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COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS
Thirty-sixth session
Geneva, 1-19 May 2006

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLES 16 AND 17 OF THE COVENANT**

**Concluding observations of the Committee on
Economic, Social and Cultural Rights**

LIECHTENSTEIN

1. The Committee on Economic, Social and Cultural Rights considered the initial report of Liechtenstein on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/1990/5/Add.66) at its 6th and 7th meetings, held on 3 and 4 May 2006 (E/C.12/2006/SR.6-7), and adopted, at its 29th meeting held on 19 May 2006, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the initial report of Liechtenstein, which was prepared in general conformity with the Committee's guidelines, and the written replies to its list of issues.

3. The Committee welcomes the constructive dialogue with the delegation of the State party, which included a number of representatives from various government offices, as well as the delegation's answers to the questions asked by the Committee.

B. Positive aspects

4. The Committee appreciates the favourable position of the State party concerning the elaboration of an Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.
5. The Committee notes that the State party has elaborated a national action plan for the implementation of the Programme of Action adopted at the World Conference against Racism, Racial Discrimination and Related Xenophobia and Intolerance held in Durban in 2001, as well as annual plans to give effect to the Platform for Action adopted at the World Conference on Women, held in Beijing in 1995.
6. The Committee welcomes the recent establishment of an Office of Equal Opportunity with a broad mandate to combat discrimination based on gender, religion, disability, national origin and sexual orientation.
7. The Committee welcomes the adoption in 1999 of a Gender Equality Act introducing a shift of the burden of proof to the employer in cases of gender-based discrimination.

C. Factors and difficulties impeding the implementation of the Covenant

8. The Committee notes the absence of any factors or difficulties preventing the effective implementation of the Covenant in the State party.

D. Principal subjects of concern

9. The Committee notes with concern that, although the Covenant forms part of the domestic law and is directly applicable in the courts of the State party, there are no court decisions which contain references to, or confirm the direct applicability of, the provisions of the Covenant.
10. The Committee expresses its concern about the persistence in the State party of xenophobia and intolerance against persons of different ethnic origin or religion, particularly against Muslims and persons of Turkish origin.
11. The Committee notes with concern that the equal protection clause in article 31 of the Liechtenstein Constitution only applies to citizens, while the equal enjoyment of economic, social and cultural rights of “foreigners” is only indirectly protected by reference to international treaties.
12. The Committee expresses its concern that the Office of Equal Opportunity, which replaced the Office of Gender Equality, may not have sufficient means to ensure that its work will continue to have a strong gender focus, in addition to its new responsibilities in the fields of integration of foreigners, disability, age, religion and sexual orientation.
13. The Committee is concerned that women are reportedly overrepresented in low-paid employment in the State party.

14. The Committee notes with concern that the prohibition of discrimination on the basis of race, colour, descent, nationality or ethnic origin in article 46 (a) of the Employment Contracts Act only applies to the termination of a contractual employment, without covering the areas of recruitment, remuneration and promotion.
15. The Committee is concerned about the absence of a legal minimum wage and about the recent withdrawal of numerous enterprises from the Liechtenstein Chamber of Trade and Commerce, resulting in their non-participation in the collective negotiation of wages.
16. The Committee notes that the right to strike is not explicitly recognized in the Liechtenstein Constitution and labour legislation.
17. The Committee expresses its concern about the persistence of domestic violence, especially against women, in the State party.
18. The Committee is concerned about reports that persons of different ethnic origin, especially asylum-seekers and women of immigrant origin, encounter difficulties in renting accommodation.
19. The Committee expresses its concern about the high rates of tobacco and alcohol consumption, as well as the abuse of illicit drugs such as cannabis, especially among minors.
20. The Committee notes with concern that immigrant children tend to perform poorly in school in comparison to children of Liechtenstein origin, that they are likely to attend the lower-level secondary school and that they are under-represented in tertiary education.

E. Suggestions and recommendations

21. The Committee recommends that the State party consider the establishment of an independent national human rights institution, in accordance with the Paris Principles (General Assembly resolution 48/134, annex), and the adoption of a national plan of action for the promotion and protection of all human rights, including economic, social and cultural rights.
22. The Committee requests the State party to ensure that the provisions of the Covenant are given effect by its domestic courts, that legal and judicial training take full account of all Covenant rights, as defined in the Committee's general comments, and that it promote the use of the Covenant as a source of domestic law. In this regard, the Committee draws the attention of the State party to general comment No. 9 on the domestic application of the Covenant.
23. The Committee encourages the State party to consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.
24. The Committee calls on the State party to continue and intensify its efforts to promote ethnic and religious tolerance, e.g. by including this subject in school curricula and through training of teachers and public awareness campaigns, and to adopt a comprehensive strategy for the integration of persons of a different ethnic origin or religion.

25. The Committee recommends that the State party consider adopting legislative measures, with a view to extending the application of the constitutional equal protection clause to the human rights of foreigners, in particular their economic, social and cultural rights.

26. The Committee encourages the State party to adopt the proposed amendment to the Gender Equality Act extending the shift of the burden of proof to the employer also to cases of sexual harassment.

27. The Committee requests the State party to take adequate measures to ensure that the work of the Office of Equal Opportunity will continue to have a strong gender focus.

28. The Committee urges the State party to implement the principle of equal treatment of men and women in access to employment and promotion, to intensify its efforts in the field of qualification programmes for women working in low-paid employment and unemployed women, and to enforce the principle of equal remuneration for work of equal value. It invites the State party to include statistical data on the participation of women in the workforce, disaggregated by age, wage, part-time/full-time work and ethnic origin in its next periodic report.

29. The Committee recommends that the State party consider amending the Employment Contracts Act, with a view to ensuring that the prohibition of racial and ethnic discrimination applies to all aspects of employment, including recruitment and promotion.

30. The Committee recommends that the State party consider introducing a legal minimum wage or ensure that wages negotiated in collective agreements are applicable to all employers and employees of an economic sector or a profession, irrespective of membership in the Chamber of Trade and Commerce, and that it secure workers and employees a decent living for themselves and their families, in accordance with article 7 (a) (ii) of the Covenant.

31. The Committee recommends that the State party explicitly recognize the right to strike in its domestic legislation and define the permissible limitations on that right. It encourages the State party to proceed with its initiative to repeal the prohibition of the right to strike for civil servants in the Civil Servants Act.

32. The Committee encourages the State party to continue its efforts to reform the social security system through “socially acceptable” measures, as referred to by the State party, such as reintegration of persons with disabilities into the workplace to ease the financial burden on disability insurance. The Committee requests the State party to provide detailed information on the social security reform in its next periodic report, bearing in mind its obligations under article 9 of the Covenant.

33. The Committee urges the State party to strengthen its assistance to victims of domestic violence, marital rape and child abuse, as well as its information campaigns and training of law enforcement and medical personnel on the criminal nature of such acts, and to include information on the results of these measures and on the number of victims, perpetrators, convictions, and the types of sanctions imposed, in its next periodic report.

34. The Committee invites the State party to continue to collect statistical data on the situation of non-citizens in the field of housing and to include these data, as well as information on the measures adopted on the basis of such data, in its next periodic report.
35. The Committee requests the State party to continue its education campaigns, in particular for minors, on the risks of tobacco, alcohol and drug consumption and to ensure that adequate counselling services are available to all persons affected by tobacco, alcohol and drug addiction. It invites the State party to identify disaggregated indicators and national benchmarks, on an annual basis, in relation to the target groups addressed in its multi-year addiction prevention campaign and to include information on the process of identifying such indicators and benchmarks in its next periodic report.
36. The Committee encourages the State party to continue reducing linguistic barriers through intensive German-language training for immigrant children, to offer appropriate catch-up classes, and to increase family awareness about the importance of education for future professional careers. It also encourages the State party to raise the age at which pupils are assigned to one of the three different levels of secondary school from the current 11 years to a later age, with a view to ensuring that children have reached a sufficient stage of development when that decision is taken.
37. The Committee requests the State party to disseminate the present concluding observations widely among all levels of society, particularly among government officials and judicial authorities, and to inform the Committee on all steps taken to implement them in its next periodic report. It also encourages the State party to engage non-governmental organizations and other members of civil society in the process of discussion at the national level prior to the submission of its next periodic report.
38. The Committee requests the State party to submit its combined second and third periodic reports by 30 June 2011.
