



**Economic and Social  
Council**

Distr.  
GENERAL

E/1990/5/Add.66  
27 October 2004

Original: ENGLISH

---

Substantive session of 2005

**IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON  
ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

**Initial reports submitted by States parties under articles 16  
and 17 of the Covenant**

**Addendum**

**LIECHTENSTEIN\***

[4 October 2004]

---

\* The information submitted by Liechtenstein in accordance with the guidelines concerning the initial part of reports of States parties is contained in the core document(HRI/CORE/1/Add.130).

## CONTENTS

	<i>Paragraphs</i>	<i>Page</i>
Introduction .....	1	3
Article 1. The right of self-determination of peoples .....	2 - 7	3
Article 2. The realization of the rights recognized and non-discrimination .....	8 - 15	4
Article 3. Equal rights of men and women .....	16 - 22	5
Article 4. Limitations on the rights guaranteed .....	23	6
Article 5. Prohibition of abuse of law and reservation of more favourable law .....	24 - 25	7
Article 6. The right to work .....	26 - 42	7
Article 7. The right to just and favourable conditions of work .....	43 - 59	11
Article 8. The right to trade union activity .....	60 - 67	15
Article 9. The right to social security .....	68 - 133	16
Article 10. The right of families, mothers and children to protection and assistance .....	134 - 161	27
Article 11. The right to an adequate standard of living and the continuous improvement of living conditions .....	162 - 173	33
Article 12. The right to physical and mental health .....	174 - 187	36
Article 13. The right to education .....	188 - 208	38
Article 14. The obligation to introduce compulsory primary education free of charge .....	209	42
Article 15. The right to take part in cultural life and scientific progress and the right to copyright protection .....	210 - 233	42
List of annexes .....		49

## **Introduction**

1. This report, adopted by the Government of the Principality of Liechtenstein on 8 July 2004, is being submitted in accordance with article 16 of the International Covenant on Economic, Social and Cultural Rights of 16 December 1966. The report enumerates legislative, administrative, and other measures that have been taken in line with the Covenant. It constitutes the first Liechtenstein country report, covering the period through 31 January 2004.

### **Article 1. The right of self-determination of peoples**

#### **The right of self-determination**

2. The right of self-determination has a pre-eminent status in the Liechtenstein Constitution. Article 1, paragraph 1, of the Constitution states that the Principality of Liechtenstein shall serve to enable the people within its border to live together in freedom and peace. According to article 4, paragraph 2, of the Constitution, individual municipalities are entitled to secede from the State. The majority of the Liechtenstein citizens eligible to vote who reside in the municipality decide on whether to initiate a secession procedure. According to this constitutional provision, the secession is to be regulated by law or international treaty from case to case. If the secession is regulated by a treaty, a second vote is held in the municipality after the treaty negotiations have been concluded.

3. The autonomy of the municipalities is relatively strongly developed (see information in chapter 1.2). This is also expressed by the fact that Liechtenstein is a State party to the European Charter of Local Self-Government of 1985 (*Liechtenstein Legal Gazette*, LGBI. 1988 No. 21).

4. The Principality of Liechtenstein is a constitutional hereditary monarchy on a democratic and parliamentary basis. In this dualist structure of State, the power of the State is embodied in the Reigning Prince and the People. In accordance with article 113 of the Constitution, citizens have the right to submit an initiative to abolish the monarchy.

#### **The right to freely dispose of natural resources**

5. The existence of natural resources and their share in the economic activity of Liechtenstein is limited. For the main part, the Liechtenstein economy is based on an export-oriented industry and services. Recognizing the economic interdependence of States, Liechtenstein supports a balanced system of world trade in the framework of its participation in international organizations such as the World Trade Organization (WTO).

6. Article 36 of the Constitution guarantees the freedom of commerce and trade of private individuals and thereby also the use of natural resources. Limitations on this freedom require regulation by law. In Liechtenstein, the State only holds a monopoly on the sale of salt, which is regulated by the Salt Monopoly Act of 12 September 1990 (LGBI. 1990 No. 64). The sale of salt originating in the Contracting States of the European Economic Area is exempt from this monopoly, however.

### **Promotion of the right of self-determination**

7. In the framework of the United Nations, Liechtenstein has advocated since 1993 that the right of self-determination of peoples should be revived and be accorded new areas and forms of application on the basis of established international legal principles. A flexible structuring of the right of self-determination would help defuse internal conflicts between population groups and guard against the escalation of such conflicts. For this purpose, a research programme has been established at the Woodrow Wilson School of Public and International Affairs at Princeton University, in the United States, whose mandate includes research, teaching, publishing, and organization of conferences and other events on practical and theoretical aspects and effects of autonomy efforts and self-determination. With this initiative of H.S.H. the Reigning Prince, Liechtenstein supports the international efforts to promote the realization of the right of self-determination, in line with article 1, paragraph 3.

### **Article 2. The realization of the rights recognized and non-discrimination**

#### **The realization of economic, social and cultural rights**

8. In the Liechtenstein Constitution (art. 14), the promotion of the overall welfare of the people is defined as the highest responsibility of the State. Subsequently, an entire series of social rights are enumerated in the Constitution, which in turn have been complemented by extensive provisions at the level of legislation and ordinances. The rights enumerated include obligations to promote education and schooling, public health, social services, and measures pertaining to economics and labour law. The individual chapters will discuss these areas in detail.

#### **Promotion of economic, social and cultural rights through international cooperation**

9. Liechtenstein takes its international humanitarian responsibility seriously. Solidarity with poor countries or with those affected by disasters and armed conflict is a traditional focus of Liechtenstein foreign policy. In 2003, Liechtenstein spent over Sw F 16 million on international humanitarian cooperation. That corresponds to 2 per cent of the total budget for 2003. International humanitarian cooperation (IHC) encompasses all activities and contributions which, in the short, medium, or long term, help alleviate hardship, hunger and poverty, improve the social, economic, and political circumstances of life, and aid the sustainable development of people and regions - taking into account rural development. Liechtenstein's engagement is distributed among the four areas of disaster assistance, reconstruction assistance, cooperation with Eastern Europe and development cooperation.

10. Development cooperation constitutes by far the greatest share of IHC. It accompanies economic, social, and cultural development and aims to abolish poverty in developing countries in a sustainable way and raise the standard of living of the population. It is guided by the principle of "help to help oneself". State funds for development cooperation are administered by the Liechtenstein Development Service (LDS), an independent foundation, whose mandate is approved annually by the Government. Overall, LDS administers around 60 development projects and programmes in its traditional focus countries Bolivia, Peru and Nicaragua, Mali,

Burkina Faso, Senegal, Mozambique, Malawi, Zambia, and Zimbabwe. The content of the work of LDS focuses on education, health, rural development, and small businesses, with a special focus on the promotion of women.

11. An enumeration of all Liechtenstein's contributions in 2003, by thematic focus, is given in the annex.

### **Non-discrimination**

12. In article 31, the Liechtenstein Constitution guarantees the principle of equal treatment for all citizens, while the rights of foreign citizens are determined by international treaties or reciprocity. The international treaties (conventions) to which Liechtenstein is a party that are relevant to this determination include the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the European Convention on Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women, and the International Convention on the Elimination of All Forms of Racial Discrimination. All of these international legal instruments enjoy at least the rank of statutory law in Liechtenstein and, due to Liechtenstein's monist system, have become a direct part of the Liechtenstein legal order (self-executing treaties). This ensures that the rights guaranteed by these conventions are valid without distinction on the territory of Liechtenstein for all persons.

13. Liechtenstein and foreign citizens are treated differently, however, in cases in which the relationship between the citizen and the State plays a special role. In particular, this applies to the right to vote, but also to the right of access to certain professions and certain State subsidies.

14. Equal rights of men and women are discussed in the comments on article 3 in this report.

15. Abstract and concrete judicial review of the constitutionality of all laws by the Constitutional Court ensures that the principle of equal treatment in the Constitution cannot be limited by any law.

### **Article 3. Equal rights of men and women**

16. The legal equality of men and women was incorporated in the Constitution in 1992 (art. 31, para. 2). A number of laws had to be adjusted in consequence, such as the law on health insurance and provisions governing old-age insurance and occupational pension plans. The Gender Equality Act of 1999 (LGBl. 1999 No. 96) aims to promote the actual equality of men and women and especially equal opportunities in their professional life. The key points are a prohibition against discrimination, protection against sexual harassment, a reduction of the burden of proof, protection against dismissals due to revenge, and the right to group action.

17. So far, one violation of the Gender Equality Act has been brought to court. This case concerned the right to equal pay for equal work. In its final judgement, the court found that discrimination had occurred and ordered the retroactive payment of the salary difference.

18. A significant legal innovation concerns the social protection of women in divorce and separation law (LGBl. 1999 No. 28). In the event of divorce, occupational pension plans are now divided, half each, between husband and wife for the duration of the marriage. With

respect to State old-age insurance, the income has already been divided between both spouses since 1997, in addition to child-raising and care bonuses. These amendments significantly improve the protection of women - especially those who give up their employment to work in the family.

19. An Office of Gender Equality was established in 1996 to promote the equality of women and men in all areas of life. It serves as a contact point for women and men in Liechtenstein, as well as for all institutions affected by gender equality questions, especially in the areas of education, politics, administration, business and trades, social affairs and culture. The overarching goal is to create equal opportunities and equal rights in life and work for women and men in Liechtenstein.

20. To raise public awareness about questions of gender equality, the Government established a recognition award in 1999. The award is granted annually and aims to motivate businesses, organizations, and private individuals to create work conditions that are friendly to women and families or to launch initiatives leading to an improvement of the situation of women and greater equal opportunities.

21. Liechtenstein has been a State party to the 1979 Convention on the Elimination of All Forms of Discrimination against Women since 26 January 1996. The first Liechtenstein country report on the implementation of this Convention was considered by the Committee on the Elimination of Discrimination against Women (CEDAW) at its 410th, 411th, and 414th meetings, on 25 and 27 January 1999. The second country report was submitted to the Committee on 29 June 2001. Further information on the equality of men and women and accordingly also the implementation of article 3 of the Covenant can be found in the corresponding documentation (CEDAW/C/LIE/1; CEDAW/C/LIE/2; CEDAW/C/SR.410, 411 and 414).

22. On 24 October 2001, Liechtenstein also ratified the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. Similarly to the Optional Protocol to the International Covenant on Civil and Political Rights, the recognition of the right of individual complaint under this Convention creates the possibility of having alleged violations of the Convention reviewed. The recognition of this procedure therefore also serves to implement article 3 of the Covenant.

#### **Article 4. Limitations on the rights guaranteed**

23. According to the jurisprudence of the Liechtenstein Constitutional Court, it is a "general principle of constitutional law that constitutionally guaranteed fundamental rights may be limited by legislation and also must be limited in order to enable the coexistence of individuals that would be impossible if the use of fundamental rights were unlimited". Fundamental rights may only be limited, however, if the limitation fulfils the following four conditions:

- It must be based on legislation;
- It must be justified by a prevailing public interest;
- It must respect the principle of proportionality;
- It may not violate the core content of the fundamental right.

Each limitation must be based on a formal legislative foundation that must be as clear as the infringement is serious. An infringement of a fundamental right without a formal legislative basis is only possible “if the infringement is urgently necessary to protect police assets. In such circumstances, the general police clause that applies pursuant to article 14 of the Constitution replaces the formal legislative basis”.

#### **Article 5. Prohibition of abuse of law and reservation of more favourable law**

##### **Prohibition of abuse of law**

24. This provision is also directly applicable in Liechtenstein. It corresponds to the prohibition of the abuse of law in the Liechtenstein legal order governed by article 2 of the Law on Persons and Companies of 20 January 1926 (PGR) (LGBI. 1926 No. 4). The jurisprudence of Liechtenstein courts respects this principle.

##### **Favourability clause**

25. As mentioned above, international treaties have at least the rank of statutory law. The favourability clause laid down in this paragraph is directly applicable in Liechtenstein. There are no higher-ranking constitutional provisions.

#### **Article 6. The right to work**

##### **The employment and labour market situation in Liechtenstein**

26. Agriculture is no longer of major significance to the national economy. It still fulfils an important function, however, with respect to self-sufficiency in times of crisis and the cultivation and preservation of the natural and agricultural landscape. As of the end of 2002, 1.3 per cent of all persons working in Liechtenstein were still employed in the first (agricultural) sector. Although the service sector (commerce, financial services, hotels and restaurants, education, etc.) is continually growing and encompassed 53.9 per cent of full-time employees as of the end of 2002, Liechtenstein still has an active and diverse second sector (industry, crafts, construction, etc.), employing 44.8 per cent of all full-time workers.

27. The small size of Liechtenstein and the ongoing economic growth entail the recruitment of a large part of the workforce from neighbouring countries, who commute across the national borders (cross-border commuters). As of the end of 2002, 16,886 persons resident in Liechtenstein were employed, i.e. just over 50 per cent of the population; 15,784 of these were employed in Liechtenstein and 1,102 in foreign countries. In addition to the 15,784 persons employed in Liechtenstein, 13,030 people commuted from neighbouring countries to work in Liechtenstein; a total of 28,814 persons were therefore working in Liechtenstein as of the end of 2002. Unemployment is low in an international comparison. The unemployment rate in May 2004 was 2.2 per cent, or 634 people. Additional detailed information on the employment and labour market situation in Liechtenstein is included in the annex.

##### **The right to work**

28. The individual right to work and the protection of workers are laid down in article 19, paragraph 1, of the Liechtenstein Constitution (LV). In addition, the State is required to take

appropriate measures to support the economy and to increase employment (LV, art. 20, para. 1). This mandate is made concrete in the Law on the Funding of Economic Promotion Measures (LGBl. 1998 No. 33). According to this Law, Liechtenstein funds measures worth promoting that alleviate economic difficulties and that secure jobs in the long term. Measures worth promoting include professional training, retraining to improve professional mobility, image promotion and promotion of the business location, contributions to institutions that promote the economy, and contributions to measures for cases of hardship and emergency. In practice, the Liechtenstein Government supports a liberal business location and lays down a framework that makes Liechtenstein an attractive location for enterprises.

### **Measures on behalf of employment**

#### *Vocational counselling*

29. Liechtenstein has a well-developed, State-run Vocational Guidance Centre with an affiliated Career Information Centre. The psychologically trained counselling team with vocational expertise accompanies young people and adults in preparing to select their careers and offers career counselling. The Vocational Guidance Centre also offers special counselling for individuals who are limited in their career choice or their existing occupation due to a disability. All these services are free of charge. In addition to individual counselling, the Centre organizes regular information events, seminars and courses, and a documentation and information centre open to the public. The School Psychology Service is also available to discuss schooling decisions.

#### *Vocational training system*

30. With a view to economic promotion and sustaining competitiveness, vocational training is accorded great importance. The vocational training system in Liechtenstein is discussed in detail in the comments on article 13.

#### *Job placement*

31. The Law of 12 April 2000 on Job Placement and Temporary Employment (LGBl. 2000 No. 103) has created a basis for active measures in the field of labour market policy. The key points of the Law are the coverage by unemployment insurance of job placement fees charged by private placement agencies. The new Law also provides for the financial participation of unemployment insurance in employment programmes of public or private institutions aimed at temporary employment or reintegration of unemployed persons in the job market (art. 32). A public Employment Service Bureau in the Office of Economic Affairs is responsible for providing assistance to unemployed persons in choosing training or employment programmes.

32. In the case of young people who are unable to find employment after their basic vocational training (apprenticeship), the Office of Vocational Training offers assistance through the "Internship for unemployed apprenticeship and college graduates" established in 1995. The State covers 60 per cent of the internship salary for a maximum of six months. The employer offering the internship must conclude an internship contract, subject to approval, with the intern. The internship must provide employment in the intern's vocational field. The intern must demonstrate that he or she has made serious efforts to find employment.



33. The share of unemployed persons under 25 has risen to about 25 per cent of total unemployment in recent years. The Government has recognized the problem of youth unemployment and adopted a package of measures in October 2003 to defuse the current situation. The first measure is to optimize the existing vocational internship programme for unemployed graduates of apprenticeship programmes. In order to increase the chances of young unemployed people finding an internship in their vocational field, a significantly higher number of open internship positions must be made available. Accordingly, employers must be encouraged to provide more internships. In addition, the formal requirements for internship positions are being reviewed and the organizational procedure is being simplified. For private job placement agencies under contract with the Office of Economic Affairs, new incentives are being created to intensify placement activities for unemployed young people. If an agency is successful in finding a permanent position for a client, the commission is doubled.

34. Unemployment not only affects the financial situation, but also the social and health situation of those effected. The Government has appointed a working group to develop measures for overcoming the psychosocial consequences of unemployment, thereby also increasing the ability to find a new job.

### **The labour market and disadvantaged groups**

#### *Women*

35. Women currently account for 38 per cent of employed persons in Liechtenstein; 82 per cent of part-time workers are women and 18 per cent are men.

36. Although in principle all young women and men have the opportunity to learn a profession of their choice, practice shows that cultural and structural barriers influence the choice of career of both sexes. In order to counter this situation, the Government decided in the fall of 1999 to launch an impulse year for girls and women choosing a career or reintegrating into the workforce after a hiatus due to family reasons.

37. The first part of the professional impulse year focused on young people entering the job market after graduating from school. The goal of the project was to show girls and young women the importance of a good education and vocational training, to expand their career spectrum, to motivate boys and girls to call into question gender stereotypes, and to raise the awareness of parents and teachers about equal opportunities in choosing careers. The second part targeted women who are planning to re-enter the job market after a few years of hiatus due to family reasons. Attractive programmes were offered both to women just in the preparation or orientation phase of re-entering the workforce, but also to women immediately wanting to take up a career again. In addition to questions of time management, seminars were offered on the topics of orientation, motivation, self-assessment, and stress management. Evening courses provided brief and useful information on the topics of career counselling, stipends, and job search. The use of computers is now indispensable for most jobs in today's Information Age. A computer course was therefore incorporated into the offerings of the impulse year. Complementing these activities, the Information and Contact Centre for Women (infra) published a brochure with useful hints for women re-entering the workforce and a study mandated by the Government Office of Gender Equality on "Planning and Achieving Reentry into the Workforce".

38. The costs of continuing education or retraining necessary for re-entry are partially covered by tax breaks. Individuals who are not employed and take care of children themselves may deduct training or retraining costs from their income on their tax return.

*People with disabilities*

39. The right to work also applies to people with disabilities. According to the Disability Insurance Act, people with disabilities have a right to various reintegration measures. As part of the last revision of the Act, which entered into force on 1 May 2001, the principle according to which reintegration benefits are given precedence over disability insurance benefits was explicitly incorporated in article 33 of the Act. The spectrum of reintegration measures includes professional measures, salary grants, suspension of disability pensions upon application, aids, daily allowances, and reimbursement of expenses (article 34, paragraph 3, of the Disability Insurance Act, LGBl. 2001 No. 17). According to article 39 of the Act, the professional measures of disability insurance include the following benefits and legal entitlements: professional and career counselling, job placement and employment attempts, vocational training, and capital aid for self-employed persons.

40. The vocational training of disabled persons is additionally governed by the special provisions of articles 53 to 55 of the Vocational Training Act (LGBl. 1976 No. 55). These provisions grant the option of a State-supervised traineeship to young persons who are not able or not quite able to fulfil the demands of an apprenticeship in light of the state of their health, their development, or other circumstances. The traineeship offers individual training in certain aspects of a vocation. The duration of the traineeship and the contents of the training programmes are determined by the Office of Vocational Training in agreement with the employer offering the traineeship. Trainees must also attend school encompassing vocational subjects and general education, but tailored to the needs and possibilities of these young people. In addition, the State grants subsidies for the special expenses arising from the vocational training or continuing training of persons with disabilities.

41. Salary grants (article 45 octies of the Disability Insurance Act) aim to facilitate the vocational reintegration of persons who are still partially able to work. Businesses are given a salary grant to hire such persons or, if the disability began during an existing employment relationship, rehire them. This measure aims to prevent persons who are only partially disabled from being forced to leave the workforce and rely on disability insurance. Article 46 of the Act now also provides the possibility of temporarily not paying disability insurance (“freezing disability insurance payments”) if the person in question wants to undertake an employment attempt. Such employment attempts can also be supported by a daily allowance paid by disability insurance (“employment attempts with daily allowance”); this eliminates the financial risk for businesses offering employment opportunities to persons with disabilities.

42. In parallel, special private facilities exist, supported by the State, that provide training, employment, and assisted living.

## **Article 7. The right to just and favourable conditions of work**

### **Minimum wage**

43. Liechtenstein law does not stipulate any minimum wage, since Liechtenstein labour law is based on the principle of freedom of contract. Minimum wages are, however, agreed upon between the social partners (Liechtenstein Employees' Union, Liechtenstein Chamber of Commerce and Industry, Chamber of Trade and Commerce) in collective labour agreements. The collective labour agreements are renegotiated about every two years. The agreed wages are not understood as minimum wages as such, however, but as protective wages against dumping and are explicitly not linked to the subsistence level. At this time, no statistical data can be provided on the effective level and distribution of income in Liechtenstein. The introduction of comprehensive income statistics is in preparation, and the first figures are expected for 2005.

### **Equal pay for women and men/equal opportunity of promotion**

44. According to section 1173a, article 9, paragraph 3, of the General Civil Code, the payment of unequal wages for equal and equivalent work is illegal. Similarly, article 7 of the Law on Salaries for Public Employees (LGBl. 1991 No. 6) provides for equal pay for equivalent work. The Gender Equality Act (LGBl. 1999 No. 96), which was passed in 1998 and entered into force on 5 May 1999, stipulates an explicit prohibition of any form of direct or indirect discrimination on the basis of gender in the field of employment. The principle of non-discrimination applies in particular to salary demands, working conditions, opportunities for basic and continuing training, promotion, and dismissals (protection from revenge dismissals). To protect the identity of individual employees, the Act also introduces a right to group action, which allows an organization to sue in its own name. The name of the individual employee is then not made public. A further protection of employees is the reduction of the burden of proof in the case of alleged discrimination: the proof of discrimination need not be brought by the person affected by the discrimination, but rather the defendant must prove that no discrimination occurred. The only exception is sexual harassment at work.

45. Of special note in this connection is the fact that employers who do not eliminate existing discrimination at work can be sued and required to pay compensation. In the case of discrimination in hiring, the compensation may not exceed three monthly salaries; in the case of discrimination in dismissal, the compensation may not exceed six monthly salaries. The highest amount of compensation in the case of discrimination by sexual harassment is Sw F 40,000. Finally, the Act regulates the legal claims and available actions, and it stipulates that appropriate positive measures to achieve factual equality do not constitute discrimination. The Gender Equality Act applies both to private and public employment.

46. Since entry into force of the Gender Equality Act in 1999, one action has been submitted in the public sector for equal pay. The Government confirmed the salary discrimination. The case was appealed; in its final judgement, the appellate court likewise found that discrimination had occurred and ordered the retroactive payment of the salary difference.

## **Protection of employees**

47. The legislative provisions on the protection of employees in Liechtenstein are currently being fundamentally revised. The revision concerns the Law on Employment in Industry, Commerce, and Trades (Labour Act; LGBl. 1967 No. 6) and Ordinance I on the Labour Act (LGBl. 1968 No. 15). The focus of the revision is a new regulation of working hours, especially night work, as well as the improved protection of young employees.

### *Health in the workplace*

48. The requirements governing health in the workplace are described in general in article 6 of the Labour Act. To protect the health of employees, employers are required to “take all measures that are necessary according to experience, that can be applied given current technology, and that are appropriate to the circumstances of the business”. In particular, the employer “must design work facilities and the work flow so that health risks and overexertions of employees are avoided to the extent possible”. The employers must also take measures to protect the personal integrity of employees, especially also with respect to sexual harassment. A detailed enumeration of health measures is included in the Ordinance on Safety and Health Protection of Employees in the Workplace (LGBl. 1998 No. 111). This Ordinance describes the requirements that must be met with respect to buildings, the work environment, the workplace, personal protection equipment, and work clothing.

49. A labour physician in Liechtenstein currently examines employees upon the request of businesses. If suspicion of an occupational illness arises, the examining doctor consults the Chief Public Health Officer. On the report of the Chief Public Health Officer, a detailed investigation is conducted to find out whether the patient’s work or workplace could be responsible for the illness. These investigations are usually conducted by experts of the Swiss Accident Insurance Institute (SUVA). If the suspicion of an occupational illness is confirmed, the necessary measures are ordered such as change of workplace or change of occupation. In the planned revision of the occupational safety provisions, an expansion of medical examinations and counselling is envisioned. In particular, compulsory medical examinations will be introduced for employees who are in particular need of protection or whose health is seriously endangered by the type and environment of their work.

### *Safety in the workplace*

50. Article 70 of the Compulsory Accident Insurance Act (LGBl. 1990 No. 46) requires employers to “take all measures that are necessary according to experience, that can be applied given current technology, and that are appropriate to the given circumstances to prevent occupational accidents and illnesses”. For this purpose, the employer must include the participation of employees. The employees in turn must support the efforts of the employer to implement the requirements in practice. Further provisions on safety in the workplace are contained in the Labour Act, the Law on the Coordination of Safety and Health Protection Measures in Construction Work (LGBl. 2002 No. 158), the Ordinance on the Safety and Health Protection of Employees in the Workplace (LGBl. 1998 No. 111), the Ordinance on Compulsory Health Insurance (LGBl. 1990 No. 70), the Ordinance on the Prevention of Occupational

Illnesses (LGBl. 1961 No. 18), the Ordinance on the Prevention of Accidents in Construction Work (LGBl. 1971 No. 12), and the Ordinance on the Prevention of Accidents in Roof Work (LGBl. 1971 No. 15).

51. The responsible authority is currently only notified of occupational accidents if an emergency vehicle is required. Binding data on accident statistics can therefore not be provided at this time. Efforts are under way, however, to establish statistics of all occupational accidents. In recent years, one fatal accident at work takes place every two years, on average.

#### *Enforcement and supervision*

52. Supervision of compliance with the requirements of the Labour Act, the Accident Insurance Act, and the ordinances on occupational safety is the responsibility of the Worker Safety Bureau of the Office of Economic Affairs. In the approximately 2,200 businesses subject to the Labour Act, general inspections are conducted regularly. In addition, specific inspections are undertaken if reports are received. In each general inspection, all areas are inspected, i.e. the workplaces, working hours, compliance with special protection requirements for young people and pregnant women, etc.

53. If an inspection determines that certain provisions are not complied with, the authority compiles a list of deficiencies. A follow-up inspection verifies whether the deficiencies complained of have been remedied. If this is not the case, the authority can order the requisite measures. In the last five years, there has been no case where such measures had to be ordered.

#### *Working hours and rest*

54. Article 9, paragraph 1, of the Labour Act lays down the maximum workweek. The maximum workweek for employees in industrial operations, office personnel, and technical and other office workers is 45 hours, for all other employees 48 hours. For young employees between the ages of 15 and 18, the workweek is limited to 40 hours. The workweek may be increased by four hours for overtime. In collective and individual employment agreements, the workweek is generally lower. In accordance with article 10 of the Labour Act, the workday is limited to 6 a.m. to 11 p.m. Changes to the legal limits are only permissible with the approval of the employees or the majority of employees. According to article 15 of the Labour Act, a workday of more than five and a half hours must be interrupted by a break of at least a quarter of an hour; a workday of more than seven hours requires at least a half-hour break, and for a workday of more than nine hours, the break must be a full hour. Employees are in any event entitled to a daily rest of at least 11 consecutive hours. This rest may be reduced once a week to 8 hours, as long as the duration of 11 hours is maintained over the average of two weeks (article 15a of the Labour Act). Article 21 grants the right to a free half day if the workweek extends over more than five days. In addition, article 22 specifies that rest hours may not be paid off with monetary or other compensation, other than at the end of the employment.

#### *Sunday work*

55. The Labour Act prohibits the use of employees on Sundays in principle (article 18 of the Labour Act). The Act grants certain exceptions, however, which must as a rule be approved. If an urgent need is shown, the Office of Economic Affairs may temporarily approve Sunday work,

as long as the employee agrees and is given a salary supplement of 100 per cent. The Office of Economic Affairs may also approve lasting or regularly recurring Sunday work (article 19, paragraph 3, of the Labour Act). Certain businesses enumerated in Ordinance II on the Labour Act (LGBI. 2002 No. 188) are exempted from the approval requirement.<sup>1</sup>

56. If the Sunday work falls in the morning and the afternoon, or if it lasts more than five hours, it must be compensated by a substitute rest of at least 24 consecutive hours. In addition, a free Sunday must be granted at least once within two weeks (article 20 of the Labour Act).

#### *Night work*

57. In principle, the Labour Act prohibits the use of employees at night. Exceptions to the night work prohibition are subject to approval and may only be granted under certain conditions. Night work may either be temporarily approved if an urgent need is shown (subject to the condition that the employee agrees and is granted a salary supplement of at least 25 per cent), or the Office of Economic Affairs may also approve night work permanently or on a regular basis if night work is indispensable for technical or economic reasons (article 17 of the Labour Act). In Ordinance II of the Labour Act, the business sectors are enumerated that are exempt from the approval requirement for night work. If employees perform night work over a longer period, they have a right to a medical examination and counselling. Such an examination may be declared compulsory for certain categories of employees (article 17c of the Labour Act). Also compulsory is the regular medical examination of employees who always perform night work. The employer is also required, to the extent necessitated by the circumstances, to provide additional measures for the protection of employees, namely with respect to safety of the commute, the organization of transportation, and opportunities for rest and food.

#### *Regular paid leave*

58. Section 1173a, article 30, of the General Civil Code mandates at least four weeks of paid leave for employees. Apprentices and employees under 20 years of age have a right to five weeks of paid leave. The employer determines the time of the leave, but must take the wishes of the employee into account. It is forbidden to compensate paid leave with monetary or other allowances for the duration of the employment (section 1173a, article 33, of the General Civil Code). According to article 26 of the Ordinance on Working Hours, civil servants and office workers are entitled to 23 days of paid leave per year. The entitlement is increased when a certain age is reached.

---

<sup>1</sup> Namely: hospitals, doctor's, dentist's, and veterinarian's offices, pharmacies, homes and boarding schools, funeral parlours, veterinary clinics, animal homes, restaurants and hotels, shops and operations in tourism areas, kiosks and operations for travellers, bakeries, dairy operations, newspaper and magazine offices, radio and television operations, telecommunications operations, telephone switchboards, banks and stock traders, theatres, musicians, cinemas, circuses, fairground operators, sports and recreation facilities, ski lifts and gondolas, camping groups, conference and trade fair operations, museums, security personnel, motor vehicle businesses, energy and water suppliers, waste disposal operations, cleaning operations, and operations for the processing of agricultural products.

### *Compensation for public holidays*

59. Remuneration for public holidays is not provided for in the Labour Act. Outside the public sector, this question is also governed by collective labour agreements. Whether public holidays are paid depends, inter alia, on the type of remuneration. As a rule, public holidays are paid if the salaries are paid monthly. Employees paid by the hour or by the piece are compensated if an understanding or a collective labour agreement so provides (as a rule, eight public holidays per year).

## **Article 8. The right to trade union activity**

### **Founding of trade unions**

60. The freedom of association, from which derives the right to found a union, is guaranteed by article 41 of the Constitution and article 11 of the European Convention on Human Rights. It has been restricted in particular by the provision introduced in the Criminal Code in 2000, according to which membership in an association whose activity consists of promoting or inciting racial discrimination is punishable (section 283, paragraph 6, of the Criminal Code (StGB)). Further restrictions are contained in section 278 StGB (forming gangs), section 278a StGB (criminal organizations) and section 279 StGB (armed groups).

61. The legislative provisions on the formation of unions are contained in article 96 of the Workers' Protection Act (LGBl. 1946 No. 4). The recognition of unions by the authorities is subject to certain criteria. The union may have chapters in at least four municipalities of the country, and each chapter must have at least 10 members living in the municipality in question. In addition, the organization must have at least 400 members with Liechtenstein citizenship. The principle of forming unions is also recognized in the provisions concerning collective labour agreements in the General Civil Code (section 1173a, article 101 et seq.). There is currently one union in Liechtenstein (the Liechtenstein Employees' Union), which is affiliated with the World Confederation of Labour (WCL). The Liechtenstein Employees' Union has a total of 1,450 members and is responsible for about 10,000 employees.

### **Right to strike**

62. The Liechtenstein Constitution contains no provisions on the right to strike. The prevailing industrial peace in Liechtenstein has not given rise to the need for a legal regulation of strikes. Article 41 of the Liechtenstein Constitution and article 11 of the European Convention on Human Rights (ECHR) guarantee the freedom of association. In a judgement issued in 1975, the European Court of Human Rights underscored that the Convention guarantees both the active and passive freedom of association, i.e. the right to belong to or not to belong to a union, and that the States parties to the ECHR, including Liechtenstein, must allow a coalition to engage in activities, including collective measures, that are necessary for the defence of the interests of employees. Since employees in Liechtenstein have the right to join together in associations to protect their interests, they must also have the possibility, according to the jurisprudence of the European Court of Human Rights, to exercise effective pressure on their employers in order to implement their interests. In light of the lack of legislative regulation of labour disputes, it must therefore be assumed that strikes are permitted in principle and may only be prohibited under exceptional circumstances.

63. The principle must also be taken into account that arbitration boards are invoked before the initiation of a labour dispute. A strike would therefore be impermissible if arbitrators provided for by law or contract are not called upon. Any requirements arising from collective labour agreements must also be complied with.

64. The Workers' Protection Act contains a section on reconciliation (arts. 100-106). According to article 100, paragraph 3, the Government may require notification of collective disputes that are imminent or that have already broken out. The Government may furthermore require that parties may not resort to forcible measures if a dispute is still pending with the reconciliation office. From this formulation, the representatives of the Employees' Union conclude that strikes are permissible in extreme cases, even through there are no legislative provisions concerning an actual prohibition or permission of strikes.

65. In chapter VI, entitled "Work Stoppage", of the charter of the Employees' Union of 14 March 1998, token strikes are mentioned. According to article 15 of the charter, the union administration acts as an arbitrator.

66. With respect to the right to strike in the public service, article 7, paragraph 2, of the Liechtenstein Civil Servants' Act states: "Strikes or work refusals may lead to dismissal." Details are not specified in legislation. Although this provision does not stipulate an absolute prohibition of strikes for civil servants, some sources of legal doctrine in Liechtenstein conclude that dismissal as a possible penalty for strikes comes very close to being a de facto prohibition of strikes for all civil servants. It should be noted in this regard, however, that the text of the law only indicates that strikes by public employees may lead to dismissal. This implies that the Government may exercise discretion when deciding whether striking employees should be dismissed. In Liechtenstein, civil servants have never gone on strike, which is why the consequences cannot be prejudged. It should be assumed on the basis of the Civil Servants' Act, however, that the Government would issue a written warning first in such a case and that existing legitimate claims would be honoured in any event.

67. Paragraph 3: Liechtenstein is not a State party to the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87) of the International Labour Organization.

#### **Article 9. The right to social security**

68. The Liechtenstein system of social security encompasses the following branches:

- Health insurance (health and maternity);
- Old-age insurance;
- Disability insurance;
- Survivors insurance;
- Accident insurance;
- Unemployment insurance.



69. In addition, the following benefits are included in the realm of social security:

- Supplemental benefits;
- Helplessness allowances;
- Maternity allowances;
- Grants to the blind.

### **Health insurance**

70. Liechtenstein health insurance, governed by the Health Insurance Act (LGBl. 1971 No. 50), offers security in case of illness and maternity. The health insurance companies recognized in Liechtenstein insure medical treatment costs due to illness (costs of physicians, hospital, recovery) and, by means of daily allowances, resulting loss of earnings. Allowances in kind and benefits are also granted in case of maternity.

#### *Health care*

71. All persons living or working in Liechtenstein are required to insure themselves for health care. Health insurance is based on the principle of individual coverage. Each person must register with a health insurance company individually, and premiums are also charged for each insured person. Employers cover half of the employees' premiums for compulsory insurance for health care and daily allowances. Without proviso and without taking into account pre-existing illnesses or pregnancy, insurance coverage is granted beginning with the first day of the health insurance policy.

72. Two private health insurance companies are currently licensed by the Liechtenstein Government to implement legally stipulated health insurance.

73. Health insurance covers the following benefits:

- Examinations, treatments, and care provided by a physician, a chiropractor, or - as prescribed by a physician - by persons in other health-care professions (such as physiotherapists or home care organizations), including medicines, medical products, and analyses prescribed by a physician;
- In-patient and partially in-patient examinations, treatments, and care provided in hospitals and sanatoria (general ward);
- Spa fees for treatments prescribed by a physician;
- Transport of sick persons, to the extent medically necessary due to the condition of the insured person;

- Benefits to cover expenses beyond normal subsistence costs arising in connection with care at home, to the extent approved by a physician, and if a hospital or nursing home stay would be necessary if home care were not provided.

The insured person pays a deductible depending on age and the selected insurance system.

#### *Sick pay*

74. All employees over 15 years of age who work for an employer domiciled in Liechtenstein or with a branch in Liechtenstein must be insured for sick pay (article 7, paragraph 1 (b), of the Health Insurance Act). The employer is responsible for applying for sick pay. Benefits are mainly paid as salary percentages.

75. Sick pay arising from inability to work due to illness is granted from the second day to the end of the inability to work. The daily allowance is paid for a maximum of 720 days within 900 consecutive days. The insured sick pay amounts to at least 80 per cent of the lost income in case of full inability to work. Coverage is not compulsory for employees who work for an employer less than eight hours a week. Such employees and self-employed persons may voluntarily insure themselves for sick pay.

#### *Maternity benefits*

76. All benefits provided by insurance companies for illness are also provided during pregnancy. Women who have had an insurance policy for at least 270 days prior to the date of delivery are entitled to 20 weeks of sick pay. At least 16 of these weeks must be after delivery. Daily allowances for maternity are equivalent to those for illness.

### **Old-age insurance**

#### *The three-pillars model*

77. Old-age insurance in Liechtenstein was developed based on the Swiss three-pillars model. This model combines State old-age insurance (first pillar), occupational pension plans (second pillar), and voluntary pensions (third pillar). All population groups are covered.

78. The first pillar (Liechtenstein old-age and survivors insurance) is a general people's insurance to secure the subsistence of the entire population. It covers all population groups; there are no special systems for specific occupational groups. It is legally governed by the Old Age and Survivors Insurance Act (LGBl. 1952 No. 29). The first pillar covers all persons living and/or working in Liechtenstein (article 34 of the Act). Implementation is the responsibility of an autonomous institute under public law. Old-age and survivors insurance, disability insurance, and family allowances are administered jointly by a single authority (the Pension and Insurance Fund), which is supervised by the State.

79. The second pillar (additional compulsory occupational pension plans for employees) supplements the first pillar and strives to maintain an appropriate standard of living. It was introduced as a compulsory insurance by law in 1989 (LGBl. 1988 No. 12). Employees whose yearly income exceeds a certain minimum threshold (Sw F 24,720 as of 2002) are covered. The compulsory insurance only covers annual salaries up to a certain maximum threshold

(Sw F 74,160 as of 2002), and an exemption is deducted from the annual salary to avoid double insurance in the framework of the first and second pillars (exemption of Sw F 12,360 as of 2002). Risk insurance for death and disability begins on the seventeenth birthday. Full insurance, which also covers the economic risk of old age, begins on the twenty-third birthday. Self-employed persons may voluntarily join the pension plan applicable to their employees. The importance of the second pillar is steadily increasing; while insured persons formerly had to make their living with the first pillar, the second pillar now represents a permanent component of old-age insurance. The second pillar is implemented by various pension administrators who are legally independent of the employers, in accordance with legislative provisions. The individual pension providers are subject to State supervision.

80. The third pillar is a voluntary basis for additional individual pensions. It consists of voluntary pensions, e.g. in the form of an additional insurance beyond the compulsory second pillar, or through private individual savings. The premiums paid for voluntary insurance are deductible from taxable income, within certain limits. The benefits arising from a voluntary insurance are not included in taxable income. Saved premiums and benefits received can therefore at most affect taxable assets.

### **Old-age and survivors insurance**

81. The most important benefits of old-age and survivors insurance are the old-age pensions. In addition to pensions, the insurance also contributes to the costs for aids to recipients living in Liechtenstein, such as hearing aids. Insured persons are entitled to a pension if they have paid contributions for at least a full year (article 52 of the Old Age and Survivors Insurance Act). The pensions are paid independently of residence or nationality.

82. The regular retirement age is 64, subject to transitional rules. Flexible retirement is in practice, however, becoming increasingly more important than the regular retirement age. Flexible retirement means that women and men may freely choose to retire between the ages of 60 and 70, independently of their spouses. Early retirement pensions are permanently reduced, i.e. even after the regular retirement age has been reached; conversely, late retirement leads to an actuarial increase of the pension. The rate of reduction depends on how early the retirement is; it varies from 16.5 per cent (if retirement is four years early) to 0.25 per cent (if retirement is one month early). In addition, it is possible to receive only part of the old-age pension early. Receiving pensions early does not mean that the recipient must cease to work; it is permissible to receive pensions early and continue to work full-time or part-time.

83. The amount of the old-age pension is calculated according to the following two factors: countable years of contribution and applicable average annual income. The duration of the contribution period determines the pension scale of the insured person. If the contribution period was complete, the insured person is entitled to a full pension; if the contribution period was incomplete, the insured person is entitled to a partial pension. Within each individual pension scale, the amount of the pension depends on the total income on which the insured person paid contributions over the entire duration of the insurance, whether the insured person had children (child-raising credits), or whether the insured person looked after a person in need of care without remuneration (care credits). The calculation of the average annual income does not depend solely on the income of the last few years before retirement, but rather over the entire duration of the insurance.

84. Old-age pensions are paid 13 times annually: the pension for December of each year is paid twice. This also applies to survivors pensions and disability insurance pensions. According to the provisions of the Old Age and Survivors Insurance Act (art. 77 bis), adjustment of the pensions is generally undertaken every two years by adjusting the pension index (arithmetic mean of the salary index and the national index of consumer prices).

85. The first pillar is heavily based on the idea of solidarity. Since contributions are not limited by an upper assessment threshold, but pension benefits are only paid up to a certain upper limit (as of 2002, the maximum pension for an individual is Sw F 2,060 per month, paid 13 times per year), higher earners pay so-called solidarity contributions that no longer apply to their own pension; this enables the pensions of those persons to be funded who only make low contributions. Solidarity also works in favour of persons with children. Over the course of their contribution period, persons with children receive child-raising credits for the care of children under 16 (for purposes of calculating pensions, an imputed income is credited: in 2002, for instance, an imputed income of Sw F 49,440 was credited for child-raising). For the non-professional care of persons in need, additional care credits are granted. The credit is calculated analogously to the child-raising credits. Child-raising credits and care credits cannot be claimed simultaneously, however.

86. The funding of the first pillar (old-age and survivors insurance) is secured through contributions of insured persons (employees, self-employed persons, non-employed persons), contributions of employers, a State contribution, and returns on the assets of the funds. The assessment of the State contribution in fixed percentages of annual expenditures has a positive effect on the financial security of the first pillar. This ensures that increased revenue is secured if expenditures rise.

87. The contribution rate in percentage of gross income, half of which is paid by the insured person and half by the employer, has been unchanged at 7.6 per cent (3.8 per cent each) since 1973. In contrast to many other systems, the first pillar also encompasses legally mandated contributions by non-employed persons; in particular, all non-employed spouses of employed insured persons must make contributions without exception. This is less for purposes of creating an additional funding source, but rather to implement the principle of an insurance; whoever is entitled to a pension should also be required to make contributions. This ensures that all insured persons participate in the funding of the system, which also leads to a strong identification with the social project.

88. Important to note in this connection is the principle of splitting the legal rights to future pension payments between spouses. Since the introduction of splitting, every insured person is independently required to contribute and is independently entitled to pensions. As a rule, the person's own contributions and own contribution period are used to calculate the pension. For the years of marriage, the income of spouses is split and attributed half-half to each spouse. The splitting occurs at the moment when the other spouse becomes entitled to a pension or the marriage is dissolved. In the case of death of one of the spouses, the splitting occurs when the surviving spouse becomes entitled to an old-age or disability pension. Thanks to this splitting, the non-employed spouse benefits as much as the employed spouse from the contributions to old-age insurance. Child-raising and care credits are split like income for the years of marriage.

89. The first pillar relies on the assessment system. The first pillar is legally required, however, to maintain a pension fund at least five times the amount of annual expenditures. In practice, the first pillar is therefore at least in part based on the period system. At least every five years, a technical balance sheet is compiled to verify whether financial measures are necessary.

### **Disability benefits**

90. Insurance against disability, like old-age insurance, is based on the three-pillars model. The legislative basis for disability insurance is the Disability Insurance Act (LGBI. 1960 No. 5). In principle, all persons insured by old-age and survivors insurance are also insured by disability insurance.

91. Pursuant to article 33 of the Disability Insurance Act, attempts are first made to reintegrate a disabled person into the workforce through reintegration measures. The reintegration concept of disability insurance was redesigned as of May 2001 (LGBI. 2001 No. 17) and now provides the following benefits:

- Occupational measures (occupational and career counselling, job placement and employment attempts, basic vocational training or retraining, capital aid for self-employed persons);
- Salary grants;
- Suspension of pension payments upon request;
- Aids;
- Daily allowances (during the reintegration phase);
- Reimbursement of expenses (to compensate for expenses during reintegration).

92. To assess the ability to work, time-limited employment attempts may be undertaken. Such attempts may be considered, for instance, when the appropriateness of a specific job for a disabled person is being tested. Job attempts may be undertaken with special institutions or also private employers.

93. If a disabled person with a degree of disability of at least 40 per cent is employed in Liechtenstein, the employer is entitled to a salary grant. The salary grant is paid to the business employing the disabled person. This enables the business to pay the salary usually expended for the specific position, even if the disabled person does not perform to the same extent as a non-disabled person would in the same position. The amount of the salary grant depends on the extent to which the work performance of the disabled person is reduced. A salary grant is possible both if a disabled person is hired or if a disabled person is retained in an existing employment relationship and the disability arose over the course of the employment. Salary grants and disability pensions may in principle be paid in parallel. In most cases, however, the pension will be reduced or eliminated entirely due to the payment of the salary grant.

94. If reintegration measures are unsuccessful, the insured person receives a pension. The same rules apply in principle for the calculation of the pension amount for disability insurance as for old-age and survivors insurance. In contrast to the transitional rule for old-age and survivors insurance, however, disability insurance does not grant an additional pension for the non-disabled wife. In return, child pensions paid by disability insurance amount to 50 per cent of the basic pension. Depending on the degree of disability, three grades of pension are differentiated: full pensions, half pensions, quarter pensions. A disability pension is only paid, however, once the inability to work giving rise to a pension has lasted for one year (waiting year) and is expected to continue. During the waiting year, disability insurance does not pay any pensions; health and accident insurance benefits may be paid, however. As is the case for old-age and survivors insurance, insured persons must pay contributions to disability insurance for at least one year to claim pensions. An entitlement to pensions also only arises if the affected person was insured at the time the inability to work began. In order to fulfil this insurance clause, however, it suffices to have resided in a State with which Liechtenstein has concluded an international social security agreement.

95. Recipients of disability pensions may request that the payment of the monthly pension be suspended temporarily (at most three years). The suspension of the pension payment is possible if, for instance, the person would like to attempt reintegration into the workforce. As soon as the person requests resumption of the monthly pension payments, the pension will immediately be paid out again.

96. The funding of disability insurance is secured by the contributions of insured persons, the contributions of employers, and a State contribution. The State covers the annually arising deficit; the deficit guarantee is limited to 50 per cent of the annual disability insurance expenditures, however. Due to rising expenditures, the contribution rate to disability insurance had to be increased in recent years to 1.2 per cent.

#### *Information on the second pillar (occupational pension plans)*

97. A disabled person is entitled to an occupational pension until the age of retirement. As a rule, a pension is paid, but the pension company may also provide for a one-time payment. In the event of disability, the pension company pays an annual minimum benefit of 30 per cent of the applicable salary (in addition to child pensions). These rates apply in the event of full disability. In the event of partial disability, the pensions are reduced according to the degree of disability.

### **Survivors insurance**

#### *Information on the first pillar (old-age and survivors insurance)*

98. Basic principles are the same as those discussed in relation to old-age insurance. Accordingly, a claim to a survivor's pension exists when the deceased person paid contributions for at least one full year. The survivor's pension is calculated in terms of a percentage of the hypothetical old-age pension of the deceased person.

99. The payment of pensions for surviving spouses is either limited (to two to five years) or unlimited. Criteria for the type of payment are, according to article 58 of the Old Age and

Survivors Insurance Act, the duration of the marriage, the age of the surviving spouse, common children, and children of the deceased spouse. The amount of the pension for the surviving spouse is 80 per cent of the hypothetical old-age pension of the deceased person.

100. In the case of persons who already receive their own old-age or disability pension, either the person's own old-age/disability pension is paid or the survivor's pension (depending on which benefit is higher). The old-age pension may, however, also be increased by an additional allowance for the surviving spouse. This allowance amounts to up to 20 per cent of the basic pension. The basic pension and the additional allowance may not, however, jointly exceed the applicable maximum pension according to the pension scale used.

101. Children under the age of 18 are, as a rule, entitled to an orphan's pension, as well as children in school until the completion of their education, at the most up to the age of 25. The orphan's pension amounts to 40 per cent of the hypothetical basic pension of the deceased person. In the event of death of both parents, two orphan's pensions are paid.

102. Funding has already been discussed in the chapter on old-age insurance (first pillar, old-age and survivors insurance). The contributions to old-age and survivors insurance mentioned there include survivors insurance.

#### *Benefits of occupational pension plans (second pillar)*

103. In the event of death prior to retirement age, a pension is paid to the surviving spouse and children up to the time at which the insured person would have reached retirement age.

#### **Accident insurance**

104. Accident insurance is governed by the Compulsory Accident Insurance Act (LGBI. 1990 No. 46). The Act guarantees the coverage of risks in conjunction with occupational activities. Benefits are paid in the event of occupational accidents, non-occupational accidents, and occupational illnesses.

105. Every employer is required to insure employees in Liechtenstein against occupational accidents and illnesses. Persons who work at least eight hours per week with an employer must also be insured against non-occupational accidents. Self-employed persons are not subject to compulsory insurance, but may conclude a voluntary insurance.

106. Accident insurance is administered by private insurance companies, which must be accredited by the Liechtenstein Government for these services.

107. Contributions for occupational accident and illness insurance are paid by the employer. Contributions for non-occupational accident insurance, however, are deducted as a percentage of the salary of the employee.

108. The accident insurer provides the following benefits:

- Out-patient treatment by a physician, dentist, or - by order of a physician - by other health care professionals;

- Medicines and analyses prescribed by a physician or dentist;
- In-patient treatment in the general ward of a hospital;
- Follow-up and spa treatments prescribed by a physician;
- Aids compensating for physical injury or functional deficiencies;
- Necessary search-and-rescue costs and medically necessary travel and transportation costs;
- Necessary costs for transportation of the dead body to the place of burial and burial costs.

*Daily allowance (articles 16 and 17 of the Accident Insurance Act)*

109. In the event of total or partial inability to work due to an accident, a daily allowance is paid. The entitlement arises on the second day after the accident and expires when the person recovers full ability to work, when pension payments begin, or when the insured person dies. In the event of total inability to work, the daily allowance amounts to 80 per cent of the insured income. In the case of partial inability to work, the daily allowance is reduced accordingly.

*Disability pension (articles 18 to 23 of the Accident Insurance Act)*

110. In the event of disability due to an accident, the insured person is entitled to a disability pension. Persons are considered disabled whose ability to work is expected to be impaired permanently. The entitlement to a pension arises if the continuation of medical treatment is not expected to significantly improve the state of health of the insured person and any reintegration measures of disability insurance have come to an end.

111. In the event of full disability, the disability pension amounts to 80 per cent of the insured income; in the event of partial disability, it is reduced accordingly. If the insured person is entitled to a pension paid by disability insurance or old-age and survivors insurance, a complementary pension is granted. This pension corresponds to the difference between 100 per cent of the insured income and the pension paid by disability insurance or old-age and survivors insurance, but at most the amount provided for full or partial disability.

112. If the insured person requires assistance in daily tasks due to the disability, the person is entitled to a helplessness allowance. The amount of the allowance is based on the degree of helplessness (article 26 of the Accident Insurance Act).

113. The survivors of a person who has died in consequence of an accident are entitled to survivor's pensions (article 28 of the Accident Insurance Act).

**Unemployment insurance**

114. Unemployment insurance is compulsory for all employees. It is governed by the Unemployment Insurance Act (LGBl. 1969 No. 41). The Office of Economic Affairs is responsible for implementing unemployment insurance. It receives the contributions of



employers and insured persons and pays unemployment and insolvency benefits. In addition, the Office of Economic Affairs provides information on entitlements to benefits, engages in job placement, and promotes the basic and continuing training of unemployed persons.

#### *Unemployment payments*

115. An insured person is entitled to unemployment payments if the person:

- Was subject to compulsory insurance for at least six months in the last two years before the beginning of unemployment;
- Is not entitled to a full old-age pension;
- Is living in Liechtenstein;
- Notifies the Office of Economic Affairs of unemployment and requests benefits;
- Is suitable for job placement and is willing to undertake any reasonable employment.

116. The duration of the unemployment payments depends on the insured person's age. During the two-year overall limit for receiving benefits, the duration is at least 250 days (daily allowances) and increases to 400 daily allowances from the fiftieth birthday and 500 daily allowances from the sixtieth birthday to retirement.

#### *Short-time payments*

117. In the event of loss of work due to the economy or the weather, the insured person receives short-time payments in the form of daily allowances. The entitlement to benefits for loss of work due to the weather is limited to construction and landscape gardening and from the beginning of December to the middle of March.

118. During the benefit period, the insured person is required to report to the Employment Service Bureau of the Office of Economic Affairs when requested to do so. In addition, the insured person must notify the Office of Economic Affairs when personal circumstances have changed.

#### *Further unemployment benefits*

119. For the duration of unemployment, unemployment insurance pays the employer's share to old-age and survivors insurance, disability insurance, occupational pension plans, and health insurance. In the event of illness, unemployment insurance also covers daily allowances for the first 30 days of the illness.

#### *Insolvency payments*

120. In the event of bankruptcy of the employer or unsuccessful execution, the insured person receives insolvency payments from unemployment insurance. Salary demands in the amount of at most three months during the last six months before termination of employment are covered.

### **Maternity allowances**

121. Women who are not entitled to sick pay during their maternity leave from compulsory health insurance are granted a one-time tax-free maternity allowance from State funds. The legal basis for this maternity allowance is the Law on Maternity Allowance Grants (LGBI. 1982 No. 8). If the sick pay benefits for maternity from compulsory health insurance do not reach the fixed amount of the maternity allowance, the State pays the difference. In order to receive the maternity allowance, the recipient's legal residence must be in Liechtenstein.

122. The amount of the maternity allowance is determined by the taxable income of both spouses or, if the mother is single, by the taxable income of the mother. The allowance is only paid up to a certain threshold of taxable income.

123. Further benefits related to the protection and promotion of the family are enumerated under article 10.

### **Supplemental benefits to old-age, survivors and disability insurance**

124. The Law on Supplemental Benefits to Old-Age, Survivors, and Disability Insurance (LGBI. 1965 No. 46) provides supplemental benefits to persons who do not attain a certain income threshold. Supplemental benefits are dependent on residence, income, and assets.

125. Those eligible for supplemental benefits are: retirees (including recipients of early pensions), survivors (widows, widowers, orphans), disabled persons (with a degree of disability of at least 50 per cent), recipients of daily allowances from disability insurance, and recipients of helplessness allowances. The pension does not have to be from Liechtenstein.

126. The benefits are funded by the State. The Liechtenstein Pension and Insurance Fund is responsible for administration.

### **Helplessness allowances**

127. If no helplessness benefits are paid by an accident insurance, persons residing in Liechtenstein are entitled to helplessness allowances in accordance with article 3 bis of the Law on Supplemental Benefits.

128. Helplessness is based on the scope of significant dependency on third persons in taking care of everyday tasks. Three degrees of helplessness are differentiated: severe, moderate, and slight. Persons over the age of 65 are only entitled to helplessness allowances if their helplessness is moderate or more, unless their helplessness was already slight before reaching this age limit. The amount of the helplessness allowance is not dependent on the income or the assets of the eligible person.

129. Depending on the degree of helplessness, the following monthly benefits are paid (as of 2002):

- Sw F 848 monthly in the case of severe helplessness;
- Sw F 636 monthly in the case of moderate helplessness;
- Sw F 424 monthly in the case of slight helplessness.

130. The allowances are funded by the State. The Pension and Insurance Fund and Disability Insurance have been mandated to administer the allowances.

### **Grants to the blind**

131. The payment of grants to the blind is provided for by the Law on Grants to the Blind (LGBL 1971 No. 7). The amount of the grants depends on the degree of the visual impairment (completely blind, practically blind, highly visually impaired). Entitlement arises if the person is a resident of Liechtenstein and at least 5 years of age.

132. Depending on the degree of visual impairment, the following monthly benefits are paid (as of 2002; persons under the age of 18 receive half of these amounts):

- Sw F 574 monthly in the case of complete blindness;
- Sw F 431 monthly in the case of practical blindness;
- Sw F 287 monthly in the case of high visual impairment.

133. The grants are funded by tax revenue. Disability insurance has been mandated to administer the grants.

## **Article 10. The right of families, mothers and children to protection and assistance**

### **Protection of the family**

#### *The right to enter into marriage freely*

134. Articles 9 to 11 of the Liechtenstein Marriage Act (LGBL 1974 No. 20) govern the right of entering into marriage. In order to marry, both the bride and the groom must be at least 18 years of age and capable of judgement. Under age or legally incapacitated persons may only marry with the consent of the legal guardian. If the legal guardian refuses consent without good reason, the court may replace the consent of the guardian on application of the bride or groom. The voluntary nature of marriage is ensured by the provisions governing objections. Article 18, paragraph 1, of the Marriage Act stipulates that objections may be raised during the announcement period by any person with an interest in raising an objection with reference to the lack of legal capacity to marry of the bride or groom or to a legal obstacle to marriage (blood relationship, adoption, or bigamy).

135. Liechtenstein legislation is characterized by the partnership principle and does not contain any gender-specific differentiation of the rights of spouses. Article 43 of the Marriage Act first stipulates the rights and responsibilities of marital partners; paragraph 2 stipulates that

the marital partners jointly and harmoniously maintain the good of the union and jointly care for the children. Article 46 requires marital partners to jointly contribute to reasonable support for the family; paragraph 2 stipulates that mutual understanding is the basis for deciding on family support. The consequences of separation and divorce are laid down in articles 79 to 89h of the Marriage Act.

#### *Rights and responsibilities of parents*

136. The right to family life and the various rights and responsibilities of family members are governed by the General Civil Code. In general, the responsibilities of parents include raising their under age children and promoting their well-being. The rights and responsibilities of the father and the mother are in general equal. Under certain circumstances, State intervention in the rights of the parents is permissible. According to the General Civil Code, third parties may only intervene in the parental rights (care, child-raising) to the extent that the parents themselves allow it, or directly pursuant to a law or official order (section 137a, paragraph 1, of the General Civil Code). Such an order, in particular to remove or restrict parental care, requires that the well-being of the child be in danger (section 176 of the Code), and the scope of the order must be limited to securing the well-being of the child (section 177 of the Code). Further information on care and support may be found in the initial report of Liechtenstein pursuant to the Convention on the Rights of the Child (CRC/C/61/Add.1) and the second periodic report (CRC/C/136/Add.2).

#### **Financial promotion of the family**

##### *Family allowances*

137. A brochure entitled "Family Promotion in Liechtenstein" was published in May 2002. It is a guide providing to families an overview of all State and private family promotion offerings.

138. The Family Allowances Act (LGBI. 1986 No. 28) provides for the payment of birth and child allowances for all persons with legal residence or dependent employment in Liechtenstein: Sw F 1,900 are paid at the birth of a child, or Sw F 2,400 in the case of multiple births. Birth allowances are also granted in the event of adoption of a child under the age of 5.

139. The child allowance for families with one or two children is Sw F 260 per month per child. Families with twins or three or more children receive Sw F 310 per month per child. The child allowance increases to Sw F 310 per month for each child over 10 years of age. The allowances are paid from birth to the age of 18. Persons whose entitlement to a foreign allowance takes precedence over the entitlement to the Liechtenstein allowance receive the difference.

140. In the area of family allowances, a new benefit was introduced in July 1999 in addition to child allowances and birth allowances, namely the single-parent allowance. Single parents receive a monthly additional benefit of Sw F 100 per child (LGBI. 1999 No. 98). Single persons with a right to child allowance may claim this additional benefit. A claim exists for each child living in the same household as the single parent. The benefit is granted in addition to the child allowance. In 2002, 590 single parents (896 children) received a single-parent allowance.

141. The Family Compensation Fund is responsible for implementation of the Family Allowances Act. The Family Compensation Fund is an autonomous, State-supervised institute under public law. Its funding is secured by contributions of employers, self-employed persons, and non-employed persons. Employees do not pay contributions. The assets of the Family Compensation Fund cover about two annual expenditures, so that the returns on assets contribute to funding. The State currently does not contribute to the Fund. It would, however, assume the annual deficit if the assets of the Family Compensation Fund were to drop below one annual expenditure.

#### *Housing market policy*

142. The purchase of a private home is subsidized in accordance with the provisions of the Housing Promotion Act (LGBI. 1977 No. 46). The construction and purchase of houses, apartments, row and stepped houses, and the purchase or renovation of old houses are promoted, if certain costs and sizes are not exceeded. Pursuant to article 23 of the Housing Promotion Act, applicants with children are granted additional construction subsidies. In addition, the provisions on repayment of construction loans granted take into account special circumstances of families (art. 35).

143. Families in a poor financial situation who are not or only barely able to sustain their living due to high housing costs are granted a living allowance. For this purpose, the Law on Rental Subsidies for Families (LGBI. 2000 No. 202) was established. Families are eligible who have dependent children, do not attain a certain annual household income, and have been living in Liechtenstein for at least one year. Single parents with dependent children are considered families. The living space must fulfil recognized standards and the needs of the applicant and the applicant's family with respect to size and design. In 2002, 272 applications for rental subsidies were approved, and a total of Sw F 1,376,826 were paid out.

144. The single-parent allowance and the rental subsidy are a specific reaction to the financial threats facing single-parent families, which, according to the statistics of the Office of Social Affairs, belong to the population groups most dependent on social assistance. Upon introducing the rental subsidy in April 2001, the situation eased considerably. The percentage of single parents receiving social assistance decreased by 16 per cent relative to the previous year. Thanks to the rental subsidy, a number of single parents no longer required social assistance, or their support requirements decreased. The introduction of the rental subsidy also eased the burden of single parents and families with low incomes and helped some of them become independent of social assistance.

#### *Health care*

145. The revised Health Insurance Act (LGBI. 2003 No. 241), which entered into force on 1 January 2004, provides for an exemption from payment of premiums for children up to the age of 16. Children and young people up to the age of 20 are exempt from cost sharing. Low-income families may apply to have their premiums reduced.

### *Tax relief*

146. A tax exemption of Sw F 6,000 may be deducted from the annual tax return for each child under 16 and for every child over 16 in school, in an apprenticeship, or unable to work, if the taxpayer is supporting the child (article 47 of the Tax Act). Furthermore, taxpayers living in a household with their own children are granted a deduction from their taxable income in the amount of Sw F 6,000. Spouses who are not legally or actually separated receive a deduction of one third of their total tax liability (article 55 bis of the Tax Act).

### *Child support and alimony advances*

147. In accordance to the Law on Child Support and Alimony Advances (LGBI. 1989 No. 47), judicially mandated, unpaid support payments to under age children and their guardian are advanced by the State in the event of unsuccessful collection, provided that the person entitled to support is a resident of Liechtenstein and does not live in a joint household with the person owing support. The duration of the benefit extends from the application for the benefit until the child reaches the age of 20 or has completed his or her education. However, the benefits are initially only granted for three years, after which an extension may be requested.

### **Child-raising assistance and psychosocial counselling**

148. Parental counsellors support parents in the care of infants and small children. For older children, the Children and Youth Division or the Counselling Centre for Parents, Children and Young People act as contact points for difficulties in raising children or in times of crisis, insecurity, or overwork. Various psychologists also offer family counselling.

149. Where counselling outside the home no longer suffices, sociopedagogical family care may assist in a supporting capacity. The family is visited at home and provided with counselling. This constitutes a concrete learning aid for parents, helping them with their daily responsibility of raising their children in a comprehensive manner appropriate to children and free of conflict. Finally, there is a sociopedagogical living group for young people, offering young people in personal, family, or social difficulties the possibility of a limited removal from the family. It enables all affected family members to reorient themselves and to practise new ways of interacting with each other. It also offers a learning environment for the development of new social competence and an increasingly independent life.

### **Protection from violence**

150. The revision of sexual crimes law in 2001 (LGBI. 2001 No. 16) made rape in marriage or a partnership punishable (section 202 StGB). In addition, the punishment for sexual abuse of minors has been increased, and the beginning of the statute of limitations has been raised to the eighteenth birthday.

151. On 1 February 2001, new laws improving the protection from violence in the family entered into force in Liechtenstein. The core of the right of expulsion and prohibition of entry is that the National Police are authorized to expel a person from the household who has used or threatened violence against a family member, and if necessary to bar the person from returning (LGBI. 2001 Nos. 25, 26, 27).

152. Since the introduction of the right of expulsion and the prohibition of entry, the National Police has annually ordered about 10 of each. In 2003, the police ordered 8 expulsions and 6 prohibitions of entry. The right of expulsion and the prohibition of entry give the National Police an efficient legal tool to immediately remove the aggressor from the common abode in cases of domestic violence. However, only in one case in 2003 did a victim request a temporary injunction and extension of the prohibition of entry from the Liechtenstein Court of Justice. The implementation of the Violence Protection Act imposes high demands on the National Police, who are authorized to order an expulsion. The police must decide on the spot whether domestic violence has been used in the case in question or - since the expulsion is primarily intended to have preventive character - whether an acutely threatening situation exists. The affected police officers have undergone comprehensive training.

153. The new law on expulsion offers the partner and the children temporary relief and the possibility of remaining in their usual environment. It does not, however, offer absolute protection from future assaults. In dangerous situations, it may therefore be important to leave the household anyway and to find secure housing. There is a "Women's Home" in Liechtenstein that takes in women and their children in such situations. The institution is in an undisclosed location, which guarantees protection from further acts of violence. Care is available around the clock, and entry is possible any time of day and night.

154. In 2001, a three-year interregional project against violence in marriage and partnerships was launched, in which Liechtenstein participated along with the Austrian province of Vorarlberg and the Swiss canton of Graubünden. As a first step, a transnational study was undertaken to assess awareness of violence and personal experiences of violence. Building on the results gathered, transnational awareness-raising and educational work was subsequently undertaken, and the willingness and competence to act against violence were promoted.

### **Protection of maternity**

155. According to article 15 of the Health Insurance Act, 20 weeks of sick pay are granted for maternity, at least 16 of which must be after delivery, in accordance with article 14, paragraph 1, of the Act, i.e. at least 80 per cent of the insured person's missed salary, if she has had an insurance policy for at least 270 days without any interruptions over three months. In accordance with the Law on Maternity Allowance Grants, expectant mothers who are not entitled to sick pay from compulsory insurance are paid a one-time tax-free maternity allowance from the general State budget. Since entry into force of the legislative amendment of 30 December 2003 (LGBL 2003 No. 276), there has been a new entitlement to an additional three months of (unpaid) parental leave.

156. Dismissal is prohibited during pregnancy and for 16 weeks after delivery (section 1173a, article 49, paragraph 1, in connection with article 113 of the General Civil Code). Articles 35, 35a, and 35b of the Labour Act contain further provisions protecting pregnant women and nursing mothers. Nursing mothers may only be called upon to work with their consent, and the employer must give them time off necessary to nurse. Similarly, pregnant women may only be called upon to work with their consent. They may also stay home from work or leave work upon

simple notification. The employer may also not ask them to work on tasks that experience has shown to have a negative impact on health or pregnancy. Upon request, pregnant women may also be relieved from arduous tasks.

### **Protection of children and young people**

157. Liechtenstein has been a State party to the Convention on the Rights of the Child of 20 November 1989 since 21 January 1996. The details of this provision are already covered by this convention and must be implemented by Liechtenstein. The prohibition against discrimination contained in this provision corresponds in principle to article 4 of the Convention on the Rights of the Child. The various concrete forms of assistance in this connection are already now performed without any discrimination. For further information, please consult the initial country report of Liechtenstein (CRC/C/61/Add.1) and the second periodic report (CRC/C/136/Add.2).

#### *The protection of young workers*

158. A fundamental revision of the occupational safety provisions in Liechtenstein is currently under way. One of the main concerns is to improve the protection of young employees. Part of the revision will therefore include a new ordinance on occupational safety for young workers. According to the Liechtenstein Labour Act, workers of both sexes up to the eighteenth birthday and apprentices up to the twentieth birthday are considered young workers (article 29, paragraph 1, of the Labour Act). Young people under the age of 14 may not be employed (article 30 of the Labour Act). According to Ordinance I on the Liechtenstein Labour Act (LGBI. 1968 No. 15), young people over the age of 13 may be used for errands and light labour for a maximum of nine hours per week during the school term.

159. In addition to labour prohibited for all young people (especially labour that entails a significant risk of fire, explosion, accident, illness, or poisoning), the Ordinance additionally prohibits a number of types of dangerous or heavy work for young people under 16 (article 48 of the Ordinance). In addition, for purposes of legal protection, young people under the age of 16 may not be employed in movie theatres or circus and fair performance operations, and young people under the age of 18 may not be employed to serve guests, in hotels, restaurants, or entertainment (article 49 of the Ordinance).

160. Working hours for apprentices may not exceed 45 hours per week and average 42 to 43 hours per week. Instruction at vocational schools and introductory and block courses are counted as working hours. The Vocational Training Act specifies how health care is to be handled during basic vocational education. Before beginning an apprenticeship, all apprentices are subject to a medical examination with special consideration of occupational medical aspects. Similarly, the Government may order mass screenings or medical supervision during apprenticeships in the case of occupations where health risks for young people are suspected.

161. It is of note in this connection that vocational schools must offer compulsory physical education once a week during basic vocational education.



## **Article 11. The right to an adequate standard of living and the continuous improvement of living conditions**

### **Adequate standard of living**

162. The standard of living in Liechtenstein is high. The healthy economic environment provides most inhabitants with a secure income and pleasant living conditions. Absolute poverty as such does not exist in Liechtenstein, although some people are disadvantaged compared to others and require State support.

### *Social assistance*

163. State aid to persons in need is governed by the Social Assistance Act (LGBI. 1985 No. 17). Persons with exceptional difficulties in their personal, family, and social situation that they are not able to overcome themselves or with the help of other persons or institutions as well as persons who are unable to secure their own livelihood and that of their dependents are entitled to social assistance. Social assistance is complementary and subsidiary and only supports persons who are not or no longer covered by social insurances and other mechanisms or whose income is insufficient. Assistance encompasses monetary support and support in kind, care benefits, and non-material benefits in the form of counselling and identification of services. The extent of financial assistance is determined on an individual basis, taking into account a reasonable use of the beneficiary's own efforts and resources. There is no legally fixed minimum wage in Liechtenstein. The Social Services Division, which is responsible for the distribution of financial assistance, likewise does not operate with a fixed minimum amount. This is due to varying housing costs. The Social Services Division therefore determines the amount of financial assistance on a case-by-case basis, using a fixed amount for the general cost of living, a fixed supplement for health insurance premiums, and finally individual housing costs. In 2002, 597 households received social assistance. The largest group encompassed unemployed persons, followed by single parents, persons with physical or mental disabilities, and persons with insufficient income (the working poor); 449 households received financial assistance, or 4 per cent of the households in Liechtenstein. A total of about Sw F 3.5 million were spent on financial social assistance. The introduction of the single-parent allowance and rental subsidies responded specifically to the financial risk facing single-parent families. For a detailed discussion, see the comments on article 10.

164. The following bodies are mandated to implement the Social Assistance Act:

- Public Welfare Commission. Each municipality in Liechtenstein has established a Public Welfare Commission. The Commission decides on the approval or rejection of the applications for social assistance reviewed by the Office of Social Affairs. The applications are submitted according to the municipality of residence. Through equalization, the municipalities are responsible for half of the funding of social assistance. The State is responsible for the other half.
- Office of Social Affairs. The Office of Social Affairs is divided into the Social Services Division, the Children and Youth Division, and the Therapeutic Services Division. In concrete terms, it provides persons seeking assistance with counselling,

treatment, advice, aid in kind, and financial assistance. Applications for financial social assistance are submitted through the Office of Social Affairs to the Public Welfare Commission.

- Government. The Government is responsible for promoting effective social assistance. In order to secure in-house and on-site assistance and the establishment of social services, the Government concludes performance contracts with private and public social service entities. The Government is furthermore responsible for the supervision of the various institutions. It also acts as an appeals instance for complaints against decisions of the Public Welfare Commission.
- Court of Justice. The Court of Justice is responsible for implementing judicial measures. Persons with mental problems or suffering from addiction may be institutionalized in a psychiatric clinic or similar institution against their will if the necessary help cannot be provided otherwise. The Court of Justice decides on institutionalization in judicial welfare proceedings on application of the Chief Public Health Officer, the Office of Social Affairs, or the municipal Public Welfare Commission. Institutionalization may be ordered for at most one year. The proceedings on institutionalization must also be accompanied by an expert opinion. Persons in need of care must be released as soon as their condition allows. In practice, persons from Liechtenstein requiring care are admitted to a clinic in neighbouring Switzerland, since there are no closed institutions in Liechtenstein. The care of patients is subject to the regulations applicable in Switzerland.

#### *Right to adequate housing*

165. A number of measures exist in Liechtenstein to ensure that every person has housing. The purchase of a private home is subsidized in accordance with the provisions of the Housing Promotion Act (LGBL 1977 No. 46). The construction and purchase of houses, apartments, row and stepped houses, and the purchase or renovation of old houses are promoted, if certain costs and sizes are not exceeded.

166. As already mentioned under article 10, risk groups such as families with children and single parents whose household income falls below a certain threshold are supported with rental subsidies. Everyone who has lived in Liechtenstein for at least one year, regardless of citizenship, may claim a rental subsidy. In cases of hardship, living costs are covered by Social Assistance. Article 5 of the Social Assistance Act (LGBL 1985 No. 17) explicitly enumerates the provision of housing as one of the benefits of social assistance.

167. Through benefits provided by disability insurance, disabled or elderly persons can undertake necessary structural adjustments in their own home. Assisted living is a further instrument that allows persons to live in an adequate environment. Homelessness does not exist in Liechtenstein. A facility for homeless persons had to be closed for lack of use.

168. Construction regulations and the provisions of laws governing tenancy guarantee an appropriate living area. Supervision is the responsibility of the municipalities and the Building and Fire Authority.

### *Nutrition*

169. Access to a wide range of nutrition is secured in Liechtenstein. The problem of right to food must therefore be viewed less in terms of quantity (sufficient nutrition) and more in terms of quality (healthy nutrition). Looking at the development of eating habits over the past 40 years, a significant reduction of the consumption of carbohydrates in favour of dairy and meat products is apparent. At 40 per cent, the share of fat in overall energy consumption is too high. To promote awareness of nutrition in the population, the Office of Social and Preventive Medicine offers nutrition counselling as a preventive measure. Raising awareness for healthy nutrition is also one of the goals of the project on Health Promotion and Social Education in Schools (see also the comments on article 12; preventive health and health education).

### *Food safety*

170. Food safety is governed by the Swiss Federal Law of 9 October 1992 on Foodstuffs and Commodities, which applies in Liechtenstein pursuant to the Customs Treaty. The Law has three objectives:

- To protect consumers from health risks through foodstuffs;
- To secure hygienic handling of foodstuffs;
- To protect consumers from deception in connection with foodstuffs.

The Law also contains rules on labelling of foodstuffs, particularly with respect to origin, designation, and contents.

171. The Office of Food Inspection and Veterinary Affairs supervises food safety through site and food inspections. Monitoring programmes are supplemented by focus-area investigations and investigations in the event of suspicion. The Food Inspection Ordinance provides the legal basis for these measures (LGBI. 2000 No. 94).

172. The quality of the drinking water available in Liechtenstein is excellent. Depending on the season, about half of the water is source water and about half groundwater. The groundwater is extracted from a 20-to 60-metre-thick pyrite layer and requires no processing. Source water is sterilized with ultraviolet light, mainly as a preventive health measure.

### **International cooperation**

173. In addition to regular non-earmarked contributions by Liechtenstein to various United Nations agencies such as the United Nations High Commissioner for Refugees, the United Nations Development Programme, and the United Nations Children's Fund, Liechtenstein supports numerous projects specifically concerned with access to food. In addition, projects are financially supported that serve to extract and transport water. The amounts of the contributions are listed in the annex.

## Article 12. The right to physical and mental health

### State of health of the population

#### *Life expectancy*

174. Life expectancy in Liechtenstein has steadily risen in recent years. In 2002, life expectancy at birth for women was 75.6 years and 70.5 years for men. The most frequent cause of death was cardiovascular diseases (2001: 35 per cent), followed by cancer.

#### *Infant and child mortality*

175. Between 1998 and 2002, a total of 22 deaths of children and young people were registered. This represents an average of about five deaths a year, although there are major random fluctuations. Nine cases were stillbirths.

#### Birth statistics 1998-2001

Year	Live births	Stillbirths
1998	382	3
1999	430	3
2000	420	1
2001	401	1
2002	395	1

176. In three other cases, the child died within the first few weeks due to heart failure, breathing insufficiency, and sudden infant death syndrome. Cardiovascular failure was the cause of death in three cases, and cerebral haemorrhage/kidney failure in one case. Six children died in accidents, two in motor vehicle accidents.

#### Access to health services

177. Through facilitated registration of foreign physicians pursuant to the Agreement on the European Economic Area, the density of physicians has increased in recent years. With 64 physicians licensed to practise in Liechtenstein, there is 1 physician per 530 inhabitants (for a total population of 34,000). In addition, 29 dentists, 10 midwives, and 13 nurses work in Liechtenstein. The National Hospital in Vaduz is operated with about 40 self-employed physicians practising in Liechtenstein who are licensed to treat their own patients in the hospital and to handle emergencies assigned to them.

178. In addition, there are 11 hospitals under contract in Switzerland and Austria, 4 psychiatric clinics under contract, and 4 rehabilitation hospitals under contract. Health care for the Liechtenstein population is comprehensive. There are almost no waiting periods. The closest physician may be reached in fewer than 15 minutes.

179. Residents of Liechtenstein and people working in Liechtenstein are subject to compulsory health and accident insurance. Insured persons have unrestricted access to all health services in the country. In addition, they may access many health-care facilities in Switzerland and Austria.

## **Preventive health**

180. In accordance with the Health Act, the State undertakes preventive public health measures (LGBI. 1986 No. 12). The focus of preventive health is on raising awareness of health issues, preventing diseases and accidents, early recognition of illnesses and disabilities through preventive examinations, school health care, and counselling for pregnant women, mothers and fathers. Preventive health is the responsibility of the Office of Public Health, the Office of Social Affairs, the Bureau for Sexual Matters and HIV Prevention, and various private service providers.

181. At prescribed intervals, the Office of Public Health invites every person living in Liechtenstein to preventive medical examinations. The preventive health schedule for children serves the early recognition of anomalies and developmental disorders that would not be identified without the examinations; their prognosis can be improved through early therapy. Health insurance policies fund 100 per cent of the cost of these preventive examinations. Detailed information is available in the second periodic report of Liechtenstein on the Convention on the Rights of the Child.

182. The transition to adult preventive care takes place at the age of 17; a general preventive examination is conducted every five years, with an additional gynaecological examination every two years for women.

183. Expectant mothers may seek counselling with various offices, such as the Pregnancy Counselling Office, and a number of physicians. Physicians also conduct prenatal examinations. Various facilities offer antenatal exercises and birth preparation courses for couples. The Liechtenstein Red Cross offers a counselling office for the care of infants and small children. It helps mothers and fathers take care of their children in the first years of life and answers questions on nursing, nutrition, vaccinations, and development of small children.

## **Health education**

184. In 2000, the Government appointed a Working Group on Health Promotion and Social Education in Schools. Since then, new objectives have been developed in conjunction with concrete approaches to solve them, some of which have already been implemented. In the future, health promotion and social education in schools will focus on three project goals. The first goal is the personality development of children, which will become an integrated and interdisciplinary component of the new curriculum. The focus areas are in the promotion of the ability to deal with conflicts, the ability to function in teams, and the strengthening of self-esteem. This goal is also being supported by the newly launched project "School Social Work in Schools". This instrument, primarily designed for violence prevention, is budgeted at Sw F 1 million over three years (LGBI. 2003 No. 177). The second project goal focuses on the physical development of children. Health awareness will be raised with respect to health nutrition, exercise, addictive behaviour, and sexuality. The third goal will ensure communication between government offices. To ensure the coordination of joint projects, a "Round Table" will be established, composed of parents, physicians, teachers, the Office of Education, the Office of Social Affairs, and the Office of Social and Preventive Medicine. This active collaboration of teachers, physicians, and government offices forms the basis for developing and implementing concrete measures.

185. In the area of general health education and promotion, various information campaigns and projects are undertaken, such as campaigns on noise, health nutrition, weight reduction, tobacco consumption, and sun protection.

### **Health and security at the workplace**

186. See the remarks on article 7.

### **The right to health in international humanitarian cooperation**

187. The international humanitarian cooperation of Liechtenstein focuses on five areas, one of which is health. In particular, projects are supported to improve basic public health and to prevent and treat AIDS-related diseases (see contribution list in the annex).

## **Article 13. The right to education**

### **Primary and secondary education**

188. Nine years of schooling in Liechtenstein are compulsory, beginning at the age of 6. Primary school (five years) is followed by one of the continuing schools: *Oberschule* (less demanding level), *Realschule* (more demanding level) or *Gymnasium* (most demanding level). Five thousands children and young people are currently being instructed in the school system, including kindergarten. There are 13 primary schools, 3 *Oberschulen*, 5 *Realschulen*, 1 *Gymnasium*, a vocational high school, and a special education school.

189. An upper school reform was completed in 2001 (LGBI. 2001 No. 140). The reform created uniform advancement rules and rules for entrance and transfer exams. Transferring between school tracks has now become considerably easier and more transparent. The elective options as part of the catalogue of subjects offered have also been expanded.

### *Educational goals*

190. The Liechtenstein curriculum and the design and development of school as a whole are oriented according to established core principles applicable to all schools and school levels. According to these core principles, schools are open to all children and young people regardless of origin, religion, and gender and adopt an open attitude with respect to political, religious, and ideological issues. Schools pay particular attention to the equality of girls and boys. They are responsible for strengthening the individual qualities of adolescents and for helping them become competent members of society. Schools share this responsibility with parents and other institutions. The primary responsibility of parents for raising their children is recognized, aspiring to close cooperation between schools and parents.

191. Children and young people should be taken seriously with respect to their ideas, feelings, and behaviour. Children and young people thereby acquire the skills to act autonomously, to make responsible decisions, and to develop a healthy willingness to perform. In their function as a social learning environment, schools give students the opportunity to get to know the conditions of living together, to recognize human society in all its diversity, to build up relationships, to work together with others, and to take responsibility for the community.

Of central importance is also to attain the ability to conduct discussions, to respect divergent opinions, and to resolve conflicts through argumentation. Schools should help children and young people acquire the skills to recognize ecological connections and the effects of human behaviour on the environment, and to develop an awareness of the responsibility of humans towards nature.

192. Human and children's rights are integrated into the curriculum in the subject "People and the Environment". The overarching goal is for students to understand the principles of human rights and to orient their actions accordingly, i.e. to stand up for their own rights and to accept the rights of others. They learn to understand, differentiate, and scrutinize fundamental values, human rights, and value systems. They deal with different cultures and the related traditions, religions, and value systems. They thereby develop an ethical awareness from which they derive their own behavioural and action patterns. They learn about human rights through concrete examples and grasp them in their importance for the world and their own lives. Possible points of departure are topics such as justice, solidarity, personal engagement, structural injustices, hunger, racism, oppression, persecution, unemployment, and poverty.

### **Vocational training**

193. Basic vocational training in Liechtenstein relies on a two-track and a three-track system. The two-track system includes training in the business and in the vocational school; the three-track system supplements this training with introductory courses teaching fundamental practical skills. Of the 350 to 400 students leaving school each year, about 70-75 per cent enter a generally three- or four-year professional apprenticeship. Around 700 employers in industry, services, and administration offer apprenticeships in about 80 different professions; 1,000 apprenticeship positions are currently registered. Each year, about 330 young professionals complete their vocational training with an examination. The Office of Vocational Training is assigned all occupations in crafts, industry, services, agriculture, forestry, domestic economy, and health and nursing. The financial expenditures for basic vocational training are about Sw F 8 million per year.

### **Higher education**

194. Liechtenstein has one professional college, in which the two fields of architecture and economics are taught. There are also two research institutes: one offers studies in philosophy (International Academy of Philosophy); the other offers doctorate degrees following a university diploma abroad (University of Human Sciences).

195. Students wishing to attend a technical college or a university must do so abroad. Liechtenstein therefore maintains especially close relationships with Switzerland and Austria. A number of international treaties and agreements ensure that Liechtenstein students are accepted on the same terms as local citizens in these two countries. This is not only true for those with academic high school degrees, but also for those who have completed or are still completing vocational training. Graduates of vocational training programmes have the right to be accepted to a Liechtenstein or Austrian institution of higher education (university, technical college, professional college) if they hold a vocational high school degree from Liechtenstein. The Liechtenstein vocational high school degree also grants access to Swiss institutions of higher education, but only professional colleges, not technical colleges or universities. In order to

ensure access to domestic and foreign institutions of higher education, Liechtenstein offers educational tracks on its own territory leading to the academic high school degree (*Gymnasium*) or the vocational high school degree (vocational high school). Liechtenstein's contributions to institutions of higher education at home and abroad amount to approximately Sw F 2 million per year.

### **EU educational programmes**

196. As a member of the European Economic Area (EEA), Liechtenstein takes part in EU vocational training programmes. These are above all the exchange programmes for young workers after completion of basic vocational training (MOJA), apprentices (Xchange), university students (FAMOUS) and educators (CEDEFOP study visits).

197. Since Liechtenstein joined the EEA on 1 May 1995, it has also been a member of the EU educational programme SOCRATES, which was extended by seven years in 1999. In a manner appropriate to its size, Liechtenstein participates in the individual SOCRATES campaigns such as Erasmus, Comenius, Grundtvig, Arion, and Eurydice. This participation offers educators in Liechtenstein previously unknown opportunities for European collaboration. The exchange of language assistants, the mobility of students, and the European events for the continuing education of instructors are now a strong and permanent component of transnational cooperation with EU/EEA States and the EU applicant States.

### **Access to education**

#### *Funding*

198. Education in all these types of schools is free of charge. An exception to this principle is the cost of instruction materials (books). These must be paid for by the parents. The schools subsidize 25 per cent of the acquisition cost of instruction materials. At the primary school level, most municipalities supply children with instruction materials free of charge.

199. Contributions are made to the cost of education by means of loans and stipends, dependent on the income and assets of the parents. A new Stipend Act is currently in development. State benefits in the area of educational subsidies will be expanded, but a general combination of educational subsidies in the form of stipends and loans, as well as a general cap on the duration of benefits, will indicate that the self-responsibility of stipend beneficiaries will be equally required. The new system will further reduce the burden on parents whose children are in school and especially single parents with limited financial means. The State will support both general educational tracks and vocational training.

#### *Children of foreign origin*

200. Criteria such as citizenship, gender, and social and ethnic background are irrelevant for school attendance and vocational training. Schooling is mandatory for every child living in Liechtenstein, and continuing education is oriented according to the abilities and performance of each child.

201. Foreign-language children are now taught German as a second language as part of mandatory schooling (LGBI. 2000 No. 197). Pupils without any knowledge of German are



taught intensive German over the course of one year (22 lessons a week). After a year, they are integrated into the regular school if possible. Twenty pupils currently attend this German course. Foreign-language children who already have pre-existing knowledge of German are now integrated immediately into the regular school, but they receive additional instruction in German (1-2 lessons per week). Five hundred students are currently being taught in this manner. These forms of instruction are also universally accessible and free of charge.

#### *Children with disabilities*

202. The Education Act and the Ordinance of 18 December 2001 on Remedial Measures, Educational-Therapeutic Measures, Special Education, and the School Psychology Service (LGBl. 2001 No. 197) form the legal basis for the educational support of children with disabilities and underperforming children. Compulsory schooling in general includes all children, regardless of their level of scholastic performance. For children with disabilities, this means that they not only have the right to attend school, but that they are required to, the same as children without disabilities. All children and young people with disabilities in Liechtenstein, regardless of their age (in the extreme case up to the age of 22) and type or cause of their disability, are provided with instruction. As with minors without disabilities, schooling is free of charge.

203. An integration framework exists for underperforming students in kindergartens, primary schools, and upper schools. This framework provides underperforming students with the necessary support to remain in regular schools. Support includes in particular scholastic measures. These include German language instruction for foreign-speaking students, supplementary instruction, introductory classes, and remedial teaching. The integration framework works well in practice, since it aids the treatment and bridging of a large number of temporary learning difficulties such as those due to development. Integrative schooling relies on additional staff. A total of 26 special education students were taught in regular classes in the 2002/03 school year.

204. For children and young people who, due to their learning difficulties and despite the integration measures, are nevertheless unable to follow regular instruction, special education schools exist. Transfer to a special education school is undertaken after official inquiries have been made and pursuant to an official decision. One special education school is located in Liechtenstein, run by the Therapeutic-Educational Centre. The special education school can support about 120 pupils, only about half of whom are children and young people from Liechtenstein. The remaining capacity is used by foreign children and young people. Pupils are taught in three different types of group: the kindergarten group, language therapy classes, and long-term classes. In addition to class instruction, each child receives therapy according to his or her disability. The close collaboration between teachers and therapists ensures specialized holistic support. In the 2002/03 school year, 56 special education students living in Liechtenstein attended the school. Another 18 children attended special schools abroad.

#### *Private schools*

205. Article 16 of the Liechtenstein Constitution states that private instruction (which also includes private schools) is permissible, provided that it conforms with the legal provisions governing hours of instruction, the educational aims, and the arrangements prevailing in the

public schools. Articles 60 et seq. of the Education Act (LGBI. 1972 No. 7) contain detailed provisions on private schools. Private schools may be operated by foundations or institutions under public law or by trustworthy private persons. The Government issues licences to operate private schools. If certain conditions are fulfilled, the Government may grant private school public rights. The conditions concern the training of school directors and teachers, the curriculum, and insurance coverage for teachers and students. In addition, the private school must be open to the public and overall fulfil an educational mandate in the public interest. The provisions of the Education Act applicable to equivalent public schools also apply to private schools. The Office of Education is responsible for the supervision of private schools. Pursuant to an amendment to the Education Act in 2000 (LGBI. 2000 No. 35), subsidies may be granted to operators of licensed private schools. The subsidies consist of financial contributions to construction costs and financial contributions to school operations and the remuneration of teachers.

206. There are currently three private schools in Liechtenstein: the Liechtenstein Waldorf School, the formatio day school for the first secondary school level, and the Therapeutic-Educational Centre.

#### *Adult education*

207. State promotion of adult education was introduced in 1979 through relevant legislation (LGBI. 1979 No. 45), at which time a position under the supervision of the Deanery was also created. Upon dissolution of the Deanery as a consequence of the establishment of the Archdiocese of Vaduz, responsibility for adult education was transferred to the Liechtenstein Adult Education Foundation in 1999, a foundation under public law (LGBI. 1999 No. 125). Its responsibility is to coordinate adult education in Liechtenstein, to allocate budget resources approved by Parliament for purposes of the Adult Education Act, and in general to plan and promote adult education in Liechtenstein. Adult education opportunities are offered in all municipalities, with courses taught by various organizers.

#### **The right to education in international humanitarian cooperation**

208. Education is one of the five priority activities that Liechtenstein is engaged in as part of international humanitarian cooperation. The focus is on promotion of basic education and of continuing training of teachers. The concrete contributions are listed in the annex.

#### **Article 14. The obligation to introduce compulsory primary education free of charge**

209. Liechtenstein guarantees compulsory education free of charge.

#### **Article 15. The right to take part in cultural life and scientific progress and the right to copyright protection**

#### **State cultural policy**

210. The participation in cultural life and the achievements of scientific progress is guaranteed in Liechtenstein without any State restrictions. Although the Liechtenstein Constitution does not

contain an actual cultural article, the cultural mandate of the State can be derived from a number of constitutional articles.

211. Cultural policy and promotion are governed by the Cultural Promotion Act of 1990 (LGBI. 1990 No. 68). The Act guarantees the free exercise of artistic and cultural expression and universal access to cultural achievements and facilities; in addition to the cultivation and imparting of values of the past, the Act especially also emphasizes the promotion of new, innovative forms of cultural activities and organizations. The Act governs the types and prerequisites of promotion, organization, and funding. The Ordinance on the Cultural Promotion Act of 1997 empowers the Cultural Advisory Council to issue internal guidelines for the various areas of cultural promotion to be approved by the Government. These areas include annual work stipends, support of audio CD productions, various contributions relating to cultural exchange, and cultural education. Cultural promotion is based on the principle of subsidiarity, i.e., the State only intervenes when cultural activities are possible only with the help of increased financial and human resources. This is primarily the case for exhibitions and educational facilities and generally where physical structures are necessary for cultural activities. Otherwise, cultural promotion relies on private or communal initiatives. As a rule, however, cultural promotion takes a pragmatic approach, relying on joint support by the State, municipalities and private sponsors for larger projects.

#### *Guidelines*

212. In its 1995 guidelines on its cultural objectives, the Government emphasized the following aspects:

- Culture as part of national identity is of essential national political importance;
- Cultural life in Liechtenstein is characterized by extraordinary diversity and broad participation, which imparts meaning to human coexistence;
- The State creates an optimal environment for unhindered unfolding of cultural activities and commits itself to support such activities without influencing or delimiting them;
- The diverse cultural resources of Liechtenstein are part of the country's identity and should be cultivated, integrated into the present, and widely conveyed;
- The importance of integrating living tradition in Liechtenstein should be preserved, primarily at the municipal level;
- The State of Liechtenstein should promote the broad modern artistic endeavours of its population in as diverse a way as possible and should aim to disseminate such endeavours both in Liechtenstein and abroad;
- Transnational cultural policy should ensure the worldwide exchange of cultural endeavours, which is of particular significance to a small State like Liechtenstein.

213. The overarching aim of cultural policy is therefore to cultivate and improve human coexistence and cohesion through the creation, preservation, and sustenance of cultural values. Common cultural experiences should strive to create new solidarities and ties and to promote existing feelings of shared identity. The goal of such a cultural policy is the ongoing assumption of joint responsibility for the country of Liechtenstein and an engaged determination of its future destiny.

#### *Organs*

214. State cultural policy and cultural promotion in general is the responsibility of the Ministry of Cultural Affairs; the Music School and the School of Fine Arts are assigned to the Minister of Education. In 1964, the Cultural Advisory Council was created, a consultative commission that supports the Government in the promotion, coordination, information, and documentation of cultural activities and that is responsible for the administration and use of the endowment of "Pro Liechtenstein", a non-autonomous foundation under public law. The main activity of the Cultural Advisory Council is to review applications for grants. The Office of Cultural Affairs, established in 1999, is subordinate to the Ministry of Cultural Affairs and advises the Ministry and the Cultural Advisory Council with respect to their cultural mandate in the area of art and culture. For many projects, State cultural promotion acts in concert with cultural promotion by municipalities and by private foundations and associations. To the extent that cultural promotion affects the interests of a municipality, it falls within the municipality's scope of authority. In addition to investments in the area of culture, this in particular also applies to the material and non-material promotion of culture through the support and promotion of local cultural associations, traditions, cultural assets, and various cultural events as well as historical preservation. Various private cultural organizations and associations are also supported by the Government with annual contributions.

#### *Recent developments*

215. The largest part of the legislative foundation in the field of culture was established in the 1990s on the basis of a Cultural Report: the Archives Act (LGBI. 1997 No. 215), the Cultural Promotion Act, including the Ordinance and the guidelines on various areas of promotion, regulations governing the "Pro Liechtenstein" cultural promotion foundation, a law and an ordinance on the return of illegitimately acquired cultural assets (LGBI. 1999 Nos. 166 and 167), an article in the Disaster Protection Act on the protection of cultural assets (LGBI. 1992 No. 48), and the Media Promotion Act (LGBI. 2000 No. 14).

216. New cultural institutions have been founded and the support of existing ones strengthened. In addition to the School of Music, founded in the 1960s and promoted by the State, the Government decided in 1996 to continue the private School of Fine Arts, which opened at the beginning of the 1990s and offers a whole range of continuing education opportunities for children and adults. One of the most important cultural facilities in the "Theatre on the Kirchplatz", founded in 1972 and renowned in Liechtenstein and abroad, which receives State support in the form of annual contributions that have been increased since 1999.

217. Finally, the cultural infrastructure has been expanded in recent years. The premises of various cultural institutions (National Library, Music School, School of Fine Arts) have been expanded or newly constructed. The first Museum of Fine Arts in Liechtenstein opened its doors

in November 2000. The Liechtenstein National Museum was reopened in 2004 after a multi-year renovation period. In addition, a number of valuable objects have been placed under historical protection and restored.

218. In parallel, the areas of coordination and communication have been expanded. In 1996, the Government launched regular talks between the Ministry of Cultural Affairs and culturally engaged persons and municipal cultural officials; in 1999, the Government then established the Office of Cultural Affairs, taking a further step towards comprehensive cultural coordination. The ultimate goal of this cultural coordination would be the creation of a comprehensive Office of Cultural Affairs that would unify the existing Office of Cultural Affairs and the Cultural Heritage Division, among others.

#### *Promotion of participation in cultural life*

219. Through increased public relations work on the use of new media - especially the Internet - the Government aims to increase interest in Liechtenstein cultural endeavours and facilitate access to cultural events. The provision of culturally relevant data and information will also ensure a transparent cultural policy. The move to the Internet can also be viewed as a first step in the direction of universal accessibility of cultural data, which could ultimately be comprehensively ensured with the establishment of a Liechtenstein "cultural database". In addition, the traditional forms of public relations work will continue to be important. Complementing the 2000 *Cultural Report*, an assessment of the cultural activities in Liechtenstein, the Ministry of Cultural Affairs organized a Cultural Congress in 2000 for all culturally interested persons in the country, in order to enable a broad discussion on goals and perspectives of future cultural policy.

220. Further measures of conveying culture include targeted museum education, guided library tours and theatre visits, and projects to facilitate access to traditional and contemporary art, especially for students, but also for the entire population. The development and coordination of appropriate measures in the relevant cultural facilities were built up in parallel with the new construction of the National Museum and the Museum of Fine Arts. These measures included the provision of didactic aids such as instruction materials. In addition, the establishment of a centre for museum education and a cultural service for schools, analogous to the Austrian model, are planned.

#### *Art education*

221. The Liechtenstein Music School is under the supervision of the Office of Education and is therefore assigned to the Ministry of Education; it operates with specialized curricula and uniform salary and employment agreements. At most 50 per cent of funding is provided by the State, 25 per cent by municipal contributions, and at least 25 per cent by private contributions. Currently, 2,500 students are registered at the Music School and have represented Liechtenstein at various international music events abroad. The Music School events in Liechtenstein have been visited by over 10,000 persons in one year.

222. The Liechtenstein School of Fine Arts is also subordinate to the Ministry of Education. Complementing the very widely used Music School, the School of Fine Arts conveys a more

in-depth access to art and culture to its students. The funding of the School of Fine Arts is secured by State contributions and voluntary contributions of almost all municipalities, as well as through income from participants and sponsors.

223. Further cultural educational programmes, such as the Adult Education Foundation, an autonomous foundation under public law, and the Liechtenstein Institute are supported with a yearly contribution by the Government. The State also supports activities in connection with “Culture for Children”, the “Seniors’ College”, and efforts toward intercultural education and mutual tolerance, especially measures relating to xenophobia and raising the awareness of young people.

224. The new Museum of Fine Arts, the expanded National Museum, and other similar facilities fulfil an important function in passing on cultural heritage. The Liechtenstein museums and exhibitions aim to attract a large number of interested persons and should be supported with appropriate measures.

#### *Public expenditures for culture*

225. According to the current account, State expenditures for culture and recreation in 2002 amounted to a total of about Sw F 24 million. In addition, municipalities made significant contributions to the support of cultural activities out of their own budget. The effective municipal expenditures in the field of culture are difficult to assess, however, since the different structures of municipal budgets hardly allow for comparison, and since the expenditures are budgeted in a wide range of administrative branches of the municipalities. Cultural expenditures may, for instance, be included in the areas of education, municipal administration, school and/or municipal library, community hall, construction administration, and “other recreational activities”. In addition to the expenditures included in the current account, the capital budget also includes cultural expenditures that vary greatly from year to year, depending on the projects in question.

#### **Protection of cultural heritage and cultural assets**

226. The Cultural Heritage Act (LGBI. 1977 No. 39), which was passed in 1944, revised in 1977 and is still in force, assigns the preservation of culturally significant objects to the State and the municipalities. The protection of cultural heritage is governed by a number of laws and treaties. These include Liechtenstein’s ratification of the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict of 1954, the Convention for the Protection of the Architectural Heritage of Europe (1985) and the Convention on the Protection of the Archeological Heritage (1976, revised 1992) to complement the Hague Convention, the Disaster Protection Act, and the Law on the Return of Illegitimately Acquired Cultural Assets. Ratification of the Second Protocol of 26 March 1999 to the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict is currently in preparation.

227. Preserving, storing, and using archival materials are a fundamental responsibility of the State and the municipalities. The Liechtenstein National Archives are the central archive for all State organs of the Principality of Liechtenstein. In addition, the National Archives also establish their own documentation and collections in important areas and maintain archival

material of private origin. A reconstruction of the National Archives is currently under way and aims to optimize the storage of inventory on various data carriers. Municipal archives and rectory archives in all Catholic parishes complement the National Archives.

### **Copyright protection**

228. The mandate for a legislative regulation of copyrights is contained in article 34, paragraph 2, of the Liechtenstein Constitution. In 1999, the Law on Copyright and Related Protective Rights (LGBl. 1999 No. 160) and the corresponding Ordinance (LGBl. 1999 No. 253) were revised. The Copyright Act governs the protection of authors of works of literature and art, the protection of performing artists, producers of audio, visual, and audiovisual media and broadcast companies, the protection of database producers, and the activities of rights societies and their supervision. In addition to improved legislative incorporation of technical innovations, the Act has substantially expanded rights of authorship. In essence, this expansion concerns the new protective categories of neighbour rights (protection of performing artists and performers) and broadcasting rights, the use of works and any compensation owed, and the collective use of copyrights by rights societies. Remuneration rates are fixed and collected by the four rights societies ProLiteris, SUISA, SUISSIMAGE, and SWISSPERFORM. The fees levied are paid out to authors on the basis of a distribution key, after deduction of administrative costs.

### **Research**

229. The freedom of research is not explicitly mentioned in the Constitution, but is included under freedom of opinion in a broad sense, according to the unanimous conclusion of doctrine and jurisprudence. The freedom of research therefore represents a basic individual right guaranteed by unwritten constitutional law. In addition, the Law on Professional Colleges, Universities, and Research Institutes (LGBl. 1992 No. 106) explicitly guarantees the freedom of research and doctrine in an ethically responsible framework. At the international level, the freedom of research and the freedom of artistic creation are protected by the freedom of opinion guaranteed in article 10 of the European Convention on Human Rights and article 19 of the International Covenant on Civil and Political Rights.

230. A particular strength of the Liechtenstein economy is based on the innovative research and development work of domestic industry. Only by focusing on research and development have a number of Liechtenstein industrial companies been able to establish themselves as global market leaders in their segments.

231. Since the entry into force of the Law on Professional Colleges, Universities, and Research Institutes, Liechtenstein has maintained a tertiary education system with four institutes of higher learning. Despite the small size of the tertiary level, university life in Liechtenstein is characterized by vibrant research activity. Research encompasses both basic research and applied research.

### **International cooperation in the area of culture**

232. In connection with the enhanced foreign policy engagement of Liechtenstein in recent years, culturally important treaties have been concluded primarily within the Council of Europe and the European Economic Area/European Union. For instance, Liechtenstein is represented in

the Cultural Committee of the Council of Europe. Within the framework of the European Economic Area/European Union, Liechtenstein also takes part in Culture 2000, the new EU cultural promotion programme, and the Working Group on Cultural Affairs of the EEA. On the basis of the Cultural Promotion Act, Liechtenstein supports various forms of international and intercultural exchange of artists and cultural figures as well as activities that carry Liechtenstein art and culture abroad.

233. Of particular significance at the regional level are Liechtenstein's membership in the regional conferences of eastern Switzerland and the Lake Constance region, as well as annual bilateral contacts with cultural officials in the Swiss cantons and the Austrian province of Vorarlberg.



**List of annexes**

Information on the employment and labour market situation in Liechtenstein

Diagram of the Liechtenstein educational system

List of humanitarian contributions in 2003

-----