

LUXEMBOURG

CEDAW A/52/38/Rev.1 (1997)

184. The Committee considered the initial and second periodic reports of Luxembourg (CEDAW/C/LUX/1 and 2) at its 338th, 339th and 344th meetings, on 9 and 11 July 1997 (see CEDAW/C/SR.338, 339 and 344).

185. The reports were introduced by the Director of the Ministry for the Advancement of Women, who thanked the Committee for considering the reports so soon after their submission. She informed the Committee that Luxembourg had recently assumed the Presidency of the Council of Ministers of the European Union and would put emphasis on the equality of women and men during its term, in particular in the context of the follow-up to the Fourth World Conference on Women and in the negotiations on the expansion of the European Union to include the countries of Central Europe as well as in a European conference on organization of work.

186. In its "Action Plan 2000", the national action plan to implement the Beijing Platform for Action, the Government of Luxembourg had committed itself to the withdrawal of the two reservations to the Convention. The reservation to article 7, concerning the hereditary transmission of the crown of the Grand Duchy of Luxembourg to the oldest male descendant, might be removed in the near future, as the Sovereign had agreed, in principle, to a ministerial proposal to change article 3 of the National Constitution to that effect. Attempts to withdraw the reservation to article 16 relating to choice of surname of children would meet with strong opposition, as the tradition whereby children took their father's surname was deeply rooted and long-standing.

187. The representative noted that difficulties had been encountered in attempts to enlist women under their own names on electoral lists and not, as had been the custom, under their husband's surname. The Act of 18 August 1995 had established full equality of women and men with regard to names on electoral lists.

188. The Committee was informed about the various steps being taken to establish a national machinery, as had been requested by the women's movement for over 30 years. Initially, a service within the Ministry of the Family and Solidarity had dealt with the advancement of women. In 1995, the creation of the Ministry for the Advancement of Women had given women and men the appropriate institutional mechanism, separate from family policy, to ensure equal rights and equal opportunities for both sexes.

189. The representative outlined the three priorities of action of the Ministry: mainstreaming of gender concerns; education, training and employment; and social policy. In the field of mainstreaming, the Action Plan 2000 described measures to be taken in the short, medium and long term. An effort had been made to mainstream gender concerns into education and training, sustainable development, and development assistance to offer gender training to the civil service. The National Council of Luxembourg Women had initiated a major strategy on mainstreaming

gender equality, notably by inviting local communities to designate focal points for the advancement of women and to set up commissions.

190. The representative pointed out that, in the field of education, training and employment, the first step was to change mentalities among all members of society and that that should start at an early stage. Various partners at the community level were involved in combatting sex-role stereotypes, including teachers' and parents' associations and non-governmental organizations. The second step was to promote gender equality in the workplace. Laws on sexual harassment and the designation of gender focal points in the private sector had been elaborated. The Government also intended to designate gender focal points in the civil service. Discrimination in the workplace persisted, however, with women earning only 70 per cent of the salary of their male counterparts.

191. Referring to social policy, the Director stressed that the major concern of her Ministry was guaranteed individual social insurance for all women. A successful campaign had been launched, targeting girls and young women aged from 12 to 21 years, to combat violence against women, offering information, shelter and counselling. She informed the Committee that Luxembourg would take the initiative, including at the European and international levels, to combat trafficking in and sexual exploitation of women. Specific measures with regard to housing, guidance and administration had been taken to integrate migrant women into society.

192. The representative noted that equality between women and men was not yet a de facto reality in Luxembourg and that it was necessary to raise the awareness of men about their responsibilities. A change of mentality and behaviour was needed. That would be a long and complex process involving all actors in society.

Concluding comments of the Committee

Introduction

193. The Committee welcomed the first and second periodic reports of Luxembourg, which followed the Committee's guidelines.

194. The Committee expressed its satisfaction for the excellent presentation of the representative of the Government of Luxembourg and noted that Luxembourg currently held the Presidency of the European Union. The Committee thanked the representative for her explanation of the historical and cultural context of the country and for the additional information provided in the replies to the questions of experts, in particular with regard to policy and the direction of the national action plan for the implementation of the Convention.

Positive aspects

195. The Committee welcomed the separation of the Ministry for the Advancement of Women from the Ministry of the Family and noted that the Ministry aimed to promote the mainstreaming of gender in all policies and programmes of the Government and local authorities and thereby recognized gender as a fundamental dimension in all areas of private and public life.

196. The Committee noted with appreciation the preparation of the national action plan as a follow-up to the Fourth World Conference on Women. It commended the action plan, which included the new governmental policy for cooperation with developing countries and the provision of funds for the advancement of women.

197. The Committee welcomed the programme of the Ministry for the Advancement of Women to disseminate the Convention widely and in particular noted its new publication for schools and training courses.

198. The Committee also welcomed the new measures to combat violence against women and the newly established facilities for young women victims of sexual violence.

199. The Committee further welcomed the permanent contact and consultations the Ministry for the Advancement of Women had established with non-governmental organizations, which had facilitated the elaboration of the action plan and equality policy in general.

Factors and difficulties affecting the implementation of the Convention

200. The Committee noted that the reservations made by the State party to articles 7 and 16 (g) impeded the full implementation of the provisions of the Convention. Although there had been attempts to remove the reservation to article 7, the Committee found it difficult to understand why greater efforts had not been made to address the reservation to article 16 (g).

Principal areas of concern

201. The Committee expressed concern at the fact that a clear definition of the principle of equality between the sexes was not expressly enshrined in the Constitution. It noted that failure to include an express constitutional provision required legislative amendment on a case-by-case basis to ensure equality in each sector.

202. Insofar as the implementation of article 11 of the Convention was concerned, the Committee noted with concern the persistence of discrimination, with the majority of women in part-time jobs and the evident disparities in treatment between the public and private sectors. 203. The Committee expressed concern at the lack of sex disaggregated statistical information in the fields of labour, health, prostitution and rural women. It noted that that impeded assessment of the progress in the implementation of the Convention over time.

204. The Committee expressed concern about the fact that, although a constitutional review was currently under way, there was no information as to when the principle of equality would be discussed.

205. The Committee expressed its concern about the persistence of gender disparities, in particular in labour conditions, job evaluation and gender-based job insecurity and with regard to the evident

discrimination women suffered in the private sector.

206. The Committee was concerned about the fact that the State party had not yet made use of article 4 of the Convention to ensure equitable participation of women in the conduct of public affairs and, generally, in the economic, social and cultural life of the country. Additionally, the Committee regretted that effective measures to overcome attitudes based on traditional roles, which hindered equality between men and women, had not yet been adopted.

207. The Committee noted with concern the high level of violence against women, in particular domestic violence, and regretted the delay in adoption of a law on sexual harassment.

208. The Committee was concerned at the existing national provisions concerning the implementation of article 6 of the Convention, in particular the lack of effective measures for the protection and rehabilitation of women prostitutes.

209. The Committee was also concerned by the lack of gender analysis of women's health needs, in particular in relation to their reproductive rights.

210. The Committee was deeply concerned at the existing legislation on abortion, which penalized women. It noted that, at the same time, no sufficient mechanisms to prevent abortion, including free distribution of contraceptives, were in place.

211. The Committee was concerned about the fact that no adequate steps had been taken to ensure that the high number of women foreigners in Luxembourg were able to take advantage of the guarantees in the Convention.

212. The Committee expressed its concern in respect of restrictions on women in relation to remarriage after divorce.

Suggestions and recommendations

213. The Committee strongly suggested the introduction of steps towards the removal of the reservations to articles 7 and 16 (g) as promised in the oral presentation of the representative of the Government. The Committee encouraged the Ministry for the Advancement of Women in its efforts to that end and requested the Government to keep it informed of developments on the matter.

214. The Committee urged that constitutional reforms include the incorporation of the principle of equality in the text of the Constitution.

215. The Committee suggested the introduction of temporary special measures to strengthen the participation of women in the political, economic and social life of the country.

216. In the light of recent achievements in some other countries of the European Union in the implementation of article 7 of the Convention, the Committee recommended that the Government

examine strategies to ensure the better representation of women in decision-making posts in all fields.

217. The Committee recommended that the Ministry for the Advancement of Women initiate the adoption of measures aimed at eliminating the gap between the treatment of women and men in the public and private sectors. The Committee further recommends that the Government examine the gap between women and men in the labour force, particularly in the context of part-time work.

218. The Committee recommended that concrete measures be taken to implement fully the conclusions of The Hague Ministerial Declaration, which are in the spirit of article 6 of the Convention.

219. In relation to the removal of the stereotyped attitudes and perceptions of the role of women in society and to raise the awareness of men of their family responsibilities, the Committee suggested that educational programmes in schools be reoriented in accordance with article 5 of the Convention.

220. In the field of violence against women, the Committee recalled its general recommendation 19 (eleventh session), on violence, and suggested that the Ministry take all appropriate measures, including legislation, to combat the sexual abuse of women, in particular within the family, so as to ensure effective protection of women against domestic and other forms of violence.

221. The Committee emphasized the need for the adoption of effective measures to prevent abortion and for a review of the social insurance benefits system so as to allow women to have access to free contraceptive methods.

222. The Committee recommended that an analysis of women's health needs be undertaken and that awareness-raising campaigns on mammography continue so as to ensure that more women made use of that service.

223. The Committee recommended that legislative steps be taken to remove outdated restricting women's right to remarry after divorce, as well as those that classify children as "legitimate/natural" or "illegitimate", a distinction that is in the spirit of neither the present Convention nor the Convention on the Rights of the Child to which Luxembourg is also a party.

224. The Committee also recommended that the action plan include provisions for the better integration of refugee and migrant women into the social and economic life of Luxembourg.

225. The Committee encouraged the State party to pursue and develop further its policy of disseminating information and increasing awareness of the Convention. It recommended the integration of the provisions of the Convention and women's rights into the training curricula of professional groups, such as teachers, law enforcement and correctional officers, judges, social workers and health personnel, who deal with women.

226. The Committee requested the Government, when preparing its third report, to take into

account the Committee's general recommendations, the present concluding comments and the issues addressed during the constructive dialogue with the Committee at its seventeenth session. The report should, in particular, include detailed information on the extent to which each right protected under the Convention is enjoyed in practice and should refer to specific factors and difficulties that might impede the application of the Convention. The Committee also requested the Government to include in its next report statistical data disaggregated by sex.

227. The Committee also requested the wide dissemination in Luxembourg of these concluding comments so as to make individuals aware of the steps that have been taken to ensure de facto equality for women and the further steps required in this regard.

CEDAW A/55/38 (2000)

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.

CEDAW, A/58/38 part I (2003)

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".