

Luxembourg

(22nd session)

379. The Committee considered the third periodic report of Luxembourg (CEDAW/C/LUX/3 and Add.1) at its 446th and 447th meetings, on 17 January 2000 (see CEDAW/C/SR.446 and 447).

Introduction by the State party

380. The representative of Luxembourg drew attention to follow-up steps taken after the Committee's consideration of the second periodic report in 1997, which included wide distribution of the concluding comments, a discussion on equality between women and men in relation to the Committee's recommendations in the Parliamentary Commission on Equality of Opportunity Between Women and Men and on the Advancement of Women of the Chamber of Deputies and press coverage. The National Council of Women of Luxembourg endorsed the recommendations of the Committee and underlined the importance of this international monitoring mechanism for achieving progress in the status of women in Luxembourg.

381. The Government had adopted an action plan 2000 for the implementation of the Beijing Declaration and Platform for Action. The Ministry for the Advancement of Women had reissued its publication entitled "Equal rights for girls and boys, for women and men", covering the Convention and actions to implement it in Luxembourg. The collection of statistics disaggregated by sex had also been improved.

382. The representative stressed the importance of maintaining the current institutional mechanism for the implementation of policies for the advancement of women and for gender equality in order to guarantee implementation of the Convention, as called for in the Beijing Declaration and the Platform for Action. Since the creation of the Ministry for the Advancement of Women in 1995, the Government of Luxembourg had pursued an active policy for the promotion of women's equality. The new coalition Government, in power since August 1999, accorded priority to a policy of promotion of the status of women. There were four women ministers in the new Government, out of a total of 14 ministers. The budget of the Ministry for the Advancement of Women, while small, had increased by 33.75 per cent in five years, and the Ministry supported the recent proposal made by the National Council of Women of Luxembourg to conduct a gender analysis of the entire budget of the Government.

383. With regard to Luxembourg's two reservations to the Convention, the representative noted that the Government remained committed to working towards their withdrawal. The Government's proposal to amend article 3 of the Constitution on the hereditary transmission of the crown, which is supported by the Grand Duke, is still being pursued. The representative did not foresee any action during the current legislative period on the reservation to article 16 on the choice of a child's surname; the existing legislation did not include any provision on the question of imposing another family name. The practice of children carrying their fathers' names was strongly rooted in the culture of the country.

384. The representative underlined the Government's support for the Optional Protocol to the Convention, which it had signed on 10 December 1999, and hoped to be among the first to ratify.

385. The representative drew attention to the Government's policy of consciousness-raising concerning the changing roles and responsibilities of women and men. Among actions taken was a project on "sharing equality", which had developed a pedagogic gender approach. A working group was preparing a project to integrate gender equality aspects into all basic and continuing education curricula. Teaching and training materials and manuals had also been developed, and activities of non-governmental organizations had been supported. A second strategic focus was the integration of a gender perspective into all policies, with an emphasis on legislation. Since September 1998, all legislation must be accompanied by a statement on its impact on equality of opportunity. The introduction of non-transferable parental leave as of 1 January 1999 was an example of legislative action aimed at changing roles.

386. The representative noted that women make up 37 per cent of the economically active population, with frontier workers from neighbouring countries constituting about one third of the female labour force. The traditional family, with the father being the head of the household and working outside the home and the mother responsible for the home and social relations, remained well anchored in Luxembourg society. At the same time, there was growing demand for improved childcare and continuing education, especially from women under 45 years of age who intended to leave the job market only temporarily for family responsibilities. Legislation had been adopted that created the basis for positive action for women in the private sector and the Ministry had supported several projects in this area. Gender equality officers were

now mandatory in the private sector and revision of the Civil Service Statute was planned, with a view to introducing positive action in the public sector. The current coalition Government had declared itself against the introduction of quotas on electoral lists.

387. The representative indicated that 1999 had been designated the national year against violence against women, during which extensive public awareness campaigns had been implemented to sensitize the public to the issue of domestic and marital violence. Training would continue to be offered for service providers in women's shelters, legislation on domestic violence would be further reviewed, and the experience of other countries with such legislation would be studied to sensitize further various ministries and the judiciary to this issue. Action on a law against sexual harassment in the workplace was expected.

388. A special commission on women had been created within the National Commission on Foreigners to better integrate foreign women into society. The results of this initiative would be presented in the next report.

389. In conclusion, the representative acknowledged that further progress was necessary in all areas to change traditions and cultural attitudes on the roles and responsibilities of men. Efforts were needed to ensure the participation of men in changing gender relations and to achieve equality between women and men. In this context, Luxembourg had proposed to organize a conference on "Men and power". The representative also expressed the hope that the General Assembly, at its twenty-third special session, in June 2000, in conducting its five-year review of the outcome of and follow-up to the Beijing Conference, would deal with this issue.

Concluding comments of the Committee

Introduction

390. The Committee expresses its appreciation to the Government of Luxembourg for submitting a detailed third periodic report containing data disaggregated by sex. It commends the Government for the comprehensive written replies to the Committee's questions and its oral presentation that further clarified recent developments and Government policy in the State party. It appreciates the frank and open manner in which the report was prepared and presented, and the fact that the views of non-governmental organizations had been sought for the report.

391. The Committee commends the Government of Luxembourg for sending a high-level delegation, headed by the Minister for the Advancement of Women. The Committee notes that the report and the replies refer to steps taken by the Government to implement the Beijing Platform for Action.

Positive aspects

392. The Committee commends the Government for the wide dissemination of the Convention and of the concluding comments adopted by the Committee following consideration of the State party's second periodic report in 1997. The Committee welcomes the signing by the State party, on 10 December 1999, of the Optional Protocol to the Convention, and its stated intention to work actively towards its speedy ratification.

393. The Committee commends the Government for maintaining a separate Ministry for the Advancement of Women and its intention to continue this institutional arrangement. It welcomes the Ministry's interest in, and support for, proposals to conduct a gender analysis of the entire State budget. This will contribute to a better understanding of the way in which women and men benefit from governmental expenditures in all areas. The Committee welcomes the Government's strategic approach to the realization of equality between women and men, which includes awareness-raising about the changing roles and responsibilities of women and men, on the one hand, and the systematic integration of a gender equality perspective into all policies, on the other.

394. The Committee welcomes the law of May 1999 that strengthened measures against trafficking in humans and the sexual exploitation of children and, in particular, extended Luxembourg law to cover all sexual crimes or misdemeanours committed abroad by citizens of Luxembourg.

395. The Committee commends the Government for its efforts to teach equality, in particular through its project entitled "*Partageons l'égalité-Gleichheit delen-Gleichheit teilen*" (sharing equality), which aims at promoting equality of opportunity between girls and boys from the pre-school stage, by integrating the equality principle into the training curricula of teachers and trainers, including the development of training manuals and modules.

396. The Committee welcomes the legislation of July 1998 requiring the appointment of equality officers in enterprises with at least 15 employees. It also welcomes the entry into force, as of 1 January 1999, of the law on implementation of the national action plan on employment, which introduced the right to non-transferable parental leave of six months for every parent, covered by State benefits.

397. The Committee also welcomes the fact that the same law of July 1998 now provides the legal basis for instituting affirmative action for women in the private sector.

398. The Committee welcomes the efforts already undertaken and the intention to expand the collection of data disaggregated by sex to develop a solid basis for further legislative and policy initiatives, inter alia, with regard to disadvantaged groups of women such as immigrant women.

Factors and difficulties affecting the implementation of the Convention

399. The Committee notes that there are no significant factors or difficulties that prevent the effective implementation of the Convention in Luxembourg.

Principal areas of concern and recommendations

400. The Committee notes with concern the failure of the State party to amend the Constitution to include the principle of equality between women and men. This is not only a failure to comply with the State party's specific obligations under article 2 of the Convention, but with international human rights law in general. In this regard, the Committee notes that this concern had already been raised during consideration of Luxembourg's second periodic report in 1997 and that, in a subsequent motion, the Chamber of Deputies of Luxembourg undertook to complete such an amendment as a matter of priority.

401. The Committee recommends that the Government undertake as a matter of urgency all necessary steps to facilitate the amendment of the Constitution to bring it in line with article 2 of the Convention. Once the Constitution is amended, the Committee recommends that a time-frame be set to review all legislation so as to bring it into compliance with the newly amended Constitution. The Committee underlines the importance of such legislative review to highlight the significance of the Constitutional amendment on equality between women and men, and to ensure effective domestic remedies. The Committee notes the crucial importance of such effective remedies in light of the pending entry into force of the Optional Protocol to the Convention.

402. The Committee is concerned that, notwithstanding the Government's stated commitment in its action plan 2000 to the implementation of the Beijing Declaration and the Platform for Action, no further progress has been made in withdrawing the reservations concerning articles 7 (hereditary transmission of the crown to the oldest male) and 16, paragraph 7 (g) (right to choose the family name of children). With regard to the latter, the Committee expresses its concern at the lack of governmental commitment to working towards influencing cultural traditions and attitudes which would allow for a withdrawal of the reservation.

403. The Committee urges the Government to take action towards the amendment of article 3 of the Constitution in view of the consent of the Grand Duke to such an amendment. The Committee also calls on the Government to undertake awareness-raising and education campaigns to overcome traditional and stereotypical images of women and men so as to enable it to withdraw its reservation under article 16.

404. The Committee is concerned at the persistence of traditional and stereotypical attitudes about the roles and responsibilities of women and men in public and in private life. These attitudes are reflected in people's behaviour and in legislation and policy, and limit women's full enjoyment of all their rights guaranteed under the Convention.

405. The Committee urges the Government to intensify its awareness-raising efforts, supported by legislation, policy and specific projects, to overcome such attitudes, so as to emphasize women's and men's shared family responsibilities and the importance of women's full participation in public and economic life.

406. The Committee expresses its concern that certain laws, for example, the waiting period of 300 days before a widow or divorced woman can remarry, and the legislation governing abortions, appear anachronistic in a country like Luxembourg. The Committee is concerned, in particular, that the Government appears to lack the commitment to review and adapt this legislation to changing attitudes and developments in the European region.

407. The Committee urges the Government to provide the necessary leadership and to develop a comprehensive legislative agenda to amend such laws.

408. The Committee expresses concern at the lack of equality of opportunity of women in the labour market, as expressed in the relatively low percentage of women in the labour force (37 per cent of the active

population), the wage gap between women and men, the higher number of women in part-time work, the ongoing segregation of the labour market and the stereotypical attitudes that tend to portray men as heads of households and breadwinners and women primarily as mothers and homemakers. The Committee is also concerned that there is insufficient understanding of the structural causes that perpetuate the wage gap, as women's work remains undervalued compared with men's work.

409. The Committee calls on the Government to undertake studies on the causes of the wage gap to improve the factual basis for labour negotiations where collective wages are set. It also urges the Government to analyse the projects now under way to broaden women's participation in the labour market so that the findings can be used for the development of comprehensive policies and legislation to secure the gains made by women in this area.

410. The Committee is concerned that, although adoption of a law on sexual harassment in the workplace is expected to take place soon, there is still no specific legislation on domestic violence.

411. The Committee urges the Government to develop a policy and legislation to prevent and eliminate domestic violence, and sexual violence, including rape, against women and girls, and to prosecute violators. The Committee calls on the State party to collect statistics on the incidence of domestic violence, and comprehensive information on the impact of measures against domestic violence. The Committee also recommends that the Government gather further information on the impact of the law on trafficking in humans and the sexual exploitation of children.

412. The Committee asks the Government to provide, in its next report, detailed information on article 12, relating to women and health, taking into consideration the Committee's general recommendation 24. Such information should include data on female smokers and smoking-related diseases.

413. The Committee urges the Government to deposit its instrument of acceptance of the amendment to article 20, paragraph 1, of the Convention, on the time of meetings of the Committee, as soon as possible.

414. The Committee also urges the Government to ratify the Optional Protocol to the Convention.

415. The Committee requests that the Government respond in its next periodic report to the specific issues raised in these concluding comments.

416. The Committee requests the wide dissemination in Luxembourg of the present concluding comments, in order to make the people of Luxembourg, and particularly government administrators and politicians, aware of the steps that have been taken to ensure de jure and de facto equality for women and the future steps that are required in that regard. It also requests the Government to continue to disseminate widely, and in particular to women's and human rights organizations, the Convention and its Optional Protocol, the Committee's general recommendations, and the Beijing Declaration and Platform for Action.