



Quality in Gender+ Equality Policies

European Commission Sixth Framework Programme
Integrated Project

Saskia Martens

Context Study Luxembourg

Institute for Human Sciences (IWM)
Vienna
2008

Preferred citation: Martens, Saskia (2008): *Context Study Luxembourg*, QUING Project, Vienna: Institute for Human Sciences (IWM), available at http://www.quing.eu/files/results/cs_luxembourg.pdf.

ACKNOWLEDGEMENTS

I would like to thank everybody who has helped me by providing extra information on her/his institute or association, or by leading me in the right direction to answer the questions in this report in one way or the other. A special thank you to Anik Raskin at the *Conseil National des Femmes de Luxembourg* who always immediately replies to my questions! And another special thank you to Dominique Decarnière who helped collecting information for this report.

DATA TO BE COLLECTED

DEFICIENCIES, DEVIATIONS AND INCONSISTENCIES IN EU AND MEMBER STATE'S GENDER+ EQUALITY POLICIES

1. 'Deficiencies, deviations and inconsistencies in EU and Member State's gender+ equality laws'

1.1 Please summarise the key developments, with dates, in gender equality law as provided by the governmental gender equality unit, i.e. list the legislation that the gender equality unit (or equivalent governmental body) name as (gender+) equality legislation. If important legislation seem to have been omitted by the authority, please comment on this.

Legislation	Year	Main provision(s)
Grand-ducal rule on equal remuneration ¹	1974	Rule stipulating equal pay for women and men
Equal Treatment Act ²	1981	Equal treatment of women and men at the work-floor.
Grand-ducal rule on Women's Labour Committee ³	1984	Mechanism to promote equality between women and men: establishment of Women's Labour Committee
Grand-ducal rule on equality delegate ⁴	1998	Rule on appointing equality delegate in enterprises.
Act on National Employment Plan ⁵	1999	Act on the execution of the National Employment Plan
Act on parental and familial leave ⁶	1999	Creation of parental leave and leave for family matters
Grand-ducal rule on Positive Actions Committee ⁷	1999	Establishment of Positive Actions Committee
Grand-ducal rule on positive actions ⁸	1999	Rule on positive actions in the private sector
Grand-ducal rule on Interministerial Committee for the equality between women and men ⁹	2000	Mechanism to promote equality between women and men: establishment of Inter-ministerial Committee for equality between women and men
Sexual harassment act ¹⁰	2000	Safety and health at work: fights sexual harassment at work.
Discrimination act ¹¹	2001	Fights discrimination by means of burden of proof.
Act to protect women who are pregnant, breast-feed or have given birth ¹²	2001	Safety and health at work-floor: protects women who are pregnant, breast-feed or have given birth.
Domestic violence act ¹³	2003	Battle against domestic violence, evicting the offender
Grand-ducal rule on a Committee on the Collaboration between professionals in the battle against violence ¹⁴	2003	Rule on the establishment of a Committee on the collaboration between professionals in the battle against violence

¹ Règlement grand-ducal du 10 juillet 1974 relative à l'égalité de rémunération.

² Loi du 8 décembre 1981 relative à l'égalité du traitement entre hommes et femmes.

³ Règlement grand-ducal du 27 novembre 1984 portant création d'un comité du travail féminin.

⁴ Règlement grand-ducal du 14 octobre 1998 relatif à l'information de l'inspection du travail et des mines ainsi que du personnel de l'établissement concernant la désignation du délégué ou de la déléguée à l'égalité.

⁵ Loi du 12 février 1999 portant sur la mise en œuvre du Plan d'Action National pour l'Emploi (PAN).

⁶ Loi du 12 février 1999 portant création d'un congé parental et d'un congé pour raisons familiales

⁷ Règlement grand-ducal du 25 octobre 1999 fixant la composition et le fonctionnement du Comité des Actions Positives.

⁸ Règlement grand-ducal du 26 octobre 1999 relatif aux modalités de mise en oeuvre des critères d'éligibilité des projets d'actions positives dans les entreprises du secteur privé.

⁹ Règlement grand-ducal du 10 juillet 2000 portant modification du règlement grand-ducal du 31 mars 1996 portant création d'un comité interministériel de l'égalité entre femmes et hommes.

¹⁰ Loi du 26 mars 2000 concernant la protection contre le harcèlement sexuel à l'occasion des relations de travail et portant modification de différentes autres lois.

¹¹ Loi du 28 juin 2001 relative à la charge de la preuve dans les cas de discrimination fondée sur le sexe.

¹² Loi du 1 août 2001 concernant la protection des travailleuses enceintes, accouchées et allaitantes.

¹³ Loi du 8 septembre 2003 sur la violence domestique.

Act on <i>partenariats</i> ¹⁵	2004	Introduction of a civil pact for heterosexual and homosexual couples.
Act on equality in constitution ¹⁶	2006	Equality between women and men is written down in Constitution.
Equality Treatment act ¹⁷	2006	EU Directives 2000/43 and 2000/78 on employment equality and racial equality are transposed by Luxembourg's domestic legislation.
Equality to goods and Services Act ¹⁸	2007	EU Directive 2004/113 on equal access to goods and services is transposed by Luxembourg's domestic legislation.

These key developments in Luxembourg's gender equality law are listed on the website of the Ministry of Equal Opportunities (*Ministère de l'Égalité des Chances* – www.mega.public.lu/legislation/index, accessed on 24 September 2007 and 16 June 2008). The Ministry however does not mention the recent Employment Equality act (2006) and the act on PAC's (2004). I have added these two acts to the list since they are important in the scope of gender+ equality legislation.

1.2 EU Policy and Member State Law: Comparisons and Struggles¹⁹

Have there been disputes in your country over significant parts of EU Directives on gender?

Are there significant parts of EU Directives on gender equality that have not been implemented into national law? If some aspects are not transposed, what are they? Have there been disputes (1995-2007) between the EU and the country over transposition? Or within the country over this process? Or where local/national groups have gone direct to the EU? If so, what is the location of the dispute (e.g. intervention by Commission, Court of Justice; national court)? What was the outcome?

All these questions are very difficult to answer exactly, because the transposition process is so complex. EU Directives are transposed into member state legislation in very different ways using different procedures and different terminology and legal frames too. The aim is to collect all the information that is available already for your country in the table below, using secondary literature.

Please fill in one table for each significant issue,

Please consider the following examples: include if relevant; omit if not; add any others that are relevant in your country. Examples: equal pay & equal treatment; sexual harassment & discrimination; equality bodies; civil society involvement; parental leave and the organisation of working time (example provided).²⁰

¹⁴ Règlement grand-ducal du 24 novembre 2003 sur le comité de coopération entre les professionnels dans le domaine de la lutte contre la violence.

¹⁵ La loi de 9 juillet 2004 relative aux effets légaux de certains partenariats.

¹⁶ La loi de 13 Juillet 2006 portant révision de l'article 11, paragraphe (2) de la Constitution.

¹⁷ Loi du 28 novembre 2006 portant 1. transposition de la directive 2000/43/CE du Conseil du 29 juin 2000 relative à la mise en œuvre du principe de l'égalité de traitement entre les personnes sans distinction de race ou d'origine ethnique; 2. transposition de la directive 2000/78/CE du Conseil du 27 novembre 2000 portant création d'un cadre général en faveur de l'égalité de traitement en matière d'emploi et de travail; 3. modification du Code du travail et portant introduction dans le Livre II d'un nouveau titre V relatif à l'égalité de traitement en matière d'emploi et de travail; 4. modification des articles 454 et 455 du Code pénal; 5. modification de la loi du 12 septembre 2003 relative aux personnes handicapées

¹⁸ Loi du 21 décembre 2007 portant

1. transposition de la directive 2004/113/CE du Conseil du 13 décembre 2004 mettant en œuvre le principe de l'égalité de traitement entre les femmes et les hommes dans l'accès à des biens et services et la fourniture de biens et services;

2. modification du Code pénal;

3. modification de la loi modifiée du 27 juillet 1997 sur le contrat d'assurance.

¹⁹ Directives: http://ec.europa.eu/employment_social/gender_equality/legislation/legalacts_en.html.

ECJ cases: http://ec.europa.eu/employment_social/gender_equality/legislation/case_law_en.html; More info on transposition: http://ec.europa.eu/employment_social/fundamental_rights/policy/aneval/legnet_en.htm#comp.

²⁰ Other gender+ equality related directives you might want to consider include: Directive 75/117/EEC on the principle of equal pay for men and women; Directive 79/7/EEC on the principle of equal treatment for men and women in social security; Directive 86/378/EEC on principle of equal treatment for men and women in occupational social security schemes; Directive 86/613/EEC on equal treatment between self employed men and women; Directive 92/85/EEC on the safety and health at work of pregnant workers and workers; Directive 97/80/EC on the burden of proof in cases of discrimination based on sex; Directive 2000/78 on equal treatment in employment and occupation.

Issue	Equal pay (Directives: 75/117/EEC)
Has law been passed or changed prior to the Directive	On 10 July 1974, a Grand ducal rule on equal pay was passed in Luxembourg (<i>Règlement grand-ducal du 10 juillet 1974 relative à l'égalité de rémunération.</i>) This Grand ducal rule transposed article 119 of the Treaty of Rome into Luxembourg's legislation. However, this did not transpose the Directive or provide the same content as the Directive.
Legislation transposing Directive	/
Does the country claim to have transposed the Directive?	/
Significant provisions that are mentioned by experts or political actors as not being transposed	/
Important differences between law and Directive now?	/
What is claimed to be better in law and since when?	/
Content of dispute(s) + date	Case 58/81 of 9 June 1982. Luxembourg was brought to the European Court of Justice for not transposing Directive 75/117 in time (that is one year after 10 February 1975) ²¹ .
Has any other inequality been part of the transposition disputes? Which inequality axis?	No.
Parties to the dispute	Commission of the European Communities v Luxembourg
Location or arena	European Court of Justice
Outcome of the dispute	Luxembourg failed to fulfil its obligations and had to pay the costs.
Civil society engagement	/
Other notes	/

Issue	Equal treatment (Directives: 2006/54/EC, 2004/113/EC, 2002/73/EC (amending 76/207/EEC), 2000/43/EC, 2000/78/EC, 96/97/EC (amending 86/378/EEC), 86/613/EEC, 86/378/EEC, 79/7/EEC, 76/207/EEC)
Has law been passed or changed prior to the Directive	No.

²¹ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:61981J0058:EN:HTML>, accessed on 16 June 2008.

<p>Legislation transposing Directive</p>	<p>2006/54/EC / 2004/113/EC Transposed by the law of 21 December 2007 on 1) the transposition of the 2004/113/EC Directive, 2) the modification of the Penal Code and 3) the modification of the law of 27 July 1997 on assurance contracts. 2002/73/EC (amending 76/207/EEC) As regards the amendment to the Directive on Gender Equality or the Directive 2002/73/EC amending Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions a bill is currently being proposed by the Minister of Labour and Employment, François Biltgen. This directive extends provisions against discrimination to goods and services as well as employment. On 28 June 2001, a Luxembourgian law regarding evidence in cases of discrimination based on sex was adopted. The law defines indirect discrimination but neglects direct discrimination. Nevertheless, direct discrimination is treated in the directive (2002/73/EC) of the European Parliament and the Council directive (76/207/EC). ‘For purposes of that directive, “direct discrimination” means any situation “where one person is treated less favourably on grounds of sex than another is, has been, or would be treated in a comparable situation”’ (CEDAW 2006, p. 6-7). The directive has to be transposed by Luxembourgian law before 21 December 2007. 2000/43/EC Transposed by the Law of 28 November 2006 transposing EU Directives on equality and employment 2000/78/EC Transposed by the Law of 28 November 2006 transposing EU Directives on equality and employment 97/80/EC 96/97/EC (amending 86/378/EEC) 86/613/EEC 79/7/EEC</p>
<p>Does the country claim to have transposed the Directive?</p>	<p>Varies per Directive.</p>
<p>Significant provisions that are mentioned by experts or political actors as not being transposed</p>	<p>/</p>
<p>Important differences between law and Directive now?</p>	<p>/</p>
<p>What is claimed to be better in law and since when?</p>	<p>/</p>
<p>Content of dispute(s) + date</p>	<p>2000/43/EC In May 2005, the member states of the European Union were reminded that they had to report on the transposition of this Directive to the European Commission by 19 July 2005. Luxembourg – as well as Austria, Germany and Finland – failed to do so and did not provide any information. Infringement procedures were initiated and the country was finally referred to the European Court of Justice (Case C 320/04 Commission versus Luxembourg). Moreover, the Luxembourgian <i>Conseil d’Etat</i> debated on the implications of the word ‘race’, one of the grounds of the directive, and ‘criticised the failure to preface</p>

	<p>“race” by terms such as “real or presumed”²² 2000/78/EC The European Court of Justice ruled that Luxembourg had failed to transpose the Employment Equality Directive 2000/78/EC on time (Case C 70 /05 Commission vs. Luxembourg).</p>
<p>Has any other inequality been part of the transposition disputes? Which inequality axis?</p>	<p>2000/43/EC Race.</p>
<p>Parties to the dispute</p>	<p>In the cases of Directives 2000/43 and 2000/78, Luxembourg was referred to the ECJ.</p>
<p>Location or arena</p>	<p>European Court of Justice</p>
<p>Outcome of the dispute</p>	<p>Directives 2000/43 and 2000/78 were transposed by Luxembourgian legislation in November 2006.</p>
<p>Civil society engagement</p>	<p>/</p>
<p>Other notes</p>	<p>/</p>

<p>Issue</p>	<p>Sexual harassment/discrimination Considered is: 2002/73/EC of 23 September 2002 (amending 76/207/EEC), and 2006/54/EC</p>
<p>Has law been passed or changed prior to the Directive</p>	<p>Yes, before 2002/73 Directive. Protection against sexual harassment at work. Law of 26 May 2000 concerning the protection against sexual harassment at work and modifies several other laws.</p>
<p>Legislation transposing Directive</p>	<p>Legislation on sexual harassment prior to Directive. Directive 2002/73 was transposed by other, more general, legislation rather than by specific legislation on sexual harassment.</p>
<p>Does the country claim to have transposed the Directive?</p>	<p>/</p>
<p>Significant provisions that are mentioned by experts or political actors as not being transposed</p>	<p>/</p>
<p>Important differences between law and Directive now?</p>	<p>/</p>

²² Cormack, Janet and Marc Bell. 2005. *Developing anti-discrimination law in Europe. The 25 EU member states compared*. Utrecht, Brussels: Human European Consultancy, Migration Policy Group, European Network of Independent Experts in the non-discrimination field. p. 21-22

What is claimed to be better in law and since when?	/
Content of dispute(s) + date	/
Has any other inequality been part of the transposition disputes? Which inequality axis?	/
Parties to the dispute	/
Location or arena	/
Outcome of the dispute	/
Civil society engagement	/
Other notes	/

Issue	Equality Bodies Directives considered are: 2002/73/EC, 2004/113/EC
Has law been passed or changed prior to the Directive	No
Legislation transposing Directive	2004/113/EC Transposed by the law of 21 December 2007 on 1) the transposition of the 2004/113/EC Directive, 2) the modification of the Penal Code and 3) the modification of the law of 27 July 1997 on assurance contracts. 2002/73/EC (amending 76/207/EEC)
Does the country claim to have transposed the Directive?	Yes
Significant provisions that are mentioned by experts or political actors as not being transposed	/
Important differences between law and Directive now?	/
What is claimed to be better in law and since when?	/

Content of dispute(s) + date	/
Has any other inequality been part of the transposition disputes? Which inequality axis?	/
Parties to the dispute	/
Location or arena	/
Outcome of the dispute	/
Civil society engagement	/
Other notes	/

Issue	NGO/civil society dialogue Directives considered: 2002/73/EC Article 8c: Member States shall encourage dialogue with appropriate non-governmental organisations which have, in accordance with their national law and practice, a legitimate interest in contributing to the fight against discrimination on grounds of sex with a view to promoting the principle of equal treatment.
Has law been passed or changed prior to the Directive	No information
Legislation transposing Directive	
Does the country claim to have transposed the Directive?	
Significant provisions that are mentioned by experts or political actors as not being transposed	
Important differences between law and Directive now?	
What is claimed to be better in law and since when?	
Content of dispute(s) + date	

Has any other inequality been part of the transposition disputes? Which inequality axis?	
Parties to the dispute	
Location or arena	
Outcome of the dispute	
Civil society engagement	
Other notes	

Issue	<p>Parental Leave Directives considered: 96/34/EC of 3 June 1996 (parental leave) 92/85/EEC of 19 October 1992 (maternity leave)</p> <p>Organisation of working time Directives considered: 93/104/EC, 97/81/EC</p>
Has law been passed or changed prior to the Directive	<p>Parental leave: Before the adoption of the law on parental leave, female employees in the private sector were able to take up one year paternal leave, following maternity leave. This however did not include the guarantee of re-employment.</p> <p>Maternity leave: There was legislation on maternity leave already in 1975 (the law of 3 July 1975 concerning 1. the protection of the maternity of working women; 2. the modification of article 13 of the social insurances code, modified by law of 2 May 1974).</p>
Legislation transposing Directive	<p>Parental leave: 12 February 1999: The law on the creation of parental leave and leave concerning family affairs transposed the parental leave directive. This law was adopted within a broader scope of a National Action Plan for Employment (1998). This law was modified in December 2006.</p> <p>Maternity leave: The 92/85/EEC Directive was transposed on 7 July 1998 (Law of 7 July 1998 on the modification of a) the law of 3 July 1975 concerning 1. the protection of the maternity of working women; 2. the modification of article 13 of the social insurances code, modified by law of 2 May 1974, b) the article 25 of the social insurances code.) This Directive was transposed again by new legislation of 1 August 2001 (Law of 1 August 2001 concerning the protection of employees who are pregnant, have given birth or who breast-feed)</p>
Does the country claim to have transposed the Directive?	Parental and maternity leave: Yes.

Significant provisions that are mentioned by experts or political actors as not being transposed	/
Important differences between law and Directive now?	See answer below (what is claimed to be better).
What is claimed to be better in law and since when?	<p>Parental leave: The law of 12 February 1999 on parental leave introduces the right for parents to take up parental leave up to six months each either full-time or part-time. The parents cannot take up full-time leave at the same time, but they can opt for part-time leave, which can be taken at the same period of time. One of the parents can take up parental leave directly following maternity leave or adoption leave, whereas the other can take up parental leave up to the child's fifth birthday. Re-entering former employment is guaranteed.</p> <p>Maternity leave: The 2001 law stipulates a maternity leave of 16 weeks (or 20 in case of multiple births), which is more than the minimum as stipulated by the EU Directive.</p>
Content of dispute(s) + date	<p>Parental leave: - The National Action Plan on Employment was a response to the European Union's employment guidelines in 1998 and was rather controversial since it took a long period to adopt the Plan and it involved many amendments by and repositioning of different parties during the parliamentary process. The bill on the NAP was submitted by government in August 1998 and was examined by a special Chamber of Deputies Commission, which handed in twenty-seven amendments. The Council of State expressed opposition to a number of points, among which the security system which the Commission had added to working flexibly. Consequently, the <i>Chambre des Employés Privés</i> was very critical of the Council's standpoints, since 'the introduction of a "security" element for workers will prevent employers from changing working time schedules every four weeks just as they please, without the justification of a fluctuation in workload'. According to the <i>Chambre des Employés Privés</i>, this would seriously affect women with young children. Finally, before the adoption of the bill, thirty-six new amendments were issued by the Chamber of Deputies Commission, among others assuring employees to be able to organise their private lives next to their working lives.²³</p> <p>- The <i>Association des Hommes du Luxembourg</i> (AHL) opposes the commanding tone of the law of 1999 on parental leave and the parity of the parental leave (it is to be taken up by both parents). The AHL places the child in the centre of the discussion and states that it is important to let parents decide for themselves who, when and how parental leave will be implemented in their private and working life. Fernard Kartheiser of the AHL explained that since the Luxembourg government and the Ministry of Equal Opportunities adheres to parity, the advice of AHL was not implemented in the bill resulting in the 2006 law.²⁴</p> <p>- Case C 519/03 Commission of the European Communities v Grand Duchy of Luxembourg (14 April 2005). 'The right to parental leave is granted by Directive 96/34 on the framework agreement on parental leave concluded by UNICE, CEEP and the ETUC to all parents having a child below a certain age limit. Since that directive provides that entitlement to parental leave is available during a certain period, until the child has reached the age set by the Member</p>

²³ <http://www.eurofound.europa.eu/eiro/1999/01/feature/lu9901187f.htm>, accessed on 16 June 2008.

²⁴ http://www.ahl.lu/22_mai_2006_089.htm, accessed on 16 June 2008.

	<p>State concerned, the fact that the child was born before or after the time-limit laid down for the transposition of that directive is not relevant in this regard. By limiting the grant of the right to parental leave to parents of children born after the date of transposition of that directive or in respect of whom adoption proceedings were initiated after that date, a Member State adds a condition to the right to parental leave which is not authorised by that directive and therefore fails to fulfil its obligations under that directive.²⁵</p> <p>Maternity leave: /</p>
Has any other inequality been part of the transposition disputes? Which inequality axis?	/
Parties to the dispute	Commission of the European Communities v Grand Duchy of Luxembourg
Location or arena	European Court of Justice
Outcome of the dispute	<p>The court declared that, by providing that the right to maternity leave or adoption leave arising during parental leave replaces the latter, which must then come to an end, without it being possible for the parent to defer the portion of the parental leave which he or she was unable to take and by limiting the grant of the right to parental leave to parents of children born after 31 December 1998, or in respect of whom adoption proceedings were initiated after that date, the Grand Duchy of Luxembourg has failed to fulfil its obligations under Council Directive 96/34/EC of 3 June 1996 on the framework agreement on parental leave concluded by UNICE, CEEP and the ETUC.</p> <p>The court ordered the Grand Duchy of Luxembourg to pay the costs.</p>
Civil society engagement	/
Other notes	/

1.3 Do any aspects of domestic gender equality law surpass (are better, more extensive, or more developed than) or earlier than EU law?

	EU			Country		
	Provision	Year	Notes	Provision	Year	Notes
Maternity	14 weeks	1996	Pay must not be less than wage during sickness leave.	16 – 20 weeks ²⁶	2001	8 weeks before and 8 weeks after birth. 12 in case of multiple or premature birth, or breast-feeding. No information available on benefits.
Paternity	Optional	1995		2 days ²⁷		

²⁵ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:62003J0519:EN:NOT#SM>, accessed on 16 June 2008.

²⁶ http://www.ogb-l.lu/html/fr/ce_qu_il_faut_savoir/informations_utiles.html#conge, accessed on 24 Sept. 2007.

²⁷ <http://www.lcgb.lu/droits-fr-18-0-0-conges-legaux.html>, accessed on 24 Sept. 2007.

Parental	12 weeks	1996	Unpaid	Six months per parent (full-time or part-time)	1999 modified in 2006	Benefit is fixed to 1778,31 euro gross for full-time and 889,16 euro gross for part-time. No information on benefits available.
Duty on all public bodies to promote GE	No	2004	Mainstreaming required by 2006			
Equalities body (employment)	Yes	2002		No. Law has passed, but the Centre does not exist yet	Law 2006	
Equalities body (goods & services)	Yes	2004		No		
Equalities body for promotion	Yes	2006		No		
Gender pay audits	Not specified			No		
Gender Equality plan (employment)	Yes	2002 /2006		Yes	2006	
Requires NGO dialogue to be encouraged	Yes/no	2002	Dialogue	No		
Positive action measures	Yes/no	1975	Allowed, not required	Yes	2006	In the NAP on equality between women and men, the double approach of gender mainstreaming and positive actions is preferred. There is a parliamentary committee on positive actions as well.
Public bodies to promote racial equality				No		
If there are no sanctions for violating the law, please state this						
Other:						
1.						

2.						
3.						
...						

1.4 Equality law on intersecting inequalities

- Is discrimination on the grounds of ethnicity/'race' illegal? Yes
 - When was this law introduced? 2006 and 2007
 - Is this restricted to employment related issues? No
 - Does it include the sale and supply of services? Yes
 - What disputes if any took place during its introduction?

Direct and indirect discrimination on the grounds of ethnicity/'race' became illegal by the 2006 law²⁸ which transposed the European directive 2000/43/EC on equal treatment of persons, irrespective of their racial or ethnic origin as regards employment and access to goods and services.

In May 2005, the member states of the European Union were reminded that they had to report on the transposition of this Directive to the European Commission by 19 July 2005. Luxembourg – as well as Austria, Germany and Finland – failed to do so and did not provide any information. Infringement procedures were initiated and the country was finally referred to the European Court of Justice (Case C 320/04 Commission versus Luxembourg). Moreover, the Luxembourg *Conseil d'Etat* debated the implications of the word 'race', one of the grounds of the directive, and 'criticised the failure to preface "race" by terms such as "real or presumed"²⁹. Finally the Directive was transposed into national law, along with the Employment Equality Directive (2000/78/EC) in November 2006.

- Is discrimination on the grounds of religion illegal? Yes
 - when was this law introduced? 2006 and 2007
 - Is this restricted to employment related issues? No
 - Does it include the sale and supply of services? Yes
 - What disputes if any took place present during its introduction?
- Is discrimination on the grounds of sexual orientation illegal? Yes
 - when was this law introduced? 2006 and 2007
 - Is this restricted to employment related issues? No
 - Does it include the sale and supply of services? Yes
 - What disputes if any took place during introduction of these laws?
- Is discrimination on the grounds of disability illegal? Yes
 - when was this law introduced? 2003 and 2006 and 2007
 - Is this restricted to employment related issues? 2003: yes, since 2007: no
 - Does it include the sale and supply of services? 2003: no, since 2007: yes
 - What disputes if any took place during introduction of these laws?

The 2003 law on the wages of disabled persons³⁰ were modified by the Equal Treatment act of 2006, which transposed both the Racial Equality Directive and the Employment Equality Directive into national legislation.

- Is discrimination on the grounds of age illegal? Yes
 - when was this law introduced? 2006 and 2007
 - Is this restricted to employment related issues? No
 - Does it include the sale and supply of services? Yes
 - What disputes if any took place during introduction of these laws?
- Is discrimination on the grounds of marital status illegal? Does not apply in Luxembourg
 - when was this law introduced?
 - Is this restricted to employment related issues?
 - Does it include the sale and supply of services?
 - What disputes if any took place during introduction of these laws?
- Are there further legal issues, especially disputed legal issues, concerning the intersection of equalities with gender that are relevant? No

²⁸ <http://www.legilux.public.lu/leg/a/archives/2006/2070612/2070612.pdf#page=2>, accessed on 30 October 2007.

²⁹ Cormack, Janet and Marc Bell. 2005. *Developing anti-discrimination law in Europe. The 25 EU member states compared*. Utrecht, Brussels: Human European Consultancy, Migration Policy Group, European Network of Independent Experts in the non-discrimination field, p. 21-22.

³⁰ Loi du 12 Septembre 2003 relative aux personnes handicapées et portant modification (...) (Law of 12 September 2003 on disabled persons (...)). <http://www.legilux.public.lu/leg/a/archives/2003/1442909/1442909.pdf#page=2>, accessed on 30 October 2007.

2. Plans and programmes

Two types of national gender equality plans are considered here. The first set of questions concerns plans specific to the country. (Please include not only if they are called 'national gender equality plans' or but also if they are just a sub-section of a larger national development plan.) The second set of questions refers to the National Reform Programmes for employment and National Reports (National Action Plans) on Strategies for social inclusion and social protection that the EU requires annually from each Member State. |

2.1 National gender equality plans

2.1.1 Is there a national gender equality plan? Or a gender equality component of a national development plan.

There is national gender equality plan in Luxembourg: the *Plan d'Action National d'égalité des femmes et des hommes* (National Action Plan on Equality between women and men).³¹

- o If yes please name and describe very briefly the range of issues that it covers (in particular, how far beyond employment does it go?).

The Luxembourg *National Action Plan* on Equality Between Women and Men complements the fifth Luxembourg CEDAW-report. The *National Action Plan* covers the following twelve themes: 1) poverty and the fight against social exclusion, 2) education, 3) health, 4) violence, 5) conflict situation, 6) economy, 7) decision-making, 8) mechanisms for promotion, 9) exercise of fundamental rights, 10) media, 11) environment and 12) discrimination of girls.

- o Is the focus restricted to non-discrimination?

No

- o Is there reference to gender mainstreaming?

Yes there is. The term is mentioned five times. Gender mainstreaming is seen as a means of political action to systematically integrate the needs, conditions and priorities of women and men in all policies.³²

- o Are there named policy instruments and/ institutions, if so what?

Indeed, both policy instruments and institutions are mentioned throughout the *National Action Plan on Equality between women and men*.

Policy instruments:

- evaluation of the influence of political actions on women/men
- systematic gathering of sex disaggregated statistical data
- gender mainstreaming
- the *double approche* (double approach): positive actions favouring one of the sexes + gender mainstreaming

Policy institutions:

- Ministry of Equal Opportunities
- *Comité interministériel de l'égalité des femmes et des hommes* (Interministerial Committee of equality between women and men)
- *Comité du Travail Féminin* (Committee of Women's Work)
- *Comité d'actions positives* (Committee of Positive Actions)
- *Comité de coopération entre les professionnels dans la domaine de la lutte contre la violence* (Committee on the collaboration between professionals in the battle against violence)
- The creation of *cellules de genre* (gender units) in every ministerial department

- o Are there indicators and statistics to evaluate the policies?

In its declaration of 4 August 2004, the Luxembourgian government has engaged in a systematic evaluation of its *National Action Plan* by systematically gathering statistical data disaggregated by sex.³³

In the *National Action Plan* itself, a couple of references are made to indicators. The indicators that will be used to evaluate the *National Action Plan* are mentioned (p. 9 and 12) – no further details are provided – as is the indicator on health that will deal with gender (p. 17).

³¹ http://www.mega.public.lu/publications/1_brochures/2006/pan_egalite/PAN.pdf, accessed on 29 October 2007.

³² http://www.mega.public.lu/publications/1_brochures/2006/pan_egalite/PAN.pdf, p. 9, accessed on 29 October 2007.

³³ http://www.mega.public.lu/publications/1_brochures/2006/pan_egalite/PAN.pdf, p. 13, accessed on 29 October 2007.

- Is there reference to EU targets (European Employment Strategy targets: Lisbon (2000) female employment rate of 60% by 2010; Barcelona (2002) provision of childcare by 2010 to at least 90% of children between 3 years old and the mandatory school age and at least 33% of children under 3 years of age)? (Add age here)

The Barcelona target on childcare provision for 2010 is mentioned as an objective in the chapter on 'economy'.

2.1.2 Is gender equality integrated with other equalities in a national plan? No

If yes please name and describe very briefly the range of issues that it covers, in particular, how far beyond employment does it go? Is it framed by equality or by diversity or both or a similar goal (e.g. equal opportunities)? If so, please specify. /

2.1.3 Is there a gender equality (or similar) plan in the area of gender based violence

Not an individual plan, but there is a chapter on GBV in the *National Action Plan on Equality between women and men*.

If yes please name the plan.

Chapter 4 of the *NAP on Equality between women and men*

Does it cover:

- Domestic violence and violence in partnerships Yes, major.
- Sexual assault/violence and rape Less
- Sexual harassment and stalking Less
- Trafficking and prostitution Yes, major.
- Forced marriage, honour crimes and FGM No

Does the plan include:

- named policy instruments and/or institutions, if so what; Yes
- indicators and statistics to evaluate the policies, if so which? A reference is made to a qualitative and quantitative analysis of the attitudes towards prostitution (p. 18). Statistics thus play a role. No indicators are mentioned.

2.2 EU required National Reform Programme (National Action Plan) for Employment

- Does the EU required National Reform Programme for employment (in which one of the ten guidelines concerns gender mainstreaming) include a significant set of actions concerning gender equality? If so, what are these?

Rapport de mise en oeuvre 2006 du plan national pour l'innovation et le plein emploi. Official version.³⁴

2006 Implementation report for the national plan for innovation and full employment. Unofficial English translation.³⁵

Gender mainstreaming is not mentioned in this report.

Gender equality is however taken into consideration at several points. The employment rate for instance is divided in an employment rate for men and one for women (p. 34-35). Furthermore, a reference is made to the *maisons relais* or reception centres for school-aged children (p.36). These centres help women with children to (re-) enter the labour market more easily.

One of the objectives mentioned in the report is to 'continue to carry out positive actions in the area of equality of the sexes' (p. 41-42). In doing so, the Luxembourgian government will try to narrow/close the wage gap and increase the female employment rate. The government grants subventions to companies that actually help increasing the female employment rate, fight the wage gap, combat sexual harassment and promote equality between women and men, as well as those companies promoting the reconciliation of work and family life.

- Did the EU appointed National Expert (part of the EU Network of Experts on Gender and Employment and Social Inclusion) made (have) critical or positive comments on the gender equality dimension of the member state's programme? If so, what are these?³⁶

Jill Rubery, Damian Grimshaw, Hugo Figueiredo, Mark Smith and Rory Donnelly. 2005. *The National Reform Programme 2005 and the gender aspects of the European Employment Strategy*. The co-

³⁴ http://ec.europa.eu/growthandjobs/pdf/nrp/LU_nrp_fr.pdf, accessed on 29 October 2007.

³⁵ http://ec.europa.eu/growthandjobs/pdf/nrp/LU_nrp_en.pdf, accessed on 29 October 2007.

³⁶ http://ec.europa.eu/employment_social/gender_equality/docs/2006/final_nrp_synthesis_2005_en.pdf, accessed on 29 October 2007.

ordinators' synthesis report prepared for the Equality Unit, European Commission. Final report 2005. Manchester: European Work and Employment Research Centre (EWERC), University of Manchester.

The EGGSIE experts for Luxembourg, Robert Plasman and Salimata Sisoko (p. 17), point out that Luxembourg commits itself to increasing female employment. The focus here however, is on mobilising the latent labour supply through the work-family balance. The experts point out that the rising gender employment and unemployment gaps are not referred to. Finally, there are few specific measures for unemployed women.

In the same report, Plasman and Sisoko point out that Luxembourg does not have a specific target for women's employment. The gender unemployment gap keeps rising, but the active labour market policies are not gender mainstreamed. Women are still underrepresented in the work placement measures of the public employment service and most of the training schemes in which women are placed tend to be in female dominated occupations and industries, except for IT (p. 30).

In Luxembourg, there is an emphasis on educational and training programs, among which career orientations for women and girls (p. 42). The experts go on to discuss paternity and paternal leave (p. 57), increasing childcare (p. 61), and taxes (p. 100).

As regards the inclusive labour markets guidelines, there is no gender mainstreaming noted by the experts. They state that the 'absence of gender is especially notable in the assessment of make work pay policies' (p. 86). The National Report recognises occupational segregation between women and men, but does not attach any targets to this (p. 115). The same National Report fails to consider gender in the analysis of policies on contractual diversity, working time and conditions (p. 136). There is no reference to gender as regards policies on wage setting and employment-friendly labour cost policies (p. 149).

When it comes to human capital policy, according to the experts, the National Report mentions the initiative of creating a gender mainstreaming unit within the Ministry of National Education, but it does not present any analysis of gender differences in educational achievement (p. 174).

Conclusion: Luxembourg takes concrete measures to increase gender equality in employment, but the implementation is slow. The focus is on the work/life balance. 'The focus is still on the work-life balance (development of childcare arrangements), the positive action programme of the ministry for Equal Opportunities, inactive women and female returners, the gender wage gap and occupational segregation. Nevertheless the general presentation of the measures is more troublesome. Very few indicators are broken down by sex. The fact that there is no longer a specific guideline for gender equality reduces its visibility.' (p. 192-193). Moreover, Luxembourg will not reach the Lisbon target or the Barcelona target (p. 199).

- o Did the EU Commission's response to the National Reform Programme for employment include recommendations on gender equality? If so, what were these?

EC response: http://ec.europa.eu/growthandjobs/annual-report-1206_en.htm)

The EU Commission has not provided any recommendation for Luxembourg as regards the National Reform Programme for employment. The Commission states that some Member States (Denmark, Estonia, Finland, Ireland, Luxembourg and Sweden) 'have made good progress in all the areas identified by the Commission as requiring particular attention. There are no formal recommendations for these Member States. However, they still face significant challenges. For all Member States, including these six, the Council has adopted conclusions pointing to policy areas on which it will be particularly important to focus. This could lead to formal recommendations in the relevant areas next year, if necessary.'³⁷

2.3 EU required National Reports (National Action Plans) on Strategies for Social Protection and Social Inclusion

- o Does the EU required National Report on Strategies for Social Inclusion include a significant set of actions concerning gender equality, including gender-based violence? If so, what are these?

Member state reports: http://ec.europa.eu/employment_social/social_inclusion/naps_en.htm

³⁷ http://ec.europa.eu/growthandjobs/faqs/developments/index_en.htm#faq04, accessed 23 June 2008.

Le gouvernement du Grand-Duché de Luxembourg. 2006. *Luxembourg. National Strategy Report on Social Protection and Social Inclusion*. Luxembourg: Le gouvernement du Grand-Duché de Luxembourg.³⁸

Yes, especially gender mainstreaming plays an important role throughout this report. Family policy – reconciling family and employment – is considered key in Luxembourg (p. 10), so is fighting unemployment.

Gender-based violence is not mentioned in this report.

- o Did the EU Expert Group on Gender, Social Inclusion and Employment have critical or positive comments on the gender equality dimension of the report (including gender-based violence)? If so, what are these?

EGGSIE Synthesis report (2006)

http://ec.europa.eu/employment_social/publications/2006/ke7606201_en.pdf

European Commission. 2006. *Gender inequalities in the risks of poverty and social exclusion for disadvantaged groups in thirty European countries*. Brussels: European Commission, Expert Group on Gender, Social Inclusion and Employment.³⁹

Robert Plasman and Salimata Sisoko, the experts for Luxembourg, did not have any critical or positive comments on the gender dimension of the report. Here, they mostly pay attention to lone mothers in Luxembourg (the number, how this relates to marital status and poverty and so on).

- o Did the EU Commission's response to the National Report on Strategies for Social Protection and Social Inclusion include recommendations on gender equality (including gender based violence)? If so, what were these?

EC report: http://ec.europa.eu/employment_social/social_inclusion/jrep_en.htm

*Country profile. Luxembourg*⁴⁰

This country profile mentions how the National Report on Strategies for Social Protection and Social Inclusion already addresses gender equality, especially related to women and employment. Therefore, no further recommendations are made.

2.4 EU funding

- o Does the EU provide funding in your country that has / has had a significant gender impact?⁴¹ Structural funds to consider include the European Social Fund⁴² and the European Regional Development Funds⁴³, Yes
- o If yes, how much and over what period of time?

ESF

Luxembourg receives money from the European Social Fund (ESF) and divides this among three priorities. These are: improving access to sustainable employment, increasing the adaptability of workers and businesses, and reinforcing human capital. Especially the first priority focuses at creating more job opportunities for women by e.g. work-life balance solutions, providing childcare, keeping them in employment and so on.⁴⁴

The financial plan for 2007-2013 is drawn up as follows (in Euros)⁴⁵:

Priority	Community funding	National/regional counterpart	Total funding
1. improving access to sustainable employment	9 693 568	9 693 568	19 387 136

³⁸ http://ec.europa.eu/employment_social/spsi/docs/social_inclusion/2006/nap/luxembourg_en.pdf, accessed on 16 June 2008.

³⁹ http://ec.europa.eu/employment_social/publications/2006/ke7606201_en.pdf, accessed on 16 June 2008.

⁴⁰ http://ec.europa.eu/employment_social/spsi/docs/social_inclusion/2007/joint_report/lux_fr.pdf, accessed on 16 June 2008.

⁴¹ The following link may serve as a useful starting point (see drop-down menus along the top of the page and links on the left hand side): http://ec.europa.eu/regional_policy/policy/history/index_en.htm

⁴² http://ec.europa.eu/regional_policy/funds/fse/index_en.htm

⁴³ http://ec.europa.eu/regional_policy/funds/feder/index_en.htm

⁴⁴ http://ec.europa.eu/employment_social/esf/members/lu_en.htm, accessed on 16 June 2008.

⁴⁵ Table taken from: http://ec.europa.eu/employment_social/esf/members/lu_en.htm, accessed on 16 June 2008.

2. increasing the adaptability of workers and businesses	9 693 568	9 693 568	19 387 136
3. reinforcing human capital	4 846 783	4 846 783	9 693 566
Technical assistance and evaluation	1 009 747	1 009 747	2 019 494
Total	25 243 666	25 243 666	50 487 332

ERDF

Luxembourg received an amount of 44 000 000 Euros from the European Regional Development Funds (ERDF) for its Objectifs 2 Program.⁴⁶

- o If yes, comment upon the extent to which gender was mainstreamed in associated plans and programmes (e.g. the National Development Plans for 2000-2006)?

Not clear.

⁴⁶http://ec.europa.eu/regional_policy/country/prordn/details.cfm?gv_PAY=LU&gv_reg=ALL&gv_PGM=2000LU162DO001&LAN=5, accessed on 16 June 2008.

3. Governmental Machinery For Equality

Provide a summary of the history of governmental machinery for equality provided in the issue history D11, up-dated if appropriate. In particular, consider if there have been any developments in the relationship between the gender machinery and other equalities machinery (e.g. proposed mergers). (Approx. 250 words)

In 1984, the *Comité du Travail Féminin* (the Committee of Women's Work) was created. It is able to carry out independent research or research commissioned by the government in all matters concerning the education, professional advancement and work of women. The Committee can intervene on these matters in the legislative process.

Ten years after the creation of the Committee, gender equality policy became a full-time issue for a Ministry. The Ministry was established in 1995 as the *Ministère de la Promotion Féminine* (Ministry for the Advancement of Women). In 2004 its name changed to *Ministère de l'égalité des chances*, the Ministry of Equal Opportunities. The Ministry is responsible for the realisation and coordination of the national action plan on gender equality, in cooperation with the other Luxembourgian ministries. The activities of the Ministry aim at equality between men and women within education and labour, work and the profession, and in the battle against violence.

It is part of / collaborates with the Interministerial Committee on the Equality between Women and Men, the *Comité pour actions positives dans les entreprises du secteur privé* (Positive Action Committee for the Private Sector), the *Comité de coopération entre les professionnels dans la domaine de la lutte contre la violence* (Committee on the Collaboration between professionals in the battle against violence), the *Comité du travail féminin* (Committee of Women's Work), and *Services pour femmes et femmes avec enfants* (Services for Women and Mothers).

Moreover, since 1996 gender mainstreaming has been prevalent in Luxembourgian policy, and is implemented by the *Comité interministériel de l'égalité des femmes et des hommes* (Interministerial Committee on the Equality between Women and Men). During the current term *cellules de compétence en genre* (Gender competent units) will be introduced within all Ministries in order to improve gender mainstreaming.

Do any or all of these forms of gender machinery exist in the country, and if so what are they called (fill in their name in original language and translated to English?)

- o governmental (civil servants and ministers in central government);

1984-1995: *Comité du Travail Féminin* (the Committee of Women's Work)

1995-2004: *Ministère de la Promotion Féminine* (Ministry for the Advancement of Women)

2004-now: *Ministère de l'égalité des chances* (Ministry of Equal Opportunities)

- o enforcement and/or monitoring agency (e.g. equality authority, ombudsperson);

No

- o special legal apparatus (e.g. special courts, mediation or arbitration bodies for employment or domestic violence);

There are three Employment Courts in Luxembourg. They can be found in Luxembourg, Esch-sur-Alzette and Diekirch, each with specific territorial jurisdiction. Each of the Employment Courts has separate sections for disputes between employers and manual and non-manual workers.⁴⁷

- o body for consultation / dialogue with women's NGOs, or with NGOs representing other axes of inequality

The *Comité du Travail Féminin* (Committee of Women's Work)

This committee is composed of members of four different groups, namely government members (nine representatives), trade unions (four representatives), employers' organisations (four representatives) and the umbrella women's organisation *Conseil National Femmes du Luxembourg* (National Council of Luxembourg women (CNFL) (four representatives). The Committee of Women's Work is the only Luxembourgian governmental body which invites women's organisation to take part, advise and collaborate in the policy-making process.

- o Other, for example, Parliamentary Committees

- *Comité pour actions positives dans les entreprises du secteur privé* (Positive Action Committee for the Private Sector)

- *Comité de coopération entre les professionnels dans la domaine de la lutte contre la violence* (Committee on the Collaboration between professionals in the battle against violence)

- *Comité du travail féminin* (Committee of Women's Work)

⁴⁷ http://ec.europa.eu/civiljustice/jurisdiction_courts/jurisdiction_courts_lux_en.htm, accessed 16 June 2008.

- *Comité interministériel de l'égalité des femmes et des hommes* (Interministerial Committee on the Equality between Women and Men)
- Committee on equal opportunities between women and men and the advancement of women

Answering the following list of questions may require mention of any or all of these types of institution: some apply to one kind more than another.

The nature of the institution

- **Is there gender machinery that meets the minimum legal requirements of the EU?**

Yes and no: The legislation has passed but the Centre is not operational yet.

There is a law on the establishment of a Centre for Equal Treatment (*Centre pour l'égalité de traitement*). This law was passed in November 2006. It describes the Centre as completely independent. Its objective is 'to promote, analyse and guard the equal treatment of all persons without a discrimination based on race, ethnic origin, sex, beliefs or religions, disability and age'. The Centre's staff will consist of five persons.⁴⁸ The Centre will be responsible for discrimination within the goods and services area.⁴⁹

However, initially the law on the Centre was a 'dead letter' since it is still not operational (mid 2008) and has already had a lot of difficulties. During the presentation of the 5th CEDAW Report for Luxembourg in Geneva in January 2008, the Minister of Equal Opportunities, Marie-Josée Jacobs, mentioned that installing the Centre is very difficult since Luxembourg only has few experts within the field of discrimination.⁵⁰ In an article in *woux* on 14 December 2007, Renée Wagener referred to the lack of enthusiasm of the Luxembourgian government. It took two parliamentary meetings to decide upon the president (Patrick de Rond), and three to complete the group of members.⁵¹ Moreover, the elected members of the Centre – among which Anik Raskin of the National Council of Luxembourg women – already have doubts on the independence, the budget and the time of the staff of the Centre.⁵²

- **A body for the promotion, analysis, monitoring and support of equal treatment of all persons without discrimination on the grounds of sex:**

Yes, once the Centre is established.

- **providing independent assistance to victims of discrimination in pursuing their complaints about discrimination;**

Yes, once the Centre is established.

- **conducting independent surveys concerning discrimination;**

Yes, once the Centre is established.

- **publishing independent reports and**

Yes, once the Centre is established.

- **making recommendations on any issue relating to such discrimination.**

Yes, once the Centre is established.

- **Is there gender machinery that meets the 'Paris Principles'?**

Yes, once the Centre is established.

- **independence guaranteed by a constitutional or legislative framework,**

Yes, once the Centre is established.

autonomy from government,

Yes, once the Centre is established.

- **pluralism including pluralism of composition,**

Yes, once the Centre is established: the Centre will have a gender expert and a jurist among its staff.

- **a broad mandate,**

Yes, once the Centre is established.

- **adequate powers of investigation,**

⁴⁸ http://www.legilux.public.lu/leg/textescoordonnes/compilation/recueil_lois_speciales/EGALITE.pdf, accessed on 18 June 2008.

⁴⁹ Ministère de l'égalité des chances. 2008. *Présentation du 5^e rapport périodique du Grand Duché de Luxembourg sur la mise en œuvre de la Convention sur l'élimination de toutes les formes de discrimination à l'égard des femmes.* (Presentation of the 5th periodic report of the Grand duchy Luxembourg on the implementation of the Convention of the Elimination of All Forms of Discrimination against Women.) Genève. p.4. <http://huachen.org/english/bodies/cedaw/docs/statement/40Luxembourg.pdf>, accessed on 18 June.

⁵⁰ <http://huachen.org/english/bodies/cedaw/docs/statement/40Luxembourg.pdf>, accessed on 18 June.

⁵¹ Wagener, Renée. 'Une loi indésirable' (An undesired law) in *woux* 932, 14 December 2007, p. 8.

⁵² Wagener, Renée. 'Une loi indésirable' (An undesired law) in *woux* 932, 14 December 2007, p. 9.

Yes, once the Centre is established. However, the future will show if it really has adequate powers.

o sufficient resources

Yes, once the Centre is established. However, the future will show if it really has sufficient resources.

- Is there gender machinery that meets the further requirements of the UN Platform for Action?

o responsibility vested at the level of a Cabinet minister.

Yes

o Develop indicators and statistics to monitor policy

Yes

- How close to the centre of power (e.g. Prime Minister or other) is the governmental machinery located?

o centre of power/ PM's office No

o Other powerful department. Yes, Ministry of Equal Opportunities

o Other department

- Would any of the bodies be described as following a 'feminist' agenda? Yes.

o Briefly explain the reasoning behind your answer.

The Ministry of Equal Opportunities – formerly the Ministry for the advancement of women – aims to improve the life of women, and to realise equal opportunities for women and men.

o If yes, then indicate which vision of gender equality (equality through sameness, equal valuation of different contributions, or transformation) fits best.

Transformation. Luxembourgian society has to change in order to 'advance' women within all fields. However, equality through sameness and, to an extent, equal valuation of different contributions also plays a role.

- Are there other policy groups relevant to gender equality that are embedded in particular departments, but which are not usually known as gender machinery e.g. domestic violence group within the home affairs or justice department? If yes, when was it set up, what does it do, what are its resources?

No, everything on equal opportunities for women and men is embedded in the Ministry of Equal Opportunities. Other Ministries are sometimes involved.

- Are there any special legal institutions such as special courts to assist the implementation of gender equality laws e.g. employment tribunals, domestic violence courts?

No

Dedicated to gender or integrated with other equalities?

- Is the gender equality body (enforcement or monitoring agency) integrated with machinery for other equalities issues (if so which) or for human rights? If yes, Yes

o When did this happen?

See above: a law on the establishment of the Centre was passed in 2006. The Centre has not been established yet.

o Was the change controversial (who fought whom, allied to whom)?

No

o Is the division of responsibilities by function or by strand?

Not clear yet.

o Is there a separate mechanism for consulting civil society by strand, including women?

Not clear yet.

o Does the equality body actively engage with the issue of intersecting inequalities (e.g. gender and ethnicity, gender and disability)? If yes, please specify the intersections that are taken into account.

Not clear yet.

- If the gender equality body is not integrated with machinery for other equality issues, does the gender equality body and any other single strand equality body actively engage with the issue of intersecting inequalities? If yes, please specify the intersections that are taken into account by each of the equality bodies.

Not clear yet

Relationship of machinery with civil society

- Are there procedures for the consultation of women's groups in civil society by the gender or equalities machinery?
 - If so, are they routinised or occasional?

Routinised. The women's organisation National Council of Luxembourg Women plays an active role in cooperating with the government. It is a member of the governmental *Comité du travail féminin* (Committee of Women's Work).

4. Policy summary questions

4.1 Non-employment

Is the tax system household based or individualised?

Household based. Married couples receive one tax demand, whereas single persons and cohabiting unmarried couples/partners receive an individualised tax demand.⁵³

Is the benefit system household based or individualised?

Household based. Individualisation of pension rights is still being discussed.⁵⁴

How long is it legitimate for lone parents not to be in paid work? (i.e. at what age does the youngest child reach before parent is required to be available for employment and benefit stops).

A (lone) parent can take parental leave until the child reaches five years. Then the parent is able to stay at home full-time for three months and part-time during six months.⁵⁵

Are there active labour market programmes (i.e. programmes to help people who are out of labour market back into paid employment, includes training and job placement schemes) for lone parents?

The ADEM (*Administration de l'emploi* – Employment administration) provides possibilities for re-employment after parental leave.⁵⁶

Are there active labour market programmes for women who are returning to employment after lengthy period of time out of the labour market? Are there active labour market programmes for any other category of citizens, and if so which categories?

There are active labour market programmes for women⁵⁷ and for disabled people.⁵⁸

What is the minimum amount of childcare that is provided by the state? (e.g. number of hours, no. of weeks per annum)

- Childcare: care (under 3 years)

Baby-minders (crèches) for children from zero to four.⁵⁹

- Childcare: pre-primary education (3 yrs- school age)

Day-care centers (Foyers scolaires, foyers de jour, foyers du midi) for children from four to twelve.⁶⁰

What is the predominant form of childcare provision? i.e. public, private or mixed.

State intervention in 2007: 21 389 614 euro⁶¹

Childcare provision is mixed. Most Luxembourgian mothers stay at home to raise their children. If they go to work, the children are mainly taken care of by the grandparents. Only a minority goes to day care centres.⁶²

⁵³ http://www.impotsdirects.public.lu/dossiers/retenu/Guide_2007.pdf, accessed on 30 May 2008

⁵⁴ <http://www.cnfl.lu/prisesposition/documents/Note%20individualisation.pdf>, <http://www.cnfl.lu/actions/documents/2007-CTF-avisno5155-divorce.pdf> (page 3) and http://www.gouvernement.lu/dossiers/social_emploi/pensions/decfin.rtf (page 4) accessed on 30 May 2008

⁵⁵ <http://www.cnpf.lu/Pages/Cp-2007.htm>, accessed on 30 May 2008

⁵⁶ <http://www.adem.public.lu/employeur/engagerdemandeur/aidereemploi/index.html>, accessed on 30 May 2008

⁵⁷ http://www.gouvernement.lu/publications/informations_gouvernementales/rapports_activite/rapport_activite2006/18trav/trav.pdf (page 208 to 213) and http://www.lsap.lu/index.php?level1=25&level2=133&co_group_id=30&fidlanguage=2&lang=fr&iddoc=1176&action=showdoc&howsearch=false&idusergroup= accessed on 30 May 2008

⁵⁸ http://www.gouvernement.lu/publications/informations_gouvernementales/rapports_activite/rapport_activite2006/18trav/trav.pdf (page 214 to 244) accessed on 30 May 2008

⁵⁹ http://www.gouvernement.lu/publications/informations_gouvernementales/rapports_activite/rapport-activite-2007/10fam/rapport.pdf (page 41) accessed on 30 May 2008

⁶⁰ http://www.gouvernement.lu/publications/informations_gouvernementales/rapports_activite/rapport-activite-2007/10fam/rapport.pdf (page 41) accessed on 30 May 2008

⁶¹ http://www.gouvernement.lu/publications/informations_gouvernementales/rapports_activite/rapport-activite-2007/10fam/rapport.pdf (page 42) accessed on 30 May 2008

⁶² <http://www.ceps.lu/pdf/3/art1334.pdf?CFID=290279&CFTOKEN=45823090&jsessionId=20303a49ad0a2e313491> accessed on 31 May 2008

Foreigners in Luxembourg do the opposite: children of wealthy families go to private (commercial) day-care centres and the less rich go to state subsidised day-care centers (*crèches* and *foyers d'accueil conventionnés*).

How is childcare financed (e.g. by public funds, privately or mixed)?

Childcare is often provided by privately paid baby-minders (*parents de jour - Dageselteren*). *Fir ons Kanner* (For our children), *Splafa* or *AFP-Services Dageselteren* (provide baby-minders) are acknowledged official organisations.⁶³ Parents pay according to their income.

Self-employed baby-minders, acknowledged by the Ministry of Family and Integration determine their own price, but often work in lamentable conditions. Pitiful for the children but also for the baby-minders (very long working days, small wages and hardly time for holidays).⁶⁴

Is the pension age the same for women and men? If so, since when?

The pension age is 65 years for both women and men.⁶⁵

4.2 Intimate citizenship

Is abortion legal? If so, in what year did this happen?

Abortion (*interruption volontaire de grossesse*, abbreviated to IVG) is not legal in Luxembourg, except for in cases where the mother's or the child's life is in great danger or one of them is in great danger, or when the pregnancy is the result of rape. In these cases, abortion is legal and reimbursed. As regards abortion, Luxembourgian legislation depends on Law of 15 November 1978 on sexual information, on the prevention of clandestine abortion and on the rules as regards interrupting the pregnancy.⁶⁶

Socialist Lydia Err wants to legalise abortion for everybody until the 12th week of pregnancy and put forward a bill in March 2007. This bill aims to legalise abortion for minors as well and proposes to abolish parental consent.

Up to which week of pregnancy is abortion legal?

Abortion is only legal in the cases mentioned above, and in the first 12 weeks of the pregnancy.

Are there any other conditions? If so, what are these (e.g. consent of doctor/s, counselling)?

Abortion is only legal in the cases mentioned above and in that case is restricted to certain conditions.⁶⁷

- the pregnant woman needs to consult a gynaecologist or obstetrician who has to inform about the risks of the abortion.
- the pregnant woman has to hand in her written consent to the abortion (this consent is not needed when the woman's life is in danger).
- the abortion can only be carried out when the pregnant woman has lived in Luxembourg for at least three months.
- the abortion can only take place one week after the consultation with a doctor.
- the abortion needs to be carried out by a recognised Luxembourgian doctor, who has to write down (or ask a second doctor to write down) the existence of one of the cases which entail the possibility of an abortion.
- the abortion needs to be carried out in a hospital which can provide abortions according to the Ministry of Health.

How many abortions are carried out per year (select most recent year where data available. If illegal, approximately how many women travel to access abortion services in another country)?

This data are difficult to estimate accurately. But, according to the Central Service for Statistics and Economical Studies (STATEC), the number (including people going abroad for abortion) is somewhere between 500 and 1500 per year.⁶⁸

⁶³ http://www.secu.lu/legis/legis/Docparl/no5517/5517_00.html accessed on 31 May 2008

⁶⁴ <http://www.ces.etat.lu/AVIS2005.pdf> (page 41) accessed on 31 May 2008

⁶⁵ http://www.cpep.lu/pensions/T_les_pensions_de_vieillesse.htm#c2 and http://www.mega.public.lu/publications/1_brochures/2006/pan_egalite/PAN.pdf accessed on 31 May

⁶⁶ Loi du 15 novembre 1978 relative à l'information sexuelle, à la prévention de l'avortement clandestin et à la réglementation de l'interruption de la grossesse. (Law of 15 November 1978 on sexual information, on the prevention of clandestine abortion and on the regulation as regards interrupting the pregnancy.)

⁶⁷ <http://www.legilux.public.lu/leg/a/archives/1978/0810612/0810612.pdf#page=2>, accessed on 30 October 2007.

⁶⁸ <http://www.legilux.public.lu/leg/a/archives/1978/0810612/0810612.pdf#page=2>, accessed on 30 October 2007.

Are there any restrictions on abortion for certain categories of people? (e.g. age, nationality)

None, apart from those mentioned above relating to age and residence.

Is a marriage a state based contract, religious contract or both?

Marriage is a state based contract, which can be accompanied by a religious marriage.⁶⁹ The civil marriage is required by law, the church marriage is not. The church marriage cannot be performed prior to, but has to followed by, the civil marriage.

Is divorce legal and what are the conditions for divorcing (e.g. is mutual consent necessary / sufficient)?

Divorce is legal⁷⁰: currently the conditions are stipulated in the Civil Code as 'on the basis of determined causes or fault' and 'by mutual consent'. However, in 2003 the Luxembourg Minister of Justice, Luc Frieden, introduced a bill on the reform of divorce to the Chamber of Representatives. This bill has not been adopted yet and is still being debated. It introduces a major reform in Luxembourgian law and aims to humanise divorce, avoid family fights and – most importantly – is better for the children and persons who need to go through a divorce.

If divorce is not legal, what are the conditions for separation or annulment?

Divorce is legal. Question does not apply.

Are there any restrictions to marriage other than the sex of the partners (e.g. nationality, country of origin)?

One of the partners should have Luxembourgian nationality.

Are civil partnerships/civil unions/gay marriage legal and if so, are the legal rights the same as for heterosexual marriage? Consider the following (Yes/no +year when introduced):

Gay marriage is not legalised in Luxembourg, but the law on *partenariats* (partnerships) of 2004⁷¹ provides equal civil, fiscal and social security rights to two unmarried cohabiting people in a partnership who want to have the advantages of equal rights as married couples have. This law is not specifically aimed at homosexual couples since it concerns two persons who have decided to live together without marrying.

Does it extend to⁷²:

- **survivors' benefits in pensions?** In marriage contracts, the husband or wife automatically possesses the succession rights. A testament stipulates who is excluded from the inheritance. As regards *partenariats* things differ since the partner does not automatically receive the succession rights. A testament stipulates who will inherit.
- **adoption rights?** No
- **parental leave?** No
- **assisted reproduction?** In reality, the hospitals in Luxembourg treat couples who are not married for *Procréation médicalement assisté* (assisted reproduction, PMA). However, the law does not provide any legal measures concerning assisted reproduction.
- **Family reunification – have partners the right to settle and be employed in the country where their partners live?** One of the conditions for the partenariat is that the two partners reside legally in Luxembourg. Family reunification is therefore not possible.

Number of registered civil partnerships, annually and in total?

No data available.

⁶⁸ STATEC. 2006. 'E. Vie Sociale' [E. Social Life]. In *Annuaire statistique du Luxembourg*. [Statistical annual of Luxembourg]. STATEC. Luxembourg: STATEC, 382. <http://www.statistiques.public.lu/fr/publications/horizontales/annuaireStatLux/E.pdf>, accessed on 30 October 2007.

⁶⁹ http://www.legilux.public.lu/leg/textescoordonnes/codes/code_civil/L1_T5_mariage.pdf, accessed on 31 October 2007.

⁷⁰ http://www.legilux.public.lu/leg/textescoordonnes/codes/code_civil/L1_T6_divorce.pdf, accessed on 31 October 2007.

⁷¹ La loi relative aux effets légaux de certains partenariats. (Law on the legal effects of certain partnerships) http://www.gouvernement.lu/dossiers/justice/partenariat/loi_partenariat.pdf, accessed on 31 October 2007.

⁷² All information on the partenariats is provided by: Cigale. 2007. *Dossier partenariat (Loi du 9 juillet 2004 relative aux effets légaux de certains partenariats)* [Dossier partnerships (Law of 9 July 2004 on the legal effects of certain partnerships)]. Cigale : Luxembourg. Extra information was provided by Sandy Vitali of Cigale via e-mails on 6 November 2007.

4.3 Gender-based violence

Has there been a national survey on gender based violence? When was the most recent one carried out? Does it include:

In April 2006, an independent report and survey⁷³ on the implementation of the 2003 law on domestic violence⁷⁴ was commissioned by the Ministry of Equal Opportunities. In this substantial study, Beate Stoff makes recommendations based on a detailed analysis, comprising surveys and interviews with the parties involved on the practical functioning of the law. The functioning of the policy system, including the women's shelters and the services for offenders are some of the themes addressed, as well as possible needed changes to the law.

In its annual reports⁷⁵, the *Service central de la statistique et des études économiques* (Central Service for Statistics and Economical Studies, STATEC) provides general information and statistics on violence as well, without its aim being to provide specific information on 'gender-based' violence.

More specific information on gender-based violence is provided by the annual reports of organisations working for and with women who are confronted with violence in Luxembourg. These reports – of *Fraenhaus*⁷⁶, *ViSaVi*⁷⁷, *Meerderchershaus*⁷⁸ and *Service d'Assistance aux victimes de violence domestique*⁷⁹ – do not aim to be general surveys of the whole of Luxembourg, but contain important and interesting information based on the statistics and data of the organisation in question.

- **Domestic violence and violence in partnerships?**

Beate Stoff 2006: Yes, this is the main subject of the study + survey. It is based on the 2003 law on domestic violence, which aims to evict offenders of domestic violence from the house.

STATEC 2006: Domestic violence is mentioned once within the scope of cases going to the court of appeal in 2004/2005. There was one case of domestic violence among the cases (p. 431).

Annual report Fraenhaus 2006: Yes. It includes (statistical) information on women and children who were victims of *violence conjugale* (violence between spouses) and were given shelter in the Fraenhaus.

Annual report ViSaVi 2006: Yes it includes (statistical) information on domestic violence: violence between partners, violence in families.

Annual report Meerderchershaus 2006: Yes. It includes (statistical) information on young women and girls (aged 12 to 21) who were victims of violence within the family.

Annual report SAVVD 2006: Yes. The central idea of the SAVVD or *Service d'Assistance aux victimes de violence domestique* is to help and assist victims of domestic violence. The annual report therefore provides (statistical) information on the matter.

- **Sexual assault/violence and rape?**

Beate Stoff 2006: Rape (*Verletzung* in German) and sexual assault or violence is mentioned in connection to domestic violence. Rape or sexual assault/violence outside the home is not discussed.

STATEC 2006: No info

Annual report Fraenhaus, Annual report ViSaVi 2006: Yes. These forms of violence are dealt with within the scope of domestic violence.

Annual report Meerderchershaus, Annual report SAVVD 2006: Yes.

- **Sexual harassment and stalking?**

Beate Stoff, Annual report SAVVD: Stalking is mentioned within the scope of domestic violence.

STATEC, Annual report Fraenhaus, Annual report ViSaVi, Annual report Meerderchershaus: No

- **Trafficking**

Beate Stoff, STATEC, Annual report SAVVD: No

⁷³ Stoff, Beate. 2006. *Abschlussbericht: Evaluation der Veränderungen in Luxemburg seit Einführung des Gesetzes gegen häusliche Gewalt und Einrichtung des Services d'assistance aux victimes de violence domestique* [Endnote: Evaluation of the changes in Luxembourg since the implantation of the law against domestic violence and the founding of relief organizations for victims of domestic violence]. Osburg: Büro Plan
B. http://www.mega.public.lu/actualites/actu_min/2006/08/violence_domestique/Rapport_2006_Beate_Stoff.pdf, accessed on 31 October 2007.

⁷⁴ Loi du 8 septembre 2003 sur la violence domestique portant modification [...] (Law of 8 Septembre 2003 on domestic violence, modifying [...]). <http://www.legilux.public.lu/leg/a/archives/2003/1480310/1480310.pdf>, accessed on 31 October 2007.

⁷⁵ STATEC. 2006. 'E. Vie Sociale' [E. Social Life]. In *Annuaire statistique du Luxembourg*. [Statistical annual of Luxembourg]. STATEC. Luxembourg: STATEC. <http://www.statistiques.public.lu/fr/publications/horizontales/annuaireStatLux/E.pdf>, accessed 31 October 2007.

⁷⁶ Annual report 2006 Fraenhaus.

http://www.mega.public.lu/publications/0_rapports_activites/rapport_annuel_2006/rapport_annuel_2006.pdf, accessed on 2 November 2007.

⁷⁷ Annual report 2006 ViSaVi. <http://www.fed.lu/visavi/documents/webVisavi06.pdf>, accessed on 2 November 2007.

⁷⁸ Annual report 2006 Meerderchershaus. <http://www.fed.lu/meerderchershaus/documents/webMH06.pdf>, accessed on 2 November 2006.

⁷⁹ Annual report 2006 SAVVD. <http://www.fed.lu/violenceadomicile/documents/webSAV06.pdf>, accessed on 2 November 2007.

Annual report Fraenhaus, Annual report ViSaVi: Prostitution and trafficking are mentioned in this report (p. 8 Fraenhaus, p. 20 ViSaVi) as courses that were provided to the employees of Fraenhaus.

- [Prostitution?](#)

Beate Stoff, STATEC, Annual report SAVVD : No

Annual report Fraenhaus, Annual report ViSaVi: Prostitution and trafficking are mentioned in this report (p. 8 Fraenhaus, p. 20 ViSaVi) as courses that were provided to the employees of Fraenhaus.

Annual report Meerderchershaus: Yes. Young girls living on the streets and becoming prostitutes are mentioned.

- [Forced marriage?](#)

Beate Stoff, STATEC, Annual report Fraenhaus, Annual report ViSaVi Annual report Meerderchershaus, Annual report SAVVD: No

- [Honour crimes?](#)

Beate Stoff, STATEC, Annual report Fraenhaus, Annual report ViSaVi Annual report Meerderchershaus, Annual report SAVVD: No

- [FGM?](#)

Beate Stoff, STATEC, Annual report Fraenhaus, Annual report ViSaVi Annual report Meerderchershaus, Annual report SAVVD: No

4.3.1 Domestic violence

What legal devices are available to prevent domestic violence? Do they target perpetrators and/or victims? (Yes/no +year when introduced). Devices could for instance include:

- [restraining orders](#) Yes: the perpetrator is evicted from the home.
- [non-molestation orders](#) Yes
- [occupation orders](#) Yes
- [state funded perpetrator programs](#) Yes. Between December 2003 and March 2004 a telephone line for male offenders was installed and funded by the Ministry. It was established as a part of a project sponsored by the European Association for Counselling on Violence (EUGET), under the EU DAPHNE programme for preventing violence against women and children.
- [other devices?](#)

- Law of 8 September 2003 on domestic violence. (*Loi du 8 septembre 2003 sur la violence domestique portant modification*)

- Grand ducal rule of 24 November 2003 on the Committee on the Collaboration between professionals in the battle against violence⁸⁰ (*Règlement grand-ducal du 24 novembre 2003 relatif au Comité de coopération entre les professionnels dans le domaine de la lutte contre la violence*)

The domestic violence law has three main aims: preventing domestic violence, punishing the offenders of domestic violence and raising public awareness. The person who has committed domestic violence will be expelled from the home for 10 days. During this period, the offender is forbidden to return home and will be penalised if doing so. Therefore, the police will take possession of any latchkey children.

Within the scope of this law, a service has been created to assist, guide and inform the victims of domestic violence. These services (e.g. *Femmes en détresse*) contact the victim. After the 10 days following the expulsion of the perpetrator, the victim has the right to ask the president of the *Tribunal d'Arrondissement* to interdict the offender to come back home. This measure remains legitimate during three months. In certain cases, the court can adjudge complementary measures such as the interdiction to contact and approach the victims, to visit certain locations, and to accommodate children.

The accompanying grand ducal rule of 24 November 2003 stipulated that professionals within the domain of domestic violence should cooperate in a committee to implement the law of 8 September and to study statistics. This Committee consists of four representatives of government (two of the Ministry for the Advancement of Women, one of the Ministry of Justice and one of the Ministry of Internal Affairs), two representatives of the judicial authorities, one member of police and two representatives of relief organisations for domestic violence.

⁸⁰ Règlement grand-ducal du 24 novembre 2003 relatif au Comité de coopération entre les professionnels dans le domaine de la lutte contre la violence. (Grand ducal rule of 24 November 2003 on the Committee on the Collaboration between professionals in the battle against violence). <http://www.legilux.public.lu/leg/a/archives/2003/1730912/1730912.pdf>, accessed on 31 October 2007.

The Luxembourgian government has continuously fought domestic violence. The most recent campaign, carried out between March 2007 and March 2008, was based on a previous campaign introduced by the Council of Europe in Madrid in November 2006, and stresses the fact that every offender of violence in Luxembourg shall be evicted, because that is the law (*Toute personne violente sera expulsée de son domicile. C'est la loi.*). The aim is to reduce domestic violence and to make the public aware of the issue.

What is the prevalence of domestic violence against women, in one year? (from the survey)

According to the survey by Beate Stoff, domestic violence plays a marginal role when compared to violence in general. This table for 2004 is taken from the survey and translated into English, and gives an idea of the relative number of offenses of domestic violence as seen compared to all criminal offences. The data were provided by the Police.⁸¹

Criminal offences in Luxembourg in 2004: relative importance of domestic violence

Criminal offences 2004	Total criminal offences	Of which domestic violence	% domestic violence
Criminal offences against persons, among which	3.383	286	8,5 %
assault and battery without inability to work	1.118	180	16,1 %
assault and battery with inability to work	484	41	8,5 %
deprivation of freedom	11	1	9,1 %
threat	580	47	8,1 %
acting as a pimp	16	1	6,3 %
rebellion	84	4	4,8 %
attempted manslaughter	67	3	4,5 %
insults	401	8	2,0 %
Insulting officials	89	1	1,1 %
sinful criminal offences against persons	533	0	0,0 %
Violate against banishment	0	7	100,0 %
Criminal offences against <i>sachen</i>	19.323	10	0,1 %
Sinful criminal offences	4.201	0	0,0 %
Total	26.907	303	1,1 %

Annual reports of organisations helping victims of domestic violence provide statistical information as well:

Fraenhaus:

The *Fraenhaus* hosted 47 women and 48 children victims of domestic violence in 2006 (p. 9).

ViSaVi:

Of the 338 consultations at *ViSaVi*, 241 women, or 71%, said to have experienced violence (p. 10).

Meerderchershaus:

In 2006, 40 girls and young women found shelter from familial violence (p. 7).

What is the life time prevalence of domestic violence against women? (from the survey)

Information not available.

⁸¹ Stoff, Beate. 2006. *Abschlussbericht: Evaluation der Veränderungen in Luxemburg seit Einführung des Gesetzes gegen häusliche Gewalt und Einrichtung des Services d'assistance aux victimes de violence domestique* [Endnote: Evaluation of the changes in Luxembourg since the implantation of the law against domestic violence and the founding of relief organizations for victims of domestic violence]. Osburg: Büro Plan B, p. 13.
http://www.mega.public.lu/actualites/actu_min/2006/08/violence_domestique/Rapport_2006_Beate_Stoff.pdf, accessed on 31 October 2007.

What is the number of incidents of domestic violence against women, in one year? (from the survey)

Beate Stoff 2006:

- 303 (p. 13)

- Of the offenders 88% is male and 12% female. Of the victims 89% is female, 11% male (p. 14).

What is the number of incidents of domestic violence reported to the police (annual)? (If not available, say so)

Beate Stoff: Based on the information provided by the *Service d'assistance aux victimes de violence domestique*, 311 cases were collected between 1 November 2003 and 31 October 2005. Of those it is known that the police was called 107 times. The survey below shows who contacted the police (p.37).

Who contacted the police in case of domestic violence?

	absolute	relative
The victim	64	59,8 %
Child/children	16	15,0 %
Neighbour	8	7,5 %
Somebody else	19	17,8 %
Total	107	100 %

The annual reports provide some extra information:

Fraenhaus:

Of the 47 women who came to the *Fraenhaus*, 13 had contacted the police, 33 had not contacted the police and in 1 case it was unknown (p.9).

ViSaVi:

Of the 241 women going through violence, 73 say the police have intervened. In 54 cases, the victim herself contacted the police (p. 10).

What is the number of domestic violence convictions in the courts? (If not available say so)

The report/survey by Beate Stoff 2006 does not provide information on this matter.

What is the attrition rate for domestic violence in the criminal justice system (convictions as % of reports to police)? (if not available say so)

The report/survey does not provide information on this matter.

If there is any information on the previous questions broken down by age, class, sexual orientation, race/ethnicity etc, give it here too.

Beate Stoff:

- Nationality of offenders: 40% comes from Luxembourg, 28% from Portugal, 16% of the other EU countries, 4% Cape Verde Islands, 3% Balkans and 9% other (p. 15).

- The age of offenders and victims in Luxembourg is shown in the following table (p. 15-16)

Age of victims

Victim	Female	Male	Total	Female%	Male %	Total %	% Male victims
- 18	18	15	33	3,4 %	22,4 %	5,5 %	45,5 %
18-30	120	13	133	22,6 %	19,4 %	22,3 %	9,8 %
31-40	210	5	215	39,6 %	7,5 %	36,0 %	2,3 %
41-50	130	25	155	24,5 %	37,3 %	26,0 %	16,1 %
+ 50	52	9	61	9,8 %	13,4 %	10,2 %	14,8 %
Total	530	67	597	100,0 %	100,0 %	100,0 %	11,2 %

Age of offenders

Offenders	Female	Male	Total	Female%	Male %	Total %	% Female offender
- 18	0	2	2	0,0 %	0,3 %	0,3 %	0,0 %
18-30	21	101	122	25,6 %	17,4 %	18,4 %	17,2 %
31-40	34	189	223	41,5 %	32,5 %	33,6 %	15,2 %
41-50	22	191	213	26,8 %	32,9 %	32,1 %	10,3 %
+ 50	5	98	103	6,1 %	16,9 %	15,5 %	4,9 %
Total	82	581	663	100,0 %	100,0 %	100,0 %	12,4 %

The annual reports provide extra information:

Fraenhaus (p. 10-11):

- As regards the age of the 47 women: 14 were between age 23-30, 16 were between age 31-40, 11 were between age 41-50, 4 were between age 51-60 and 1 was 60+ and 1 unknown.
- As regards the nationality: 32 from the EU (12 Portugal, 14 Luxembourg, 2 Italy and 4 from France); and 15 were non-European Union (4 Bosnian, 1 Moroccan, 1 Cambodian, 1 Rumanian, 1 Lithuanian, 1 Albanian, 2 Cameroonian and 4 Brazilian).
- As regards civil status: 31 women were married, 2 were divorced, 13 were single and 1 was a widow.
- As regards children: 19 women had no children, 13 had 1 child, 9 had 2 children and 6 had three children.

ViSaVi (p.12-13):

285 offenders of violence were registered. 229 were from the European Union, 9 were from non-European Union Europe, 10 were from Africa, 5 from America, 2 from Asia and 30 were of unknown nationality. The two largest groups were the Luxembourgers (107 persons or 37,5%) and the Portuguese (67 persons, 23,5%).

4.3.2 Rape & Sexual assault

When was marital rape criminalized?

In 1992.

Rape is criminalized by the article 375 (and the following) of the Penal Code⁸². Until 1992, when the Act of 10 August Concerning the Protection of Young People was adopted, rape had a very narrow definition; it was restricted to vaginal penetration which could lead to pregnancy. Since then, article 375 (L.10.8.1992) of the Penal Code provides that any act of sexual penetration committed on another person, by aid of violence or threat, or by use of a trick or artifice or by abuse of a person incapable of consenting or of resisting, constitutes a rape. Rape can be committed against men or women. The Act on the Protection of Young People amended and broadened this definition, imposing higher penalties when such violence is committed towards people who are younger than fourteen.

This article also applied to husbands and wives, which was declared on 21 June 1994 by the Court of Appeal. The law on domestic violence, of 8 September 2003 introduced aggravating circumstances when the victim is the married partner, divorced partner or cohabitating partner.⁸³

What is the number of annually reported incidents to the police?

No specific information available.

What is the attrition rate for rape in the criminal justice system (convictions as % of reports to police)? (if not available say so)

No specific information available.

What is required for an act to be considered to be rape, e.g.:

Until 1992, rape had a very narrow meaning in legal practice which was restricted to vaginal penetration which could lead to pregnancy⁸⁴. Anal and oral penetration was considered a lesser

⁸² Ivana Bacik, Catherine Maunsell, Susan Gogan. 1998. The legal process and victims of rape. A comparative analysis of the laws and legal procedures relating to rape, and their impact on victims of rape, in the fifteen member states of the EU. Dublin. http://d427537.u41.hosting.digiweb.ie/wp-content/uploads/2008/09/the_legal_process_and_victims_of_rape.pdf

⁸³ Information provided per e-mail (5 November 2007) by Joëlle Schrank and Sandra Reuland of Femmes en Détresse.

offense (offense against modesty). The Act on the protection of young people 1992⁸⁵ corrected and broadened this definition to sexual penetration regardless of means used, imposing higher penalties when victims are younger than 14.

- lack of consent (since when) Law of 1992 also punishes rape of persons who are unable to give consent.
- physical resistance? (since when) Violence or threat. Law also punishes rape of persons who are unable to resist. Law of 1992 on the protection of young people also punishes trick and artifice.
- Other?

Is any characteristic of victim or perpetrator considered relevant (e.g. age, sex), and if so which characteristic?

- The law on domestic violence, of 8 September 2003 introduced aggravating circumstances when the victim is the married partner, divorced partner or cohabitating partner

- Age, when the victim is a minor (less than 14 years old), the penalty is higher.

Sex is mentioned in that statistics will be made based on sex, age and the relationship between victim and offender

4.3.3 Trafficking for sexual exploitation

Has the government signed and ratified the EU convention on human trafficking (date)

Luxembourg signed the Convention on Human Trafficking on 16 May 2005, but has not ratified it yet⁸⁶.

Is trafficking primarily seen as a problem of the sending or the receiving country?

Women are trafficked to Luxembourg, from Eastern Europe (Romania and Bulgaria for instance)⁸⁷.

Are women victims of trafficking, when identified as such, given temporary/permanent residence permits? How long? (date)

Keep in mind that for Luxembourg this is a very small number of people/year (less than 10). There are no government services for trafficking victims, but two NGOs, both fully financed by the government to provide shelter and counselling assistance to women in distress. According to the American Department of State, the Ministry of Equal Opportunities has provided funds for the housing of victims and coordinated with the police to protect known victims. Moreover, subsequent arrangements were made to place victims in a witness protection program. The Artist Visa Program was terminated, since this allowed and obscured cases of trafficking in women for sexual exploitation.

According to *The Country Report on Human Rights Practices in Luxembourg*⁸⁸, by the U.S. department of State, the Luxembourg government took substantial measures to protect victims' physical safety and identities. 'After the court proceedings on trafficking had finished, a criminal investigative unit specialized in trafficking in persons investigations assisted victims in creating new identities and settling them abroad.' (The Country Report on Human Rights Practices in Luxembourg, section 5, see note 88)

4.3.4 Intersections

Have specialised policies and practices on gender based violence that address gender as intersecting with race/ethnicity, class, sexual orientation been developed by: No

- Police
- NGOs
- Local Authorities / government
- Other

4.3.5 Service provision

Are there refuges and/or sexual assault centres?

Yes. There are refuges, as well as information centres and centres helping women with the process of fighting domestic violence.

⁸⁴ http://www.mega.public.lu/actualites/actu_min/2006/11/Campagne_Conseil_de_l_Europe/Legislation_Luxembourg.pdf, accessed 29 March 2011

⁸⁵ http://www.childsrights.org/html/site_es/law_download.php?id=228. Accessed 29 March 2011

⁸⁶ <http://conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=197&CM=1&DF=&CL=ENG>, accessed on 5 November 2007.

⁸⁷ <http://www.state.gov/g/drl/rls/hrrpt/2007/100570.htm>, accessed 23 June 2008.

⁸⁸ <http://www.state.gov/g/drl/rls/hrrpt/2007/100570.htm>, accessed 23 June 2008.

How many are there?

Luxembourg has a network of organisations providing help to victims of gender based violence. It is known under the umbrella term *Femmes en Détresse* (this umbrella organisation has more organisations than those named here, but they do not fit into the scope of refuge or sexual assault centre).

- *Fraenhaus* is a refuge for female victims of domestic violence.⁸⁹
- *ViSaVi* (*Vivre sans violence*, living without violence) is an information and consultation centre for women concerning the topics of sexual, verbal and economical violence.⁹⁰
- *Fraentelefon* is a telephone line for all women.⁹¹
- *Kopplabunz* is a meeting place for all women.⁹²
- *NAXI* is an information centre on employment for all women.⁹³
- *Meerderchershaus* is both an information centre and a refuge for young women between 12 and 21 years.⁹⁴
- *Kannerhaus* is a childcare service, caring for children of women who are clients at the public service provider *Femmes en Détresse*.⁹⁵
- *Service d'Assistance aux victimes de violence domestique* is a service helping victims of domestic violence throughout the process of fighting domestic violence.⁹⁶

When was the first set up?

Fraenhaus was the first women shelter and it was set up in 1980.

Are they state funded, to what extent?

Femmes en Détresse is recognised as a public service by grand ducal rule of 17 Septembre 2004. Many of its organisations are subsidised by the Ministry of Equal Opportunities

⁸⁹ Website Fraenhaus: <http://www.fed.lu/fed/fraenhaus/>, accessed on 31 October 2007.

⁹⁰ Website ViSaVi: <http://www.fed.lu/fed/visavi/>, accessed on 31 October 2007.

⁹¹ Website Fraentelefon: <http://www.fed.lu/fed/fraentelefon/index.htm>, accessed on 31 October 2007.

⁹² Website Kopplabunz: <http://www.fed.lu/fed/kopplabunz/>, accessed on 31 October 2007.

⁹³ Website NAXI: <http://www.fed.lu/fed/naxi/>, accessed on 31 October 2007.

⁹⁴ Website Meerderchershaus: <http://www.fed.lu/fed/meerderchershaus/>, accessed on 31 October 2007.

⁹⁵ Website Kannerhaus: <http://www.fed.lu/fed/kannerhaus/>, accessed on 31 October 2007.

⁹⁶ Website SAVVD: <http://www.fed.lu/fed/violenceadomicile/>, accessed on 31 October 2007.

CIVIL SOCIETY AND ENGAGEMENT IN POLICY MAKING

5. Political system

5.1 Is the state unitary or federal?

The Grand Duchy Luxembourg is a unitary state. Politically, it is a representative democracy and a constitutional monarchy.⁹⁷

5.2 To what extent and how are social partners (employers & trade unions/capital & labour) integrated in policy decisions?

Are there legally binding decision making processes similar to the EU framework agreements (e.g. as the Parental Leave Directive)?

Would the political system be possible to describe as corporatist or neocorporatist, where hierarchically ordered trade unions and/or employer and/or other civil society organisations are institutionally incorporated in policy making?

Luxembourg is a state with tripartite concertation, and hence to some degree corporatist. The dialogue between government and interest groups is mainly based on three institutions: the chamber system, the Economic and Social Council (CES), and the Tripartite Coordination Committee (*Tripartite*).

It is a somewhat less intensively corporatist state and has varied between consultation and tripartite concertation, but always with a central role for the government and parliament. There is a joint decision-making process between the state and social partners, and a 'considerable interest group involvement (indeed tripartite concertation) in the field of labour law'.⁹⁸ There is no *erga omnes* (legal terminology describing obligations or rights *toward all*) effect to social partner agreements. Gerda Falkner and Simone Leiber point out that 'the partial shift of regulation in the field of labour law to the European level has entailed a certain loss of influence for the interest groups.' Given that loss, 'there might be *compensatory reforms* yet to come'.⁹⁹

What is the gender composition in the decision making process of agreements made by the social partners (if there are any such agreements)?

Luxembourg's most important trade unions are:

OGB-L¹⁰⁰ (independent) with 33 men and 6 women in the executive committee and LCGB (Christian) with 17 men and 6 women¹⁰¹ among the executive committee.

5.3 In which policy environment (ministry) is a decision on the issue predominantly made (for each area: general gender equality policies; non-employment; intimate citizenship; gender-based violence)?¹⁰²

General gender equality: Ministry of Equal Opportunities

Non-employment: Ministry of Equal Opportunities, Ministry of Labour and Employment

Intimate citizenship: Ministry of Equal Opportunities, Ministry of Justice, Ministry of Health, Ministry of Immigration

Gender-based violence: Ministry of Equal Opportunities, Ministry of Justice,

5.4 Political cleavages

Is the state consociational or not, i.e. are there major internal divisions (ethnic, language, religion etc) where neither of the groups form a majority while, at the same time, the political regime can be considered to be stable?

Luxembourg is a non-consociational state. There are no major internal division and the political regime can be considered to be stable. However, 38,6% of Luxembourg population are foreigners, with a majority of people coming from Portugal.¹⁰³

⁹⁷ http://www.gouvernement.lu/tout_savoir/vie_politique/systpol.html, accessed on 20 November 2007.

⁹⁸ Falkner, Gerda and Simone Leiber. 2004. 'Europeanization of Social Partnership in Smaller European Democracies?' in *European Journal of Industrial Relations*, 10; 245.

⁹⁹ Falkner, Gerda and Simone Leiber. 2004. 'Europeanization of Social Partnership in Smaller European Democracies?' in *European Journal of Industrial Relations*, 10; 245.

¹⁰⁰ http://www.ogbl.lu/html_fr/qui_sommes_nous/organigramme.html accessed on 1 June 2008

¹⁰¹ <http://lcgb.lu/fr/collaborateurs> accessed on 1 June 2008

¹⁰² All information taken from: <http://www.gouvernement.lu/ministeres/index.html>, accessed on 20 November 2007.

¹⁰³ http://www.gouvernement.lu/tout_savoir/population_langues/populati.html, accessed on 20 November 2007.

What are the main existing salient political cleavages within the state, and on what dimension (e.g. language, region, religion, nationality)?

Nationality constitutes an important dimension in Luxembourg.

The Luxembourg population consists of a German and a Roman part, which brings about two official languages: German and French. *Luxembourgeois* is the third national language of Luxembourg.¹⁰⁴

5.5 International obligations and links

When, if at all, was CEDAW signed?

Luxembourg signed CEDAW on 17 July 1980 and ratified on 2 February 1989, after some reservations. These first reservation of Luxembourg is formulated on the CEDAW-website: 'The application of article 7 shall not affect the validity of the article of our Constitution concerning the hereditary transmission of the crown of the Grand Duchy of Luxembourg in accordance with the family compact of the house of Nassau of 30 June 1783, maintained by article 71 of the Treaty of Vienna of 9 June 1815 and expressly maintained by article 1 of the Treaty of London of 11 May 1867.' The second reservation is stated as: 'the application of paragraph 1 (g) of article 16 of the Convention shall not affect the right to choose the family name of children.'¹⁰⁵

When did the country join the EU?

Luxembourg was a founding member of the European Economic Community, the precursor of the European Union.

¹⁰⁴ http://www.gouvernement.lu/tout_savoir/population_langues/situling.html, accessed on 20 November 2007.

¹⁰⁵ <http://www.un.org/womenwatch/daw/cedaw/reservations-country.htm>, accessed on 20 November 2007.

6. Political Representation

6.1 The development of women's political representation, including:

- Date of female suffrage¹⁰⁶

Women were able to vote from 1919 and onwards in Luxembourg.

- Note any caveats, e.g. age, property qualification, ethnicity, and when removed.

In 1839, an electoral system based on tax applied: only citizens who paid taxes were granted the right to vote. The electoral system was initially based on economical wealth.

1919: universal suffrage¹⁰⁷

Nowadays voting is compulsory from the age of 18 to 75.¹⁰⁸

Since 2003: right to vote for non-Luxembourgers¹⁰⁹.

- Date of male suffrage

1839: right to vote for men who paid taxes; universal suffrage in 1919¹¹⁰

- Use of quotas¹¹¹

- When introduced

No date of introduction found. In March 2003 the National Council of Luxembourg Women suggested the institution of a progression of quotas to fix a maximum percentage of female and male representatives on the electoral lists.¹¹²

Number of Women in Lower House - elections year 2004: 14 women out of 60 seats: 23.3%.¹¹³

- What form e.g. party, electoral, constitutional

N/A

- What is the numerical representation of women in parliament? (over QUING period)

Throughout the QUING-period, the representation of women in the Luxembourgian parliament has gradually increased.¹¹⁴

Women are politically under-represented.¹¹⁵

2007-2008: Chamber of deputies: 14 women and 46 men.¹¹⁶

- Was the increase in women's representation a gradual increase since suffrage, or were there any key turning points? E.g. quotas, 1989.

Gradual increase in women's representation, no key turning points.

2004: There has not been any increase in the number of women in parliament since 1995. On municipal level there is a 15% increase of women.¹¹⁷

For the municipal elections of 2005: 922 candidates (or 28, 9% of the total number of candidates) were women, meaning an increase of 16% compared to 1999 (795)¹¹⁸.

- Other important developments

No

¹⁰⁶See Inter-Parliamentary union (IPU) website: <http://www.ipu.org/wmn-e/world.htm>

¹⁰⁷http://www.cathol.lu/IMG/doc/factsheet_politique.doc, accessed 4 June 2008

¹⁰⁸http://www.cathol.lu/IMG/doc/factsheet_politique.doc, accessed 4 June 2008

¹⁰⁹http://www.gouvernement.lu/dossiers/elections/elections_communes_droit/index.html, accessed 4 June 2008

¹¹⁰http://www.cathol.lu/IMG/doc/factsheet_politique.doc, accessed 4 June 2008

¹¹¹See IDEA: <http://www.idea.int/gender/index.cfm>

¹¹²<http://www.restena.lu/cnfl/prisesposition/documents/Reformedelaloielectorale-prisedeposition.pdf>, accessed 7 June 2008

¹¹³<http://www.quotaproject.org/displayCountry.cfm?CountryCode=LU>, accessed 4 June 2008

¹¹⁴http://ec.europa.eu/employment_social/gender_equality/gender_mainstreaming/balancedparticipation/report_trends_final_2007_en.pdf, accessed 4 June 2008

¹¹⁵"Politische Partizipation von Frauen in Luxemburg seit 1919" (Political participation of women in Luxembourg since 1919) by Renée Wagener, edited in 1999.

¹¹⁶<http://www.chd.lu/fr/organisation/membres/membres01.jsp>, accessed 4 June 2008

¹¹⁷http://www.gouvernement.lu/salle_presse/interviews/2004/03/20040303jacobs/index.html, accessed 8 June 2008

¹¹⁸<http://www.statistiques.public.lu/fr/communiqués/sociale/politique/2005/10/20051003/index.html>, accessed 7 June 2008

6.2 Political representation for intersecting inequalities:

- o Class (e.g. was male suffrage granted in stages with property qualifications; representation in parliament)

In 1839, an electoral system based on tax applied: only citizens who paid taxes were granted the right to vote. The electoral system was initially based on economical wealth.

1919: universal suffrage¹¹⁹

- o ethnicity/religion (what exclusions and when; numerical representation in parliament)

No exclusions specifically for ethnicity or race.

No figures found regarding the numerical representation.

.

- o Other important intersecting inequalities, any quotas

No actual figures or any information found.

6.3 Political parties and gender

- o Does women's political representation vary by Party;
 - if so, do these Parties tend to represent different class, ethnic, religious or other interests?

Political party details

Party	Acronym	Original name	Details, quota provisions
Green Party		Déi Gréng/Les Verts	The party seeks to apply parity in party bodies, positions and on lists.
Christian Social People's Party	CSV	Chrëschtlech Sozial Vollekspartei	The party is targeting a 33% quota for women on their party lists.
The Left		Déi Lenk	Previously. The party applies a 50% quota in the party body and on the electoral lists. The party is not represented in parliament.
Luxembourg Socialist Workers' Party	LSAP	Lëtzebuenger Sozialistesche Arbechterpartei	LSAP has adopted a quota for internal positions (about 33%). The target is parity.

- o What is the current Party / Parties in Government:

The current (2004-2009) parties in the government of the Grand Duchy Luxembourg are¹²⁰:

1. Chrëschtlech Sozial Vollekspartei (Christian Social People's Party, CSV)
2. Lëtzebuenger Sozialistesche Arbechterpartei (Luxembourg Socialist Workers' Party, LSAP)
 - With which European Parliament political group is this Party / Parties affiliated?¹²¹

Luxembourg Political Party in Government	Official affiliation in European Parliament
CSV	European People's Party (EPP) ¹²²
LSAP	Party of European Socialists (PES) ¹²³

¹¹⁹ http://www.cathol.lu/IMG/doc/factsheet_politique.doc, accessed 4 June 2008

¹²⁰ <http://www.gouvernement.lu/gouvernement/membres/index.html>, accessed on 13 November 2007.

¹²¹ See list Of EP political groups: http://www.europarl.europa.eu/groups/default_en.htm

¹²² <http://www.epp.eu/membersorted.php?landID=24>, accessed on 13 November 2007.

¹²³ <http://www.pes.org/content/view/11/48/lang/en/>, accessed on 13 November 2007.

Luxembourg Political Party Other Political Parties	Official affiliation in European Parliament
Demokratesch parti (DP-Lux)	European Liberal Democrat and Reform Party (ELDR) ¹²⁴
Déi Gréng	European Green Party ¹²⁵
Déi Lenk	European Left ¹²⁶
Alternatif Demokratesch Reformpartei (ADR)

- o What political party / parties have held office during 1995-2007?¹²⁷

Government term	Political Party	Affiliation
13 July 1994 – 26 January 1995 Government Santer-Poos III	CSV	Christian Democratic
	LSAP	Socialist
26 January 1995 - 7 August 1999 Government Juncker-Poos	CSV	Christian Democratic
	LSAP	Socialist
7 August 1999 – 31 July 2004 Government Juncker-Polfer	CSV	Christian Democratic
	DP	Liberal
31 July 2004-currently (until 2009) Gouvernement Juncker-Asselborn	CSV	Christian Democratic
	LSAP	Socialist

[Main European Political Parties \(each footnote provides a link to party's website where you can find their national political party members\)](#)

European People's Party (EPP): Centre right Christian democrats and conservatives. The largest group in the European Parliament with 277 members.¹²⁸

Party of European Socialists (PES): Social democrats, democratic socialists. With 218 members the PES's socialist group is the second largest group in the.¹²⁹

European Liberal Democrat and Reform Party (ELDR): Liberal democrats and centrist, the ELDR is the third-largest political party represented.¹³⁰

European Free Alliance (EFA): Pro devolutionists, independence¹³¹

European Green Party: Greens, ecologists, environmentalists¹³²

6.4 Representation in government¹³³

- o What percentage of government Ministers are female?¹³⁴

The current Luxembourg government has 2 female Ministers on 3 Ministerial posts and 1 female State Secretary.

¹²⁴ http://www.eldr.org/diogenes/eldr_in_eur.php?Id_country=13, accessed on 13 November 2007.

¹²⁵ <http://www.europeangreens.org/cms/default/dok/148/148885.luxembourg@en.htm>, accessed on 13 November 2007.

¹²⁶ <http://www.european-left.org/about/memberparties>, accessed on 20 November 2007.

¹²⁷ All information taken from: Gouvernement du Grand-Duché de Luxembourg. 2006. *Les gouvernements du Grand-Duché de Luxembourg depuis 1848. [The governments of the Grand duchy Luxembourg since 1848]*. Luxembourg : Gouvernement du Grand-Duché de Luxembourg.

http://www.gouvernement.lu/publications/gouvernement/gouvernements_depuis_1848/Les_gouv_2006.pdf, accessed on 13 November 2007.

¹²⁸ www.epp.org

¹²⁹ www.pes.org

¹³⁰ <http://www.eldr.org/>

¹³¹ <http://www.e-f-a.org/>

¹³² www.europeangreens.org

¹³³ All information taken from : Gouvernement du Grand-Duché de Luxembourg. 2006. *Les gouvernements du Grand-Duché de Luxembourg depuis 1848. [The governments of the Grand duchy Luxembourg since 1848]*. Luxembourg : Gouvernement du Grand-Duché de Luxembourg.

http://www.gouvernement.lu/publications/gouvernement/gouvernements_depuis_1848/Les_gouv_2006.pdf, accessed on 13 November 2007.

¹³⁴ See IPU: <http://www.ipu.org/wmn-e/world.htm>

Of the 14 Ministers, 2 are female = 14,28%.

Of the 25 ministerial posts, 3 are female Ministers = 12%

Of the 3 state secretary functions, 3 are held by female State Secretaries = 100%

- o To which Ministries do female ministers belong?

Minister (name + Political Party)	Ministry
Marie Josée Jacobs (CSV)	Ministry of Family and Integration Ministry of Equal Opportunities
Mady Delvaux-Stehres (LSAP)	Ministry of National Education and Professional Formation
State Secretary (name + Political Party)	State Secretary
Octavie Modert (CSV)	State Secretary for Parliamentary Relations State Secretary for Agriculture, Viniculture and Rural Development State Secretary for Culture, Higher Educations and Research

7. Civil Society

7.1 Gender

Is there one (or more than one) national organisation that coordinates feminist and women's organisations. If so,

Yes, the main women's organisation is the National Council of Luxembourg Women (Conseil National des Femmes du Luxembourg, CNFL)¹³⁵. The CNFL is an umbrella organisation which groups all important women's organisations in Luxembourg.

- o is this the same as the body which is affiliated to the European Women's Lobby?

Yes.

However, the European Women's Lobby mentions the *Fédération Nationale des Femmes Luxembourgeoises* (National federation of Luxembourg women) and the Luxembourg coordination to EWL: *Commission Féminine du Mouvement Européen du Luxembourg* (Women's Committee of European Movement of Luxembourg) as well.¹³⁶

- o when was it established?

The National Council of Luxembourg Women was established in 1975.

- o how many organisations are affiliated to the national body?

Thirteen:

- Action Catholique des Femmes du Luxembourg
- Association des Femmes Libérales
- Cid-Femmes
- Fédération des Femmes Cheffes d'Entreprise du Luxembourg
- Fédération Nationale des Femmes Luxembourgeoises
- Femmes Chrétiennes Sociales
- Femmes en Détresse
- Femmes Socialistes
- Fraeforum
- Union des Dames Israélites
- Union des Femmes Luxembourgeoises
- Union Luxembourgeoise du Soroptimist International
- Zonta International - section Luxembourg

- o how many women are so coordinated?

Information not available

- o How many staff work for the organisation (how many paid, how many unpaid)?

Towards the end of 2008, the National Council of Luxembourg Women has two conventions with the Ministry of Equal Opportunities. The first concerns *Foyer Sud*, *Fraen an Nout*: a centre for women in distress. The second concerns the direction of National Council of Luxembourg Women¹³⁷:

Foyer Sud:

- 1 superior career
- 2 careers 'moyenne'
- 1,75 career inferior
- 0,25 employee

National Council of Luxembourg Women:

- 1 superior career
- 0,25 careers 'moyenne'
- 0,50 superior career

- o What is its budget?

The budget for 2007 was¹³⁸:

Foyer Sud: €452.000

National Council of Luxembourg Women: €277.000

- o What is its range of activities (are these in an annual report)?

The annual report 2007 of the Ministry of Equal Opportunities provides an idea of what the CNFL has done in 2007. The National Council of Luxembourg Women's actions include¹³⁹:

¹³⁵ All further information on CNFL taken from: <http://www.cnfl.lu/>, accessed on 20 November 2007.

¹³⁶ http://www.womenlobby.org/site/1Template1.asp?DocID=414&v1ID=&RevID=&namePage=&pageParent=&DocID_sousmenu, accessed on 20 November 2007.

¹³⁷ All information provided by Anik Raskin on 24 December 2007.

¹³⁸ All information provided by Anik Raskin on 24 December 2007.

¹³⁹ http://www.mega.public.lu/publications/0_rapports_activites/rapport_annuel_2007/rapport_2007.pdf, accessed on 24 December 2007.

- commission research (on discrimination in publicity)
- consult other organisations on certain topics (for instance prostitution)
- organise colloquium (on for instance prostitution), conference,
- meet representatives of political parties and discuss for instance tax splitting
- advice government
- publish press releases
- be member of the Women's Labour Committee (and other committees, either governmental or not)
- work on a European level
- to service 'a communal policy promotion of equal opportunities between women and men'
 - o Does the national body engage with all or only some of our 3 issues

The National Council of Luxembourg Women engages with all topics in various domains of gender equality. On the web pages presenting the CNFL, one of its aims is: to engage or fight sexist discriminations in economy, politics, social rights, media, language and violence against women ('s'engage(r) a combattre les discriminations sexistes dans l'économie, la politique, les droits sociaux, les médias la langue et les violences a l'égard des femmes.¹⁴⁰) This means that the organisation addresses topics such as: economics, politics, social rights, media, language and gender based violence.

- o Are there national coordinating organisations for feminist/women's activities in: employment/non-employment; gender based violence; and intimate citizenship (if so name them)?

Yes, there are some national coordinating organisations. However, there are organisations dealing with non-employment and / or intimate citizenship and / or gender based violence which cannot be regarded as umbrella organizations. These are not taken into consideration here.

- Gender based violence: Luxembourg has a network of organisations providing help to victims of gender based violence, which is gathered in the umbrella organisation *Femmes en Détresse*¹⁴¹.

- Intimate citizenship: Rosa Letzëbuerg is an umbrella organisation for gay organisations in Luxembourg¹⁴².

List the key women's / feminist civil society organisations and their main methods / activities

- Building autonomous institutions

Catholic Action of Luxembourg Women (*Action Catholique des Femmes du Luxembourg*)¹⁴³:

This organisation has a day care institute for children between 0 and 6 years. There are 51 places.

Liberal Women's Association (*Association des Femmes Libérales*): No information available.

Cid Women (*Cid Femmes*)¹⁴⁴: Yes. CID Women is a Luxembourgian archive, library and documentation centre. It was founded in 1992 by a couple of members of the Luxembourgian women's movement. Since 1995, the Ministry of Equal Opportunities financially supports the CID-Femmes.

Federation of Female Directors of Enterprises in Luxembourg (*Fédération des Femmes Cheffes d'Entreprise du Luxembourg*)¹⁴⁵: This is not an institution but a non-profit organisation. It was established in 2004, when the Union of Luxembourg Enterprises and the Ministry of Equal Opportunities held a conference on female entrepreneurship.

National Federation of Luxembourg Women (*Fédération Nationale des Femmes du Luxembourg*): No information available

Christian Social Women (*Femmes Chrétiennes Sociales*): No information available

Women in Distress (*Femmes en Détresse*)¹⁴⁶: This is a non-profit organisation which indeed builds autonomous institutions. They are, to some degree, subsidised by the Luxembourg government / Ministry of Equal Opportunities. The main aim of Women in Distress is to help and protect women, girls and children who suffer from violence. It does so by, among other activities (see below), providing housing to victims of violence. It has several sub-organisations: *Fraenhaus* is a refuge for female victims of violence, *Kopplabunz* is a meeting place for women, *Meederchershaus* is an information and refuge centre for girls between 12 and 21 years, who are victims of violence, *Service Krank Kanner Doheem* takes care of children who are ill when the mother has to continue working, and *Kannerhaus* provides child care for children between 0 and 12 years.

¹⁴⁰ <http://www.cnfl.lu/structure/historique.htm>, accessed on 18 December 2007.

¹⁴¹ For more information on Femmes en Détresse, see 4.3.5 of this report.

¹⁴² <http://www.gay.lu/>, accessed on 18 December 2007.

¹⁴³ <http://www.acfl.lu/334/klimax3.0/html/acfl/fr/start/default.asp?e29=1>, accessed on 23 June 2008.

¹⁴⁴ www.cid-femmes.lu, accessed on 23 June 2008.

¹⁴⁵ www.ffcel.lu, accessed on 24 June 2008.

¹⁴⁶ www.fed.lu, accessed on 24 June 2008.

Socialist Women (*Femmes Socialistes*)¹⁴⁷: no
Women's Forum (*Fraeforum*)¹⁴⁸: no
Union of Israeli Women (*Union des Dames Israélites*): no information available
Union of Luxembourg Women (*Union des Femmes Luxembourgeoises*): no information available
Luxembourg Union of International Soroptomists (*Union Luxembourgeoise du Soroptimist International*)¹⁴⁹: no
Zonta International – Section Luxembourg¹⁵⁰: no

- [Public protest e.g. demonstrations](#)

Catholic Action of Luxembourg Women: no
Cid Women: no
Federation of Female Directors of Enterprises in Luxembourg: no
Women in Distress: no
Socialist Women: no information available
Women's Forum: no information available
Luxembourg Union of International Soroptomists: no
Zonta International – Section Luxembourg: no

- [Campaigning](#)

Catholic Action of Luxembourg Women: no
Cid Women: Yes, current campaigns on for instance Girls' Day Boys' Day (professions for men and women) and music
Federation of Female Directors of Enterprises in Luxembourg: Yes, this organisation campaigns on female entrepreneurship
Women in Distress: Yes, mostly campaigns on gender-based violence
Socialist Women: no information available
Women's Forum: Yes, an example of a campaign concerned breast-cancer.
Luxembourg Union of International Soroptomists: no
Zonta International – Section Luxembourg: no information available

- [lobbying state](#)

Catholic Action of Luxembourg Women: no
Cid Women: Cid Women is often a critical voice when it comes to governmental issues. It publishes articles on equal opportunities policies.
Federation of Female Directors of Enterprises in Luxembourg: Yes, the organisation acts in the interest of female entrepreneurs as regards to the policy.
Women in Distress: no
Socialist Women: no information available, but there has to be some influence, since this is the women's branch of the socialist party LSAP.
Women's Forum: no information available
Luxembourg Union of International Soroptomists: no
Zonta International – Section Luxembourg: no

- [service provision](#)

Catholic Action of Luxembourg Women: The main activity of this organisation is: accompanying individuals as regards their Catholic faith by providing religious, cultural, educational, consultative and re-creative activities to its members. The Catholic Action of Luxembourg Women also publishes the magazine *Marienland*.
Cid Women: The most important activity of CID Women is the provision of services. It is an archive, library and documentation centre and consequently provides information. The institution deals with several topics, more specifically: politics, educational theory and culture. Euterpe is the subdivision of CID Women on classical music. Cid Women does not only have projects for children, such as *Kinder entdecken Künstlerinnen* (Children discover female artists, KeK), the library also targets children. The institution publishes a magazine, *CID Info*.
Federation of Female Directors of Enterprises in Luxembourg: Yes. The organisation encourages women to become directors of enterprises, it develops public relations on participation in the economic development of Luxembourg, it organises conferences and seminars and collaborates with international organisations.
Women in Distress: The main activity of Women in Distress is providing services to women. It has several sub-organisations.

¹⁴⁷ <http://www.fs-osten.lu/m5.html>, accessed on 24 June 2008.

¹⁴⁸ http://www.mega.public.lu/actualites/actu_min/2006/03/fraeforum200306/index.html, accessed on 24 June 2008.

¹⁴⁹ <http://www.soroptimist.lu/Union%20luxembourgeoise.htm>, accessed on 24 June 2008.

¹⁵⁰ <http://www.zonta-belux.org/nl/zonta-international-nl.htm>, accessed on 24 June 2008.

The following organisations work on gender-based violence: Fraenhaus is a refuge for female victims of domestic violence; ViSaVi (*Vivre sans violence*, living without violence) is an information and consultation centre for women concerning the topics of sexual, verbal and economical violence; *Fraentelefon* is a telephone line for all women; *Kopplabunz* is a meeting place for all women; *NAXI* is an information centre on employment for all women; *Meerderchershaus* is both an information centre and a refuge for young women between 12 and 21 years; *Kannerhaus* is a childcare service, caring for the children of women who are clients of some of the services offered by Women in Distress; and *Service d'Assistance aux victimes de violence domestique* is a service helping victims of domestic violence throughout the process of fighting domestic violence.

Next to these organisations, there are other sub-divisions within Women in Distress: the Center for women, families and one parent families (*Centre pour Femmes, Familles et Familles Monoparentales*) is a centre for women, families and lone parents; and *Service Krank Kanner Doheem* takes care of children who are ill when the mother has to continue working.

Women's Forum: Yes. The Women's Forum came about in 1998 and replaced the *Groupes de Réflexion* (Reflection Groups) which were established in 1995 by the Ministry for the Advancement of Women. The Women's Forum works on equality for men and women in all domains. It distributes information, holds discussions and organises actions.

- [research](#)

Catholic Action of Luxembourg Women: no

Federation of Female Directors of Enterprises in Luxembourg: Yes. The organisation researches the problems female entrepreneurs face.

Women in Distress: Not really, however the organisation gathers statistical information on the use of its services.

Socialist Women: no

Women's Forum: no information available

Luxembourg Union of International Soroptomists: no

Zonta International – Section Luxembourg: no

- [Are they important or marginal to national politics?](#)

The umbrella women's organisation National Council of Luxembourg Women is of utmost importance for national politics. It is even a member of the governmental Committee on Women's Work. Indirectly, all the women's organisations below are affiliated to national politics since they are members of the National Council of Luxembourg Women. However, in the following detailed information on if and how they are important/ marginal to national politics is presented independent of their affiliation to the National Council of Luxembourg Women.

Catholic Action of Luxembourg Women: Marginal

Cid Women: Cid Women is often a critical voice when it comes to governmental issues. It publishes articles on equal opportunities policies.

Federation of Female Directors of Enterprises in Luxembourg: important, since they act in the interest of female entrepreneurs in Luxembourg.

Women in Distress: Marginal

Socialist Women: participates directly in politics

Women's Forum: no information other than the connection to the Ministry of Equal Opportunities is available.

Luxembourg Union of International Soroptomists: Marginal

Zonta International – Section Luxembourg: Marginal

- [Are they centralised or dispersed?](#)

Catholic Action of Luxembourg Women: This organisation is structured in two manners: one top down, from the national organ to the members, and one bottom up, from the membership base to the national organ. So both centralised and dispersed.

Cid Women: centralised

Federation of Female Directors of Enterprises in Luxembourg: centralised

Women in Distress: Women in Distress is the central organisation which is dispersed in several other organisations. It is important and central to national politics.

Socialist Women: This is a branch of the Socialist party, and important to national politics.

Women's Forum: no information available

Luxembourg Union of International Soroptomists: This organisation is dispersed. It has 10 clubs throughout Luxembourg and has 300 members.

Zonta International – Section Luxembourg: dispersed. The Luxembourg section and the Belgian section work together.

List the key anti-feminist organisations and their main methods/ activities?

There are no anti-feminist organisations in Luxembourg.

- Building autonomous institutions
- Public protest e.g. demonstrations
- Campaigning
- lobbying state
- service provision
- research
 - Are they important or marginal to national politics?
 - Are they centralised or dispersed?

Are there any men's groups / organisations that are supportive of women's / feminist organisations?

In 2005, the *Association des Hommes du Luxembourg* (Association of Luxembourg Men, AHL) was established. This organisation succeeded the *Association luxembourgeoise d'Aide aux Hommes Divorcés ou en Instance de Divorce* (Luxembourg assistance Association for divorced men or men who are going through divorce). Originally, the organisation addressed the topic of divorce, but now the Association of Luxembourg Men addresses all topics concerning the position and status of men as well as topics concerning equality between women and men¹⁵¹.

Women's / feminist organisations in civil society

- What are the major distinctions in civil society between different types of organisations/projects e.g. feminist, pro-family etc.?

The various women's organisations are often based on political preferences/ideologies. For example the liberal Association des Femmes Libérales and the socialist Femmes Socialistes. However, all these organisations have gathered in the umbrella organisation National Council of Luxembourg Women.

- Do women's organisations actively engage with other intersecting inequalities (in each area?)

Women's organisations do not really intersect with other inequalities in Luxembourg. This can be compared to the Luxembourg Ministry for Equal Opportunities which deals with gender equality only and has no intersection with other inequalities.

- Do they have good alliances with those representing other inequalities or not? (in each area)

No. They do not have alliances with the organisations representing other inequalities.

- Are there alliances between women's / feminist organisations and men's groups (if these exist in your country?)

No. Fernand Kartheiser of Association of Luxembourg Men explains that there is not any alliance between women's/feminist organisations and men's groups. He clarifies that the Association of Luxembourg Men simply has not collaborated with them because it has not been necessary yet. The Association of Luxembourg Men is willing to collaborate with all women's organisations, as long as they are not anti-male.¹⁵²

- Are there many organisations of minoritised women? (in each area)

/

- What links are there with international? / EU level / bilateral bodies? (in each area)

The National Council of Luxembourg Women takes European advices, resolutions and directives regarding equality between women and men into consideration. Both the European Union and the United Nations are important actors for the National Council of Luxembourg Women.

- **Catholic Action of Luxembourg Women:** is affiliated to the World Movement of Mothers (MMM) and to the World Union of Catholic Women's Organizations (WUCWO).

- **Federation of Female Directors of Enterprises in Luxembourg:** is affiliated to the World Association of Women Entrepreneurs (FCEM).

¹⁵¹ <http://www.ahl.lu/>, accessed on 18 December 2007.

¹⁵² Information based on an e-mail conversation with Fernand Kartheiser of AHL on 18 December 2007.

- **Women in Distress** and the National Council of Luxembourg Women are affiliated to Women Against Violence Europe (WAVE).
- **Socialist Women**: is affiliated to Socialist International Women
- **Luxembourg Union of International Soroptomists**: is affiliated to the European Women's Lobby
- **Zonta International** is affiliated to the United Nations, UNICEF and UNIFEM.

- o Is organised feminism engaged with the state, or does it follow an autonomous or separatist agenda building its own institutions? For example, is it invited to report to consultations; does it take money from the state; is it commissioned by the state to undertake specific tasks?

Organised feminism is engaged with the state in Luxembourg. It is often subsidised by the government (this is for instance the case with the member organisations of Women in Distress), which is invited to report to consultations and to advise on certain matters.

The National Council of Luxembourg Women is represented, together with governmental actors, in the *Comité du Travail Féminin* (Women's Labour Committee). Luxembourg state committees therefore often consist of a mixture of representatives of government and civil society.

- o Does this vary between issue areas?

No, all domains are represented in the same way by the National Council of Luxembourg Women. The topic of gender based violence however is widely addressed by the National Council of Luxembourg Women, Women in Distress and often with the support of the Ministry of Equal Opportunities which attaches a lot of importance to combating violence against women.

- o Has this changed over time?

Women's organisations addressing violence against women were greatly influenced by the Luxembourgian government. This started in the 1990s. In 1993, the Ministry of Labour launched a campaign against sexual harassment at work. A year later, the Ministry of Family and the Ministry of Justice joined forces with the National Council of Luxembourg Women, Luxembourg women's shelters and the 'Rape Info'-service in order to campaign together during the National Council of Luxembourg Women's campaigns against violence towards women. Throughout these campaigns, starting in the early 1990s and continuing until today, the Luxembourgian government has always worked in close conjunction with women's organisations, NGOs and relief organisations.

When engaging with the state is a coalition form of organising common or not?

Yes, the National Council of Luxembourg Women is member of the Women's Labour Committee.

- o Does it make sense to talk of a 'women's movement' or not?

Yes.

- o Briefly explain your answer.

Anik Raskin of the National Council of Luxembourg Women claims it is right to talk about a women's movement in Luxembourg since many women's organizations work on equality between women and men. However, they do not always call themselves 'feminist' because of the 'negative connotation of that word'.¹⁵³

- o Is there a tendency towards one of the three major visions of gender equality (sameness, equal valuation of difference, transformation)?

The content of the equal opportunities policy can be seen in the name(s) of the Ministry. In the early stages of this Ministry, women and more specifically their advancement in social and civil life were brought into focus. This was made clear in the name of the Ministry, *le Ministère de la Promotion Féminine*, which addressed femmes / *féminine* or women / female and *promotion* or advancement. Luxembourgian equal opportunity policy thus aimed exclusively at women. The name of the Ministry changed into Ministry of Equal Opportunities (*le Ministère de l'Égalité des Chances*) three years ago which no longer mentions advancement, but focus on equal opportunities. Even though the term 'women' is not mentioned anymore, gender equality is still the focus of the Ministry's policy.

¹⁵³ Information provided by Anik Raskin of the CNFL on 17 June 2008.

- Is there a preferred model of care work: support for a domestic regime or support for a public (state or market provision) regime?

There is more attention to policy actions such as parental leave, so the preferred model is rather the domestic regime.

- How closely aligned is feminism with social democracy?

Not clear.

- Notes on the history of the development of gendered or feminist civil society organisations:
 - Is there a history of divisions as to where on a continuum between autonomous or close to state is most appropriate?

The National Council of Luxembourg Women, the women's umbrella organisation, is close to the state. It has two annual meetings with the Ministry of Equal Opportunities; it, is named in the Ministry's annual reports; and it is a permanent member of the Committee of Women's Work.

- Does this vary by 4 areas (general, employment, intimate citizenship, gender based violence)?

The National Council of Luxembourg Women is member of the Committee of Women's Work, which means it is even more closely connected to the state in employment matters.

- Is there a history of divisions as to: socialist, radical, liberal?

There are indeed divisions between the several women's organisations, divisions based on political opinions and ideology. However, these ideological divisions do not 'divide'. In fact, all women's organisations are gathered in the umbrella organisation National Council of Luxembourg Women.

- Does this vary by 4 areas?

No

- Is there a history of changing engagement with class, ethnic and religious forces?

No

- Does this vary by 4 areas? No

- Is feminist research organised in Universities and research institutes?

The academic world in Luxembourg is fairly young; the first university was established in 2003. Equality, feminism and gender are however known and significant issues. Therefore, the university created a laboratory on gender studies (*le laboratoire de recherche "gender studies"*), connected to the faculty of Arts and introduced a focal point for questions concerning women's issues.

- Are there named centres? No
 - If yes, are they important?
 - If not, is important feminist research primarily dispersed or mainstreamed?
- Are there specific positions, funds or journals within the country (or region e.g. Nordic)? No
- Is there a national association for women's studies/gender studies? No, there is only one university in the country.

- Are there feminist lawyers' organisations?

There was an organisation called *Femmes Juristes de Luxembourg*, however it has not been active during the last couple of years.¹⁵⁴

- Are there radical lawyers' organisations that support justice claims for one or more of the inequalities? No

7.2 Class

- A short history of the development of organisations representing class interests.

The trade unions in Luxembourg have their roots in the various worker's associations in the mine and metallurgy sector. One of the first syndical movements, LAV, came about in 1944.¹⁵⁵

- How strong are trade unions? Use the following four measures of trade union strength (Data: European Industrial Relations Observatory Online, national sources)

Trade unions are strong in Luxembourg.¹⁵⁶

¹⁵⁴ Information provided by Anik Raskin of CNFL (by e-mail on 17 June 2008), who is a member of this organization.

¹⁵⁵ http://www.ogbl.lu/html_fr/qui_sommes_nous/presentation.html, accessed on 5 June 2008.

¹⁵⁶ http://www.eurofound.europa.eu/eiro/country/luxembourg_1.htm, accessed on 5 June 2008.

- density (proportion of workers that are organised),

Trade union density is stable and has increased slightly: it was 45% in 1990 and 46% in 2004.

The Confederation of Independent Trade Unions (OGB-L) is a group of 16 trade unions with a total of 50,000 members. While socialist in nature and orientation, the OGB-L is not organisationally attached to the Luxembourg Socialist Party.

The Confederation of Christian Unions in Luxembourg (LCGB) represents 40,000 members. It groups 16 federations made up of 10 sector federations and six that organise specific target groups (for example migrant workers and women).

In addition to these two confederations, ALEBA is an important white collar union active in the banking, financial services, and insurance sector. In the public sector, the CGFP (Confédération Générale de la Fonction Publique) is the only (and large) trade union.¹⁵⁷

- coverage (what proportion of workers are covered by collective bargaining agreements),

About 60% of employees have their terms and conditions of employment regulated by collective bargaining.¹⁵⁸

- centralisation of collective bargaining,

Trade unions are gathered in the Chambers of Labour.

- is there a national body of trade unions; No
- what proportion of TU members and unions are affiliated? /

- coordination of collective bargaining.

- Does the national body of trade unions negotiate on behalf of trade unions /
- Can it coerce or discipline member unions to enforce agreement? /

- Women and trade unions:

- What percentage of *total* trade union membership (i.e. including unions not affiliated with national body and those that are affiliated) is female?

(Use national Labour Force Survey. Website providing links to country LFS available from International Labour Organisation: <http://www.ilo.org/dyn/lfsurvey/lfsurvey.home>)

No actual figures to be found. But trade unions tend to admit that women are under-represented in trade unions¹⁵⁹.

Moreover, the third article in the LCGB's statutes states that the equality between men and women is a basic principle within all its actions and demands¹⁶⁰.

- How are women organised in trade unions and the central trade union body (e.g. caucuses, separate branches, fully integrated)?

The LCGB has a branch especially for women, called LCGB Femmes (LCGB Women).¹⁶¹

The OGB-L also has a department for women, next to departments for youth, people who are retired, immigrants, self-employed persons, disabled workers, and so on¹⁶².

- What proportion of women are in the executive of (major) trade unions?

- Out of the five executive members of the LCGB, only one is a woman. It is Viviane Goergen and she is the General Secretary for international relations, the equality network and for LCGB Women.¹⁶³

- The executive bureau of the OGB-L consists of ten persons, of whom two are women. Marie-Jeanne Leblond-Reuter is one of the two vice presidents, and Danièle Nieves is a member.¹⁶⁴

- Is gender equality high or low on the bargaining agenda?

Low

¹⁵⁷ http://www.eurofound.europa.eu/eiro/country/luxembourg_3.htm, accessed on 5 June 2008.

¹⁵⁸ http://www.eurofound.europa.eu/eiro/country/luxembourg_4.htm, accessed on 5 June 2008.

¹⁵⁹ <http://lcgb.lu/uploads/magazines/fdb3d7e10334d4f98a1dedc49d2032a2.pdf> (page 6), accessed on 7 June 2008.

¹⁶⁰ http://lcgb.lu/uploads/wysiwyg/statuts/LCGB_statuts_fr.pdf (page 5), accessed on 7 June 2008.

¹⁶¹ <http://lcgb.lu/fr/structure/plus/id/104>, accessed on 7 June 2008.

¹⁶² http://www.ogbl.lu/html_fr/qui_sommes_nous/departements.html, accessed on 7 June 2008.

¹⁶³ <http://lcgb.lu/fr/collaborateurs>, accessed on 7 June 2008.

¹⁶⁴ http://www.ogbl.lu/html_fr/qui_sommes_nous/organigramme.html, accessed on 7 June 2008.

Employer's organisation

- Fedil, the Business Federation of Luxembourg is a member of BusinessEurope¹⁷⁵

- Are these links important (e.g. in lobbying government at national level) Yes.

7.3 Other intersecting social inequalities

7.3.1 Ethnicised / racialised groupings

- What is the composition of the national population by ethnicity?

Luxembourg population by ethnicity between 1981 and 2007.¹⁷⁶

	1981	1991	2001	2002	2003	2004	2005	2006	2007
Total population (x 1000)	364,6	384,4	439,5	444,1	448,3	455,0	461,2	469,1	476,2
of which women (x 1000)	186,7	196,1	223,0	225,2	227,3	230,3	233,1	237,0	240,0
Luxembourgers (x 1000)	268,8	271,4	277,2	277,3	277,6	277,2	277,5	277,8	277,9
Foreigners (x 1000)	95,8	113,0	162,3	166,7	170,7	177,8	183,7	191,3	198,3
Portuguese	29,3	39,1	58,7	59,8	61,4	64,9	67,8	70,8	73,7
Italian	22,3	19,5	19,0	19,1	19,0	19,0	19,0	19,1	19,1
French	11,9	13,0	20,2	20,9	21,6	22,2	23,1	24,1	25,2
Belgian	7,9	10,1	14,8	15,4	15,9	16,2	16,3	16,5	16,5
German	8,9	8,8	10,1	10,1	10,2	10,5	10,8	10,9	11,3
British	2,0	3,2	4,3	4,5	4,7	4,7	4,7	4,8	4,9
Dutch	2,9	3,5	3,7	3,6	3,6	3,6	3,7	3,7	3,8
Other EU	10,6	6,6	9,2	9,7	9,7	10,3	12,4	14,5	16,5
Other	/	9,2	22,5	23,5	24,6	26,4	25,9	26,9	27,3
Foreigners in %	26,3	29,4	36,9	37,5	38,1	39,1	39,8	40,8	41,6

- What are considered to be the most important ethnicised, racialised, and linguistic divisions politically (e.g. Roma/non-Roma, Black/White, citizen/migrant, language communities)?

- The most important ethnicised division is between Portuguese people and Luxembourgers.

- Luxembourg has three official languages: French, German and Letzebuergsch.

- Is ethnicity considered to be intersected by religion (e.g. Islamic/non-Islamic)?

The most important ethnicities in Luxembourg are European. There are Islamic people in Luxembourg, but they are – however increasing – a minority in comparison to for instance the Portuguese.

- Prioritise the ones that have been the most important in the development of gender+ equality policies.

/

- What is the citizenship status of (all or part) of each of the minoritised groups (e.g. do any groups lack the right to political participation, employment, residence, social security benefits, or visit)?

Most foreigners are EU citizens

- In what way are ethnicised and racialised groups organised? What are their main strategies (i.e. Building autonomous institutions, Public protest e.g. demonstrations, Campaigning, lobbying state, service provision, research)

No significant organisations.

¹⁷⁵ <http://www.business-europe.eu/content/default.asp?pageid=415>, accessed on 11 June 2008.

¹⁷⁶ Information taken from Statec:

http://www.statistiques-public.lu/stat/TableViewer/tableView.aspx?ReportId=1054&FldrName=Etat%20de%20la%20population&IF_Language=fra&RF_MainTheme=Population%20et%20emploi, accessed on 18 December 2007.

- In what way are women engaged in these organisations?
- Do minoritised women organise separately within or outside of such organisations?
- Are there any groups organised against certain ethnic groups?

7.3.2 Religion/belief/faith

- What is the composition of the national population by religion / faith

It is rather difficult to come across such information on the population of Luxembourg, since a law of 1979 prohibits the collection of data on the political, syndical, philosophical and religious activities of persons.¹⁷⁷

However, in a special Eurobarometer Report, based on fieldwork between January and February 2005¹⁷⁸, it appears that 44% of the people in Luxembourg believe there is a God, 28% believe there is some sort of spirit or life force, and 22% do not believe there is.

The most important religion is Roman Catholicism. Protestantism takes a second place. Judaism and Islam are both practised in Luxembourg.

- What proportion of the population are practising members of an organised religion?

No data.

- What are the main religious organisations? What are their main strategies (i.e. Building autonomous institutions, Public protest e.g. demonstrations, Campaigning, lobbying state, service provision, research)

- **The Catholic Church in Luxembourg** (*Eglise catholique à Luxembourg-Katholische Kirche in Luxemburg*): The majority of the religious people in Luxembourg are Catholics.¹⁷⁹ The website of the Catholic Church in Luxembourg provides information on religion.

- **The Protestant Church in Luxembourg**¹⁸⁰: this consists of a collection of individual churches spread throughout the country.

- **Jews of Luxembourg**¹⁸¹: There are organisations such as the Chabad Lubavitch¹⁸², which provides practical information on Judaism in Luxembourg.

- **The website Islam.lu**¹⁸³: provides practical information about being a Muslim in Luxembourg.

- How are women represented or not within them?

- In the Catholic Church, women have their own committee. The women's committee has a separate website providing information about women and the church/Bible/religion. There are special activities for women.¹⁸⁴

- The website on Jews in Luxembourg provides a link to information about Jewish women in the world.¹⁸⁵

- Within the Islamic Cultural Centre of Luxembourg, (Centre Culturel Islamique du Luxembourg), Muslim women are organised in a separate branch. They are able to meet every Saturday evening to discuss themes related to Islam.¹⁸⁶

- Do they oppose gender equality in general and in our three issues?

- The Catholic Church does not oppose sex equality as such; it even has special interest in the subject. It is however in favour of heterosexual relations, prefers the traditional family with both a father and a mother, and strongly advocates against abortion and other reproductive rights.

- What is their preferred model of womanhood?

- In the Catholic Church, women are preferred to be good, Catholic women, partners and mothers.

- Do they support or oppose the other equalities issues?

The Catholic Church does not oppose equality between women and men, but being a mother is part of the preferred model of womanhood.

¹⁷⁷ Law of 31 March 1979 on the regulation of the use of nominative data in informational treatment. (Loi de 31 mars 1979 réglementant l'utilisation des données nominatives dans les traitements informatiques).

¹⁷⁸ <http://www.legilux.public.lu/leg/a/archives/1979/0029/a029.pdf>, accessed on 17 June 2008.

¹⁷⁹ Eurobarometer. 2005. Social values, Science and Technology. p.

¹⁸⁰ http://ec.europa.eu/public_opinion/archives/ebs/ebs_225_report_en.pdf, accessed on 17 June 2008.

¹⁸¹ <http://www.cathol.lu/-Organisation-.html>, accessed on 17 June 2008.

¹⁸² <http://www.protestant.lu/index.eng.html>, accessed on 17 June 2008.

¹⁸³ <http://haruth.com/jw/JewsLuxembourg.html>, accessed on 17 June 2008.

¹⁸⁴ <http://www.lubavitch.lu/>, accessed on 17 June 2008.

¹⁸⁵ http://www.islam.lu/index.php?option=com_frontpage&Itemid=1&lang=en, accessed on 17 June 2008.

¹⁸⁶ <http://fraekommissioun.cathol.lu/>, accessed on 17 June 2008.

¹⁸⁷ <http://haruth.com/jwomen.htm>, accessed on 17 June 2008.

¹⁸⁸ <http://www.islam.lu/index.php?option=content&task=category§ionid=6&id=20&Itemid=39&lang=en>, accessed on 17 June 2008.

- Are they in alliance with any other inequalities or not?
No
- Are there any groups organised against certain religious groups?
No

7.3.3 Sexual orientation

- Are there gay/lesbian/trans/bisexual/queer organisations? What are their main strategies (i.e. Building autonomous institutions, Public protest e.g. demonstrations, Campaigning, lobbying state, service provision, research)

Yes there are. The two most important organisations are Cigale and Rosa Letzëbuerg.

- **Cigale**¹⁸⁷: This is a non-profit organisation which informs and consults homosexual people. However, the Centre is open to anybody who is interested in homosexuality or sexual orientation. Moreover, Cigale provides a protected meeting place. Cigale is subsidised by the Ministry of Family and Integration.

- **Rosa Letzëbuerg**¹⁸⁸: This is a non-profit association for homosexual, lesbian, bisexual and transgender people in Luxembourg. Rosa Letzëbuerg gathers information on LGBT people in Luxembourg, Germany, Belgium, France and Switzerland. It is based in Luxembourg and lobbies in areas such as immigration and homosexuality and for registered partnerships.

Both organisations are influenced by EU legislation and refer to the European Union in finding solutions to fight discrimination in Luxembourg. Both organisations are mentioned at the website of ILGA-Europe.

- Do they have a national organisation?
Yes, Cigale and Rosa Letzëbuerg are national.
- In what way are women engaged in and represented in these organisations?
Women are not specifically engaged in Cigale and Rosa Letzëbuerg as women, but rather as LGBTs. However, Cigale, for instance, does provide separate brochures for girls and boys.
- Do they work in alliance with other inequalities or not?
Cigale has a special group for young people. Rosa Letzëbuerg recently addressed the Luxembourg Committee of Immigration as regards the position and partnerships of homosexual immigrants.
- Are there any groups organised against gay / lesbian / trans-people?
No.

7.3.4 Disability

- Are there disability organisations? What are their main strategies (i.e. Building autonomous institutions, Public protest e.g. demonstrations, Campaigning, lobbying state, service provision, research)

There are organisations based on disability in Luxembourg. The Luxembourg members of the European organisation COFACE-Handicap¹⁸⁹ are **Action Familiale et Populaire (AFP)** and **Association des parents d'enfants mentalement handicapés (APEMH)**. This latter organisation is also associated to the European Action for the Disabled¹⁹⁰.

The national member to the European Disability Forum for Luxembourg¹⁹¹ is the **Luxembourg National Disability Council (Info Handicap-Conseil National des Personnes Handicapés)**¹⁹². This is a general website that provides all necessary information on disability in Luxembourg.

- In what way are women engaged in and represented in these organisations?
Women are not organised here.

¹⁸⁷ <http://www.cigale.lu/>, accessed on 18 December 2007.

¹⁸⁸ <http://www.gay.lu/>, accessed on 18 December 2007.

¹⁸⁹ <http://www.coface-eu.org/en/basic149.html>, accessed on 17 June 2008.

¹⁹⁰ <http://www.aeh-europe.de/en/ID64637>, accessed on 17 June 2008.

¹⁹¹ http://www.edf-feph.org/Page_Generale.asp?DocID=10954, accessed on 17 June 2008.

¹⁹² http://www.info-handicap.lu/index.php?option=com_content&task=blogsection&id=3&Itemid=50, accessed on 17 June 2008.

7.3.5 Age

- Are there organisations of / for older people? What are their main strategies (i.e. Building autonomous institutions, Public protest e.g. demonstrations, Campaigning, lobbying state, service provision, research)

There are organisations representing the interests of older people in Luxembourg. The two organisations affiliated to AGE (the European Older People's Platform) are *Confédération Caritas* (Caritas Confederation) and the *Letzeburger Socialistesch Arbechterpartei*¹⁹³.

Other organizations for older people are:

- **Stéftung Hëllef Doheem**: This is an organisation that promotes the physical, psychological and social well-being as well as the autonomy of older and/or disabled and/or sick people. It does so by providing, organising and coordinating ambulant services in order to help at home, and by helping, supporting and providing information.¹⁹⁴

- **Claire**: This is an association of the Congregation of Hospices of Saint Elisabeth (*Congrégation des Sœurs hospitalières de la Ste Elisabeth*). It is responsible for institutions that help people of advanced age. These institutions are integrated centres that provide care. They are completely autonomous and work independently of each other.¹⁹⁵

- **Caritas**: Caritas is responsible for the Foyers Seniors that have been installed throughout Luxembourg and provide care for older people. (day care for instance).¹⁹⁶

- A list of all institutions and foyers by these organisations is provided on:

<http://www.caritas.lu/index.php?include=theme&theme=4&color=blue>.

- How are women engaged in and represented in these organisations?

These organisations mainly deal with people of the advanced age / older people, and women are not specifically focused on. However, as regards Claire, this is an all female organisation, responsible for institutions that help people of advanced age.

In each case, are there EU, bilateral or other international links.

- **Cigale** and **Rosa Letzebuerg**, the LGBT organisations, are influenced by EU legislation and refer to the European Union in finding solutions to fight discrimination in Luxembourg. These organizations are also mentioned at the website of ILGA-Europe.

- The Luxembourg members of the European organisation COFACE-Handicap are **Action Familiale et Populaire (AFP)** and **Association des parents d'enfants mentalement handicapés (APEMH)**. This latter organisation is also associated to the European Action for the Disabled. The national member to the European Disability Forum for Luxembourg is the **Luxembourg National Disability Council (Info Handicap-Conseil National des Personnes Handicapés)**.

- The two organisations affiliated to AGE (the European Older People's Platform) are **Confédération Caritas (Caritas Confederation)** and the **Letzeburger Socialistesch Arbechterpartei**.

7.4 Hotspots and Alliances

Is there a history of controversies or 'hotspots' between certain of the intersecting inequalities, rather than others (if so, which)? For example is gender/religion or sexuality/religion a regular source of controversy? Is this hostility best described as endemic or constant, or as occasional and issue based?

No, there are no such hotspots.

However, women's organisations were not entirely in favour of the changing of names of the Ministry for the Advancement of Women to the Ministry of Equal Opportunities in 2004. . The motivation for changing the name was not explained publicly, but the most obvious reason for this choice can be found in Luxembourg's adaptation its equality politics to international and European standards and policies. Anik Raskin of the *Conseil National des Femmes du Luxembourg* (National Council of Luxembourg Women, CNFL) explains that the CNFL preferred a name such as *Ministère d' Egalité entre Femmes et Hommes* (Ministry of Equality between Women and Men) as it would clearly denote and describe a dual policy of both specific actions and the integration of the gender dimension in all policies.

¹⁹³ <http://www.age-platform.org/EN/z-AGEMembers.htm#>, accessed on 16 June 2008.

¹⁹⁴ <http://www.shd.lu/cgi-bin/olefa?com=000000100000094226679304877022000>, accessed on 16 June 2008.

¹⁹⁵ <http://claire.csse.lu/index.php?id=148&L=4>, accessed on 16 June 2008.

¹⁹⁶ http://www.caritas.lu/index.php?include=page&page=75ans_Histoire_Caritas, accessed on 16 June 2008.

Do some organisations representing inequalities often form alliances with each other (if so, which)? For example, feminism and trade unions, or feminism and gay/lesbian groups? Are such alliances best characterised as routine and institutionalised, or as ad hoc and issue based?

The organisations representing age and disability are often intertwined in Luxembourg. The same counts for age and religion. Moreover, women are always separately organised within organisations based on religion.

WIDER SOCIAL INSTITUTIONS

8. Wider Social Environment

The wider social environment may be important in explaining the resources, whether economic, organisational or discursive, which are available to the political groups and institutions identified above.

Population, economic development, economic inequality and state welfare

	Luxembourg	EU
GDP per capita PPP (Purchasing Power Parity) 2002 (OECD 2006)	49 150	29.9
Population size 2006 (Eurostat 2006)	0,5	460
% of workforce in agriculture 2003 (World Bank 2006)	1,3	
Longevity 2005 (World Bank 2005)	79,2	
Gini (measure of economic inequality) 2005 (Eurostat 2007)	26	31
% GDP/gov. expenditure on social expenditure 2003 (OECD 2007)	21,9	
% GDP/gov. expenditure on active labour market policies 2003 (OECD 2007)	0,52	
% GDP/government expenditure on childcare (forthcoming OECD)	0,4	
% GDP/Government expenditure on military (World Bank 2005)	0,932	

Gender Regime

		Female	Male
Employment rate (2005, Eurostat) ¹⁹⁷	63,6	53,7	73,3
Unemployment rate (2005, Eurostat) ¹⁹⁸	4,5	5,8	-----
Share of women in adult labour force % (2004, UN) ¹⁹⁹	42		
Women's share of part-time employment % (2004, UN) ²⁰⁰	93		
Gender pay gap, unadjusted (gap= difference between average gross hourly earnings of male and female employees given as % of average gross hourly earnings of male paid employees, unadjusted form 2005 Eurostat) ²⁰¹	14		
School enrolment tertiary % gross (2004, World Development Indicators) ²⁰²	12,4	13,4	11,4
Women in Parliament % of parliamentary seats in single or lower chamber occupied by women (UN 2007) ²⁰³	23,3		
Women's share of legislators and managers % (UN 2005) ²⁰⁴	unknown		
One parent families (dependent children)(2001) ²⁰⁵		11 251	3223
Mean age at first marriage (Eurostat, 2003) ²⁰⁶	28,1		

¹⁹⁷ Employment rates:

http://epp.eurostat.ec.europa.eu/portal/page?_pageid=1996,39140985&_dad=portal&_schema=PORTAL&screen=detailref&language=en&product=STRIND_EMPLOI&root=STRIND_EMPLOI/emploi/em012

http://epp.eurostat.ec.europa.eu/portal/page?_pageid=1996,39140985&_dad=portal&_schema=PORTAL&screen=detailref&language=en&product=STRIND_EMPLOI&root=STRIND_EMPLOI/emploi/em013

¹⁹⁸ Unemployment rates:

http://epp.eurostat.ec.europa.eu/portal/page?_pageid=1996,39140985&_dad=portal&_schema=PORTAL&screen=detailref&language=en&product=STRIND_EMPLOI&root=STRIND_EMPLOI/emploi/em072

http://epp.eurostat.ec.europa.eu/portal/page?_pageid=1996,39140985&_dad=portal&_schema=PORTAL&screen=detailref&language=en&product=STRIND_EMPLOI&root=STRIND_EMPLOI/emploi/em073

¹⁹⁹ Share of women in adult labour force: percentage of the economically active who are women:

<http://unstats.un.org/unsd/demographic/products/indwm/tab5a.htm>

²⁰⁰ Women's share part-time employment:

<http://unstats.un.org/unsd/demographic/products/indwm/tab5b.htm>

²⁰¹ Gender pay gap:

http://epp.eurostat.ec.europa.eu/portal/page?_pageid=1996,39140985&_dad=portal&_schema=PORTAL&screen=detailref&language=en&product=STRIND_EMPLOI&root=STRIND_EMPLOI/emploi/em030

²⁰² World Development Indicators, World Bank (September 2006)

²⁰³ Women in parliament:

<http://unstats.un.org/unsd/demographic/products/indwm/tab6a.htm>

²⁰⁴ Women's share legislators and managers:

<http://unstats.un.org/unsd/demographic/products/indwm/tab5d.htm>

²⁰⁵ <http://www.statistiques.public.lu/fr/publications/horizontales/annuaireStatLux/B.pdf>, p.50, accessed on 17 June 2008.

²⁰⁶ Mean age at first marriage:

http://epp.eurostat.ec.europa.eu/portal/page?_pageid=1996,39140985&_dad=portal&_schema=PORTAL&screen=detailref&language=en&product=Yearlies_new_population&root=Yearlies_new_population/C/C1/C13/cab11024

Marriage rate (2003, UN) ²⁰⁷	4,4		
Divorce rate (2003, UN) ²⁰⁸	2,3		
Fertility rate (2004 , World Development Indicators) ²⁰⁹	1,7		

²⁰⁷ Marriage rate, table 23: <http://unstats.un.org/unsd/demographic/products/dyb/dybsets/2003%20DYB.pdf>

²⁰⁸ Divorce rate:

<http://unstats.un.org/unsd/demographic/products/dyb/DYB2003/Table25.pdf>

²⁰⁹ World Development Indicators, World Bank (September 2006)

9. SUMMARY

9.1 'Deficiencies, deviations and inconsistencies in EU and MS's gender+ equality laws'

	Fully transposed	Before/ after EU	Year	Less, equal to EU, or beyond	ECJ for CEC/Country	EU references
Issues						
<i>Example: Parental leave UK</i>	Yes	After	1998	Beyond 2002	CEC	No
1 Equal pay/equal treatment	/					
2 Sexual harassment and discrimination	Yes	Before	2000	Equal		
3 Equality bodies	/					
4 NGO/civil society dialogue	/					
5 Parental leave	Yes	After	1999 modification in 2006	Beyond		
6 Organisation of working time	/					
Gender Machinery						
<i>Example: EOC UK</i>	Yes	Before	1975	Beyond	No	Yes

9.2 Plans and programmes

National general gender equality plan (current)	Yes X					No
Reference to Lisbon targets						X
Reference to Barcelona targets	X					
Targets and indicators	None	Weak	Moderate X	Strong		

National plan: Gender-based violence (current)	Yes X					No
Targets and indicators	None	Weak	Moderate X	Strong		

Focus on gender	No	Yes:	Weak	Moderate	Strong
Employment plan (general assessment)		X		X	
Social protection and social inclusion plan (general assessment)		X		X	
Reference to gender based violence	X				

9.3 Gender machineries

National gender machineries	Yes (specify date)		No	Notes
	Gender specific	General equality		
Central government gender equality body with senior minister	X			1995: <i>Ministère de la Promotion Féminine</i> (Ministry for the Advancement of Women) 2004: <i>Ministère de l'égalité des chances</i> (Ministry of Equal Opportunities)
Independent equality body (research, monitoring, and enforcement)		X		<i>Centre pour l'égalité de traitement</i> (Centre for equal treatment) Law was passed towards the end of 2006, but the Centre had not been established by mid 2008.
National consultative / representative body linking state and women's NGOs	X			The umbrella women's organisation CNFL and the government are joined in the <i>Comité du Travail Féminin</i> (the Committee of Women's Work)
Any other body / bodies (e.g. parliamentary committees) Please name: 1. 2...	X			1. Inter-ministerial Committee on the Equality between Women and Men 2. Positive Action Committee for the Private Sector 3. Committee on the Collaboration between professionals in the battle against violence 4. Gender competent units

9.4 Policy

	No -Not at all	Yes / Low	Yes / Moderate	Yes / High
General To what extent is gender mainstreamed throughout policies?			X	
Non-employment (4.1) Extent to which mothers can be legitimately non- employed				X High in comparison to general EU standards (see 1.3, maternity and paternal leave)
Intimate citizenship (4.2) Extent to which women have access to abortion (in country of residence)	X Abortion is not legal			

Extent to which state policies are highly heteronormative			X No gay marriage, but a partnership for both heterosexuals and homosexuals	
Gender-based violence (4.3)				
Extent to which policies on GBV go beyond domestic violence			X However, most attention to domestic violence	
Strength, resources and co-ordination of GBV policies			X	

9.5 Civil society and state interface

	Not at all	Low	Moderate	High
Strength of national co-ordinating gender equality body (centralisation, co-ordination, representativeness, resources)			X	
Extent to which the women's NGOs participate in policy making			X	
Extent to which women's NGOs are close to state			X	
Extent to which women's NGOs engage with intersecting inequalities	X			
Extent to which women's NGOs are state funded			X	
Extent of influence of trade union body on policy making				X
Extent of power of women within trade union body		X		

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Joëlle Schrank – Femmes en Détresse
Renée Wagener
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