

Fourth periodic report
Luxembourg
Concluding observations: 28th session

281. The Committee considered the fourth periodic report of Luxembourg (CEDAW/C/LUX/4) at its 601st and 602nd meetings, on 22 January 2003 (see CEDAW/C/SR.601 and 602).

Introduction by the State party

282. In introducing the fourth periodic report, the representative of Luxembourg informed the Committee about the State party's follow-up to the Committee's recommendations after the presentation of the third periodic report in June 2000. The recommendations had been provided to Ministers, Members of Parliament and non-governmental organizations focusing on women's issues and many positive actions had been taken. Recommendations of the Committee had also been included in the Beijing+5 national plan of action, which had been prepared by the Inter-ministerial Committee on the Equality between Women and Men. It was within that particular framework that the State party reaffirmed its commitment to integrate a gender perspective in all policies and programmes.

283. The representative stated that a bill to approve the ratification of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women had been submitted to the lower chamber of Parliament in 2001 and ratification of the Optional Protocol was expected shortly. Two reservations to the Convention were being considered for withdrawal, namely the reservation to article 7 on succession to the Crown and to article 16, relating to the transmission of the family name to children. She indicated, in that regard, that article 11.2 of the Constitution on the principle of equality between women and men was still being reviewed, since agreement had not been reached on all the provisions of that article, but was optimistic that the text would be adopted in 2004.

284. The representative informed the Committee of the adoption of a law against sexual harassment on 26 May 2000. She acknowledged that despite the law, sexual harassment persisted, especially in the workplace, and that practical measures had been initiated to curb that practice. For example, an information booklet on the law on sexual harassment was being provided to employers and awareness-raising campaigns on the matter had been undertaken. Moreover, a bill on domestic violence had been adopted on 17 May 2001, by which women would no longer be forced to leave the family home and the perpetrators of violence would no longer be able to stay. The representative indicated that emphasis had been placed on public awareness-raising campaigns on domestic violence and a number of shelters for victims had been opened. Measures had also been taken to sensitize law enforcement officers. The bill on domestic violence specifically required that a module on domestic violence be integrated into the initial training of police personnel at the Police Academy. After entry into force of the bill, the police would also be required to collect statistics on domestic violence.

285. With regard to migration, the representative noted that the number of asylum-seekers had been considerable and amounted to some 1,000 per year. To deal with that issue, Luxembourg provided a legal framework for asylum requests. Once a request had been made it was reviewed by the Ministry of Justice. The duration of the asylum procedure varied from six months to three years. The asylum-seekers received social benefits, including housing, shelter, meals, pocket money, health care, free transportation and language training.

Pregnant women, in particular, were given housing in the best possible areas near health-care facilities.

286. The representative said that trafficking in human beings and sexual exploitation were akin to slavery, referring to globalization as a root cause for its increase. She suggested that investing in the economic development of poor countries to ensure political and economic stability could reduce such trafficking. Luxembourg had invested 0.7 per cent of its gross domestic product in overseas development assistance and many of its development projects aimed at giving women a certain amount of economic security that would make them less vulnerable to traffickers.

287. The representative reported that the number of women in the workplace was increasing. Measures to integrate young women and to bring women back to the workplace had been made part of the National Plan for Employment. Low-income parents paid less for childcare and a number of municipalities had expanded their own day-care centres outside school hours. Sixty out of 118 municipalities currently had the required infrastructures to deal with children at the pre-school and elementary school levels. Professional guidance and training courses were being organized to help women re-enter the workplace.

288. The representative informed the Committee that, in order to reduce the wage gap between women and men, a project entitled "Equal pay, a democratic and legal challenge" had been put in place in January 2002. Social partners, employers and trade unions had adopted action plans to fight the wage gap. A study carried out on wage inequality, however, showed that a 28 per cent salary gap still existed between women and men.

289. In concluding, the representative reaffirmed her country's commitment to integrate a gender perspective in all policies and programmes and to continue to promote positive actions and temporary special measures to establish de facto equality between women and men in all areas where discrimination persisted. She also affirmed the State party's commitment to the elimination of all forms of discrimination against women.

Concluding comments of the Committee

Introduction

290. The Committee expresses appreciation to the State party for its fourth periodic report, which complies with the Committee's guidelines for the preparation of periodic reports. It commends the State party for its interaction with non-governmental organizations in the preparation of the report. The Committee also expresses its appreciation for the information given in response to the issues raised by the pre-session working group and during the oral presentation.

291. The Committee commends the State party for its high-level delegation headed by the Minister for the Advancement of Women and is pleased that a representative of a non-governmental organization was included in the delegation. The Committee appreciates the frank and constructive dialogue that took place between the delegation and the members of the Committee.

292. The Committee welcomes the fact that the State party has initiated the process to ratify the Optional Protocol to the Convention and to accept the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.

293. The Committee notes that governmental action is placed within the context of the implementation of the Beijing Platform for Action.

Positive aspects

294. The Committee commends the State party for its wide dissemination of the Convention and the concluding comments of the Committee issued following the consideration of the third periodic report.

295. The Committee commends the State party for adopting new laws in support of the goal of gender equality: the law on pensions, which plays a key role in preventing poverty among older people, particularly women; the law with respect to the burden of proof in cases of discrimination on the basis of sex; the law concerning protection for workers who are pregnant, have recently given birth or are breastfeeding; and the law on protection from sexual harassment in the workforce.

296. The Committee welcomes the increase in women's participation in the workforce.

297. The Committee welcomes the support for enterprises that have adopted special measures to increase women's participation in the workforce, including the obligation to negotiate equality plans and create equality delegates in private enterprises.

298. The Committee welcomes the fact that the number of men taking parental leave has increased, indicating a heightened awareness of shared parental responsibility.

299. The Committee commends the State party for the integration of gender perspectives in its development cooperation projects.

Principal areas of concern and recommendations

300. While welcoming the positive developments with regard to the ongoing process of amending the Constitution in order to integrate the principle of equality between women and men and to allow for the withdrawal of the reservation to the Convention with regard to article 7 as well as the draft law related to the withdrawal of the reservation to article 16 of the Convention, the Committee remains concerned that these processes have not yet been concluded.

301. The Committee calls upon the State party to accelerate the process of revising the Constitution to integrate the principle of equality between women and men and to withdraw the reservation to article 7 of the Convention, and to adopt the draft law which will allow for the withdrawal of the reservation to article 16 of the Convention.

302. The Committee expresses concern that there is no definition of discrimination on the basis of sex as stipulated in article 1 of the Convention within the legal framework of the State party despite the State party's commitment to promote equality between women and men.

303. The Committee calls upon the State party to make the necessary legislative changes to integrate the concept of discrimination on the basis of sex within its legal framework with a view to eliminating such discrimination.

304. While noting that the State party's gender policy appears to be formulated primarily in the framework of the Beijing Platform for Action and the European Union provisions, the Committee is concerned that the Convention has not been given central importance as a legally binding human rights instrument and basis for the elimination of all forms of discrimination against women and the advancement of women.

305. The Committee urges the State party to place emphasis on the Convention as a legally binding human rights instrument and to view the Platform for Action as a programmatic policy framework in its efforts to achieve the goals of equality. It also urges the State party to take proactive measures to raise awareness about the Convention, in particular among parliamentarians, the judiciary and the legal profession.

306. With regard to combating domestic violence, the Committee welcomes the bill that has been presented to the Chamber of Deputies, but is concerned that adoption of the bill has been delayed.

307. The Committee encourages the State party to take all necessary measures to adopt the law on domestic violence in conformity with the Committee's General Recommendation 19 to prevent violence, punish and rehabilitate offenders and provide services for victims.

308. While noting the efforts undertaken to eliminate stereotypical attitudes towards the roles of women and men in the family and all sectors of society, the Committee is concerned about the persistence of stereotypical attitudes towards women, which threaten to impede women's enjoyment of their rights.

309. The Committee calls upon the State party to take additional measures to eliminate stereotypical attitudes about the roles and responsibilities of women and men, including through awareness-raising and educational campaigns directed at both women and men and at the media. It also calls upon the State party to assess the impact of such measures in order to identify shortcomings and to adjust and improve such measures accordingly.

310. The Committee notes that little progress has been made to increase women's role in decision-making in all sectors.

311. The Committee calls upon the State party to develop further measures to increase women's role in decision-making in all sectors, including through awareness-raising campaigns targeted at women and men and the use of special measures in accordance with article 4, paragraph 1, of the Convention, with the goal to accelerate de facto equality between women and men. It also recommends that such measures be monitored and evaluated.

312. The Committee notes with concern that the State party has not developed comprehensive policies to combat trafficking in women and girls.

313. The Committee recommends that the State party develop comprehensive policies and programmes to combat trafficking in women and girls, including measures to prevent trafficking in women and girls, the collection of data, the provision of services for trafficked women and girls and measures to penalize those who are involved in such trafficking.

314. The Committee is concerned about ongoing discrepancies in salaries and wages between women and men for work of equal value.

315. The Committee urges the State party to develop policies and adopt proactive measures to accelerate the eradication of pay discrimination against women, including through job evaluations, collection of data, further study of the underlying causes of the wage gap and provision of increased assistance for social partners in collective bargaining, in particular in determining wage structures in sectors dominated by women. It requests the State party to provide more information in the next periodic report on its efforts to eradicate the wage gap.

316. The Committee, while recognizing the adoption of a wide range of gender equality policies, particularly in relation to employment issues, is concerned that a certain number of those policies have yet to be implemented or evaluated.

317. The Committee urges the State party to implement all policies that have been formulated and to make an assessment of the measures already implemented with a view to future improvements.

318. The Committee reiterates its concern expressed after considering the third periodic report with regard to the law on the waiting period of 300 days before a widow or divorced woman can remarry.

319. The Committee urges the State party to take measures to amend that discriminatory legislation without delay.

320. The Committee is concerned about the lack of information in the fourth periodic report with regard to a number of issues as well as the lack of statistical data disaggregated by sex in certain areas.

321. The Committee requests that the State party provide more information in the next periodic report in the following areas: measures taken to promote women's health, particularly with regard to the prevention of HIV/AIDS; measures taken in support of older women and of disabled women; and statistical data, particularly with regard to violence against women, including domestic violence and trafficking in women.

322. The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report submitted under article 18 of the Convention.

323. Taking into account the gender dimension of declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special sessions (such as the special session of the General Assembly to review and appraise the implementation of the Programme of Action of the International Conference on Population and Development (the twenty-first special session), the special session of the General Assembly on children (the twenty-seventh special session), the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and the Second World Assembly on Ageing), the Committee requests the State party to include information on the implementation of aspects of those documents relating to relevant articles of the Convention in its next periodic report.

324. The Committee requests the wide dissemination in Luxembourg of the present concluding comments in order to make the people of Luxembourg, in particular administrators and politicians, aware of the steps that have been taken to ensure the de jure and de facto equality of women and of the further steps that are required in that regard. It requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention and its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the results of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".