

**Follow-up report on the recommendations relating to
the fifth country report of the Principality of Liechtenstein on
implementation of the CEDAW Convention**

The Committee on the Elimination of Discrimination against Women considered the fifth periodic report of Liechtenstein on 5 July 2018. In its concluding observations from 25 July 2018, the Committee requested Liechtenstein to provide, within two years, written information on the steps undertaken to implement the recommendations contained in paragraphs 16 (a), 24 (a) and 36 (a). In the following report, Liechtenstein will provide information on the measures implemented since 2018 in regard to the mentioned recommendations.

1) Comments on the recommendations contained in paragraph 16 (a) on national machinery to promote women

The Committee recommends that the State party:

(a) adopt an integrated policy and strategy on gender equality and its mainstreaming, including through the use of gender budgeting processes, with effective monitoring and accountability mechanisms across all sectors and levels of government.

The equality of woman and man before the law has been implemented in Liechtenstein. However, action is still needed in relation to factual gender equality. Challenges exist, in particular, in the professional sphere, in the reconciliation of career and family life and in the representation of women in decision-making and leadership positions in politics and business. Both state and civil society actors are committed to and closely cooperating in awareness-raising measures and projects relating to gender equality between women and men in various areas of society. Some cross-border projects are also being implemented with the corresponding institutions in Switzerland and Austria. In addition, cross-border advanced education events are held annually for the gender equality offices and for non-governmental organizations. In 2019 and 2020, these advanced education events were dedicated to the topics "Empowering women - Perspectives in digitization", and "Partnership-based distribution of roles - Reconciling career and family life together - what is needed for a successful implementation?"

Even in the absence of a gender equality strategy, official commitment is being demonstrated on the basis of strategic plans of measures which are reviewed and adapted annually. The strategic focus in gender equality since 2018 has been to achieve a balanced representation of women and men in political governing bodies and in leadership positions, as well as the reconciliation of career and family life. The central projects of this strategic focus comprise, among others, an awareness-raising campaign with a touring exhibition and workshops on gender role stereotypes at secondary schools, public discussion rounds with women and men active in politics on how to better include women in politics, the annual National Future Day offering insights into "gender-atypical" professions for boys and girls, as well as the development of guidelines for gender-appropriate language in the state administration. In 2019, the print media ran portraits of women active in politics at present and in the past. In 2020, this was followed by media portraits in which employers provided information about their offers to reconcile professional and family lives and in which men and women introduced their family

models and discussed opportunities and difficulties in reconciling their professional and family lives. Based on a survey of fathers and mothers with children under the age of 12 years launched by the government, a working group appointed by the government compiled a report for the years 2019/2020 of the current situation, formulated four strategic objectives as well as corresponding measures. Moreover, the campaign “Diversity in politics” by the Women’s Network (an umbrella association of women's organizations), whose aim is to increase the proportion of women in municipal and national parliaments, received significant financial support by the Government. At the open discussion rounds of the Equal Opportunities Unit, the political parties publicly spoke out in favor of paying special attention to balanced election lists when recruiting candidates for the municipal and national parliamentary elections in order to increase the opportunities of women to be elected.

At the municipal council elections in 2019, women ran for 65 of the total of 104 seats, 43 of whom were elected. This increased the proportion of women on the municipal councils from the previous 17 % to 41.4 %. In two out of eleven municipalities, a woman was elected mayor, and, also in two out of eleven municipalities, for the first time the municipal councils contain more women than men. 23 women (31 %) and 52 men (69 %) stood for the 2021 parliamentary elections. 7 women were elected to the national parliament which consists of 25 representatives, thereby achieving a proportion of women of 28%. This proportion of female parliamentarians is the highest in Liechtenstein's history. In addition, 4 out of 10 deputy representatives for the legislative period 2021-2025 are female. Three out of the five members of the newly elected government are female; the proportion of women in government is thus at 60 %. This is also historic: never before have there been more women than men in Liechtenstein’s government.

Gender equality is also an important concern for Liechtenstein’s sustainable development. An indicator system drawn up in 2008 by the Office of National Statistics is intended to offer a basis for long-term policy planning for decision-makers. Several of the indicators reviewed annually relate to gender equality between women and men in politics and business. The Office of Statistics was particularly able to attest positive developments in the last two years with regard to differences in salary and to the professional position by gender. Based on these indicators, state actors can take further measures to drive the factual equality of women and men. For example, the annual “Equal Pay Day” launched by the Liechtenstein Employees’ Association receives financial support from the Equal Opportunities Unit. In 2019, the government awarded the Award for Family-Friendly Companies for the first time. This award distinguishes companies which promote the reconciliation of professional and family life with specific measures and offers. This award is available every 2 years and alternates with the Equal Opportunities Award.

2) Comments on the recommendations contained in paragraph 24 (a) considering gender-based violence against women

The Committee recommends that the State party:

(a) adopt a comprehensive law on gender-based violence against women, in line with general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, and speedily ratify the Istanbul Convention;

The criminal law of Liechtenstein already contains a number of provisions which make every form of violence a punishable offense. As a matter of principle, given the abstract nature of criminal norms, no distinction is made as to whether the addressee of a norm is male or female.

The last major revision of criminal law, which came into effect on 1 October 2019, introduced new legal norms and extended existing norms. Many of these revisions also affect the recommendations for the legal prohibition on gender-specific violence.

A central role in relation to violence against women is played by the new legal norm on “Continued use of violence” on (§ 107b of the Criminal Code (*Strafgesetzbuch*, StGB)). This norm legally prohibits violence which continues over a longer period, which is particularly relevant in relationships. Offenses include physical abuse, acts against life or limb or restrictions of freedom. The object of legal protection is the individual's freedom to live a life without violence.

The extension of aggravating circumstances in § 33 para. 3 StGB enables more severe penalties for offenses committed against family members, which also includes current or former (marital) partners. Under certain conditions, this can result in more severe punishment for punishable offenses characterized by violence.

The introduction of the new element of a violation of sexual self-determination (§ 204a StGB) is also relevant to the context of gender-based violence against women. This new criminal norm lays down a clear standard to prevent and avoid sexual violence by expanding the scope of punishable, non-consensual sexual contacts.

In addition, the new criminal norm of forced marriage (§ 106a StGB) is to be mentioned. In the 2019 revision, this element was separated out from the existing norm of aggravated coercion (§ 106 StGB) and an element was added to the offense, namely the offense of threatening to break off or withhold family contact.

To conclude and add to the criminal law norms listed above, the Victims Assistance Act (*Opferhilfegesetz* - OHG; LGBl. 2007 Ni. 228) is to be mentioned, which forms the general legal basis for the assistance of victims of criminal acts. Individuals whose physical, mental or sexual integrity is immediately impaired by a criminal act are entitled to assistance under this law. Following the introduction of the OHG, a Victim Assistance Office was set up in Liechtenstein in 2008. It assists victims of criminal acts and their relatives and provides the medical, psychological, social, material and legal assistance needed in an individual case.

The criminal law of Liechtenstein currently already penalizes the different types of violence, including gender-based violence, and punishes offenses. As a result, no separate, comprehensive act on gender-based violence against women is planned.

In line with the recommendation of the United Nations Committee on the Elimination of Discrimination against Women, the government of Liechtenstein decided in June 2020 to launch the process of ratifying the Istanbul Convention. Thanks to the comprehensive criminal law revision, which came into effect on 1 October 2019, the law of Liechtenstein already largely fulfils the material requirements of the Istanbul Convention. In light of the ratification, additional measures shall now include a further improvement of victim and witness protection in

civil proceedings and alignment to the Austrian norm which forms the template of this regulation. The planned adjustments in the civil procedure rules (*Zivilprozessordnung*) and in the Non-Contentious Proceedings Act (*Ausserstreitgesetz, AussStrG*) were considered in a public consultation process starting at the beginning of November 2020. The statements were incorporated into the report of the government for the ratification of the Istanbul Convention, which was passed on 23 March 2021 and forwarded for parliamentary debate and action. The planned ratification is intended as a further step to intensify the state commitment to the prevention of violence against women and of domestic violence.

3) Comments on the recommendations contained in paragraph 36 (a) considering health

The Committee recommends that the State party should:

(a) harmonize Articles 96 to 98 (a) of the Criminal Code with a view to legalizing abortion both for the pregnant woman who undergoes the procedure and the health-care providers who perform it, including in the case of rape, incest, risk to life or health of the pregnant woman, or severe impairment of the fetus, and decriminalizing it in all other cases;

A revision of the Criminal Code (*Strafgesetzbuch, StGB*), which was passed by Parliament in March 2015 and came into effect on 1 July 2015, made adjustments to the provisions on abortion. The most important amendments made are the abolishment of the principle of universal jurisdiction (§ 64 para. 1 No. 8 StGB), the decriminalization of abortions by pregnant women (under certain conditions) through the amendment of § 96 para. 3 StGB, and the introduction of additional justifications for abortions through the amendment of § 96 para. 4 No. 1 StGB. A pregnant woman who has an abortion performed is now no longer subject to prosecution under criminal law if she observes the conditions stipulated in the Criminal Code.

The law of Liechtenstein already contains some of the adjustments set out in recommendation 36 (a). Abortions are lawful according to § 96 para. 4 No. 1 StGB in order to prevent serious danger to the life or severe damage to the health of the pregnant woman which cannot be prevented in any other way, or if the pregnant woman is a minor at the time of conception, or if the pregnant woman suffered a rape or sexual coercion and the pregnancy is due to such an act. Abortion is also lawful if the pregnancy is the result of the sexual abuse of a defenseless person or a person with impaired mental faculties. A further liberalization of the legal regime on punishable abortions is not currently planned.