



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

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**Committee on the Elimination of Discrimination
against Women**
Twenty-eighth session

Summary record of the 602nd meeting

Held at Headquarters, New York, on Wednesday, 22 January 2003, at 3 p.m.

Chairperson: Ms. Açar

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The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

Fourth periodic report of Luxembourg (continued)
(CEDAW/C/LUX/4; CEDAW/PSWG/2003/I/CRP.1/Add.4and CRP.2)

1. *At the invitation of the Chairperson, the members of the delegation of Luxembourg took places at the Committee table.*

2. **The Chairperson** invited the members of the delegation of Luxembourg to continue answering the questions raised at the previous meeting.

3. **Ms. Ecker** (Luxembourg) said that the law on the burden of proof in cases involving gender-based discrimination had been transposed from a European Union (EU) Council Directive which applied to the area of employment. That Directive had been adopted during the Luxembourg Presidency of the European Union, and Luxembourg considered it to be a significant step forward, since it reversed the burden of proof. Although it applied only to the workplace, it had a bearing, for instance, on such matters as sexual harassment.

4. **Ms. Schöpp-Schilling** remarked that the Committee had pondered the importance of the EU Council Directives in comparison with the provisions of the Convention. She wished to know whether the Convention had been used as the basis for any legislation in Luxembourg.

5. **Mr. Flinterman** said he understood that under Luxembourg law international treaties could be invoked in courts by individuals, and that if they conflicted with national law, the international instruments took precedence. If he understood correctly, the judiciary determined whether a treaty provision was directly applicable. Apparently, in recent cases, Luxembourg courts had concluded that provisions of the Convention were not self-executing. On the other hand, if a law conflicted with the provisions of an international convention, it should in principle be declared null and void. It would be useful to have the view of the executive branch on the applicability of the Convention, particularly since Luxembourg had signed the Optional Protocol, which

was grounded in the assumption that the provisions of the Convention could be invoked before the courts.

6. **Ms. Morvai** said that the practice of providing special visa permits to cabaret dancers should be halted, since cabaret dancing was linked to trafficking in women and to prostitution.

7. **Ms. Gaspard** requested further information on the legal status of immigrant women. Apparently, the status of a non-working spouse depended on that of the working spouse, meaning that immigrant women did not have autonomous status. The State party should indicate whether, in the case of divorce, a woman could obtain a residency permit or was obliged to leave the country, or whether if a husband left the country, his wife could choose to stay.

8. EU member countries were required to bring their legislation into conformity with the EU Council Directives, but so far only in the area of employment. Luxembourg should carefully review the provisions of the Convention, which were far broader in scope, and adapt its legislation to them.

9. **Ms. Jacobs** (Luxembourg) said that while her Government naturally had obligations in relation to the EU Council Directives, it must nonetheless ensure that they did not conflict with the Convention. European countries had recently begun transposing Directives in areas other than employment into their national law. Nevertheless, despite much common ground between the Directives and the Convention, there were many areas not covered by EU law.

10. Luxembourg had made efforts to organize conferences on such issues as the relationship between national and international law; however, it was sometimes difficult to interest jurists in that subject.

11. **Ms. Ecker** (Luxembourg) said that since jurists and lawyers were generally unfamiliar with the Convention, it was rarely invoked. It would indeed be important to provide them with information about that instrument. With the ratification of the Optional Protocol, she trusted that the Convention would be more frequently invoked in the Luxembourg courts.

12. **Ms. Jacobs** (Luxembourg) said that her Government had been considering ending the practice of granting special permits to cabaret dancers. It feared, however, that such persons would continue to operate clandestinely and that it would be impossible to monitor their activities. It was of paramount

importance to educate young girls about the dangers of such activities. A conference would soon be held in her country on prostitution and trafficking in women.

13. Prostitution could not be halted from one day to the next. Sweden had outlawed prostitution, but that did not mean that it no longer occurred. It was also important, in her view to focus on men's responsibility for prostitution in their roles as clients, pimps and traffickers.

14. All Europeans were entitled to work permits and residency permits. Immigrants from other countries could obtain residency permits once they had already obtained work permits. Those regulations applied equally to men and women.

15. **Ms. Belmihoub-Zerdani** said that Luxembourg should strive to appoint as many women as possible to the Council of State, since women would be more likely to offer a progressive interpretation of legislation in the interests of women.

16. **The Chairperson** commended Luxembourg on its fourth periodic report and thanked the delegation for its constructive and useful dialogue with the members of the Committee. She urged Luxembourg to withdraw its reservation to article 7, regarding rules of succession to the Crown of the Grand Duchy, which were based on male primogeniture, and to article 16, regarding a child's patronymic name. The withdrawal of those reservations would send a strong signal on behalf of women to Luxembourg society and to the international community as a whole. She looked forward to the ratification of the Optional Protocol and of the amendment to article 20, paragraph 1, of the Convention.

17. The Committee appreciated the Government's efforts in the area of law and policy, but would appreciate further details on the results of such measures. In particular, it hoped to see greater progress in the representation of women in decision-making positions, and improved gender equality in the workplace. It was critically important to transform the attitudes of both men and women, and it was to be hoped that the next report would demonstrate progress in that area. Lastly, she trusted that the Government would widely disseminate the Committee's concluding comments on its fourth periodic report.

18. **Ms. Jacobs** (Luxembourg) said that her Government would continue its efforts to achieve equal opportunities for women and men. She thanked the Committee for its work to improve the status of women throughout the world.

The meeting rose at 3.35 p.m.