



Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
8 April 2008

Original: English

Committee on the Elimination of Discrimination against Women

Fortieth session

14 January-1 February 2008

Concluding comments of the Committee on the Elimination of Discrimination against Women

Luxembourg

1. The Committee considered the fifth period report of Luxembourg (CEDAW/C/LUX/5) at its 821st and 822nd meetings, on 23 January 2008 (see CEDAW/C/SR.821 and 822). The Committee's list of issues and questions is contained in CEDAW/C/LUX/Q/5 and the responses by Luxembourg are contained in CEDAW/C/LUX/Q/5/Add.1.

Introduction

2. The Committee expresses its appreciation to the State party for the quality of its fifth periodic report which follows the Committee's guidelines for the preparation of periodic reports and takes into account the Committee's previous concluding observations and recommendations. The Committee also expresses its appreciation for the written replies to the list of issues and questions raised by the pre-session working group and for the oral presentation and further clarifications offered in response to questions posed orally by Committee members.
3. The Committee commends the State party on its high-level delegation headed by the Minister of Equal Opportunity and expresses its appreciation for the constructive dialogue held between the delegation and the members of the Committee which provided further insights into the real situation of women in Luxembourg.
4. The Committee commends the State party on the ratification of the Optional Protocol to the Convention on 1 July 2003 and on the withdrawal of reservations to article 7 and article 16, paragraph 1 (g) of the Convention on 9 January 2008.

5. The Committee notes with appreciation that the State party accepted on 1 July 2003 the amendment to article 20, paragraph 1, of the Convention, concerning the extension of the Committee's meeting time.

Positive aspects

6. The Committee commends the State party on its overall achievement in furthering women's human rights in Luxembourg.
7. The Committee commends the State party for the legislative developments since the consideration of its last periodic report in 2003, namely, the revision of Article 11 of the Constitution adopted on 21 June 2006 which anchors the principle of equality between women and men in the legislative framework of the State party; the adoption on 23 December 2005 of the Law on the Naming of Children; the adoption on 3 June 2004 of the Law on Collective Labour Relations which, among other matters, calls for the application of the principle of equal pay for women and men in labour contracts; the adoption of the Domestic Violence Law of 8 September 2003; and the enactment of the Law of 19 May 2003 amending the General Statute of Civil Servants and which introduces measures to promote the reconciliation of family and working life.
8. The Committee notes with satisfaction the work developed by the national machinery, led by the Ministry of Equal Opportunity, to promote equality between women and men. The Committee particularly commends the State party for the implementation of the National Action Plan on Gender Equality which is in line with the Beijing Declaration and Platform for Action.
9. The Committee welcomes the State party's leadership in the promotion of the Convention during its presidency of the Council of Ministers of the European Union in the first half of 2005. The Committee also welcomes the integration of gender perspectives in its development cooperation programmes and commends the State party for being among the few States to allocate more than 0.7 per cent of its GDP to development assistance.

Principal areas of concern and recommendations

10. **The Committee recalls the State party's obligation to systematically and continuously implement all the provisions of the Convention, and views the concerns and recommendations identified in the present concluding observations as requiring priority attention between now and the submission of the next periodic report. Consequently, the Committee urges the State party to focus on those areas in its implementation activities to report on action taken and results achieved in its next periodic report. It calls on the State party to submit the present concluding observations and recommendations to all relevant ministries, to Parliament and to the judiciary so as to ensure their full implementation.**
11. While acknowledging the efforts taken by the State party to raise awareness of the Convention, including through training on the mainstreaming of a gender dimension in the work of ministry officials and the publication of school manuals on the Convention, the Committee is concerned

that the Convention and its Optional Protocol are not widely known in Luxembourg. The Committee also notes with concern the limited sensitization and training initiatives, especially for judicial personnel, on gender equality issues and the provisions of the Convention.

12. **The Committee invites the State party to continue to widely disseminate the Convention, its Optional Protocol and the Committee's general recommendations to all stakeholders, including government ministries, the judiciary, political parties, non-governmental organizations, the private sector and the general public. The Committee calls on the State party to integrate the Convention and its Optional Protocol in the university curricula of law and related fields, and in continuing education of legal professionals and the judiciary.**
13. While appreciating the comprehensive character of the National Plan of Action on Gender Equality and the leadership of the Ministry of Equal Opportunity, the Committee is concerned that the implementation of the National Action Plan may not yet be fully assumed by all sectors of the Government, namely taking into account the non-participation of different sectors of the Government in the constructive dialogue with the Committee.
14. **The Committee strongly emphasizes that elimination of discrimination against women and attainment of equality between women and men are the Government's responsibility and recommends that the State party ensure the full involvement and commitment of the whole Government in the implementation of the Plan of Action.**
15. The Committee notes with concern that, despite the initiatives undertaken by the State party to eliminate gender-role stereotypes, including awareness-raising campaigns, education of boys and girls on equality between men and women, and incentives to diversify the roles of men and women, stereotypes related to traditional roles of men as breadwinners and women as mothers and caregivers persist and affect the educational and professional choices of women.
16. **The Committee calls on the State party to consider strengthened measures aimed at changing attitudes concerning women's traditional roles and responsibilities in child and family care. Such measures should include curbing the portrayal, including in school and in the media, of discriminatory images, attitudes and perceptions about the roles and responsibilities of women and girls and men and boys in the family and in society, and further awareness-raising and education initiatives for both women and men with respect to sharing tasks within the family. The Committee recognizes that changing mentality is a long-term endeavour and calls upon the State party to continue, in a comprehensive manner, its efforts until these gender-role stereotypes are eliminated.**
17. While noting the positive indicators provided by the State party regarding the use of parental leave by men and welcoming the State party's legislative and policy efforts and other measures to improve reconciliation of family life and work, including the establishment of a network of childcare facilities, the Committee is concerned that domestic and family responsibilities are still primarily borne by women, many of whom interrupt their careers or engage into part-time jobs to meet family responsibilities.

18. **The Committee encourages the State party to step up its efforts to assist women and men in striking a balance between family and employment responsibilities, inter alia, through further awareness-raising and education initiatives for both women and men on adequate sharing of care of children and domestic tasks as well as ensuring that part-time employment is not taken up almost exclusively by women. The Committee also encourages the State party to consider the findings of the Labour Force Survey, undertaken in 2006 by STATEC, on women's situation in the labour market and to adopt new measures that better address women employment challenges, including the provision of additional childcare facilities for children of different age groups.**
19. While commending the considerable efforts made by the State party to address violence against women, including the domestic violence law and its positive evaluation, awareness-raising efforts as well as support services provided to women victims of violence, the Committee remains concerned at the prevalence of different forms of violence against women and at the lack of information on the extent of the phenomenon. The Committee is further concerned by the absence of a comprehensive strategy to combat all forms of violence against women.
20. **The Committee recommends that the State party intensify and expand its efforts to prevent and address all forms of violence against women, including sexual violence, rape, sexual exploitation, including pornography, in accordance with the Committee's general recommendation 19, as well as utilizing the Secretary-General's in-depth study on all forms of violence against women (A/61/122 and Add.1 and Add.1/Corr.1). Accordingly, it calls upon the State party to put in place a comprehensive strategy and action plan to prevent and eliminate all forms of violence against women, including in the immigrant community, as well as an effective institutional mechanism to coordinate, monitor and assess the effectiveness of measures taken. The Committee encourages the State party to intensify its awareness-raising efforts with regard to all forms of violence against women and the unacceptability of all such violence. The Committee invites the State party to intensify its efforts to correct the violent behaviours of the offenders and to provide support services and sufficient number of shelters for women victims of violence, staffed by expert personnel and provided with adequate financial resources for their effective functioning. The Committee also requests the State party to ensure the systematic collection and publication of data, disaggregated by type of violence and by the relationship of the perpetrator to the victim, and to use such data as the basis for monitoring the implementation of current and future policy and support measures.**
21. While noting the progress made with regard to presence of women in Parliament and in municipal elected bodies, the Committee expresses concern that women remain underrepresented in these bodies and progress made in representation of women in political life has been slow. The Committee is further concerned that fewer women were appointed to serve as ministers in the 2004 Government and very few women hold positions at the highest level in diplomacy. The Committee is concerned at the generally low number of women working in public administration and particularly at the low number of women holding high-ranking posts in public sectors. The Committee also expresses concern about the lack of information on the presence of immigrant

women in decision-making positions in a country where immigrants account for about forty percent of the whole population.

22. **The Committee calls upon the State party to evaluate the resistance and obstacles to women's full and equal participation in public life and decision-making, especially at higher levels. It calls upon the State party to use temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendations 25 on temporary special measures, and 23 on women in political and public life. It also encourages the State party to ensure that the representation of women in political and public bodies reflects the full diversity of the population and requests the State party to provide detailed sex-disaggregated data and information on the representation of women in elected and appointed bodies and in the judiciary, including at the decision-making level, and trends over time, in its next periodic report.**
23. While acknowledging the initiatives taken by the State party to foster women's employment and the resulting growth in the participation of women in the labour market, the Committee is concerned that women remain disadvantaged in the labour market. The Committee is particularly concerned at the resistance of social actors with regard to affirmative action measures aimed to increase the participation of the underrepresented sex in certain sectors. The Committee also notes with concern that women are concentrated in part-time and low-paid work and few women have acceded to high-level posts in economic life. The Committee is equally concerned at the long-standing pay gap between women and men, despite the principle of equal pay for equal work being enshrined in the national legislation, and the absence of a Government strategy to address the issue. The Committee is further concerned at the difficulties experienced by immigrant women regarding their integration and participation in the labour market. The Committee wishes to draw the State party's attention to the disadvantaged situation of women who interrupt their careers for family reasons and the consequences thereof upon retirement and old-age pensions.
24. **The Committee wishes to emphasize that realization of women's de facto equality with men in the labour market, including in the private sector, so as to achieve compliance with article 11 of the Convention, is an obligation of the State party under the Convention. The Committee calls upon the State party to adopt policies and take all necessary measures, including special temporary measures in accordance with article 4, paragraph 1, of the Convention and general recommendation 25, with time-bound targets, to eliminate occupational segregation, both horizontal and vertical. The Committee encourages the State party to mainstream the issues of immigrant women, who may suffer multiple discriminations, into its employment policies and programmes. The Committee urges the State party to adopt further measures to narrow and close the pay gap between women and men and to adopt mechanisms to monitor the implementation of the principle of equal pay for equal work of work of equal value. The Committee encourages the State party to continue its data collection and analysis efforts to monitor the effectiveness of policy and measures adopted to improve the employment situation of women. The Committee invites the State party to include, in its next report, information on the extent of use and impact of**

affirmative action in the private sector, and information on measures taken to improve the situation of women in the labour market and their impact.

25. While noting Luxembourg's outstanding education system, the Committee draws the State party's attention to the prevailing stereotyped choices of academic and vocational fields. The Committee also expresses concern at the unequal access to quality education at all levels for girls of foreign origin and at the indication of the high level drop-out rate from school at various levels among these girls.
26. **The Committee encourages the State party to strengthen its programme aimed at diversifying academic and vocational choices for girls and boys and take further measures to encourage girls to pursue untraditional education fields. The Committee also calls upon the State party to closely monitor the situation of girls of foreign origin in all educational levels and to continue to address the difficulties they experience in the school system.**
27. While noting the favourable health situation in Luxembourg and welcoming the State party's intention to develop an anti-smoking programme, the Committee is concerned at the reported increase in smoking among women, particularly young women, and its effects on children. The Committee is equally concerned at the lack of information provided with regard to mental health problems that seem to be experienced by young people, including young women.
28. **The Committee recommends that the State party conduct a study on the underlying causes of popularity of smoking among young women and to integrate a gender perspective in its anti-smoking strategy, including in any awareness-raising campaigns. The Committee invites the State party to include, in its next periodic report, information on the results of measures taken to address smoking problems, disaggregated data on the situation of women and young girls' mental health in the State party and information on its response thereto, and particularly access to relevant services. Furthermore, the Committee calls the State party's attention to the Committee's General Recommendation 24 which gives guidelines on gender sensitive approach to health policies.**
29. While noting the State party's efforts to address prostitution in Luxembourg, including the mapping exercise and the plan to launch a campaign targeted to clients, the Committee expresses its concern at the lack of information on the extent of prostitution in Luxembourg and the absence of a comprehensive strategy to address exploitation of prostitution.
30. **The Committee recommends that the State party study the extent of prostitution in Luxembourg and include in its next report sex-disaggregated data and information on exploitation of prostitution. The Committee urges the State party to increase the attention given to exploitation of prostitution and formulate comprehensive strategies, including programmes to discourage demand for prostitution, discourage women from entering prostitution, and establish programmes of rehabilitation and support for women who wish to discontinue their lives in prostitution.**

31. While acknowledging the measures taken to curb trafficking, including the anti-trafficking bill, the establishment of a special investigation unit within the national police and the inter-ministerial working group which coordinates actions to combat trafficking, the Committee remains concerned about the paucity of data with regard to trafficking of women and girls into Luxembourg, which did not provide it with a clear picture of the situation on the ground. The Committee is further concerned at the reported difficulties in identification and investigation of trafficking cases.
32. **The State party is encouraged to provide, in its next report, comprehensive information on the prevalence of trafficking to and out of Luxembourg as well as information on the impact of measures taken and results achieved. The Committee calls upon the State party to accelerate the adoption of the anti-trafficking bill and requests the State party to take all appropriate measures to ensure better identification and investigation of trafficking cases, particularly through enhanced training and capacity-building efforts for law enforcement officials so as to increase their ability to identify potential victims of trafficking. The Committee invites the State party to further strengthen bilateral, regional and international cooperation with countries of origin, transit and destination of trafficking victims so as to further curb this phenomenon.**
33. The Committee reiterates its concern expressed during the consideration of the fourth periodic report of Luxembourg with regard to the delay in the adoption of the draft law of 15 May 2003 reforming divorce.
34. **The Committee urges the State party to expedite the adoption of the draft law reforming divorce which abolishes the waiting period for women to remarry and divorce based on fault, as well as amends the system of alimony to make it more equitable for women, reforms the system as to compensate for the disparities that the break-up of marriage often creates, and provides for a system of joint exercise of parental authority by divorced parents.**
35. **The Committee also emphasizes that a full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.**
36. **The Committee notes that the adherence to the nine major international human rights instruments¹ enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the Government of Luxembourg to consider ratifying the treaties to which it is not yet a party, namely, the**

¹ The International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Convention for the Protection of All Persons from Enforced Disappearance, and the Convention on the Rights of Persons with Disabilities.

Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, the International Convention for the Protection of All Persons from Enforced Disappearance, and the Convention on the Rights of Persons with Disabilities.

37. **The Committee requests the wide dissemination in Luxembourg of the present concluding observations and recommendations in order to make the people, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women and of the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century."**
38. **The Committee requests the State party to provide in its next report, information on the results obtained from studies and surveys with regard to the impact of laws, policies, plans and programmes aimed at achieving gender equality, as well as information on the evaluation of the National Action Plan on Gender Equality and follow-up measures thereto.**
39. **The Committee requests the State party to ensure the wide participation of all ministries and public bodies in, and consult non-governmental organizations during, the preparation of its next report. It encourages the State party to involve Parliament in a discussion of the report before its submission to the Committee.**
40. **The Committee requests the State party to respond to the concerns expressed in the present concluding observations and recommendations in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its sixth periodic report which is due on 4 March 2010 and its seventh periodic report which is due on 4 March 2014, in a combined report in 2014.**