



## **Opening Statement**

### **Presentation of the Second and Third Country Report under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights**

**Ambassador Martin Frick**

**Principality of Liechtenstein**

**Geneva, 7 June 2017**

---

Madam Chair,

Distinguished Rapporteur Dasgupta,

Distinguished Committee Members.

It is a pleasure for the delegation of Liechtenstein to be here today in order to enter into a constructive dialogue with the Committee for Economic, Social and Cultural Rights. We highly value the input of international human rights bodies such as your distinguished committee, and are committed to strengthening treaty bodies within the UN system. In this regard, we continue to strongly advocate the implementation of resolution 68/268. We look forward to hopefully further strengthening the treaty body system during the upcoming 2020 review process.

Allow me some introductory remarks to the current situation in Liechtenstein and some major changes since the presentation of the last report in 2006. With a population of 38'000 people, around one third of which are foreigners, Liechtenstein has some unique features that must be borne in mind when considering the situation in our country. Additional to the work force of Liechtenstein inhabitants, more than half the employees in Liechtenstein – almost 20'000 people – cross the borders every day in order to get to their working places, most of them from their homes in Switzerland and Austria. This high number of commuters is accompanied by a remarkably low unemployment rate that has constantly been between 2 and 2.5 per cent in recent years despite the financial crisis. Although the unemployment

rate of persons between 15 and 24 years has been slightly higher than the average with an unemployment rate of 3 per cent in 2015, for example, it should be emphasised that youth unemployment is at a very low level in Liechtenstein in comparison with other European countries.

This does not mean that the financial crisis had no effect on Liechtenstein's economy – the opposite is the case: Between 2008 and 2009, Liechtenstein's GDP dropped by more than 10 per cent – an unprecedented decrease in our history of the last decades. As a result of the crisis, the State had to cut spending, which affected the national administration as well as municipalities. Although there were also adjustments and reforms with regard to the social security system, I would like to iterate that there have been no significant cuts in benefits. Furthermore, it is satisfying to mention that the measures taken after 2008 have resulted in a very healthy state budget with annual profits and without any debts of the state.

In summary, the implementation of the rights of the Covenant is unchangedly on a very high level in Liechtenstein, with a high standard in social security, a strong economy offering a broad range of employment opportunities, and a high standard of education. This does not mean, however, that there is no room for improvement, and we are looking forward to the dialogue with you on both areas where Liechtenstein fully complies with the Covenant and areas where there is still room for improvement.

Additionally to these introductory remarks, I would like to briefly mention some of the areas of the Covenant on Economic, Social and Cultural Rights in which Liechtenstein has made significant progress since the first report, namely the following points:

- The creation of an independent National Human Rights Institution;
- the establishment of new rules and institutions in the areas of victims assistance and domestic violence;
- the continuous expansion of collective agreements for various branches of the economy;
- the efforts to further the success of migrant children in the education system;
- the establishment of a new children and youth law;
- the revision of the asylum law;
- and the planned revision of parts of the immigration law.

First, by adopting a law creating the Liechtenstein Human Rights Association in November 2016, the Liechtenstein parliament has implemented longstanding recommendations of several international human rights bodies, including the Committee for Economic, Social and Cultural Rights. It was created with the goal of satisfying the UN Paris Principles for an independent national human rights institution and has a broad mandate to protect human rights in Liechtenstein, ranging from advisory tasks to supporting victims of human rights violations, carrying out investigations and recommending on draft laws. The Liechtenstein Human Rights Association was founded on 10 December 2016, when a board of national and international human rights experts was elected. Subsequently, personnel for the offices of the association were recruited and have started their work. We are convinced that the new institution will represent an added value for the people in Liechtenstein and that it will further strengthen human rights in Liechtenstein.

A second area where improvements have been made since the presentation of the first country report concerns the protection of victims, particularly victims of domestic violence. With the Victims Assistance Act, the Liechtenstein parliament has laid the foundations for a comprehensive protection of crime victims. An office created for this purpose supplies immediate assistance as well as long-term support. Additionally, the law governing sexual offences was revised in 2011 with the goal of expanding the legal protection of victims and the practical measures against violence against women and children as well as domestic violence. Notably, the catalogue of offences that are prosecuted *ex officio* was expanded to include dangerous threats against close family members, stalking, rape or sexual assault in marriages and partnerships, and coerced marriages. The revision also strengthened victims' rights in the criminal procedure.

Third, concerning wages, your Committee has recommended the introduction of a legal minimum wage or alternatively measures ensuring that collective agreements are applicable to all employees. With the Law on the Declaration of General Applicability of Collective Agreements in 2007, the parliament has provided the basis for applying collective agreements between social partners to an entire sector. While such collective agreements apply to 13 branches of Liechtenstein's economy, the Chamber of Commerce and Industry (LCCI) also has a collective agreement that covers approximately 12'000 employees in Liechtenstein. All in all, around 10'000 employees, equalling around 28 per cent of the work force, are not

covered by a collective agreement so far. However, these are largely employees of the financial industry, where the average wages are among the highest in the country. It must also be borne in mind that wages in Liechtenstein are generally quite high in comparison with other countries, with a medium salary of around 6'500 Swiss Francs per month. It should also be noted that with the tripartite commission observing the labour market, Liechtenstein has created a functioning system in order to prevent wage dumping and a circumvention of existing minimum wages and rules.

Fourth, Liechtenstein has strengthened its efforts to further the success of migrant children in the education system in recent years. Particular emphasis has been placed on further reducing linguistic barriers for children whose mother tongue is not German, which has been expanded to Kindergarten level in 2008. Further efforts have been undertaken with regard to measures in early education and parent education, as the basis for scholastic success must be laid in the children's home environment and before actual school education begins. Although participation in several PISA studies has demonstrated that foreign-language students from low-education households tend to have lower scholastic achievement than their peers, it should be noted that this trend has continuously weakened from test to test in recent years.

Fifth, in 2009, a new Children and Youth Law entered into force that was elaborated in accordance with the UN Convention on the Rights of the Child. It comprises the principle of non-discrimination as well as new rules governing reporting obligations if children's welfare is in danger as well as strengthening of the protection of children and teenagers, and the right to a violence-free upbringing. With the Ombuds Office for Children and Young People, a new institution was created as a place where children and parents can get counselling in case of problems. The Ombuds Office was recently integrated into the Liechtenstein Human Rights Association that I have mentioned above. Additional to the Children and Youth Law, a revision of the law governing sexual offences entered into force in 2011, significantly expanding the protection of children from sexual abuse and other forms of sexual violence. New criminal offences such as "grooming" were introduced, and the criminalisation of behaviour related to child pornography and child prostitution was expanded.

Sixth, Liechtenstein has revised its Asylum Act in 2016, with the new law entering into force in January 2017. The main goal of the revision was accelerating asylum procedures as well as the procedures regarding cases where asylum requests are inadmissible, as for instance Dublin cases. The revision includes time limits for the duration of procedures within the administration before a first decision is taken, and the introduction of suspensive effects of appeals against decisions by the government. Furthermore, temporarily accepted persons enjoying subsidiary protection in Liechtenstein can receive a residence permit upon application if they satisfy certain conditions, leading to an improvement of the rights of temporarily accepted persons.

As a last point, I would like to mention the planned revision of parts of the immigration law, the public consultation phase of which has recently ended, in line with the recommendations of your distinguished Committee. In the draft law, it is foreseen to change the Foreigners Act in such a way that persons residing in Liechtenstein for a continuous period of more than 15 years cannot have their permanent residence permit revoked even if they are permanently and substantially dependent on social assistance. With this adaptation, Liechtenstein ensures that foreigners can apply for the social benefits they need to enjoy their rights to social security. In the framework of the revision, it is additionally foreseen to abolish the article setting out that the Office of Social Services, which is responsible for social assistance, shall notify the Migration and Passport Office if a foreigner has received more than 75,000 Swiss Francs in financial social assistance. This change is due to the fact that in practice, this automatic notification is not used often and the fact that the Migration and Passport Office at any time has the right to check or verify whether a person receives social assistance on a permanent and substantial basis. We are convinced that this revision, expected to enter into force at the beginning of 2018 pending a positive result of the democratic process, shall strengthen the enjoyment of social rights for foreigner residing in Liechtenstein.

Madam Chair,

Distinguished Committee Members,

With these introductory remarks, I hope to have indicated some of the areas that are of interest to your distinguished Committee and where Liechtenstein has made progress since

the last presentation. My delegation is now looking forward to a fruitful and constructive dialogue.

Thank you.