

fundamental rights concerning the question whether legal entities can be holders of fundamental rights in this regard, a question that both the State Court and the ECtHR have answered in the affirmative.<sup>29</sup>

Convergence also happens in the interpretation of the respective reservations of the laws: the legal reservation of Art. 32 (2) LV is relatively wide, since if one interpreted it literally, any legal rule would be admissible as a limitation of the guarantee of para. 1. The State Court, however, rules that although a limitation of the constitutional guarantees is possible in general, it may only happen provided that the infringement of fundamental rights is lawful, in the public interest, and proportionate, and that the core content guarantee is complied with.<sup>30</sup> For the assessment of this question, the State Court has also pointed out the much more differentiated legal reservation in Art. 8 (2) ECHR and has used it to assess the conformity of an infringement with fundamental rights.<sup>31</sup>

*The right to the reasonable duration of proceedings:*

The State Court considers the right laid down in Art. 6 (1) ECHR to a decision within a reasonable period of time to be a component of the prohibition of delayed justice, which principle is deduced from the general principle of equality pursuant to Art. 31 LV.<sup>32</sup> This has the advantage for legal subjects that the guarantee of Art. 31 LV is wider than "merely" the civil and criminal law matters included in Art. 6 (1) ECHR.<sup>33</sup> Thus, the prohibition of delayed justice does apply to legal assistance proceedings, while Art. 6 (1) ECHR does not.<sup>34</sup>

The State Court uses the criteria of the ECtHR in assessing the question of violations of the rule of the reasonable duration of proceedings<sup>35</sup>, i.e. in the light of the importance of the matter for the complaining party, the complaining party's conduct, the complexity of the case, and the handling of the case by the public authorities<sup>36</sup>.

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<sup>29</sup> Beck/Kley, Freiheit, p. 141.

<sup>30</sup> Beck/Kley, Freiheit, p. 142 with further references.

<sup>31</sup> StGH 1997/1 = LES 1998, p. 201 (205), cons. 4; cf. also Beck/Kley, Freiheit, p. 143.

<sup>32</sup> StGH 2011/32, [www.gerichtsentscheide.li](http://www.gerichtsentscheide.li), cons. 6; StGH 2004/25, cons. 2.1.

<sup>33</sup> Cf. StGH 2008/152.

<sup>34</sup> StGH 2008/152.

<sup>35</sup> In Liechtenstein practice on fundamental rights, the reasonable duration of proceedings is also considered to be a part of the "prohibition of delayed justice", which is not expressly formulated in the Constitution but has been deduced from the constitutional principle of equality, which is subject to complaint before the State Court (cf. Vogt, Rechtsverweigerung, p. 605).

<sup>36</sup> StGH 2004/25, cons. 2.2 with reference to Mark E. Villiger, EMRK-Kommentar, 2<sup>nd</sup> ed., Zurich 1999, 290, margin no. 459; cf. also StGH 2004/58, [www.gerichtsentscheide.li](http://www.gerichtsentscheide.li), cons. 7.2 und StGH 2005/43, cons. 9.2). See