

2. Are there examples of references to international sources of law, such as

a) the European Convention on Human Rights,

Basic comments:

As has been explained above, the ECHR provides individual rights as a result of the rule of Art. 15 (2)(a) StGHG which a complaining party may call upon before the State Court just like in the case of a violation of a constitutional fundamental right.¹⁴

The practice of the State Court - and literature¹⁵ already before that - has for a long time granted "de facto constitutional status" to the ECHR¹⁶, which Liechtenstein joined in 1982, although no constitutional ranking was assumed when the ECHR was ratified.¹⁷ It certainly was of major importance for practice and literature that Switzerland, too, considers the ECHR to have "supra-legal status".¹⁸

The question raised in literature whether the ECHR might have "supra-legal status"¹⁹ has been expressly left open by the State Court in this decision²⁰, and the State Court has not returned to it since then.

The de facto constitutional status of the ECHR was not changed by the revision of the Constitution of 2003²¹, either; since that revision, it has been possible to examine even

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- the Convention of 18 December 1979 on the Elimination of all Forms of Discrimination against Women (lit. d), and
 - the Convention of 10 December 1984 against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (lit. e).

¹³ See in this context also: Peter Bussjäger, Die Beschwerde an den Staatsgerichtshof, in: Kley/Vallender (ed.), Grundrechtspraxis in Liechtenstein, LPS 52 (2012), p. 867; Tobias Michael Wille, Liechtensteinisches Verfassungsprozessrecht, LPS 43 (2007), p. 67 and p. 260 et sqq.

¹⁴ Insofar, the State Court Act of 27 November 2003 did not bring any new innovation as compared to the legal situation before (cf. Tobias Michael Wille, Verfassungsprozessrecht, p. 261).

¹⁵ Herbert Wille/ Marzell Beck, Liechtenstein und die Europäische Menschenrechtskonvention, in: Verlag der Liechtensteinischen Akademischen Gesellschaft (ed.), Liechtenstein in Europa, LPS 10 (Vaduz 1984), p. 248, used the term "*Übergesetzesrang*" (supra-legal status).

¹⁶ Cf. StGH 1995/21, cons. 6.1 = LES 1997, p. 18 (p. 28); see also: Wille, Verfassungsprozessrecht, p. 261.

¹⁷ Cf. Wolfram Höfling, Menschenrechtskonvention, p. 144.

¹⁸ Cf. Luzius Wildhaber, Erfahrungen mit der Europäischen Menschenrechtskonvention, ZSR 98 II (1979), p. 329 et sqq., who is for example also referred to by Wille/Beck, Menschenrechtskonvention, p. 248.

¹⁹ Martin Batliner, Die politischen Volksrechte im Fürstentum Liechtenstein, Fribourg 1993, p. 162; Hilmar Hoch, Verfassung- und Gesetzgebung, in: Batliner (ed.), Die liechtensteinische Verfassung 1921. Elemente der staatlichen Organisation, LPS 21 (1994), p. 208 et seq.).

²⁰ StGH 1995/21, cons. 6.1 = LES 1997, p. 18 (p. 28).

²¹ LGBl. 2003 no. 186.