

Vaduz, 18 December 2018

Follow-up on the Recommendations issued by the Committee on Economic, Social and Cultural Rights to the Principality of Liechtenstein on 23 June 2017

In the Concluding observations on the combined second and third periodic reports of Liechtenstein (E/C.12/LIE/CO/2-3) from 23 June 2017, the Committee on Economic, Social and Cultural Rights issued recommendations to Liechtenstein, requesting follow-up information on two of them concerning the establishment of a mechanism for the promotion of gender equality and the provision of social assistance benefits to foreigners by 23 December 2018.

Recommendation 16a. The Committee recommends that the State party establish a well-resourced and effective mechanism for the promotion and protection of gender equality.

Ensuring equal opportunities for women is a cross-cutting theme which is addressed as part of Liechtenstein's equal opportunities and family policy as well as many other policy areas headed by the Ministry of Social Affairs. The Equal Opportunities Unit within the Office of Social Services is the key institution to advance gender equality. The Unit's conceptual work is strategically supported by the government officials responsible for family and equal opportunities working directly with the Minister of Social Affairs. To advance the compatibility of work and family life, a vital aspect of any gender equality policy, the government has further set up two working groups, the Day Care Funding Working Group and the Family Policy Working Group.

The work of the newly created independent National Human Rights Institution (NHRI), the Association for Human Rights in Liechtenstein, complements the official equal opportunity structures and activities of the State. Its human rights mandate also includes the advancement of equal rights of women and men. For its activities, it receives 350,000 CHF (350'807 US Dollars) annually by the State.

The Equal Opportunities Unit and the government officials responsible for family and equal opportunities work together on a common equal opportunity action plan which is reflected upon, measured, and updated annually to promote and achieve gender equality. The goals and measures in the area of gender equality are divided into various subcategories: Politics, economy, traditional role models, equal opportunities at work and prevention of violence against women, maximising synergies and networks and structures to promote gender equality. To further gender equality, the Unit can implement own projects or cooperate with and support the work of national women's organisations. The Women's Network, an association of Liechtenstein's women's organisations, and the Equal Opportunities Unit meet regularly to exchange information on the work of Liechtenstein's women's organisations, to discuss draft legislation and to organise projects. Joint projects are carried out annually, for example on the International Women's Day.

Since 2017, more than two million Swiss Francs were provided to the Equal Opportunities Unit of the Office of Social Services in order to finance internal and external projects and performance agreements with NGOs. The equal opportunity action plan also involves support for external projects. In 2019, the Equal Opportunities Unit will have a budget of CHF 212'000 (212'488 US Dollars) to realise equal opportunity projects in five areas: promotion gender equality between women and men, social discrimination, disability, sexual orientation, migration and integration.

In light of the synergetic effects of Liechtenstein's institutions that promote gender equality and women's rights with a close collaboration of State actors, women's organisations and the newly created NHRI, the Government considers the current institutional setup as sufficiently resourced and effective.

Recommendation 25. The Committee reminds the State party that social assistance benefits constitute a core obligation under article 9 of the Covenant and recommends that the State party ensure that permanent residents can fully enjoy their right to social security without fear of losing their residency status due to their dependence on social assistance. To that end, the Committee recommends that the State party introduce the necessary amendments to articles 49 and 69 of the Foreigners Act. The Committee refers the State party to its general comment No. 19 (2007) on the right to social security.

In 2017, the Liechtenstein Government had proposed amendments to articles 49 and 69 of the Foreigners Act. The consultation procedure, however, illustrated that the Liechtenstein society did not want to curtail the margin of discretion of the authorities to assess every single case in light of the principle of proportionality. The proposed amendments were thus withdrawn by the government. The rationale behind the government's withdrawal was intimately linked to the circumstance that the current practice almost never results in a revocation of residence permits. Based on the Administrative Court's settled case law, every case is decided individually on the basis of a thorough balancing of interests in careful recognition of a person's circumstances, especially the duration of their residence in Liechtenstein and their degree of integration. The Migration and Passport Office follows this case law meticulously.