

Distr.: General
9 March 2018

Original: English

ADVANCE UNEDITED VERSION

Committee on the Elimination of Discrimination against Women

Concluding observations on the combined sixth and seventh periodic reports of Luxembourg*

1. The Committee considered the combined sixth and seventh periodic reports of Luxembourg (CEDAW/C/LUX/6-7) at its 1586th and 1587th meetings (see CEDAW/C/SR.1586 and 1587) held on 1 March 2018. The Committee's list of issues and questions is contained in CEDAW/C/LUX/QPR/6-7.

A. Introduction

2. The Committee appreciates the submission by the State party of its combined sixth and seventh periodic reports, which was prepared in response to the list of issues prior to reporting (CEDAW/C/LUX/QPR/6-7). It welcomes the oral presentation by the delegation and the further clarifications provided in response to the questions posed orally by the Committee during the dialogue, and additional information provided in writing.

3. The Committee commends the State party's high level delegation which was headed by Her Excellency Ms. Lydia Mutsch, the Minister for Equal Opportunities. The delegation also included representatives of the Ministry of National Education, the Ministry of Health and His Excellency Mr. Pierre-Louis Lorenz, Permanent Representative of Luxembourg to the United Nations Office and other international organizations in Geneva.

B. Positive Aspects

4. The Committee welcomes the progress achieved since the consideration in 2008 of the State party's fifth periodic report (CEDAW/C/LUX/5) in undertaking legislative reforms, in particular the adoption of:

(a) The amended Penal Code of 6 February 2018 reinforcing the fight against the exploitation of prostitution and human trafficking for sexual purposes;

(b) Act of 8 March 2017 allowing women who have lost their nationality of Luxembourg due to marriage to reclaim it as second nationality;

(c) The Law of 15 December 2016 reinforcing the principle of equal pay for work of equal value and introducing the obligation for political parties to ensure a quota of 40 per cent of each sex on candidate lists for legislative elections and of 50 per cent for European elections;

(d) The amended Law of 30 July 2013 on domestic violence, inter alia introducing legal provisions on the services granting assistance to victims;

* Adopted by the Committee at its sixty-ninth session (19 February-9 March 2018).

(e) The Law of 13 May 2008 implementing the principles of equal opportunities and equal treatment of women and men in matters of employment.

5. The Committee welcomes the State party's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as the adoption of the following:

- (a) The National Action Plan "Prostitution", in 2016;
- (b) The Plan of Action on Gender Equality 2015–2018, in 2015;
- (c) The strategy to achieve a better balance between women and men in economic and political decision-making, in 2014;
- (d) The National Sexual and Reproductive Health Programme, in 2013.

Sustainable Development Goals

6. The Committee notes with satisfaction the engagement of the State party to implement the Sustainable Development Goals and the existence of a mechanism, as well as budget allocation to this mechanism, to reach these new objectives. The Committee recalls the importance of the goal 5.1.1 and commends the positive efforts of the State party to implement gender sensitive and sustainable development policies, including measures to combat climate change.

C. Parliament

7. **The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see the statement by the Committee on its relationship with parliamentarians, adopted at the forty-fifth session, in 2010). It invites the Chamber of Deputies, in line with its mandate, to take the necessary steps regarding the implementation of the present concluding observations between now and the submission of the next periodic report under the Convention.**

D. Principal areas of concern and recommendations

Visibility of the Convention, Optional Protocol and the Committee's general recommendations

8. The Committee notes with concern that the Convention has been invoked in court only once and the low engagement of civil society in the reporting process to the Committee. It is concerned that this may point towards insufficient knowledge within the government, the judiciary, civil society and among the general population, particularly amongst foreign women and girls, about the Convention, the Committee's jurisprudence under the Optional Protocol to the Convention and its general recommendations.

9. **The Committee recommends that the State party make the Convention sufficiently known, including by swiftly and widely disseminating it and its Optional Protocol thereto, as well the general recommendations of the Committee among the judiciary, law enforcement authorities, civil society and the general public. In this regard, it reiterates its previous recommendation that the State party integrate the Convention, its Optional Protocol and the general recommendations of the Committee in the university curricula for legal and related studies, and in capacity-building programmes for the judiciary and law enforcement officers.**

Legislative framework and definition of discrimination against women

10. The Committee notes with appreciation that international instruments ratified by the State party take primacy over national laws and welcomes planned measures to accelerate the integration of those principles in national legislation under its monistic system. It reminds the State party that under the obligation of due diligence, it may be held responsible should it fail to take all appropriate measures to prevent, as well as to

investigate, prosecute, punish and provide reparations for acts or omissions by non-State actors, including actions taken by corporations operating extraterritorially.

11. The Committee further takes note of the introduction of a prohibition of direct and indirect discrimination on the basis of sex in the Labour Code, in the law containing general civil service regulations, and in the law on equal treatment of women and men in the access to and supply of goods and services, as well as the definition of grounds of discrimination in Art. 454 of the Penal Code. It is concerned, however, that its legal definition of discrimination does not adequately protect women from intersecting forms of discrimination. The Committee further expresses concern at the general policy of adopting gender-neutral legislation, and considers that this may hinder the achievement of substantive equality between women and men, as explained in paragraph 5 of the Committee's general recommendation No. 28 (2010) on the core obligations of States parties under article 2 of the Convention.

12. **The Committee calls upon the State party to:**

(a) **Legislate on multiple and intersecting forms of discrimination in all settings, in line with article 1 of the Convention, and integrate the prohibition of intersecting forms of discrimination in public policies;**

(b) **Revisit its approach to legislation, policies and programmes by taking a consistent cross-cutting gender-sensitive approach, in line with paragraph 5 of the Committee's general recommendation No. 28 (2010) on the core obligations of States parties under article 2 of the Convention, and to guarantee equality in results.**

Data collection

13. The Committee is concerned about the lack of gender-disaggregated data on all areas of the Convention.

14. **The Committee encourages the State party to address data collection in the framework of its efforts to implement sustainable development goal 5 and recommends that it collect data disaggregated by sex, age, nationality, religion and socioeconomic background to accurately assess the situation of women and girls, to determine whether they suffer from discrimination, for informed and targeted policymaking and to systematically monitor and evaluate progress achieved towards the realization of substantive equality of women in all areas covered by the Convention.**

Extraterritorial State obligations

15. The Committee welcomes the establishment of an Inter-Ministerial Monitoring Committee for the examination of complaints from persons affected by enterprises or companies located in the State party, and its engagement in the development of a national action plan on business and human rights, in collaboration with civil society. It is concerned, however, that the State party's financial secrecy policies, corporate reporting and taxation practices and incentives for companies operating abroad, have a severe impact on the ability of other States, in particular those already short of revenue, to mobilize the maximum available resources for the fulfilment of women's rights.

16. **The Committee reminds the State party, in line with its general recommendation No. 28 (2010) on the core obligations of States parties under article 2 of the Convention and its responsibility for actions affecting the advancement of women and their human rights, irrespective of whether or not the affected persons are under the jurisdiction of the State party. It recommends that the State party:**

(a) **Adopt a national action plan on business and human rights on the basis of the United Nations Guiding Principles on Business and Human Rights (2011) and in consultation with civil society organizations in the State party;**

(b) **Expedite the establishment of the Inter-ministerial Monitoring Committee and allocate adequate human, technical and financial resources for its**

effective functioning as well as for the implementation of the national action plan on business and human rights;

(c) Undertake independent, participatory and periodic impact assessments of the extraterritorial effects of its financial secrecy and corporate tax policies, as well as of its commercial activities, on women's rights and the substantive equality of women and men in affected States, ensuring that those assessments are conducted impartially, with public disclosure of the methodology used and the findings and further reviewing its corporate and financial legislation, policies and practices with a view to compliance with women's enjoyment of their rights, domestically and abroad, under the Convention.

Access to Justice

17. The Committee welcomes information provided by the State party on the distribution of information sheets on the rights of victims and available services. It expresses concern, however, at:

(a) The lack of court decisions on cases of discrimination against women since the adoption of the acts of 13 May 2008 and 3 June 2016 respectively relating to equality of treatment between men and women;

(b) Restricted capacities of the Centre for Equal Treatment, not allowing it to file a complaint on behalf of victims of discrimination against women or to investigate cases of discrimination against women;

(c) Reports indicating limited funding of legal aid services, and the resulting reluctance of lawyers to represent victims of violence and discrimination against women, which restricts their capacity to claim their rights;

(d) The low level of awareness among women and girls of their rights, as well as on available remedies and services.

18. The Committee recommends that the State party, in line with its general recommendation No. 33 (2015) on access to justice:

(a) Raise awareness of the general public of legislation prohibiting discrimination against women and the remedies available to victims, and provide capacity building for the judiciary on the strict application of such legislation;

(b) Broaden the capacities of the Centre for Equal Treatment to allow it to file complaints on behalf of women victims of discrimination, to investigate and issue binding decisions in cases of discrimination against women and ensure that women victims of intersecting forms of discrimination have access to effective remedies to claim their rights;

(c) Allocate sufficient resources to ensure that women victims of discrimination and gender-based violence without sufficient means have access to free legal aid;

(d) Reinforce measures to raise awareness of women and girls on their rights, and on available remedies and services.

National machinery for the advancement of women

19. The Committee welcomes the State party's efforts to engage men and boys in initiatives for gender equality. It takes note of a multiplicity of entities engaged in the realization of equal opportunities in the State party. It welcomes the appointment of equality officers in several ministries and government departments. It, however, notes with concern:

(a) That the Ministry of Equal Opportunities concentrates on promoting equal opportunities, practices a gender-neutral approach, and may not be giving sufficient priority to the advancement of women to achieve equal rights and substantive equality in all areas of the Convention;

(b) The limited mandate of the Ministry of Equal Opportunities, falling short of covering the advancement of women in all areas of the Convention and intersecting forms of discrimination;

(c) The absence of a strategic framework for the implementation of the Convention which addresses multiple and intersecting forms of discrimination, gender mainstreaming and gender budgeting;

(d) That the Gender Equality Action Plan 2015 – 2018 lacks indicators to monitor and evaluate its implementation, as well as a tracking system to identify resources allocated to the realization of corresponding activities;

(e) The review of the role of the Interministerial Committee on Equality of Women and Men, which ensures the coordination between Ministries for the implementation of the National Plan on Gender Equality;

(f) The abolition of gender units in all Ministries, whereas equality officers have not yet been nominated in all Ministries and government departments, and the fact that not all equality officers have the necessary capacities to ensure the transversal implementation of the National Plan on Gender Equality;

(g) The lack of collection, analysis and dissemination of gender-segregated data, which is necessary to assess the impact and effectiveness of planned and existing activities and programmes for the elimination of discrimination against women in all spheres of life.

20. The Committee, recalling the guidance provided in the Beijing Declaration and Platform for Action on institutional mechanisms for the advancement of women and on the integration of a gender perspective in legislation, public policies, programmes and projects, encourages the State party to reinforce the engagement of men and boys for the advancement of women, in line with the Convention, and recommends that the State party:

(a) Evaluate the impact of the transformation of the Ministry for the Advancement of Women into the Ministry of Equal Opportunities, and of the consequent tendency towards a gender-neutral approach, as well as the work with men and boys, in terms of achieving substantive equality of women and men;

(b) Review the mandate of the Ministry of Equal Opportunities to include the advancement of women in all areas covered by the Convention and the elimination of intersecting forms of discrimination, including against religious, racial and sexual minority women;

(c) Adopt a comprehensive strategic framework for gender equality that analyses and addresses the structural factors causing persistent inequalities, including discriminatory stereotypes concerning the roles and responsibilities of women and men in the family and in society, addresses intersecting forms of discrimination against disadvantaged groups of women and provides for gender mainstreaming and gender budgeting;

(d) Define indicators and a budget to allow regular assessment of realised progress in the implementation and of the impact of the Gender Equality Action Plan 2015 – 2018;

(e) Guarantee the continuity of coordination between entities responsible for the implementation of the Gender Equality Plan and ensure that the relevant entity be provided with the necessary mandate, visibility and human and financial resources to effectively carry out its mandate;

(f) Appoint gender equality officers at sufficiently senior levels in all ministries and government departments, reinforce efforts to ensure that all equality officers are provided with the adequate technical and financial resources to effectively implement the Gender Equality Action Plan and integrate their responsibilities as gender equality officers into their work plans as civil servants;

(g) Reinforce efforts to improve the collection of data disaggregated by sex to assess the impact and effectiveness of ongoing and future activities and

programmes, including in the framework of the Gender Equality Action Plan 2015 - 2018.

National Human Rights Institutions

21. The Committee is concerned that the Advisory Commission on Human Rights lacks the human, technical and financial resources necessary to effectively carry out its mandate.

22. The Committee recommends that the State party enhance resource allocation to the Advisory Commission on Human Rights and implement the 2015 recommendations of the Global Alliance of National Human Rights Institutions.

Temporary special measures

23. The Committee welcomes the recognition by the Minister of Equal Opportunities during the dialogue of the necessity of special measures for the achievement of substantive equality of women and men. It also notes as positive the adoption of a minimum quota of 40 percent for the underrepresented sex on electoral lists of political parties. The Committee is concerned, however, that this measure is gender-neutral. It is further concerned that it does not apply to municipal councils. It moreover expresses concern at information received on public opposition to temporary special measures for the advancement of women, which constitutes an obstacle for the adoption of temporary special measures for the achievement of equality in fields such as education, employment and health care.

24. With reference to its general recommendation No. 25 (2004) on temporary special measures, the Committee recommends that the State party:

(a) **Continuously raise awareness among politicians, the media and the general public on the fact that the full and equal participation of women on an equal basis with men in all spheres of life is a requirement for the effective implementation of the Convention, as well as the political stability and economic development of the country, and on the necessity of special measures, whether temporary or permanent, to achieve substantive equality of women and men in all areas of the Convention;**

(b) **Introduce gender specific incentives, time-bound goals, quotas and targets in areas in which women are disadvantaged or underrepresented in both the public and private spheres.**

Stereotypes

25. The Committee welcomes the introduction of the “PIXI-Buch” and the game “MEGASPILL”, illustrating women and men in non-traditional roles, as well as the emphasis placed on the involvement of men in initiatives for the advancement of women. It remains concerned, however, about women’s disproportionate participation in part-time work, especially as regards mothers, at this form of employment being offered mainly in low-paid jobs, and at the persistence of stereotypes on the traditional roles of women and mothers as caregivers and of men as breadwinners. The Committee is further concerned at the role that traditional and social media play in perpetuating negative and sexist stereotypes, and at the indication in the State party report that women’s engagement in part-time work allows them to combine professional and family responsibilities.

26. The Committee recommends that the State party reinforce efforts to eliminate discriminatory stereotypes regarding the roles and responsibilities of women and men in the family and in society, including by encouraging the mass media, in collaboration with *Radio Télévision Luxembourg*, to promote cultural change in this regard, and by monitoring the portrayal of women in public and private media. It further recommends that the State party reinforce capacity-building for politicians, members of government, civil servants and in of the private sector on gender equality and gender analysis, and that it extend the requirement of a gender impact assessment of new legislation to ongoing legislative and policy measures.

Harmful practices

27. The Committee takes note of the plans of the State party to adopt provisions on its extraterritorial obligations with regard to the elimination of female genital mutilation (FGM) and other harmful practices in the context of its planned ratification of the Istanbul Convention. It notes with concern:

(a) Reports of the forced medical treatment, including sterilization and administration of contraceptives on women with disabilities, particularly women and girls with intellectual disabilities in State institutions, without their free and informed consent;

(b) The performance of medically irreversible sex reassignment surgery on intersex persons (IGM), a practice which is defined as non-consensual unnecessary genital surgery and includes other comparable procedures that violate the physical integrity of these individuals;

(c) The lack of support for intersex persons who have undergone involuntary and medically unnecessary disfiguring surgical procedures when they were babies and children, often with irreversible consequences, resulting in significant physical and psychological suffering.

28. **In the light of joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/ General comment No. 18 of the Committee on the Rights of the Child on harmful practices (2014), the Committee recommends that the State party:**

(a) **Take measures to enforce provisions of law of 10 December 2009 regarding the respect for the opinion of the patient, stop the administration of non-consensual contraception and sterilization or medical treatment, including when consent is given by a third party, and ensure that women with disabilities have equal access to sexual and reproductive health services;**

(b) **Specifically prohibit non-consensual sex reassignment surgery on intersex persons, develop and implement a rights-based health-care protocol for intersex children that requires medical doctors to inform intersex children on all available options as well as their involvement in decision-making about medical interventions and full respect for their choices;**

(c) **Adopt legal provisions to provide redress to intersex persons who are victims of surgical or other medical interventions without their free, prior and informed consent or that of their parents.**

Gender-based violence against women

29. The Committee notes with concern:

(a) The important delays in the adoption of legislation necessary for ratifying the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), which was signed in 2011;

(b) The absence of provisions on gender-based violence against women with disabilities and on all forms of psychological violence in the current proposal for the ratification of the Istanbul Convention;

(c) The absence of a specialized helpline for victims of gender-based violence against women that is available 24-hours and free of charge;

(d) The lack of systematic capacity building for professionals dealing with women and girls victims of gender-based violence, including judges, law enforcement officers, migration officers, social workers, medical staff, and teachers;

(e) The insufficient resources allocated to shelters for women victims of gender-based violence and overcrowding of existing shelters;

(f) That women living in de facto unions and sharing leases are not adequately protected by legislation on domestic violence due to restrictions on the application of expulsion orders;

(g) Insufficient analysis of the reasons for the recent decrease in requests for protection orders;

(h) That data collection does not cover all forms of gender-based violence, such as female genital mutilation, forced marriage, forced sterilization and sexual harassment, which impedes the assessment of the situation and data-driven policy making.

30. The Committee recommends that the State party, in line with its General Recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19:

(a) **Expedite the ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention);**

(b) **Introduce a disability perspective and a comprehensive definition of psychological violence in the legislative proposal for ratifying the Istanbul Convention;**

(c) **Encourage victims to report gender-based violence, including by establishing a specialized 24-hour free of charge helpline;**

(d) **Reinforce capacity-building on the Convention, on general recommendation No. 35 for judges, law enforcement officers, lawyers, migration officers, social workers, medical staff, teachers and other professionals dealing with women and girls who are victims gender-based violence;**

(e) **Increase the human, technical and financial resources allocated to shelters for women and girls victims of gender-based violence and increase the number of shelters to address overcrowding;**

(f) **Extend the protection against domestic violence, including the possibility to apply for protection orders, to women sharing leases with their abusive partners in de facto unions;**

(g) **Analyse the reasons for the recent decrease in requests for protection orders;**

(h) **Expand the collection of disaggregated data on gender-based violence to cover female genital mutilation, forced marriage, forced sterilization and sexual harassment and provide, in its next periodic report to the Committee, information on the number of: (i) cases of violence against women investigated and prosecuted, including information on the sanctions imposed on perpetrators; (ii) women victims of violence who have been provided with legal assistance and relevant support services; (iii) women victims of violence who have been compensated and (iv) protection orders issued.**

Trafficking and exploitation of prostitution

31. The Committee welcomes the legislative and institutional measures taken by the State party to combat trafficking in persons. It notes with concern, however:

(a) The lack of publicly available comprehensive disaggregated data on victims of trafficking;

(b) The low prosecution and conviction rates in trafficking cases for the year 2017, partly due to delays in criminal proceedings, and the lack of victim and witness protection measures in place;

(c) The lack of provisions on universal jurisdiction in its criminal legislation, allowing for the investigation, prosecution and punishment of cross-border crimes;

(d) That the definition of trafficking in its Penal Code is broader than the one in the Protocol to Prevent, Suppress and Punish Trafficking in Persons (Palermo Protocol) and does not define responsibilities for cross-border crimes;

(e) The lack of gender-sensitive capacity building for the judiciary on the application of legislation on trafficking in persons, in particular women and girls;

(f) The lack of a standardised procedure for the early identification and referral to appropriate social services of women and girls victims of trafficking, which may result in migrant women and girls being detained in asylum centres rather than referred to shelters;

(g) Insufficient resources being allocated to the gender-sensitive support to victims of human trafficking, including legal assistance, medical treatment, psycho-social counselling and rehabilitation.

32. The Committee recommends that the State party:

(a) Periodically collect, analyse and publish comprehensive data on trafficking, disaggregated by sex, and include such data in its next periodic report;

(b) Expeditiously investigate, prosecute and punish all cases of trafficking in women and girls, ensure that the sentences imposed on perpetrators are commensurate with the gravity of the crime and develop and implement victim and witness protection programmes;

(c) Introduce provisions on universal jurisdiction in its criminal law;

(d) Amend its Penal Code to bring its definition of trafficking in line with the Protocol to Prevent, Suppress and Punish Trafficking in Persons (Palermo Protocol) and define in its legislation the responsibilities for cross-border crimes;

(e) Reinforce capacity building for judges, prosecutors, lawyers and law enforcement professionals on the strict application of criminal law provisions on trafficking and gender-sensitive application of legislation on victim support;

(f) Adopt regulations on early identification and referral to appropriate social services of women and girls victims of trafficking and ensure a gender-sensitive approach when considering asylum applications, including by explicitly recognizing gender-based violence against women as a ground for protection;

(g) Allocate sufficient resources to ensure that women and girls victims of trafficking have access to gender-sensitive support services, including by strengthening the human, technical and financial resources of the police and non-governmental organizations operating in this field.

33. The Committee welcomes the presentation of the draft law strengthening the fight against the exploitation of prostitution, procuring and human trafficking for sexual purposes, and the development of a national action plan on prostitution. It is concerned, however, that:

(a) Hotspots for sexual exploitation and forced prostitution, including the entertainment industry, bars and massage parlours are not regularly monitored;

(b) The draft law on prostitution does not effectively protect women in prostitution from exploitation, as their particular vulnerability needs to be established to criminalize clients who resort to sexual services linked to exploitation of prostitution, and that the draft law exempts clients from prosecution when they disclose information on pimping or trafficking rings;

(c) Insufficient resources dedicated to the implementation of the action plan on prostitution, and especially for the reduction of demand, the extension of support and of exit programmes for women in prostitution to those working in apartments and other settings.

34. The Committee recommends that the State party ensure that women in prostitution are decriminalized in all settings and:

(a) Monitor locations where women are exposed to a heightened risk of forced prostitution to identify victims;

(b) **Ensure the effective protection of women in prostitution from exploitation, including by reviewing its draft criminal law provisions on exploitation of prostitution in consultation with the Advisory Commission on Human Rights (CCDH), especially the requirement of proving vulnerability of victims and the exemption from prosecution of clients in case they disclose information on pimping or trafficking rings;**

(c) **Enhance resource allocation to ensure the implementation of the action plan on prostitution, especially the planned measures to reduce the demand for prostitution, and to provide support and exit programmes to women in prostitution in all settings.**

Participation in political and public life and in decision-making

35. The Committee welcomes the finalization of a strategy for a better balance between women and men in decision-making as well as awareness raising in the context of the 2017 municipal elections about the low representation of women in political life at the local level. It is concerned, however, that the proportion of women among leaders of major political parties remains low and that women's representation in elected bodies at the communal levels has decreased. The Committee is further concerned that special measures adopted by the State party with a view to achieving substantive gender equality, such as minimum quotas for electoral lists of political parties and in the Council of State, may not be strong enough to ensure effective implementation, are gender-blind and do not apply at the local level.

36. **The Committee recommends that the State party reinforce its temporary and permanent special measures and financial incentives for political parties, with a view to achieving women's equal representation on electoral lists and in the Chamber of Deputies and in the Council of State, including by reviewing these measures to specifically address women, creating incentives for political parties to give priority to women candidates and extending such measures to local elections.**

Women, peace and security

37. The Committee regrets the absence of a national action plan for the implementation of Security Council resolution 1325 (2000) on women and peace and security, having an impact on women's participation in peace processes.

38. **The Committee recommends that the State party adopt a national plan for the implementation of Security Council resolution 1325 (2000) on women, peace and security.**

Education

39. The Committee welcomes the initiative Girls' Day-Boys' Day (GDBD) and its plan to provide educational materials free of charge at the secondary level of education. It, however, notes with concern:

(a) The underrepresentation of women among presidents and on boards of universities;

(b) The absence of specific education on gender equality and on the rights of women in school curricula;

(c) The low enrolment rate of women, and especially of migrant women from non-European countries in tertiary education;

(d) Women's concentration in traditionally female-dominated fields of study and career paths;

(e) Reports of bullying and violence towards migrant and LGBTI girls and adolescents in school settings.

40. **The Committee recommends that the State party:**

- (a) **Take appropriate measures to improve the representation of women in decision-making positions of academic institutions;**
- (b) **Incorporate specific education on gender equality and girls' and women's rights in school curricula at all levels;**
- (c) **Address structural barriers that deter girls from progressing beyond secondary education;**
- (d) **Adopt a gender-sensitive approach to career guidance, including based on role models, to encourage girls to enrol in traditionally male-dominated fields of study, such as mathematics, information technology and science, and to pursue non-traditional career paths, and train teachers at all levels of the educational system on ways to prevent stereotyping;**
- (e) **Enable victims to confidentially report on bullying and expressions of discriminatory sentiments, including against migrant and LGBTI girls, in educational institutions and ensure that those responsible receive adequate sanctions.**

Employment

41. The Committee welcomes the successful reduction in its gender wage gap, which was at 5.4% in 2017, and the amendment of the Law on parental leave and the creation of the Female Board Pool. It remains concerned, however, at:

- (a) The 17.8% gender gap in full-time employment, and the fact that 36.1% of women are engaged in part-time employment, illustrating an unequal division of family responsibilities between women and men;
- (b) The low number of children between the age of 3 and school age in childcare facilities;
- (c) Regulations excluding part-time employment for most managerial positions, the low representation of women in decision-making positions in the public sector, as well as on the boards of major enterprises;
- (d) The fact that women domestic workers are still not fully covered by social and labour protection, including due to the pending ratification of ILO Convention No. 189 (2011) on decent work for domestic workers.

42. **The Committee recommends that the State party:**

- (a) **Create more opportunities for women to gain access to full-time employment, including by adopting measures to eliminate occupational segregation in the public and private sectors and reinforcing the promotion of equal sharing of domestic and family tasks between women and men;**
- (b) **Expand the offer of childcare facilities, especially for children aged between 3 and school age;**
- (c) **Enhance the participation of women in decision-making posts in the public and private sector, including by taking legal action to allow for part-time opportunities in all high-level positions and by adopting temporary special measures to reach the target of 40% women on boards of public institutions and private enterprises;**
- (d) **Expedite the ratification of International Labour Organization Convention No. 189 (2011) on decent work for domestic workers, in line with its commitment undertaken during its universal periodic review in 2013.**

Sexual harassment in the workplace

43. The Committee welcomes the conduct of a survey identifying means of sexual harassment by the Ministry of Education, Children and Youth, the designation of focal points for sexual harassment in the different ministries, as well as the establishment of labour inspection units to prevent sexual harassment.

44. **The Committee recommends that the State party:**

(a) **Conduct studies on the prevalence of sexual harassment in the private sector and encourage employers to conduct regular reviews of company culture to prevent such harassment;**

(b) **Raise awareness on the discriminatory nature of sexual harassment, with a view to stopping it;**

(c) **Specifically criminalize sexual harassment and provide for adequate sanctions;**

(d) **Expediently implement plans to establish a confidential and safe system for filing complaints related to sexual harassment in the workplace.**

Health

45. The Committee welcomes the signature of the common policy for the promotion of emotional and sexual health, on 17 July 2013, and the increase of its contribution to the United Nations Population Fund for the support of the initiative “She decides”. It is concerned, however, at:

(a) Insufficient dissemination and implementation of the National Programme on Promotion of Emotional and Sexual Health, and uncertainties as to the resources allocated for the promotion of emotional and sexual health in schools and among professionals;

(b) The absence of measures taken to facilitate access of stateless persons to health care, especially considering the costs of health services in the State party;

(c) The high number of women suffering from depression in the State party, especially as regards migrant women and girls;

(d) Persisting high rates of tobacco abuse among girls, in spite of the continuous limitation of smoking environments;

(e) Time-limits restricting the ability of persons having undergone medically irreversible sex reassignment surgery and suffered related consequences to claim damage compensation.

46. **In line with its general recommendation No. 24 (1999) on women and health, the Committee recommends that the State party:**

(a) **Disseminate the National Programme on Promotion of Emotional and Sexual Health and allocate adequate human, technical and financial resources for its effective implementation, including for the introduction of age-appropriate education on sexual and reproductive health and rights in school curricula, in line with its commitment undertaken during its universal periodic review in 2013, and for the corresponding training of professors and professionals of the educational and health sectors;**

(b) **Facilitate access by stateless persons to health services, including by providing financial support to cover the high costs of health services;**

(c) **Identify and address structural factors adversely affecting women’s and girls’ mental health, especially migrant women and girls;**

(d) **Reinforce gender-sensitive interventions in the context of the national plan to combat smoking (2016–2020), and guarantee the allocation of sufficient human, technical and financial resources for its implementation;**

(e) **Repeal time-limits to claim damage compensation for medically irreversible sex reassignment surgery and related consequences.**

Economic empowerment of women and social benefits

47. The Committee welcomes the launch of the Female Entrepreneurship Ambassadors Network. It is concerned, however, at:

(a) The lack of a strategic approach to enhancing the conditions for women who aim to create and manage enterprises in the State party, as well as insufficient funding opportunities for enterprises led by women;

(b) Self-employed women being disadvantaged in the full enjoyment of social security and maternity benefits;

(c) The fact that 44% of single-headed households, predominantly led by women, are living on an income below the national poverty threshold;

(d) The lack of data on women investors in SICAVs (*Société d'Investissement à Capital Variable*) and SICAFs (*Société d'Investissement à Capital Fixe*), and on female land owners.

48. **The Committee recommends that the State party:**

(a) **Periodically analyse the situation of women entrepreneurs in the State party, and develop a strategy for supporting the initiation and continuation of their economic initiatives, covering the full range from micro- to macro-enterprises;**

(b) **Ensure the coverage of employed, unemployed and self-employed mothers and fathers to social security and maternity benefits, and de-link the calculation of maternity benefits from income fluctuations, which are typical in self-employment;**

(c) **Strengthen initiatives to address poverty and precarious employment of women heads of households;**

(d) **Collect data on women investors in SICAVs and SICAFs, as well as on female land owners and provide such data.**

Religious minorities, migrant, refugee and asylum seeking women and girls

49. The Committee welcomes the introduction of intercultural mediators in school environments. The Committee is concerned, however, that all applications for international protection related to female genital mutilation have been rejected, although gender-related persecution is a relevant factor in asylum decisions in the State party. It is also concerned that Jewish and Muslim women and girls in the State party are subject to anti-Semitic tendencies and islamophobia, respectively. It is moreover concerned that migrant women and girls, and especially those of non-European origin, and in particular Muslim women and girls, as well as asylum seeking and refugee women and girls face intersecting forms of discrimination, resulting in:

(a) Lower school performance of migrant girls, and especially those from non-European origin, and their low participation in higher education, which is in large part due to requirements in vernacular language, the difference in language regimes between the general and technical tracks of secondary education, and economic difficulties;

(b) The low employment rate among women migrants from non-European origin, which is partly due to requirements in vernacular language representing a barrier for employment in the public and private sectors;

(c) A rise in Islamophobic acts and hate speech against Muslim women and girls, as well as against refugee and asylum seeking women and girls, especially on the internet.

50. **In line with its general recommendation No. 32 (2014) on gender-related dimensions of refugee status, asylum, nationality and statelessness of women, the Committee recommends that the State party:**

(a) **Facilitate the access by migrant girls, especially those of non-European origin, to higher secondary education, including by providing financial support, rendering language requirements in the educational system more flexible, and by addressing differences in language regimes between general and the technical tracks of secondary education;**

(b) **Integrate migrant women of non-European background in the labour market, including by rendering language requirements that are perceived as barriers for employment in the public and private sectors more flexible, increasing opportunities for the learning of the required languages and ensuring the strict application of legislation on discrimination in the labour market;**

(c) **Reinforce action to combat all forms of discrimination against women and girls belonging to religious minorities, including through further public awareness raising in general on the advantages of a diverse society, and of women and girls on their rights and available remedies;**

(d) **Establish a mechanism to monitor and counter hate speech, including on social media, against racial ethnic, sexual and religious minorities, as well as based on nationality and migration status, in line with Art. 457 of its Penal code, referring to Art. 454;**

(e) **Ensure the application of a gender-sensitive approach in receiving refugee and asylum-seeking women and in considering asylum claims, including by training immigration officers on gender-sensitive interviewing techniques, grant asylum to women who request international protection based on the risk of female genital mutilation and ensure that the protection needs of asylum-seeking and refugee women and girls arriving in the State party are addressed as a priority concern.**

Marriage and family relations

51. The Committee welcomes the adoption of the marriage reform law, which authorises same sex marriages and advancements made in the reform of divorce and parental authority and in the revision of the law on filiation. It notes with concern, however:

(a) That women in de facto unions and same-sex couples are placed at a disadvantage with regard to the distribution of property upon dissolution of their union and the recognition of paternity in cases of medically assisted procreation and in the adoption of stepchildren;

(b) That the adoption of regulations to redress gender disparities and economic disparities (“shortfalls”) upon divorce is still pending.

52. **The Committee recommends, in line with its general recommendation No. 29 (2013) on the economic consequences of marriage, family relations and their dissolution, that the State party:**

(a) **Harmonize the treatment of all women, including those in de facto unions and same sex relationships, with regard to the distribution of property upon dissolution of their family relation, the recognition of paternity in cases of medically assisted procreation and to the adoption of stepchildren, regardless of their civil status;**

(b) **Expedite the adoption of the law establishing a Family Court and of corresponding regulations.**

Beijing Declaration and Platform for Action

53. **The Committee calls upon the State party to use the Beijing Declaration and Platform for Action, in its efforts to implement the provisions of the Convention.**

2030 Agenda for Sustainable Development

54. **The Committee calls for the realization of substantive gender equality, in accordance with the provisions of the Convention, throughout the process of implementation of the 2030 Agenda for Sustainable Development.**

Dissemination

55. **The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official language(s) of the State party, to the relevant State institutions at all levels (national, regional, local), in particular to the Government, the ministries, Chamber of Deputies and the judiciary, to enable their full implementation**

Ratification of other treaties

56. **The Committee notes that the adherence of the State party to the nine major international human rights instruments would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families and the International Convention for the Protection of all Persons from Enforced Disappearance, to which it is not yet a party.**

Follow-up to concluding observations

57. The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 14, 16 (a), 38 and 50 (d) above.

Preparation of the next report

58. The Committee requests the State party to submit its eighth periodic report, which is due in March 2022. The report should be submitted on time and cover the entire period up to the time of its submission.

59. The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (see HRI/GEN/2/Rev.6, chap. I)).
