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COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN 40TH SESSION LUXEMBOURG, 5TH REPORT 23 JANUARY 2008

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Information submitted to the Committee

State report

On 8 May 2006, Luxembourg submitted its fifth periodic report to the Committee on the Elimination of All Forms of Discrimination against Women (the Committee). Luxembourg last came before the Committee in 2003, after submitting its fourth periodic report for consideration. Luxembourg signed the Convention on the Elimination of All Forms of Discrimination against Women (the Convention) in 1980, and ratified it in 1989 with reservations on Article 7 and Article 16(1)(g). These reservations were withdrawn in January 2008. It

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also signed the Optional Protocol to the Convention in 1999, and ratified it in 2003. It further accepted the amendment to Article 20(1) of the Convention.

The 65-page report explains the measures taken towards the implementation of the Convention. It contains a detailed examination of Articles 1 to 16 of the Convention, focusing on the relationship between international and national law. It explains the changes that have been introduced in national law in relation to the protection of rights guaranteed by the Convention and provides information pertaining to the Committee's previous concluding observations and recommendations.

List of issues

On 7 September 2007, the Committee provided the list of issues to the State Party.¹ The Committee requested follow up information on certain measures undertaken by the State party towards the implementation of the Convention in national law. The main issues under consideration related to legislation; temporary special measures; stereotyping in education; violence against women; trafficking and exploitation of prostitution; political participation of women; employment with regard to wage discrepancies, and the reconciliation of family- with working life; health with regard to sexual health services, lung cancer, and smoking; vulnerable groups, including foreign women, older women, and disabled women; and the dissemination of the Optional Protocol. The State Party responded to the list of issues on 15 October 2007.² The responses were quite comprehensive, but the Committee requested further information on certain issues.

NGO parallel reports

No NGO submitted a parallel report. This was an issue of concern to the Committee.

Themes and issues

The delegation of Luxembourg included the Minister of the Ministry for Equal Opportunity, Marie-Josée Jacobs, representatives of the Permanent Mission of Luxembourg to the United Nations Office at Geneva, and representatives of the Ministry of Equal Opportunity.

Ms Jacobs presented Luxembourg's fifth periodic report and updated the Committee on developments that had taken place since the submission of the previous report in 2003. She made special reference to the adoption of a National Plan of Action for Gender Equality in February 2006, which had taken into account the Committee's previous recommendations. She stressed that Luxembourg had withdrawn its reservations to Article 7 and Article 16 (1) (g) of the Convention, but noted that the constitutional revision would not be completed until later in 2008. The final text would be sent to the Committee once it had been adopted. Ms Jacobs further mentioned a number of legislative and institutional measures that had been introduced in order to strengthen gender equality, which will be mentioned throughout this report.

The Chairperson congratulated the State party for the withdrawal of its reservations; for accepting the amendment to Article 20 (1) of the Convention; for ratifying the Optional Protocol to the Convention; and for making legislative amendments in response to the Committee's recommendations.

Status of the Convention in national legislation

In introducing the report, Ms Jacobs mentioned a number of legislative measures taken by the State party to promote gender equality. She informed the Committee that Article 11 (2) of the Constitution had been

¹ CEDAW/C/LUX/Q/5, available at <http://www2.ohchr.org/english/bodies/cedaw/cedaws40.htm>.

² CEDAW/C/LUX/Q/5/Add.1, available at <http://www2.ohchr.org/english/bodies/cedaw/cedaws40.htm>.

amended, through which women could assert their right to equality before the courts. The Act of 21 December 2007 had been enacted, which prohibited discrimination based on sex outside the labour market. There was also a draft law being considered, which prohibited discrimination based on sex in regard to access to employment, vocational training and promotion, and working conditions.

Ms Patten asked the delegation whether the revised text for Article 11(2) of the Constitution entered into force immediately after it was adopted by Parliament in June 2006. She also pointed out that the article did not refer to the elimination of discrimination but to the elimination of obstacles related to gender equality. She argued that it should include a definition of gender discrimination and be in line with Article 1 of the Convention. The delegation replied that Article 11 had been implemented following a second reading, and covered the principle of equality and all forms of discrimination.

Ms Patten and Ms Simonovic asked for information on the direct applicability of the Convention. Ms Simonovic further enquired whether any jurisprudence had been developed under the Optional Protocol. Ms Patten noted that members of the judiciary had little interest in the Convention, and wanted to know what was being done to provide them with training on relevant legislation. Ms Jacobs replied that there was not much jurisprudence referring to the Convention in Luxembourg, and that there had not been much success in the training of judges. She acknowledged the need to train the judiciary on the implementation of the Convention. The Committee emphasised the importance of the training of all individuals involved in the judicial field.

Ms Zou noted that a conference organised to mark the twenty-fifth anniversary of the Convention and the Optional Protocol, which had been scheduled for 25 November 2004, had been cancelled due to lack of interest.³ She pointed out that there was not a high level of awareness of the Convention in the country, and asked whether there were any plans to raise awareness of the Convention and of the Committee's recommendations. The delegation replied that the conference had been cancelled because there was 'hardly enough membership to make the visit worthwhile', but gave no specific answer on plans to raise awareness.

In its concluding observations, the Committee commended the State party for its legislative developments since its last periodic report in 2003. However, the Committee was concerned that the Convention and its Optional Protocol were not widely known in Luxembourg, and invited the State party to continue to disseminate them to all stakeholders, to integrate them in the university curricula of law and related fields, and to continue to educate legal professionals and the judiciary in this respect.

Ministry of Equal Opportunity

Ms Jacobs informed the Committee that in December 2006, an equal treatment centre had been established, which would begin its work in February 2008. However, she noted that Luxembourg did not have many discrimination experts, and therefore, establishing the composition of the centre had been problematic. Nevertheless, there was one gender expert on its board of directors. In addition, the Ministry of Equal Opportunity was conducting case studies as part of its 'affirmative action' program in private sector firms, whose results would serve to assess the impact of the National Plan of Action for Gender Equality.

Ms Zou asked the delegation when Luxembourg had changed the name of the Ministry of Gender Equality to the Ministry of Equal Opportunity, and whether it had representatives in all ministries. Ms Jacobs responded that the name was changed in 2004 when the government had changed. She explained that it had not just been a change of name, but also a change of hierarchical position in accordance with European directives. Ms Jacobs confirmed that the Ministry of Equal Opportunity had representation in all ministries.

The Committee asked for clarification on the link between the Interministerial Committee on Gender Equality, which was responsible for the National Plan of Action for Gender Equality,⁴ and the Ministry of

³ CEDAW/C/LUX/Q/5/Add.1, paragraph 5.

⁴ CEDAW/C/LUX/5, paragraph 4.

Equal Opportunity. The delegation responded that the link between the two was very close. Ms Jacobs explained that the Interministerial Committee had a representative from each ministry, and met at least once a year. There were also regular consultations between the chair of the Interministerial Committee and the representatives of each ministry.

Ms Gaspard asked about the relationship between the State and NGOs with regard to the drafting of the report, and pointed out that she was surprised that no alternative reports had been presented. Ms Jacobs replied that in the drafting of the report, the Government held meetings with NGOs, the Parliamentary Committee, and other bodies. She informed the Committee that they had an exchange of views with NGOs, and that she could not explain why NGOs did not provide alternative reports.

In its concluding observations, the Committee noted with satisfaction the work developed to promote equality between women and men, led by the Ministry of Equal Opportunity.

National Plan of Action for Gender Equality

Ms Zou asked the delegation to provide more information about the plan of action and its priority areas of concern, such as quotas. The delegation explained that the *Beijing Declaration and Platform for Action*⁵ served as guidance to draw up the National Plan of Action, which was also linked to the Lisbon process⁶ and the Millennium Development Goals. Ms Jacobs noted that at the European level, this National Plan of Action was an example of best practice. With regard to quotas, the delegation responded that Luxembourg had not set any quotas for women, as most political parties and representatives of Government did not want quotas in political participation. Employers and trade unions did not agree on imposing quotas either.

The Committee further enquired about how the Interministerial Committee would assess the National Plan of Action. The delegation replied that the Plan of Action provided common objectives for each ministry, and that each ministry had to report to the Ministry of Equal Opportunity on the measures that were being taken in accordance with the National Plan of Action. The delegation further explained that each ministry was responsible for drawing its own plan for equality, and that the Interministerial Committee monitored and evaluated their implementation and progress. For such evaluations, indicators were developed in December 2006 and adjusted in December 2007, and were being monitored for the period of 2006 to 2008. Nevertheless, the delegation acknowledged that it did not possess all the statistics it should, and that it was aware that without data and information it could not address problems.

In its concluding observations, the Committee commended the State party for the implementation of the National Action Plan on Gender Equality, which was in line with the *Beijing Platform*. However, the Committee was concerned that the implementation of the National Plan of Action may not yet have been fully assumed by all sectors of the Government, and recommended that the State party ensure the full involvement and commitment of the whole Government in its implementation.

Violence against women and children

Ms Jacobs explained that the subject of violence against women was no longer a taboo, and more victims of domestic violence were speaking up. She noted that there were 17 evictions every month of violent people from their homes, which was quite a high number, given the size of the population. She further noted that child victims or witnesses of domestic violence were being provided more help to overcome the trauma and prevent them from becoming violent later in life.

⁵ Available at <http://www.un.org/womenwatch/daw/beijing/platform>.

⁶ Available at <http://europa.eu/scadplus/leg/en/cha/c10241.htm>.

Ms Shin and Ms Begum enquired about the law on violence against women of 2003,⁷ which provides for the eviction of the perpetrator from the household. Ms Shin asked the delegation about the measures undertaken regarding the perpetrator, such as mandatory counselling, treatment, etc. Ms Shin pointed out that the report did not consider rape, and asked the delegation to provide information on that issue.

The delegation explained that the law had two parts: one provided for the eviction of the perpetrator from 10 days to three months; the other part took into account aggravating circumstances and provided for more serious penalties in cases such as murder. In addition to this, the law also provided for restraining orders. However, these took a long time to be issued and therefore, expelling the perpetrators from their homes was more effective. Ms Jacobs also explained that police were trained to respond effectively, and that the Ministry worked with the Prosecutor's Office, NGOs, judges, and doctors to centralise all information and statistics. She explained that when the police visited a house, they provided victims with the telephone numbers of assistance services. There was also a centre that specialised in children, as well as centres for women. With regard to counselling, the Government was working with an NGO to provide treatment for male abusers. Men convicted of an act of violence against a woman were required to attend 36 group meetings for abusers over a period of 12 months. With regard to rape, the delegation replied that in 2007 there had been 27 known cases of rape, 12 cases of indecent assault, and six charges of exhibitionism.

Ms Tan asked the delegation to provide the number of eviction orders granted since 2003. She further asked about the number of applications for restraining orders the State party received per year, and why it was so difficult to obtain them. The delegation informed the Committee that in 2007, there had been 2,011 evictions and 431 police interventions.⁸ The delegation explained that evictions were not issues that went to a court, but instead, a request was made by the police, and the eviction was determined within an hour by the Prosecutor's Office. Therefore, spontaneous evictions were considered more effective than restraining orders. The number of restraining orders in 2006 was 46, with 409 police interventions.

Ms Begum asked whether immigrant women and domestic migrant workers were also entitled to protection under the new law on violence against women, and whether they had access to shelters and their services. Ms Jacobs replied that legal immigrant women had the same rights as nationals with regard to protection from violence, health care for victims, and access to shelters. She further explained that in areas with a high concentration of foreigners, there were interpreters at the police commissariats to inform women of the legislation on violence against women.

The Committee enquired whether there were any plans to deal with gender stereotypes, as this was particularly important in addressing issues of domestic violence. The delegation replied that there were projects for parents expecting a child to inform them of the changes that would occur in the family structure, and of the rights of their future child. The delegation informed the Committee of a new program to be launched in February 2008 to promote breast-feeding amongst immigrant women. This program would work closely with immigrant women, as 'they can deal better' when informing other immigrant women. The delegation stressed that it was important for the children of immigrant families to meet young people from their own culture who had been successful in completing their studies and finding good jobs.

Ms Begum asked the delegation whether the maximum sentence of three years' imprisonment and 1,000 Euros for cases of domestic violence was also applicable to murder. The delegation replied that in 2007 there were four cases of murder, two men and two women, but that the sentences had not yet been announced.

Ms Simonovic pointed out that it was important to be able to evaluate the effectiveness of the new law with good statistical data. However, the data provided in question 11 of the list of issues⁹ was police data and did not show the link between the victim and the perpetrator. Ms Simonovic asked the delegation whether it could

⁷ CEDAW/C/LUX/5, paragraph 35.

⁸ For the number of evictions from 2003 to 2006, see CEDAW/C/LUX/5, paragraphs 35 and 36.

⁹ CEDAW/C/LUX/Q/5/Add.1.

provide such data. Ms Shin recommended conducting a public survey on violence against women. The delegation admitted that it did not have a lot of information on violence against women and would welcome information from other institutions to help them in the process.

In its concluding observations, the Committee recommended that the State party intensify its efforts to prevent and address all forms of violence against women, through establishing a comprehensive strategy and action plan; establishing an effective institutional mechanism to coordinate, monitor and assess the effectiveness of measures taken; intensifying efforts to correct the violent behaviour of offenders; and providing support services and a sufficient number of shelters for victims. The Committee also requested the State party to collect and publish disaggregated data on the type of violence and the relationship between the perpetrator and the victim.

Trafficking and sexual exploitation

Ms Jacobs also highlighted a series of legislative measures taken by Luxembourg to combat trafficking. These included a draft law on the victims of human trafficking; a draft law on the granting of residence permits to victims of trafficking from third countries; and a draft law applying the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*.¹⁰

Ms Chutikul asked the delegation to provide information on the measures taken to disseminate the bill against trafficking and the *United Nations Convention against Transnational Organised Crime* (the Palermo Protocol) amongst migrant workers, specifically taking into consideration the language problems. She enquired about any bilateral agreements or joint work with countries of origin of the victims to reduce the risk of trafficking. She further asked whether the Government was planning to do a study on trafficking similar to the one it had carried out on prostitution.¹¹ Finally, she asked the delegation to comment on how the law dealt with citizens of Luxembourg who engaged in sex tourism abroad. Ms Jacobs responded that the Government had undertaken anti-trafficking campaigns in cooperation with neighbouring countries. She explained that victims of sexual trafficking willing to testify against their aggressors entered witness protection programs, in which they were invited to go to neighbouring countries for their protection. The Government was also working with NGOs and with countries of Africa and the former Soviet Union to inform women of the risks of trafficking.

Ms Dairiam asked the delegation to provide information on the measures taken to prevent and combat child pornography and pornography exploiting women, especially on the Internet. In particular, she asked whether there was any study to establish a profile of children and women who were being exploited, what percentages there were of girls against boys exploited, whether there were any attempts to trace the perpetrators, and whether there was any counselling provided to the victims. She noted that the Penal Code criminalised the possession of pornographic materials, and asked whether there had been any prosecutions. The delegation replied that Luxembourg was a very small country, and therefore could not control all TV channels and Internet sites from neighbouring countries. Ms Jacobs explained that the Government relied on the European directives on the issue. She informed the Committee that there had been some convictions in cases involving child pornography on the Internet. She noted that while police had not recorded any cases of children involved in prostitution, she was sure there were such cases.

In its concluding observations, the Committee recommended that the State party study the extent of prostitution in Luxembourg, and provide sex-disaggregated data and information on exploitation of prostitution, on the prevalence of trafficking to and out of Luxembourg, and on the impact of measures taken and results achieved. The Committee also urged the State party to accelerate the adoption of the anti-trafficking bill and requested the State party to take all appropriate measures to ensure better identification

¹⁰ Available at www.un.org.

¹¹ CEDAW/C/LUX/Q/5/Add.1, paragraph 12.

and investigation of trafficking cases, and to strengthen bilateral, regional and international cooperation with countries of origin, transit and destination of trafficking victims.

Participation of women in political and public life

With regard to Article 7 of the Convention on women's participation in political and public life, the Committee noted that the number of women elected at the local level was increasing very slowly, and that it would 'take another 35 years to achieve equality'. The Committee expressed its dissatisfaction with this and noted that more efforts were needed. It added that, according to sources from the Council of Europe, there had been a decrease in women represented on the Supreme Court, from more than 40% to 20%. Ms Tavares de Silva noted that there were still too few women in high-level posts of government, both at the national and municipal levels. She pointed out that the report was merely descriptive, and asked the delegation to provide information on the measures taken or to be taken to address the situation.

The delegation admitted that it was 'not proud' of the level of women's representation in political life, and that there was an ongoing discussion in Luxembourg to see how this could be improved. Ms Jacobs explained that 'everybody had refused temporary special measures on that question', such as quotas, and that was why no more binding provisions in this respect were drafted. She added that the Government was trying to encourage women's participation by providing women candidates with financial assistance to undertake training. Those women who engaged in political life were normally single and without children, as those who had a family found it very difficult to combine both. However, Ms Jacobs stated that the National Council of Women and NGOs were trying to change the situation. With regard to the Supreme Court, Ms Jacobs said that the statistic indicating a decrease in the percentage of women from 40% to 20% was inaccurate. She said that the level had been maintained at 40% and that she had 'no idea where this 20% came from.'

The Committee asked the delegation to provide information on the number of women serving as district commissioners. Ms Jacobs explained that there was a discussion on territorial reform to eliminate these posts. District commissioners did not have a lot of power and therefore there was 'no need for concern.'

With regard to Article 8 of the Convention on women representing their governments at the international level, Ms Tavares de Silva noted that the number of women as ambassadors had decreased, and that in the diplomatic service they represented only 23%. She did not think that the selection of ambassadors was really 'only on the basis of merits, given the proven equality of capacity of women and men.' Ms Gaspard, Ms Belmihoub-Zerdani and Ms Tavares da Silva asked the delegation to provide more information and figures on the participation of women in public administration, especially in the judiciary. Ms Gaspard also asked about the difficulties that women faced in achieving high-level diplomatic positions. Ms Jacobs replied that in the public administration there was not much of a difference between men and women. There was no discrimination in the judiciary, as 50% of judges were women. With regard to the diplomatic service, she noted that the Secretary General of the Ministry of Foreign Affairs was a woman, and pointed out that changes were taking place. She explained that when a woman had a family, it was difficult to enter the diplomatic service, as they did 'not normally want to go abroad.'

Ms Gaspard asked the delegation to explain why there was so much resistance in Luxembourg to the use of temporary special measures in the political sphere to ensure that more women had access to decision-making roles. The delegation did not provide a specific answer to this question.

In its concluding observations, the Committee called upon the State party to evaluate the obstacles to women's full and equal participation in public life and decision-making. It called upon the State party to use temporary special measures in accordance with Article 4(1) of the Convention and the Committee's general recommendations 25 and 23.¹²

¹² Available at <http://www2.ohchr.org/english/bodies/cedaw/comments.htm>.

Education

Ms Simms congratulated the State party on ensuring the access of girls to all levels of education.¹³ However, she pointed out that stereotypical career choices were still prevalent, which were rooted in the value system of society. She emphasised the need to target the role of the mother in order to change this situation.

Ms Zou enquired about the drop out rate of children and asked the delegation to provide more statistics on vocational training. The delegation replied that around 300 students a year dropped out of school without any form of certificate. With regard to vocational training, the delegation stated that 19.2% of girls were in classical education and 41.2% in technical education.

Ms Zou further asked whether immigrant children had the same opportunities as local children in accessing education. Ms Jacobs explained that immigrant children who joined school in Luxemburg after the age of 10 had different learning habits and problems with the language. She explained that in Luxembourg there were special youth houses to provide an out-of-school environment for children who ‘would not fit into traditional local groups’, and which employed young immigrants. Ms Jacobs emphasised the importance of showing immigrant children successful examples of other immigrants. She noted that there were special programmes to support immigrant students with special teachers that went to their homes.

Mr Flinternamn noted that there was a school manual on the Convention, which was studied during the last year of lycee. He asked the delegation whether there was a similar manual in technical secondary education, to which the delegation gave an affirmative answer.

Ms Pimentel commented on the initiative by the State party on having a ‘girls’ day’ and ‘boys’ day’, intended to diversify academic and vocational choices.¹⁴ She enquired whether there were similar methodologies to combat other types of discrimination. Ms Jacobs replied that promoting equality between men and women and eradicating discrimination against women would help to combat other forms of discrimination. She stated that she had ‘great faith in this new generation of bosses and parents.’

Ms Schöpp-Schilling asked whether the teaching of international law and human rights law was compulsory in law schools. The delegation did not provide an answer.

In its concluding observations, the Committee called on the State party to strengthen measures aimed at changing attitudes concerning women’s traditional roles and responsibilities. The Committee encouraged the State party to take further measures to encourage girls to pursue non-traditional educational fields.

Employment

With regard to Article 4(1) of the Convention on temporary special measures, Ms Schöpp-Schilling pointed out that this article put an emphasis on equal opportunities between women and men, and added that she hoped that the National Plan of Action took this into account. She asked the delegation to provide information on any results of the National Plan of Action in the area of employment under the Ministry’s private sector affirmative action program. The delegation explained that this program was voluntary, and that it identified three areas: equal treatment and equal pay; equality in decision making; and equality in reconciliation between family life and professional life. Every company that asked for the help of the Government to participate in the program was required to address these three issues. If the company’s plan on equality met these criteria, the Ministry would issue the company a certificate as a ‘good practice company’ for two years. After two years, there was an assessment on the improvements made within the company, and best practices could be transferred to other companies. The Ministry of Labour was responsible for monitoring the impact of the measures taken by these companies. However, assessments had shown that the measures had not been

¹³ CEDAW/C/LUX/5, paragraph 140.

¹⁴ CEDAW/C/LUX/5, paragraph 152.

used as expected. The Ministry was now trying to encourage companies to seek subsidies from the Government to set up strategies for the employment of people from vulnerable sectors.

Ms Patten and Ms Schöpp-Schilling expressed concern about the gender discrepancy between salaries. They asked the delegation to provide information on the measures taken to address pay gaps. Ms Schöpp-Schilling further asked whether there had been any cases before the courts relating to equal pay. The delegation replied that the salary discrepancy was due to different reasons, such as the different professions women practiced or structural differences within the same profession. Ms Jacobs indicated that there was legislation that provided for the principle of equal pay for equal work, but this was not always carried out in practice. She explained that Luxembourg had a system of collective agreements that involved trade unions, employers, and the Government. However, there was a lack of political will, as trade unions and employers had opposed the introduction of legal obligations to ensure that wages were equal in practice. In addition, measuring wage equality was problematic. Therefore, the Government was implementing training programs to evaluate what constituted equal work, and Ms Jacobs welcomed proposals from the Committee. In relation to cases brought before the courts, Ms Jacobs said that there had been a case of one woman who had been awarded compensation.

Ms Patten noted that there were more women than men in part time employment, and asked the delegation whether this was a voluntary choice of women. The delegation replied that women did this more often, as they lost less of the family income than if the man did it.

Ms Patten asked about any measures to promote the hiring of women in long-term and high-quality jobs. Ms Jacobs referred to the study on the employment market and equality of opportunity mentioned in the report, which showed the reasons for the wage gap between men and women, including the difference in the types of jobs performed by men and women, and the higher percentage of women working part time.

Ms Patten further asked whether the Government had addressed gender stereotypes in the context of the labour market. The delegation noted that there were more women with advanced studies than men, but they worked in fields that were traditionally for women, such as health, education, and hospitality. These professions had lower salaries than those in the technical fields, and that was the reason why men tended to earn more than women. The delegation explained that the Government was trying to work with NGOs to address this issue and promote more technical careers amongst women. The delegation added that the Labour Code and the Penal Code provided for action against discrimination in the workplace. It noted also that the Government was battling stereotypes in order to change mentalities.

In its concluding observations, the Committee encouraged the State party to further its efforts to assist women and men in finding a balance between family and employment, as well as ensure that part time employment was not taken up almost exclusively by women. The Committee also called upon the State party to adopt special temporary measures to eliminate occupational segregation, to take further measures to narrow the pay gap between women and men, and to adopt mechanisms to monitor the implementation of the principle of equal pay for equal work.

Health

Ms Dairiam congratulated the State party on the national mammography program, available for women between the ages of 50 and 69. However, she noted that there had been a 20% increase in breast cancer among younger women,¹⁵ and suggested the implementation of this program also for younger women. The delegation replied that the State party was seeking to extend this program to younger women too.

¹⁵ CEDAW/C/LUX/5, paragraph 253.

Ms Dairiam noted that the suicide rate among young people was high, and that many travelled outside Luxembourg for mental health treatment. She asked the delegation whether mental treatment was part of the public health system and whether there was an intention to provide comprehensive services for the entire population. She further enquired whether the State party had a comprehensive adolescent health policy. Ms Jacobs acknowledged that despite the high standard of living in Luxembourg, the problem of suicide and drug abuse still existed. However, there were programs of assistance, rehabilitation, and counselling, as well as a hospital for children and another one for young people.

Ms Begum noted that smoking was still widespread among young women and asked the delegation whether there were programs in place to address this issue. The delegation replied that there was a law that banned smoking in public places, offices, and restaurants, and that campaigns had been carried out to make people aware of the dangers of smoking. The Government made available, free of charge, patches and other resources to help people to stop smoking.

Ms Begum observed that women were the most affected by HIV/AIDS. She inquired about the services provided to them and the measures taken to address the increase of HIV incidence in Luxembourg.¹⁶ The delegation replied that this issue was covered in sexual education in schools, and that machines distributing condoms free of charge were provided in high schools. In addition, there were advisory centres on reproductive health, as well as family planning units, where young girls could come to be examined and to receive other assistance.

Ms Pimentel asked whether there was any specific law on abortion, and what the legal limit was when this was carried out with the drug Mifegyne.¹⁷ She inquired further how the issues of rape, and cases of risk to the mother's life, were covered. The delegation replied that the time limit for abortion was three months into the life of the foetus, but could not provide any statistics. Ms Pimentel welcomed the three-month rule, but noted that there could be cases where foetal anomalies or diseases were discovered after four or five months of pregnancy. She asked the delegation how such cases were dealt with. The delegation explained that the life of the mother was the main consideration, if it was at risk. However, in cases of foetal anomalies, the doctor was not entitled to decide on the life of the child, since it was a very sensitive ethical issue. Such cases needed to be discussed between the doctor and the parents.

Ms Pimentel inquired about the well-being of immigrants relative to that of nationals. The delegation replied that access to health care was equal for everyone without distinctions. Every person who was legally in the country had the same rights.

In its concluding observations, the Committee recommended that the State party conduct a study on the causes of smoking among young women, and integrate a gender perspective in its anti-smoking strategy.

Immigrant women

Ms Jacobs pointed out that immigrant women had access to the same health services as nationals. She noted that the integration of immigrant women into the labour market still posed some problems due to their limited knowledge of the languages spoken in Luxembourg. However, once these women found a job, they were entitled to the same benefits from the social security system as nationals.

Ms Tavares da Silva asked the delegation to provide more information on its implementation of Article 3 of the Convention concerning the development and advancement of women, with particular regard to immigrant women. The Committee also inquired how the State party tried to integrate migrant women in the workplace and society. The delegation highlighted the importance of learning the language of the country in order to be able to integrate into society. Ms Jacobs noted that immigrant women had a lot of difficulty in learning a new

¹⁶ CEDAW/C/LUX/5, paragraph 284.

¹⁷ CEDAW/C/LUX/5, paragraph 281.

language, especially in a country like Luxembourg, where various languages were spoken.¹⁸ She explained that the Government was trying to find ways at the community level to integrate people into society, and that a new integration law, aimed at increasing social cohesion, was being considered. She noted that to achieve equality it was necessary to integrate people into society, and admitted that Luxembourg ‘needed to do a lot more to facilitate integration’.

Marriage and family relations

Ms Halperin-Kaddari asked whether the 2003 draft law reforming divorce had been adopted, and if not, what the reasons were for the delay. She asked whether this law would change anything with regard to financial consequences and distribution of marital property. The delegation explained that the process of adopting a law was long, especially in sensitive matters that involved a change in mentalities, which was the case regarding the law on divorce. The delegation added that according to the new law, marital contracts would not change with regard to economic compensation.

Ms Halperin-Kaddari further asked whether there was any legislation pertaining to cohabitation and de facto unions, especially with respect to property and maintenance rights after their dissolution. Ms Jacobs replied that the law in Luxembourg allowed for registered partnerships, whether they were heterosexual or homosexual. She explained that these partnerships provided constraints and protections for both partners after their dissolution, but there were not as many of these as existed with regards to a formal marriage.

Ms Tan noted that the draft bill on divorce provided for custody to only one parent or a third person,¹⁹ and asked whether there were any plans to reform the law on divorce and consider joint custody as the best solution for the child. Ms Tan also asked the delegation to provide statistics on the number of divorces in Luxembourg. Ms Jacobs replied that the divorce bill provided for joint custody. She added that more than 50% of marriages ended in divorce across all age groups.

In its concluding observations, the Committee urged the State party to expedite the adoption of the draft law reforming divorce.

Other issues

Rural women

Ms Tan asked whether rural women had the same rights to land ownership, and whether they participated in political life. Ms Jacobs explained that farms were owned jointly between men and women, and that there was no distinction between them. Furthermore, women that worked on family farms were entitled to social security protection on the same basis as men. She further explained that rural women had the same opportunities to participate in political life, and that their level of participation was the same in cities as in rural areas (20%).

Pensions

Ms Tan asked whether there had been any results from the working group on pension rights mentioned in the report,²⁰ and whether there were any proposals to individualise pension rights. Ms Jacobs replied that there was draft legislation that would ensure that pensions were divided between the spouses. However, the major complication remained that among the 40% of non-citizens that worked in Luxembourg, many had different legislations in their home country, where the other spouse worked. Therefore, the spouse working in

¹⁸ French, German, and Luxembourgish.

¹⁹ CEDAW/C/LUX/5, paragraph 304.

²⁰ CEDAW/C/LUX/5, para. 218.

Luxembourg could be at a disadvantage if he/she had to split his/her pension, but the spouse working in another country did not.

Conclusions and next steps

In its concluding observations, the Committee expressed its appreciation for the quality of the report, and commended the State party on its overall achievement in furthering women's rights. The Committee welcomed 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. However, the Committee encouraged the Government of Luxembourg to ratify the treaties to which it was still not a party, and to disseminate the concluding observations and recommendations. The Committee invited the State party to submit its sixth periodic report in March 2010.

With regard to violence against children, the Committee on the Rights of the Child (CRC) recommended that Luxembourg undertake a study on violence to assess the extent, causes, scope and nature of such practices.²¹

With regard to trafficking and sexual exploitation, the Committee against Torture (CAT) and the CRC recommended that Luxembourg strengthen measures to combat human trafficking, and identify, prevent and combat trafficking in children for sexual and other exploitative purposes. The CRC further recommended that Luxembourg become party to the *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families* (ICMW), and ratify the *United Nations Convention against Transnational Organized Crime* and its two protocols.²²

With regard to employment, the Committee on Economic, Social and Cultural Rights (CESCR) recommended that Luxembourg implement measures to increase the level of participation of women in the labour market and ensure equal treatment between women and men, including equal pay for equal work.²³

With regard to health, CESCR recommended that Luxembourg take measures to address the high incidence of suicide, especially among young people.²⁴ The CRC also recommended undertaking a study to carefully analyse causes and consequences of violent behaviour and its possible links with the high suicide rate among adolescents. The outcome of this study should be used to increase efforts to prevent the use of illicit drugs and substances. The CRC further recommended that Luxembourg increase its efforts to promote adolescent health policies and strengthen its program of health education in schools, with particular attention to the consumption of alcohol by young people.²⁵ Finally, the CRC also recommended that the State party continue to improve the quality and capacity of child and juvenile psychiatry in the country, paying special attention to mental health provisions, both preventive and interventional.

²¹ CRC/C/15/Add.250 (CRC, 2005), paragraph 41.

²² Available at <http://www.unodc.org/unodc/en/treaties/CTOC/signatures.html>.

²³ E/C.12/1/ADD.86, paragraph 34.

²⁴ E/C.12/1/ADD.86, paragraph 39.

²⁵ CRC/C/15/Add.250, paragraphs 45, 47 and 56.

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