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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Thirty-sixth session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 7th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 4 May 2006, at 10 a.m.

Chairperson: Ms. BONOAN-DANDAN

CONTENTS

CONSIDERATION OF REPORTS (continued)

- (a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH
ARTICLES 16 AND 17 OF THE COVENANT (continued)

Initial report of Liechtenstein (continued)

* The summary record of the second part (closed) of the meeting appears as document E/C.12/2006/SR.7/Add.1.

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The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS (continued)

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (continued)

Initial report of Liechtenstein (continued) (E/1990/5/Add.66 and Corr.1; E/C.12/Q/LIE/1; E/C.12/Q/LIE/1/Add.1)

1. At the invitation of the Chairperson, Mr. Frick, Ms. Frommelt, Mr. Gstöhl, Mr. Hassler, Ms. Lingg, Mr. Risch, Mr. Ritter, Mr. Röthlisberger, Mr. Walch and Mr. Wolfinger took places at the Committee table.
2. Ms. BRAS GOMES said that the delegation should provide examples of the socially acceptable measures that the Government planned to take in its reform of the social welfare system. She requested information on the profile of households that received social assistance. She wondered whether the Government had any intention of moving away from the needs-based, case-by-case evaluation and towards a rights-based minimum income and, if not, why.
3. Mr. PILLAY asked why Liechtenstein's labour legislation, which prohibited discrimination on grounds of race in the termination of employment, did not expressly prohibit such discrimination in the promotion and recruitment of workers.
4. Mr. RÖTHLISBERGER (Liechtenstein) said that, although the youth unemployment rate had previously accounted for 20 to 25 per cent of total unemployment, that rate had decreased to about 18 to 20 per cent as a result of measures taken by the Government and the Employment Service Bureau. Youth unemployment was seasonal and very rarely exceeded six months.
5. With regard to unemployment benefits, he said that persons up to 50 years of age were entitled to 250 daily allowances over a period of two years and 50- to 60-year-olds were entitled to 400 days; persons over 60 were entitled to 500 days. While the amount of the benefit depended on a person's marital status and the number of dependants, it was usually between 70 and 85 per cent of the former income, with an upper limit of Sw F 8,100 a month.
6. Minimum wages were agreed between the social partners, for example, the Liechtenstein Employees' Union and the Chamber of Trade and Commerce. The Constitutional Court had recently abolished mandatory membership of the Chamber of Trade and Commerce for all businesses, with the result that non-members were no longer bound by the collective employment agreements and minimum wages had decreased significantly. To remedy the situation, the Government had proposed a bill under which the application of collective employment agreements could be extended by means of an ordinance. In the case of sectors or professions without valid collective employment contracts, the Government would have the possibility of establishing a minimum wage if the usual wages were underbid repeatedly or in an abusive manner. Those minimum wage provisions would be applied by a newly established tripartite commission to be composed of Government, employer and employee representatives.
7. Mr. RISCH (Liechtenstein) said that, if a minimum wage did not cover the subsistence level, there was a possibility of receiving financial assistance or rental subsidies.

8. Ms. LINGG (Liechtenstein) said that, while it was true that women were over-represented in part-time work, no studies had been conducted on their representation in lower-paid jobs. Despite legislation on non-discrimination in the workplace, inequalities persisted. The Office of Equal Opportunity was making efforts to eliminate stereotypes of traditional male and female roles; its activities included visiting schools to encourage girls to study technical subjects. The Government awarded an annual recognition prize to NGOs, businesses or private initiatives for promoting equal opportunities for men and women. Businesses wishing to be considered for the award must answer questions on part-time work. In 2006, the prize had been awarded to a women's NGO.
9. The Gender Equality Act expressly prohibited any form of discrimination on the grounds of gender in the field of employment. In cases of alleged discrimination, the employee benefited from a reduction of the burden of proof, which meant that the defendant had to prove that no discrimination had occurred. Under the planned amendment to the Gender Equality Act, the reduction of the burden of proof would also apply to sexual harassment cases.
10. Mr. RITTER (Liechtenstein) said that, under the proposed amendments to the Civil Servants' Act, the provision concerning the right to strike would be removed, and there would no longer be any contradiction with the Covenant. Since the Covenant was directly applicable, the right to strike could be invoked in the courts. That right applied to employees in both the public and private sectors.
11. One of the socially acceptable measures already adopted as part of the reform of the social welfare system was the early identification and treatment of conditions that could develop into workplace disabilities; that preventive measure was aimed at reducing disability insurance costs.
12. Liechtenstein's membership of the European Economic Area had resulted in a large influx of doctors which, given the already high ratio of doctors per capita, had led to an increase in services and, consequently, higher costs. The Government had therefore taken non-discriminatory measures to reduce that influx and regulate the increase in expenditure. The Government was holding discussions with all stakeholders in order to determine what additional measures should be taken.
13. Ms. FROMMELT (Liechtenstein) said that the comprehensive study of the social welfare system had been conducted as a preventive measure in the light of worrying developments in neighbouring countries. State costs had increased considerably over the past 10 years for various reasons, and reforms would be successful only if conducted on several levels. Before considering drastic action, such as benefit cutbacks, the Government intended to make general improvements in its social welfare system such as increased coordination.
14. Mr. RISCH (Liechtenstein) said that, in the area of social assistance, the Government planned to pay greater attention to developing financial working incentives.
15. Mr. GSTÖHL (Liechtenstein) said that, taking account of population trends, the number of households receiving social assistance had increased by approximately 2 per cent over the past 10 years, and there had been 664 beneficiary households in 2005. That figure included not

only those who received financial assistance but also clients of the Social Services Division who received personal assistance. All persons were entitled to such support, and equal treatment was guaranteed. Daily living costs were provided in a lump sum, which for one person was approximately Sw F 1,100 a month.

16. Mr. RITTER (Liechtenstein) said that existing labour law expressly prohibited discrimination in the areas of job recruitment and promotion. Moreover, Liechtenstein was a party to the International Convention on the Elimination of All Forms of Racial Discrimination and had accepted its individual complaints procedure. There was no case law on racial discrimination; if such case law did arise, the Constitutional Court was competent to decide whether the particular provisions concerned were sufficiently explicit.

17. Mr. MARCHÁN ROMERO asked whether the Government planned to enact legislation to protect workers against unjust dismissals.

18. Ms. BRAS GOMES commended the Government for envisaging measures other than reducing benefits to contain social protection costs. Liechtenstein's second periodic report should describe what impact those measures had had. Efforts to link disability benefits to the integration of disabled persons in the workplace depended on the sensitization of the other workers and the coordination of Government policies among various ministries. A case-by-case evaluation of the need for social assistance might stigmatize beneficiaries; it would be preferable to grant a flat-rate benefit to certain categories of the population, and only thereafter consider making an individual needs analysis.

19. Mr. RITTER (Liechtenstein) said that the Employment Contracts Act contained a provision that explicitly prohibited wrongful termination of employment.

20. Mr. PILLAY said that the legal provisions concerning the prohibition of discrimination on the grounds of race in the areas of job recruitment and promotion must be very clear in their wording.

21. Mr. WALCH (Liechtenstein) said that one third of the jobs created as a result of an economic upturn in 2005 had gone to workers recruited abroad.

22. Mr. SHEN Yongxiang asked whether there were any restrictions on the employment of foreign nationals for certain posts.

23. Mr. FRICK (Liechtenstein) said that there were very few restrictions on employment of foreign nationals; in fact, two thirds of all jobs in Liechtenstein were held by foreign nationals. Moreover, foreigners were employed at all levels of the civil service. Diplomatic posts were reserved for nationals.

24. Mr. ATANGANA requested additional information on the impact of the Government's measures to reduce domestic violence which, according to information he had received, affected one out of every five women in Liechtenstein.

25. Mr. PILLAY said that the delegation should comment on reports that the Government did not maintain adequate statistics to monitor the access to housing of vulnerable categories of the population. Immigrant women and asylum-seekers reportedly encountered many obstacles to obtaining rental accommodations. He wished to know whether immigrants qualified for Government-funded rental subsidies.
26. Mr. RIEDEL said that Liechtenstein's second periodic report should provide statistics indicating to what extent the goals of the campaign to prevent alcohol and drug addiction had been achieved. He would appreciate additional information about what kind of substance abuse treatment was available to minors, and about laws relating to drug addiction and drug prevention as they applied to minors. He wished to know what options were available to parents or guardians of drug addicts who wished to contest compulsory inpatient treatment for their children. He asked whether the dispensing of drug replacements, such as methadone, had helped to decrease the number of drug crimes.
27. He asked why many residents of Liechtenstein were tested for HIV/AIDS anonymously in nearby Switzerland and Austria. In its second periodic report, Liechtenstein should indicate the results of State-supported international cooperation projects relating to the suppression of illicit drugs and drug addiction.
28. Mr. SADI said that the large number of children born out of wedlock in Liechtenstein posed social, psychological and economic problems for the families concerned. He asked whether Liechtenstein's strict abortion laws were partly to blame. He was concerned that mail-order brides were more vulnerable to domestic violence, since their residence status was dependent on their remaining married. It was ill-advised for the marriageable age to be as low as 16, since early marriage should be discouraged. While the crime of marital rape was reprehensible, he did not agree that it should carry as severe a penalty as rape. He welcomed the fact that prostitution and child pornography had been criminalized in Liechtenstein.
29. Mr. TIRADO MEJÍA requested information on measures that the Government was taking to deal with aspects of the drug problem other than drug consumption.
30. Ms. BRAS GOMES asked whether the fact that many women were employed in part-time jobs was because childcare services were inadequate. She wondered whether the Government planned to improve social services for the elderly.
31. Mr. RITTER (Liechtenstein) said that the Government recognized the importance of addressing the problem of domestic violence both in legislation and through preventive measures. The new right of expulsion and the prohibition of entry enabled the National Police, with the authorization of a judge, to expel an offender from the common household or to bar the offender from returning home. In an effort to raise awareness, the Government had begun a survey in which participants were asked to define domestic violence. Although it would take several years to bring about a significant change in attitudes, the survey was expected in the medium term to reduce the number of women living in shelters. Efforts to promote gender equality were also expected to reduce the incidence of domestic violence.

32. Mr. GSTÖHL (Liechtenstein) said that comprehensive statistics on alcohol and drug consumption were not available. An estimated 10 to 20 per cent of the population had a serious alcohol addiction. The Commission on Addiction had focused on raising awareness of the dangers of alcohol among schoolchildren. A new campaign had encouraged people to consume alcohol in moderation. The figures on cannabis consumption provided in the written replies were up to date; measures to reduce such consumption were a high priority in Liechtenstein's drug prevention programme. Doctors in Liechtenstein were not permitted to prescribe heroin-based treatments. There had been one case in which a citizen of Liechtenstein had received such therapy in Switzerland.

33. The National Police had to obtain the approval of the Chief Public Health Officer before institutionalizing anyone who displayed seriously antisocial behaviour. A court ruling was necessary in order for a person to remain in an institution longer than two days, and the person concerned had the right to be heard before a court.

34. A small number of foreigners had experienced difficulty in finding housing in Liechtenstein. In such cases, the Office of Social Affairs had provided assistance. Foreigners had the same right to subsidized housing as citizens of Liechtenstein.

35. Mr. WALCH (Liechtenstein) said that asylum-seekers were placed in reception centres or in the community while their asylum applications were being processed. Once a residence permit had been issued, housing was provided.

36. Mr. RITTER (Liechtenstein) said that, within the framework of the National Action Plan against Racism, a study had been undertaken by an independent research institute to establish the best way to measure discrimination. The study, which would be completed by the end of 2006, should enable the Government to implement more effective measures to combat all forms of racism.

37. Mr. RISCH (Liechtenstein) said that the Narcotics Act, the Road Traffic Act and the Youth Act were all relevant to drug prevention. Information on cannabis consumption had been provided in the written replies.

38. Mr. WALCH (Liechtenstein) said that foreigners who divorced citizens of Liechtenstein within five years of contracting marriage were not deported if they had children who had integrated into society, or if one of the spouses had been physically abused by the other.

39. Mr. GSTÖHL (Liechtenstein) said that abortion was legal only if the pregnant woman's life was at risk. In a 1995 referendum, the population had rejected a bill to make the abortion law more strict. Counselling had been available for pregnant women for many years, and funding for additional counselling centres had recently been provided in order to persuade women not to go abroad to have an abortion.

40. Mr. RITTER (Liechtenstein) said that the large number of children born out of wedlock was a result of couples marrying after having children, or not choosing to marry at all. There was no discrimination of any kind against children born out of wedlock. Early marriage did not pose any problems in Liechtenstein.

41. Prostitution that was in any way public was illegal. Any involvement in child pornography, including possession of such material, was a criminal offence. A citizen of Liechtenstein found guilty of abusing a child abroad could be prosecuted in Liechtenstein.
42. A spouse could be prosecuted for rape only if the victim brought charges. The punishment for marital rape was the same as that for other kinds of rape, unless the victim was willing to continue living with the offender, in which case the punishment was reduced.
43. The Government addressed the problem of the supply of illicit drugs by creating sustainable livelihoods for former drugs dealers. The Office of Social Affairs had taken several measures to reduce demand.
44. Mr. RISCH (Liechtenstein) said that childcare services in Liechtenstein were currently adequate to meet demand. Inpatient and outpatient services for mental health patients were also sufficient.
45. Mr. FRICK (Liechtenstein) said that many women were able to choose to work part-time thanks to the high salaries paid in Liechtenstein. The Government was among the employers that offered part-time posts.
46. The CHAIRPERSON thanked the delegation of Liechtenstein for its report and for its open and constructive dialogue with the Committee.

The public part of the meeting rose at noon.