sex-educational service for children and young people. It offers workshops, courses and personal advice to pupils and students as well as information and advice to their parents, especially in connection with questions or problems with regards to sexual orientation.
69. Advice is given in schools, in youth-centres and on official or private request.
70. Should cases of bullying or harassment with respect to sexual orientation become known, the Institute would offer sex-instruction and further educational work. It would furthermore offer the possibility for guided discussion between the pupils/students and - if necessary - their parents. Information about transgender or intersex issues is only given on request, if such information is specifically asked for.
71. No relevant statistical information is available.<sup>28</sup>

### **C.9. Employment**

72. Legislation to ensure equal employment opportunities exists only to counter discrimination based on sex or in connection with persons with disabilities. There is no special legislation in relation to LGBT persons.

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<sup>26</sup> Interview with FLAY, 21 March 2010.

<sup>27</sup> The above section is based on input from the legal report as well as interview with FLAY, 21 March 2010 and Dr. Sigrid Launois-Mayer (legal expert), 22 March 2010.

<sup>28</sup> Ibid.

73. Persons experiencing discrimination on the grounds of sexual orientation may contact the Office of Equal Opportunity. The Office of Equal Opportunity is dealing with all cases of discrimination including discrimination on the basis of sexual orientation. In case of a complaint, the Office of Equal Opportunity will give advice and direct the parties to the competent authorities. The Office has no legal authority for investigation or sanction.
74. In connection with employment and discrimination on the basis of sexual orientation no cases or complaints have ever been brought before the Office of Equal Opportunity.<sup>29</sup> FLAY also does not know of any cases of discrimination, but suspects that there may be cases of hidden discrimination.
75. In the survey conducted in 2007, the LGB respondents reported that discrimination in employment was one of the major obstacles for them.<sup>30</sup>
76. No relevant statistical information is available.<sup>31</sup>

#### **C.10. Housing**

77. Complaints in respect to discrimination due to homophobic/transphobic motivations can be directed to the Office of Equal Opportunity. However, the Office of Equal Opportunity has never been made aware that the right to housing of LGBT persons had been violated due to such motivation.<sup>32</sup>
78. Most couples own their own houses/flats, and no specific concerns have been detected.<sup>33</sup>

#### **C.11. Health care**

79. All persons living or working in Liechtenstein are subject to compulsory health insurance.
80. All persons have equal access to health care facilities, goods and services, including in relation to their sexual and reproductive health without regards to their sexual orientation. People also have the right to access their medical records.
81. Surgery, therapy and other treatments to be covered by insurance are laid down in Annex 1 to the Ordinance to the Law about Health Insurance (LGBl. 2000 No.74). Gender reassignment treatment such as hormone therapy, genital surgery, chest/breast surgery and similar surgery/treatment are not specifically mentioned in the Annex. However, in the case of medical indications, a special request for insurance coverage could be made. No cases of such requests are known.
82. There are no cases known where LG persons have been diagnosed as being sick because of their sexual orientation and where hormone or affirmative therapy had been prescribed to them.

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29 Since the Office for Equal Opportunities in 2007 took up LGB issues, it has received five inquiries with regards to LGB. Two had to do with family reunification, one with a young man having problems with his family and two questions on when the registered partnership would be passed by Parliament.

30 The two other major areas of concern was the general public attitude towards LGB persons and health care. Interview with the Office for Equal Opportunities, 22 March 2010.

31 The above section is based on input from the legal report as well as interview with FLAY, 21 March 2010 and Dr. Sigrid Launois-Mayer (legal expert), 22 March 2010.

32 The above section is based on input from the legal report by Dr. Sigrid Launois-Mayer

33 Interview with FLAY, 21 March 2010.

83. Neither same-sex nor other unmarried partners, only married partners, are recognised as next of kin and thereby allowed to receive information about the patient's health.
84. No transgender persons are known to have requested gender reassignment treatment, nor are cases known where LGBT persons have been deprived of the right to access to health care facilities.<sup>34</sup>
85. There are no representative data on health conditions for LGBT persons regarding, for example, suicide rates as there are no data for the general population to compare with. However, the homosexual sample from the 2007 survey indicates a high rate with half of the respondents reporting having had suicide thoughts at least once and 11% having actually attempted suicide.<sup>35</sup> The frequency of physical stress is also relatively high among the homosexual respondents.<sup>36</sup>

#### **C.12. Access to goods and services**

86. No cases are known where LGBT persons have been denied access to private insurance and financial services or have been refused to rent premises for a LGBT event, publish announcements or have been refused to be served in a bar or restaurant on the grounds of sexual orientation.
87. No relevant statistic material is available.<sup>37</sup>

#### **C.13. Media**

88. See the few points in chapter 3.1 on public opinion and chapter 3.4 on hate crime - hate speech.
89. From time to time the Office of Equal Opportunity and the Institute for sexual questions and HIV-prevention publish articles or give interviews on the radio with regards to their activities for the prevention of the perpetuation of prejudices and against biased information in connection with LGBT persons.<sup>38</sup>

#### **C.14. Transgender issues**

90. There are no data available on conditions of transgender persons.
91. No legislation exists in this respect.
92. As far as a name change is concerned, pursuant to Article 46 of the Law of Persons and Companies (PGR) the change of a name is possible, if there are important personal or other grounds for such a change. The legal change of name is to be decided in administrative proceedings.<sup>39</sup>

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34 The above section is based on input from the legal report by Dr. Sigrid Launois-Mayer

35 Wang J., *Homosexuelle Menschen und Diskriminierung in Liechtenstein*. Kurzbericht. Institut für Sozial- und Präventivmedizin. Universität Zurich, 2007.

36 Interview with FLAY, 21 March 2010 citing the report from Wang J., *Homosexuelle Menschen und Diskriminierung in Liechtenstein*. Kurzbericht. Institut für Sozial- und Präventivmedizin. Universität Zurich, 2007.

37 The above section is based on input from the legal report by Dr. Sigrid Launois-Mayer.

38 Ibid.

39 Ibid.

93. FLAY knew of one or two transgender persons in Liechtenstein and have tried to get in contact with one of them, but without success.<sup>40</sup>

#### **C.15. Good practices**

94. As far as projects are concerned, in 2007 the Office of Equal Opportunity initiated a report/questionnaire about the experience of discrimination against LGBT persons on the one hand and of the general population on the other hand.
95. Furthermore the Office of Equal Opportunity has participated in the preparation of the European Youth Conference in Liechtenstein in 2005 with the topic homosexuality.
96. In 2008/09 the Office of Equal Opportunity undertook a public poster campaign, intended to sensitise the general population and tackle homophobic taboos. For 2010 further activities shall be decided by a work group consisting, among others, of the Association for Gays and Lesbians " FLAY ", the Office of Equal Opportunity, the Institute for sexual questions, Amnesty International Liechtenstein and church representatives.<sup>41</sup>

#### **C.16. Data availability**

97. There are very little official data on LGBT issues and rights violations in Liechtenstein. However, the data collected makes it possible to outline a substantiated analysis of the situation regarding homophobia, transphobia and discrimination on grounds of sexual orientation and gender identity in Liechtenstein.

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<sup>40</sup> Interview with FLAY, 21 March 2010.

<sup>41</sup> The above section is based on input from the legal report by Dr.Sigrid Launois-Mayer