



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

List of issues and questions prior to the submission of the combined sixth and seventh periodic reports of Luxembourg*

General

1. Information and statistics, disaggregated by sex, age, ethnicity, religion and location, on the current situation of women in the State party are required in order to monitor the implementation of all areas covered by the Convention. In the light of the Committee's previous concluding observations (CEDAW/C/LUX/CO/5, paras. 20, 22, 24, 28 and 30),¹ please indicate how the State party intends to improve the collection and analysis of such data so as to support policymaking and programme development and to measure progress towards the implementation of the Convention.

Constitutional, legislative and institutional framework

2. Please provide information on the steps taken to incorporate the provisions of the Convention into national laws and to ensure the availability of effective remedies for all women, including disadvantaged groups of women, in the State party. Specifically, please provide information on the concrete measures taken to incorporate into national law: (a) the right to equality and non-discrimination on the grounds of sex in order to end all forms of discrimination against women and girls in line with target 5.1 of Sustainable Development Goal 5; and (b) a comprehensive definition of discrimination against women in a way that encompasses both direct and indirect discrimination, as well as discrimination in the public and private spheres, in line with article 1 of the Convention. Please provide details on how the right to equality and non-discrimination on the grounds of sex is respected in all legislation and how it is implemented in practice, especially in view of the high degree of autonomy that communes enjoy, according to the common core document (HRI/CORE/LUX/2012, para. 141).

Note: The present document is being circulated in English, French and Spanish only.

* Adopted by the Committee at its sixty-sixth session (13 February-3 March 2017).

¹ Unless otherwise indicated, paragraph numbers refer to the Committee's concluding observations on the State party's fifth periodic report (CEDAW/C/LUX/CO/5).



Access to justice

3. Please provide information on efforts made to give sufficient visibility to the Convention, the communications and inquiry procedures provided for by the Optional Protocol thereto and the Committee's general recommendations, in particular general recommendation No. 33 (2015) on women's access to justice, and to make them an integral part of the capacity-building of judges, lawyers, prosecutors, police officers and other law enforcement officers, as previously recommended by the Committee (para. 12).

4. Please provide information on measures taken to ensure that women in the State party are aware of their rights under the Convention and are able to invoke those rights, including through uninhibited access to justice when their rights have been violated. Please also provide information on relevant cases brought before the courts with respect to discrimination against women and the outcomes of those cases and indicate whether the Convention has been invoked before the courts.

National machinery for the advancement of women

5. Please provide information on the current status, mandate, activities and financial, human and technical resources of the Ministry of Equal Opportunity, which has been designated as the mechanism responsible for coordinating national policies to achieve gender equality (A/HRC/WG.6/15/LUX/1, para. 29), and the extent to which it cooperates with civil society, including non-governmental organizations and associations that promote specific women's rights.

6. Following the Committee's previous concluding observations (para. 14), please provide information on the role of the interministerial committee on equality between men and women in implementing the national plan of action for gender equality (A/HRC/WG.6/15/LUX/1, para. 29). Following the expiry of the plan of action in 2014, please indicate whether a new plan of action for gender equality is currently in place (ibid., para. 28) and the outcome of any assessment of the expired plan (for the period 2009-2014) with regard to successfully mainstreaming gender perspectives in all areas and sectors of the State party. Please explain how the national plan of action for gender equality and its national plan of action to achieve integration and combat discrimination are mutually reinforcing (A/HRC/23/10/Add.1, paras. 19-20).

7. Please inform the Committee whether the Advisory Commission on Human Rights has the authority to consider and issue opinions and make recommendations on complaints submitted by women alleging violations of their human rights, as well as the competence to bring cases to court. Please also clarify its competencies as compared with those of the Office of the Ombudsman and the Centre for Equal Treatment (HRI/CORE/LUX/2012, paras. 224-228) relating to the protection and promotion of women's rights, and whether any of these institutions can bring cases to court, either on their own or with the consent of the women concerned.

Extraterritorial obligations

8. Please provide information on the regulatory framework for industries and companies operating within the State party, as well as companies registered in Luxembourg carrying out operations abroad, to ensure that their activities do not negatively affect human rights or endanger environmental, labour and other standards, especially those relating to women's rights.

Temporary special measures

9. Please indicate the results of the temporary special measures, including quotas, that were included in the national plan of action for gender equality for the period 2009-2014 and details on any such measures that will be included in the renewed plan in accordance with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, to accelerate the achievement of substantive equality between women and men. Please include information on the enforcement, monitoring and outcomes of those measures, supported by statistical data on the results achieved.

Stereotypes and harmful practices

10. In its previous concluding observations (para. 15), the Committee reiterated its concern about the persistence of stereotypes concerning the traditional roles and responsibilities of women and men in the family and in society, namely as caregivers and breadwinners, respectively, and the impact of those stereotypes on the educational and professional choices of women. Please provide information on the implementation and monitoring of measures taken since the Committee's consideration of the previous report of the State party with regard to changing attitudes concerning the traditional sex-based dichotomy of roles and responsibilities in childcare and family care. Please specify the measures taken to address the stereotyped portrayal of women, including of women belonging to minority groups, migrant women and transgender women, in society. Please also provide further information and data, disaggregated by age and region, on the prevalence of female genital mutilation in the State party, including on the number and outcomes of investigations and court cases, and elaborate on the specific prevention and awareness-raising efforts undertaken to tackle the issue (A/HRC/23/10, para. 109).

Violence against women

11. Following the Committee's previous concluding observations (para. 20), please provide data concerning violence against women, disaggregated by type of violence and by the relationship of the perpetrator to the victim, and on the number of prosecutions and convictions since the previous periodic report. Please inform the Committee regarding how such data are used as the basis for monitoring the implementation of current and future policy and support measures. Please provide details on the improvement of support services, including the number of shelters available for women who are victims of violence and whether such shelters are staffed by expert personnel and provided with adequate financial resources for their effective functioning.

12. Please state the specific measures that have been adopted to prevent and address all forms of violence against women, including rape, sexual exploitation, pornography and other forms of sexual violence. Please indicate the awareness-raising efforts that have been undertaken with regard to the unacceptability of all forms of violence against women (para. 20). What specific measures have been put in place to protect disadvantaged groups of women, in particular women with disabilities and migrant women, from violence against them, including domestic violence? Please also provide information on measures to strengthen and further develop capacity-building tailored to judges, police officers, other law enforcement officials, health professionals and social workers with regard to violence against women and its causes and consequences.

13. Please provide an update on the status of the proposed amendments to the legislation on combating domestic violence to improve protection for victims and

the accountability of perpetrators, as stated during the universal periodic review of the State party in 2013 (A/HRC/23/10/Add.1, para. 21). Following the Committee's previous concluding observations (para. 20), please provide information on the existence of a comprehensive strategy and action plan to prevent and eliminate all forms of violence against women, including in the immigrant community. Please provide details on the coordination role of the Committee on Cooperation, which is responsible for monitoring the implementation of the aforementioned legislation, and the outcome of any assessments made by it of the effectiveness of measures to raise awareness of and to prevent domestic violence (A/HRC/23/10/Add.1, para. 22).

Trafficking and exploitation of prostitution

14. In its previous concluding observations (para. 31), the Committee expressed concern about the lack of data collection on the extent of the problem of trafficking in women and girls in the State party. Since the adoption of the Act of 8 May 2009 on assistance to and the protection and security of victims of trafficking in persons (A/HRC/WG.6/15/LUX/1, para. 35), has there been any significant increase in the identification, prosecution and conviction of perpetrators?

15. Please provide an update on the various regulations and the bill strengthening the rights of victims of trafficking in persons that had been introduced in the Parliament, according to the statement made during the universal periodic review of the State party in 2013 (A/HRC/23/10/Add.1, paras. 42-43). Please also provide an update on whether the Ombudsman has been appointed as the national rapporteur on trafficking, as foreseen under the bill. Please update the Committee on the development of a national action plan against trafficking in persons, and on the role of the informal committee on trafficking in persons in monitoring and coordinating activities to prevent and combat the prevalence of trafficking in persons into and out of Luxembourg (*ibid.*, para. 41).

16. Please provide information on measures taken to provide adequate assistance and protection to all victims of trafficking in women and girls, and to increase the number of State-run shelters for victims, as well as on measures taken to improve the Government's cooperation with and funding of non-governmental organizations that provide temporary shelter, rehabilitation and reintegration services for victims. Please update the Committee on measures taken to improve bilateral and regional cooperation in order to prevent trafficking in women and girls, protect victims and facilitate the prosecution of perpetrators.

17. In the light of its previous concluding observations (para. 30), please provide information on the extent of prostitution in Luxembourg, as well as data on the phenomenon. Please provide an update on the applicable legal and policy framework, as well as any action plans and other measures taken to prevent the exploitation of women and girls in prostitution. Please also indicate whether measures exist to support women in prostitution who wish to leave prostitution, including through access to alternative means of livelihood.

Participation in political and public life

18. Following the Committee's previous concluding observations (para. 22), please provide the outcome of any study undertaken to evaluate resistance and obstacles to the full and equal participation of women in public life and decision-making, especially at higher decision-making levels. Please provide detailed sex-disaggregated data and updated information on the situation of women and on the measures taken on a permanent or temporary basis, including legislative measures, electoral reforms or the use of incentives or sanctions, to increase the number of women in elected and appointed bodies, particularly in decision-making positions,

in both the public sector (the legislature, executive, judiciary and diplomatic service, as well as in senior positions in the Government and in academia) and the private sector at the national, regional and local levels. Please indicate whether stronger measures are foreseen to guarantee the equal representation of women and men in all decision-making positions. Please also provide information on recruiting practices, access to financial assistance and any campaigns conducted to raise awareness of the importance for society as a whole of participation by women in decision-making, as well as any mechanisms for monitoring the impact of those measures.

Education

19. In the light of the Committee's previous concluding observations (para. 26), please provide information on measures taken to diversify academic and vocational choices for girls and boys and to encourage women and girls to choose non-traditional fields of education and careers, as well as information on measures taken to combat gender stereotypes at all levels of the education system, and to train teachers at all levels on issues of gender socialization and ways in which their behaviour contribute to gender stereotyping. Please also provide information on measures taken to revise school curricula to ensure that they include age-appropriate education on sexual and reproductive health and rights that adopts a gender perspective and takes into account developments in the fields of education and health. Please indicate how the "Luxembourg paradox" (the mismatch between the education and training system and the needs of the economy) is being addressed from a gender perspective (HRI/CORE/LUX/2012, para. 158). Please provide information on specific measures being taken to address the difficulties experienced by girls of foreign origin in the school system and at all educational levels.

Employment

20. Please state the impact of women's access to childcare services on their participation in economic activities as a result of the increase in the number of education and care services (crèches, day-care centres and drop-in centres) and parental assistants (A/HRC/WG.6/15/LUX/1, para. 41), as well the introduction of the childcare service voucher, education allowance, paid parental leave and leave for family reasons (HRI/CORE/LUX/2012, paras. 185-186). In the light of the Committee's previous concluding observations (para. 18), please provide information on the measures taken to raise awareness of the importance of responsible fatherhood, men's participation in child-rearing and the equal sharing of domestic duties, as well as to ensure that part-time work is not exclusively taken up by women.

21. Please provide information on the measures envisaged in view of any impact that the measures in chapter 6 of the national plan of action for gender equality for the period 2009-2014 have had on the gender pay gap and the vertical and horizontal segregation of the workforce, and indicate any steps taken to ensure the principle of equal pay for work of equal value, including through the establishment of a monitoring mechanism. Please indicate what measures are envisaged to combat the relative poverty of older women, owing to their previous lower pay, high level of part-time work and interrupted careers. Please indicate whether measures are being taken or are planned to ensure that all women benefit from complete insurance coverage even if they stop their professional activities. In the light of the Committee's previous concluding observations (para. 24), please provide information on how the issues of immigrant women, who may suffer multiple discrimination, have been mainstreamed into employment policies and programmes of the State party. Please provide an update on plans to ratify the International

Labour Organization Domestic Workers Convention, 2011 (No. 189), as signalled by the State party during its universal periodic review in 2013 (A/HRC/23/10/Add.1, para. 4). Please provide information on the impact of the economic situation on employees and the resulting adverse impact on women, as well as the unemployment rates of women compared with those of men.

Health

22. Following the Committee's previous concluding observations (para. 28), please provide the outcome of any study conducted on the underlying causes of the popularity of smoking among young women and how a gender perspective has been integrated into the anti-smoking strategy of the State party, including in any awareness-raising campaigns. Please provide information on the status of women's health, including sexual and reproductive health, and whether age-appropriate education on sexual and reproductive health and rights is provided (A/HRC/23/10/Add.1, para. 48). Please also provide disaggregated data on the situation of women and young girls with regard to mental health in the State party, and the strategy of the State party for addressing this phenomenon, including by facilitating access to relevant services. Please also provide information on the health situation of older women, women migrant workers, women with disabilities and women in detention.

Refugee and asylum-seeking women and other disadvantaged groups of women

23. Please provide updated information and data on the human rights situation of rural women, older women, including widows and divorcees, migrant women and women with disabilities, and specify the measures taken to ensure that they have effective access to education, health, housing, employment and participation in political and public life, including the use of temporary special measures. Please provide information on measures taken to guarantee compliance with the international obligations of the State party with regard to women and girl refugees and asylum seekers, including the protection of their fundamental rights and the provision of basic services, and training and guidelines for law enforcement officials and border guards on the gender-sensitive treatment of such women and girls at all stages of the asylum procedure.

Marriage and family relations

24. In the light of the Committee's previous concluding observations (para. 34), please provide an update on all changes to the legislative framework regulating marriage and family relations, including on marital property regimes (A/HRC/WG.6/15/LUX/1, para. 31). Please indicate whether marriages are celebrated before the age of 18 years according to articles 144 (2) and 148 of the revised Civil Code. Please also indicate the status and content of the draft law reforming divorce, including whether its provisions, in particular on the division of property, including future pension rights, are in line with the Committee's general recommendation No. 29 (2013) on the economic consequences of marriage, family relations and their dissolution. Please also provide information on the legal regulations (statutory and case law) in place governing the distribution of property upon divorce or the dissolution of a de facto union (opposite or same sex).

Additional information

25. Please provide any additional information deemed relevant regarding legislative, policy, administrative and any other type of measures taken to implement the provisions of the Convention and the Committee's concluding observations since the consideration of the previous periodic report. Such

information may include recent laws, developments, plans and programmes, as well as recent ratifications of human rights instruments and any other information that the State party considers relevant. Please note that, further to the issues raised herein, the State party will be expected to respond during the dialogue to additional questions posed by the Committee within the framework of the Convention.
