



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

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

Summary record of the 822nd meeting

Held at the Palais des Nations, Geneva, on Wednesday, 23 January 2008, at 10 a.m.

Chairperson: Ms. Šimonović

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The meeting was called to order at 10.05 a.m.

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

Fifth periodic report of Luxembourg
(CEDAW/C/LUX/5, CEDAW/C/LUX/Q/5 and Add.1)

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

2. **Ms. Jacobs** (Luxembourg) said that, in February 2006, the Government had adopted a national plan of action for gender equality. Each Ministry had drawn up measures and set itself specific targets. The plan of action would be monitored by gender equality experts and evaluated at the end of the legislative period according to indicators for each measure and for the process as a whole. The Government had been guided by the Beijing Declaration and Platform for Action and had included the Committee's recommendations in the measures to be adopted. The shift of focus from the advancement of women to gender equality should encourage men to assume more responsibility for gender equality.

3. She was proud to report that Luxembourg had withdrawn its reservations to article 7 and to article 16, paragraph 1 (g), of the Convention. However, the constitutional revision would not be completed until 2008. The draft article concerning succession to the throne currently envisaged an order of succession based on primogeniture. Since the relevant reservation had been withdrawn, the revision should be completed sooner. The final text would be sent to the Committee upon adoption.

4. Since the submission of Luxembourg's previous report, the principle of gender equality had been strengthened at various levels. She mentioned, in particular, its enshrinement in article 11, paragraph 2, of the Constitution, as a result of which women could assert their right to equality before the courts; the Act of 21 December 2007 implementing the principle of equal treatment between women and men in the access to and supply of goods and services, which prohibited discrimination based on sex outside the labour market; and the draft law transposing Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women in access to employment, vocational training and promotion, and

working conditions, which prohibited discrimination based on sex. The concept of gender-based discrimination was therefore integrated in the legal framework.

5. In December 2006, the Government had established an equal treatment centre to promote, analyse and monitor equal treatment among all people without distinction as to race, ethnic origin, sex, religion or beliefs, and to monitor discrimination in the access to and supply of goods and services. The centre's composition had proven problematic since Luxembourg had very few discrimination experts. There was, however, one gender expert on its board of directors. The centre would begin its work in February 2008.

6. Furthermore, each Ministry was required to attach an evaluation form to any draft legislation it produced. The Government had organized courses for officials responsible for drafting legislation in order to train them in integrating a gender perspective into legislative texts and to inform them about the State's obligations under the Convention. Public officials had also been given a brochure that explained, inter alia, the integration of the principle of gender equality into the Constitution; the State's obligations under the Convention; the structures responsible for implementing the plan of action; and the fundamental concepts underpinning gender equality policies. Furthermore, the National Institute of Public Administration (INAP) offered specific training on the implementation of the plan of action. In view of the low participation levels, attendance would probably be made compulsory.

7. The Government had also revised the manual used to teach final-year high school students about the Convention. In 10 years, over 50,000 copies had been made available. In addition, it was conducting a study on the perception of gender roles in teaching methods and school programmes. It should be possible to use the study to improve the academic and vocational orientation of boys and girls.

8. Following an analysis of collective agreements, social partners, employers and unions had expressed their opposition to yet more regulations and obligations, arguing that an "obligation of result" would not encourage gender equality unless those negotiating the agreements were familiar with gender equality policies. The Government intended to respond

positively to that call for training and to hold a one-day conference on equal pay, so as to impress on managers that equal pay was a non-negotiable right.

9. The Ministry of Equal Opportunity, in cooperation with the Central Statistics and Economic Studies Service (STATEC), was conducting case studies as part of its “affirmative action” programme in private sector firms. The results would be used to assess the impact of the national plan of action for gender equality. The programme had been restructured in order to improve the programme’s management and cooperation between the State and such firms.

10. All salaried workers, both residents and people who crossed the border to work, were entitled to six months’ full-time paid parental leave or 12 months’ part-time paid parental leave. The number of men taking parental leave had risen from 6 per cent in 1999 to over 22 per cent in 2006. For Luxembourg residents, the figures were 3 per cent and 15 per cent. Mentalities were clearly changing.

11. The way people viewed violence in the private domain had also changed. The subject was no longer taboo and people knew where to seek help and as a result, more and more women victims of domestic violence were speaking up. Currently, 17 violent people were evicted from their homes each month, a not insignificant number given the size of the population. That number was constantly rising and the care offered to victims constantly improving. Since 2006, the focus had shifted to child victims or witnesses of domestic violence. Specific training had been organized for people working with such children, to help children overcome their trauma and learn the value of a culture of non-violence to prevent them from becoming violent later in life.

12. The role of the “morals” service of the national police’s research and criminal investigation section had been redefined following the creation of a human trafficking section, which was responsible, inter alia, for preventing and punishing sexual abuse and rape. In 2007, the morals service had made 21 arrests, eight of which were for exploitation of prostitution. The service was also responsible for investigating complaints of sexual abuse and disappearances. In 2007, it had investigated three rapes. Two of those investigations had led to an arrest.

13. In response to the Committee’s recommendations, the Government had drawn up a preliminary draft law

on the victims of human trafficking, amending the new Code of Civil Procedure; a draft law defining the conditions under which victims of trafficking from third countries might be granted residence permits; and a draft law applying the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (the Palermo Protocol), and the Council of Europe Convention on Action against Trafficking in Human Beings, and amending the Penal Code and the Code of Criminal Procedure.

14. The situation with regard to Luxembourg’s cabarets had not changed since the submission of its responses to the list of issues and questions. As for prostitution, the mapping exercise had revealed that most prostitutes worked in the street or in an apartment for economic reasons. Most came from poorer European Union member States or poor regions such as Africa and South America, or were from underprivileged backgrounds or drug addicts. According to a recent study, 12 per cent of men in Luxembourg “consumed prostitution”. The awareness campaign to be conducted by the Ministry of Equal Opportunity in 2008 would aim to show clients and the general public that buying sexual services reinforced both gender inequality and trafficking in women for sexual exploitation.

15. Luxembourg was a country of immigration. Some 40 per cent of the population were foreigners; almost 90 per cent of them were from European Union member States. Almost 38 per cent of jobs were held by people who crossed the border everyday; a third of those people were women. Thirty per cent of all schoolchildren were foreign; in some neighbourhoods, the figure rose to 50 per cent. The Programme for International Student Assessment (PISA) survey for 2006 had reconfirmed the performance gap between pupils originally from Luxembourg and foreign pupils. The Government used such surveys to assess projects in an effort to reduce that gap. Investing in foreign children’s education clearly contributed to their social integration and employability later in life.

16. As for the integration of foreign women, particular attention was given to women from non-European Union countries, who had access to the same health services as nationals. Their healthcare was covered by the Aliens Commission. The draft law on assistance to children, meanwhile, prohibited physical

and sexual violence, intergenerational transgressions, inhuman and degrading treatment, and genital mutilation. Immigrant women's integration into the labour market continued to be problematic owing to their limited knowledge of the languages spoken in Luxembourg. The Luxembourg Language Centre offered tailor-made Letzeburgish classes. Immigrants who spoke German or French could take adult education classes. Once they had found a job, foreign women benefited from the same social security system as citizens of Luxembourg, including Government childcare services at a reduced price.

17. Divorced women and women living alone were most at risk of receiving a small retirement pension later in life. A draft law currently under discussion envisaged splitting pension rights in the case of divorce, thereby reducing the chances of divorced women falling into poverty. Older women, meanwhile, received various kinds of social assistance and were not generally at risk of poverty.

18. According to a recent study by the Centre for Population, Poverty and Socioeconomic Policy Studies/International Network for Studies in Technology, Environment, Alternatives, Development (CEPS/Instead), most young women wished to pursue their career following the birth of their first child; only 15 per cent wished to interrupt their career and less than 5 per cent wished to abandon their career altogether. By continuing her career, a woman would be financially independent upon retirement. It was also important for companies to grant parental leave to fathers as well as mothers and to accommodate young parents. For the past two years, the State had been investing in childcare facilities. It planned to provide 30,000 places for children aged 4 to 12 by 2013.

19. She assured the Committee that its recommendations would be widely disseminated and discussed by the Parliament and at coordination meetings with NGOs.

20. **The Chairperson**, congratulated the Government of Luxembourg for withdrawing its reservations to article 7 and article 16, paragraph 1 (g), of the Convention; for ratifying the Optional Protocol to the Convention; for accepting the amendment to article 20, paragraph 1, of the Convention; and for revising article 11, paragraph 2, of the Constitution. Those actions represented huge progress and had been in direct response to the Committee's recommendations.

Articles 1 to 6

21. **Ms. Patten** sought clarification concerning the new text for article 11, paragraph 2, of the Constitution, in particular whether it had come into effect immediately after its adoption by Parliament in June 2006. The new wording referred to the elimination of obstacles to gender equality, rather than the elimination of discrimination per se, and should therefore be revisited, in order to bring it into line with article 1 of the Convention.

22. The situation regarding the applicability of the Convention should be clarified, since the intention of the courts was unclear. Moreover, it was a matter of concern that there had been no further developments of case law concerning the Convention's applicability since 2002. She stressed, in that regard, the importance of systematic training for the judiciary and the legal profession.

23. **The Chairperson**, speaking as a member of the Committee, said that she too would appreciate a clarification regarding the applicability of the Convention. According to the report (para. 6), article 16.3 of the Convention had been declared directly applicable, whereas article 11 had been held to be binding only on a State that did not accord rights to private individuals, yet there had been one case under article 11. When a State party ratified the Optional Protocol, it needed to look again at the Convention. Training was also essential.

24. **Ms. Gaspard** requested more information about the mechanisms to monitor implementation of the Convention and the Beijing documents adopted by the Government. She would also appreciate a clarification regarding the link made between the implementation of the Convention and the elaboration of the National Plan of Action for Gender Equality. Was the implementation of the Convention one of the Plan's objectives and, if so, how would that be achieved?

25. The delegation should explain how coordination was ensured between the gender equality delegate and gender affairs unit in each Ministry. According to paragraph 43 the report, the gender equality delegates of the various Ministries met at least once a year, which seemed very infrequent.

26. Lastly, the extent of cooperation between Government mechanisms and women's non-governmental organizations (NGOs) during the preparation of the report

was unclear. The Committee had been surprised by the absence of a shadow report from NGOs.

27. **Ms. Zou** Xiaoqiao asked when the Ministry for the Advancement of Women had become the Ministry of Equal Opportunity; she was also curious to know the nature of its functions and the size of its resources. Moreover, the delegation should explain how gender equality delegates were selected and clarify the relationship between the Ministry of Equal Opportunity and the Interministerial Committee on Gender Equality.

28. She would be interested to know more about the National Plan of Action for Gender Equality, in particular whether priority areas had been identified; who was responsible for monitoring its work; and what measures had been taken to ensure implementation.

29. Lastly, noting that a conference to mark the twenty-fifth anniversary of the Convention and the Optional Protocol had been cancelled due to lack of interest, she wished to know how the Government planned to raise awareness of the Convention in the future.

30. **Ms. Chutikul** noted that the National Plan of Action for Gender Equality provided for an assessment after three years; by her calculations, that assessment was due in 2008 and she would be interested to know whether it was planned. She also asked the delegation to provide more details about the indicators mentioned in its presentation.

31. She was curious to know whether sex-disaggregated data was collected by the Ministry of Equal Opportunity, the Central Statistics and Economic Studies Service (STATEC), or both. If the latter, she would be interested to know how their efforts were coordinated.

32. The delegation should clarify the roles of the Interministerial Committee on Gender Equality, the Ministry of Equal Opportunity and the National Council of Women of Luxembourg, and provide more information about the gender affairs units established in 2005.

33. Lastly, she wished to know which body was responsible for receiving women's complaints.

34. **Ms. Tavares da Silva** said that additional information should be provided on immigrant women. It would be interesting to know how that group was

included in the National Plan of Action on Gender Equality.

35. **Ms. Jacobs** (Luxembourg) said that the most difficult task facing the Government was to change attitudes, including women's attitudes, towards gender roles. Article 11 of the Constitution had been implemented following a second reading and covered all forms of discrimination. With regard to training programmes provided to the judiciary on the Convention and the Optional Protocol, more work needed to be done to ensure that the judiciary played a leading role in defending the values established by the Convention. Following the change of Government in 2004 the Ministry of Equal Opportunity had been established and its name conveyed the idea that the Ministry's role was to promote equality, and not only women's rights. She invited the Committee to come to Luxembourg to observe the functioning of the National Plan of Action for Gender Equality, which applied to all the ministries.

36. The Government had taken steps to improve monitoring and evaluation. Under the law on domestic violence, the police and judiciary had been required to register the age of victims, identify the perpetrator of the violence and establish the frequency of the violence.

37. The Government had not established any quotas for women, although some political parties had stipulated that at least one third of candidates should be female. In the labour market, employers and unions had not agreed on establishing quotas.

38. Social integration was very important for migrant women, given that immigrants amounted to approximately 40 per cent of the population. For the purposes of integration, it was helpful that the immigrant population was spread throughout the country. The Government was making every effort to promote social integration at the community level and had targeted vulnerable groups.

39. **Ms. Mulheims** (Luxembourg) said that gender equality was ensured by mainstreaming a gender perspective into all policies and promoting affirmative action. The Interministerial Committee on Gender Equality comprised representatives from each ministry and met at least once a year. It had close ties with the Ministry of Equal Opportunity, where its secretariat was based. The National Plan of Action on Gender Equality (2006-2008) provided common objectives for

each ministry. In addition, ministries also established their own benchmarks and would be evaluated on the basis of both sets of targets in December 2008 at the end of the three-year cycle. For the purposes of that evaluation, a set of indicators had been developed in December 2006 and adjusted in December 2007; the delegation would provide the Committee with the indicators in written form. The aim of the indicators was to ensure that government mechanisms were aligned with the 12 areas of the Beijing Platform for Action, the Lisbon strategy for economic, social and environmental renewal and the Millennium Development Goals.

40. **Ms. Jacobs** (Luxembourg) said that the Government had held discussions with NGOs during the preparation of the fifth periodic report and it was not clear why those organizations had not prepared a shadow report.

41. **The Chairperson** said that the Committee would appreciate receiving shadow reports in future in order to obtain another perspective on implementation of the Convention.

42. **Ms. Schöpp-Schilling** asked whether there were mandatory courses on international law and human rights law as part of university law degrees. Whereas the National Plan of Action on Gender Equality focused on providing equal opportunities for women and men, it was important to recall that the Convention focused on discrimination against women and this expected the Government to address the structural factors underpinning discrimination. It would be interesting to learn more about the results of affirmative action taken in the private sector, how many companies had used affirmative action and whether a unit had been established within the Ministry of Labour to monitor progress.

43. **Ms. Gabr**, referring to the difficulties encountered in changing stereotypes, said that the percentage of women in key posts had not increased, and she would be particularly interested to know the number of female judges. Clarification should be provided of plans to address the problem of gender stereotypes, which was a contributing factor to domestic violence. Given the high percentage of immigrants in Luxembourg, it would also be useful to learn more about the steps taken to promote social integration.

44. **Ms. Shin** said that it was important to consider the issue of gender stereotypes from the perspective of the family unit. It would be interesting to know whether any surveys had been carried out on the time spent by husband and wife on childcare and domestic work. With regard to domestic violence, she asked whether any treatment or counselling was provided to husbands who were evicted from the family home in accordance with the law of 8 September 2003 on domestic violence and whether the Government had carried out a survey to assess the level of underreporting. Additional information should be provided on procedures for reporting rape.

45. **Ms. Dairiam** said that the delegation should provide clarification of the measures taken to address the problem of child pornography and pornography exploiting women on the Internet. It would be interesting to know whether the Government had commissioned a study to establish a socio-economic profile of the children and women who were exploited, the number of girls exploited compared with boys, and whether any efforts had been made to trace and provide counselling to the individuals responsible for such pornography. She asked if there had been any prosecutions under Article 374 of the Penal Code on pornographic material.

46. **Ms. Ara Begum** requested clarification whether the maximum sentence of three years in prison and a fine of 1,000 euros under the law on domestic violence applied in cases of murder, manslaughter and rape. Additional information should be provided on the protection offered to migrant women and migrant domestic workers under the law on domestic violence. It would be useful to know whether migrant domestic workers were entitled to free protection. She also wished to learn more about Government plans to combat trafficking in women and girls for purposes of sexual exploitation.

47. **Ms. Chutikul** asked what measures had been taken by the Government to disseminate information on the bills on trafficking and the Palermo Protocol. In addition, the interpretation services provided to immigrant women to help them understand that information should be clarified. She asked if the Government had carried out a survey on trafficking that focused on the problem in the countries of origin. Additional information should be provided on legislation aimed at combating the sex tourism of Luxembourg nationals.

48. **Ms. Chutikul** requested more information on the Government's systematic monitoring of gender equality and the promotion of men and women so that the Committee could suggest that other States use Luxembourg as a model.

49. She wondered what the Government could do to disseminate to high-risk groups, including women, information on the Palermo Protocol and the bill on combating trafficking in human beings. It would also be useful to know whether the Government worked with the countries of origin of migrant workers to reduce the risk of trafficking and whether it planned to conduct a study similar to the study on prostitution mentioned in the responses to the list of issues. Lastly, she wondered how the law dealt with citizens of Luxembourg who engaged in sex tourism abroad.

50. **The Chairperson**, speaking as a member of the Committee, said that the Committee needed more statistics on violence against women, including domestic violence; she was particularly interested in data on the relationship between the victims and the perpetrators and on the number of women murdered by their partners or former partners. The Government could then analyse those statistics in order to see how the authorities had failed to prevent the acts of violence and how coordination between the agencies involved could be improved. She would also like to know how well the Ministry of the Interior and the Ministry of Justice cooperated with the Office of the Prosecutor.

51. Since the adoption of the Optional Protocol to the Convention, the Committee had considered three cases involving violence against women. Its decisions in those cases could serve as a reference to show Member States how the Committee had handled the complaints and to make it clear that violence against women violated their human rights and that more effective prevention measures were needed.

52. **Ms. Jacobs** (Luxembourg) said she agreed that better training for lawyers was called for.

53. Both large and small companies were involved in the affirmative action measures introduced by the private sector; a single such measure was sufficient for a company to enter the programme. Efforts would then be made to explain that more must be done; meetings with staff should be held and women should be given training with a view to their promotion and recruitment to higher-level posts. It was not enough for a company to provide childcare facilities; it should set up a

specific programme to help its women employees balance their family and working lives. The Ministry of Labour was responsible for monitoring the impact of the measures taken.

54. More girls were pursuing higher education, but primarily in fields such as childcare, nursing and education where salaries were low. The Government was working with non-governmental organizations (NGOs) in a programme that, through visits to companies, introduced both girls and boys to fields in which the other sex was more typically represented. At the end of the process, however, the young people usually said that while they had found the experience interesting, they would not pursue a career in a non-traditional field, perhaps because they had not seen any role models of their own sex during their visits.

55. The Government was working to change stereotypes about the roles of mothers and fathers. During the sixth month of gestation, both parents were informed of the changes in a couple's life that followed the birth of a child and their future child's rights were explained to them. A new programme, to be launched in February 2008 in cooperation with an NGO, would bring immigrants into the homes of other immigrants in order to promote breastfeeding; the goal was to bring about change while respecting the cultures of immigrant groups rather than imposing the values of Luxembourg on them. It was important for the children of immigrant families to meet young people from their own culture who had completed their studies and found good jobs; such a programme had been extremely successful in the nation's large Cape Verdean community.

56. With regard to the sexual exploitation of children through the Internet, it should be borne in mind that Luxembourg was a very small country and that its people had access to French, German and Belgian television and Internet sites; the Government relied on the European directives on the issue. There had been some convictions in cases involving child pornography on the Internet. The Police had no recorded cases of minors engaged in prostitution, but she believed that the problem did exist as a result of drug addiction among young people.

57. Immigrant and non-immigrant women had the same rights with regard to protection from violence, health care for victims and access to shelters.

Anti-trafficking campaigns had been conducted in cooperation with Luxembourg's neighbours. Because the country was so small, women who were willing to testify against their aggressors needed to be able to enter witness protection programmes abroad in order to escape retribution. The problem was complicated by the fact that traffickers often confiscated their victims' passports; however, the Governments of other countries were prepared to cooperate in such cases. The Government, together with its neighbours and NGOs, was also working with countries of Africa and the former Soviet Union to inform women of the risks of trafficking so that they would not be deceived by promises of lucrative jobs in Luxembourg. In areas with a high concentration of foreigners, interpreters at the police commissariats were available to inform women of the legislation on violence against women.

58. **Ms. Klein** (Luxembourg) said that she had just received new statistics from the Luxembourg police: in 2007, there had been 27 rapes, 12 cases of indecent assault and 6 cases of exhibitionism.

59. Five years after the adoption of the Law on Domestic Violence, its effects were beginning to be felt by the general population. The Law authorized removal of the perpetrator from the family home for a period of 12 days, renewable up to a maximum of three months. The law took aggravating circumstances into account and provided for more serious penalties in cases such as murder. In 2007, there had been 431 police interventions and four domestic violence incidents involving murder; the perpetrators were being prosecuted. Following an intervention, the police filed a report with the Prosecutor's Office, which decided whether to remove the perpetrator from the home; such evictions were more effective than orders of protection, which took time to issue and thus were rarely requested.

60. The Ministry of Justice, the police, the Prosecutor's Office and NGOs cooperated effectively in the effort to combat domestic violence; complaints against the police had been lodged in fewer than two per cent of such cases. The Government had been providing training on such issues to the police for a long time with good results; it was more difficult to train judges and doctors, but new efforts were being made. The relevant authorities were currently being prepared to deal with post-traumatic stress syndrome. The police gave victims the telephone numbers of assistance services, including those targeting the

children of abusers and women who had been trafficked, which later contacted the victims directly.

61. The Government had contracted with NGOs to provide care, including shelters, for victims. It was often older women who, after many years of abuse, decided to leave their husbands for the shelters; younger women tended to use them only in a crisis; usually it was the neighbours rather than the victim herself who called the police. The next report would contain statistics on the number of victims who returned to their abusers.

62. The Government had also contracted with an NGO to provide a treatment programme for male abusers; the police distributed information leaflets at the time of an intervention. Men convicted of an act of violence against a woman were required to attend 36 group meetings for abusers over a 12-month period.

63. **Ms. Schöpp-Schilling** asked whether the Government kept statistics on the impact of its affirmative action programme and which body was responsible for monitoring its effectiveness.

64. **Ms. Patten** noted that according to the delegation, members of the judiciary had little interest in the Convention; she wondered what was being done to provide them with training on the relevant legislation.

65. **Ms. Belmihoub-Zerdani** said that Luxembourg's report could serve as a model for other States parties to the Convention. However, she shared the concern expressed by the previous speaker and suggested that instruction in matters relating to violence against women should be included in the curricula of schools for judges and lawyers.

66. **Ms. Shin** pointed out that she had not received an answer to her question as to how family responsibilities were divided between husbands and wives.

67. According to the responses to the list of issues, no population-based survey on violence against women had been conducted. She recommended that the Government should conduct such a survey in order to ascertain whether cases of violence against women were being underreported.

68. **Ms. Jacobs** (Luxembourg) said that she would convey to the proper authorities the suggestion that training in the Convention and women's rights should

be included in the curriculum of schools for members of the judiciary.

69. There were no statistics on the number of unreported cases of domestic violence; clearly, more needed to be done.

70. The Ministry of Equal Opportunity would be happy to share Luxembourg's experience with other States parties or with members of the Committee.

71. **Ms. Mulheims** said that in the past, the Ministry of Equal Opportunity had supported efforts to promote the reconciliation of family and working life and provide managerial training for female employees. Although the individuals who had participated in those programmes had benefited from those initiatives, they had had little effect on the overall culture of the companies concerned and thus had had little statistical impact.

72. Under the Ministry's private sector affirmative action initiative, each participating company must endeavour to ensure equal pay and equal treatment for its male and female employees, help women gain access to decision-making posts and create conditions for staff to balance their responsibilities at home and in the workplace. It was to companies' advantage to participate in the voluntary programme because it improved their corporate image; if they met the aforementioned criteria, the Ministry issued them a two-year certificate as a model company. At the end of that time, they were re-evaluated to determine whether there had been further progress and, if so, how it had been achieved so that best practices could be transferred to other companies.

73. The Employment Administration had reported that few companies were taking advantage of the job traineeship contract incentives for hiring persons of the underrepresented sex in the sponsor's industry or field; greater efforts should be made to inform employers of the Employment Fund reimbursements for which they could apply.

Articles 7 to 9

74. **Ms. Tavares da Silva** expressed concern at the fact that despite laudable government initiatives, there were still too few women in high-level posts, both elected and appointed, at the national and municipal levels. The delegation had stated that quotas were not being considered; she requested additional information

on the problem and on any other measures that were planned.

75. She also wondered what factors had led to the decrease in the number of women in the diplomatic service, which appeared to contradict the statement (in paragraph 116 of the report) that it was the Government's intention that women should be better represented in the decision-making bodies of the Foreign Ministry.

76. **Ms. Gaspard** said that she shared those concerns and asked the delegation to provide details, either immediately or in the next report, concerning women in high-level administrative posts and on the reasons for their underrepresentation in the diplomatic service. Personally, she did not care for the word "quota", preferring to speak of "equality" or "parity". Since the Government was obviously committed to addressing the problem, she wondered why there was so much resistance to the use of temporary special measures to increase the number of women in decision-making political posts, including at the local level where pressure from women could make a real difference.

77. **Ms. Belmihoub-Zerdani** said that despite the overall excellence of the report, it did not provide enough information on the number and percentage of women in the different branches of the judiciary and, if they were underrepresented, on the reasons for that situation.

78. She was pleased to see that Luxembourg was one of the few States parties to the Convention to have met the international community's commitment to allocate 0.7 per cent of gross domestic product (GDP) to official development assistance (ODA). She was also impressed by the Government's contribution to United Nations Population Fund (UNFPA) gender equality programmes in the third world. She would contact the Ministry in order to benefit from its experience.

79. **Ms. Neubauer** pointed out that if the number of women in elected posts continued to increase at the present rate, it would take 35 years to achieve gender parity in local-level public office and longer in Parliament; neither the Government nor the Committee was satisfied with the current rate of progress, which was not consistent with Luxembourg's obligations under the Convention. Paragraph 55 of the State party's core document (HRI/CORE/1/Add.10/Rev.1) stated that each administrative district had a district

commissioner, appointed by the Grand Duke and under the direct authority of the Minister of the Interior, whose function was to act as official intermediaries between the central Government and the communal administrations; she wondered how many district commissioners were women.

80. She had learned from European Union databases that the percentage of women on the Supreme Court had decreased from over 40 per cent to 20 per cent over the past few years. She asked which agency was responsible for monitoring the number of women in all political and public institutions, including on university faculties, and stressed the need for gender-disaggregated data on all matters related to articles 7 and 8 of the Convention and to General Recommendation No. 23 on women in political and public life.

81. **Ms. Jacobs** (Luxembourg) said that efforts were still being made to find ways to improve women's representation in government. The political parties would not agree to quotas, but they were making real efforts to find women willing to be candidates and financing was available to train them — a great improvement compared to 15 years previously, when having just one woman's name on the list was an achievement. There were still difficulties, especially at the local level, in finding women candidates. Many women with a job and a family did not feel that they had time to be politically active. The same situation tended to occur in business situations: men were more willing to work extra hours and to take training courses, and were then promoted more quickly.

82. The last two elections had shown an increase of ten percentage points in the number of women elected. The National Council of Women of Luxembourg would continue its efforts to encourage women to participate. It was clear that even in the Nordic countries, whose achievements in that area were admirable, any relaxation of efforts immediately resulted in a decline in women's representation.

83. Some members had expressed concern about women's representation in the civil service. Men and women were employed on an equal basis through the examination system, and there were also women in the diplomatic service. As many young women had begun their diplomatic career during Luxembourg's last Presidency of the European Union, they were still in lower-level positions, but that would change in future

years. In fact, the Secretary-General of the Ministry of Foreign Affairs was a woman. In the diplomatic service, once again, it was difficult for women to reconcile career and family.

84. Figures were not available on women's representation in the legal system, but over 50 per cent of judges were women. District commissioners did not have a very significant role and consideration was being given to abolishing their posts.

85. **Ms. Mulheims** (Luxembourg) said that there was an error in the statistics quoted for the Supreme Court. Women still accounted for 43 per cent of judges in the Supreme Court as of 1 January 2008.

Articles 10 to 14

86. **Ms. Simms** noted that patriarchal values still persisted, as reflected in the fact that many more boys than girls chose to study scientific subjects, resulting in differences in career choices and subsequent economic imbalances. Luxembourg should rethink its policies for parents and find creative ways to help both men and women, especially mothers, to change their attitudes. As 40 per cent of the children in Luxembourg were from other countries, it was particularly important to take immigrants into account.

87. **Ms. Zou** asked whether special education was provided in special schools or in special programmes in normal schools. She also wished to know how the Government ensured that both immigrant and non-immigrant children enjoyed the same opportunities for education of the same quality.

88. It would be interesting to receive comparative figures on the school failure and dropout rates for immigrant girls and Luxembourg girls and more information on the support available for children with difficulties. She also requested more information or statistics on education at different levels, including vocational training.

89. **Mr. Flinterman** was surprised at the high percentage of foreign girls in special education classes and their relatively low attendance at academic secondary schools. He asked what measures were being taken to encourage foreign girls and their parents to take an interest in an academic secondary education.

90. He wondered whether the school manual on the Convention was also available in technical secondary schools. He also wished to know whether there were

any special programmes targeted at young people, especially girls, to provide access to information on the health and well-being of families, including information and advice on family planning, in accordance with article 10 (h) of the Convention.

91. **Ms. Pimentel** welcomed the information on work against stereotypes with young children. She asked if similar methodologies were used in relation to ethnic, racial, sexual and religious diversity in order to combat the racism, xenophobia and homophobia that were the causes of discrimination, intolerance and violence.

92. **Ms. Jacobs** (Luxembourg) said that the difference between the educational outcomes of girls and boys had led to consideration of whether additional efforts should be made to help boys in order to ensure a balance. With regard to immigrant children in Luxembourg, those who tended to have difficulties were those who arrived at ten years or older. Smaller children learned in the same way as the Luxembourg children, but older ones already had a different culture, language and education. Some initiatives had been taken to improve the situation, including childcare facilities for children from 3 to 12 years old outside school hours. Different levels of financing were available, depending on the parents' income. It was important as a way of involving parents without the stress associated with the need to succeed in school. Parents with less education were more comfortable in that setting.

93. There were youth centres (*maisons des jeunes*) with very interesting programmes. Many immigrant children participated, as they often did not get involved in some of the other traditional Luxembourg youth organizations. They made films and conducted campaigns against violence and drugs, with girls and boys participating on an equal basis. It was important to highlight the success of some young immigrants as an example for others to follow. The problems among young immigrants seen in other European countries usually involved the second and third generation rather than the first generation.

94. Statistics showed that over 85 per cent of newborns were breastfed and the current figure was probably about 90 per cent.

95. A new system to provide work experience for the approximately 300 pupils who left school each year without taking the final examination allowed them to work in a public or private institution for three to six

months under the guidance of a tutor. In some cases that experience encouraged them to return to school and in others it helped them to find employment.

96. Integration issues were very important in view of the demographic situation in Europe and must be resolved in order to support social cohesion and ensure a prosperous and peaceful future for the people of Luxembourg.

97. **Ms. Mulheims** said that the school manual on the Convention was also distributed and used in technical secondary schools. Foreign children had the same access to education as Luxembourg children, depending on their abilities.

98. Some interesting pilot projects were under way. For example, a new secondary school had been set up for children from both academic and technical secondary schools, including immigrants and non-immigrants, and also pupils with disabilities. Their education would be monitored as a scientific study of integration. A similar project at the primary level would begin in December: 70 per cent of the pupils would be foreign and 10 per cent would have disabilities. Those projects would be followed up by research. A new law on basic education was in preparation that would include the principle of respect for the equality of boys and girls at all levels of education, as part of the National Plan of Action for Gender Equality. The new law would also have implications for teacher training.

99. **Ms. Patten** asked for more information on the main findings of the study carried out by the Central Statistics and Economic Studies Service on discrimination in the labour market and on any actions envisaged by the Government to address discrimination.

100. Another study had found that collective agreements had little impact in ensuring equal pay. She asked what measures the Government had decided to take to address the pay gap and whether there would be a review of the sectors where women predominated or a reformulation of the wage structures in those sectors.

101. She asked whether the higher percentage of women in part-time employment was a result of women's voluntary choices, as working part-time had an impact on their salary and career prospects. She also asked what measures were in place to promote long-term and high-quality jobs for women and

whether part-time workers had the statutory right to increase their hours before management could choose to hire additional staff.

102. It would be interesting to know if any of the recent studies had considered groups of women suffering from multiple forms of discrimination, including women with disabilities, elderly women and foreign nationals. She also wondered whether the Government had addressed the issue of gender stereotypes in the context of the labour market.

103. **Ms. Schöpp-Schilling** noted that the issue of equal pay had been on the agenda of the European Union for several years, and she wondered whether the law of June 2004 contained provision for equal pay for work of equal value. If so, she was interested to know whether Luxembourg had availed itself of the analysis frameworks that existed in the United States and the Scandinavian countries. Women's work was often undervalued because of longstanding stereotypes and analysis was a first step towards addressing that issue.

104. She asked whether the collective bargaining arrangements reflected the principle of equal pay for work of equal value. Article 2, sub-paragraph (e) and article 11, paragraph 1 (d) clearly established the obligations of the Luxembourg Government towards the social partners.

105. In connection with paragraph 216 of the report, she asked for clarification of the distinction between an "obligation of means" and an "obligation of result" in terms of the Government's obligation to reduce the pay gap. She asked for information on the Government's plans for an "obligation of result" and when the transition from "obligation of means" would take place.

The meeting rose at 1 p.m.