



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women**
Thirty-ninth session

Summary record of the 798th meeting (Chamber B)

Held at Headquarters, New York, on Thursday, 26 July 2007, at 3 p.m.

Chairperson: Ms. Dairiam (Rapporteur)

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In the absence of Ms. Šimonović, Ms. Dairiam (Rapporteur) took the Chair.

The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (continued)

Second and third periodic reports of Liechtenstein (continued) (CEDAW/C/LIE/2, CEDAW/C/LIE/3; CEDAW/C/LIE/Q/3 and Add.1)

1. *At the invitation of the Chairperson, the members of the delegation of Liechtenstein took places at the Committee table.*

Articles 7 to 9 (continued)

2. **Mr. Wenaweser** (Liechtenstein) said that the subsidies given to political parties were proportional to their representation in Parliament. The idea of introducing disproportionate subsidies for those parties that had internal quotas had been rejected as it might lead to requests for other types of disproportionate subsidies and result in a very complex system. There were two mechanisms for nominating judges. Posts for the first category, consisting of professional, full-time judges, were advertised publicly and applications were submitted by interested persons. From 1998 to 2005, the representation of women in such posts had increased by 25 per cent. Nominations for the second category of judges were made by the political parties.

3. Although quotas were possible as a temporary special measure under article 4.1 of the Convention, there was no obligation to introduce them. The Liechtenstein Government had already taken some other kinds of temporary special measures, and if they did not achieve the intended results, then other measures should be considered.

4. **Ms. Kubik** (Liechtenstein) said that “media suitcases” of books and materials were currently being developed for all school levels. She did not know what percentage of textbooks were gender sensitive, but some of them came from the canton of Zurich, which was very progressive in that respect. Teachers were encouraged to introduce the gender perspective in their instruction. The workshops held on 8 March in 2006 and 2007 on role models for young people aged 12-18 had proved very popular and would be continued in the future.

Articles 10 to 14

5. **Ms. Zou** Xiaoqiao congratulated the Liechtenstein Government on its accomplishments. She asked for information on the graduation rates for girls and boys at primary school, middle school and so on, and wondered how many years of education were compulsory. It would be interesting to receive information on the proportion of male and female teachers.

6. The reporting State should indicate if any additional proactive measures would be taken to eliminate traditional stereotyping in the selection of study areas, and whether the existing measures had had any positive effects. With regard to basic vocational training, she requested clarification of the fact that a much smaller number of areas seemed to be open to women, according to page 36 of the report (CEDAW/C/LIE/3).

7. **Ms. Arocha Dominguez** recommended that the next report should include more recent employment statistics in order to include any changes that had taken place as a result of new measures and the Law on Equal Opportunities, and also wished to have more information on the categories of own-account workers. As Mr. Ritter had referred to the business sector as very small, she wanted to know what type of business management women were involved in, and whether they tended to work in family enterprises rather than fully-fledged businesses.

8. The second report had referred to the flexible annual work schedule established in 1999, but the third report had not contained any reference to a follow-up effort. The Committee was interested to know what impact it had had on men and women and to what extent that arrangement might affect women in other areas such as social security. Lastly, she had been concerned to read that the wage gap increased at higher wage levels and asked whether that was an indication of discrimination or that women were less interested in being promoted.

9. **Ms. Saiga** noted that the increase in the tertiary education quota for young women would not necessarily solve the problem of job segregation. It was important to encourage women to study more non-traditional subjects and the Government should take more vigorous action in that respect. The Committee wondered whether the Government had conducted any surveys on the reasons why so many women were in part-time jobs and whether it was by choice.

10. She was interested to know why half of the women who worked resigned from their jobs after having a child, as indicated in the response to question 7 (CEDAW/C/LIE/Q/3/Add.1), and also wondered whether any survey had been conducted to see whether they wished to re-enter the labour market later on, either on a full-time or part-time basis. In relation to unpaid parental leave, information was requested on the pattern of use of such leave and whether both parents usually made use of the maximum amount.

11. **The Chairperson**, speaking as a member of the Committee, said that occupational and vertical segregation in the work place showed that there were still obstacles to reaching de facto equality in employment, although de jure equality had been assured. She asked if there was any monitoring of employers' equal treatment of full- and part-time employees and also wondered whether most part-time workers were women because equal treatment was not ensured and men therefore did not accept such work, and whether there were any channels to deal with complaints. Did the Working Hours Ordinance also apply to the private sector and how was it enforced? Were there any enforcement measures such as sanctions against employers?

12. She asked whether any information was available on the findings of the Government's research on various social and political issues in order to develop targeted support for families that responded to their actual needs. The prohibition of discrimination in employment contract law applied only to contract termination, without covering the areas of recruitment, remuneration, promotion and so on. There was also the Gender Equality Act, which was supposed to enable women to be employed on an equal basis with men and have similar conditions. She wondered whether there was any conflict between the employment contract law and the Gender Equality Act.

13. **Mr. Wenaweser** (Liechtenstein) said that there were nine years of compulsory schooling in Liechtenstein. While it would certainly have been preferable to include more recent employment statistics, the timing of the report was one reason for their absence. With regard to self-employment and the kinds of enterprises women were working in, he noted that enterprises in Liechtenstein tended to be small. There were a few companies that employed over 250 people, which was quite remarkable given the size of

the country. He did not have additional information on different categories of self-employment.

14. Although there was no wage gap in the national administration, women's average salaries were lower than men's, as there were fewer women in leading positions. Women received 20 weeks of paid maternity leave, and both parents could take up to three months of unpaid parental leave. Although half of women workers resigned after the birth of a child, that was not because of the current labour regulations.

15. **Ms. Kubik** (Liechtenstein) said that the new Vocational Training Act promoted equal opportunities for women and was expected to help expand the range of occupations chosen by young men and women. It also contained provisions to support young women or women who wished to re-enter the labour force after a period of work at home. The Stipend Act also offered support for women. A Commission on Equal Opportunity had been established at the University of Liechtenstein in 2006 to represent women's concerns, and women students and employees at the University had access to a counselling service and to child-care facilities. Rules on sexual harassment and gender diversity were being prepared.

16. Unfortunately no figures were available with respect to the wage gap, but they would be included in the next report. Men's average salaries were higher because there were more men in leadership positions and because they tended to have more qualifications, particularly in comparison to older women. Active measures were needed to increase the share of women in leadership positions in public administration.

17. The numbers of women in part-time work were most likely increasing because they were trying to reconcile their family and work responsibilities. Many women chose to re-enter the work force 10 or 15 years after the birth of a child, often starting with a part-time position, and increasing their workload as the children got older. Efforts were being made to support those women. Under the Equal Opportunity Act, women could apply for courses and training programmes. A study of women's re-entry into the labour force had been conducted in order to find out what could make the process smoother. Recommendations had been made to facilitate the transition from full-time to part-time work, and in cases of discrimination, women could take action under the Equal Opportunity Act.

18. The flexible working hours arrangement did not apply to the private sector. Sanctions could be taken against employers under the Gender Equality Act, but not under the Labour Act. The Government had responded to the questions of Parliament in October 2006. The data on part-time and full-time work had already been submitted to the Committee. According to the 2005 census, over 3,000 women over 19 years of age in households with children were working either full- or part-time. As for the numbers of women resigning after the birth of their first child, no complete information was available. Fewer and fewer women working in the national administration were resigning. Very few continued to work full time, and most women reduced their workload. In-house child-care facilities were available.

19. According to the 2000 census, there were 926 single-parent households amounting to a total of 2,481 persons. There were 557 single parents, including 490 women, with children under 18 years of age. With regard to the availability of child-care facilities, the total number of children in day care who were not in primary school or pre-school in 2005 was 147. Another 140 children were in part-time day care. In answer to a question raised at the previous meeting, she said that the findings of a representative survey of men and women aged at least 18 years had shown that the decline in the birth rate was due to factors other than the expense of starting a family.

20. Many young people were demanding more child-care facilities and better infrastructure. Even when such facilities were already available, there were requests for more professional child-care centres and a more active contribution from schools, including the provision of lunches and assistance with homework. Another finding of the survey was that there was a need for a public discussion of the role of men and women, and mothers and fathers. Two central issues were the reconciliation of family and working life and labour market structures. Social attitudes to parenthood were also important.

21. **Mr. Wenaweser** (Liechtenstein) clarified that women were not offered fewer choices of vocational training paths, but tended to make less varied selections than men. There had also been a significant improvement in enrolment over the past 25-30 years, especially in tertiary education.

22. **Mr. Ritter** (Liechtenstein) said that law and medicine were two of the subjects that were often

chosen by young women, and many women had opened lawyer's offices or medical offices or worked in the legal counselling field. Several measures had been taken to encourage women to return to work after the birth of a child, including the provisions of the new Stipend Act, which provided assistance for women who wished to re-enter the labour force. Another measure, of a "soft" nature, was the project undertaken by a Liechtenstein non-governmental organization to introduce certificates to recognize periods of time spent by women working for their families, in order to help them re-enter the job market. Working in the home also required the development of skills that could be of value in the workplace.

23. **Ms. Halperin-Kaddari** said that she was disappointed that the delegation had not provided information on the wage gap between men and women. Recalling data in the report which indicated that the vast majority of top managers and academic professionals were men, she was not convinced that the Government was doing all that it could to address gender stratification in the labour market. She asked whether it was possible, under the Gender Equality Act, to compel private companies to implement affirmative action measures and also wanted to know whether any legislation had been enacted in respect of pay equity, so that workers received equal pay for work of equal value.

24. Noting that only one wage discrimination claim had been made under the Act since its entry into force in 1999, she wondered how a woman could know whether she was being discriminated against with respect to wage and whether employers were obliged to provide data on wages. Lastly, the Committee also wanted to know what mechanisms there were to assist women who wanted to file suit against their employers.

25. **The Chairperson**, speaking as a member of the Committee, said that under the Convention, the State party was obliged to ensure the practical realization of the right to equality. While Liechtenstein had implemented a number of impressive measures in respect of equal employment, the results achieved were inadequate and, thus, the Government had not fulfilled its obligations under the Convention.

26. **Mr. Wenaweser** (Liechtenstein) agreed that his country had not achieved full equality. However, it was progressively implementing the Convention and would take further measures towards its speedy

implementation. With respect to the question posed on pay equity, there was a legal provision on pay equity which ensured equal pay for work of equal value.

27. **Ms. Kubik** (Liechtenstein) said that there was no formal means by which workers could determine whether they were being fairly compensated. They simply relied on whatever information they could obtain from their colleagues. Women suing their employers for wage discrimination could receive support from the Office of Equal Opportunity, the Employees Association or the Information and Contact Office for Women (Infra). Those organizations offered free legal counselling and, if necessary, could also file class action suits. With respect to affirmative action under the Gender Equality Act, she said that the provisions of the Act applied to both the public and private sectors. However, private businesses were not bound by its provisions in their quest to achieve equality.

28. **Ms. Šimonović**, recalling the comment by the delegation that Liechtenstein was progressively implementing the Convention, said that under article 2 thereof, it was the obligation of the State party to pursue a policy of eliminating discrimination against women without delay and that it must take legal measures towards the practical realization of such a policy. In that regard, she said available data showed that there still was insufficient political participation on the part of women.

29. Liechtenstein had yet to amend the law which punished women who underwent abortion, and the Committee, in its general recommendation No. 24, had urged all States parties to remove such punitive provisions from their laws. She, therefore, wondered whether Liechtenstein had made full use of the Convention as a human rights instrument in order to bring about the necessary changes in its legislation.

30. **The Chairperson**, speaking as a member of the Committee, said that women's health needs went beyond reproductive health and that States parties, in accordance with general recommendation No. 24, were obliged to address women's health in a comprehensive manner. She asked whether Liechtenstein had taken specific measures to address women's health needs on the basis of that recommendation.

31. **Ms. Tan** said that even in a wealthy country such as Liechtenstein, single parents, particularly single mothers, and families with many children and only one working parent faced great financial difficulties.

Recalling that the delegation had said there were about 600 single-parent families in Liechtenstein, she asked for confirmation of that number and wanted to know how many low-income families there were, how many were receiving welfare and what the average income of those families was in comparison with the average household income.

32. **Mr. Wenaweser** (Liechtenstein) agreed that the Convention did not speak of the progressive realization of women's rights; however, it was not realistic to expect the situation to change overnight, a fact that was recognized in article 4 of the Convention. It was one thing to bring about legal changes or to make changes on paper, but what was more relevant, in the end, was the practical effect of actions aimed at realizing equality for women. He confirmed that abortion was still illegal under the relevant legislation. However, it had been some time since anyone had been prosecuted under that law. Lastly, he assured Committee members that his country would take general recommendation No. 24 under advisement with respect to matters relating to women's health.

33. **Ms. Kubik** (Liechtenstein) said that, according to the Office of Social Services, the number of working poor households had decreased from 37 in 2006 to 26 in 2007. Single parents and the working poor received various forms of financial and other assistance, including health insurance subsidies, maternity allowances, rent subsidies and access to child-care and counselling facilities.

34. **Ms. Schindler** (Liechtenstein), responding to the question posed on the special health-care needs of women, said that all persons between the ages of 17 and 70 were eligible for a free preventive health exam every five years, and that all women were eligible for a free preventive gynaecological exam every two-and-a-half years.

35. **Mr. Wenaweser** (Liechtenstein) said that in 2000, there were 557 single-parent families, 490 of which were headed by women. Recent data showed that the average annual salary of a single parent was 62,750 Swiss francs. The initiative that had had the greatest economic impact on single-parent families had been the rent subsidy.

Articles 15 and 16

36. **Ms. Halperin-Kaddari** said that the report did not contain any references to article 16 of the

Convention. That lack of information had made it impossible for the Committee to determine whether Liechtenstein had conformed to the Convention in respect of that article. The delegation should provide information on the laws governing marriage and divorce. Did a person suing for divorce have to provide grounds or were so-called no fault divorces allowed? She also asked whether infidelity on the part of either spouse had any consequences with respect to divorce; what the economic consequences of divorce were; how property was divided; how the law defined property and whether that definition included intangible property, such as future earnings; whether the divorce law provided for alimony; and whether women in de facto relations had the same rights as married women.

37. **Ms. Tan** asked what the exact consequences of divorce or legal separation were for a foreign woman and her children, what effect that would have on her residency status and that of her children and how the former spouses' assets were divided.

38. **Ms. Belmihoub-Zerdani** said that, although the current report contained no information pertinent to article 16, the initial report of Liechtenstein had provided great detail in that regard and she had found that the laws governing marriage were in compliance with all provisions of article 16, save for paragraph 1 (e) on the right of couples to decide the number and spacing of their children.

39. Although the report indicated that access to family planning services was guaranteed to all as part of the public health system, health insurance did not cover legal contraception methods. She wondered whether the authorities practised such a policy in order to increase the birth rate or whether they were, in fact, discriminating against women. Liechtenstein must act urgently, in accordance with article 2 and with general recommendations Nos. 24 and 25, to bring its family planning policies into line with article 16.

40. **Mr. Wenaweser** (Liechtenstein) said he had not said that article 4 was not legally binding. However, that article did not oblige States parties to automatically introduce quotas. With respect to the dearth of information on article 16, he said the Committee had not posed many follow-up questions after his country's initial report. However, since that report, the legal age for marriage, which previously had been 20 years for men and 18 years for women, had become 18 years for both men and women.

41. Responding to the questions posed on divorce, he said that it was not necessary to provide grounds when suing for divorce and that pension funds and savings were considered joint property. In response to the question posed on family planning, he confirmed that health insurance in Liechtenstein did not cover contraception and noted that his country was not alone in that regard. His delegation had taken note of the Committee's emphasis on general recommendation No. 24.

42. **Ms. Kubik** (Liechtenstein) said that, with respect to divorce, the legal system provided three options: divorce based on joint application of the spouses; divorce after a separation lasting at least three years; and divorce on the grounds of irreconcilable differences. Couples could also simply separate, without divorcing one another. In respect of the division of marital property on divorce, the time that women had spent rearing their children was considered a financial contribution and was taken into consideration on division of the marital property.

43. A woman was also entitled to claim a portion of her former spouse's pension as compensation for times when she had been unable to work. Otherwise, marital property was considered common property and divided equally on divorce. Women could claim alimony and child support payments under the law. The amount of those payments was determined on the basis of how long the couple had been married, the age of the woman and the age of the children. Men could also request alimony from their former wives if they had worked in the home.

44. **Ms. Schindler** (Liechtenstein) said that, under the law, the residency permit of a foreigner who divorced a Liechtenstein national was reviewed automatically. That review took into consideration factors such as the integration of the couple's children into the school system. The decision whether to withdraw the permit was ultimately made with a view to the well-being of the children; as a rule, most foreigners with children were allowed to remain.

45. **Ms. Ritter** (Liechtenstein) said that, in respect of de facto unions, the problem was that there was no legal definition of what constituted such a union and, at the moment, couples in such unions were left to their own devices. Some had taken the same approach as married couples and entered into a formal contract. It was worth noting that some private sector companies

had recognized de facto couples in the same manner as married couples.

46. **Ms. Tan** wondered whether the residency permit of a foreign spouse would expire on divorce if the couple had no children or if the children were too young to be integrated into schools.

47. **Ms. Schindler** (Liechtenstein) said that usually, the residency permit of a foreign spouse would expire on divorce if the couple had no children. However, each case was reviewed on an individual basis, and it was possible for a foreign spouse whose children had not been integrated into the schools to retain her residency permit.

48. **The Chairperson** said that, while Liechtenstein had made many positive efforts to bring about equality for women, problems remained in the areas of political participation and employment. She was perplexed that there were some in Liechtenstein who believed that women had not achieved equality with men because they did not want to. Women had not achieved equality with men because the social environment had prevented the advent of an egalitarian society.

49. **Mr. Wenaweser** (Liechtenstein) acknowledged that full equality between men and women had not been achieved in his country and said that the Government remained committed to achieving that equality without delay. While it was for Liechtenstein to implement the Convention, it was the Committee's responsibility to help it in that regard by ensuring that its concluding comments were relevant to the issues that had been discussed today.

The meeting rose at 5.10 p.m.