



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

Distr.: General
20 February 2008

Original: English

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

Summary record of the 823rd meeting

Held at the Palais des Nations, Geneva, on Wednesday, 23 January 2008, at 3 p.m.

Chairperson: Ms. Šimonović

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

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

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

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

2. **Ms. Jacobs** (Luxembourg), in response to the questions raised on article 11 at the previous meeting, said that the study on the employment market and equality of opportunity referred to in the report showed the various reasons for the wage gap between men and women, including the difference in the types of jobs performed by women and men and the higher percentage of women working part time. While the principle of equal pay for equal work was enshrined in the law, it was not always carried out in practice. Luxembourg had a tripartite system for collective agreements, involving trade unions, employers and the Government. Trade unions and employers had opposed introducing a legal obligation to ensure that wages were equal in practice. In addition to the lack of political will, lack of knowledge of how to assess such equality constituted an obstacle. Therefore, the Government had attempted to train managers and unions to promote and assess equality at the workplace. The Government had pursued various methods for determining what constituted equality, including those used in Switzerland. The difficulty in measuring the value of work, however, was compounded by the diversity and relatively small scale of most businesses in Luxembourg. She would therefore welcome any models which might be used for small and medium enterprises.

3. The Labour Code and Penal Code prohibited any form of discrimination against women. In addition, the Government was making efforts to dispel stereotypes. Although changing ways of thinking was a long-term endeavour, she was confident that the new generations of senior managers would not adopt such stereotypes and would have no reason to see their daughters earn less than their sons.

4. **Ms. Dariam** said that she had read with interest the data in the report on health, especially relating to cancer and the causes of death. It would be useful to have more such data. Commending the national mammography programme, she wondered why it

covered only women between the ages of 50 and 69, especially as 20 per cent of women between the ages of 45 and 49 had been affected and there had been a 7 per cent increase in the number of cases of breast cancer among women between 15 and 39. She failed to understand why the Government was awaiting European Union recommendations on whether to extend organized screening to women under 50, especially as it had the means to do so immediately.

5. Although the incidence of suicide among young persons was high, there was no comprehensive programme to address the mental health needs of adolescents, many of whom sought psychological help in France, Belgium and Germany. She would appreciate any information on the health policies for adolescents, including preventive measures and counselling. She wondered whether the Government had referred to General Recommendation No. 24 with regard to widening the scope of women's health services.

6. **Ms. Pimentel**, commending the study on the well-being of young people in Luxembourg between the ages of 13 and 19 referred to in the report, would like to know whether it covered the adolescent sons and daughters of immigrants, and whether their well-being was at the same level as nationals. If there was a difference, it would be useful to know about any education or mental health policies targeting those young persons. More information was needed on abortion legislation, including the time limit for the administration of the drug Mifegyne for medical abortion mentioned in the report. Further details on how issues of rape, risks to a mother's life and anencephaly were covered would also be helpful.

7. **Ms. Ara Begum**, noting the significant increase in the share of female smokers compared to male smokers and in the incidence of lung cancer among young women, said that the report failed to mention other problems such as second-hand smoke and its effects on children. Tuberculosis was another important smoking-related disease. More data on smoking and pregnant women would be useful. She would like to know whether any mechanisms had been introduced to target women who smoked at home and whether Luxembourg had adopted the World Health Organization Tobacco Free Initiative. Information on any studies on the causes of smoking among women would be appreciated. She also requested further

information on HIV/AIDS among migrant women and the preventive measures taken by the Government.

8. **Ms. Arocha Dominguez** said that indicators were needed to corroborate the statement made in the previous meeting that men and women enjoyed equal access to health care. Such data had not been provided, particularly concerning the migrant population, and was necessary to establish the causes of morbidity and the mortality rates among migrant women compared to Luxembourg nationals. She would like to know what further measures had been taken since 2005 to address the rise in the incidence of HIV/AIDS and whether the campaign mentioned in paragraph 284 of the report had produced any specific results. More information on the problem of drug addiction among girls and young women would also be of interest.

9. **Ms. Tan**, noting with satisfaction that rural women had many opportunities for personal and professional development, would like to know the proportion of rural women in political office and whether there were any initiatives to encourage rural women to become involved in politics. She would appreciate having any gender-disaggregated information on the various kinds of agricultural work done by men and women and on rural income levels. She asked about the level of land ownership by women in rural areas, whether they had the same land rights as men, and how many of them had their own agricultural enterprises compared to men. It would be useful to learn more about the proposals put forward by the working group mentioned in paragraph 218 of the report concerning pension rights and whether progress had been made.

10. **Ms. Jacobs** (Luxembourg) said that her Government was not awaiting a European Union directive to treat young women for breast cancer. They had the same rights as the women who were benefiting from the national mammography programme. Furthermore, there were plans to extend the programme to younger women. Luxembourg had a centre which addressed the mental health needs of children and one for adolescents. Regrettably, the high standard of living in the country had not resolved the problem of suicide and drug abuse. There were, however, many counselling and rehabilitation services available to young persons. In a small country like Luxembourg the risk to drug addicts of a relapse was higher than in larger ones, as persons tended to return to their former social surroundings after rehabilitation.

Every person legally residing in Luxembourg had equal access to nearly free health care. Information about access to health care and special programmes was disseminated in several languages other than the official ones to ensure that everyone enjoyed such access. Every female resident over 50 was informed in writing by the relevant Ministry, for example, about the mammography programme.

11. Smoking was prohibited in public places, offices and restaurants in Luxembourg. The Government did not control the smoking habits of persons at home. It was working with civil society at various levels to reduce smoking, especially among girls and young women. Tuberculosis was rare, and existing cases most often involved foreign nationals.

12. Rural women had the same rights and access to health care as urban men and women. Hospitals were easily within reach throughout the country. There were HIV/AIDS programmes to address the resurgence of the disease, including outreach and sex education. Students had access to free contraceptives at school. Family planning centres were doing excellent work to inform young persons about contraception and provide medical examinations and counselling for girls and young women. Abortion was legal in Luxembourg through the third month of pregnancy; after that limit criminal penalties were imposed.

13. Rural women experienced no discrimination and participated fully in political life; in fact, many women were mayors of small towns and villages. Women working on family farms were entitled to social security protection on the same basis with men.

14. Individual pension rights were a difficult issue in Luxembourg and had been the subject of lengthy debate; many draft bills had been circulated. Various methods of compensation of time out of the workforce for family reasons had been discussed. One problem, for which no solution had been found as yet, was how to compensate fairly the 40 per cent of the workforce that worked in Luxembourg but were citizens of and lived in neighbouring countries where the pension scheme might not be as generous. Part-time work was recognized under the pension system; in addition, the Government made contributions to the social security system for up to two years for time out of the workforce for family reasons both for men and women. For the most part, however, women took part-time work because men usually still earned more.

Articles 15 and 16

15. **Ms. Halperin-Kaddari** noted that draft legislation reforming the divorce laws had been submitted in 2003. She asked if the act had been adopted, and if not, the reason for the delay. She would be interested to know what the no-fault divorce law would entail, and whether it would address the economic consequences of divorce by changing the alimony and maintenance system and the distribution of marital property. With regard to de facto unions or cohabitation, she wondered if partners in such unions received any protection on their dissolution. She also asked if provisions regarding custody of children differed according to whether the couple had been in a marriage or a de facto union.

16. **Ms. Tan**, referring to the Act of 23 December 2005 on patronymic names of children, asked whether the father took precedence over the mother in the even of a dispute. She would like to know how many restraining orders were taken out per year by victims of domestic violence and whether they were difficult to obtain. She would also like to know how many eviction orders had been granted. She wondered if the study of statistics on domestic violence had resulted in any recommendations.

17. Finally, with regard to the bill to reform the divorce law, she wondered if there were plans to allow joint custody of children. It would be interesting to receive information on the divorce rate in Luxembourg.

18. **Ms. Jacobs** (Luxembourg) said that adoption of laws in her country was indeed a lengthy process, as the draft bill must be examined at many different levels of the Government. Attempting to change mentalities, as in the case of divorce law, was also a lengthy process. The law allowed for pacts, or registered partnerships, whether between heterosexual or homosexual couples, which provided some constraints and protections for both the partners upon dissolution of the partnership, though not as many as entailed in formal marriage. Joint custody of children was possible, on the basis of the right of the child to have contact with both parents. In the case of a dispute between parents regarding choice of family name, both names would be used and the State would decide whether the mother's or father's family name came first. The divorce rate in Luxembourg was over 50 per cent: there had been 2,000 marriages in the past year and 1,000 divorces.

19. **Ms. Klein** (Luxembourg) said that the police could intervene in domestic violence cases and carry out the immediate removal of a spouse from the home if they believe it was warranted by the gravity of the situation. For a long-term order of protection, the police would send a request to a Tribunal, which could take 10 days to three months to issue a decision. In 2006, the police had intervened in 409 cases; 46 of those cases had resulted in long-term orders of protection.

20. **Ms. Pimentel** pointed out that, although abortion was legal until 12 weeks, women sometimes developed serious health problems later on in their pregnancies. Furthermore, ultrasound scans performed before the four-month mark would not show serious foetal abnormalities or anencephaly. She therefore wished to know whether, in those specific cases, women could choose to terminate their pregnancies.

21. **Ms. Halperin-Kaddari** requested further clarification of the rights and responsibilities of unmarried couples who had decided to enter into a civil partnership.

22. **Ms. Schöpp-Schilling**, reverting to the issue of the wage gap between women and men, said that it would be interesting to know whether any cases relating to equal pay for work of equal value had been brought before the courts. While acknowledging the difficulties facing the Government in its negotiations with its social partners, she enquired as to the percentage of women occupying decision-making posts within trade unions. She wondered when the State party would move beyond merely complying with its obligation of means under the Convention to honouring its obligation of results and, lastly, asked whether the Government was considering adopting gender budgeting as part of its gender equality policy.

23. **Ms. Gaspard** said that it would be interesting to know whether the representatives of the State party felt that adequate human and financial resources were allocated to activities designed to promote women's rights. Such resources should be sufficient to enable the Ministry of Equal Opportunity to exert a tangible influence over the policies and practices of other government departments.

24. **Ms. Tan** asked whether the committee for cooperation between professionals in combating violence, established pursuant to a Grand Ducal Regulation of 24 November 2003, had conducted any

studies on domestic violence and, if so, whether it had identified any practical solutions to the problem.

25. **Ms. Jacobs** (Luxembourg) said that an abortion could be performed later than 12 weeks into a pregnancy if the mother's life was in danger. However, choosing to terminate a pregnancy because the foetus was severely disabled or had anencephaly was an ethical question that fell outside the preserve of legislation. In such cases, the parents of the unborn child and their attending physician had to discuss the matter with a view to reaching a decision.

26. She drew attention to paragraph 23 of the report (CEDAW/C/LUX/5), which detailed the rights and responsibilities of unmarried couples having entered into a civil partnership. Such partnerships had been introduced as a way to ensure that unmarried couples who lived together could enjoy a minimum level of protection under the law. However, it should be pointed out that the benefits and protections offered by a civil partnership were far less comprehensive than those deriving from a marriage contract.

27. In response to the questions put by Ms. Schöpp-Schilling, she said that one woman had brought a case concerning gender-based discrimination before the courts and had been awarded compensation. At the present stage, it would be too complicated and time consuming to introduce gender budgeting across the board. However, the Ministry of Equal Opportunity and the Ministry of Finance were currently studying the possibility of incorporating that concept into the budgets of certain government departments.

28. Lastly, referring to the question posed by Ms. Gaspard, she said that additional resources were always needed. Moral support from other government departments would also be particularly helpful.

29. **Ms. Klein** (Luxembourg) said that the committee for cooperation between professionals in combating violence was primarily a discussion forum where State bodies and non-governmental organizations (NGOs) could share experiences and best practices relating to the fight against domestic violence. The committee was also responsible for compiling statistical data and for submitting an annual report on its findings to the Government. In 2006, it had conducted a preliminary evaluation of the implementation of the Law on Domestic Violence, the results of which could be found on its website.

30. **Ms. Jacobs** (Luxembourg) underlined her Government's willingness to cooperate with the Committee. The latter's recommendations and concluding comments were a crucial part of efforts to raise awareness of women's rights, both within government and among the population at large. The constructive dialogue with the Committee also gave Luxembourg an opportunity to share its achievements and best practices in the hope that other States might benefit from its experiences.

31. **The Chairperson** commended the State party for its effective implementation of the Committee's previous concluding comments and welcomed the withdrawal of all its reservations to the Convention. Given, in particular, that it had ratified the Optional Protocol to the Convention, the Government should pursue its efforts to raise awareness of both instruments among lawyers and members of the judiciary.

The meeting rose at 4.20 p.m.