



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of
Discrimination against Women**

**Consideration of reports submitted by States parties under
Article 18 of the Convention on the Elimination of All
Forms of Discrimination against Women**

Fifth periodic reports of States parties

Luxembourg*

* The initial report of Luxembourg was received by the Secretariat on 13 November 1996, see CEDAW/C/LUX/1 which was considered by the Committee at its seventeenth session. For the second periodic report submitted by the Government of Luxembourg, see CEDAW/C/LUX/3 and Add.1 which were considered by the Committee at its twenty-second session. For the fourth periodic report submitted by the Government of Luxembourg, see CEDAW/C/LUX/4 which was considered by the Committee at its twenty-eighth session.

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Annexes will be made available to the Committee in the language in which they were received by the Secretariat.

Introduction

1. The Convention for the Elimination of All Forms of Discrimination against Women has served the government as a central point of reference in its efforts to promote equality between women and men. The recommendations issued by the Committee during its examination of the fourth implementation report in January 2003 have been largely respected and integrated into legislation as well as into information, training and awareness raising activities. The same holds for the recommendations received upon presentation of the report on the International Covenant on Economic, Social and Cultural Rights.
2. On 4 February 2005, during its presidency of the Council of Ministers of the European Union, Luxembourg hosted a conference, in collaboration with the European Commission, the European Parliament, and the European Women's Lobby, to consider implementation of the Beijing Platform of Action and the outcome documents of the 23rd special session of the General Assembly 2000 on institutional mechanisms, methods and tools. During the Luxembourg presidency, a report was issued on implementation by the 25 Member States of the European Union.
3. The CEDAW Convention has received special attention as an outstanding instrument for protecting and implementing women's basic rights. The declaration by ministers responsible for gender equality policies in the 25 EU Member States refers to the Convention and its optional protocol, stresses the importance of a strong political commitment and the need to develop methods and instruments for mainstreaming the gender dimension, to improve the collection and compilation of gender-disaggregated data, to define time-bound targets, and to monitor progress by regularly reporting and assessing results. The declaration reiterates the principles of gender equality as they relate to the economy, employment and poverty eradication, and above all to human rights, peace building, and combating violence and human trafficking. It thus placed the European Union in a strong position in defence of women's rights at the 49th session of the UN Commission on the Status of Women in March 2005. Luxembourg has insisted that follow-up to the Beijing conference should be a constant matter of attention for the Employment, Social Policy, Health and Consumer Affairs Council, an objective that was achieved by adoption of the EPSCO Council's conclusions of 2 June 2005.
4. In its declaration of 4 August 2004, the Luxembourg government adopted mechanisms to monitor implementation of the CEDAW Convention and the Beijing documents. A national plan of action for gender equality was drawn up by the Interministerial Committee on Gender Equality and adopted by the Council of Government on 3 February 2005, setting out the measures to be taken by ministerial departments, and providing for an assessment after three years.
5. That plan will be discussed with NGOs, the National Council of Women of Luxembourg, the Committee on Female Employment (Comité du Travail Féminin), and the social partners, with a view to enlisting them in implementing the plan, at a seminar to be hosted on 6 March 2006 by the Ministry for Equal Opportunity and the European Commission, on "CEDAW and the gender equality plan".

Part I

Applicability of the Convention

6. Since there are no constitutional provisions on the subject, the relationship between international law and domestic law in Luxembourg is left to the courts, and is established by case law. The principle that international treaty provisions take precedence over domestic legal rules is based entirely on such case law, for it is up to the courts to determine the primacy of one provision over another. The courts of Luxembourg have adopted a monistic position, holding that the Constitution does not apply in cases where it is not in conformity with international law. However, a treaty may only be invoked if the provision of international law is directly applicable. The courts have thus decided that in cases where an Article of a convention does not express a clear, precise and unconditional right in favour of individuals, and requires no measure of enforcement on the part of the State, it cannot be invoked by individuals as the source of subjective rights, and consequently may not be applied by a domestic judge. Thus, Article 16.3 of the Convention has been declared directly applicable, whereas Article 11 has been held to be binding only on a State that does not accord rights to private individuals. There have been no further developments of case law concerning the Convention's applicability since 2002.

7. When it took office in August 2004, the new government of Luxembourg expressly confirmed its commitment to the CEDAW Convention as the framework for efforts to promote gender equality.

8. After assuming the Presidency of the Council of the European Union, Luxembourg convened in February 2005 a European conference on the implementation of the Beijing Platform for Action and the outcome documents of the 23rd session of the General Assembly 2000. A significant aspect of that conference, which attracted a great many policymakers, legal experts, social partners, and representatives of civil society, was to bring European legislation into conformity with the CEDAW Convention.

9. Luxembourg took advantage of its presidency of the European Union to comply with the recommendation of the Committee on the Elimination of Discrimination against Women to give the Convention central importance as a legally binding human rights instrument, and to make it better known as such. It was at the initiative of the Luxembourg presidency that ministers responsible for gender equality issued a ministerial declaration, during the Conference of Ministers of the European Union held on 4 February 2005 in Luxembourg in the context of the Beijing + 10 review of implementation of the Platform for Action, confirming their commitment to achieve the full and effective implementation of the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol. To facilitate annual monitoring of the Beijing Platform for Action, on 2 and 3 June 2005 the Luxembourg presidency proposed some conclusions to the Employment, Social Policy, Health and Consumer Affairs Council (EPSCO) confirming the commitments given by the European Union at the Ministerial Conference in Luxembourg, and at the Session of the Committee on the Status of Women in New York. With the adoption of these conclusions, the Ministerial Declaration of Luxembourg is now firmly integrated into the work of the EPSCO Council.

Article 1

For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

10. The International Covenant on Civil and Political Rights, signed in New York on 19 December 1966, was approved by the Grand Duchy of Luxembourg through a law of 3 June 1983, which introduced the principle of non-discrimination into Luxembourg legislation. On 1 March 2006, Luxembourg ratified Protocol 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms, adopted in Rome on 4 November 2000, confirming thereby the generalized principle of non-discrimination, beyond its current sectoral limitations, in Luxembourg legislation.

11. While Article 10 bis of the Luxembourg Constitution guaranteeing equality before the law does not expressly prohibit discrimination, in general or by reason of sex, the close link between discrimination and the principle of equal treatment is nevertheless undeniable. Any breach of the principle of equality is considered as discrimination, unless there is an objective and reasonable justification. The Constitutional Court of Luxembourg has ruled on several occasions that the legislature may, without violating the constitutional principle of equality, subject certain categories of persons to distinct legal regimes, provided that such distinction derives from objective disparities, that it is rationally justified, and that it is proportionate to its goal.

12. Legal provisions prohibiting discrimination based on sex are to be found primarily in criminal law, and specifically in articles 454 and following of the Penal Code. Readers are referred to previous reports that have described the criminal law mechanism in greater detail. There are no recent developments to report.

13. The Law of 28 June 2001 with respect to the burden of proof in cases of discrimination on the basis of sex applies to all disputes within the framework of civil or administrative proceedings in the public and private sectors relating to access to employment, pay, possibilities for advancement or occupational training, access to an independent occupation, working conditions and occupational social-security plans. That law defines the principle of equality of treatment as implying the absence of all discrimination on the basis of sex, whether direct or indirect. Indirect discrimination is defined as follows: "when a provision, criterion or practice which is by appearances neutral affects a significantly higher proportion of persons of one sex than the other, unless such provision, criterion or practice is appropriate and necessary or can be justified by objective factors not relating to the sex of the persons concerned."

14. The law does not define direct discrimination. Such a definition is however provided in Directive 2002/73/EC of the European Parliament and of the Council of 23 September 2002 amending Council Directive 76/207/EC on implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions. For purposes of that directive, "direct discrimination" means any situation "where one

person is treated less favourably on grounds of sex than another is, has been, or would be treated in a comparable situation". That same definition is taken up in Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services. This directive applies to "all persons who provide goods and services which are available to the public irrespective of the person concerned, as regards both the public and private sectors, including public bodies, and which are offered outside the area of private and family life and the transactions carried out in this context". The Directive is to be transposed into domestic law no later than 21 December 2007.

Article 2

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

(a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle.

15. The revision of Article 11 of the Constitution, which has been underway since 1999, is intended to enshrine gender equality expressly in the text of the Constitution. The new amended version of the draft constitutional revision adopted by the Commission of Institutions and Constitutional Revision of the Chamber of Deputies of 3 November 2004 reads as follows: "11.2. Women and men are equal in rights and duties. The State must actively promote the elimination of any existing obstacles to equality between women and men." This text is to be put to the Chamber of Deputies for approval shortly.

(b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women.

16. The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, adopted by the United Nations General Assembly on 6 October 1999, was approved by the Law of 15 May 2003.

17. Another law was passed on that same day approving the amendment to paragraph 1 of Article 20 of the Convention on the Elimination of All Forms of Discrimination against Women, adopted at the eighth meeting of States Parties on 22 May 1995.

18. The Law of 19 May 2003 amended the general statute of civil servants by introducing measures to promote the reconciliation of family and working life:

1. Part-time work, at 25%, 50%, or 75%, when departmental interests so allow,

2. As a transitional measure, the reintegration of civil servants who resigned prior to 1 January 1984 to devote themselves to raising their children,

3. Relaxation of the conditions and procedures for leave without pay and leave for half-time work.

This law also introduced the function of gender equality delegates in government departments.

19. The Law of 8 September 2003 on domestic violence¹ authorizes the removal of the perpetrator of domestic violence from the family home. Recognizing that removal is not enough in itself to achieve its objectives, the law takes a comprehensive approach focused on five closely linked factors: aggravating circumstances; eviction of the perpetrator by the police; special summary procedures; strengthening the role of victims' rights organizations; and the collection of statistics.

20. The Grand Ducal Regulation of 24 November 2003 on the committee for cooperation between professionals in combating violence defines the composition, organization, functioning and missions of this committee, which is to compile and study statistics on domestic violence, and to examine the application of the law on domestic violence and the practical problems involved.

21. The Grand Ducal Regulation of 5 March 2004 establishes the appointment procedures and the rights and duties of gender equality delegates (*délégués/déléguées à l'égalité*) within ministerial departments and government agencies.

22. The Law of 3 June 2004 on collective labour relations, the settlement of collective labour disputes and the National Conciliation Office, and amending other legislation in this area, stipulates that any collective agreement must contain remuneration provisions consistent with the principle of equal pay for men and women as well as provisions against sexual and moral harassment, including "mobbing", and must provide for appropriate disciplinary penalties.

23. The Law of 9 July 2004 on the legal effects of certain partnerships establishes minimum rules of mutual support between unmarried partners. It defines partnership as a "living community" of two persons, of different or the same sex, who live as a couple and who make a declaration of partnership before a civil registrar. The partnership generates essentially property effects. The partners contribute to the costs of the partnership in proportion to their capacity to pay and they are jointly and severally liable for the debts incurred as a result of their joint living and housing expenses. The law provides partners specific protection in their joint dwelling. It guarantees them social security protection and provides tax relief under certain conditions.

24. The Grand Ducal Regulation of 20 July 2005 on the licensing of childcare operators. The Ministry of Family Affairs and Social Integration, in close cooperation with the municipal governments, has proposed the establishment of a broad network of flexible childcare facilities known as "*maisons relais*" that will serve as a "relay point" between the family home, the school and the local community. These new institutions are intended to help parents reconcile their family commitments and their working obligations.

25. These *maisons relais* must pursue the following objectives:

- Provide children with time and space for relaxation and play;

¹ For details, see the fourth periodic report of the Grand Duchy of Luxembourg, 2002, under article 5.

- Promote social and linguistic integration;
- Help meet parents' and children's educational objectives.

26. The Law of 23 December 2005 on the naming of children allows parents, married or not, the choice of conveying upon their child either the father's surname or the mother's surname, or both, in the order they select, but limited to one name per parent. The law also relaxes the rules to give parents greater freedom in the choice of given names. This new legislation is part of a broader movement to strengthen equality between men and women. With the adoption of this law, the government will now be able to withdraw the reservation that it entered upon ratifying the CEDAW Convention in 1989, with respect to Article 16 (1.g).

27. The law adopted by the Chamber of Deputies on 1 February 2006 approving Protocol 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms, adopted in Rome on 4 November 2000, is intended to introduce, through ratification of the Protocol, the generalized principle of non-discrimination, beyond its current sectoral limitations, in Luxembourg legislation.

(c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination.

28. Following are some examples of recent Luxembourg court decisions that illustrate the legal protection accorded women's rights as guaranteed in the Convention.

29. The Constitutional Court has ruled on several occasions that the principle of equal treatment must be understood as prohibiting differential treatment in comparable situations unless that difference is objectively justified, adequate and proportionate to the goal (see Article 1, page 5).

30. The Constitutional Court² has specifically declared that Article 380 (1) of the Civil Code, which awards the mother exclusive parental authority over a child that is born out of wedlock and is acknowledged by both parents, is incompatible with Article 11.2 (now 10 bis) of the Constitution. The court held that the award of exclusive parental authority to the natural mother creates a situation of inequality for natural fathers vis-à-vis natural mothers and legitimate fathers, and thereby discriminates between the statuses of children born in and out of wedlock, a distinction that is neither adequate nor proportionate to its goal.

31. In another ruling, the Court quashed a provision limiting the right of reinstatement in government service to civil servants who prior to 1 January 1984 (and not after that date) had resigned their office in order to raise one or more children, or who at that date were on maternity leave, leave without pay, or half-time leave and subsequently had to resign because their leave ran out. The court held that this limitation was not rationally justified and did not satisfy the proportionality rule, and was therefore incompatible with Article 10 bis of the Constitution. Noting that the purpose and effect of the law was to allow reinstatement, without loss of seniority, for civil servants who had been obliged for family reasons to leave their

² Constitutional Court Decree No. 7/99 of 26 March 1999.

job, the court ruled that to limit to only a portion of the persons potentially concerned a benefit designed to eliminate a mandatory situation was unjustifiable.³

32. Prior to adoption of the Law of 15 December 2005 allowing both parents to choose the family name of their common child (see Article 2), both the civil and the administrative jurisdictions had issued rulings on the matter. The tribunals had held that the rule mandating attribution of the father's name to the children of married parents represented discrimination based on sex and was not compatible with Articles 8 and 14 of the European Convention on Human Rights, and that consequently this rule could not be applied either by the civil registrar or by the Minister of Justice.⁴

33. With respect to enforcement of the law governing protection against sexual harassment in the workplace, the labour tribunals have developed a compelling body of case law. They have decided that, pursuant to Article 4 of the Law of 26 May 2000 on protection against sexual harassment in the workplace, the employer's obligation to take all necessary steps to protect the dignity of employees constitutes an obligation inherent in any labour contract and engages the employer's contractual liability. According to well-established jurisprudence, an employer who is aware of acts of sexual harassment committed by one of his employees or by a third person against a person working in his firm, and who fails to take the necessary steps to protect that person, is liable to payment of damages and interest to the victim. The Superior Court of Justice has recognized the right of a female employee who is the victim of sexual harassment to obtain compensation, which cannot be denied on any grounds.

34. The Correctional Court of Luxembourg has had occasion to rule on the offence criminalized by Article 374 of the Penal Code, i.e. prohibited possession of pornographic materials implying or representing minors. The court decided that a defendant who visited a site where he viewed and downloaded pornographic images, even if he did not save them, was nevertheless "in possession" of those images within the meaning of Article 384 of the Penal Code, and it sentenced the defendant to imprisonment and confiscated his computer as the instrument of the crime.⁵

35. With respect to enforcement of the Law of 8 September 2003 on domestic violence, there have been a significant number of court-ordered evictions: from 1 November 2003 to 31 December 2005, 344 eviction orders were issued, 2% of them against female offenders, in a population of 455,000.

36. The following data were reported by the prosecutors' office of the District Court of Luxembourg and Diekirch for the years 2003 to 2005:

Cases of domestic violence:	729
Eviction applications granted:	344, or 47.2%
Eviction applications refused:	385
Requests for extension of eviction orders:	113, or 33%

³ Constitutional Court Decree No. 26/05 of 8 July 2005.

⁴ Civil judgment 165/2003 of 7 May 2003; judgment of the administrative tribunal of 16 February 2004, case 16901; decree of the Administrative Court of 25 May 2004, case 17672C.

⁵ Judgment of the District Court of Luxembourg, Correctional Chamber, of 18 December 2003.

37. 67% of eviction orders have been extended, 12% of extensions have been refused, and 20% of applications have been withdrawn. In 8% of cases judgments have been issued (57 judgments), and 24% of cases (173 cases) have been filed ad acta, some with warnings.

38. Of the 57 judgments, 55 include fines and prison sentences, some suspended. Two cases resulted in acquittals.

(d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation.

(e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise.

(f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women.

39. In the past, Luxembourg frequently came under criticism for issuing special working permits for cabaret artists who came almost exclusively from countries outside the European Union. Because of these special permits, which are unique within the European Union, Luxembourg was said to be encouraging trafficking in women. In fact, the Law of 26 May 2004 amending the Law of 30 July 1999 on the status of independent professional and intermittent performance artists had been abused to facilitate the entry of cabaret artists into Luxembourg. Artists entered the country by securing a special visa valid only for Luxembourg territory, on condition that they produce a contract of employment in a cabaret. In order not to undermine the effectiveness of efforts to combat trafficking in human beings, the European Commissioner for Human Rights, Mr. Alvaro Gil-Robles, asked the Luxembourg government to review its practice of granting these temporary visas. Faced with a growing number of applications for special visas, the Luxembourg government decided in April 2004 to stop issuing work permits for persons from non-EU countries seeking to work in Luxembourg as "cabaret artists" or in a similar activity, effective 1 May 2004. This decision to abolish such visas outright demonstrates the government's intent to take concrete steps against trafficking in human beings.

(g) To repeal all national penal provisions which constitute discrimination against women.

40. The Law of 8 September 2003 on domestic violence repealed Article 413 of the Penal Code, which excused murder, assault or injury committed by one spouse against the other spouse or the "accomplice" if the latter were surprised flagrante delicto in an act of adultery.

Article 3

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

41. The Luxembourg Committee on the Rights of the Child, known as the "Ombuds-Comté fir d'Rechter vum Kand" (ORK) was instituted in January 2003 following adoption of the Law of 25 July 2002. The purpose of this committee is to promote and protect the rights of children as defined in the United Nations Convention on the Rights of the Child of 20 November 1989 (approved by the Law of 20 December 1993), and without any discrimination based on sex.

42. The Law of 19 May 2003 amending the general status of civil servants introduced the function of "gender equality delegate" (*personne déléguée à l'égalité entre les femmes et les hommes*) in State administrations, and the Grand Ducal Regulation of 5 March 2004 establishes their rights and duties and the procedures for their appointment (see Article 2.b).

43. The gender equality delegate in each ministerial department and administration has the following functions:

- To make proposals on any issue relating directly or indirectly to gender equality with respect to access to employment, training, professional promotion, remuneration and working conditions;
- To propose awareness-raising activities;
- To offer consultation for staff members;
- To submit individual or collective complaints to senior management;
- To protect staff against sexual or professional harassment in the workplace;
- To issue an opinion on applicable working hours;
- To issue an opinion on any request for part-time work or for "optional" half-time leave (Article 31.2 of the general statute of civil servants);
- To meet at least once a year with other gender equality delegates in order to coordinate activities;
- To submit an annual report to the responsible Minister.

44. The gender equality delegate is appointed for a five-year term, renewable, and can take time-out from work for four hours a month.

45. The role of the Interministerial Committee on Gender Equality was redefined by Grand Ducal Regulation of 10 November 2005 (Article 4) amending the Grand Ducal Regulation of 31 March 1996:

"1. The committee is the point of interaction between the ministry responsible for equal opportunity and the gender affairs units of the ministries.

2. The committee centralizes and coordinates concerted, targeted gender equity policy activities proposed by the ministries through the gender affairs units with a view to mainstreaming gender equality and the gender dimension in all government policies within the context of the National Plan of Action on Gender Equality, which it is responsible for monitoring.

3. The committee examines all issues relating to gender equality and issues opinions, proposals or suggestions to the Minister relating to those issues.

4. As part of its mission, the committee is consulted on any draft bill that could have an impact on gender equality. It analyzes that bill in terms of its

consequences for women and men, and the gender neutrality of its terminology.

5. The committee may call upon the services of one or more experts."

46. That same regulation establishes the legal basis for the gender affairs units (*cellules de compétences en genre*) in the ministries and also defines their mission (Article 10):

« 1. Each unit oversees integration of the gender dimension into the ministry's actions and policies, from the design stage onward.

2. Its mission is to prepare a status report for its Ministry, to analyze the Ministry's actions and policies from the gender viewpoint, and to prepare a multiyear gender equality work plan defining guidelines, objectives and expected outcomes.

3. The unit may call upon the services of one or more outside experts in gender affairs."

47. The National Institute of Public Administration offers gender training courses to members of the gender affairs units.

Article 4

1. Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.

48. Luxembourg legislation defines "affirmative action" (*actions positives*) in the private sector as "measures to create specific advantages to facilitate the pursuit of an occupational activity by the underrepresented sex or to eliminate or offset disadvantages in the pursuit of a career."⁶

49. Special measures, commonly referred to as "affirmative action", are needed to eliminate obstacles facing women's entry and success in a professional career. The Ministry of Equal Opportunity provides logistical and financial support to businesses that are attempting to promote gender equality within their organization.

50. Under the terms of Article 2.3 of the amended Law of 8 December 1981 on gender equality and access to employment, vocational training and advancement, and working conditions, measures to promote equal opportunity, and in particular to remedy de facto inequalities that affect women's opportunities in the fields covered by this law, are not considered contrary to the principle of equal treatment. According to the Grand Ducal Regulation of 21 December 2004 authorizing priority for female candidates for prison guard positions below the NCO level, female candidates may be admitted as prison guard trainees, notwithstanding the principle of equality of treatment within the meaning of the 8 December 1981 law referred to above, if it should be found impossible to recruit sufficient female candidates to

⁶ National Action Plan for Employment, Law of 12 February 1999, Article XXVII, affirmative action in the private sector.

sub-NCO positions on the basis of the amended law of 29 June 1967 on military organization.

2. *Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.*

Article 5

States Parties shall take all appropriate measures:

(a) *To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women.*

51. The domestic violence law of 8 September 2005 (see Article 2b, page 7) serves three objectives:

1. The immediate prevention of acts of domestic violence in acute situations.
2. Holding the offender accountable, with a view to long-term prevention.
3. Raising public awareness about the gravity and the specific nature of domestic violence.

52. As noted above (see Article 2c, page 10), although this law came into force only recently, it has already had a significant impact. An average of 13 persons per month have been evicted from the family home. Police statistics show that 2.2% of police interventions in offences against individuals concern domestic violence.

53. A special service of assistance to the victims of domestic violence (SAVVD) has been established. At its own initiative, it will contact the victim in order to give appropriate support and provide information on the possibility of having charges laid or requesting other summary protection measures as appropriate.

54. From 1 January 2004 to 31 December 2004, 145 evictions were reported to the SAVVD. In 138 cases, the victims were female, while in seven cases they were male. In 143 cases, the aggressors were male, and in two cases they were female. 218 children were either victims of or witnesses to domestic violence.

55. From 1 January 2005 to 31 December 2005, 154 evictions were reported to the SAVVD. In 142 cases, the victims were female, while in 12 cases they were male. Of the 12 male victims, six were assaulted by other males. In 148 cases, the aggressors were male, and in six cases they were female. In 2005, 247 children were either victims of or witnesses to domestic violence.

56. The role and the responsibilities of the police in combating domestic violence have been considerably reinforced. The police forces have made notable efforts at awareness raising and training about the problems of domestic violence. A Canadian advisor has provided training for female trainers in Luxembourg, and they have established a training module for future police officers, together with the Ministry for Equal Opportunity and the Police Academy.

57. Since 2003 all police officer trainees have been receiving this specific training. In order to train police officers already on the force at the time the law came into effect, as well as members of the prosecution offices, it has been decided to offer special training to team leaders, who will in turn pass on their knowledge to their colleagues.

58. At the same time, an internal manual has been prepared with specific instructions for police officers.

59. In order to train other professionals engaged in police work, medicine, and social work in detecting and recognizing domestic violence, a network of female trainers has been established by the Ministry for Equal Opportunity. These trainers provide courses adapted to the needs of trainees from the various sectors involved.

60. From 1 December 2003 to 31 May 2004, an anonymous telephone line subsidized by the Ministry for Equal Opportunity was in operation, reserved for men seeking to escape from the vicious circle of violence. It was established as part of a project sponsored by the European Association for Counselling on Violence (EUGET), under the European DAPHNE programme for preventing violence against women and children. Treatment for offenders can break the spiral of violence and prevent transmission of the mechanisms of violence from one generation to the next.

61. By ministerial order of 13 February 2004, the Ministry for Equal Opportunity granted official recognition to the non-profit Luxembourg Movement for Family Planning and Sex Education for its "Outreach" ("Riicht eraus") consultation and assistance centre for violent offenders. The Ministry will pay the costs of operating the centre, the objective of which is, in the short term, to protect the victims of violence, and over the longer term to reduce and ultimately eliminate violence.

62. In 2005, the centre handled 327 consultations involving 40 men, 37 of whom admitted to acts of domestic violence. The centre's records show that half of the clientele were of Luxembourg nationality.

63. In November 2003, the Ministry for the Advancement of Women hosted an international symposium on the topic "Domestic Violence, a New Challenge", in order to speed implementation of the new domestic violence law.

64. In October 2004, a seminar was held on domestic violence and the work of the women's shelters, with a special focus on working with children and on the representation of domestic violence in the media.

65. To measure the impact of the Law of 8 September 2003, the Ministry for Equal Opportunity commissioned an external expert to evaluate the law's effects on domestic violence. The report⁷, submitted in early 2006, underlined the good cooperation that exists between the various bodies, and the fact that the law has substantially boosted public awareness of the phenomenon of domestic violence.

66. The assessment was based on three elements:

- The collection and analysis of available data on domestic violence in Luxembourg between October 2003 and October 2005;

⁷ Final Report: Evaluation of Changes in Luxembourg since Introduction of the Law against Domestic Violence and Establishment of the Assistance Services for Victims of Domestic Violence, January 2006.

- Questionnaires administered to persons who had consulted the SAVVD during this period;
- Surveys of professionals working in the field of violence against women and children.

67. The law on domestic violence does not seem to have had an appreciable impact on the number of persons using the shelter services. In fact, there has been no decline in women's demand for shelter services since the new law came into effect allowing eviction of the offender. In 2004 the number of women admitted to the various women's shelters was 8% higher than in 2003.

68. During 2004, 458 women and 500 children spend time in the shelters for girls, women, and women with children. In 281 cases they were seeking shelter from domestic violence.

69. In 2005, 467 women and 452 children were admitted to the shelters for girls, women, and women with children. The shelter services systematically screen for domestic violence, and use the "devictimization" method of female counselling in order to help the women assert their independence. In 277 cases (60%), domestic violence was the grounds for seeking admission to the shelter.

70. Compared to 2004, the number of women admitted to the various women's shelters rose by 1.9%. On the other hand, the number of children declined by 10.6%. It has been confirmed that the law on domestic violence has no impact on the number of persons living in the shelters. It was also found that many shelter applicants have been turned away in the southern part of the country, for lack of space. A project to expand the "Foyer Sud" women's shelter of the National Council of Women of Luxembourg is now underway.

71. The assessment report showed that the profile of women seeking eviction of their partner is different from that of women who turn to the consultation and shelter services. The latter are for the most part older, and have never sought assistance previously. The law is thus making it possible to reach victims who previously went unrecognized.

72. A brochure, entitled "The Many Faces of Violence against Women", first published in 2002, was reissued at the end of 2005. It was prepared by the women's shelter services in cooperation with the Ministry for Equal Opportunity.

73. In 2003, the Ministry for the Advancement of Women continued its awareness raising campaign with distribution of a spot entitled "Fini les compromis, contre la violence à l'égard des femmes et des filles" ("No more compromising: no more violence against women and girls"), to television stations and to all cinemas in the country. As part of implementing the law on domestic violence, a spot on the topic of eviction of violent offenders from the home was also broadcast via radio.

74. To promote gender equality in education and training, the Ministry has placed particular emphasis on sensitizing teachers and on promoting a gender-differentiated approach to teaching.

75. On 22 October 2005 the Ministry for Equal Opportunity sponsored an international conference on the theme, "Women's and men's roles and stereotypes in education and training" in the Faculty of Education Sciences at the Walferdange campus of the University of Luxembourg. The Ministry is trying to promote new

roles for women and men by publicizing gender issues among trainers, teachers and students. To reinforce the gender culture and to change stereotypes about women's and men's roles, it is important to integrate the gender dimension into the curricula of the elementary schools, high schools, and training institutions, and to identify internal strategies, mechanisms and tools for use in gender instruction with teachers and trainers.

76. A study on "The gender aspect in personal and professional development for future teaching and educational staff" was commissioned by the Ministry for Equal Opportunity and conducted by the University of Luxembourg among future teaching and education personnel over the period 2001/2004.⁸ The study focused on the construction, deconstruction and reconstruction of personal and professional identities relative to sex, among selected target groups.

77. The results of the surveys show that stereotyped attitudes have a negative influence on interest in gender issues. On the other hand, awareness of the existence of discrimination, external influences on personality development, and the importance of parents' example setting have a positive influence on interest in gender issues.

78. On the basis of this study, the University of Luxembourg has decided:

- To mainstream the gender dimension, horizontally and vertically, in university instruction and research activities for the four-year plan 2006/2009, and
- To incorporate the gender concept systematically into the training of teachers in early, preschool and primary education, as well as in the pedagogical training of secondary school teachers.

79. The Ministry for Equal Opportunity is placing particular stress on information and awareness raising activities. The lifestyles and ways of thinking that characterize our society are still heavily stamped by stereotyped attitudes that attribute traditional rules to women as well as to men. The objective of the Ministry's campaigns is to draw attention to these social clichés and to demonstrate other models that are more suitable to our modern way of life, reflecting de facto equality between women and men.

80. The 2003 radio campaign against domestic violence was launched in collaboration with the national police. The 2003 televised campaign highlighted women in positions of responsibility in the business world. The 2003 press campaign included three pictures showing couples, alone or with their children, sharing family responsibilities and chores. The 2004 television campaign offered a series of "snapshots" of business managers who have won the Female Entrepreneur Prize since 1993. The 2005 press campaign reported on persistent inequalities between women and men in terms of salaries and positions of responsibility. The 2005 television campaign focused on the theme of women taking business decisions, and gender equality in the face of evolving professional careers.

81. All of these media campaigns can be viewed at the Internet site of the Ministry, at the following address:
http://www.mega.public.lu/actions_projets/Campagnes/index.html.

⁸ "The Gender Aspect in Personal and Professional Development of Future Educational and Social Workers", Ministry for Equal Opportunity, 2005.

(b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

82. The Law of 12 February 1999 on parental leave (see the previous report), translating the European directive on this matter, has three objectives:

- To create employment;
- To promote equality of opportunity between women and men, in particular by reconciling family and working life;
- To promote the psychosocial development of children.

83. The 1999 law called for an assessment of the impact of parental leave on the employment market, its effects on equality of opportunity, and its consequences for the interests of the children. To perform this assessment, the government in 2002 commissioned an outside consultant to prepare a study. The conclusions of that study revealed that, in general, the objectives of the law relating to equal opportunity and, especially, to the interests of the child were largely attained, while those relating to the employment market were more difficult to appreciate⁹. In light of these results, and at the steady insistence of the majority of social partners and of the population, the government decided to extend parental leave and to maintain it beyond 31 July 2003. A draft bill, designed to remedy some of the practical difficulties of application, was submitted on 20 May 2003 to the Chamber of Deputies by the Minister of the Family, Social Solidarity and Youth, and the amended version is expected to be adopted shortly by the Chamber of Deputies.

84. The Ministry for Equal Opportunity also conducted a study on the impact of parental leave¹⁰, during implementation of the programme concerning the Community framework strategy for gender equality (2001/2005) as it relates to the reconciliation of family and working life.

85. One of the conclusions of the study on the impact of parental leave was that men were not ready to become "at-home fathers". The study also showed that parental leave reflects a distribution of maternal and paternal roles very close to the traditional ones of patriarchal society. It also revealed a poor perception by the employer: in effect, while employers see ready to accept that a woman should take parental leave to look after children, they are less open to the idea that a man might stop work, even for only a few months, for the same reason. Finally, it is a fact that fathers will take parental leave if their job is less interesting than that of their spouse or partner, or if the latter is not entitled to leave.

86. To raise awareness about the changing role of men and to promote parental leave while helping businesses cope with it, the Ministry for the Advancement of Women hosted an international symposium on 13 October 2003 on the theme, "Parental Leave: a Challenge for the Economy and Gender Equality".

⁹ Assessment of the Impact of Parental Leave in the Grand Duchy of Luxembourg, KPMG, November 2002.

¹⁰ Working Fathers in Belgium, Luxembourg, Italy, Spain (2002/2003), analytical study by Alisa del Re (University of Padua, 2003) for the Ministry for the Advancement of Women.

87. The record on parental leave shows that the number of mothers taking leave is consistently higher than that of fathers. However, there is a rising trend in the number of men on parental leave: they represented 13% of leave-takers in 2001, but 17% in 2005.

88. Testimony by fathers who have taken parental leave shows that this has allowed them to reinforce their bonds with their children, and that they would be inclined to repeat the experience.

Article 6

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

89. In September 2003 the Ministry for the Advancement of Women hosted a symposium, in collaboration with the Embassy of Sweden, on the topic "Trafficking in Women". The purpose was to inform the general public about foreign legislation and practices concerning trafficking in human beings, and the consequences that has for women, and to enlighten lawmakers on the path to be followed at the national level.

90. As part of its efforts to combat human trafficking, Luxembourg will no longer, as of 1 May 2004, issue visas or permits for persons from non-EU countries seeking to work in Luxembourg as "cabaret artists" or in similar pursuits (see Article 2f, page 11).

91. This decision was taken to the wake of recommendations from the Human Rights Commissioner, Alvaro Gil-Robles, and the Special Representative of the Chair of the Organization for Security and Cooperation in Europe (OSCE) for combating trafficking in human beings, Mrs. Helga Konrad, who visited Luxembourg on 15 November 2004. Mrs. Konrad had stressed the importance of preventing and combating trafficking in human beings, as well as providing direct assistance to victims and protecting witnesses.

92. The national authorities decided to establish a national coordination system to identify more closely the problems specific to Luxembourg, and to agree on measures to protect victims.

93. On 16 May 2005 Luxembourg signed the Council of Europe Convention on Action against Trafficking in Human Beings.

94. Under the sponsorship of the Ministry for Equal Opportunity, the "Drop-in" service for prostitutes run by the Luxembourg Red Cross hosted a conference with German and Dutch experts, in October 2005, on "Development of Multidimensional Interventions for Sex Workers", in response to the international mobility of "sex work" in Europe. This conference highlighted the problems of migrant prostitutes as an aspect of trafficking in human beings for purposes of sexual exploitation, in light of the new German and Dutch regulations. It is apparent that the regulation of prostitution does nothing to help migrant prostitutes, and does nothing to reduce the scope of the trafficking problem.

95. A working group was established in 2005, representing the Ministries of Justice, Foreign Affairs and Equal Opportunity, and the police. Its task is to coordinate and promote networking among the various bodies involved in

combating human trafficking. In addition, a specific budget has been available since 2005 to pay the costs of protecting and caring for the victims of human trafficking. Training in this aspect will be provided during January 2006 for various governmental agencies and NGOs.

96. As of 2006 the Ministry for Equal Opportunity has been providing funding and staff resources to the "Open Doors Foundation", which has a contract with the State to provide suitable care for victims.

Part II

Article 7

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

(a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;

(b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;

(c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

97. The Ministry for Equal Opportunity is pursuing a project on "Balanced participation of men and women in decision-making, a challenge for democratic and economic development", in the context of the European Community employment strategy and the Community framework strategy for gender equality, 2001-2005. Its objective is to make political parties, labour unions and businesses more aware of the need for greater female participation in decision making. The project includes the following activities.

98. A study on "Promoting Gender Balance in Decision Making in and by Luxembourg Political Parties". The study was conducted prior to the June 2004 elections, examining the programmes of the political parties, labour unions and business, and more specifically their provisions for gender equality.

99. A second study, on the topic of women in economic and social decision making, entitled "Promoting Gender Balance in Economic and Social Decision Making: 2004 Survey", was performed with an analysis of organizational structures and interviews with representatives of various labour and business organizations.

100. A television spot was produced and broadcast over the national TV network, and in cinemas.

101. To raise public awareness and promote good practices, national and international events (a forum, a panel conference, and a seminar) were organized by the Ministry for Equal Opportunity, in collaboration with the social partners.

102. 31 March 2004: Forum on "Women and Business: creating your own business and networking".

103. 22 April 2004: Debate with political parties: "Balanced participation by women and men in political decision making".

104. 27 October 2004: Seminar for the exchange of good practices in private-sector companies, and cooperation with business and labour organizations: "Balanced participation by women and men in business decision making".

105. A committee made up of members of the Ministry for Equal Opportunity, the unions, business, professional chambers, and nongovernmental organizations was established to monitor the project. This committee met seven times during the course of the project. In addition, an informal cooperation network has been set up.

The project also gave a boost to the creation of the Federation of Female CEOs of Luxembourg (FFCEL) in 2004.

106. In conclusion, the European framework has brought a qualitative improvement to the project through the international exchange of expertise, and greater visibility domestically. The European dimension of gender equality policies, transposed by the Community partners, has had a positive impact on the activities of the domestic partners, and has broadened the national debate. As well, each event helped to consolidate the international partnership and led to a more in-depth exchange on strategies and measures applied at the European and international levels.

107. The research centre ("Observatory") on women's participation in elections, created in the fall of 1998 by the National Council of Women of Luxembourg (CNFL), and financially assisted by the Ministry for Equal Opportunity (see the fourth periodic report of the grant that she Luxembourg) conducted an analysis of trends in women's participation in general and among the different political parties in the 2004 elections.

108. The analysis also looked at the various political programmes relating to the advancement of women in all areas and at all levels. The research centre then examined the results of the elections in detail and published them as statistical data.

109. Although the 1999 coalition accord agreed that the government should not introduce binding quotas for women and men, a number of political parties have either introduced a quota to ensure that women represent at least one-third of their decision making bodies and their electoral candidate lists, or are pursuing a policy to promote women without formal quotas. For the legislative and European elections of June 2004, women accounted for 31.7% of candidates. Following the elections, the gender makeup of the new government is 20% female and 80% male. In the Chamber of Deputies, 23% of members are women, and 77% men. In the European Parliament, 50% of Luxembourg's seats are held by women.

Female participation in political decision making: trends

110. National politics.

	1999	2004
Government	28.60%	20.00%
Chamber of Deputies	20.00%	23.40%
European Parliament, seats held by Luxembourg	33.33%	50.00%

	Seats	Number of women elected	% of women elected	Number of women on the lists	% of women on the lists
CSV	24	5	20.8	20	33.3
LSAP	14	3	21.4	13	21.7
DP	10	3	30.0	15	25.0
Déi Gréng	7	1	14.7	28	46.7
ADR	5	0	0.0	15	25.0
Déi Lénk	0	0	0.0	25	41.7

	Seats	Number of women elected	% of women elected	Number of women on the lists	% of women on the lists
KPL	0	0	0.0	10	22.7
FPL	0	0	0.0	5	55.6

CSV	Christian Social Party
LSAP	Socialist Workers Party
DP	Democratic Party
Déi Gréng	The Greens
ADR	L'action pour la démocratie et la justice en matière de rentes (Democracy and Justice in Pensions)
Déi Lénk	La gauche (The Left)
KPL	Communist Party
FPL	Free Party of Luxembourg

111. Municipal politics.

Municipal gender equality bodies

The following shows the situation before and after the 1999 elections:

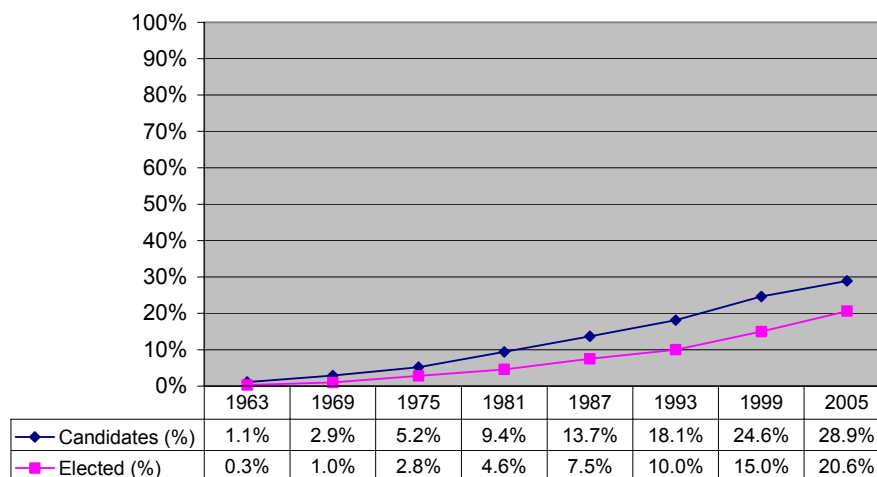
	1999	2004
Communes that have appointed a gender equality delegate from among municipal council members	48	77
Communes that have established a gender equality advisory commission	13	39
Communes that have established an office with qualified paid staff	2	6
Communes that have instituted at least one of the three equal opportunity bodies mentioned above	58	89

Source: Conseil National des Femmes du Luxembourg.

112. Observatory on women's political participation in the municipal elections of 9 October 2005.

At the municipal elections of 9 October 2005, there were 1136 seats to be filled in 116 communes: 28.9% of the candidates were women, compared to 24.6% in 1999. Women candidates took a total of 234 seats, or 20.6% compared to 15.0% in 1999. Women thus increased their share of seats by 5.6 percentage points over the previous municipal elections, an improvement similar to that recorded between the 1993 and 1999 elections. Women's representation in municipal politics, traditionally weaker than at the national level, has thus finally caught up with that in the national Parliament. At this time, one-fifth of persons in elected political positions in Luxembourg are women.

Municipal elections: percentage of female candidates and women elected



Election years

Source: Conseil National des Femmes du Luxembourg.

113. On 5 July 2005, the Minister for Equal Opportunity, the Minister of the Interior and of Territorial Planning, and the President of the Association of Luxembourg Cities and Communes (Syvicol) sent out a circular to mayors, dealing with the implementation of gender equality policies in the communes (municipalities). The circular called for gender mainstreaming with the objective of systematically integrating the conditions, priorities and needs of women and men into all policies, from the planning stage onward. The analysis of policies from a gender viewpoint should reveal whether a regulation or in action is likely to impact differently on men and women. The circular also proposed that gender equality advisory commissions to be established to oversee implementation of gender equality, in law and in fact, at the municipal level.

Article 8

States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

114. Female representation in decision-making bodies of the Ministry of Foreign Affairs.

Women and men have equal access to international functions. Decisions regarding Luxembourg's representation within Europe and at the international level are made on the basis of competence, not sex.

115. Women's representation in the decision-making bodies of the Foreign Ministry is as follows:

Policy	A female Minister of Foreign Affairs from 1999 until July 2004
Management and supervisory	Ambassador or Director Four women out of 35 (1998: 3 women out of 22)
Diplomatic corps (total)	21 women out of 86 (1988: 9 women out of 60)

116. The fact that women have accounted for a growing proportion of new recruits for the diplomatic service in recent years reflects the intention that women should be better represented in the decision-making bodies of the Foreign Ministry.

Luxembourg's development cooperation projects relating to the advancement of women

117. The Luxembourg cooperation programme accords special importance to the advancement of women, both in bilateral and multilateral projects and in its collaboration with NGOs. This is especially the case in health and education projects. Equality issues always receive particular attention during project identification and preparation.

118. The Law of 6 January 1996 provides that improving the status of women is one of the areas of activity in developing countries where the Development Cooperation Fund can play a role. In bilateral cooperation, Lux-Development, which plans and executes bilateral projects financed by Luxembourg, must consider gender issues and examine the project's or programme's impact on gender equality. In multilateral cooperation, the new strategy defines gender as one of the priority issues.

119. In addition to the projects financed by the Cooperation and Humanitarian Action Directorate, the Political Affairs Directorate of the Foreign Ministry provide assistance for a number of projects aimed at advancing women's rights.

120. A few bilateral cooperation projects have dealt specifically with gender equality. Examples are the "School and Health II" project in Niger, projects carried out by the National Resource Centre for Non-Formal Education in Mali, and a project entitled "Support for Women's Technical Education Centres (CETF) in Senegal"¹¹.

121. With respect to multilateral projects, Luxembourg has been steadily increasing its contributions to the budget of the United Nations Development Fund for Women (UNIFEM): they amounted to €594,944 in 2002, €594,945 in 2003, €700,000 in 2004, and €800,000 in 2005.

122. Under the framework agreement signed with the United Nations Population Fund (UNFPA), Luxembourg is supporting two priorities relating to gender equality:

- Maternal health (contribution of €550,000 in 2004 and €650,000 in 2005), which involves helping women with family planning to avoid unwanted pregnancies, and ensuring that they can give birth in a safe and healthy environment, and that they have access to emergency obstetrical services in case of complications, and
- Fighting fistula (contribution of €600,000, plus €250,000 in 2004 and €300,000 in 2005), a widely neglected problem in reproductive health. Caused by prolonged or arrested delivery, fistula has tragic social consequences: many

¹¹ See documentation in Annex I for details.

women and girls suffering from fistula are ostracized socially and abandoned by their husband. Fistula normally affects the most marginalized members of society - poor, illiterate girls and young women living in remote areas.

123. While most of the projects that Luxembourg finances with UNFPA provide benefits for women and girls, it should be noted that some are more specifically targeted at this group. These include the support provided in partnership with UNFPA to the national campaign against excision in Mali, the "safe maternity" projects in the Agadez region, phases I and II, and the "reproductive health" project in Mirriah and Loga in Niger, designed to improve the accessibility and use of high-quality reproductive health services, including sexual and reproductive health services for girls in project target zones, to improve the management of reproductive health services at the central and local levels and to prevent the spread of HIV/AIDS.

124. In Nicaragua, the project for "Development of community capacities to promote sexual and reproductive health, phase III" is intended to enhance the effectiveness of local and national policies for reproductive health, while the project for "Strengthening emergency obstetric care for safe maternity" aims to reduce maternal mortality by improving the treatment of obstetrical complications. Finally, mention should be made of the project for "Strengthening the capacity of the Vietnam Family Planning Association (VINAFPA), Phases I and II", which is helping to implement a model for reproductive health counselling and management in Vietnam, as well as the "Support project for Afghan women", which provides women in Afghan refugee camps with reproductive health services in the form of prenatal and postnatal assistance, emergency obstetrics and assisted childbirth services. In addition, Luxembourg is supporting family planning and post-trauma psychological help as well as the treatment and prevention of female genital infections.

125. With the United Nations Development Programme (UNDP), Luxembourg is supporting training to encourage greater participation by women in socioeconomic activities, as is the case with several projects in Mali and in Afghanistan. Another project in Vietnam seeks to reduce maternal and child mortality rates.

126. Finally, Luxembourg has contributed €500,000 to the Global Coalition on Women and AIDS, which embraces most of the organizations, networks and individuals involved with women and AIDS. In the period covered by this report, the Foreign Ministry co-financed several NGO-sponsored projects for the advancement of women, as detailed in the Annex.

Article 9

1. *States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.*

2. *States Parties shall grant women equal rights with men with respect to the nationality of their children.*

127. The government declaration of 2004 announced that legislation on nationality would be amended to allow all foreigners aspiring to acquire Luxemburg nationality to do so without having to renounce their original nationality. The same possibility will be introduced for Luxemburg citizens residing abroad and desiring to acquire the nationality of their country of residence. The optional acquisition of dual nationality for second- and third-generation immigrants will also be facilitated.

Part III

Article 10

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

(a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training.

128. In 2004, the Centre for Documentation and Information on Higher Education (CEDIES) of the Ministry of Culture, Higher Education and Research published a report on "Industrial Trades", giving special prominence to the views of women working in the industrial trades.

129. The University of Luxemburg, in cooperation with the Ministry of National Education and Vocational Training and the Ministry of Culture, Higher Education and Research, is conducting a study among secondary school pupils and university students to determine their attitude towards science and scientific research. An essential element of that study is to compare the views of boys and girls. The results of the study will serve as input to future action.

130. Finally, the University of Luxemburg is an active participant in the "Ada Lovelace" project to interest girls in scientific research and professions.

(b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality.

Access to initial education, and outcomes

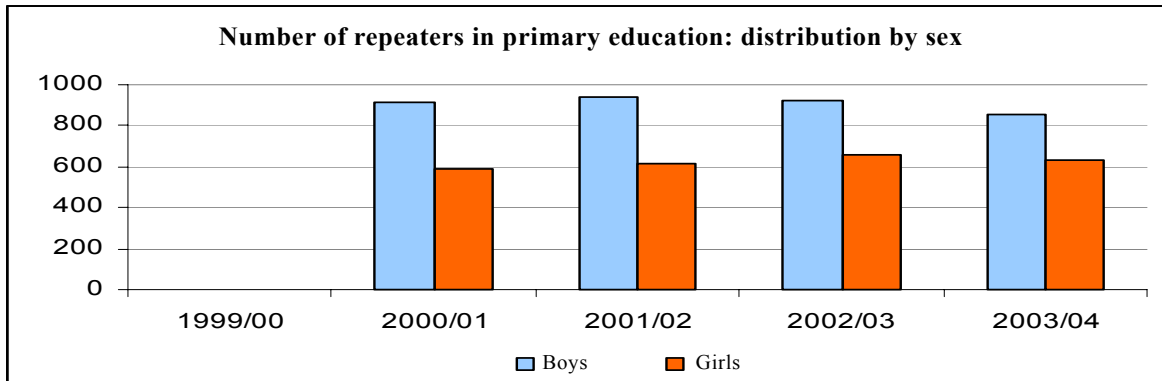
131. In Luxemburg, girls have the same access as boys to the different levels of education.

132. Early childhood programmes.

Preschool education is compulsory and an integral part of primary education. Access is universal and free, and the same standards of teaching methods and teacher qualification apply. Since the school year 1998/1999 the preschool cycle has covered 3 years. Early education for children of age 3 was introduced as a pilot project in that year. The main objectives were to socialize young children and teach them the Luxemburg language. Between its introduction in 1998/1999 and the 2003/2004 school year, the availability of early education has been rising steadily in the communes. The 2004-2009 government programme calls for early education to be generalized throughout the country as of 2009: the communes will be obliged to offer it, and parents will have the option of enrolling their children or not.

133. Primary education.

Enrolment in primary education is compulsory, and there is no discrimination based on sex. It has been found in fact that girls are more successful and have fewer learning difficulties.



Source: The tables in chapter 10 come from the Ministry of National Education and Vocational Training.

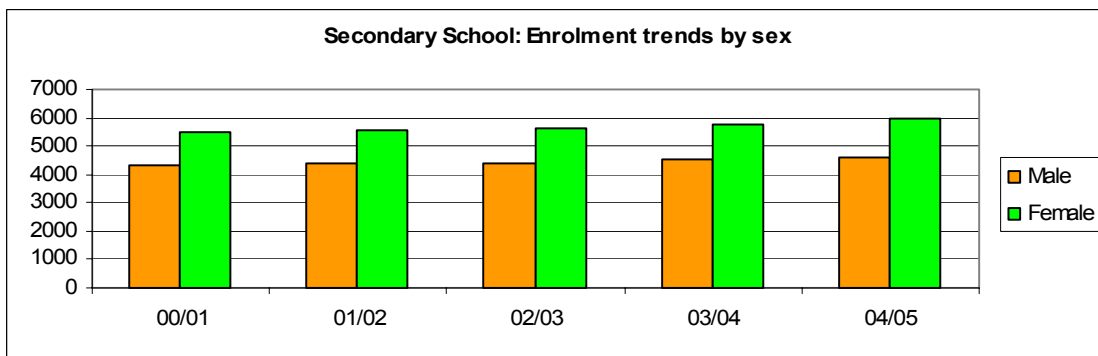
134. The above figures show that repetition rates are lower among girls and that fewer girls require special education (instruction for pupils with learning problems).

135. Post-primary education.

At age 12, pupils must choose between general secondary education, intended primarily to prepare them for university, and technical secondary education, which provides vocational training and also provides access to higher studies in certain fields.

136. Secondary school education: general.

Enrolment in public and subsidized private education:



Success rate in general secondary education:

Secondary school final examination results

Year	Boys admitted	%	Girls admitted	%
1995-1996	413	87.3	457	87.7
2000-2001	472	85.0	599	90.3
2001-2002	428	82.6	630	89.7
2002-2003	426	81.8	615	90.3
2003-2004	509	86.3	631	91.7

137. Secondary school education: technical.

Total enrolment in technical secondary education

<i>Year</i>	<i>Male</i>	<i>%</i>	<i>Female</i>	<i>%</i>
1995-1996	9,558	52.7	8,571	47.3
2000-2001	11,132	52.1	10,227	47.9
2001-2002	11,269	52.2	10,329	47.8
2004-2005	12,276	52.6	11,063	47.4

In technical secondary education, the students are divided into three training streams after completing the lower level:

- technical stream;
- technologist stream; and
- vocational stream (CATP, CITP, CCM).

CATP: Certificate of Technical and Vocational Aptitude

CITP: Certificate of Technical and Vocational Initiation

CCM: Certificate of Manual Skills

138. The different streams in technical secondary education: distribution by sex.

	<i>04/05</i>	<i>Male</i>	<i>%</i>	<i>Female</i>	<i>%</i>
Total lower grades	11,212	5,974	53.3	5,238	46.7
Total technical stream	4,403	1,737	39.5	2,666	60.5
Total technologist training	3,102	1,812	58.4	1,290	41.6
Total CATP	3,879	2,266	58.4	1,613	41.6
Total CITP	372	245	65.9	127	34.1
Total CCM	371	242	65.2	129	34.8
Total Technical Secondary Education	23,339	12,276	52.6	11,063	47.4

139. Technical secondary school examination results:

Technical secondary school graduation diploma

<i>Year</i>	<i>Boys admitted</i>	<i>%</i>	<i>Girls admitted</i>	<i>%</i>
2001-2002	201	68	400	83
2002-2003	257	74	442	83
2003-2004	269	73	440	82

Technologist diploma

<i>Year</i>	<i>Boys admitted</i>	<i>%</i>	<i>Girls admitted</i>	<i>%</i>
2001-2002	202	72	194	84
2002-2003	216	72	174	76
2003-2004	197	71	175	76

140. Total diplomas awarded in post-primary education.

<i>Year</i>	<i>Total</i>	<i>Male</i>	<i>%</i>	<i>Female</i>	<i>%</i>
2001-2002	3,134	1,468	47	1,648	53
2002-2003	3,204	1,530	48	1,674	52
2003-2004	3,269	1,607	49	1,662	51

141. The gender breakdown of statistics provided by the National Education Ministry shows that girls are over-represented in general secondary education, and in the upper level (level 3) of technical secondary education. Overall, the success rate for girls is better than for boys.

142. Academic and vocational orientation.

The academic and vocational choices made by girls and boys are different:

- In general secondary school, girls are over-represented in the humanities and in level 3 of technical secondary school;
- The majority of students choosing scientific pursuits and industrial arts and crafts are boys.

This academic choice has repercussions on the vocational choice. Women are more numerous in the tertiary sector, whereas men are over-represented in industry and crafts.

143. Secondary education.

When they reach the upper grades of secondary school (as of the school year 2004/05, at the 10th grade), students must choose among the following specialized streams:

A1	Modern languages stream
A2/G	Humanities
E	Art
F	Music
B	Mathematics and physical sciences
C	Natural sciences
D	Economics

144. Senior secondary school 1995/1996: enrolment in subject areas, by sex :

<i>Sections</i>	<i>A1</i>	<i>%</i>	<i>A2</i>	<i>%</i>	<i>B</i>	<i>%</i>	<i>C</i>	<i>%</i>	<i>D</i>	<i>%</i>	<i>E</i>	<i>%</i>	<i>F</i>	<i>%</i>
Male	29	22	102	43	101	76	122	49	112	49	18	24	9	64
Female	102	78	137	67	32	24	126	51	118	51	56	76	5	36

145. Senior secondary school 2000/2001: enrolment in subject areas, by sex :

<i>Sections</i>	<i>A1</i>	<i>%</i>	<i>A2</i>	<i>%</i>	<i>B</i>	<i>%</i>	<i>C</i>	<i>%</i>	<i>D</i>	<i>%</i>	<i>E</i>	<i>%</i>	<i>F</i>	<i>%</i>
Male	26	18	89	41	89	67	123	33	153	54	26	21	12	52
Female	115	82	128	59	43	33	161	67	132	46	99	79	11	48

146. Senior secondary school 2004/2005: enrolment in subject areas, by sex :

<i>Sections</i>	<i>A1</i>	<i>%</i>	<i>G</i>	<i>%</i>	<i>B</i>	<i>%</i>	<i>C</i>	<i>%</i>	<i>D</i>	<i>%</i>	<i>E</i>	<i>%</i>	<i>F</i>	<i>%</i>
Male	54	24	139	45	92	67	147	40	133	59	18	15	7	30
Female	168	76	172	55	45	33	220	60	91	41	105	85	16	70

147. Technical secondary school education.

Technical secondary school education is subdivided into three streams:

- the technical scheme;
- the technologist training (technicien) scheme;
- the vocational scheme (apprenticeships).

148. In all these streams, girls tend to choose courses that lead to administrative, commercial, education and paramedical careers. Girls are underrepresented in the technical streams.

- 89% of girls in the technical stream are concentrated in the administrative and commercial section (38%) and in the paramedical and social section (51%), while only 11% of girls choose the general technical section;
- 74% of girls in the technologist training streams are concentrated in the administrative section;
- 70% of girls working for their CATP are concentrated in four of 44 sections: office work, patient care, sales and hairdressing.

149. Girls and boys are distributed unevenly among the various streams of technical secondary education: girls tend to go into the technical stream, while boys are overrepresented in the vocational and technologist streams.

150. Because girls tend to choose courses leading to a technical secondary school graduation diploma and providing access to post-secondary studies, they are underrepresented in the apprenticeship programmes.

School year 2004/2005

<i>Vocational stream</i>	<i>Boys</i>	<i>Girls</i>
CATP (<i>Certificat d'aptitude technique et professionnelle</i>)	58,4%	41,6%
CITP (<i>Certificat d'initiation technique et professionnelle</i>)	65,9%	34,1%
CCM (<i>Certificat de capacité manuelle</i>)	65,2%	34,8%
Technologist stream	58,4%	41,6%
Technical stream	39,5%	60,5%

151. Girls and boys have access to the same academic and vocational guidance services. These include: collective and individual guidance at the move from primary to post-primary school, "educational choice", information sessions in the classroom and individual consultations, the "students' fair", the "worklife" programme that provides information about work and apprenticeship opportunities, the Trades Information Centre (Berufsinformationszentrum, (BIZ)) of the Employment Administration, familiarization traineeships in businesses, visits to businesses, and publications and web sites with information on training and vocations. Guidance services are provided primarily by teachers, the psychology and

guidance offices in each post-primary school, local services that provide coaching for youth in the transition from school to working life, and the vocational guidance service offered by the employment administration. Although they have equal access to education, training and guidance, girls and boys make different choices that are influenced by occupational stereotypes (trades that are typically female or typically male).

152. The strategic approach to diversifying academic and vocational choices is based on four pillars:

1. The systematic collection and publication of gender-disaggregated data on education and training, for use in identifying inequalities and measuring the impact of steps to promote gender equality.

2. An approach to education that avoids the reproduction of stereotypes from the earliest ages.

3. Gender training for trainers, guidance counsellors and teachers, to raise awareness of their own stereotypes that they may have formed over the years and passed on unconsciously, and to reinforce critical thinking about the teaching practices applied.

4. Targeted activities intended to diversify academic and vocational choices, such as the "girls' day" and "boys' day" initiatives. The purpose of "girls' day" is to encourage girls to diversify their academic and vocational choices, to increase the number of young women in technical and scientific training, studies and occupations, and to promote gender balance in decision-making. By participating in "girls' day", girls can explore the labour market, technical and scientific professions, and meet women who are involved in decision-making in business and in the public sector. The "boys' day" pilot project allows boys to explore the educational, social and paramedical professions and to awaken their interest in pursuing these vocations, where males are underrepresented.

(c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods.

153. The National Education Ministry has established a "Gender Mainstreaming" unit to promote respect for the gender perspective in decision making, to raise the academic community's awareness of gender-sensitive teaching methods, and to reduce the differences between girls and boys in their educational choices and performance.

154. The Equal Opportunity Ministry, in cooperation with the Ministry of Culture, Higher Education and Research, the National Ministry of Education and Vocational Training, the University of Luxembourg and the training institutes of the Association of Private-Sector Employees and the Skilled Trades Federation, is running a project on "The role of women and men and stereotypes in education and training", as part of the European programme under the Community framework strategy for gender equality. It is being conducted in cooperation with the European Network of Teacher Education Policies (ENTEP).

(d) The same opportunities to benefit from scholarships and other study grants.

155. Scholarships for doctoral or post-doctorate research projects are granted without distinction as to sex. On average, 36% of recipients are women; their success rate is 75%, and that for men is 74%.

156. State financial assistance for higher education is granted to all persons enrolled in post-secondary or university studies, regardless of sex. For the academic year 2002/2003, 52.10% of beneficiaries were women; for the academic year 2004/2005, 52.73% were women.

(e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women.

157. Continuing education (learning throughout life).

In Luxembourg, continuing education is highly decentralized and distributed among various public and private institutions and in-house programmes. Supply and demand have both increased sharply in recent years. There are four major dimensions to continuing education:

1. Collective access to continuing occupational training

158. Luxembourg's principal instrument for improving workers' adaptability since 2000 has been the law on the support and development of continuing vocational education. This law applies exclusively to private firms, and provides for the sharing of costs and responsibilities between the government, the firm, and individuals. The number of applications for cofinancing rose sharply between 2000 and 2004.

159. Women have increased their participation rate in the civil service training institute. Ongoing training is available for teachers at the preschool, primary, and post-primary education levels, as well as those in special education.

160. Under the government programme, the gender perspective has been integrated into continuous training programmes for teaching staff at all levels:

- The gender dimension is observed in the offer of courses (which include "gender" courses and courses reserved to women);
- A balance is sought between male and female trainers;
- Gender-sensitive language is employed systematically;
- As of the school year 2004/2005, gender mainstreaming is one of the quality yardsticks that male and female trainers must observe;
- Continuous training courses are evaluated from the gender aspect.

161. Enrolment 2003/2004.

Field of training

	<i>Total</i>	♀	♂	<i>Total Schilf</i>	♀	♂
Academic development	794	449	345	630	337	293
Personal vocational development	393	253	140	84	53	31
Departments and resource persons: facilitating change	100	35	65	12	7	5
Psycho-social-educational personnel	7	6	1	7	6	1
Total	1,294	743	551	733	403	330
Information and communication technologies						
Technological skills	879	526	353	388	253	135
Teaching skills	213	113	100	26	16	10
Thinking skills	103	53	50	74	34	40
Total	1,195	692	503	488	303	185
General pedagogy and didactics						
Motivation	48	37	11	25	22	3
Heterogeneity: a challenge	358	231	127	204	135	69
Evaluation	123	90	33	104	82	22
Education for development - Environment	33	22	11			
Health promotion	67	58	9	20	20	0
Media Education	53	28	25			
General didactics	141	94	47			
Total	823	560	263	353	259	94
Disciplinary pedagogy and didactics						
Languages	187	132	55	37	23	14
Mathematics	41	16	25			
Natural sciences	95	53	42			
Creativity and the arts	105	61	44			
Humanities and philosophy	141	82	59	4	3	1
Economic and social sciences	121	53	68			
Vocational training	69	12	57	37	2	35
Physical education	222	82	140			
Total	981	491	490	78	28	50
	4,293	2,486	1,807	1,652	993	659

2. *Adult learning and the "second chance" for qualification*

162. The Grand Ducal Regulation of 17 June 2000 on the organization of adult learning allows adults the broadest possible access to the official diplomas (CATP, CCM and CITP), in effect giving a second chance to those who did not earn such a diploma in their initial training. The purpose of the regulation is to improve people's level of qualifications in order to take better advantage of the country's human

resources and to help combat unemployment and promote the competitiveness of businesses.

163. While the 829 applications received during the school year 2003/2004 seemed to represent a limit, the number of applicants in 2004 was even higher: 982, of whom 426 were women and 555 were men.

3. Individual access to training (adult education and training)

164. Access to programmes for lifelong education and training is independent of sex. A distinction can be drawn between the training coordinated and supported by the Adult Training Service (SFA) and the public and private sources of ongoing vocational training coordinated and supported by the Vocational Training Service.

165. The Luxembourg Language Centre (CLL).

The following table provides an overview of the courses offered at the CLL during the winter term 2004/2005:

<i>Class</i>	<i>Super-intensive courses</i>	<i>Intensive courses</i>	<i>Accelerated courses</i>	<i>Special courses</i>	<i>Total courses offered</i>	<i>Total students registered for registration</i>	<i>Total applications</i>
French	2	21	29	2	54	936	1,446
English	-	2	23	3	28	521	791
German	-	5	15	3	23	362	562
Luxembourgish	-	7	18	5	30	505	628
Spanish	-	-	12	-	12	219	263
Italian	-	-	6	2	8	143	171
Dutch	-	-	3	-	3	38	38
Portuguese	-	-	3	-	3	43	50
Computer sciences	-	-	1	-	1	12	18
Self-training	-	-	-	-	-	45	60
Total	2	35	110	15	162	2,824	4,027

Certification. The CLL is recognized in contracts concluded with various institutions specialized in language evaluation as the official centre for examinations in German, English, Spanish, French, Italian, Portuguese, and Dutch. The CLL is also the official centre for examinations and diplomas in communication skills in Luxembourgish.

166. Registration for examinations :

<i>Registration for exams in</i>	<i>First session</i>	<i>2nd session</i>	<i>Total in 2004</i>	<i>Women</i>	<i>Men</i>	<i>Total in 2003</i>
Alliance Française	4	-	4	3	1	3
Min. Éduc. Nat France:						
DELFF:	131	219	350	210	140	369
DALF :	75	168	243	163	80	233
Lëtzebuergesch als Friemsprooch:	38	67	105	75	30	148

<i>Registration for exams in</i>	<i>First session</i>	<i>2nd session</i>	<i>Total in 2004</i>	<i>Women</i>	<i>Men</i>	<i>Total in 2003</i>
Cambridge University:	13	36	49	31	18	54
Goethe-Institut:	17	8	25	20	5	34
Instituto Cervantes:	3	-	3	0	3	4
Nederlandse Taalunie:	2	3	5	2	3	5
Università per Stranieri Perugia:	2	-	2	1	1	-
CAPLE :	2	1	3	1	2	-
TCF :	16	11	27	19	8	-
IELTS :						
Total :	303	513	816	525	291	837

167. Evening courses offered by the Adult Training Service, in various subject matters:

<i>Subject matter</i>	<i>2001-2002</i>	<i>2004-2005</i>
Language courses	1,387	1,869
Fine arts courses	597	716
Typing, accounting and computer sciences	238	200
Home economics courses	504	461
Humanities and social sciences	45	186
Technical courses	81	123
Literacy courses	55	65
EDIFF (special education)	-	75
Total	2,907 (69% women)	3,695 (66% women)

168. Courses in Luxembourg for persons living in the frontier zones with Lorraine, the Saarland, and Rhineland-Palatinate.

	<i>2001-2002</i>	<i>2004-2005</i>
EuRégio-Saar-Lor-Lux	389 (68% women)	509 (75% women)

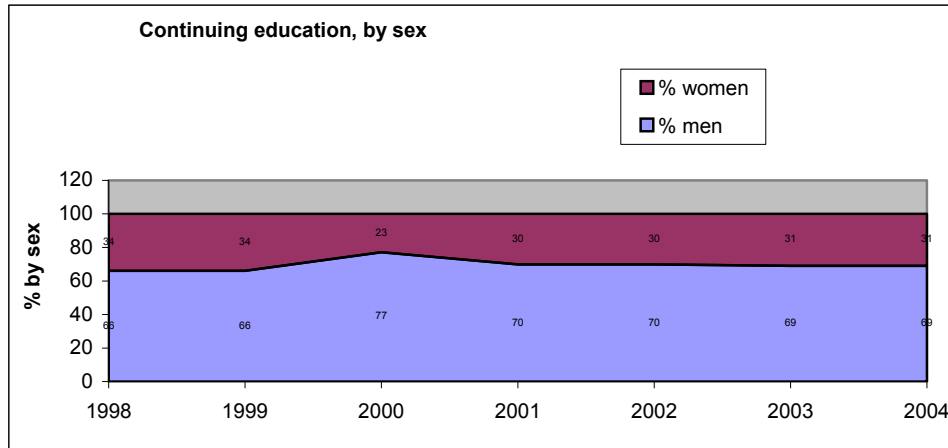
169. Computer science courses in the framework of e-Lëtzeburg.

	<i>2001-2002</i>	<i>2002-2003</i>	<i>2003-2004</i>	<i>2004-2005</i>
Number of courses	81	107	221	296
Number of participants	604	621	1,236	1,124
(% women)	70%	66%	63%	69%

170. The number of women enrolled in adult education exceeds the number of men.

Individual access to continuing vocational training:

171. The National Centre for Continuing Vocational Training (CNFPC) offers courses designed to meet the lifelong education and training needs of employees and private individuals.

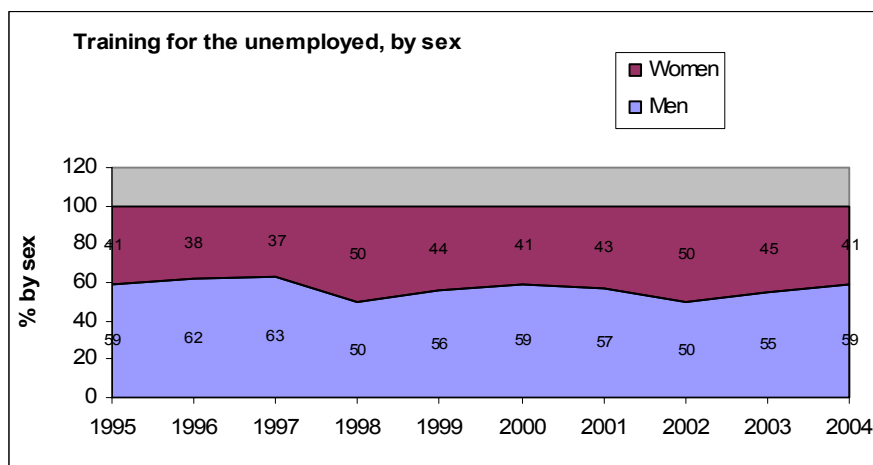


172. The CNFPC offers training in the field of information and communication technologies (ICT) as well as in various technical and trades disciplines. Women's participation is lower than that of men. The majority of women are enrolled in ICT courses.

4. *Training for job seekers (vocational retraining)*

173. The following facilities are available to persons looking for work or seeking to re-enter the labour market:

- Training provided by the National Centre for Continuing Vocational Training (CNFPC);
- Training provided by associations, businesses and municipal services;
- Training offered by the CNFPC for job seekers registered with the Employment Administration.



174. The Ministry of National Education and Vocational Training has concluded cooperation agreements with agencies that provide training exclusively for women.

175. The training courses that are offered to women only, and those where most of the students are women, prepare students for employment in the following areas:

- Office equipment operator, office clerk, receptionist, call centre employee, modern office communications, instructor in computer applications, banking, social workers, health aide;
- Mother's aide, personal care aide, child-minder, domestic employee;
- Salesperson, CITP in sales, production and sale of fruits and vegetables, supermarket employee, specialized sales.

176. Along with these facilities, a number of measures have been taken to promote learning throughout life.

177. A large-scale campaign was undertaken in 2002 to promote continuing vocational training in Luxembourg. The official launch took place on 14 January 2003, at the new web site www.lifelonglearning.lu.

178. As part of the reform of vocational training, Luxembourg will be introducing validation of previous experience that takes into account all forms of learning, formal, non-formal and informal.

179. As a corollary to a system of lifelong learning, the Ministry of Education and the Ministry of Labour will jointly sponsor high-quality programmes of guidance, information and counselling throughout life.

180. The planned reform of vocational training also calls for creating the function of adult trainers as well as appropriate methods of teaching and evaluation, from the viewpoint of lifelong learning.

181. In addition to individual leave for training, it is planned to introduce supplementary measures to promote and improve individual access to lifelong learning.

182. In summary, it may be said that women are increasing their participation in lifelong education and training, as the female employment rate rises. Women's participation in education and training throughout life is closely linked to female employment.

(f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely.

183. At all levels of education in Luxembourg, the success rate of female students is higher than that of male students. Specific measures to reduce the school dropout rate for girls have consequently been abandoned, as have programmes for girls and women who have left school prematurely.

184. Recognizing that academic success is in general highly dependent on a student's social status and mother tongue, remedial measures have been instituted in the form of special language instruction and differentiated promotion criteria, among others. Luxembourg has been making efforts for many years to integrate immigrant children.

185. Through measures such as "second chance" classes, individualized coaching for young people in the transition from school to work, tutoring, transition classes, remedial classes, literacy classes, discretionary promotion and guidance counselling, the national education system is seeking to prevent students from becoming frustrated with school and to reduce the number of those leaving early.

(g) The same opportunities to participate actively in sports and physical education.

(h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

Health promotion

186. The national education system is pursuing innovative activities in the field of health promotion, in particular for preventing substance abuse, violence, and AIDS.

187. Health promotion in the schools covers several aspects:

- Awareness campaigns among pupils, school staff and parents;
- Innovative projects in the schools;
- Continuous training for teachers, principals and psychological and support staff;
- Documentation (publications, and establishment of a documentation centre).

188. Studies have been published, in cooperation with the Ministry of Health, on "The well-being of middle-school students in Luxembourg" and "The well-being of young people in Luxembourg, international comparisons".

189. A study was prepared on the arrangement of the school-day schedule and biorhythms, looking at recess and meal times in secondary schools in relation to student nutrition, health and academic performance.

190. The fourth youth film festival, "Hautnah" (roughly "Under your Skin"), is intended to sensitize young people to matters of relevance to them, such as:

- Youth and exclusion;
- Alzheimer's and youth;
- "It's one world: cultures, nature and humanity";
- Human rights and the death penalty;
- Anti-Semitism and World War II;
- Youth: problems and hopes;
- AIDS;
- Handicaps and integration;
- Immigration and the meeting of cultures;
- Youth and absolute love;
- Globalization and social conflicts.

191. The Ministry has sponsored several local projects to promote young people's social skills in order to create a school climate free of violence and conducive to learning.

192. A coordinated effort of the Coordination, Research and Pedagogical and Technical Innovation Service (SCRIPT), the School Psychology and Guidance Services (SPOS) and the schools is aimed at preventing violence and combating substance abuse. The strategy adopted by SCRIPT, to promote projects that will reinforce student autonomy and also projects that will strengthen students' mediation capacities, has proven its worth.¹²

Article 11

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) The right to work as an inalienable right of all human beings;

(b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;

(c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training.

193. Female and male employment trends :

<i>Specification</i>	<i>1997</i>	<i>1998</i>	<i>1999</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>	<i>2004</i>
Total population	59,8	60,1	61,6	62,7	63,1	63,9	62,7	61,6
Nationals	57,0	58,3	59,6	61,6	59,2	60,9	59,6	59,7
Foreigners	64,3	63,1	64,8	64,4	68,8	68,3	67,2	64,1
Men	74,1	74,5	74,4	75,0	75,0	75,7	73,3	72,4
Women	45,2	45,6	48,7	50,1	50,9	51,8	52,0	50,6
Male nationals	72,4	73,4	73,3	75,0	71,3	73,1	70,5	70,7
Male foreigners	77,0	76,2	76,1	75,1	80,4	79,6	77,2	74,7
Female nationals	41,2	42,6	45,4	46,7	47,1	48,3	48,3	48,5
Female foreigners	51,8	50,2	53,5	54,6	56,6	57,1	57,2	53,4

Source: Statec, Labour Force Survey.

194. The pay gap.

¹² See documentation in Annex II.

Wage gap (unadjusted) between men and women 1994-2005 (situation at end of March each year)

Year	Average gross hourly earnings in € - Men	Average gross hourly earnings in € - Femmes	Unadjusted wage gap between men and women, expressed as % of average gross hourly earnings of men
1994	14.47	11.63	19.6%
1995	14.75	11.92	19.2%
1996	15.62	12.64	19.1%
1997	16.14	13.14	18.6%
1998	16.24	13.31	18.0%
1999	16.28	13.45	17.4%
2000	16.92	14.36	15.1%
2001	18.04	15.22	15.6%
2002	19.24	15.89	17.4%
2003	19.91	16.85	15.4%
2004	20.11	17.31	13.9%
2005	21.03	18.02	14.3%

Source : IGSS/Statec.

195. During Luxembourg's presidency of the Council of Ministers of the European Union, the 18 April 2005 Council meeting on competitiveness invited Member States “to formulate ambitious targets for the participation of women focussing on areas where women are seriously underrepresented, and in particular increase significantly the number of women in leading positions, with the aim of reaching, as a first step, the goal of 25% in the public sector and boosting their participation in industrial research and technology”. While plans and activities exist at the national level, a more coordinated approach to the subject is needed.

Affirmative action in private firms

196. Luxembourg legislation defines “affirmative action” (actions positives) in the private sector as “measures to create specific advantages to facilitate the pursuit of an occupational activity by the underrepresented sex or to eliminate or offset disadvantages in the pursuit of a career” (see Article 4.1 of this report, page 13). Special measures are needed to overcome gender inequalities in the workplace, and in particular to eliminate obstacles facing women’s entry and success in a professional career.

197. In 2004, the Ministry for Equal Opportunity developed a manual for preparing a gender equality plan in private firms. Using thematic fact sheets, the manual is intended to help business managers and staff representatives establish an equality plan within their organization.

198. The Ministry for Equal Opportunity provides logistical and financial support to those businesses that:

- Adopt human resource policies that respect gender equality in hiring and promotion;
- Develop an internal communication policy promoting gender equality at all levels of occupational relations;

- Create conditions for women as well as men to reconcile their working and private responsibilities;
- Develop an internal culture that gives women voice and visibility within an enterprise where women and men live and work together on a footing of equality;
- Offer supplementary training possibilities for improving skills and fostering professional development, and access to positions of responsibility for female and male staff.

199. These measures relate to several areas:

- Hiring

In hiring, it is essential to ensure a balance between the sexes, to accept women and men with equal qualifications into non-traditional occupations, and to remember that qualifications and personal suitability take precedence over sex.

- Vocational training

Training must be offered at all levels in order to exploit, reinforce and consolidate staff skills. This will at the same time enhance staff mobility. The offer of training during parental leave will also make for greater staff loyalty. New ways must be found for organizing work: job sharing, sabbatical years, annual measure of work time.

- Social measures

Because roles are shifting, men must be encouraged to take parental leave. In order to improve the ability of fathers and mothers alike to look after raising their children and to care for them in case of sickness, good practice would suggest more flexible working hours, with perhaps a reduction in working time when children are small or of school age.

- Information to employees

It is important that the purpose of these measures should be understood by employees at all levels of the firm.

200. The "Affirmative Action" network includes all firms that have received grants from the Ministry for Equal Opportunity for their efforts to promote gender equality within their organization.

Job classification and evaluation

201. The Ministry for the Advancement of Women, in collaboration with the Chamber of Commerce and the Association of Private Sector Employees, organized a training seminar in February 2004 for business leaders and human resource managers, based on the Katz and Baitsch function evaluation system ("ABAKABA"), a scientific working method for establishing a pay scale that is consistent with functional activities and equitable in light of the jobs performed by women and men. The same training was offered to male and female representatives of the unions responsible for negotiating collective agreements.

Women and business

202. In the economic area, whereas women account for 33% of the staff of companies that have a Board of Directors, they represent only 16% of the members of those boards. Twelve percent of small businesses are run by women. Women represent 16% of the heads of small businesses, where they constitute 40% of employees, and 11% of the heads of large businesses, where they constitute 33% of employees. Women represent 23% of staff representation committees (study on "Women in economic decision making, 2002").

203. On 1 December 2004, the Federation of Female CEOs of Luxembourg (FFCEL) was created, following the forum on "Women and Business: Creating a Business and Networking", sponsored by the Ministry for Equal Opportunity and the Union of Luxembourg Enterprises (UEL) in April 2004. The Federation's mandate is to defend the political and economic interests of female entrepreneurs, to raise their visibility, and to promote professional equality and parity for women and men.

Competitiveness and gender diversity

204. The Ministry for Equal Opportunity organized a panel conference in collaboration with the Bankers' Association (ABBL) and the organization of financial sector personnel managers (POG) on the theme, "Gender Diversity: a vector of competitiveness". The key messages were these:

- A winning business is one that profits from diversity in the skills and knowledge of its personnel;
- Sound human resource management that stimulates the capacities of male and female staff will help all employees do their best and thereby enhance the performance of the organization;

This event was aimed at human resource managers and officers in the financial sector.

(d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work.

205. The Law of 30 June 2004 on collective labour relations stipulates that every collective labour contract must contain provisions for applying the principle of equal pay for men and women, recording the results of collective negotiations on implementation of that principle in the establishments and businesses to which the contract applies. Collective bargaining must cover the establishment of a plan for equality in employment and pay.

206. Under the terms of the Law of 19 May 2003 on the general status of civil servants, the leave without pay to which a civil servant is entitled subsequent to maternity leave, adoption leave or parental leave is considered as a period of active service for purposes of career advancement (rank, index and pay), promotion, and the right to sit the promotion examination. The same rule applies to leave without pay taken by a civil servant to raise one or more children under the age of 15 years, or for duly substantiated personnel, family or professional reasons. In proposing this amendment the government declared its opinion that "in the context of a well understood policy to improve reconciliation of family and working life, it has become necessary to harmonize the application of these provisions. The present amendments thus introduce for all persons, men and women, working under half-time leave, and for all the period or periods in question, a benefit that is extended to

all the percentages of part-time service, on the sole condition that the beneficiary has chosen this form of work in order to devote himself or herself to child raising."

207. The project for "Equal Pay: a Challenge for Democratic and Economic Development" of the Ministry for Equal Opportunity, undertaken in the context of the European employment strategy, and in particular the Community framework strategy for gender equality (2001-2005), was one of the measures in the National Action Plan for Employment 2001 adopted by the Tripartite Coordination Committee. It pursued the Luxembourg government's strategy of integrating the gender dimension into employment creation activities and promoting female employment in order to achieve Community objectives for competitiveness and employment (European Councils of Lisbon and Stockholm).

208. On the domestic front, it provided input to the revision of the law on collective agreements, on time banking, on the organization of work, and on the wage gap between men and women, its origins and its consequences. It was supplemented by studies on employment of the elderly, the effects of parental leave on employment and equal opportunity, on the situation of women in the labour market, including one aspect that focused on women in business decision-making. The project served to increase awareness of the persistent inequalities that were discussed in the context of implementing affirmative action measures by the Ministry for the Advancement of Women in private sector firms. It brought together policymakers, the social partners, and organizations promoting gender equality in a broad debate about the wage gap between women and men. The conferences, workshops and training sessions dealt with statistical analysis and existing research, current legislation, the causes of the gap, its consequences, and the methods to be pursued to achieve equality of treatment and remuneration. The project was launched at an international conference that raised awareness of the importance of the gender dimension in the wage gap. This was followed by thematic presentations responding to the needs of business and labour organizations.

209. The following elements of the project, in particular, contributed to achieving the programme's objectives:

- Thinking about the values and practices that underlie gender inequality, its origins, its impact on individuals and on society, starting with the specific issue of pay inequality;
- Raising awareness of direct and indirect discrimination based on sex, as the first step in analyzing current policies and practices and helping to change them.

210. The project produced the following publications:

- "Equal Pay: a challenge for democratic and economic development", report on Luxembourg legislation and jurisprudence dealing with salary equality between women and men;
- "Equal pay, a challenge for democratic and economic development", studies;
- "Equal pay: a challenge for democratic and economic development, is there is still a wage gap between women and men? Guidelines for business";
- "Equal pay, a challenge for democratic and economic development", record of proceedings 2002.

211. Recognizing the de facto situation of inequality, debate and action among and with all stakeholders in the Tripartite Coordination Committee resulted in raising awareness of the phenomena, and had an impact on policies and practices. The international partnership aspect also contributed through the exchange of good practices and know-how.

Action plan for innovation and full employment

212. The National Plan for Innovation and Full Employment 2003 takes an integrated approach to gender equality as the basis for implementing the entire plan. It calls for the following measures, among others:

213. Review of the concept of childcare outside school hours.

- Childcare facilities (maisons relais): 66% increase in the number of available spaces by 2008;
- Day nurseries (crèches): increasing the number of nurseries, 33.3% increase in the number of contracted places over the years 2005/2007;
- Expansion of service with flexible and extended hours;
- Development of synergies with other childcare facilities;
- Collaboration between licensed staff and persons with practical experience.

Objective: 33% coverage for children under three years and 90% for children between three years and the compulsory school starting age, by 2010.

214. Promoting a culture of gender equality in private sector firms.

- Continuation of the "affirmative action" programme in private sector firms, in cooperation with the social partners;
- General and firm-specific evaluation of the impact of affirmative action.

Objectives:

- Increase the quality of jobs;
- Equal pay;
- Equal participation by women and men in business decision-making;
- Diversification of occupational choices for women and men.

215. Eliminating the wage gap.

- Preparation of a law governing equal pay between women and men, combining into a single law all the legislation governing gender equality in labour and employment and in access to goods and services;
- In-depth study of the causes of the wage gap (CEDAW Committee recommendation);
- Training courses in gender-neutral job evaluation and classification, in collaboration with the unions and employers.

Objectives:

- To make the laws more transparent and accessible for litigants;

- To reduce the wage gap.

216. The government has decided to retain, for a test period, the principle of a relative obligation or “obligation of means”, which could subsequently be replaced by an absolute obligation or “obligation of result” to eliminate the elements of pay discrimination that cannot be objectively explained.

(e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave.

217. The social security system, as improved in recent years, has been described in previous reports.

218. The Government-in-Council conducted an initial exchange of views on 15 April 2005 on the record of the working group on "Individualization of Rights", established pursuant to the “Rentendösch” conclusions and composed of representatives of the social partners, the National Council of Women of Luxembourg (CNFL), the Ministry for Equal Opportunity, the Ministry for Social Security, and the General Inspector of Social Security. The group's work focused on the individualization of pension rights. It concluded that the Luxembourg social security system, which vests social rights in the worker and thereby creates dependency vis-à-vis the head of the family, should be modified in order to create rights for each individual, over the medium term, and to ensure forthwith that career interruptions in the context of the existing occupational systems are covered. The Council established a working group consisting of members of the government to formulate concrete proposals for achieving these objectives.

(f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

219. All employers must take the necessary practical steps to guarantee the safety of employees and to protect their health.

220. The Law of 17 June 1994 on safety and health in the workplace issued safety rules that employers as well as employees must observe. That legislation has been reinforced by the Law of 14 December 2001.

221. Application of the Law of 26 May 2000 on protection against sexual harassment in the workplace was reported under Article 2c, page 10.

222. With respect to the protection of pregnant and nursing women, see the section on Article 2d of this chapter, page 53.

2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:

(a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status.

223. The reader is referred to the explanations given in previous reports.

(b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances.

224. The general statute of civil servants was amended by the Law of 19 May 2003 to allow part-time service for civil servants and to relax the conditions and procedures for leave without pay and for half-time leave.

Civil servants now have the right to request two years' leave without pay or one year of half-time leave (i.e. permission to convert to half-time work):

- Following maternity or adoption leave;
- Following parental leave taken after maternity or adoption leave (congé d'accueil);
- Following leave without pay granted pursuant to Article 30 (1) (concerns only half-time leave).

225. An employee can benefit from leave without pay or half-time leave:

- To raise one or more children under the age of 15 years;
- For duly substantiated personal, family or professional reasons.

226. Leave without pay and half-time leave for raising children under the age of 15 years is fully credited as service time for purposes of advancement (rank, index and pay), for promotions, and for the right to sit promotion examinations (up to 10 years maximum in the case of leave without pay). At the end of leave without pay, the employee is reinstated within his or her original department.

227. A civil servant who has taken leave without pay or half-time leave in order to raise children and for whom there is no vacancy in his or her original department, upon the expiry of that leave, is entitled to reinstatement in that department within one year.

228. The Law of 30 June 2004 on collective labour relations requires the collective contract to contain provisions recording the result of collective bargaining, which must cover implementation of the principle of equal pay between men and women in the establishments and firms to which the contract applies. In this context, the bargaining must cover the establishment of a plan for equality in employment and pay, and the means to make the firm and the continuous training it offers accessible to persons seeking to re-enter the labour market after a career interruption. The firm must make continuous training accessible to employees who are absent by reason of a career interruption for maternity, training, or sabbatical leave, so that they can keep abreast of changes in production techniques and procedures.

(c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities.

229. The government and the communes (municipalities) have made considerable efforts in recent years to increase the availability of childcare facilities outside school hours to enable parents to pursue their professional careers and to reconcile working and family life more effectively.

230. The number of communes offering childcare services is rising steadily. The government supports the communes in their efforts to provide after-school facilities, and covers 50% of any operating deficit.

231. In 1998, Luxembourg introduced early education for children beginning at the age of 3 (see Article 10b, early childhood programmes, page 29).

232. The Ministry for the Family and Integration, in close cooperation with the municipal governments, is planning to institute a broad network of flexible childcare facilities known as “maisons relais” that will serve as a “relay point” between the family home, the school and the local community. Their principal objective is to help parents reconcile their family commitments and their working obligations (see Article 2b, page 8).

(d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.

233. Under the Law of 1 August 2001 concerning protection for workers who are pregnant, have recently given birth or are breastfeeding, a pregnant or nursing woman may not be required to work between 10 p.m. and 6 a.m. if, in the opinion of the competent occupational physician, her safety or health would be jeopardized. In this case, the employer is required to reassign her to a daytime job and to maintain her pay at its previous level throughout the period necessary to protect her safety and health. If transfer to a daytime job is not technically possible or objectively feasible, the woman will be excused from work.

234. For any type of work where agents, processes or working conditions present a specific risk of exposure for a pregnant or nursing woman, the employer must evaluate the nature, degree and duration of exposure in order to assess the risk to the employee’s health or safety and the impact on her pregnancy or breastfeeding. If the evaluation reveals a risk to the woman’s health and safety or an impact on her pregnancy or breastfeeding the employer must take the necessary steps to avoid her exposure to that risk. If such arrangements are not possible, the employer must reassign her to another job and maintain her pay at its previous level or, if such reassignment is not possible, the employer must excuse her from work.

235. A list of agents and processes or working conditions is annexed to the Law of 1 August 2001, and the employer is required to identify any activities in the firm that pose a risk of exposure to those factors. A pregnant woman may in no circumstances be required to perform work that poses a risk of exposure. The employer must provide all women employed in the firm with a list of jobs that pregnant or nursing women may not perform.

3. Protective legislation relating to matters covered in this Article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

236. Observation.

Attention should be drawn to the many NGOs working for the advancement of women and for gender equality, as well as the community services that promote gender equality, and which are contributing to implementation of the CEDAW Convention through their efforts at awareness raising, information and training.

Article 12

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a

basis of equality of men and women, access to health care services, including those related to family planning.

2. Notwithstanding the provisions of paragraph 1 of this Article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

237. Life expectancy at birth is 81.0 years for women and 74.8 years for men (according to data from 2000-2002). Since the early 1980s, life expectancy has increased 3.3 years for women and 4.8 years for men. The gap between men and women has narrowed slightly.¹³

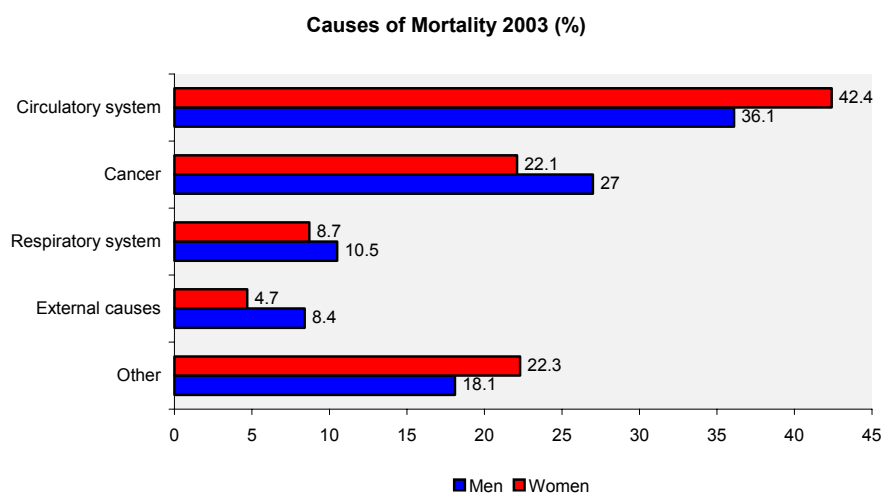
238. Decline in overall mortality: deaths/100,000

		1971-1974	1999-2002	Reduction (%)
Men	Total mortality	1,518.40	873.00	42.50
	Premature mortality	588.20	287.30	48.90
Women	Total mortality	934.23	514.00	45.00
	Premature mortality	291.90	148.60	50.90

Source: WHO, HFA database.

Since the 1970s, total mortality for men and for women has been reduced by about 44%, and premature mortality for the two sexes has been reduced by half. The total and premature mortality rates for women are still appreciably below those for men.

239. Main causes of mortality.



Source: Mortality, Health Directorate, Statistics Service.

¹³ STATEC: Statistical Yearbook 2004.

The main causes of death are the same for both sexes:

- Diseases of the circulatory system, chiefly heart attack and stroke;
- Cancer;
- External causes.

240. Deaths from diseases of the circulatory system (WHO, HFA database).

**Decline in total and premature mortality from cardiovascular diseases:
deaths/100,000**

		1971-1974	199-2002	Reduction (%)
Men	Total mortality	688.32	314.34	54
	Premature mortality	200.02	66.21	69
Women	Total mortality	443.06	200.35	54
	Premature mortality	77.97	26.60	66

Since the 1970s, total mortality for men and for women has been reduced by 54%, and premature mortality for the two sexes has been reduced by two-thirds. The total mortality rates for women are no different from those for men, while there is a significant difference in premature mortality rates.

241. Deaths from cancer.

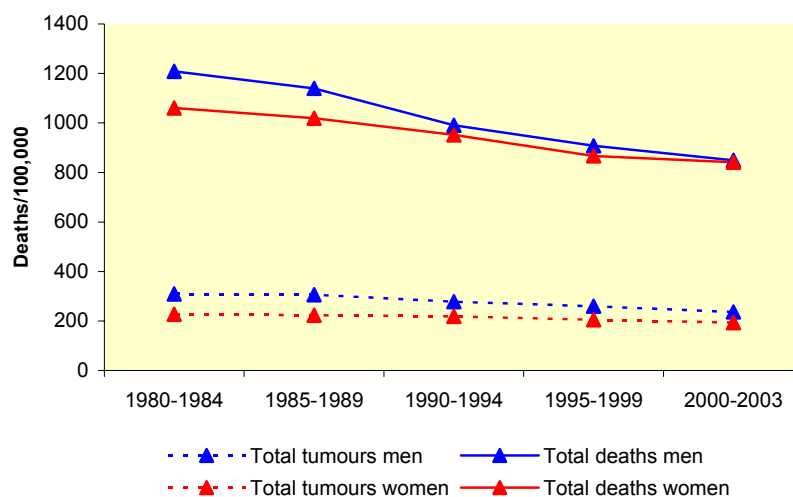
**Deaths from the cancers that are most frequent in Luxembourg
Deaths/100,000**

		1980-1984	1985-1989	1990-1994	1995-1999	2000-2004
Total mortality	Men	1208.50	1138.50	998.10	912.80	844.00
	Women	1064.70	1019.60	955.80	872.50	828.50
Cancer mortality	Men	309.38	305.90	277.87	259.60	239.10
	Women	226.69	223.28	218.93	205.07	189.50
Colorectal	Men	35.20	36.80	28.60	28.80	27.70
	Women	35.40	35.50	32.60	29.40	23.40
Lungs	Men	100.40	98.80	84.00	78.70	68.20
	Women	12.20	15.50	17.10	20.70	20.00
Melanoma	Men	2.20	1.40	1.10	2.60	3.50
	Women	2.00	3.50	2.20	2.70	3.60
Breast	Women	41.10	44.30	42.70	34.70	34.90
Cervix	Women	3.70	4.20	4.10	2.20	1.90
Uterus	Women	10.90	8.80	9.10	5.90	1.20

Source: Mortality, Health Directorate, Statistics Service.

242. Total and cancer-specific mortality in Luxembourg declined by 30% from 1980 to 2004. The decline was more pronounced among women than among men.

Total and cancer-related mortality

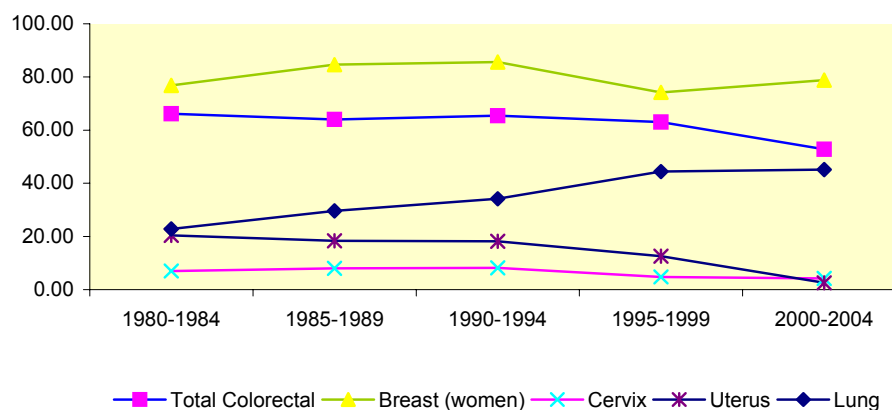


Source: Mortality, Health Directorate, Statistics Service.

243. With respect to female cancers, there has been a considerable decline since 1980 in mortality from cancers of the cervix, large intestine, and breast. However, at the same time there has been a significant increase in mortality rates from lung cancer, rising from 12.2/100,000 in 1980-84 to 20.10/100,000 in 2000-2003.

Mortality rates from the most frequent female cancers

Women



Source: Mortality, Health Directorate, Statistics Service.

244. Cancer death statistics for women show that the most frequent tumours (2000/2004) are:

- Breast cancers;
- Colorectal cancers;
- Lung cancers;
- Gynaecological cancers (ovaries, uterus and cervix, 6.2%).

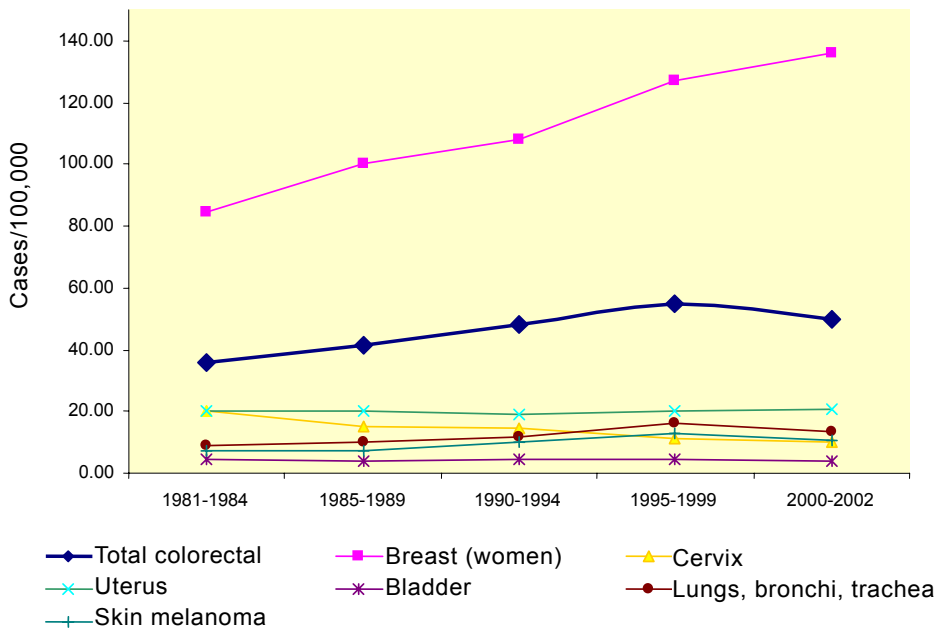
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Early cancer detection

246. The total incidence of cancer is rising among both women and men. This trend is explained, in part, by better diagnostic techniques and by systematic early-detection programmes.

Total cancer	1981-1984	1985-1989	1990-1994	1995-1999	2000-2002
Men	331.53	352.73	397.53	442.11	469.2
Women	276.75	308.9	334.87	378.58	373.94

Incidence of the most frequent female cancers: incidence/100,000



Source: Morphological Register of Tumours (RMT).

247. Cervical cancer screening.

Following the introduction of cervical cancer screening in 1964, the incidence rate declined from 20.24/100,000 in 1980-84 to 10.60/100,000 in 1998-2002 (RMT).

248. Large intestine cancer screening.

In 2002, colorectal cancer was the second most frequent form of cancer for both sexes, accounting for 14% of all cancers detected. Among women, this figure is 13%, and is second only to breast cancer, which represents 37% of female tumours. Among men, it accounts for 13%, and is second only to prostate cancer, which accounts for 32% of male tumours. This fact is also illustrated by the significant increase in the incidence of this type of cancer, which for women rose from 36 per 100,000 in 1981-84 to 52.80/100,000 in 1998-2002 (RMT).

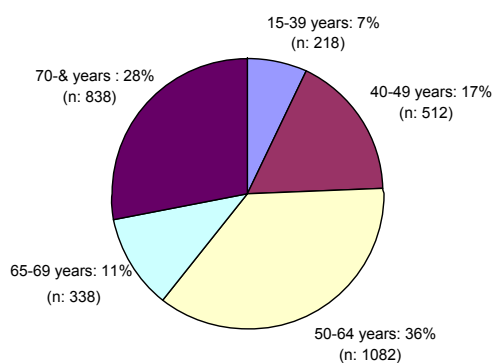
249. Awareness campaign. Efforts to encourage early detection of colon cancer began in 2000, with information and awareness campaigns for physicians and the general public, and were stepped up in 2004. During the month of March, declared worldwide as "Colorectal cancer prevention month", the Ministry of Health expanded its awareness activities by launching a new campaign for colorectal cancer screening.

250. Screening for skin cancer, in particular melanoma. Skin cancer is common in Luxembourg. In 2002, according to the RMT, 212 new cases of skin cancer were detected, 60 of them involving melanoma. The incidence of skin melanoma rose from 7.05/100,000 in 1984-89 to 10.51/100,000 in 1998-2002 (RMT).

251. Awareness campaign. In 2005, the 30th of May was declared Euro Melanoma Day for combating skin cancer, with the theme "The sun is not just harmful on summer vacation". On that occasion, the Ministry of Health, the Medical-Social League, and the Dermato-Venereology Society launched an awareness campaign that lasted throughout the year.

252. Best cancer screening. Breast cancer is the most frequent cancer among women of all ages. In 1992 a national mammography programme was introduced for women aged 50 to 64 years. Since 2001, that programme has been extended to women between the ages of 65 and 69.

New cases of invasive breast cancer by age bracket among women (1992-2002)
N = 2989



Source: RMT.

253. Nearly 50% of new invasive breast cancers are detected in women between the ages of 50 and 69 years. When compared with the incidence of breast cancer in Luxembourg over the periods 1985/89 and 1998/2002, the rate is stable for women 40 to 44 years, but has jumped 20% for women between 45 and 49 years. Whether to extend organized screening to women younger than 50 years, and in particular for those between 45 and 49 years who are at increased risk, is a decision for public health policy. European recommendations on this point are expected.

254. With respect to breast cancer, the clearest change in the year-to-year pattern coincides with the launch of the national mammography programme for the early detection of breast cancer in 1992. The pattern seems, then, to reflect the advent of improved screening.

Results for the years 1999/2002 (women aged 50 to 64 years)

255. Since 1999, the participation rate has remained stable. In 2001/02, among the 100 invasive cancers, more than a third (36%) were 1 cm in size or smaller, nearly two-thirds (62%) were 1.5 cm or smaller (European recommendations: more than 50%). In-situ cancers account for 17% of total cancers. More invasive cancers smaller than 15 mm were detected in 2001 (75%), but only 53% in 2002. The proportion of tumours devoid of ganglion invasion (N-) has remained > 70%. The percentage of women having had a preoperative diagnostic procedure for breast cancer has not yet reached the 70% recommended in the European Guidelines, and was only 51% in 2002. The "benign-to-malignant" biopsy ratio has remained stable, i.e. of every four women operated, three were operated for cancer.

256. Since 2001, women between the ages of 65 and 69 have been systematically invited for screening. In 2001/02, there were 8,512 invitations issued, and 4,438 women participated, for a participation rate of 52%. Among the 38 invasive cancers, one in four (24%) was less than 1 cm in size, nearly two-thirds (61%) were smaller than 1.5 cm (European recommendations: more than 50%). In-situ cancers represented only 3% of the total number of cancers.

Evaluation of the Mammography Programme (PM) in light of the "European Guidelines for Quality Assurance in Mammography Screening": 1999/2002 results.

257. Diagnostic follow-up was encoded and evaluated for 1360 cases involving women aged 50 to 64 years who showed an anomaly during the mammography screening. The participation rate did not reach the desirable level, while three parameters exceeded the reference rates. The recall rate is still fairly high, although this number includes 17% of women recalled for ultrasound examination of dense breasts.

<i>Performance parameters</i>	<i>Acceptable</i>	<i>Desirable</i>	<i>199-2000</i>	<i>2001-2002</i>
Participation rate	60%	75%	60%	59%
Recall rate	7%	5%	6.98%	6.66%
Invasive cancers ≤ 10 mm	PR*	25%	29%	36%
Rate of benign biopsies (for 1,000 women screened)	5	4	2.77	2.01
Ratio benign/malignant biopsies	2 for 1	1 for 1	0.42	0.34

* No referrals.

258. A new agreement was published in November 2003 between the Ministry of Health and the Health Insurance Association on a programme for early detection of breast cancer through mammography. According to that agreement, a scientific and technical commission has been created, covering the various health professions involved in mammography screening. At the end of 2004, the Minister of Health assigned 18 radiologists and 23 medical technical assistants in nine hospitals, to carry out this work.

259. The Mammography Programme managers are preparing to transpose demographic, medical and epidemiological data from the Mammography Programme into the Radiological Information System, in order to facilitate transmission of mammographic data among the nine radiology centres.

Awareness campaign

260. In 2005 a third campaign was launched, designed to increase the participation rate. During the month of October, worldwide cancer month, the "race against breast cancer" was organized under the sponsorship of the Ministry of health, the Ministry for Equal Opportunity, and the Ministerial Department for Sports, with the participation of Europa Donna Luxembourg, an organization of women who have had breast operations. The web site - www.mammographie.lu - is updated regularly.

261. Lung cancer. While the mortality rate from lung cancer among men declined by 13% since 1980, it is still one of the highest in the European Union, and is well above the European average. Among women, lung cancer deaths have risen by more than 47% since 1980. Given the change in women's smoking habits over the last decades, and considering that lung cancer appears in the population with a lag of some 20 years, it is feared that these rates will grow still further.

While the smoking habits seem to be on a downward trend among men, the same cannot be said for women.

Smoking in Luxembourg

262. Prevalence of smoking in 2004.

<i>Age</i>	<i>Proportion of women who smoke</i>	<i>Proportion of men who smoke</i>	<i>Total smokers</i>
15-17 years	20%	28%	28%
18-24 years	40%	53%	52%
25-34 years	34%	45%	42%
35-44 years	32%	36%	38%
45-54 years	29%	41%	34%
55-64 years	19%	22%	22%
65-74 years	14%	24%	14%
75 years and more	6%	18%	10%
Total	26%	36%	31%

Sources: Tobacco Consumption in Luxembourg, Luxembourg Cancer Foundation (2004).

263. Women continue to smoke less than men. The number of women who smoke has remained relatively stable, at around 25%, well below the rate for men (36%).

264. The situation is more alarming among young people. A recent study on young people's health (the first of its kind to be done in Luxembourg)¹⁴ revealed that 25 per cent of students between 12 and 20 years of age smoke every day. The proportion of regular smokers is slightly higher among girls (25.8 per cent) than among boys (24.5 per cent). At 18 years of age, the proportion of girls who smoke regularly is significantly higher than the proportion of boys (39.6 per cent to 35.2 per cent).

265. According to a 2004 survey by the Polling and Survey Institute (ILRES) on smoking in Luxembourg, commissioned by the Luxembourg Cancer Foundation, 30% of the population aged 15 years and over are smokers, versus 70% who are non-smokers. While this ratio has hardly changed in recent years, the proportion of young smokers, between the ages of 15 and 34, has been rising. Among males there continue to be proportionately more smokers than among females (36% versus 26% in 2004), but the percentage among women shows a rising tendency. For this reason, the current government included in its government programme the following statement: "The Government will submit draft legislation to improve protection for non-smokers. Specialized stop-smoking consultations will be offered".

266. On the occasion of World No Tobacco Day 2005, a network of health professionals was constituted to promote tobacco prevention in health institutions. Health professionals can in fact help to reduce tobacco consumption and its harmful effects by acquiring knowledge and skills on issues relating to tobacco and smoking prevention. In April 2005, a situation report was produced on antismoking policies in these settings. A second study will be conducted in 2006 to obtain representative data on tobacco consumption in this particular sector, recognizing that more than half of its employees are women.

Efforts at the European and national levels

267. The WHO Framework Convention on Tobacco Control was adopted on 21 May 2003 in Geneva by WHO member States, and was signed by Luxembourg on 16 June 2003. On 4 May 2005 the Chamber of Deputies unanimously ratified the Framework Convention. During Luxembourg's presidency the European Union launched a "Help" campaign to encourage smokers to quit.

268. As part of the government programme, the Minister of Health is committed to establishing a network of multisector partners on tobacco control, to be coordinated by the Health Directorate, for purposes of pursuing this strategy in the National Health Plan in 2006.

269. In addition to these legislative measures, there is also a need for prevention strategies as part of a more comprehensive plan to promote healthy living habits (developing psycho-social skills among young people, promoting a healthy lifestyle, etc.). It is important as well to pursue awareness-raising activities among young people, and also in the schools, families, the workplace, public places, etc.

Promoting healthy lifestyles

Preventing osteoporosis

¹⁴ Dr Yolande Wagener. The health of young people in Luxembourg. Legal and illegal drugs (*L'état de santé des jeunes au Luxembourg. Drogues légales et illégales*). Graduating thesis for the diploma programme in public health. School of Public Health, Faculty of Medicine, Henri Poincaré University, Nancy, 1999-2000.

270. Osteoporosis, sometimes called the "silent epidemic", is a malady of the bones that afflicts one woman in three. Annual data on Luxembourg for 1999 and 2000 from the Health Insurance Association indicate that about 550 persons have suffered a hip fracture. On the occasion of World Osteoporosis Day 2004, the Preventive Medicine Division of the Ministry of Health organized an awareness campaign targeted at three distinct audiences: children, menopausal women, and the elderly.

271. This campaign, under the slogan "Osteoporosis - Not Me! And You?", involved participation by the medical profession, retirement and old-age homes, pharmacies, hospitals, youth services, and NGOs.

Diet and exercise

272. Women are more aware of the importance of proper diet in preventing disease and they pay greater attention to dietary problems, but are less likely to participate in a sport in order to stay in good health.¹⁵ An evaluation of education and health promotion campaigns suggests that women are more aware of the importance of a healthy diet in preventing disease, they participate more readily in initiatives for the prevention and early detection of disease, and they often serve as instigators and motivators within their family and their social circle. On the other hand, they are less likely to engage in physical activity and sports in order to remain in good health.

Sexual and reproductive health

273. On 1 August 2001 a law was adopted regulating measures to improve the safety and health of working women who are pregnant, have recently given birth, or are breast-feeding children.

274. Many efforts have been made to promote breast-feeding.

Breastfeeding in Luxembourg (% of births)

<i>Year</i>	<i>First days</i>	<i>4 months</i>	<i>6 months</i>	<i>12 months</i>
1987	75.1	13.1	10.3	
1994	86.1	30	23.9	3.7
2001-2002	87.7	58.3	41.9	14.3

Source: Study on maternal breast-feeding in Luxembourg, health directorate and Ass. Liewensufank, unpublished data.

275. A specialized medical centre for assisted procreation has been created at the *Centre Hospitalier du Luxembourg*.

276. To improve medical and psychosocial care and monitoring for economically disadvantaged pregnant women and their babies, a number of cross-sectoral projects have been initiated by medical and social professionals and institutions.

277. Sex education is now no longer regarded as the exclusive preserve of specialized professionals. A multidisciplinary and intersectoral approach has been adopted, and many efforts have been undertaken to integrate sex education into the

¹⁵ Anne Aubrun. Do Luxembourgers think they are in good health, and what are they doing to stay that way? (*Les Luxembourgeois se sentent-ils en bonne santé et que font-ils pour la préserver?*). CEPS/INSEAD. PSELL document No. 108, 1997.

various spheres of life and learning for young people (schools, communes, medical and social services, youth organizations).

278. Information has now been prepared on the availability of the "morning-after pill" (which has been sold freely since 1 May 2005) and on the sexual and emotional health of young people, in collaboration with a network of professionals from the Ministry of Health, the Ministry of National Education, the Ministry of the Family, family planning centres, and the Aidsberodung.

279. Since its creation in 1965, the " Family Planning" centre has steadily expanded its activities. Currently there are three centres for a population of 434,000, and in 2001 they received 17,000 visits for medical or psychological consultations.

280. Data on sexual habits, contraception practices, and sexual violence were collected during a study on the well-being of young people in Luxembourg, covering 28% of adolescents between the ages of 13 and 19 years. The study's methodology was that of the survey protocol in the WHO publication "Health Behaviour in School-age Children" (source: Ministry of Health and Ministry of National Education, 2002).

281. The distribution, prescription and administration of the drug Mifegyne for medical abortion was authorized on 17 January 2001.

HIV/AIDS

282. In 1984 a Multidisciplinary Committee for AIDS Surveillance was established by ministerial decision. The committee's strategy is based on close and systematic cooperation among all stakeholders, whose activities are coordinated in accordance with a common plan of action.

283. Its objectives are:

- Epidemiological surveillance of AIDS incidence, prevalence and mortality, as well as the early detection of groups exposed to particular risks (prisoners, prostitutes, immigrants, etc.) and rapid response by the public health system;
- Health promotion and education among the general public, youth, trainers, at-risk groups, etc.;
- Lobbying and political awareness raising in the medical, legal, social and educational communities;
- Creation of assistance and support associations.

The trend of AIDS in Luxembourg

<i>/100.000</i>	<i>1985-1989 Incidence*</i>	<i>2000-2004 Incidence</i>	<i>1985-1989 Mortality**</i>	<i>2000-2004 Mortality</i>
Men	12.5	14.3	2.7	1.2
Women	2.3	5.9	1.1	0.3

* Activities report of the AIDS Surveillance Committee.

** Mortality, Health Directorate, Statistics Service.

284. As in other European countries, the incidence of HIV in Luxembourg is rising. On the World AIDS Day, in December 2005, the various partners active in

HIV/AIDS awareness and prevention activities were mobilized to conduct a campaign together with field actions.

General observations

285. In recent years a number of efforts have been made to focus studies more squarely on women's health. Programmes for health promotion and prevention and the early detection of diseases have been prepared. Specific projects aimed at youth are promoting a shared responsibility for sexual conduct and procreation. Various measures have been taken to break the wall of silence around sexual violence and to sensitize the general public, policymakers, health professionals and social workers to this serious problem. Specific initiatives have been implemented to protect pregnant women and their babies.

Article 13

States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

- (a) The right to family benefits;*
- (b) The right to bank loans, mortgages and other forms of financial credit;*
- (c) The right to participate in recreational activities, sports and all aspects of cultural life.*

286. There are no new developments since the 2003 report.

Article 14

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.

2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:

- (a) To participate in the elaboration and implementation of development planning at all levels;*
- (b) To have access to adequate health care facilities, including information, counselling and services in family planning;*
- (c) To benefit directly from social security programmes;*
- (d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;*
- (e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self employment;*

(f) *To participate in all community activities;*

(g) *To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;*

(h) *To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.*

287. The reader is referred to the third periodic report of the Grand Duchy of Luxembourg, in which Luxembourg's geographic situation was described to provide a better understanding of the situation of women in rural areas. It will be recalled that the short distances between localities facilitate the integration of rural women into all rural and economic development activities. Rural women have exactly the same access to education and initial and further training as women in other parts of the country. All health services, with their family planning information and advice services, are provided in the country's various regions.¹⁶

Agricultural activity

<i>Agriculture</i>	<i>Men</i>	<i>Change</i>	<i>Women</i>	<i>Change</i>
1997	2,490		1,763	
2002	2,198	-13.30%	1,524	-15.70
2005	2,108	-4.29%	1,422	-7.18

288. The Communication of 14 April 2000 from the European Commission to the Member States laying down guidelines for the Community Initiative for Rural Development (Leader+), Mechanisms and Measures, Development Strategy, states: "The Commission, concerned about equal opportunities and convinced that women and young people represent a key to the development of rural areas, would like support to be given as a priority to strategies which seek to enhance the job opportunities and/or activities for these target groups." The Leader+ Programme for the Grand Duchy of Luxembourg covers all rural regions and embraces 86 rural communes.

289. The national Leader+ programme calls for integrated and sustainable development based on broad partnership, with the emphasis on participation by women and young people, through upgrading and making use of human, natural and economic resources, and in particular through using new technologies and know-how and creating new democratic units for regional development, to ensure that activities will continue beyond the programmed period.

290. Two Leader+ regions have created offices and facilities where women and men can meet to promote equal opportunity and foster better collaboration between the two sexes. These are the Redange-Wiltz (North) region, with its Gender-Haus, and Echternach (South), with the *Mouvement pour l'Égalité des Chances*.

291. The Gender-Haus ("Gender House") offers seminars, thematic workshops, conferences and continuous training for people seeking to re-enter the workforce. Other women's associations at the regional, national and international level are working together and holding meetings to exchange information on gender policies.

¹⁶ See the third periodic report of the Grand Duchy of Luxembourg.

The promotion of equal opportunity helps to strengthen democracy between the two sexes by involving all stakeholders of the region in collaboration. The "Young Gender Project" is targeted at young people of different origins. Social integration will help to develop the mutual respect necessary to learn from each other.

292. The *Mouvement pour l'Égalité des Chances* ("Movement for Equal Opportunity", MEC) is committed to equal opportunity between men and women in the social and vocational fields in the region of Müllertal (East). Its objective is to create decentralized facilities in the countryside to improve the quality of life and to offer vocational training. The MEC offers computer training and language courses for women. It is working on twinning arrangements for the exchange of information with women's movements abroad, and is also planning to build a meeting centre with a library.

293. Moreover, the northern region, where the unifying theme is new technologies, has established "Internet Stufen" (public spaces with Internet access) offering computer training courses for the entire rural population. The Moselle region (East) is pursuing projects to conserve cultural and historical heritage and to promote local agricultural products. These themes are of interest to women and men of all ages.

Part IV

Article 15

1. *States Parties shall accord to women equality with men before the law.*
2. *States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.*
3. *States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.*
4. *States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.*

294. The Law of 9 July 2004 on the legal effects of certain partnerships establishes rules of solidarity and responsibility between unmarried partners, granting them social protection and various forms of tax relief. These rules draw heavily upon those applicable to marriage, although the equivalency is not complete. In effect, Parliament has sought to institute a new legal regime that, while similar to marriage, is in fact a “light” version of marriage.

295. With respect to property effects, partnership creates a minimum of rights and obligations between the parties, applicable to all declared partnerships (primary regime). The law however allows partners to go beyond this minimum or this primary regime and to regulate their domestic life in greater detail by means of a contract, which will be valid provided it does not contravene the provisions for the primary regime.

296. Persons who have joined together in a partnership will provide each other “material aid”: this “material aid” ceases in principle when the partnership is dissolved, unless the partners have agreed otherwise. However, on an exceptional basis, alimony or maintenance may be awarded by the court to one of the partners, bearing in mind that person’s needs and the financial situation of the partner who must pay. Any such duty of alimony will cease if the person claiming it should marry or enter into a new partnership. The two partners are expected to contribute to the expenses of the partnership in proportion to their ability.

297. The partners are jointly and severally liable for debts they contract, together or individually, to meet the current living expenses of their household and their housing expenses, and this liability extends beyond the end of the partnership for debts that arose during it. The law provides special protection for the joint home. Neither partner may dispose of the rights to the home and its furnishings without the other’s consent. The partners are free to favour each other in a living will or testament.

298. The law regulates certain aspects of social security and guarantees social protection to partners who are not personally affiliated. Under the former legal provisions governing sickness insurance, accident insurance and pension insurance,

an unmarried partner could not claim survivor pension rights. Problems arose if one of the partners had no occupational activity.

299. In terms of taxation, the law takes into account certain aspects of the partnership both with respect to registration and succession rights and to direct taxation. The law subjects succession shares between declared partners to the same rules as those governing succession between married persons and their surviving spouse. The partnership must however have been declared three years before the opening of succession proceedings. Gifts within a partnership are also subject to the same rights as gifts between spouses. With respect to direct taxes, there is a special allowance or deduction for extraordinary expenses relating to the "material aid" that partners must give each other. This deduction is applicable only if one declared partner is a dependent of the other.

Article 16

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

- (a) The same right to enter into marriage;*
- (b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;*
- (c) The same rights and responsibilities during marriage and at its dissolution.*

300. Article 296 of the Civil Code currently provides that a woman divorced through a divorce proceeding for a determined cause may remarry as soon as the judgment or decree pronouncing the divorce is definitive, provided at least 300 days has elapsed since the application for divorce. In the case of divorce by mutual consent or on the basis of a separation for three years, this provision does not apply. During its examination of the fourth periodic report of Luxembourg, the Committee requested the State to take the necessary measures to amend this discriminatory situation.

301. The draft law reforming divorce, which was submitted to the Chamber of Deputies on 15 May 2003 by the Minister of Justice (Parliamentary document 5155) introduces into the Civil Code a new Article 257, replacing the current Article 296, to abolish the waiting period in case of divorce for determined cause. According to this Article, either spouse may henceforth remarry as soon as the decision pronouncing the divorce has acquired the force of *res judicata*.

302. The draft bill on divorce would abolish divorce for fault, and the government considers it necessary also to amend the current system of alimony to make it more equitable. As the government sees it, the current system creates significant disparities between the two spouses that work primarily to the disadvantage of the woman. It considers that financial assistance should not simply have the character of maintenance, but that it should also compensate to some degree the disparities that the break-up of the marriage creates in many situations, recognizing more particularly the length of the marriage and the time already devoted or that will still have to be devoted to raising the children.

303. At the same time, the government has instituted a working group to formulate concrete proposals for individualizing pension rights. It has been recognized for some time that the Luxembourg social security system, which vests social rights in the worker and thus creates dependency vis-à-vis the head of family, should be amended in order to create rights for each individual, over the medium term, and to ensure forthwith that career interruptions in the context of the existing occupational systems are covered.

(d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount.

304. The divorce bill mentioned above provides that, in the absence of an amicable agreement by the parents on the exercise of ongoing parental authority over their minor children, on their place of residence and on support for their maintenance and their education, or if that agreement appears contrary to the interests of the child, the court will grant parental authority to one or other of the spouses or to a third person. The bill specifies that the arrangements for the exercise of joint parental authority must be determined in the best interests of the children.

305. Currently, the law provides that the court must grant custody of the children to one or other of the spouses, or to a third person, but does not provide for the joint exercise of parental authority by divorced parents.

(e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;

(f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;

(g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation.

306. The draft bill on the patronymic name of children, submitted to the Chamber of Deputies on 13 September 2001 by the Minister of Justice, was described in detail in the fourth periodic report. That bill was adopted by the Chamber of Deputies on 15 December 2005 (see Article 2b, page 8). By allowing the parents to choose the surname they wish to give their children, the new law establishes perfect equality between men and women by giving both parents equal rights. The law provides a rule for transmission of the common name to children born in or out of wedlock. By virtue of the new provisions, parents may choose to give their child either the father's surname or the mother's surname, or both, in the order they select, but limited to one name per parent. If the parents cannot agree on the name for their child, the child will bear the name of its father and the name of its mother in the order determined by lot by the civil registrar. The parents will make their choice at the time they register the birth of their first child. By virtue of the principle of unity of names, the choice made for the first child will hold for any of the couple's children to come. Thus, all the children of the same couple will bear the same name.

307. The bill also provides for a degree of retroactivity for the new family name provisions. While the law should apply in principle only to children born after it

comes into force, it will be possible for the parents to request, within 18 months after the legislation comes into effect, that their child be given another name, in accordance with the new rules applicable for the passing on of names.

308. By virtue of former Article 56 of the Civil Code, it was the father who registered the birth of the child, or in his stead the physician, midwife, or other person in attendance at the delivery. That article made no reference to the mother. Even if, in practice, it would be unusual for the mother to register the birth of her child, since the deadline for registration of the birth and the period of post-delivery hospitalization could well overlap, it seemed appropriate to amend Article 56 of the Civil Code, and to include the mother among the persons who may register the birth of a child, in order to avoid any discrimination between the father and mother.

(h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

309. There are no new developments to report.
