



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

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Concluding observations of the Committee on the Elimination of Discrimination against Women

Liechtenstein

1. The Committee considered the fourth periodic report of Liechtenstein (CEDAW/C/LIE/4) at its 965th and 966th meetings on 20 January 2011 (CEDAW/C/SR.965 and 966). The Committee's list of issues and questions is contained in CEDAW/C/LIE/Q/4, and the responses of the Government of Liechtenstein are contained in CEDAW/C/LIE/Q/4/Add.1.

A. Introduction

2. The Committee expresses its appreciation to the State party for its fourth periodic report, which was detailed and followed the Committee's guidelines for the preparation of reports, with references to the previous concluding observations, although it lacked sex-disaggregated statistics and qualitative data on the situation of women in some of the areas covered by the Convention, in particular in respect of women from disadvantaged groups. The Committee expresses its appreciation to the State party for its oral presentation, the written replies to the list of issues and questions raised by its pre-session working group and the further clarification to the questions posed orally by the Committee.

3. The Committee commends the State party for its delegation, which was headed by the Director of the Office of Foreign Affairs of the Principality of Liechtenstein, and which included the Director of the Office of Equal Opportunity. The Committee appreciates the constructive dialogue that took place between the delegation and the members of the Committee but regrets that no answers were provided to some of the questions raised and that questions were not always answered in a clear and precise manner.

4. The Committee welcomes the State party's recognition of the positive contribution made by non-governmental women's and human rights organizations in the implementation of the Convention in the State party.

B. Positive aspects

5. The Committee welcomes the ratification by the State party of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

6. The Committee commends the State party for the implementation of a project aimed at reducing exploitative relationships in the night club sector and providing potential victims of human trafficking with access to counselling and victim assistance programmes, and projects to raise awareness about trafficking in women among the general public.

7. The Committee welcomes the continued contributions of the State party to women's projects and to the promotion of women's human rights in the context of its international humanitarian and development cooperation, which accounted for approximately 0.6 per cent of the gross national income of the State party in 2009.

C. Principal areas of concern and recommendations

8. The Committee recalls the obligation of the State party to systematically and continuously implement all the provisions of the Convention and views the concerns and recommendations identified in the present concluding observations as requiring the priority attention of the State party between now and the submission of the next periodic report. Consequently, the Committee urges the State party to focus on those areas in its implementation activities and to report on actions taken and results achieved in its next periodic report. The Committee calls upon the State party to submit the present concluding observations to the relevant government offices, to the Parliament and to the judiciary, so as to ensure their full implementation.

Parliament

9. While reaffirming that the Government has the primary responsibility and is particularly accountable for the full implementation of the obligations of the State party under the Convention, the Committee stresses that the Convention is binding on all branches of government, and it invites the State party to encourage its Parliament, in line with its procedures, where appropriate, to take the necessary steps with regard to the implementation of the present concluding observations and the State party's next reporting process under the Convention.

Visibility of the Convention and its Optional Protocol

10. The Committee reiterates the concern expressed in its previous concluding observations (CEDAW/C/LIE/CO/3, para. 9) that, while the Convention is directly applicable, it has not received the same degree of visibility and importance as regional legal instruments such as the European Convention on Human Rights and Fundamental Freedoms, and is therefore not regularly used as the legal basis for measures, including legislation and policy measures aimed at the elimination of discrimination against women and the promotion of gender equality in the State party. The Committee also reiterates its concern that the provisions of the Convention have not been used in court proceedings, which indicates a continuing lack of awareness among women themselves and among the judiciary and legal professions about the rights of women under the Convention and its Optional Protocol, as well as about the Committee's general recommendations.

11. The Committee reiterates its previous recommendation and calls on the State party to recognize the Convention, in addition to relevant international obligations, as the most pertinent and legally binding human rights instrument on the elimination of

discrimination against women and the achievement of substantive gender equality and to incorporate all substantive provisions of the Convention into domestic law. The Committee particularly urges the State party to place greater emphasis on the Convention in the revision of the Gender Equality Act. It also calls upon the State party to ensure that the Convention and its Optional Protocol, as well as the Committee's general recommendations and the views adopted on individual communications and inquiries, are made an integral part of the training for judges, lawyers and prosecutors, with a view to enabling them to directly apply the provisions of the Convention. It also reiterates its request for the State party to raise awareness among women of their rights under the Convention and the communications and inquiry procedures provided by its Optional Protocol.

Reservations

12. While noting that the succession to the throne of the Princely House of Liechtenstein is governed by a special autonomous law, the Committee remains concerned about the State party's maintenance of its reservation to article 1 of the Convention which denies women access to the throne. It is particularly concerned about the strong symbolic message of such exclusion and its potential impact on the implementation of the Convention as a whole in the State party.

13. The Committee reiterates its previous recommendation and calls on the State party to intensify its efforts towards the withdrawal of its reservation to article 1 of the Convention.

National machinery for the advancement of women

14. The Committee is concerned that the expansion of the mandate of the Office for Equal Opportunity (OEO), which formerly dealt exclusively with gender equality, to include a broad range of discrimination issues may have weakened the State party's national machinery for the advancement of women, in the absence of a specialized body for the promotion of women's rights. It notes that only one OEO full-time employee is dealing with gender equality and that the OEO has no mandate to consider complaints about violations of women's rights. In this regard, the Committee also expresses concern about the absence of an independent national human rights institution in the State party.

15. The Committee, recalling its general recommendation No. 6 (1988) and the guidance provided in the Beijing Platform for Action, in particular regarding the necessary conditions for the effective functioning of national mechanisms, including through adequate staffing and funding, and its general recommendation No. 28 (2010), recommends that the State party:

(a) **Take the necessary steps to ensure that the Office for Equal Opportunity gives priority attention to the issues of women's rights to non-discrimination and to the enjoyment of gender equality that cut across all other grounds of discrimination, and strengthen the capacity of the Office to formulate, implement, provide advice on and coordinate and oversee the preparation and implementation of legislation and policy measures in the field of gender equality;**

(b) **Consider establishing an independent national human rights institution in accordance with the Paris Principles (General Assembly resolution 48/134 of 20 December 1993, annex) or another specialized body to consider, issue opinions and make recommendations on complaints submitted by women alleging violations of their human rights**

Temporary special measures

16. The Committee reiterates its concern about the State party's limited application of article 4, paragraph 1, of the Convention, in particular the lack of temporary special measures to promote women's participation in political and economic life and to eliminate de facto discrimination against disadvantaged groups of women.

17. The Committee recommends that the State party strengthen the use of temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation No. 25 (2004), in all areas covered by the Convention in which women are underrepresented or disadvantaged. To that end, it recommends that the State party:

(a) Based on existing data and studies, set time-bound targets and allocate sufficient resources for the implementation of strategies, such as outreach and support programmes, the creation of incentives, quotas and other proactive measures aimed at achieving substantive equality of women and men in those areas;

(b) Raise awareness among members of Parliament, government officials with decision-making power, employers and the general public about the necessity of temporary special measures and requests it to provide comprehensive information on the use of such measures, in particular when policies and measures the State party has chosen and implemented have not achieved the intended effect and result, in relation to relevant provisions of the Convention, and on their impact, in its next periodic report.

Stereotypes and discriminatory practices

18. While noting that the State party has launched various projects and initiatives to eradicate traditional stereotypes regarding the roles of women and men in the family and in society that discriminate against women and perpetuate gender inequality, the Committee remains concerned about the persistence of patriarchal stereotypes, reflecting the limited effectiveness of such measures in a number of areas, including with regard to the limited participation of men in child-raising and other domestic duties.

19. The Committee calls on the State party to:

(a) Further strengthen its efforts to put in place a comprehensive policy with proactive and sustained measures, targeted at women and men, girls and boys, to overcome stereotypical attitudes about the roles and responsibilities of women and men in the family and in society, in particular in areas where women are in the most disadvantaged position;

(b) Intensify its cooperation with civil society and women's organizations, political parties, education professionals, the private sector and the media, in order to disseminate targeted information to the general public and to specific stakeholders such as decision-makers, employers, disadvantaged groups of women and the youth and to develop a more comprehensive strategy across all sectors to eliminate discriminatory gender stereotypes, specifically targeting disadvantaged groups of women;

(c) Organize awareness-raising campaigns to promote responsible fatherhood and to sensitize employers and employees on the topic of flexible work arrangements for women as well as men in order to ensure that part-time employment is not taken up almost exclusively by women.

Violence against women

20. While noting that the current revision of the State party's sexual criminal law envisages the introduction of ex officio prosecution for offences such as dangerous threats against close relatives, stalking, rape or sexual assault in marital or domestic partnerships, the Committee is concerned that not all offences occurring in the context of domestic, sexual and other forms of gender-based violence are covered by those plans.

21. In accordance with its general recommendation No. 19(1992) on violence against women, the Committee recommends that the State party consider introducing ex officio prosecution for all acts of domestic, sexual and other forms of gender-based violence deliberately depriving victims of protection from, or exposing them to, such violence. It further recommends that the State party train judges, prosecutors and the police on the strict application of relevant criminal law provisions, strengthen the support and assistance available to victims of domestic and sexual violence, and expedite its efforts to adopt the National Action Plan on Violence against Women drafted in 2008.

22. The Committee notes with concern that women from other countries who are victims of domestic violence and who have been married to a Liechtenstein national for less than five years may have their residence permit revoked upon dissolution of the marriage, if they are unable to prove their victim status or other significant personal grounds.

23. The Committee recommends that the State party ensure that women from other countries who are alleged victims of spousal violence have access to legal aid and protection so as to enable them to prove their victims status in order to retain their residence permit upon dissolution of their marriage.

24. The Committee is concerned about reports that the State party regularly fails to identify victims of sexual or other forms of gender-based violence during the asylum procedure because asylum claims are routinely rejected on formal grounds or for lack of credibility of an applicant's description of her travel route.

25. The Committee recommends that the State party:

(a) Apply a standard procedure for identifying victims of sexual or gender-based violence when considering the admissibility of asylum applications on formal grounds or the return of applicants;

(b) Ensure that international protection needs are determined comprehensively, including by recognizing refugee claims on the basis of sexual or gender-based violence and by taking into account the factual situation of asylum-seeking women and girls in their countries of origin;

(c) Ensure a gender-sensitive approach throughout the refugee status determination procedure by providing special rights such as counselling services for female asylum-seekers, in line with article 23, paragraph 6, of the State party's Refugee Act.

Trafficking and exploitation of prostitution

26. The Committee notes that the State party's efforts to prevent and combat trafficking in women and girls, especially for purposes of sexual exploitation and forced labour, have so far focused on night club dancers, without taking into account the specific vulnerability of asylum-seeking women and girls. It is concerned about reports that in some cases, asylum-seekers, including women, are pressured by the authorities to leave the State party, thereby increasing their risk of becoming victims of trafficking.

27. The Committee recommends that the State party:

(a) **Ensure that women and girls who have been trafficked or fear being trafficked upon return to their country of origin and whose claims to international protection fall within the refugee definition of the 1951 Convention relating to the Status of Refugees are recognized as refugees and granted asylum;**

(b) **Establish mechanisms for the identification of victims of trafficking as well as referral mechanisms to ensure that asylum claims are assessed in an age and gender-sensitive procedure in order to respond to the specific protection needs of women and girls who are victims of trafficking and guarantee protection against refoulement;**

(c) **Raise awareness among asylum-seekers and train police and immigration officers on the increased risk of asylum-seekers of becoming victims of trafficking;**

(d) **Ensure that temporary residence permits, protection and support are provided to all victims of trafficking;**

(e) **Expedite its efforts to ratify the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.**

Participation in political and public life

28. The Committee remains concerned that women continue to be significantly underrepresented in Parliament, municipal councils, government, national commissions and advisory councils and senior positions in the public administration, including in the diplomatic service. It is also concerned that there are currently no women mayors and that there is no special committee of Parliament dealing with gender equality. It takes note of the State party's explanation that women are often too burdened with professional and family duties to take part in political life.

29. The Committee recommends that the State party:

(a) **Adopt temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation No. 25, such as statutory quota, a gender parity system for nominations for Government bodies, and conditioning the financing of political parties on equal representation of women in their internal bodies and on candidate lists, to increase the representation of women in decision-making positions in elected and appointed political bodies;**

(b) **Provide training on gender equality to civil servants and politicians, especially men, with a view to enhancing the understanding that full and equal participation of women and men in political and public life is a requirement for the full implementation of the Convention, and thus creating a more favourable environment for women's participation in political and public life.**

Education

30. The Committee notes with concern that women and girls continue to choose traditionally female-dominated fields of education and vocational training. It is also concerned that the State party's ongoing efforts to address stereotyped educational choices may reproduce women's and men's traditional educational and professional choices.

31. The Committee recommends that the State party intensify its efforts aimed at diversifying academic and vocational choices for women and men and to take further

measures to encourage women and men to choose gender-atypical fields of education and careers.

32. The Committee notes with concern the low percentage of women enrolled in or having completed postgraduate academic programmes, the absence of women professors and university council members, the low share of women in positions of department chair, lecturer, docent, as well as in the university management, and reports about recent budget cuts for gender and diversity measures at the Liechtenstein University.

33. The Committee recommends that the State party take proactive measures to:

- (a) Promote the enrolment of women in Master and PhD programmes;**
- (b) Encourage applications by women for positions of professor, department chair, lecturer and docent, as well as for leading university management positions;**
- (c) Respect the principle of gender parity when appointing members to the university council;**
- (d) Allocate adequate funding and resources for special gender and diversity programmes and funds at higher education institutions in the State party.**

Employment

34. The Committee reiterates its concern about the persistent gender wage gap and continued horizontal and vertical segregation in the labour market, where women are concentrated in lower-paid and part-time work, which adversely affects their career development and pension benefits. While noting the low unemployment rate in the State party, the Committee observes that unemployment is higher among women than men.

35. The Committee recommends that the State party:

- (a) Adopt policies and take all necessary measures, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation No. 25, with time-bound targets and indicators to achieve substantive equality of men and women in the labour market, eliminate occupational segregation and close the gender wage gap;**
- (b) Counteract any adverse consequences of part-time work for women, especially with regard to their career development options as well as pension and other social security benefits;**
- (c) Consider adhering to the International Labour Organization and ratifying ILO Conventions Nos. 100 (1951) on Equal Remuneration, 111 (1958) on Discrimination (Employment and Occupation) and 156 (1981) on Workers with Family Responsibilities.**

36. The Committee is concerned about the lack of public day-care nurseries and day schools, as well as the limited impact of measures to promote the participation of fathers in child-raising and other domestic duties.

37. The Committee recommends that the State party:

- (a) Increase the number and capacity of public day-care nurseries and public day schools;**
- (b) Ensure that flexible work arrangements and part-time work are available for men, in addition to women, in the public and private sectors and that efforts are made to encourage men to make use of such arrangements;**

(c) **Promote responsible fatherhood, including by providing incentives such as paid parental leave for fathers to encourage them to participate more actively in child-raising and to share equally other domestic duties.**

Health

38. The Committee notes the slow progress of the working group dealing with pregnancy conflicts in finding solutions for decriminalizing abortion. It also notes with concern that contraceptives are not generally distributed free of charge, and that women from disadvantaged groups, including women with disabilities and migrant women, sometimes encounter difficulties in accessing sexual and reproductive health services and information.

39. In line with its previous concluding comments (CEDAW/C/LIE/CO/3, para. 26) and its general recommendation No. 24 (1999), the Committee calls on the State party:

(a) **To expedite the review of legislation relating to abortion, with a view to removing punitive provisions for women who undergo abortion;**

(b) **To ensure that all women and girls, including adolescents, women with disabilities and migrant women, have free and adequate access to contraceptives and sexual and reproductive health services and information in accessible formats.**

Disadvantaged groups of women

40. The Committee is concerned about de facto discrimination faced by certain disadvantaged groups of women, especially older women, women with disabilities and migrant women, in areas such as education, employment and health, as well as about their specific vulnerability to violence and abuse. It is also concerned that the reception conditions of asylum-seekers, including women and children, are not always adequate.

41. The Committee recommends that the State party:

(a) **Collect disaggregated data on the situation of women facing multiple forms of discrimination such as older women, women with disabilities and migrant women and adopt proactive measures, including temporary special measures, to eliminate such discrimination, including in the areas of education, employment and health, and to protect them from violence and abuse;**

(b) **Ensure adequate reception conditions for asylum-seekers, including for families and separated children, with full consideration of the specific needs of women and girls.**

Marriage and family relations

42. The Committee notes the lack of information on the definition and scope of joint marital property, in particular whether intangible property such as pension and insurance benefits and other career assets form part of such property to be equally divided upon divorce; and whether there is any legal mechanism in place to compensate for economic disparities between spouses resulting from the existing sex segregation of the labour market and women's greater share in unpaid work. It also notes with concern that under the separation of property regime which applies to de facto domestic partnerships, women run a risk of being left without material protection in case of the partnership breaking up. The Committee is also concerned at the apparent lack of consideration of comparative research within the current parental custody review.

43. The Committee, recalling its general recommendation No. 21(1994), recommends that the State party:

(a) Undertake research on the economic consequences of divorce on both spouses, with specific attention to the enhanced human capital and earning potential of male spouses on the basis of their full-time and uninterrupted career pattern, and include information on the outcome of such research in its next periodic report;

(b) Ensure that the concept of joint marital property extends to intangible property, including pension and insurance benefits and other career assets, and take further legal measures, as needed, so as to compensate for the unequal share of women in unpaid work;

(c) Further intensify its efforts to raise awareness among women about the risks of entering long-term de facto domestic partnerships, in particular potential protection gaps in case of break-up of such partnerships;

(d) Examine international comparative research on potentially detrimental effects of joint custody on women and children as part of the current parental custody review.

Dissemination

44. The Committee requests the wide dissemination in Liechtenstein of the present concluding observations in order to make government officials, politicians, parliamentarians, women's and human rights organizations, and the general public aware of the steps that have been taken to ensure the de jure and substantive equality of women and the further steps that are required in that regard. The State party is encouraged to organize a series of meetings to discuss progress achieved in the implementation of the present observations. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly on the theme "Women 2000: gender equality, development and peace for the twenty-first century".

Ratification of other treaties

45. The Committee notes that the adherence of the State party to the nine major international human rights instruments¹ would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to consider ratifying the treaties to which it is not yet a party, i.e., the Convention on the Rights of Persons with Disabilities, the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families and the International Convention for the Protection of All Persons from Enforced Disappearance.

¹ The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities.

Follow-up to concluding observations

46. The Committee requests the State party to provide, within two years, written information on the steps undertaken to implement the recommendations contained in paragraphs 25 and 29 above.

Preparation of next report

47. The Committee requests the State party to ensure the participation of all ministries and public bodies in the preparation of its next periodic report and, at the same time, to consult a variety of women's and human rights organizations.

48. The Committee requests the State party to respond to the concerns expressed in the present concluding observations in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its next periodic report in February 2015.

49. The Committee invites the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including the guidelines on a common core document and treaty-specific documents, approved at the fifth inter-committee meeting of the human rights treaty bodies, in June 2006 (HRI/MC/2006/3 and Corr.1). The treaty-specific reporting guidelines adopted by the Committee at its fortieth session in January 2008 (A/63/38, annex I) must be applied in conjunction with the harmonized reporting guidelines on a common core document. Together, they constitute the harmonized guidelines on reporting under the Convention on the Elimination of All Forms of Discrimination against Women. The treaty-specific document should be limited to 40 pages, while the updated common core document should not exceed 80 pages.
