



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

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

Summary record of the 447th meeting

Held at Headquarters, New York, on Wednesday, 19 January 2000, at 3 p.m.

Chairperson: Ms. González

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The meeting was called to order at 3 p.m.

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

Third periodic report of Luxembourg (continued)
(CEDAW/C/LUX/3 and Add.1)

1. *At the invitation of the Chairperson, Ms. Jacobs, Ms. Mulheims and Ms. Ecker (Luxembourg) took places at the Committee table.*

2. **The Chairperson** invited the Committee to resume its consideration of the third periodic report of Luxembourg (CEDAW/C/LUX/3 and Add.1).

3. **Ms. Ferrer** enquired about the possibility of extending the “Gläichheet delen” (Sharing equality) project being implemented in pre-schools to other levels of education, and whether the project was already a component of the teacher-training curriculum in Luxembourg. She would also appreciate additional information on the results of the experiment in designating commune equality officers and equality officers in the schools. At the time of drafting the third periodic report, 57 of Luxembourg’s 118 communes had appointed equality officers; she wondered whether that number had increased since then. The State party’s delegation should discuss the findings of the reading panel to analyse all the publications of the Ministry of National Education and Vocational Training with a view to eliminating the transmission of stereotypes.

4. **Ms. Schöpp-Schilling** requested further details on how the differences between the sexes were addressed in pre-schools and sought assurances that the emphasis on differences was not itself an obstacle to gender equality. She hoped that the country’s various projects for women would become permanent policies that would survive changes of government. She would appreciate information, including statistics, on the women in Luxembourg’s fairly large Portuguese immigrant population, particularly with regard to employment and health. With regard to equal pay for work of equal value, she recommended that the Government should commission studies on the inherent causes of discriminatory wage-setting, including the criteria that had formed the original basis for undervaluing women’s work.

5. **Ms. Goonesekere** expressed concern that, in choosing careers in the magistrature in order to be able

to combine work and family responsibilities, women were sacrificing more challenging careers in legal practice or the higher judiciary. Hailing the introduction of parental leave in 1999, she wondered whether men hesitated to exercise that right for fear of jeopardizing their career opportunities. She also wished to know whether the State party had been guided by the views of the International Labour Organization, namely, that employers would be more disposed to grant parental leave if they were not expected to finance it fully. She asked whether the mandate of the private-sector equality officers covered incidents of sexual harassment and expressed concern that, under Luxembourg’s criminal law on sexual exploitation, the penalties applicable to crimes against children varied according to age. In that connection, she asked whether the State party recognized the concept of statutory rape, which characterized intercourse with a child as rape, irrespective of consent.

6. **Ms. Jacobs** (Luxembourg), replying to Ms. Ferrer, said that, although many communes had appointed equality officers, the results of that initiative had depended largely on the commitment of the individual officers. She believed that the equality commissions, composed of both women and men, which worked directly with professional services for the advancement of women were a more effective mechanism. Thus far, two of the country’s 118 communes had established such commissions to deal with, inter alia, the harmonization of family and professional life, the creation of infrastructures and wage discrimination. She believed that that initiative would gain momentum in 2000 with the new communal councils elected in October 1999.

7. In reply to Ms. Schöpp-Schilling, she said that, while there was no discriminatory legislation against migrant workers or immigrant women, their situation was difficult to assess. Non-governmental organizations working on the ground had found it difficult to make contact with immigrant women because of the latter’s heavy work schedules and their family responsibilities. An effort was being made to integrate them more fully into associations and non-governmental organizations for women.

8. Parental leave had been established within the context of the European Union’s fourth programme of action for equality of opportunity between women and men (1996-2000), which called for a minimum of three months’ leave. The Government had introduced a six-

month leave for each parent, which was financed by the State rather than the employer and was non-transferrable between parents in order to protect women. Women were encouraged to take their parental leave immediately after their maternity leave in order to spare employers the difficulty of finding and training replacements for a very short term. The results of the new initiative were currently being monitored and would be assessed in five years.

9. The officers in companies were workers' representatives and, under law, could be dismissed on only the most serious grounds. They had access to information about workers' contracts in order to ensure wage equality and equal access to posts and were consulted in connection with claims of sexual harassment. Luxembourg did recognize the concept of statutory rape and also provided for the prosecution of acts of paedophilia.

10. **Ms. Mulheims** (Luxembourg) said that the "Sharing equality" pilot project too had been launched within the framework of the European Union's fourth programme of action for equality of opportunity and was an initiative of the Ministry for the Advancement of Women. She wished to assure Ms. Schöpp-Schilling that the project was not designed to perpetuate the transmission of stereotypes but rather to help teachers recognize the different ways in which boys and girls were socialized, both at home and in the broader environment, in order to transcend socialization models and expand children's horizons. According to the findings of an Austrian institute which had monitored the project for the past three years, children arrived at pre-school with preconceived stereotyped attitudes; changes in those attitudes as a result of teachers' conscious efforts did not become apparent until the end of the second year of pre-school. The country's teacher-training institutes had integrated gender awareness into the curricula for pre-school, primary and secondary teacher training. The Luxembourg initiative had been formulated with input from educators in Germany and Belgium, where gender-based teacher training was highly developed, and had sparked interest elsewhere in Europe, including in Austria (where it had been adapted and greatly expanded), Spain and Italy. Teachers had also worked with a local puppet theatre to create fairy tales which highlighted the theme of gender equality.

11. **Ms. Ecker** (Luxembourg) said that an additional reason for the prevalence of women in the magistrature

was they tended to score higher on the examination administered following the three-year internship required to prepare for that career. Indeed, that was one of the few areas in which men were demanding the introduction of quotas, and some attorneys were refusing to plead cases before all-female courts.

12. **Ms. Taya** congratulated the Luxembourg delegation on the progress made since the most recent periodic report and noted that commendable efforts were under way in education to counter stereotypical attitudes. However, reports from non-governmental organizations indicated that such attitudes still permeated most school textbooks, which presented men and women in traditional, gender-specific roles. She would be interested to know whether the Government had any plans to modify such textbooks, and if so, when.

13. **Ms. Khan** said that she was concerned about the low percentage of women in the workforce in comparison to neighbouring countries, and their concentration in the service sectors, with very few women occupying managerial posts. United Nations figures showed that there was a high percentage of women in the category of unpaid family workers; she wondered whether the contribution of those women was reflected in the national accounts. The low percentage of women in the workforce might be related to a shortage of childcare facilities. In that regard, it would be interesting to know whether there were laws requiring employers to provide childcare and whether the Ministry for the Advancement of Women had any plans to set up childcare facilities.

14. The State party should indicate whether the national action plan included measures to address gender-based wage discrimination and whether there were any laws in place or envisaged in that regard. In its efforts to change attitudes, the Ministry might consider studying the deep-seated causes of stereotypes in employment and hiring and might initiate the development of a gender-neutral job evaluation system. Also with regard to legislation, she would like to know whether there were any laws prohibiting discrimination against women on grounds of marital status or maternity and protecting a woman's job security during pregnancy.

15. Since roughly one third of workers in Luxembourg were foreigners, the next report should show what percentage of those workers were women

and what kinds of work they did, with a breakdown by origin, i.e. whether they were from the European Union or elsewhere. The State party should clarify whether workers from outside the European Union were equally protected by the minimum wage law and other labour laws and whether there were any special programmes for women workers migrating from areas of conflict.

16. Lastly, like other members of the Committee, she would like more details about the problem of sexual harassment in the workplace and the solutions attempted in dealing with it.

17. **Ms. Ouedraogo** said that in view of the significant measures being taken to combat gender stereotypes, she had been surprised to hear no mention of the division of work in the home. Although fewer hours might have to be spent on housework, cooking and child-rearing in Luxembourg than in less developed countries, the burden remained considerable. The campaign against gender stereotypes should include an emphasis on the sharing of duties in the home to give women time to develop their potential.

18. She would appreciate more information on the impact of laws protecting rural women, particularly those relating to land ownership. The Convention called for ensuring the rights of rural women in eight specific areas, and those areas needed to be addressed. She hoped that the next report would include comparative statistics on urban and rural women in the areas of health, family planning, education, housing, access to credit and land ownership. In general, it would be interesting to hear more about the impact of specific programmes. She would also be interested to know whether rural women participated fully in the design and implementation of programmes intended to benefit them and to what extent they were aware of the provisions of the Convention concerning rural women.

19. **Ms. Jacobs** (Luxembourg) said that among the population aged 45 years and older, there was a strong tradition of divided roles, with the man supporting the family and the woman taking care of the home and the children. The younger generation was following a different trend: most young women continued their education and trained for an occupation. Surveys of older housewives showed that they wanted their daughters to have both a family and a job.

20. Childcare facilities in Luxembourg were indeed insufficient. The Government's employment plan envisaged the creation of childcare facilities for a

further 1,000 children, which would roughly meet existing demand, but the Ministry was aware of the need for a more comprehensive effort, including after-school care for primary schoolchildren. There was no tradition of asking employers to provide childcare. In fact, there was some trade union resistance to the idea, on the grounds that it would make employees reluctant to leave a particular employer.

21. With regard to equal pay for work of equal value, the Government's hands were tied to some extent by the power of unions and employers' associations to set wages between them. However, the affirmative action initiatives described in the report should help to redress the situation and to help women branch out into other kinds of occupations.

22. Luxembourg had long had laws protecting women from dismissal on grounds of pregnancy. The bill on protection against sexual harassment in the workplace was about to be debated in parliamentary committee and might become law within the month.

23. The many foreign women in the workforce in Luxembourg were protected by the minimum wage law and all other labour laws. Protection was automatic if they were nationals of a European Union country, but it also extended to nationals of other countries provided that they had obtained a work permit.

24. With regard to the division of household tasks, the problem was one of correcting the bad habits ingrained in boys by both parents. It was felt that the best approach was to begin by inculcating new attitudes in the very young. Until the unpaid work done in the home was assigned an economic value, the full burden it represented would go unrecognized.

25. The report had not dealt at length with the problems of rural women because Luxembourg was such a small country that rural women had few problems of access to education, health care, housing or credit. It was difficult to obtain disaggregated statistics, but the Ministry of Agriculture was planning to introduce gender disaggregation into all its statistics on farm credits and agricultural subsidies. Two non-governmental organizations were working on projects for rural women, in close cooperation with the Ministry of Agriculture. Agricultural workers, men and women, were well provided for under the law in terms of social security, pensions and disability insurance.

26. **Ms. Mulheims** (Luxembourg) said that overcoming stereotypes was a major challenge for Luxembourg society. It was with the aim of modifying the attitudes of both students and teachers that the Minister of National Education and Vocational Training had appointed an equality official who was responsible for analysing the impact of the Ministry's actions on both girls and boys. A pilot project had been conducted in 12 secondary schools to raise girls' awareness of career opportunities in science and technology; the project had included guest appearances by women working in the sciences. In cooperation with the Ministry for the Advancement of Women, the Ministry of National Education had produced a brochure on life-long learning which described the experiences of former housewives who, in mid-life, had entered a profession or set up their own business; such women too were invited to speak in secondary schools.

27. With regard to textbooks, the Ministry of Education had set up a commission to analyse the images presented by proposed new textbooks. Recently, a new textbook written for the first level of secondary education by a panel of all-male authors had aroused protests among teachers because of its stereotyping; it had been withdrawn and reworked.

28. **Ms. Aouij** said that she wished to raise a few legal points. She particularly welcomed the provision whereby any new bill submitted to the Council of Government after 1 September 1998 must be assessed as to its impact on equality of opportunity. Unfortunately, there was an old law on the books which established a waiting period before a widow or a divorced woman could remarry; that provision was discriminatory and anachronistic and should be amended. It was also discouraging that there was no prospect of amending the act prohibiting abortion. She hoped that the Ministry for the Advancement of Women would continue to bear in mind the need to update discriminatory laws and would keep bringing the issues to the attention of legislators.

29. She would like to know whether Luxembourg required immigrants to adhere to the principles of international law to which the country itself subscribed, for instance, with regard to polygamy and female circumcision.

30. **Ms. Regazzoli** requested additional information on the reasons why fewer women than men held elected office in local government; the crime rate

among women and the numbers of women in the prison population; policies for the rehabilitation and training of women prisoners; policies to help older women in terms of training, health care and economic security; and policies to make public transport accessible to people with disabilities. She also asked whether any policies and programmes had been adopted to promote intergenerational relations between older women and young children.

31. **Ms. Feng Cui** said that the State party should provide more detailed information on the specific goals contained in the action plan for the year 2000, and on the percentage of women holding elected office in local government and the lists of candidates for such office.

32. **Ms. Jacobs** (Luxembourg), replying to Ms. Aouij, confirmed that, in Luxembourg, the rules of international law had the same validity as national legislation. Turning to the gender ratio among holders of elected office, she said that the current figure for the national parliament was the same as five years' previously; in local government, the percentage of women had increased from 10 per cent to 15 per cent, but 20 of the country's 118 communes still had no women holding elected office.

33. No statistics were available on the crime rate among women. Although rehabilitation and training efforts were under way to help women prisoners reintegrate in society, much remained to be done in that respect.

34. The divorce rate in Luxembourg was very high; divorced women who until then had not worked for a living often faced serious financial difficulties, particularly in cases where the courts had not awarded maintenance, and it was often difficult for them to find work because of their age and lack of job skills. However, much progress had been made regarding pension rights and training opportunities for women in such situations.

35. As for intergenerational relations, her Government had recently decided that retirement homes and nursing homes should be located in towns and cities, so that older persons could participate more fully in the community and have more contact with children; that had positive effects both for older persons and for children.

36. **The Chairperson** commended the delegation of Luxembourg for the openness, frankness and

thoroughness of its report and of its responses to the questions asked by members of the Committee.

37. There were two fundamental areas of concern for the Committee: firstly, the issue of embodying the principle of equality in the country's Constitution, and secondly, the Government's reservations to the Convention in respect of succession by women to the throne and the family name of children.

38. In many countries, women themselves had perpetuated stereotyped roles whereby they took responsibility for the home, the children and older persons. It was to be hoped that the latest generation of children would grow up with more enlightened gender attitudes, so that the role of homemaker, as well as forms of paid employment such as cleaning and cooking which were traditionally associated with women, would no longer be undervalued. The efforts currently being made in Luxembourg in that regard were very positive.

39. She expressed concern that domestic violence was not specifically dealt with as such in the country's legislation. Domestic violence was an abuse of power by the strong over the weak and vulnerable, who might be women, older persons or children, and took the form of physical or psychological abuse by a person whose role should be to protect the more vulnerable members of the household. Luxembourg should review its legislation so that offences of domestic violence could be prosecuted without the victim having to lodge a complaint.

40. *Ms. Jacobs, Ms. Mulheims and Ms. Ecker (Luxembourg) withdrew.*

41. **Ms. Khan** introduced the report of the pre-session working group (CEDAW/PSWG/2000/I/CRP.1/Add.4).

The meeting rose at 5.15 p.m.