

**Shadow report of the Women's Network on the follow-up report of the Liechtenstein Government requested by the CEDAW Committee in its concluding observations (CEDAW/LIE/CO/4)**

Vaduz, May 2013

**Liechtenstein Women's Network**

Since 1997, women from currently 16 non-governmental organizations (NGOs), political parties, and governmental organizations have worked within the Women's Network to improve the equal opportunity of women and girls. The Women's Network sees itself as a platform serving exchange of information where joint events such as the annual International Women's Day on 8 March and projects such as the civic courage prize DemoGrazia and the 2011 European Conference of Small States are organized. The Office of Gender Equality serves as the hub and coordination office for the activities of the Women's Network.

**Pursuant to the concluding observations of the CEDAW Committee (CEDAW/C/LIE/CO/4), the Liechtenstein Women's Network is pleased to take this opportunity to present a shadow report on the follow-up report by the Liechtenstein Government.**

*Page 13: Follow-up to concluding observations*

*46. The Committee requests the State party to provide, within two years, written information on the steps undertaken to implement the recommendations contained in paragraphs 25 and 29 above.*

**Our remarks will focus on implementation of recommendation 29.**

*29. The Committee recommends that the State party:*

*(a) Adopt temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation No. 25, such as statutory quota, a gender parity system for nominations for Government bodies, and conditioning the financing of political parties on equal representation of women in their internal bodies and on candidate lists, to increase the representation of women in decision-making positions in elected and appointed political bodies; and*  
*(b) Provide training on gender equality to civil servants and politicians, especially men, with a view to enhancing the understanding that full and equal participation of women and men in political and public life is a requirement for the full implementation of the Convention, and thus creating a more favourable environment for women's participation in political and public life.*

**1. Political participation of women in Liechtenstein**

Liechtenstein voters elected a new Parliament the beginning of February 2013. 50 men and 18 women ran for election. 20 men and 5 women were elected to Parliament.

Candidates	men	50 (73.5%)	elected	20 (80% of seats)
Candidates	women	18 (26.5%)	elected	5 (20% of seats)

The situation is worse than in the 2009 elections: At that time, 42 men and 20 women ran for office, and 6 women were elected (24%).

Also in the municipal councils of the eleven municipalities, the share of women is stagnating at 27.4% (as of 2011).

Not only is the decrease in the number of elected women troubling, but also the declining trend in the number of women candidates. One cause might be the lack of willingness on the part of women to run for election. But the essential factors can be identified in social circumstances and structural obstacles:

- Overall, the rural patriarchal and monarchic (Law of the Princely House) structures in Liechtenstein are detrimental to the political participation of women.

- Awareness of gender equality concerns is largely lacking in the population. The analysis of the 2013 parliamentary elections has not yet been published. But one known result is indicative. In response to the question "Did you deliberately vote for women in the parliamentary elections?":
  - 12% of men between the ages of 18 and 65 answered yes, and 20% of men above the age of 65.
  - 20% of women between the ages of 18 and 65 answered yes, and 32% of the women above the age of 65.
  - Compared with previous surveys, the number of voters deliberately voting for women has declined since 2001.
- Viewed from the outside, no promotion of women is evident within the two conservative people's parties (Progressive Citizens' Party (FBP): 10 seats, Patriotic Union (VU): 8 seats). In particular, there is no long-term, goal-oriented development of women in party bodies. Hardly any women are represented in the party executives.
- Despite recommendation 29 a), the Government has not prepared or implemented any measures in this regard since 2011. In view of the elections, merely a few awareness-raising measures familiar from past elections were taken: for instance the politics course for women, the frauenwahl.li website, and the discussion rounds with female Members of Parliament.
- The response to the parliamentary question by the Free List (FL, opposition party) concerning "temporary special measures" of October 2012 (see enclosure) shows that the Government relies heavily on the Office of Equal Opportunity in regard to improving the electoral chances of women, even though that office no longer has the necessary resources in light of its understaffing and the failure to appoint a new director (see Comments 2 on the Office of Equal Opportunity).
- In October 2012, the Government Gender Equality Commission presented a report and application on the introduction of gender quotas for candidate lists at the municipal and national level. In this report and application, it proposes that the Government introduce a gender quota of 50% for candidate lists. To achieve this goal, the Commission recommends the following steps in particular:
  - The Gender Equality Commission makes an application to the Government
  - The Government decides on the application
  - The application is discussed with the women Members of Parliament, subsequently with all Members of Parliament and the political parties
  - A consultation draft is prepared on introduction of gender quotas for candidate lists
  - The list quotas are to be introduced in time for the 2015 municipal elections
- The Government took note of this report and application of the Commission at the end of 2012 without any follow-up mandate for the Commission.

- **Conclusion:** In light of the unfavourable conditions described above for a balanced political participation of women, we believe the proposal by the Gender Equality Commission to introduce a 50% gender quota for candidate lists to be an indispensable measure. Introducing such a gender quota will not be possible without the support and dedication of the politically responsible persons. The follow up of this specific temporary special measure is however at risk. The newly appointed Minister for Gender issues Mauro Pedrazzini clearly rejected the idea of taking any action related to the mentioned temporary special measure during a meeting with the Commission for the Equality of Men and Women on May 2nd.

## **2. Office of Equal Opportunity**

In February 2012, the Women's Network presented a detailed report to the UN Committee on the Elimination of Discrimination against Women (CEDAW Committee) and International Women's Rights Actions Watch (IWRAW). In that report, the Women's Network described the unsatisfactory situation in the Office of Equal Opportunity and provided information on the proposals by the Women's Network relating to the reform of the National Public Administration.

In the present shadow report, we will briefly reiterate the content of the report mentioned above and will provide information on the further developments in this matter.

### **Establishment and expansion of the Office of Equal Opportunity**

On 1 May 1996, the Office of Gender Equality of the Government of the Principality of Liechtenstein was established to promote the equality of women and men. The Director responsible for implementing the office's mandate was given a 0.6 full-time equivalent position. By 2005, the position was increased to 1.0 full-time equivalents. Additionally, interns worked for the office on an ongoing basis since 2002.

In February 2005, the Government decided to expand the Office of Gender Equality into an Office of Equal Opportunity.

The following topics were assigned to the office:

- Gender equality
- Migration and integration of foreigners
- Disability
- Social disadvantages
- Sexual orientation

The responsibilities relating to gender equality are set out in the Gender Equality Act, and those relating to integration in the Foreigners Act. With its decision to expand the office, Parliament added another 1.0 full-time equivalent position, bringing it to 2.0 full-time equivalents.

### **Staff reduction. No appointment of new director**

The Office of Equal Opportunity has been understaffed since 2008, because replacements have not been hired consistently when staff members have left. Since the resignation of the Director of the Office of Equal Opportunity effective April 2011, the understaffing has assumed precarious proportions. Citing the upcoming reform of the National Public Administration, the position of Director was advertised only more than a year later, in July 2012, and has still not been filled as of April 2013, i.e. almost two years later.

Officially, the Director of the Office of the Minister of Family Affairs and Equal Opportunity was appointed as the interim Director of the Office of Equal Opportunity, but she was not given time to fulfil this duty and was accordingly inactive. Hence, day-to-day responsibilities of the office are kept alive by one staff member and – in a task-oriented advisory function – the former Director. Given this staffing situation, the Office of Equal Opportunity is in no way able to fulfil its legislatively defined responsibilities. This will be even more the case beginning in the summer of 2013, when the staff member will begin her maternity leave and the former Director will conclude her advisory function.

### **Reform of the National Public Administration**

#### **Constructive proposals of the Women's Network**

In the context of the upcoming reform of the National Public Administration, the Women's Network proposed in 2011 to transform the Office of Equal Opportunity into an Office of Human Rights and, in conjunction therewith, to establish an independent human rights body in the form of an Ombuds Office for Human Rights. The latter is necessary because the Office of Equal Opportunity has so far been unable to fulfil responsibilities such as advising individuals and authorities, conducting enquiries, and engaging in public outreach in the independent manner defined by law. This gave rise to criticism by the United Nations in response to Liechtenstein's fourth periodic report on CEDAW in 2011 and to the recommendation that Liechtenstein create an independent human rights body (see CEDAW/C/LIE/CO/4, concluding observations of 8 February 2011, recommendation 14 and 15).

On 30 January 2013, the second Universal Periodic Review (UPR) of the human rights situation in Liechtenstein took place (UN Human Rights Council in Geneva). Here again Liechtenstein was given recommendations, ten of which relating to appointment of an independent human rights institution (see A/HRC/WG.6/15/L.12, 1 February 2013).

#### **Consultation on the reform of the National Public Administration**

The consultation report appeared in the autumn of 2012. The Government proposed the creation of an Office of Social Affairs and Society, which would subsume the existing Office of Social Affairs as well as responsibilities of the Office of Equal Opportunity, the Immigration and Passport Office, and the Ministries of Social Affairs and of Family Affairs and Equal Opportunity. The Women's Network was pleased to learn that the idea it had submitted of an Ombuds Office for Human Rights met with a

positive response by the Government, albeit not in the desired legal form. The independent human rights body would have been designed as a foundation under public law with the name "Centre for Human Rights". During the consultation procedure, the participants basically welcomed the establishment of a Centre for Human Rights, and merely criticized its design as a foundation under public law. In the assessment of the Women's Network, Amnesty International, and in part also the Ombuds Office for Children and Young People, a foundation under public law would not guarantee the necessary independence.

See the relevant passage from the opinion of the Women's Network:

*The establishment of a Centre for Human Rights takes account of the repeated criticism by various international bodies, and it implements international obligations. The goal should also very much be endorsed in this regard that the new Centre for Human Rights be designed in such a way that it can be accredited by the International Coordinating Committee (ICC).*

*It is all the more surprising that the legal form proposed is that of a foundation under public law, which – as the Government mentions in a different passage of the consultation report – does not guarantee the greatest possible independence, but rather ensures influence by the State:*

*p. 53/54*

*"...The design as an institution under public law allows the Government to steer money flows and set strategic priorities in terms of its services. Qualifying the foundation as a public enterprise by special legislation also allows the Government to take greater influence and especially to receive the information as specified in the framework law."*

*p. 68 art. 7*

*"The foundation council is to be composed of 5 to 7 members appointed by the Government for a term of 4 years, the president being determined by the Government. ...The State as the owner would have great influence in the appointment of the foundation council."*

*The necessary independence can accordingly not be ensured by a foundation under public law. This legal form contradicts the necessary independence, since the Government would take significant influence on a personnel and strategic level by way of the owner's strategy, election of the foundation council and president, and ultimate oversight.*

### **Report and application on the reform of the National Public Administration**

At the end of November 2012, the Government adopted Report and Application No. 149/2012, which sets aside the proposal to create a Centre for Human Rights and instead envisages maintaining the Office of Equal Opportunity. The only justification given is that, in light of the results of the consultation, the Government reached the conclusion that the concerns voiced in regard to creation of a Centre for Human Rights in the form of a foundation under public law must be taken into account, and that these points must be subjected to further, comprehensive review.

In the Report and Application, the Government writes on p.58/59:

*The project of merging the Office of Equal Opportunity and the Office of Social Affairs was launched based on the principle of the administrative reform to create organizations of a certain minimum size. In a working group composed of representatives of the Ministry of Family Affairs and Equal Opportunity, the Ministry of Social Affairs, the Office of Social Affairs, and the Office of Equal Opportunity, possible options for merging the Office of Equal Opportunity and the Office of Social Affairs were explored. The working group quickly realized that a mere merger of the Office of Equal Opportunity and the Office of Social Affairs would not be possible, given the legally required independence of certain tasks of the Office of Equal Opportunity relating to gender equality. In the consultation report, the creation of a Centre for Human Rights was therefore proposed, which would have fulfilled the responsibilities for which independence is required.*

*In light of the results of the consultation, however, the Government has reached the conclusion that the concerns voiced in regard to creation of a Centre for Human Rights in the form of a foundation under public law must be taken into account, and that these points must be subjected to further, comprehensive review.*

*At this point in time, however, or rather at the time of entry into force of the proposed legislative amendments, those responsibilities of the Office of Equal Opportunity should be transferred to the Office of Social Affairs and Society which are of an official nature and concern the areas of migration and integration of foreigners, disability, and social disadvantage.*

*The official responsibilities mentioned include especially: implementing projects, some of which also in cooperation with administrative offices and organizations (such as awareness-raising in the area of disabilities); counselling and referring of individuals and authorities; responses to enquiries by international or national bodies; chairing of and participating in working and project groups; drafting proposals of laws and ordinances; preparing opinions; carrying out interregional projects, etc.*

Contrary to the specifications governing the reform of the National Public Administration, the Office of Equal Opportunity is to be structured as a "reduced administrative office": the existing official responsibilities of the Office of Equal Opportunity are to be transferred to the Office of Social Affairs and Society. It remains unclear whether these also include the official responsibilities relating to gender equality. The Office of Equal Opportunity would accordingly be left with the responsibilities which, according to the Gender Equality Act, must be performed independently as well as presumably the official responsibilities relating to gender equality. The Office of Equal Opportunity, which even in its current form is understaffed (see CEDAW/C/LIE/CO/4, remark 14 und 15) would again be massively reduced in size. This would not entail any progress in terms of independence, but instead would mean a further, massive step backward.

### **Elections in Liechtenstein**

The Report and Application was no longer placed on the Parliament's agenda in 2012, and parliamentary elections took place in February 2013. 16 of the 25 Members of Parliament are new, and Parliament now only has 5 (20%) female Members. Four of the five Government Ministers are also new. The Ministries restructured as a first step of the administrative reform have been reassigned. Under

these premises, it must be assumed that implementation of the administrative reform will still take a considerable amount of time.

### **Job announcement for the Office of Equal Opportunity**

The vacancy for the position of Director of the Office of Equal Opportunity was announced in July 2012, and job interviews with candidates were conducted. In March 2013, the application materials were returned to the candidates, however, with the remark that the position would remain vacant for the time being. Despite a legislative basis (Gender Equality Act), the position of Director remains vacant and the Office of Equal Opportunity is not being assigned the necessary resources to meet its legally defined responsibilities. This situation is different for the Office of Social Affairs. Despite uncertainty as to when and how the transformation into a new Office of Social Affairs and Society as envisaged in the Report and Application will take place, a new Director of the Office of Social Affairs was appointed in January 2013. It is very disconcerting how differently two similar situations are being handled.

### **Summary**

The Liechtenstein Women's Network, which encompasses a wide range of women's organizations, is indignant and very concerned about the fact that:

- the full-time equivalents of the Office of Equal Opportunity have successively been reduced;
- the position of Director of the Office of Equal Opportunity was not announced immediately after resignation of the Director at the end of 2010;
- the internship position at the Office of Equal Opportunity was transformed into a temporary position only after several requests to the Government by the Women's Network;
- no new internship position was created;
- an interim Director internal to the Government was appointed, without making the requisite time available to her;
- the position of Director of the Office of Equal Opportunity was advertised in the summer of 2012 but remains vacant to this day;
- the position of Director of the newly created Office of Social Affairs and Society has been filled, but not the position of Director of the Office of Equal Opportunity;
- independence of the work relating to gender equality and equal opportunity is still not guaranteed;
- the proposal of a Centre for Human Rights was put aside, although it was welcomed in principle in consultations;
- the criticism of the design of the Centre for Human Rights as a foundation led to rejection of the Centre as a whole, even though it was endorsed in principle, instead of making a new proposal in regard to its legal form.

In the view of the Liechtenstein Women's Network, the approach of the Government taken in regard to temporary special measures and the Office of Equal Opportunity contravenes the international obligations assumed and the recommendations of the CEDAW Committee, especially recommendation 15 a) and b) and the

implementation of recommendation 29 called for in point 46 of the concluding observations.

The Liechtenstein Women's Network recommends this shadow report for positive consideration by the Committee on the Elimination of Discrimination against Women.

Enclosure:

Parliamentary question, October 2012