



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Pre-session working group

Forty-eighth session

17 January – 4 February 2011

List of issues and questions with regard to the consideration of periodic reports

Liechtenstein

The pre-session working group examined the fourth periodic report of Liechtenstein (CEDAW/C/LIE/4).

General

1. Please provide further information on the process of preparing the fourth periodic report. This information should include the nature and extent of consultations with non-governmental organizations and whether the Government submitted the report to the Parliament.
2. Please indicate whether any consultations were held with the autonomous Princely House of Liechtenstein, with a view to exploring the possibility of withdrawing the State party's reservation to article 1 of the Convention with respect to hereditary succession to the throne, in accordance with the Committee's recommendation in its concluding comments on the State party's second and third periodic reports (CEDAW/C/LIE/CO/3, para. 12).

Legal status of the Convention and legislative and institutional framework

3. Please provide examples, if any, of court decisions directly applying provisions of the Convention (p. 6).¹ Please indicate whether the legally binding character and the direct applicability of the Convention form part of the professional training for judges, lawyers and law enforcement officials, as recommended by the Committee (CEDAW/C/LIE/CO/3, para. 10).
4. Please provide updated information on amendments to the Gender Equality Act, the Occupational Pensions Act, the Pension Funds Act, and the General Civil Code envisaged for the implementation of the European Union Directive 2006/54/EC on the implementation

¹ Page numbers in brackets unaccompanied by a document symbol refer to the fourth periodic report of Liechtenstein, published under symbol CEDAW/C/LIE/4.

of equal opportunities and equal treatment of men and women in matters of employment and occupation, as indicated in the State party's report (p. 14).

5. Please provide information on the findings, if any, of the review of the mandate and competencies of the Equal Opportunity Commission and the Office of Equal Opportunity (p. 7). Please also explain what efforts were made to enhance the implementation of gender mainstreaming and its effective application at national and local government levels, including in the budgetary process, in addition to the publishing of the guideline on implementing this strategy in the administration, prepared under the Interreg project "Ländergender" 2004-2006 (p. 16). Please clarify whether gender impact assessments are carried out in the implementation of existing policies and in the formulation of new policies to determine their differential impact on women and men.

6. Please describe which institutional mechanisms, in addition to seeking justice in courts, are available to women for lodging complaints about sex- and gender-based discrimination experienced. Also provide information for the reporting period on the average number of women per year seeking advice and legal counselling in cases of alleged discrimination at the Office of Equal Opportunity and on the prevalent types and substance of alleged cases of discrimination against women registered by the Office.

Visibility of the Convention

7. Several events were organized in 2008/2009 on the occasion of the sixtieth anniversary of the adoption of the Universal Declaration of Human Rights (pp. 20, 41 and 58-59). Please explain whether the thirtieth anniversary of the adoption of the Convention and the tenth anniversary of the adoption of its Optional Protocol in 2009 were also used to raise awareness about women's human rights and procedures available to women under the Optional Protocol. If such activities were carried out, please provide further details on them.

Temporary special measures

8. Please provide additional examples of measures to promote and accelerate de facto equality of women and men (CEDAW/C/LIE/CO/3, para. 14), including temporary special measures (ibid., para. 20), and indicate to what extent those measures reflect the State party's commitment to achieve the objectives of the Beijing Declaration and Platform for Action (ibid., para. 28), and explain whether the Convention is used as a legal framework for their adoption and implementation.

9. While the Gender Equality Act provides a legal basis for applying temporary special measures for the realization of substantive gender equality, the report indicates that "individual enterprises are free to determine the best way to implement the selected measures" (p. 20). Please explain what initiatives the State party has taken with the aim to encourage employers in the private sector to pursue effective policies towards achieving substantive (de facto) gender equality, including through the use of temporary special measures.

Stereotypes and education

10. Please indicate whether the State party has adopted a comprehensive policy, targeted at women and men, boys and girls, including legal, administrative and awareness-raising measures, with a view to combating traditional stereotypes regarding the roles of women and men in society, as recommended by the Committee (CEDAW/C/LIE/CO/3, para. 22; see also the recommendation accepted by Liechtenstein during the universal periodic review (A/HRC/10/77, para. 64, recommendation 6.)).

Violence against women

11. Please indicate whether the State party has adopted the National Action Plan against Domestic Violence drafted by the Office of Equal Opportunity (p. 27). If so, please provide information on the measures envisaged in the action plan, the resources allocated to its implementation and the mechanisms responsible for coordinating its implementation and monitoring.

12. Please explain the State party's rejection of the recommendation, addressed to it during the universal periodic review, to introduce ex officio prosecution for all acts of domestic violence.²

13. Please explain what measures the State party has taken to address domestic violence experienced by foreign women, in particular measures aimed at encouraging them to report cases of domestic violence and to leave a violent partner or separate from a violent spouse without fear of losing their residence permit when their legal status in the country is dependent on their marital relationship. Please provide data on the number of foreign women allowed to stay in Liechtenstein following a divorce from an abusive spouse (A/HRC/10/77, para. 31).

14. In the light of the low conviction rate in cases of sexual violence (pp. 28-29), please provide detailed information on the reasons why criminal proceedings were closed in the majority of cases. Please also provide updated statistical information for 2009 and indicate the penalties imposed on convicted perpetrators of sexual violence since 2007.

15. Please provide information on any investigations of reported cases of verbal and physical abuse against Muslim women wearing headscarves, as well as on prosecutions and convictions of perpetrators and on compensation awarded to victims of such abuse.³

Trafficking and exploitation of prostitution of women

16. The report indicates that no cases of human trafficking have been recorded (p. 29). Please explain whether the State party plans to undertake ex officio investigations of suspected cases of trafficking, as well as a comprehensive analysis to assess the situation of foreign women working as dancers in nightclubs in the State party (pp. 29-30), as recommended in the concluding observations by the Committee against Torture (CAT/C/LIE/CO/3, para. 31). Please explain further whether the results of the evaluation of the Magdalena Prevention Project for Potential Victims of Human Trafficking are available (p. 31), and if so, provide information on findings of evaluation and on efforts envisaged to further enhance the prevention of exploitation of prostitution and trafficking of women working as dancers.

17. Please provide information on measures taken to prevent and combat child pornography, especially considering the specific vulnerability of girls, and on cases of Liechtenstein citizens being prosecuted, in or outside the State party, for sexual crimes committed abroad, in particular those involving children.

² Report of the Working Group on the Universal Periodic Review: Liechtenstein: Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review (A/HRC/10/77/Add.1), pp. 3-4, recommendation 12.

³ European Commission against Racism and Intolerance, "Third report on Liechtenstein, adopted on 14 December 2007", (Strasbourg, 2008), para. 85.

Participation in political and public life and decision-making

18. Please explain why the representation of women in Parliament and municipal councils remains low, despite the measures described in the report aimed at promoting the participation of women in political life (pp. 32-37). Please indicate whether there are any plans to introduce statutory gender quota for general and local elections.

19. Please provide information on the obstacles encountered in the implementation of the Government resolution adopted in 1997 that no sex should be represented by more than two thirds in bodies appointed by the Government. How many women have entered public commissions and advisory councils through the “Women’s Pool” established in 1999 (p. 35)?

20. Please indicate whether any temporary special measures are in place to increase the representation of women in public office, the judiciary and the diplomatic service (pp. 33-34 and 37).

Education

21. Please provide detailed information on the measures taken to encourage women and girls to pursue academic careers, and to address the imbalance between young women and men in the field of basic vocational training (apprenticeships), especially in technical and craft professions (pp. 39-40).

22. The information in the report does not provide any updated statistical data on women and men enrolled in postgraduate studies and completion of degrees by women and men, nor on their access to grants and scholarships. The report also lacks data on the gender composition of teaching staff at all levels of the educational system and of women and men at leadership positions of educational institutions. Please provide those data, including the percentage of women holding positions as professors and senior lecturers at the five institutions of tertiary education in the State party (p. 38) and explain whether gender equality perspective, in the framework of human rights, is included in teachers’ initial training, retraining and in-service training programmes.

Employment and social security

23. In the light of the gender pay gap and the concentration of women in lower wage categories (pp. 44-46), as well as the lack of flexible work arrangements especially in the private sector (p. 48), please provide information on measures taken to implement the following recommendations of the Committee’s previous concluding observations (CEDAW/C/LIE/CO/3, para. 16): (a) provision of enhanced educational and training opportunities for women; (b) enforcement and monitoring of the application of existing measures on equal pay for equal work and work of equal value; (c) flexible work arrangements and part-time work in the public and private sectors; and (d) creation of financial incentives for fathers to make use of parental leave.

24. While the report indicates that with the aim to promote equal sharing of family responsibilities between women and men the State party has taken steps to increase availability of daycare facilities for children of school age (pp. 50-51), no data are provided on children enrolled in daycare nurseries, kindergartens and day schools. Please provide data thereon, disaggregated by sex and age.

25. The report indicates that as a result of, inter alia, greater interruptions of working times, women receive lower benefits than men in some areas of social insurance (p. 52). In that regard, please indicate whether the State party plans to count child-raising and caretaking periods towards accrued old-age and other benefits.

26. The report notes that the unemployment rate is higher among women than among men, and that more than 40 per cent of employed women work part-time (p. 43). Please indicate what specific measures the State party has taken to combat this phenomenon in order to ensure that women have access to full-time and permanent jobs. Please also provide information on measures taken to effectively address horizontal and vertical labour market segregation, including on results achieved through the implementation of priority measures to increase the share of women in management positions, recommended by the Working Group for the Promotion of Gender Equality in the national Administration (p. 46).

27. The Gender Equality Act mandates employers to ensure a working environment free from harassment. Please explain who monitors the employers' compliance with their legal obligations and provide information on complaints lodged by women pursuant to provisions of the criminal code (footnote 19, p. 47) pertaining to the prohibition of sexual harassment at work and the outcomes of such cases.

Health

28. Please provide information on the progress achieved by the working group dealing with pregnancy conflicts (p. 53) in finding solutions for decriminalizing women who undergo abortion, as recommended by the Committee (CEDAW/C/LIE/CO/3, para. 26).

Older women

29. The study on the situation of women over 50 years of age carried out under the Interreg project "Women's Lives 50+" found striking differences between the lives of women and men of this age group; measures were recommended and sent to interested offices to address them (p. 17). Please explain what measures the State Party has taken and/or envisaged to address these differences and provide comprehensive information and statistical data on the situation of older women in all the relevant areas covered by the Convention.

Disadvantaged groups of women

30. The report indicates that one of the objectives of the State Employees Act is support for integration and employment of people with disabilities (p. 12). Please provide information on measures taken to improve the employability of women with disabilities and on results achieved through their implementation, as well as on the impact of the entering into force of the Equality Act for People with Disabilities in January 2007 (p. 13) on the improvement of the situation of women with disabilities in all relevant areas covered by the Convention.

31. Please provide information on the situation of migrant women in line with the Committee's general recommendation No. 26 (2008), in particular on their participation in secondary and tertiary education and in decision-making processes. Please also describe the reception conditions for women asylum-seekers and measures taken to ensure a gender sensitive approach in the asylum procedure and to protect asylum-seeking women and girls from becoming victims of trafficking or sexual exploitation.

Marriage and family

32. Please indicate whether the new draft domestic partnership act has been adopted and clarify to what extent it addresses the disadvantages of de facto unions of women and men in comparison with married couples, to what extent it also applies to same-sex de facto unions (pp. 56-57) and whether it establishes registered partnership for same-sex couples (A/HRC/10/77, para. 64, recommendation 10).

33. Please indicate whether the new inheritance law referred in the report (pp. 12-13) has been adopted and elaborate on the provisions relevant to equality of women and men. Also

explain to what extent the proposal for amendments to the law prepared by the Women's Network and female members of Parliament and submitted to the Government was taken into consideration in the formulation of the draft law (p. 16).
