

Written replies by the Liechtenstein Government to the list of questions raised by the Committee on Economic, Social and Cultural Rights

I. GENERAL FRAMEWORK WITHIN WHICH THE COVENANT IS IMPLEMENTED

1. According to the State party's report, the Covenant has been incorporated into domestic law. Please provide examples of domestic case law invoking the Covenant, if any.

Due to the small size of the country and its population, domestic case law is, in general, not as diverse and dense as in larger states. At the same time, Liechtenstein courts tend to use Austrian and Swiss case law as a reference for their judgments, especially in cases where the relevant legal provision is based on Swiss or Austrian law. So far, there has not yet been any case where provisions of the Covenant have been invoked as a basis of either a complaint or a judgment. This is, however, not so surprising given the fact that Liechtenstein has only been a party to the Covenant since 1999.

If an Optional Protocol providing for individual complaints under the Covenant is adopted and ratified by Liechtenstein, it would be up to the Constitutional Court to decide, as the national instance, on alleged violations of the rights guaranteed by relevant provisions of the Covenant. This function was assigned to the Constitutional Court with regard to all individual complaints procedures recognized by Liechtenstein under international human rights treaties.

2. Please indicate whether the State party intends to adopt and implement a national plan of action on human rights in accordance with the Vienna Declaration and Programme of Action of 1993.

The Vienna Declaration and Programme of Action states in paragraph 71:

“The World Conference recommends that each State consider the desirability of drawing up a national action plan identifying steps whereby that State would improve the promotion and protection of human rights.”

Liechtenstein is a State party to six core human rights instruments of the United Nations and has been actively involved in the discussions on the strengthening of the treaty body system, with a UN expert meeting on this issue hosted in 2002 (Malbun I) and a further meeting being prepared for July 2006 (Malbun II). This commitment stems from the conviction that a well-functioning treaty body system ensures a continuing dialogue between the treaty bodies and the State parties on the improvement of the promotion and protection of human rights at the domestic level. Such dialogue would encompass, as in the case of Liechtenstein, all human rights and provide for regular review of the legislative and other measures taken by the authorities. Instead of establishing a general national action plan, the Liechtenstein Government has therefore been taking into account the concluding observations of UN treaty bodies in programs and legislative projects on an ongoing basis. The same approach has been taken with regard to recommendations made by other human rights bodies, such as the ones established in the framework of the Council of Europe.

While there is no national action plan for the implementation of the Vienna Declaration and Programme of Action of 1993, there are two national action plans dealing with issues of

particular relevance for Liechtenstein. In view of the high percentage of non-Liechtenstein nationals living and/or working in Liechtenstein, the Government has been attaching particular attention to the prevention of xenophobic tendencies and the integration of foreigners. Against this background it has elaborated a national action plan on the implementation of the Programme of Action adopted at the Durban World Conference in 2001. Since 2003 this national action plan has been implemented and further developed by an interdisciplinary working group within the national administration. (Please refer to the answer to question 8 for further information on this national action plan.)

In 1995, Liechtenstein took part in the 4th UN World Conference on Women in Beijing. Like all participating States, Liechtenstein committed itself to implementing the Platform for Action adopted in Beijing as part of a national action plan. On 12 May 1998, the Government approved the catalogue of measures for the promotion of the equality of men and women. The main responsibility for implementation the Platform for Action was assigned to the Office of Equal Opportunity. In annual implementation plans, the Office reports on the activities undertaken.

The objectives of the two activities mentioned above encompass all human rights. By tackling the overarching problem of discrimination, the initiative aims to ensure that all people are able to enjoy these rights equally.

3. Please indicate whether the State party intends to establish an independent national human rights institution in accordance with the Paris Principles (General Assembly resolution 48/134 of 20 December 1993, annex), mandated with the promotion and protection of all human rights, including economic, social and cultural rights.

The promotion and protection of all human rights has been a high priority of Liechtenstein's domestic and foreign policy. Ratification and continued implementation of many major international and regional human rights instruments is an expression of that policy. Dialogue and cooperation with the relevant treaty bodies are used to continuously improve the domestic regime for the promotion and protection of all human rights and fundamental freedoms. One important step in the further development of that regime was the recent establishment of the Office of Equal Opportunity. The main focus of the Office of Equal Opportunity is placed on the elimination of discrimination on the basis of gender, religion, disability, national origin and sexual orientation. While this Office is not fully independent in the sense of the Paris Principles, it does, nonetheless, supplement, in a direct way, the existing legal and structural framework for lodging complaints against actions taken or omitted by the local and central authorities.

This framework is characterized by a high accessibility and based not only on physical proximity but also administrative simplicity. It includes, *inter alia*, the possibility to lodge a complaint with the Administrative Court and/or the Constitutional Court. In order to further diversify and strengthen this regime, the Government has submitted to Parliament a bill that provides for the establishment of an ombudsperson for children and young persons in accordance with the Paris Principles. The decision to submit such a proposal to Parliament has been supported in the broad-based consultation procedures among civil society that preceded the finalization of the bill. Both new mechanisms, i.e. the Office of Equal Opportunity and the planned ombudsperson for children and young persons are/will be mandated with the promotion and protection of all human rights, including economic, social and cultural rights.

With these mechanisms in place and given their high degree of accessibility, the Government does not intend to establish a general human rights institution.

4. Please indicate whether the State party intends to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

The question of family reunification plays an important role in Liechtenstein's immigration policy, in view of the extraordinarily high proportion of non-Liechtenstein nationals living in Liechtenstein and the small size of the country. Because of the strong immigration pressure, certain restrictions apply to the immediate family reunifications of foreigners taking up residence in Liechtenstein.

The definition of Article 4 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families with regard to such family members is broader than the definitions used in the applicable Liechtenstein law (e.g. in that it also includes persons having a relationship with a migrant worker that produces effects equivalent to marriage as well as the dependent children of such couple).

Against this background, Liechtenstein will pay particular attention to the way in which the definitions used in the Convention are interpreted by the relevant treaty body. Since that treaty body started its work only recently it is premature to assess the implications of accession to that Convention for Liechtenstein. In the meantime, all human rights obligations Liechtenstein has entered into continue to apply to the promotion and protection of the rights of all persons under Liechtenstein's jurisdiction.

5. According to the State party's report, the Reigning Prince is responsible for appointing judges, who are elected by parliament on the recommendation of "a special body". Please indicate how the independence of the judiciary is guaranteed in the State party.

The principle of judicial independence is guaranteed by article 95 LV (revised Constitution) for all Liechtenstein judges. According to article 95 paragraph 2, the judges are independent within the lawful limits of their powers and when engaged in judicial proceedings. The involvement of non-judicial organs is only permissible to the extent explicitly provided for by the Constitution. The judges are therefore not only independent vis-à-vis the Government (cf. article 99 LV (old)), but also explicitly vis-à-vis Parliament and – with the exception of the right of pardon pursuant to article 12 LV – also vis-à-vis the Reigning Prince.

The constitutional revision of March 2003, which was approved in a popular referendum, created a joint body of the Reigning Prince and Parliament for the selection of judges, consisting of representatives of Parliament, the Minister responsible for the administration of justice, as well as the Reigning Prince and his representatives. The former Constitution of 1921 did not uniformly regulate the appointment of judges, nor did it guarantee an objective procedure for their selection. In addition, it provided for an absolute veto of the Reigning Prince over the appointment of judges. The body created pursuant to the revised article 96 of the Constitution aims at ensuring the objectivity of the selection procedure and eliminating any nomination of judges that is governed by informal agreements between political parties. The Reigning Prince himself chairs the body, has the casting vote, and may appoint as many members as Parliament. The body recommends candidates for election by Parliament. If Parliament elects the candidate, the Reigning Prince must appoint the candidate as judge. If Parliament rejects a candidate, and if no agreement can be reached between Parliament and the body within one month, Parliament must nominate an opposing candidate and order a popular vote. The Reigning Prince must appoint the candidate as

judge who is elected in this popular vote. The Reigning Prince therefore no longer has an absolute veto over the appointment of judges. Although only candidates are recommended to Parliament who have been approved by the Reigning Prince within the body, and the Reigning Prince therefore possesses the veto at this stage of the process, the veto can ultimately be broken if Parliament nominates the candidate rejected by the Reigning Prince as an opposing candidate.

Liechtenstein courts are characterized by a considerable percentage of judges with foreign nationality and permanent residence abroad. This special feature of the composition of Liechtenstein courts adds to the independence of the judiciary in an effective way that is less common in other countries.

6. To what extent was civil society consulted during the preparation of the State party's initial report?

Liechtenstein always relies on information provided by non-governmental sources when compiling the reports submitted pursuant to the various human rights conventions. These sources are always included in the preparation of the country reports and are asked to provide information. For the present report, the Liechtenstein Employees Association (Liechtensteiner Arbeitnehmerverband, LANV) was of particular importance, along with the responsible offices of the National Administration. Like other relevant public and private interest representatives, LANV is frequently consulted in the case of legislative amendments and is asked to submit its opinion as part of a broad consultation procedure.

II. ISSUES RELATING TO THE GENERAL PROVISIONS OF THE COVENANT (arts. 1-5)

Article 2.2. Non-discrimination

7. Please explain why, in the State party, equality between nationals and foreigners with respect to the enjoyment of fundamental rights is not an established principle, but depends on the bilateral treaties applicable in each case.

Paragraph 12 of the report states: *“In article 31, the Liechtenstein Constitution guarantees the principle of equal treatment for all citizens, while the rights of foreign citizens are determined by international treaties or reciprocity.”* The equal protection clause in Article 31 has been part of the Constitution since 1921. Since then it has also contained the reference to international treaties with regard to the rights of foreigners. The article was only amended once, in 1992, as a result of a parliamentary motion to clearly stipulate the equality between women and men in the Constitution. During the last two decades Liechtenstein has become a party to a considerable number of international human rights treaties, including the six core UN human rights instruments. These instruments stipulate that all rights contained therein must be protected for all persons under the jurisdiction of the State party without any distinction. Liechtenstein has also accepted all existing individual complaints procedures under those treaties. In this regard, the Constitutional Court has been given the competence to act as domestic court to hear such complaints on the national level and decide on any need for legislative change. For these reasons, the principle of equal treatment with respect to the enjoyment of fundamental rights is not dependent on bilateral treaties but rather universally applicable in Liechtenstein. Moreover it may be pointed out that the general reference to

relevant international treaties has the advantage of encompassing all the prohibited grounds for discrimination contained therein.

8. Please provide information on measures taken by the State party to combat racial discrimination and xenophobia.

In June 2002, the Government appointed an inter-Office Working Group for a National Action Plan against Racism, with the goal of implementing the recommendations of CERD on the first country report of Liechtenstein, the recommendations of the European Commission against Racism and Intolerance (ECRI) in the second report on Liechtenstein, and the Durban Program of Action of September 2001. On 24 May 2005, this Working Group also received the mandate to coordinate the measures against anti-Semitism adopted by the Government.

Racism is punishable by law in Liechtenstein. Fortunately, open racism and racially motivated violence are rare in Liechtenstein, so that the Working Group is primarily active in the area of racism prevention. One main responsibility of the Working Group is to sensitize the population: As a first step, all official documents relevant to combating racism in Liechtenstein and the corresponding international treaties were published on the official Liechtenstein Internet portal (under the chapter Foreign Policy/Human Rights) in 2003, in conjunction with the National Action Plan against Racism adopted the same year. In 2004, a seminar was conducted with people working in the media on the role of the media in preventing and combating racism. The annual commemoration of the International Day against Racism is a further awareness-raising measure, accompanied by a press release in the national newspapers. At this year's International Day against Racism, a poster campaign entitled "Without Exclusion" was also launched. To raise the awareness of the authorities, the Working Group has since its creation regularly conducted lectures and workshops on racism prevention within the National Administration.

The second main responsibility of the Working Group is integration of the foreign population. For this purpose, the Working Group conducts basic research by compiling statistical data in connection with questions of migration and discrimination. The Working Group was also substantially involved in the creation of the Office of Equal Opportunity and the Equal Opportunity Commission (see point 3). In 2005, a roundtable was also organized to assess the needs and problems of foreigners and minorities in dealing with the Liechtenstein health care system. The roundtable resulted in concrete measures, such as facilitating the use of an interpreter during visits to the doctor. Finally, the Government also gives financial support to various private projects relating to migration.

In addition to the already mentioned poster campaign, other activities are planned for 2006, including the following: With the goal of strengthening awareness-raising among young people, the Council of Europe youth campaign "Everyone is Different – Everyone is the Same" is being conducted in collaboration with the Office of Social Affairs and the Office of Equal Opportunity. Projects on the topic of diversity, difference, and human rights will be developed and implemented by young people between March 2006 and October/November 2006. As a further awareness-raising measure, a continuing education event for the National Police on the topic of "Hate Crimes" is being supported. In the area of integration, the Working Group intends to continue its efforts in the health care sector and plans to support a number of private initiatives financially. Finally, the availability of data relating to discrimination and migration will continue to be improved.

In addition to the aforementioned Working Group, the Equal Opportunity Commission appointed by the Government also deals with integration issues, assisting the Office of Equal Opportunity. In the next few years, the Equal Opportunity Commission is expected to develop a comprehensive approach to improving the integration of foreign inhabitants. The Working Group of the Government on the Integration of Muslims in Liechtenstein (see point 26) has a special mandate in this area.

To research the history of Liechtenstein in the Second World War and pursuant to various suggestions and questions raised by the public, the Government appointed an Independent Commission of Historians on 22 May 2001, which was mandated to clarify questions in depth concerning the role of Liechtenstein in the Second World War. After nearly four years of work, the Independent Commission of Historians Liechtenstein – Second World War presented its final report on its research concerning the role of Liechtenstein in the Second World War in 2005. The final report is supplemented by individual studies on specific topics. An approximately 40-page summary of the final report and the conclusions reached by the Government are available on the Internet.¹ Additionally, the entire final report and the individual studies, totaling several hundred pages, have been published in printed volumes. The book presentation took place on 18 October 2005. As a consequence of the final report of the Independent Commission of Historians, the Government adopted a comprehensive catalogue of domestic and international activities and measures in May 2005.

For more detailed information on the efforts of the Liechtenstein Government relating to the fight against racism, please refer to the country reports of Liechtenstein submitted pursuant to the International Convention on the Elimination of All Forms of Racial Discrimination (the last report was submitted in December 2005). These reports also include information on the legal framework for combating racism.

¹ http://www.liechtenstein.li/en/liechtenstein_main_sites/portal_fuerstentum_liechtenstein/fl-staat-staat/fl-staat-aussenpolitik-ausgewaehlt-historikerkommission-2.htm

9. Please indicate the number and the nationalities of the asylum-seekers who applied for refugee status the past five years and the number of accepted applications. Please describe the measures taken to ensure that asylum-seekers and refugees are treated without discrimination.

Number of asylum-seekers 2001–2005

Nation	2001	2002	2003	2004	2005	total
Afghanistan					1	1
Albania		1				1
Algeria				1		1
Argentina	1					1
Armenia			1		1	2
Austria		1				1
Azerbaijan	3		2			5
Belarus		2	4	12	4	22
Bosnia and Herzegovina	11	1	4	1	3	20
Bulgaria			4			4
Cameroon		1		2		3
China				2		2
Croatia		1				1
Czech Republic			1			1
Ethiopia		1			1	2
France	1					1
Georgia		1	1			2
Germany	2	1		3		6
Iran			1	3		4
Iraq			1			1
Israel				4	1	5
Kazakhstan		2	4	1	4	11
Kyrgyzstan					1	1
Latvia		1				1
Macedonia	47	44	26	9	2	128
Moldova				1		1
Mongolia		2	1	2	4	9
Netherlands					2	2
Nigeria					1	1
Poland			1			1
Romania		2				2
Russia		5	17	9	8	39
Saudi Arabia			1			1
Serbia and Montenegro	47	20	23	14	4	108
Slovakia			1			1
Somalia					11	11
Sweden				1		1
Switzerland		1		1		2
Tajikistan			1			1
Turkey					1	1
Ukraine		9	8	8	3	28
Yemen					1	1
total	112	96	102	74	53	437

Accepted asylum applications 2001-2005

Nation	2001	2002	2003	2004	2005	
Argentinien	4					total 4
Serbien und Montenegro					1	1
total	4				1	5

Residence permits on humanitarian grounds (including family reunification) 2001-2005

Nation	2001	2002	2003	2004	2005	
Armenien					3	total 3
Bosnien und Herzegowina	46	1	3	1	3	54
China	2	4	5	4	1	16
Serbien und Montenegro			12	2	31	45
total	48	5	20	7	38	118

Although only very few people have been recognized as refugees within the meaning of the Geneva Refugee Convention, numerous asylum-seekers have received long-term residence permits, since repatriation was no longer viewed as reasonable on various grounds – essentially because of the long duration of the asylum procedure and their obvious integration in Liechtenstein.

Measures against the discrimination of asylum-seekers and refugees

Several measures during the asylum procedure ensure that no discrimination takes place. Interviews on the grounds for asylum are conducted by the Immigration and Passport Office in the presence of staff members of an independent organization (Liechtenstein Refugee Assistance Service) and therefore a neutral party; these staff members ask questions to clarify the circumstances and can have relevant statements recorded in the minutes of the meeting.² The interviews are conducted so that great importance is placed on gender-specific needs, i.e., the interviews are conducted by women if called for.

Asylum-seekers may claim legal counseling free of charge and official legal aid if they are indigent. Orders of the Immigration and Passport Office may be appealed to the Government in the first instance and to the Administrative Court in the second instance. Not infrequently after conclusion of the regular procedure, individual complaints are also filed with the Constitutional Court, alleging violations of rights guaranteed by the Constitution.

With respect to accommodation and care, the social needs of the asylum-seekers are taken into account to the extent possible. Asylum-seekers are housed and taken care of in an asylum center in Vaduz. Relatively quickly after their first admission to the country, families are able to move into apartments in the various municipalities. All asylum-seekers are eligible for German-language instruction. Asylum services also include reasonable recreational activities

² Law on the Acceptance of Asylum-Seekers and Persons in Need of Protection (Refugee Act), Liechtenstein Law Gazette LGBI. 1998 No. 107.

(access to libraries, Internet, sports and cultural events). Access to any necessary medical services is granted without restriction; all asylum-seekers are subject to mandatory accident and health insurance.

In contrast to the practice in many European countries, asylum-seekers are expected to obtain employment and in this way contribute to their living costs. In general, asylum-seekers in Liechtenstein therefore have clearly structured days.

Children and accompanied minors are entitled to special attention and protection. This includes integration into the schooling and educational system in Liechtenstein, as well as housing in protected living communities in the case of unaccompanied minors. The responsible court appoints a trustee for the asylum procedure.

Article 3. Equality between men and women

10. Please provide information on the measures taken to eliminate de facto discrimination against women with respect to the enjoyment of economic, social and cultural rights.

On 22 February 2005, the Government decided to expand the Office of Gender Equality into the Office of Equal Opportunity. The Office fulfills its responsibilities relating to the equality of women and men in accordance with the Gender Equality Act. Additional responsibilities include migration and integration of foreigners; schools and education; work; health; social security; disability; age; religion; and sexual orientation. The Office has assumed the following additional tasks: contact, coordination, and counseling office for general questions concerning equal treatment and equal opportunity, and management office of the Equal Opportunity Commission.

Among other advantages, the consolidation of responsibilities entails that multiple discrimination against women is more easily recognized and addressed. To fulfill its responsibilities, the Office of Equal Opportunity has been allocated the equivalent of one additional full-time position, which corresponds to a doubling of its human resources.

The main activities of the Office of Equal Opportunity are primarily in the area of economic, social, and cultural rights. One focus in recent years has been on the working life, i.e., women and business, basic and continuing education of girls and women, compatibility of family and employment. Additional focus areas have been violence against women, women in decision-making positions and positions of power, the social status of women, networking, and gender mainstreaming.

From a legal perspective, there is no discrimination against girls in Liechtenstein in the area of education/professional training. In the Gymnasium (academic high school), girls now even constitute the majority of the students. However, it is apparent that women continue to heavily favor traditionally “female” careers. In 2000/2001, the Interreg project “Free choice of careers for young women and men in Liechtenstein, St. Gallen, and Vorarlberg” and the career impulse year were dedicated to this topic. On the occasion of International Women’s Day in 2006, a workshop reflecting on gender stereotypes throughout history and today was conducted in seven continuing school classes. The project “Fathers’ Day”, which has been conducted since 2004, pursues a similar goal: Girls accompany their fathers to work and are thereby supported in their questions concerning careers and career choices.³

³ For the sake of completeness, it should be noted that boys may also participate in this project.

With respect to the fight against discrimination of women in the workplace, the following legal measure is worth noting: In December 2004, Parliament decided to adopt EU Directive 2002/73/EC amending Directive 76/206/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions. The core content of the directive is the development of a joint concept to take the equality of women and men into account in legal and administrative provisions, policies, and activities.

The amendment Directive 2002/73/EC makes it necessary to amend the Equal Opportunity Act and employment contract law. In particular, the definitions of harassment and sexual harassment must be adopted, along with the definitions for direct and indirect discrimination, the scope of application, the expansion of the prohibition of discrimination, the reduction of the burden of proof in the case of harassment and sexual harassment, abolition of the caps on compensation claims, the workplace guarantee after maternity leave, the right to class action lawsuits for individuals, the prohibition of retaliatory measures, and the appointment of an independent office.

The legislative revision was considered by Parliament in a first reading on March 2006; the second reading is scheduled for May.

Upon completion of the revision of the Equal Opportunity Act, employers and employees will be provided with information on the updated law.

In addition to legal measures, awareness-raising measures and the promotion of private initiatives remain key tools of action of Liechtenstein equality policy. For instance, the Government awards a recognition prize each year to promote the equal opportunity of men and women in Liechtenstein. This prize is alternately conferred upon organizations/private initiatives and businesses.

With further awareness-raising measures, the Office of Equal Opportunity is encouraging an active questioning of existing gender stereotypes. In 2001, the Office of Equal Opportunity initiated the establishment of the “Images of Men” project group, which develops projects relating to family and work, gender images and identity, etc. In 2004, Liechtenstein organized the exhibition “Family and Work in Balance”, in collaboration with the Gender Equality Conference of Eastern Switzerland. Among other insights, the exhibition illustrates the division of labor in the family and at the workplace in households in Eastern Switzerland and Liechtenstein, and shows why childcare facilities make national economic sense. The exhibition was presented a second time in Liechtenstein in 2005.

Liechtenstein ratified the 1979 Convention on the Elimination of All Forms of Discrimination against Women on 26 February 1996. Liechtenstein will submit its third country report this year.

Article 4. Limitations

11. Please indicate whether, in the period covered by the report, there have been any limitations on the enjoyment of rights that the State party has sought to justify by reference to article 4 of the International Covenant on Economic, Social and Cultural Rights (paragraph 23 of the report).

There have been no such limitations on the guaranteed rights in the reporting period.

III. ISSUES RELATING TO SPECIFIC PROVISIONS OF THE COVENANT (arts. 6-15)

Article 6. The right to work

12. According to the report, the unemployment rate for persons under the age of 25 has risen in recent years to 25 per cent. Please describe the main reasons for that trend and provide information about the effectiveness of the measures undertaken by the State party to remedy the situation.

It should be clarified at the outset that the statistic provided in the report referred to the share of persons under 25 as part of overall unemployment, not the unemployment rate for persons under 25.

Youth unemployment in Liechtenstein is most prominent in the transition period between vocational training and the assumption of employment. While only few young people are unable to complete the transition from school to vocational training or do not take advantage of the many “bridging options” such as the 10th school year, study visits abroad, or private education, the transition from vocational training to employment is often more difficult.

Youth unemployment is subject to seasonal fluctuations. It increases each year from July to September, after schooling and vocational training terms have ended, and it decreases again in subsequent months. In 2005, the share of persons under 25 as part of overall unemployment fluctuated between 18% (April) and 22% (September).

In general, young people do not stay unemployed for very long. A survey shows that over 70% of unemployed young people are able to begin a new job within six months. The intensive efforts undertaken by the Government to generate internship positions with employers has contributed to this. These vocational internships for unemployed young people, 40% to 60% of the salary costs of which are subsidized by the State, have increased from 9 in 2003 to 75 in 2005. Starting in 2004, the vocational training programs promoted by the EU have also been included in the offerings for young unemployed persons.

In parallel with the activities of the working group appointed by the Government on this topic, the offerings for labor market measures have been increased from 8 programs to over 30 different programs over the last two years. This ensures that individually tailored measures can be introduced. This wide range of interventions is having an impact, since the youth unemployment rate has clearly stabilized, and the share of young people as part of overall unemployment only slightly exceeded the 20% mark in the months July to September in 2005. Commercial and office jobs are still the most strongly affected, while unemployment for people with technical skills is, as a rule, of much shorter duration.

In the case of some unemployed young people, social causes are responsible for unemployment, and there is a risk of chronic dependence on social assistance. The number of young adults between 18 and 25 supported by financial social assistance administered by the Office of Social Affairs has also risen in recent years. Many of these young recipients of social assistance have not completed an apprenticeship or have dropped out of their apprenticeship or school, and they are often not able to provide for themselves independently. The lack of consistency and the gaps and deficiencies in their education are mirrored in the available jobs.

It is obvious that pure labor market measures are not sufficient for these unemployed young people, and that a more comprehensive solution must be found. For this reason, inter-Office projects are being developed (Ministries of Economic Affairs, Social Affairs, Family and Equal Opportunity) to lower the threshold for young adults with educational or career difficulties seeking help, and to offer them support to support themselves.

13. Please indicate whether the State party intends to become a member of the International Labour Organization in the near future.

As a very small country with limited human resources, Liechtenstein is not able to become a member of all international organizations. For instance, it is also not a member of UNESCO or the WHO. Since Liechtenstein is a State party to all the most important international human rights conventions and, as an EEA member, constantly adopts the Internal Market legislation of the European Union, a tight net of international obligations has already been assumed by Liechtenstein in the area of economic, social, and cultural rights. For these reasons, the Liechtenstein Government is not currently considering membership in the International Labour Organization (ILO).

Article 7. The right to just and favourable conditions of work

14. Please explain whether the Disability Insurance Act, which is intended to facilitate the reintegration of persons with disabilities who are able to work part-time, guarantees equal wages for work of equal value.

The Disability Act offers several options enabling disabled people to access the labor market, such as in the form of salary subsidies to businesses employing people with disabilities. In this way, businesses are able to pay a salary to people with disabilities that corresponds to the job profile and that is greater than the productivity of the disabled person in question.

The planned Disability Equality Act provides more concrete measures to protect against discrimination of people with disabilities, including in the workplace. The goal of this draft bill, which Parliament considered in a first reading in March 2006, is to ensure that people with disabilities are able to participate in the life of society with equal opportunities and equal rights. One of the key provisions is that compensation must correspond to the performance rendered.

15. Please indicate what measures are being taken by the State party to ensure that the wage levels agreed on the basis of the principle of freedom of contract provide workers with a fair wage that is appropriate to the standard of living in the State party.

The principle of freedom of contract in Liechtenstein labor law is coupled with a well-developed system of subsidies and allowances aiming to ensure that all people in Liechtenstein have sufficient financial means for an appropriate standard of living. Examples are family allowances and especially allowances for single parents, rental subsidies, and the reduction of health insurance premiums. In hardship cases, costs of living are covered by social assistance.

Minimum wages, however, are agreed upon in collective employment agreements negotiated between the social partners (Liechtenstein Employees Association, Liechtenstein Chamber of Commerce and Industry, Liechtenstein Chamber of Trade and Commerce). In some sectors, the agreed salaries are considered minimum wages as such, and in other sectors, they are considered protective wages against dumping.

Since submission of the country report, mandatory membership in the Liechtenstein Chamber of Trade and Commerce has been abolished by the courts, with the consequence that previously valid minimum wage rules no longer necessarily apply. The Government is endeavoring to find a new, comprehensive solution on this issue. Already in the summer of 2004, the Government appointed a working group composed of various social partners; the working group has meanwhile concluded its work and submitted a report to the Government. The working group and all the associations participating in it recommend that comprehensive collective employment contracts and/or minimum wage agreements be concluded. However, all the business associations reject legally fixed minimum wages. Instead, they advocate that collective employment contracts be declared to be universally binding. This declaration of universal application via legislation is supported by all social partners. The situation is complex, however, since not only a legislative amendment is necessary, but also a constitutional amendment, since contracts may not bind third parties under current constitutional law. The Government plans to draft the necessary constitutional and legislative amendments in 2006.

16. Please indicate the minimum legal age for employment in the State party and what other specific measures the State party has undertaken to protect minors who work.

The rules for young employees fulfill EU standards. Ordinance V on the Labor Act (Liechtenstein Law Gazette LGBl. 2005 No. 69) fully implements EU Directive 94/33/EC into national law.

In principle, work for children (under the age of 15) and young people (under the age of 18) is prohibited, unless they have completed their compulsory schooling.

There are two types of exception to this principle, one requiring approval by the Office of Economic Affairs and the other not.

Exceptions not requiring approval by the Office of Economic Affairs

From the age of 13, children and young people may be hired to run errands, perform work in the household, and work as trained babysitters, as long as this work does not interfere with their school attendance and school performance. Participation in radio, television, film, and photographic recordings and in cultural events, especially sporting events and theater, circus, and music performances (including rehearsals) does not require approval, if the work is not done on a professional basis.

From the age of 14, children and young people may engage in light labor. Light labor includes work that, in view of its nature or the circumstances under which it is performed, does not harm the health, safety, or personal development of the young person and that does not interfere with school attendance or school performance.

Young people who have left school may be employed to perform dangerous work for purposes of recognized vocational training, if the requirements of the apprenticeship rules and the requirements of the Ordinance on the Safety and Health of Employees in the Workplace

are fulfilled. Work is considered dangerous that, in view of its nature or the circumstances under which it is performed, may interfere with the health, safety, or personal development of young persons.

Exceptions requiring approval by the Office of Economic Affairs

Below the age of 13, the participation of children and young people subject to compulsory schooling in radio, television, film, or photographic recordings and in cultural events, especially sports events and theater, circus, or music performances (including rehearsals) requires approval. Approval may only be granted if:

1. The activity has no impact on the safety, health, and development of the children and young people subject to compulsory schooling.
2. The activity does not interfere with school attendance or school performance.

From the age of 13, the participation of children and young people subject to compulsory schooling in radio, television, film, or photographic recordings and in cultural events, especially sports events and theater, circus, or music performances (including rehearsals) only requires approval if the work is performed on a professional basis.

The special measures for the protection of young employees primarily concern working hours and rest periods.

The maximum daily working time for:

- children under the age of 6 is 2 hours per day, but at most five hours per week.
- children above the age of 6 but below the age of 13 is 2 hours per day, but at most eight hours per week.
- young people subject to compulsory schooling from the age of 13 is 2 hours per day during school terms, but at most eight hours per week, and during half the length of school vacation 7 hours per day and 35 hours per week.
- young people who have left school may not exceed the working time of other people employed in the same workplace and may not exceed eight hours.

The daily work of young people must, including breaks, take place within a period of 12 hours. Young people under the age of 16 may only work until 8pm, and young people 16 and above may only work until 10pm at the latest. Additionally, young people under the age of 16 may not be given overtime work.

In principle, young people may not work at night or on Sundays. Exceptions may be granted, however, if work at night or on Sundays is necessary to achieve the young person's vocational goals, and if the work is performed under the supervision of a responsible and qualified adult.

If a young person must perform dangerous work to achieve his or her vocational goals, a medical examination must be performed by the workplace physician. In the case of work at night, the medical examination must be repeated annually.

Since every apprenticeship contract must be approved by the Office of Vocational Training, additional protection is provided for the large share of young employees.

17. Please describe the regulations governing the employment of migrant workers in the State party, including resident workers and cross-border or temporary workers (contractual status, wages, social security, etc.). Please also describe how the employment of domestic labour is regulated.

General provisions

Employment contract

The same legal provisions apply to the employment contracts of all employees working in Liechtenstein. There are no specific differences between the employment relations of citizens, residents, and cross-border commuters. Everyone is subject to the same employment contract law contained in § 1173(a) of the General Civil Code.

Remuneration

As a rule, salaries are negotiated between employers and employees. The social partners may conclude wage agreements and collective employment agreements. Only the standard labor agreement and the minimum wage guidelines for domestic and agricultural workers are specified by the Government.

Labor Act

The Labor Act and its five ordinances also apply to all persons employed in Liechtenstein, i.e., there are no specific differences between employment relations of citizens, residents, and cross-border commuters. Among other provisions, the Labor Act and its five ordinances encompass safety and health protection, authorizations of plans for commercial and industrial operations, working hours and rest periods, responsibilities of employers and employees, and special provisions for specific groups of employees such as young people and pregnant women.

Social security

Since Liechtenstein's accession to the EEA, Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community and implementing Regulation (EEC) No 574/72 have been directly applicable in Liechtenstein. Through its agreement with the EU on freedom of movement of persons, Switzerland has also adopted this regulation, so that Swiss citizens enjoy the same conditions as EEA/EU citizens. The rules also apply to officials and students, and it is planned to expand their personal scope of application to all insured persons, including non-employed persons. The regulation applies to all legal provisions concerning branches of social security that affect benefits pertaining to sickness and maternity, disability, age, survivors, workplace accidents and occupational diseases, death benefits, unemployment, and family allowances. An organized exchange of benefits takes place within the member States.

Citizens of third countries employed in Liechtenstein are subject to the legal social insurance systems. If they work in Liechtenstein as cross-border commuters, they are exempt from mandatory health insurance coverage. An exemption from mandatory occupational pension plans exists for employees who are not continuously employed in Liechtenstein and who have sufficient pension coverage abroad. The benefits of Old Age and Survivors' Insurance,

Disability Insurance, and occupational pension plans are also paid out if the insured party's residence is no longer in Liechtenstein.⁴

Immigration law provisions relating to employment

The immigration law provisions relevant to the employment of foreign workers are:

1. According to article 28, paragraph 2 of the EEA Agreement, the freedom of movement of workers entails the abolition of any discrimination based on nationality between workers of EC Member States and EFTA States as regards employment, remuneration and other conditions of work and employment.

Moreover, the freedom of movement of workers according to paragraph 3 entails the right (subject to limitations justified on grounds of public policy, public security, or public health):

- a) to accept offers of employment actually made;
- b) to move freely within the territory of EC Member States and EFTA States for this purpose;
- c) to stay in the territory of an EC Member State or an EFTA State for the purpose of employment in accordance with the provisions governing the employment of nationals of that State laid down by law, regulation or administrative action;
- d) to remain in the territory of an EC Member State or an EFTA State after having been employed there.

2. According to the Vaduz Convention, Liechtenstein Law Gazette LGBl. 2003 No. 190, Liechtenstein has, since 1 June 2003, granted Swiss citizens already living in Liechtenstein the same rights as EEA citizens living in Liechtenstein, in accordance with the special solution negotiated as part of the EEA Agreement, as long as the legal areas in question are covered by Annex VIII to the Agreement of 21 June 2001 amending the Convention establishing the European Free Trade Association (Annex K, Appendix 1 of the consolidated version of the EFTA Convention).

3. According to article 14 of the Ordinance on the Movement of Persons (Personenverkehrsverordnung, PVO), Liechtenstein Law Gazette LGBl. 2004 No. 153, foreign citizens desiring employment require a notification confirmation or an authorization. This is subject to deviating provisions in the PVO (e.g., in the first eight days within 90 days, service providers are not subject to the notification or authorization requirement).

4. According to article 15 of the PVO, authorizations and notification confirmations may only be granted or issued to foreign workers if the employee is hired for the position in question according to the salary and working conditions usual for the location, the type of employment, and the labor market situation.

5. According to article 67, paragraph 1 of the PVO, the spouse and the dependent children of EEA and Swiss citizens legally residing in Liechtenstein have the right to engage in employment or self-employment in Liechtenstein, as long as the authorization of the person from whom the right of the family members to family reunification is derived remains valid. According to paragraph 2, this provision does not apply to the family members of service

⁴ This principle is limited in the case of Disability Insurance, which pays 25%-benefits (benefits in cases of a low degree of disability) only to persons living in Liechtenstein.

providers, however. The rule contained in article 67 of the PVO also applies to domestic partners of EEA and Swiss citizens moving to Liechtenstein.

6. According to article 72, paragraph 1 of the PVO, the spouse and the dependent children of citizens of third countries legally residing in Liechtenstein have the right to engage in employment in Liechtenstein, as long as the authorization of the person from whom the right of the family members to family reunification is derived remains valid. According to paragraph 2, a long-term residence permit, which may be issued after 5 or 10 years, is required for self-employment. These provisions are subject to provisions in specialized legislation.

Domestic workers

Domestic workers and their employers are subject to a binding standard labor agreement (Publication of the Standard Labor Agreement for Domestic Workers, 17 November 1997, Liechtenstein Law Gazette LGBl. 1998 No. 2) and binding minimum wage provisions laid down by the Government. These provisions are subject to the compulsory and supplementary provisions of employment contract law and the provisions of public law.

The standard labor agreement governs the scope, mutual responsibilities, working hours and free time, vacation, wages, social insurances, and the beginning and ending of the employment relationship. The wage guidelines are graduated according to age, education, and activity. The work of au pairs and babysitters is also covered. The existing minimum wage guidelines from 2002 are currently being revised and adjusted by the Government.

Like all other employees, domestic workers may turn to the Office of Economic Affairs if they have questions relating to labor law, where they will obtain the necessary information.

Article 8. Trade union rights

18. Please indicate what measures the State party is considering adopting in order to translate the existing presumption of the right to strike into an explicit provision of domestic law.

Cooperative social partnership is one of the cornerstones of the Liechtenstein economic order. Liechtenstein has successfully implemented social peace. The Liechtenstein Chamber of Trade and Commerce, the Liechtenstein Chamber of Commerce and Industry, and the Liechtenstein Employees Association comprehensively represent commerce, industry, and employees. The basic principle of dialogue and mediation by the State entails that labor law has progressed in a direction acceptable to all parties. Examples are the recently revised Participation Act and the provisions on part-time work. The right to strike has therefore never been a political demand of employees.

Even the most recent development, namely the abolition of compulsory membership in the Chamber of Commerce and Industry, has shown how existing problems can be solved through deliberate dialogue. Since compulsory membership no longer applies, collective employment agreements can no longer claim to cover all employment situations. In consultation with all business associations, the legal foundation for a new model is currently being developed,

which will guarantee the necessary minimum standards for the Liechtenstein business location.

19. Please indicate whether the State party intends to take measures to guarantee and regulate the freedom of association and the right to organize for employees in the public sector.

It is a recognized principle in Liechtenstein that the fundamental rights also apply to employment in the public sector. Public employees are protected by the rights guaranteed by the Constitution and by the fundamental rights of the European Convention on Human Rights. The freedom of association, from which the right to form a trade union is derived, is guaranteed by article 41 of the Constitution and article 11 of the ECHR. Accordingly, a trade union for employees in the public sector also exists in Liechtenstein, namely the Employees' Union of the Public Administrations (Personalverband öffentlicher Verwaltungen, PVL). As explained in the country report of Liechtenstein, however, article 7, paragraph 2 of the Civil Servants Act comes very close to a prohibition of strikes for all civil servants (and therefore limits the constitutionally guaranteed freedom of association and coalition). The Government is planning to submit a draft for a new Civil Servants Act to Parliament this year. This draft no longer contains article 7, paragraph 2; the right to strike is no longer mentioned. In this way, employees in the public sector will in the future be subject to the same provisions concerning the right to strike as private employees.

Article 10. Protection of family, mothers and children

20. Please indicate what effective measures the State party intends to adopt in order to deal with the problem of domestic violence, especially against women.

As already noted in the report, new legislation entered into force on 1 February 2001 to improve protection from violence in the family. The core of the new right of expulsion and prohibition of entry is that the National Police are authorized to expel a person from the household who has used or threatened violence against a family member, and if necessary to bar the person from returning (Liechtenstein Law Gazette LGBl. 2001 No. 25, 26, 27). Awareness among the police of the issue of domestic violence is very high. In collaboration with the Women's Home, advanced training was again conducted in 2005 for those police officers responsible for enforcement of the relevant legislation.

Since introduction of the right of expulsion and the prohibition of entry, the National Police has annually ordered about 10 of each. In 2005, the National Police intervened in 20 cases of domestic violence; 3 expulsions and 6 prohibitions of entry were ordered. The right of expulsion and the prohibition of entry give the National Police an efficient legal instrument to immediately remove the aggressor from the common household in cases of domestic violence.

Expulsions and prohibitions of entry are unable to provide absolute protection from renewed assaults. In dangerous situations, it may therefore be important for women and children to leave the household themselves and find secure housing. There is a "Women's Home" in Liechtenstein that accepts women and their children in such situations. Care is available around the clock, and the home may be accessed day and night. In 2005, the Women's Home provided temporary refuge to 9 women and 10 children. Some of the women and children came from the neighboring regions of Switzerland and Austria.

In July 2004, a three-year interregional project against violence in marriages and partnerships was concluded, in which Liechtenstein participated along with the Austrian province of Vorarlberg and the Swiss canton of Graubünden. The goals of the project were to collect cross-border data on violence in marriages and partnerships and to provide information and raise awareness throughout the regions.

The planned measures of the project – a campaign for general awareness-raising of the public, data collection and a study on forms of violence and perceptions of violence in the domestic environment, and a special information campaign to raise the awareness of multipliers – were successfully implemented in Liechtenstein, Vorarlberg, and Graubünden. In a cross-border event at the end of 2003, the study was presented to the wider public. In 2004, an emergency card was developed and translated into eight languages, along with guidelines for relatives and friends; both products were sent to public offices. The emergency card is an information card in credit-card format, conveying the information that domestic violence is not a private problem, and indicating the available support offerings and contact points. Experience has shown that the emergency card is readily used, so that it is regularly offered to all public offices at the beginning of each year, together with the guidelines.

In collaboration with the Women's Home and several other offices, the interregional project gave rise to additional awareness-raising campaigns in 2004, including an advanced training program for the nursing staff at the National Hospital and a presentation of the violence study followed by a Forum Theater (interactive theater). A separate presentation was organized for the students of continuing schools. A staff member of the Women's Home prepared the students for the topic.

The most recent development for the protection of victims of domestic violence is the planned creation of a Victims Assistance Act. This Act constitutes the conclusion of a three-part overall project that began with the amendment of sexual penal law and continued with the revision of the Code of Criminal Procedure relating to victim protection. The best possible support for victims will be achieved on the basis of the two pillars of counseling and financial assistance. The consultation procedure on the Victims Assistance Act was concluded in November 2004; submission of the draft to Parliament by the Government is planned for the summer of 2006.

21. Please provide information on the extent to which the State party faces the problem of trafficking in persons, especially women and children.

According to the findings of the Liechtenstein National Police, Liechtenstein is neither a transit country nor a destination country for organized trafficking in persons. In addition, no cases of human trafficking have become known so far. Nevertheless, the Liechtenstein authorities are aware of the problem, which has been discussed at a high level in Liechtenstein as part of several human rights dialogues (such as during the visit of Human Rights Commissioner Alvaro Gil-Robles in December 2004 and during the visit of Helga Konrad, OSCE Special Representative on Combating Trafficking in Human Beings, in September 2005).

Dancers working in the currently 6 nightclubs in Liechtenstein can be considered potentially vulnerable to human trafficking. For this reason, the police closely monitor the nightclub scene. Article 54 of the Ordinance on the Movement of Persons allows nightclub dancers to

obtain a short-term residence permit of at most six months within a calendar year. The Government has also issued a fundamental decision on the admission of nightclub dancers, which contains detailed regulations on the protection of the employed dancers. For instance, these Government regulations require that dancers receive accident and health insurance, that they take part in the project on AIDS prevention in the sex industry, and that they receive reasonable accommodation and the minimum wages applicable to the hotel and restaurant industry. As a further protective measure, licenses are only granted to dancers requiring visas if the dancer worked in Switzerland immediately prior to the start of employment in Liechtenstein. The fundamental decision also specifies the quota for employing dancers: Each month, each nightclub may employ at most five dancers.

The Government regulations are the basis for regular inspections of the nightclubs by the National Police. An important part of the inspections is identifying any signs of human trafficking. The police officers are sensitized to signs of human trafficking: In 2003, a member of the National Police took part in an OSCE seminar on trafficking in persons, following which a workshop was conducted within the National Police on this topic.

Article 12. The right to physical and mental health

22. Please provide information on the measures taken to combat alcohol abuse and the consumption of tobacco and illicit drugs.

Along with the Ministry of Public Health, the most important agent concerned with addiction and narcotics policy in Liechtenstein is the Commission on Addiction, assigned to the Ministry of Public Health. The Commission on Addiction advises the Government on addiction issues and narcotics policy. The members of the Commission with an interdisciplinary membership coordinate implementation of the Commission's decisions within their respective administrative offices. In November 2004, the resources for addiction and narcotics work were expanded by appointing an Addiction Officer, who administers the work of the Commission on Addiction. In Liechtenstein addiction and narcotic policy, the three levels of prevention, therapy, and legal intervention are distinguished.

Prevention

Primary prevention is mainly covered by projects in schools and within associations. All age groups, from kindergarten through primary and secondary school and basic vocational training, are targeted with appropriate programs. The annual expenditures on school prevention amount to approximately CHF 200,000. Other measures of a preventive nature, in a broad sense, include school social work, the establishment of youth centers, and the creation of help lines. Prevention programs are also offered for adults, on the request of both private persons and businesses.

In addition to the existing prevention offerings, various campaigns relating to preventive health care and addiction prevention are conducted. In June 2006, a large-scale, multi-year addiction prevention campaign will be launched in Liechtenstein, focusing on legal addictive substances. Over the three-year duration of the program, additional activities are planned in the area of primary prevention (public outreach and projects) and secondary prevention (such as assistance to young people trying to stop smoking). Similar to the campaign "Courage to Educate", which was conducted in 1997, the current campaign also calls upon adults to take

their educational function seriously. Approximately an additional CHF 150,000 annually will be made available to addiction prevention as part of the campaign.

To prepare for this campaign, a survey was conducted among young people at all the schools in Liechtenstein as well as foreign schools attended by young people living in Liechtenstein. The questionnaire was developed on the basis of the European ESPAD student survey, allowing a comparison with other European countries.

The following trends emerged from the study:

Alcohol and tobacco

The consumption of legal addictive substances (alcohol, tobacco) is widespread throughout all age groups and therefore constitutes the greatest addiction problem in Liechtenstein from an epidemiological perspective. The problematic consumption of alcohol, so-called “binge drinking”, is also widespread among young people in Liechtenstein. With respect to the consumption of both alcohol and tobacco, gender differences are apparent. While girls smoke more frequently and greater quantities than boys, the opposite picture emerges with respect to alcohol consumption: On average, boys drink considerably greater amounts on more occasions than girls.

Illegal drugs

Cannabis is by far the most popular illegal drug. 25% of young people have consumed cannabis at least once in their lives. The share of regular cannabis consumers is considerably lower, however, at 6%.

About 3% of young people have consumed hard drugs at least once in their lives.

Conclusions drawn from the study

From an epidemiological perspective, the consumption of legal addictive substances is the largest problem. This is true in particular since risky consumption behavior has been observed (binge drinking). The entry age is similarly low as in neighboring countries. The campaign will therefore primarily target legal addictive substances. The goal is to raise the entry age and to minimize risky consumption in particular. Implementation will be tailored to target groups.

Therapy

In-patient and out-patient therapy services are available to adults as part of standard psychosocial and medical health care. Both private and public facilities offer withdrawal and therapy options that are universally accessible. As part of social psychiatry, follow-up treatment for clients after therapy is ensured with a mobile social psychiatry service.

Several self-help groups exist for individuals with alcohol, medication, and drug problems and for their families.

For some addicts, help is not limited to withdrawal and assistance in achieving an abstinent lifestyle, but rather in comprehensive services, including financial support, care, and counseling. This assistance may also include dispensing of drug replacements such as methadone. If the acceptance conditions are met, persons in Liechtenstein may undergo heroin-based treatment in Switzerland.

Legal intervention

Several laws are relevant to addition and drug prevention: the Narcotics Act, the Road Traffic Act, and the Youth Act. The new Children and Youth Act should be emphasized, which is currently being circulated for consultations. The protection of minors has been continuously expanded in recent years, which has also manifested itself in the revision of the Youth Act. The new Children and Youth Act tightens protective measures. In addition, criminal prosecution of young people will largely be replaced by pedagogical measures.

International cooperation

Supplementing the prevention and therapy measures in the country, Liechtenstein also supports projects relating to the suppression of drugs and addiction in the context of international cooperation. In 2005-2008, a **total of USD 2 million** has been allocated to various projects in the fight against the international drug trade and to eliminate consequences of narcotics crimes. In 2005, Liechtenstein primarily supported UNODC projects, such as a project for generating alternative income for former opium farmers in Afghanistan. In addition, Liechtenstein supports a research project of the Swiss National Science Foundation on the drug ecstasy.

23. Please provide detailed information, including statistics, on persons infected by HIV/AIDS and on the measures taken by the State party to combat HIV/AIDS.

By law, an HIV-positive result of a patient's test administered by a Liechtenstein physician or a medical laboratory in Liechtenstein must be reported. The reporting statistics are administered by the Office of Public Health, and the data is listed in anonymous form. The gender, date of birth, and possible route of infection are recorded, if known. A total of 5 new HIV infections were registered between 2001 and 2005:

Year	Number of HIV reports
2001	0
2002	3
2003	0
2004	2
2005	0

However, the Office of Public Health assumes that a considerable number of people are tested anonymously in neighboring Switzerland or Austria and are accordingly not captured by these statistics.

The following can be said regarding Liechtenstein's efforts to combat HIV/AIDS: The State of Liechtenstein operates a specialized office on combating HIV/AIDS. This institution is called the Bureau for Sexual Matters and HIV Prevention, employs the equivalent of 1.2 full-time staff, and is supported financially by the State. The Bureau provides education and information concerning HIV/AIDS. The Bureau also offers personal counseling of individuals on questions concerning HIV/AIDS. A further service encompasses targeted thematic prevention projects on the topic of HIV/AIDS, but also other questions relating to sexual health.

The services of the Bureau include the following four focus areas:

1. Promotion of sexual education
2. Sexual counseling
3. Prevention of sexually transmissible diseases (STDs), especially HIV/AIDS
4. Family planning services and prevention of unwanted pregnancies

At the international level, Liechtenstein contributes to the fight against HIV/AIDS through donations to various international programs: In 2005, a total of CHF 177,120 was contributed to the AIDS program of the United Nations (UNAIDS), the Global Fund to Fight AIDS, Tuberculosis and Malaria, and an AIDS prevention program of UNICEF. Liechtenstein also demonstrates its commitment to the global fight against HIV/AIDS through bilateral development cooperation projects administered by the Liechtenstein Development Service (LDS). The fight against HIV/AIDS is a focus area of LDS's health work. In 2005, LDS spent CHF 877,000 on pure HIV/AIDS projects and an additional CHF 1.55 million on health projects with an HIV/AIDS component, especially in its focus countries of Mozambique, Zambia, Namibia, and Senegal.

Articles 13 and 14. The right to education

24. Please indicate whether the possibility available to nationals through bilateral treaties to study abroad is also open to foreigners who are legally resident in the State party.

All students residing in Liechtenstein – regardless of their nationality – have the same access to educational institutions in Switzerland and Austria with which Liechtenstein has concluded agreements.

Some of these agreements may refer to “Liechtenstein students”, but this formulation has consistently been understood in practice to mean all students residing in Liechtenstein.

Also in the field of vocational training, i.e., training in the context of an apprenticeship and vocational schools, the equal treatment of foreign apprentices residing in Liechtenstein is guaranteed. Liechtenstein does not have its own vocational schools. With the conclusion of an apprenticeship contract, however, acceptance to a vocational school in Switzerland is automatically guaranteed.

25. According to the report, the school curriculum includes human rights education for children. Are there also programmes in place to raise awareness of the International Covenant on Economic, Social and Cultural Rights among the public in general and among judges and members of the police and security forces in particular?

The activities of the Office of Equal Opportunity include the goal of raising the awareness both of the general public and of the authorities for the prevention and suppression of discrimination with respect to all human rights, including economic, social, and cultural rights. Additionally, the inter-Office Working Group for a National Action Plan against Racism appointed by the Government is also active in the field of human rights (for detailed information on the responsibilities and activities of this Working Group, see point 8).

Since the establishment of this Working Group, it has conducted annual awareness-raising events. One of the first measures was to create a special section entitled “Human Rights” on Liechtenstein’s official Internet portal, which explains the significance of human rights in the international and inter-State context and shows which agreements Liechtenstein has ratified. On International Human Rights Day each year, the Government issues a press release in the national newspapers, drawing attention to its engagement with respect to the protection of human rights in Liechtenstein and abroad. The most recent campaign is the poster campaign “Without Exclusion” launched on 21 March 2006.

With the goal of strengthening understanding of human rights in the context of youth work, an international training seminar for youth workers was organized in 2005 on the basis of the “Compass” manual published by the Council of Europe. “Compass” is a practice-oriented manual for scholastic and extracurricular education on topics including poverty, education, discrimination, peace, and violence.

Each year, the Working Group for a National Action Plan against Racism has organized events and lectures. In 2002, a lecture was held for police officer candidates on behalf of the Working Group. Since 2003, the training program for police officer candidates has included a separate block on human rights training.⁵ Another lecture on human rights (and especially on conflict resolution with foreigners) was conducted in the Office of Social Affairs in 2003. For apprentices working in the National Administration, a special workshop on conflict resolution against the backdrop of the protection of human rights was developed in 2004 and has been repeated several times since then. In addition, the continuing education program of the National Administration has launched a course entitled “Intercultural Communication”, which has also been repeated several times.

Article 15. Cultural rights

26. In view of the high proportion of foreigners living in Liechtenstein, mainly for the purpose of work, please indicate if there are any programmes aimed at promoting intercultural relations.

Several State authorities are involved in promoting the integration of foreigners and intercultural relations, especially the Equal Opportunity Commission, the Office of Equal Opportunity, the Office of Education, the Office of Social Affairs, and the Office of Cultural Affairs.

Since March 2005, the Office of Equal Opportunity (formerly the Office of Gender Equality) has served as a contact, counseling, and coordination office for questions concerning migration and the integration of foreigners, among other responsibilities. As part of the new orientation of this Office, intercultural dialogue is currently undergoing a process of expansion and will play an even greater role in the future. For instance, the Office plans to create a platform for foreigners’ associations for purposes of in-depth exchange and treatment of topics. The Office of Equal Opportunity has already established first contacts with the associations. An example of cooperation that has already taken place is the Intercultural Encounter Day, which was organized by the Turkish women’s association in collaboration

⁵ This is a Swiss police training program with Liechtenstein participation.

with the Liechtenstein Women's Network (for which the Office of Equal Opportunity acts as the administrative and coordination office) and other participants.

In view of overall coordination of questions of equal opportunity in all areas of life, and for purposes of implementing an inter-Office policy of anti-discrimination, the Government also appointed an Equal Opportunity Commission in March 2005. The Equal Opportunity Commission consists of the Permanent Government Secretary, the directors of eight different offices of the National Administration, and the director of the Office of Equal Opportunity.

Schools make an important contribution to the integration of foreigners and the promotion of intercultural dialogue. Foreign-language children are first promoted in an intensive German-language course, then, once they have acquired the requisite language skills, they attend regular classes and a German-as-a-second-language (GSL) course. The GSL instructors not only teach their students the German language, but they also help them cope with the customs and conventions in their new country. Conversely, foreign children are encouraged to share their own origins in class. Dealing with different cultures, traditions, religions, and value systems is an integral part of the curriculum in Liechtenstein schools. Each year, every school offers numerous projects on topics including tolerance, xenophobia, violence, etc.

The Office of Social Affairs supports various foreigners' associations in implementing concrete projects they have initiated themselves, through organization and facilitation work, provision of information, infrastructure, and financial assistance. These projects are concerned with the promotion of health (e.g., nutrition counseling for migrants), social integration (e.g., language courses), and continuing vocational training. In addition, client work takes into account cultural backgrounds and problems resulting from migration. If language skills are lacking, whether on the part of the client or on the part of the therapist, interpreters are used.

In 2001, the Office of Social Affairs and the Office of Cultural Affairs launched a contest entitled "Diversity 2002 – Intercultural Encounters". Criteria for this contest included a certain degree of sustainability. In fact, the contest generated several multicultural projects that still have an impact today.

Intercultural projects may receive financial support from the Cultural Advisory Council of the Government, as has been the case in the past (e.g., the Inter-Choir Association of Liechtenstein, which is composed of different nationalities). The Cultural Advisory Council also supports artists conducting projects abroad and projects allowing foreign artists to work in Liechtenstein (e.g., Cultural Exchange Liechtenstein – Indonesia).

The Association for Intercultural Education (Verein für interkulturelle Bildung, ViB) should also be mentioned here, which was founded in March 2001 on the initiative of the Office of Social Affairs. A main focus of the association is the integration of foreign-language speakers and the creation of platforms for the cultural exchange of people living in Liechtenstein and beyond. The activities of the Association are supported financially by the State. A current project of the Association is "Mother-Child German" ("Muki-Deutsch"), a German course for the target group of foreign-language mothers with small children, which is otherwise difficult to reach, allowing small children to be brought along.

The Working Group on the Integration of Muslims in Liechtenstein is a platform for intercultural and interreligious dialogue with Muslims, appointed by the Government in May 2004. The Working Group is composed of representatives of the National Administration and of various Muslim associations. In 14 meetings so far, the Working Group has dealt with the

concerns and difficulties of Muslims in Liechtenstein and has adopted initiatives to promote the integration of Muslims.

Vaduz, 7 April 2006