



**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 446th meeting**

Held at Headquarters, New York, on Wednesday, 19 January 2000, at 10.30 a.m.

*Chairperson:* Ms. Gonzalez

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*The meeting was called to order at 10.30 a.m.*

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

*Third periodic report of Luxembourg*  
(CEDAW/C/LUX/3 and Add.1,  
CEDAW/PSWG/2000/I/CRP.1/Add.7 and  
CEDAW/PSWG/2000/I/CRP.2/Add.1)

1. *The Chairperson invited the delegation of Luxembourg to take places at the Committee table.*

2. **Ms. Jacobs** (Luxembourg) said that the Committee's conclusions with regard to the initial and second periodic reports had been the subject, in 1998, of a debate in the Chamber of Deputies on equal opportunity, organized by the Special Commission on Equal Opportunity between Men and Women and on the Advancement of Women. The Special Commission had subsequently recommended that the Government implement the Convention, inter alia, by holding general nationwide debates, instituting the 2000 National Action Plan, and taking appropriate follow-up measures. The debate in 1999 had concerned the role of women in political and economic decision-making and one planned in 2000 would deal with the success of women in general, European and communal elections. The Special Commission intended to develop legislative proposals and to make practical recommendations to improve the participation of women in decision-making and to integrate a gender perspective in national and local political activities.

3. Despite its somewhat belated response to its obligations under the Convention, since the establishment of the Ministry for the Advancement of Women in 1995, the new coalition Government of Luxembourg formed in 1999 had accorded priority status to the advancement of women. Of its 19 ministerial posts, seven were occupied by four women ministers. Although the number of women ministers had not changed, their level of representation had dropped slightly since two new posts had been filled by men. While other ministries had been merged, the Ministry for the Advancement of Women remained autonomous, with an allocation of only one per cent of the total national budget. That figure represented over 30 per cent more than the corresponding appropriation

in the preceding five years. The Special Commission on the proposal of the National Council of Women of Luxembourg, had agreed that an analysis of the national budget should be conducted, breaking down expenditures on the basis of sex.

4. The staff of the Ministry for the Promotion of Women, made up exclusively of women, had doubled to 8 posts occupied by 5 persons working full time and 6 persons working part time, a practice which had demonstrated that even high-level posts could be occupied by more than one person, and that even a small operation could respond to the needs of those who wished to work only part time. In fact, that institutional practice was an essential facet of Luxembourg's programme to promote equality among men and women, as envisaged in the Beijing Platform for Action.

5. Women from the northern and eastern agrarian regions of Luxembourg benefited from the same opportunities as women from the more industrialized central and southern regions in education, training, and health care. Although women in rural areas had fewer conveniently situated job opportunities, nearly 50 per cent of Luxembourgish women were either working or seeking employment and many men and women from neighbouring countries endured long commutes to workplaces across the border. Since 1994, the number of working women including those commuters had risen by 7 per cent, and currently made up 37 per cent of the working population. Cross-border women workers, whose earnings helped pay for their families' needs at home, were engaged mostly in the trade and service sectors.

6. In observance of the deeply rooted family model in which the father was the chief breadwinner and the mother was responsible for the home, many women chose not to participate in paid work, considering that the high salaries paid to their spouses allowed families to forego supplementary income. Most women, moreover, considered that the well-being of their children was the principal reason for opting not to work. However, women under the age of 45 viewed that choice as temporary, and had appealed to the Government to improve childcare and to diversify, expand and regionalize professional training. By way of response, the Government had established the National Action Plan for Employment.

7. The reigning sovereign of the Grand Duchy of Luxembourg had announced his decision to pass the governance of the country to his son in September 2000. In order to withdraw the reservation entered by Luxembourg concerning the hereditary transmission of the crown, the Grand Duke would need to have to exercise his authority to alter the family pact of the House of Nassau (cited in article 3 of the Constitution) which established that governance would pass to the first-born male descendant. The Ministry for the Advancement of Women had proposed a revision of article 3, to which the Grand Duke had consented. In its Action Plan 2000, the Government had undertaken to withdraw the reservations it had entered to the Convention. Through information, awareness-raising, and training activities, the Ministry had effected a change in electoral procedures enabling women to stand for election using their own names, as they had done in the 1999 general, communal and European elections.

8. It was hoped that as a result of the many consciousness-raising programmes, young people would choose to adopt egalitarian attitudes in their marriages and free unions, and would together determine the family name of their children, the Special Commission believed that a legislative change was necessary in the existing legislation on family names, but appropriate action had not been taken thus far by the new Government.

9. However, no legislative changes were envisaged regarding the remarriage of widows and divorcees, the classification of children as legitimate, natural or illegitimate or the abortion law.

10. The Committee's conclusions regarding the initial and second periodic reports had been widely disseminated, in particular to non-governmental organizations working on behalf of women and to the members of the legislature. The President of the Chamber of Deputies had requested responses to those conclusions in writing. The National Council of Women of Luxembourg had been highly gratified by the discerning suggestions and recommendations formulated by the Committee, and had called on the Government to ensure widespread distribution of the Convention, the reports, and the lists of questions and their responses. The Government had incorporated some of the recommendations of the National Council, which were endorsed by the Ministry in its National Action Plan for Employment, in particular its

promotion of equal opportunities on the communal level, and its plan to establish a monitoring system for the general, European and communal elections.

11. Summaries of the debates on the Committee's conclusions at public sessions of the Chamber of Deputies were circulated to all households. The Ministry had recently reissued its booklet on the Convention and on related implementation activities. As the Committee had recommended, it would be distributed to students, teachers, police officers, prison staff, judges, social workers and health-care workers. The Convention was an integral element of the Ministry's "Sharing equality" project, which had been designed to incorporate the principle of equality into teaching and training curricula.

12. On 22 October 1999, the National Council had held a conference on the meaning and national implications of the adoption of the Optional Protocol to the Convention. The non-governmental organizations that had attended had been very interested in the procedure by which persons who considered themselves to be victims of a violation of the Convention could submit a communication to the Committee. Luxembourg was proud to have been among the first countries to sign the Protocol, and the Ministry was already preparing a draft law for its ratification.

13. The new Government was committed to fulfilling the Committee's recommendation to develop statistics reflecting differences by gender. The lack of such statistical data had led to Luxembourg's poor showing in the 1999 *Human Development Report*, where Luxembourg had ranked 17th. She was confident that the Ministry would be able to supply such information in its fourth periodic report in 2002.

14. The National Action Plan for Employment had provided a legal basis for private sector action and had prompted the Ministry to seek out enterprises undertaking such action. The four projects it was sponsoring focused respectively on providing training to women in the workplace in such areas as management, accounting, staff planning, customer assistance, purchase planning and sales principles; training team leaders for cleaning services, demonstrating the feasibility of internal promotion of women in a typically female sector; integrating women in outdoor horticultural work in gardens and orchards, a sector traditionally reserved for men; and finally,

establishment of a day-care children's playroom adjoining a hairdressing salon.

15. The Ministry was conducting a programme designed to persuade heads of private companies to take action to ensure equality of women, in the interest of more effective use of human resources and increased productivity and despite the reluctance of male employees. The Ministry was also intending to negotiate with the new Minister for Public Service and Administrative Reform regarding the proposed amendment to the law on the general status of the public servant. It had considered introducing into the public service a system that would ensure and monitor respect for equality between men and women.

16. The draft amendment to article 11 of the Constitution would legalize the principle of equality between men and women and would allow for the establishment of quotas. The new coalition Government, however, was categorically opposed to the introduction of quotas for electoral lists. Further measures to promote women's participation in the political decision-making process were likely to emerge from the debate to be held by the Special Commission in March 2000.

17. The draft law on sexual harassment in the workplace had encountered no formal opposition in the executive branch, and was likely to be adopted by the legislature. The new Government had agreed that in the case of violence against women in the home, the initiator of the violence, not necessarily the woman, would be forced to leave. Legislation currently in force would be reviewed to ensure that women who had left their homes to escape conjugal violence would no longer be deprived of maintenance on the grounds that they had legally abandoned the domicile. Within the context of the national year against violence towards women organized in 1999 under the patronage of the Grand Duchess, the Ministry had organized an extensive consciousness-raising and information campaign on conjugal and domestic violence.

18. The Ministry had also set up training sessions for professionals working in shelters for women who were victims of violence or in situations of distress, which concentrated on defusing violence, intervening in crisis situations, recognizing symptoms of trauma, inculcating respect for women's needs and understanding the tendency of the patriarchal system to minimize the impact of violence against women.

19. In 2000, emphasis would be placed on training instructors, who would in turn train a large number of professionals working with women victims of violence. Also, the Ministry for the Advancement of Women intended to organize a seminar with the participation of the authors of an Austrian law permitting the immediate expulsion from the home of perpetrators of domestic violence. Some considered, however, that such legislation would have little effect in Luxembourg since women often voluntarily withdrew complaints of domestic violence.

20. The Ministry was also concerned about the social integration of the growing number of women immigrants, migrant workers and refugees. A special committee had recently been established within the National Council for Foreigners to examine the needs of those groups.

21. Her Government's strategy for the advancement of women had two key components: recognition of the changing roles and responsibilities of women and men; and systematic integration of the gender perspective in government policy. Within the framework of the "Sharing equality" project, the Ministry had developed a gender-based teaching approach, which proceeded from the premise that gender roles were in constant evolution and were the product of a historical process influenced by social and cultural factors. The gender-based approach was being incorporated in teacher training by providing training in equality for instructors. The gender-based approach recognized the differences between the sexes while promoting opportunities for individual development outside traditional gender roles. The Ministry had issued numerous publications on the subject, as well as a series of television commercials, and in partnership with non-governmental organizations helped to organize conferences, round tables and training sessions. Many of those organizations received grants from the Ministry.

22. Integrating the gender perspective in policy was a long-term process requiring monitoring and follow-up. Lack of awareness remained a major problem. Thus, a requirement introduced in September 1998 that any bill submitted to the Council of Government should be accompanied by a statement of its impact on equal opportunities had not met with immediate acceptance because the authors, who considered the provisions of their bills to be gender neutral, did not see the relevance of the exercise.

23. Governments could influence the evolution of gender roles through legislation and other measures. As stated in the responses to the list of issues (CEDAW/PSWG/2000/I/CRP.2/Add.1), her Government had established through legislation the individual and non-transferrable right of every parent raising a child under five years of age at home to take six months' parental leave. Employees on parental leave received State benefits. Ninety men and more than 1,300 women had benefited from the initiative. Her Government had also instituted the post of equality officer in private sector firms. Equality officers were responsible for ensuring equal treatment of male and female employees with respect to access to employment, training and promotion, level of remuneration and conditions of employment. Legislation had been adopted to ensure that all employees, including those taking paid or unpaid leave, should have access to in-service training. The State was contributing to the cost of such training through both direct financial assistance and tax credits.

24. For employers and trade unions, gender equality was sometimes a low priority. However, there had been some positive developments. Thus, the two representative trade unions were organizing training for equality officers, and the drafting of workplace equality plans had been included among the subjects of collective agreements in accordance with the law of 12 February 1999 on implementation of the National Action Plan for Employment. Also, the Chamber of Skilled Trades intended to hold a workshop for interested employers on affirmative action to benefit women. The increasing awareness of gender equality issues was attributable in part to the regular dialogue between the Ministry and the various social actors.

25. Her Government was providing financial support for a number of initiatives in favour of women. Regrettably, only two of the five political parties had taken advantage of the offer by the Ministry for the Advancement of Women to cover the cost of training women who stood for election to public office. The Ministry had also established an award for the district that demonstrated the best practice in the area of gender equality.

26. In February 2000, Luxembourg was to host the conference "Women, Power and Development", in which women from the entire French-speaking community would participate. The aim of the conference was to promote solidarity among French-

speaking men and women by establishing partnerships and networks for exchanging information and opinions.

27. Most single-parent families were headed by women, and most teachers at all levels were women. Consequently, children lacked the opportunity to develop relationships with men as mentors and to integrate a male outlook in the development of their personalities. There was a risk that, as a result, the division between the sexes might not only persist, but become more entrenched. She therefore hoped that the role of men would be among the subjects examined at the special session of the General Assembly to be held in June entitled "Women 2000: Gender equality, development and peace for the twenty-first century", because gender equality concerned men as well as women.

28. **The Chairperson** thanked the Luxembourg delegation for the information provided in the oral presentation and in the responses to the list of issues, which had been particularly illuminating.

29. **Ms. Ryel** said that there had been many positive developments in Luxembourg since the consideration of that country's second periodic report in 1997. She welcomed, in particular, the increased focus on the gender perspective, the projects and campaigns launched by the Ministry for the Advancement of Women and the legislative measures outlined during the oral presentation. She hoped that the Government of Luxembourg would build on the progress made, since much remained to be done.

30. She emphasized that gender equality was a cross-cutting issue and that the Ministry for the Advancement of Women should therefore focus on achieving equality not only in family life, but also in education, employment, social security benefits and provision for older persons.

31. Given that the Ministry's budget was modest, she wondered how the grants it provided were financed. Lack of funds was a common problem among women's ministries; Governments should ensure that the national machinery they put in place for the advancement of women was backed up by adequate resources.

32. While she welcomed the good example set by the Ministry in terms of flexible working hours and job sharing, she was concerned that there were no men among the Ministry staff. The changes in women's

roles had a significant impact on the lives of men and they should be included in the process. Women's ministries often lacked the prestige of other Government departments, and she wondered whether women in senior posts in the Ministry for the Advancement of Women received the same salaries as their male counterparts in other ministries.

33. She was perplexed at the assertion that women's income from employment was merely a supplement to their husbands' higher salaries. Such discourse would simply perpetuate the wage gap between men and women in Luxembourg's highly segregated labour market. The statement that women chose to give up paid employment in order to stay at home with their children was also problematic. Often, that choice was dictated by lack of opportunity and social pressure.

34. With respect to Luxembourg's reservation to article 7 of the Convention, she asked what action had been taken following the agreement by the Grand Duke to the ministerial proposal to amend article 3 of the Constitution concerning the hereditary transmission of the crown of the Grand Duchy of Luxembourg. Regarding the choice of a child's surname, the subject of Luxembourg's second reservation, she encouraged the Government to introduce legislation permitting the parents of so-called legitimate children to decide the child's surname for themselves. The current situation, in which only a so-called natural child might take its mother's name, unfairly stigmatized such children. The Government should consider launching a campaign aimed at changing traditional attitudes on the subject.

35. She welcomed the very broad dissemination of the Convention in Luxembourg and the publication of manuals on gender equality. The State party's commitment to the advancement of women had been demonstrated by its signature of the Optional Protocol to the Convention, and she hoped that Luxembourg would be among the first countries to ratify that instrument. Regarding the State party's domestic legislation, she inquired as to the status of the draft constitutional amendment introducing the right to equality without discrimination on grounds of gender and whether the amendment contained specific provisions governing affirmative action.

36. The Government was to be commended for the measures taken to combat domestic violence. It should, however, consider introducing legislation to ensure that perpetrators could be prosecuted even when victims

withdrew their complaints. Otherwise, the full extent of the problem would remain hidden.

37. The extension of parental leave to men was another example of how laws could actually help to change attitudes. She wondered whether equality officers were appointed exclusively in the private sector and whether they had access to the relevant information enabling them effectively to carry out their responsibilities. She wanted to know whether the Action Plan 2000 still existed, if it had been renewed and whether non-governmental organizations continued to be involved in its implementation. With regard to women and social security, she wanted to know whether Luxembourg's pension system made provision for the payment of benefits to women in certain sectors who abandoned their jobs at an early age owing to sheer physical exhaustion or disability, even if they had not made any prior contributions to the system.

38. **Ms. Jacobs** (Luxembourg), responding to the questions, said that, despite the cabinet reshuffle, the autonomy of the Ministry for the Advancement of Women had been maintained. It was very important to keep an independent Ministry for the Advancement of Women because much still remained to be done before full equal opportunity for men and women could be achieved. The fact that the Ministry's budget was modest, should be measured against the budget resources allocated by other ministries to activities for the promotion of equal opportunities for women. The all-female staff of the Ministry for the Advancement of Women must be attributed to inability to offer higher salaries in order to attract men. The differences in men's and women's salaries was a structural, rather than legal issue; men had more time to devote to overtime work and participate in training seminars, thus boosting their incomes and qualifications. She hoped that equality officers, whose independence was assured since they were elected by their fellow workers, would look into the salary structures of companies and examine hiring practices. The regulations governing public service should also be reformed and plans to appoint equality officers in the public sector should be expedited.

39. With regard to the reservation concerning the hereditary transmission of the crown of the House of Nassau, she noted that any amendment had to be approved by a majority in the Government. She hoped that during the term of the current legislature it would be possible to amend the family pact of the House of

Nassau so as to enable a female descendant to inherit the throne.

40. It was highly unlikely that attitudes about family names would change to such an extent that people could choose whatever name they wanted to give to their children. However, that possibility might apply to children born out of wedlock and partners in open unions, who could decide to give the child the mother's or the father's name.

41. Women who left the conjugal home to go to a women's shelter because of domestic violence, would not lose their entitlement to property. On the other hand, they might lose their alimony as the law now stood, which is what the Government intended to change during the current legislative session.

42. The Government had decided to initiate, on an experimental basis, parental leave of more than three months to ensure that not only women benefited from it. However, if it created a situation whereby fathers continued to work leaving women to remain at home to take care of the children, such leave would only spawn a new type of discrimination. The retirement age for men and women in all sectors was 65. However, people with very difficult jobs, or those who did night work, for example, might be allowed to retire at 57, while people who became disabled could start drawing pensions at 54.

43. **Ms. Ecker** (Luxembourg), expanding on the issue of disability pensions, said that no distinctions were made between men and women in the disbursement of those benefits. In order to establish such a distinction, gender disaggregated data would have to be provided to identify activities that were more harmful to women's health. With regard to domestic violence, she pointed out that it was up to women who abandoned the conjugal home to prove that they had valid reasons for doing so. Moreover, the law on divorce made no provision for maintenance allowance if the woman was found to be at fault.

44. **Ms. Mulheims** (Luxembourg) said that the Inter-Ministerial Committee for Equality between Men and Women was responsible for monitoring the implementation of the Action Plan 2000 which, as noted by the Minister, was not confined to the year 2000. The Inter-Ministerial Committee was in continuous contact with non-governmental organizations and the latter's suggestions were reflected in the Ministry's activities.

45. **Ms. Cartwright** said that she remained concerned that the Constitution of Luxembourg had not been amended to provide explicitly for equality between men and women. The resolution passed by the Chamber of Deputies in 1997 had commented on the "urgency" of the matter, when a solution, even then, had been long overdue. Indeed, since the adoption of the Universal Declaration of Human Rights in 1948, gender equality had been part of international law. The Constitution had great symbolic importance and failure to amend it conveyed the message that the State did not consider gender equality of fundamental importance. Moreover, the Government of Luxembourg was bound by article 2 of the Convention under which States parties pledged themselves to embody the principle in their constitutions.

46. When the amendment to article 11 of the Constitution of Luxembourg was eventually adopted, she suggested that all legislation should be reviewed to ensure that it was in compliance. Such a review would have two effects: first, to highlight the importance of gender equality to the people of Luxembourg, and second, to avoid burdening the Constitutional Court with cases brought by citizens questioning the constitutionality of laws.

47. She recommended that real urgency and commitment should inform the efforts to amend the Constitution, and that in their deliberations the Chamber of Deputies should take into account article 3 of the Convention concerning direct and indirect discrimination.

48. **Ms. Corti** said that it was unfortunate that the Coalition Agreement had not supported quotas for women candidates in electoral lists. Women political candidates had been a subject of discussion in many European countries, but even in those countries with strong resistance to the idea, quotas were at least a first step towards equality. The report appeared to indicate a decline in the number of women elected to office, and she looked forward to the Ministry's response. The initiatives to assist immigrant women to become integrated in society were commendable, and she would like to hear more about the results of those measures.

49. The media could make a significant contribution to a culture of equality; indeed, its power was sometimes even greater than political power. She asked

what concrete actions had been taken to change the image of women in the media in Luxembourg.

50. **Ms. Abaka** said that she had been impressed by the effectiveness of family planning policies in Luxembourg: the Government had not allowed religion to influence their implementation, and women had the right to regulate their own reproductive life.

51. In the 1998 report of Luxembourg to the Committee on the Rights of the Child, a drastic reduction in the rate of breastfeeding had been reported, and she wondered if anything had been done to correct the situation. She would also like more information about rates of tobacco use among women.

52. **Ms. Jacobs** (Luxembourg), in reply to Ms. Cartwright, said that she also regretted that it had not yet been possible to pass the amendment to article 11 of the Constitution. That article encompassed other fundamental freedoms and reluctance to adopt it signified continuing resistance to change. A two-thirds majority of the Chamber of Deputies was required for passage, and the new majority resulting from the recent elections might lead to some movement on the issue. The forthcoming debate in the Chamber of Deputies on the issue of electoral quotas for women could also produce some progress. The number of women in the Government had not declined in real terms; rather, an increase in the number of posts in some sectors had diminished the proportion of women. She was pleased to report progress at the recent communal elections, which had demonstrated steady growth in women's representation in local government.

53. With regard to immigrant women, she pointed out that out of a total population of 430,000, Luxembourg had 120,000 residents from other countries, with 55,000 in the Portuguese community. It had proven difficult to reach immigrant women to offer them language courses, for example, because of their heavy work and family responsibilities. Luxembourg could do little directly to control the image of women in the media because most of its television and radio came from its neighbours. However, the Ministry had made frequent complaints to the national commission on media ethics about the content and portrayal of women in advertising.

54. In reply to Ms. Abaka, she said that there was a strong commitment to breastfeeding in Luxembourg, and that non-governmental organizations had become involved in the campaign to promote it. Measures had

also been taken to make it possible for working women to continue to nurse their infants. There were also national campaigns against cancer, which included anti-smoking campaigns and free mammograms for all women at age 50. It was sometimes difficult to produce meaningful health statistics, however, as they could easily be distorted, given Luxembourg's relatively small population.

*The meeting rose at 1 p.m.*