

TREATY BODY MONITOR

International Service for Human Rights



Human Rights Monitor Series

COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN 39TH SESSION (23 JULY – 10 AUG 2007) LIECHTENSTEIN (2ND AND 3RD PERIODIC REPORTS)

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Information Submitted to the Committee

On 26 July 2007, Liechtenstein submitted its second and third reports, covering the period of 1999 to 2006, under the *Convention on the Elimination of All Forms of Discrimination against Women* (the Convention).¹ The Liechtenstein delegation also submitted written responses to the list of issues and questions posed by the Committee on the Elimination of Discrimination against Women (the Committee).² Ambassador Christian Wenaweser, Permanent Representative of the Principality of Liechtenstein to the United Nations, headed the delegation.³

Liechtenstein ratified the Convention in 1996 with a reservation to Article 1, in the same year that it gave women the vote.⁴ Liechtenstein ratified the Optional Protocol to CEDAW in 2002.

¹ <http://www.un.org/womenwatch/daw/cedaw/39sess.htm>.

² <http://www.un.org/womenwatch/daw/cedaw/39sess.htm>.

³ For a full list of the delegation see: <http://www.un.org/womenwatch/daw/cedaw/cedaw39/delegations/LIE.pdf>.

⁴ Reservation concerning article 1: 'In the light of the definition given in article 1 of the Convention, the Principality of Liechtenstein reserves the right to apply, with respect to all the obligations of the Convention, article 3 of the Liechtenstein Constitution.'

Liechtenstein's report states that gender equality, as embodied in Liechtenstein's legislative policy, is founded on the principle of gender equality within the Constitution, the Gender Equality Act and the amended Marriage Act. The establishment of the Office for Gender Equality as a permanent government division, together with developments in child-care infrastructure, and family protection initiatives are listed as noteworthy in the advancement of women. The report also outlines the efforts made to realize the principle of gender equality with reference to the Beijing Platform for Action.⁵

In his introductory statement⁶ the Ambassador said that 'the equality of women and men at the legal level has almost been completely achieved,' but that further efforts were needed to transform laws into reality especially in the areas of employment, family obligations and women's participation in political and economic life. Representation of women in politics remained an area where Liechtenstein did not report any improvements in the period examined. The third report actually recorded a sharp decrease in the percentage of women in Government in the period from 1995 to 2005.

The Committee, in its list of issues and questions, raised Liechtenstein's reservation to Article 1 of the Convention and asked if any efforts had been made to review it, with a view to its withdrawal. During the session, the Committee asked if the direct intention of this reservation was to prevent women from gaining access to the throne. The reservation stems from what the State considers an obligation to Article 3 of the Liechtenstein Constitution⁷ which proclaims the autonomy of the Princely House of Liechtenstein in respect to the hereditary succession to the throne, the age of majority of the Prince and any arrangements on guardianship. The delegation argued that the reservation was very specific and narrow 'with a clearly defined scope' and therefore still compatible with the Convention. Further, it was a reservation that stemmed from a legal source outside the State's legislative power and therefore there were no plans for its withdrawal.

The absence of non-governmental organisations (NGOs) from the 39th session prompted questions from the Committee regarding their involvement in the legislative process and their access to funding to attend this session.⁸ The Ambassador explained that NGOs have played a very active political role in the programs and initiatives undertaken by the Office of Equal Opportunity. He was not aware of the reason for their absence, but he predicted that the Committee's planned move to Geneva would make future sessions more convenient for Liechtenstein NGOs to attend.

Liechtenstein is party to a number of international instruments including the *International Convention on the Elimination of all Forms of Racial Discrimination*, the *International Covenant on Civil and Political Rights*, the *International Covenant on Economic, Social and Cultural Rights*, the *Convention on the Rights of the Child*, the *Convention Against Torture*, and the *International Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families*.⁹

⁵ <http://www.un.org/womenwatch/daw/beijing/platform/>.

⁶ <http://www.un.org/womenwatch/daw/cedaw/cedaw39/introstatements/LIE.pdf>.

⁷ <http://www.liechtenstein.li/en/pdf-fl-staat-verfassung-sept2003.pdf>.

⁸ As a result there was no circulation of a shadow report.

⁹ <http://www.ohchr.org/english/law/index.htm>.

Direct applicability of the Convention

Liechtenstein's report explains that international treaties are integrated into law without the need for further legislation, as long as the provisions of the treaty are sufficiently specific. The Committee enquired specifically about the applicability of Article 1 and Article 4 (1) of the Convention regarding the implementation of measures across all spheres of life to accelerate equality in the public and private space. Committee members noted the use of European Union Directives in enacting women's rights legislation instead of the Convention and asked if any judicial decisions had referred to the Convention as an instrument of legal authority.

The delegation confirmed the direct applicability of both articles of the Convention referred to, but did not know of any instances where courts had used the Convention as a legal instrument. They explained that Liechtenstein's ascension to the Council of Europe had required a lot of effort and was now a source of national pride. Consequently, the European Convention on human rights¹¹ was more widely known and referred to by people because it had become 'culturally ingrained in public life.'

The Gender Equality Act vs. the Equal Opportunity Act

In the list of questions and issues, the Committee expressed concern at the recent expansion of the Office for Gender Equality into the Office of Equal Opportunity and the potential weakening effect this might have on the elimination of discrimination against women. The delegation addressed this concern by referring to its report, which describes the expansion as one of the measures taken to promote de facto gender equality. The report mentions the incorporation of Directive 2002/73/EC of the European Parliament and Council (the Directive) in December 2004 which led to amendments of the Gender Equality Act.¹² These amendments were made to address the biggest hurdles which women faced in the areas of employment, parental leave, and pension schemes in the case of part-time workers.

Amendments to the Gender Equality Act also included definitions for general harassment, sexual harassment and direct and indirect discrimination. The third State report also covers changes that took place since the submission of the second State report and that also stems from the incorporation of the Directive. These changes included the revision of the code of criminal procedure affording added protection to victims of sexual offences, and the creation of the Victims Assistance Act to provide counselling and financial support to victims.

The delegation also provided further details about the working methods and staffing arrangements for the Office of Equal Opportunity. The upgrade provided the office with more resources, but also more issues such as equality for the disabled, homosexuals, and work-place related discrimination. A delegate explained that the Office is not independent of the Government, but that recent amendments to the Act provided independence with respect to public relations campaigns, studies undertaken, and advice given to public and private organisations.

Women's Participation in Politics

For a more detailed description of the dialogue between the Committee and the delegation, see the press release of the proceedings, available at <http://www.un.org/News/Press/docs/2007/wom1642.doc.htm>.

¹¹ <http://www.echr.coe.int/NR/rdonlyres/D5CC24A7-DC13-4318-B457-5C9014916D7A/0/EnglishAnglais.pdf>.

¹² http://europa.eu.int/eur-lex/pri/en/oj/dat/2002/l_269/l_26920021005en00150020.pdf.

The Government admitted in their State reports that participation of women in politics remains one of the main areas where the principle of gender equality has not been adequately implemented. The Committee questioned the delegation heavily in this regard. The dialogue addressed previous recommendations aimed at increasing women's participation in public and political life. It was the implementation of one of these recommendations that led to the establishment of 'political courses' for women, the delegation emphasised. One representative reported that out of 27 women who undertook the courses, nine were actively engaged in politics today. Also, a database had been established with names of potential female candidates to be accessed by political parties.

The Committee asked why quotas for women in political parties were not introduced as a temporary special measure to increase their participation, in compliance with article 4 (1) of the Convention. The delegation insisted that Article 4(1) did not create an obligation on the Government to introduce a quota system, and that this had already been discussed by political parties but had gained little support. The Committee urged the Government to consider providing funding incentives for parties willing to adopt a quota system.

Committee members expressed their concern at the apparent negative attitudes of voters, young people in particular, towards female political candidates. The delegation admitted that this is the case, and outlined measures to educate young people, such as workshops on gender aspects of politics to include in the curriculum. Currently, poster campaigns and the distribution of school materials also were aimed at sensitising not just students but also teachers.

Equality in Employment and Education

The Committee drew attention to various issues in these two areas and expressed concern at the percentage of women not returning to work after their first child and fact that women were pursuing only 'traditionally female' professions.

In the public sector the average salary of a female worker is still lower than her male counterpart. According to statistics quoted by a delegate, women held the majority of part-time jobs and most women reduced their working hours by 50-80 per cent, or ceased to work completely after their first child. The State offers 20 weeks of paid maternal leave at 80 per cent salary, after which both parents each have access to three months of unpaid leave.

The delegation stated that there are no indications of salary differences for men and women in similar positions. Lower salaries of women in administration are due to their scant numbers in positions of leadership, which reflects their lower education. Delegation members were confident that the Government was on the right path to effectively addressing these trends.

Women occupy the larger share of the part-time work sector because this allows them to better reconcile family life with work commitments. The delegation referred to surveys conducted by the Government which show women returning to the work force after 10-15 years of child rearing and availing themselves of part-time positions to facilitate their return. In this regard the Government has introduced scholarships designed to help women close the gap that might exist on their resumes after this absence. Additionally, NGOs have developed a program where certificates are awarded to women for work done in the domestic ambit which has given them skills that could be valued in the private market.¹³ The delegation also pointed out that a large number of women were self employed as business owners in a varied range of fields including legal counselling and medicine. The Government has also enacted legal provisions to combat wage inequality and provides legal assistance through the Office of Equal Opportunity to help persons lodge complaints and bring claims under these provisions.

¹³ The Office of Equal Opportunity awarded this initiative with the Equality Prize.

In the education sector it was conceded by the delegation that women generally have a lower level of education than men. Committee experts emphasised that increases in tertiary education levels would not remedy present disparities in employment and that women should be encouraged to study non traditional subjects at tertiary level. The delegation did not have statistics on the rates of graduation for girls. The Government expects that the scholarships presently available to girls will help direct them to less traditional areas of study as well as helping women return to work after child rearing. The University of Liechtenstein has established an Equal Opportunity Commission aimed at influencing the subjects chosen by female students as well as tackling other inequalities, such as sexual harassment and access to child care.

Modifying Cultural Patterns of Men and Women

As part of the project 'Images of Men' the Office of Equal Opportunity initiated a 'Father's day' where girls and boys would visit their fathers at work. The idea behind this move, said the delegation, was to reconsider fathers' roles by involving them in the principle of equality and family upbringing. The Committee was quick to point out that this program would serve to replicate traditional stereotypes of the father as the bread winner. Experts asked if a similar program could involve children visiting their mothers at work, to portray her engaged in a role considered as important as that of the father. The delegation explained that the purpose of the initiative was also to inspire girls to pursue careers in which men are traditionally involved.

Although previous proposals for paid paternal leave had failed in Parliament, the delegation explained that another proposal would be put forward by the Government. This would complement campaigns to educate fathers about their role in giving women equality by considering part-time work as well as paternal leave during child rearing. The delegation pointed out that in the national administration, at least five out of eight men had taken paternal leave.

Violence against Women

The Committee commended the State on the number of programs to combat violence and enquired if similar protection was accessed by migrant women considering their cultural confinements. The delegation referred to statistics of women's shelter homes¹⁴ showing that migrant women were aware of services and accessed them. Counselling would be increasingly available as well as language lessons and play groups, where non-working migrant mothers can come together and receive information about their rights.

Conclusions and Next Steps

Throughout the session Committee experts commended the delegation for the State's efforts in achieving gender equality. However, most experts reiterated the need for Liechtenstein to address issues such as employment segregation, women's participation in politics and men's involvement in gender equality within the family. The Committee Chair reminded the delegation that a State is assessed not by what it has undertaken, but by what it has achieved. The Committee also urged the state to make more active use of the Convention as a guiding instrument in their efforts to eliminate discrimination against women.

The delegation restated the Government's commitment to gender equality and offered to take back a number of recommendations that flowed out of the dialogue. The next report should include updated statistics and data disaggregated by sex on a number of issues including: numbers of graduating girls, employment choices, industries where women are self employed, marriage and divorce trends and cases where the Convention has been utilised by the judiciary.

¹⁴ The report points out that most of the nine women who sought shelter in women's homes in 2005 were migrants.

The dialogue between the Committee and the delegation was conducted in a constructive manner at all times and this was recognized by the Ambassador in his concluding remarks. Participation of women in roles of leadership was one of the most salient aspects of the dialogue. The delegation was happy to acknowledge the Committee's recommendations and reiterated their objective to increase the share of women in municipal politics to 40 per cent, an objective which has failed to materialize since their last report.

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