

# **Women with a Good Constitution**

## **Comments on the third country report to the UN on the situation of women in Liechtenstein in the context of the UN CEDAW Convention**

The association "Women with a Good Constitution" in general concurs with the 3rd country report to the UN, but it would like to suggest amendments and additions on several points. The association recognizes the progress and improvements made in recent years with respect to the advancement of women in Liechtenstein, such as the creation of day nurseries in the National Administration and the private sector, and especially the amendments to labor contract law undertaken in implementing Directive 1997/81/EC, which includes a new prohibition against the discrimination of part-time workers.

Our criticism primarily concerns the lack of effectiveness of the measures taken against the underrepresentation of women in political bodies, the lack of equal pay, the insufficient parental leave, and the term "offenses against morality" for crimes against life and limb. We also criticize that the position of the Reigning Prince as the Head of State and his substantial powers are portrayed euphemistically. We are, however, aware that this paragraph equally concerns the status of women and men.

### **Page 6: Reigning Prince (Head of State)**

For the sake of completeness, we would like to mention that the Reigning Prince controls all three branches of power. He has the authority to dissolve Parliament, to dismiss the Government, and he also exerts a decisive influence on the appointment of judges.

### **Pages 13 and 17: Parental leave**

The rules governing parental leave are insufficient and do not promote the compatibility of work and family. Unpaid leave does not suffice, and no mention is made of the fact that especially in small businesses, the employer may influence the timing of the leave, and that no entitlement exists to take the leave without interruption.

### **Pages 14,15 and 16: Directive 2002/73/EC (including sexual harassment)**

We welcome implementation of Directive 2002/73/EC, especially the replacement of upper limits by lower limits for compensation of victims and the easing of the burden of proof for the victim. We believe, however, that a reversal of the burden of proof would be better. We consider the new rule in the Victims Assistance Act to be very important which provides for an information obligation and notification of the injured parties in the case of release of the accused from detention.

### **Page 29: Nightclub dancers**

This terminology disguises the actual activity, namely animation and prostitution of these women. We propose amending the term to read "nightclub dancers in the sex industry". We recognize the improvements made with respect to public health and the protective measures taken, although we do not see effective measures to prevent human trafficking. The fact that a permit is granted only when the woman enters Liechtenstein from Switzerland is insufficient in our view.

### **Page 31: Sexual violence (see footnote 20)**

In the Liechtenstein Criminal Code, rape is still included under the umbrella term "offenses against morality". This should be replaced by the term "offenses against life and limb".

**Page 36: Measures to promote women**

To increase the proportion of women in the bodies appointed by the Government, it was already decided in 1997 that no gender should be represented by more than two thirds. Unfortunately, this decision has the character of a recommendation, and it has become clear that it is ineffective, since the proportion of women has risen only insignificantly. A binding rule is necessary, namely a gender quota, not only with respect to the appointment of commissions, but also with respect to elections to Municipal Councils and Parliament.

**Page 39: Education**

For years, the distribution of the sexes according to traditionally male and traditionally female jobs has remained practically unchanged. An increase in targeted measures is necessary to bring more young women into male jobs. We recommend reinstating Daughters' Day and complementing it with a Sons' Day, on which sons visit women's workplaces. The current Fathers' Day only partially fulfills its objective, since boys do not need to be motivated to enter a man's profession.

**Page 48: Workplace, maternity, social insurance**

We welcome the salary statistics compiled this year for the first time. The statistics must be published and commented, and measures should be derived from their findings. We hope that the unequal distribution of working women and men can then be changed significantly and especially that the access of women to higher positions can be improved.

**Page 49: Sexual harassment**

We welcome the amendment to the Criminal Code empowering those affected to defend themselves and requiring employers to provide a work environment free from harassment. The victim must bring the proof of sexual harassment; we recommend reversing the burden of proof.

**Page 54: Abortion**

Abortion must definitely be decriminalized. We support the work of the Working Group, which aims to find an appropriate solution.

Vaduz, 5 July 06

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