

Luxembourg

About

In Luxembourg, gender mainstreaming is strongly embedded in policy so as to ensure the promotion of gender equality. In fostering gender equality and gender mainstreaming, Luxembourg has closely followed United Nations (UN) and European Union (EU) instruments, policies and legislation.

Article 11 of the Constitution of Luxembourg guarantees gender equality: ‘Women and men are equal in rights and duties. The State seeks active promotion of elimination of impediments which may exist in matters of equality between women and men.’ The transposition of EU directives has been the primary instrument to introduce gender equality into Luxembourg’s domestic legislation.

Gender equality has been promoted in both the private and public sector. Reports suggest, however, that for women to achieve parity in decision-making positions would take about 60 years among administration board members, 30–60 years for CEOs (depending on company size), and about 70 years for trade union representatives[1].

The Committee on the Elimination of Discrimination against Women, in its most recent (2018) concluding recommendations on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) highlighted several challenges and criticisms. In particular, ‘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 in order to achieve equal rights and substantive equality in all areas of the Convention’ and ‘The absence of a strategic framework for the implementation of the Convention that addresses multiple and intersecting forms of discrimination, gender mainstreaming and gender-responsive budgeting’[2].

Legislative and policy framework

In addition to Luxembourg’s constitutional commitment to gender equality, the principle of equal treatment between women and men was transposed in the Bill of 13 May 2008.

The Ministry of Equality of Women and Men (MEGA) (the former Ministry of Equal Opportunities) oversees the coordination of a National Action Plan (NAP) for equality between women and men. The previous NAP (2014-2018) took a participatory approach, with concrete measures identified by 19 ministerial departments. These measures were then monitored by the Inter-Ministerial Committee for the Equality of Women and Men. Following an evaluation of that NAP, a new plan is expected to be developed shortly. Luxembourg appointed a new government in 2019, whose [Government's Agreement](#) includes the broad features of this [new action plan](#).

In 2006 and 2009, the government adopted two successive gender equality action plans (NAP 2006-2008 and NAP 2009-2014). Both were based on a dual strategy for achieving gender equality: introducing a gender mainstreaming strategy into all policy measures, and implementing specific measures in favour of one gender or the other. The NAP 2009-2014 was based on the areas of the Beijing Platform, which created two significant drawbacks. Firstly, the priorities identified at global level did not necessarily correspond to challenges in Luxembourg, and, secondly, it limited the role of ministers, as they were not involved in defining objectives and policy measures.

The preparation of the NAP 2014–2018, published in May 2015, was modified accordingly, with each department asked to identify between three and five specific goals for the coming years. 19 ministerial departments then proposed 104 concrete measures to implement the plan. These were monitored by the Inter-Ministerial Committee for the Equality of Women and Men. In July 2018, 93.7 % of the measurements had been carried out or were underway[3].

The principle of equal pay for women and men is not enshrined in the Constitution of Luxembourg. However, a policy was introduced in 1974 through a Grand-Ducal Regulation (a Grand-Ducal decree is the law that organises the functioning and definition of the different ministries). In 2008, the Law modifying the Labour Code (Articles L241-1 to L245-8) prohibited any direct or indirect discrimination based on gender, particularly with respect to gender reassignment, family status or marital status.

Further important laws include the Grand-Ducal Regulation of 5 March 2004, which aimed to ensure gender equality between women and men in public administration. The law introduced the role of 'delegate' in administrations and ministries, whose mission is to improve equality between women and men civil servants.

In 2004, the Law of 21 December 2007 (implementing Directive 2004/113/EC) applied the principle of equal treatment of women and men in access to and supply of goods and services.

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Structures

Government responsibilities

Recently, the Grand-Ducal Decree of 28 May 2019 established the ministries for the current government ([Memo A - 370 of 29 May 2019](#)). This Grand-Ducal Decree, like its predecessors, includes gender mainstreaming as a central task for the ministry. The new MEGA is the highest body responsible for gender equality in Luxembourg. It oversees the coordination of the NAP, national and international equality policy, integration of a gender dimension into policy actions (in partnership with government departments) and has introduced gender impact assessments on legislative measures on equality of women and men. It is also responsible for non-discrimination between genders, including the gender mainstreaming of policies.

The MEGA oversees the coordination of the Inter-ministerial Committee for Equality between Women and Men, the Committee for Affirmative Action in the Private Sector, and the Cooperation Committee between Professionals in the Field of the Fight against Domestic Violence. The Inter-ministerial Committee is an essential tool for gender mainstreaming in public policy. The Coordinated Text of 6 March 2006 of the Modified Grand-Ducal Regulation of 31 March 1996 established the legal framework for the Inter-ministerial Committee for Equality between Women and Men and Gender Competences Cells.

The Inter-ministerial Committee for Gender Equality is the leading coordination body for the integration of gender mainstreaming strategy into political measures. The [Grand-Ducal Regulation of 15 December 2016](#) abolished the Gender Competence Cells in the ministries, which did not seem to have been operational since their establishment. The same Regulation also reformed the tasks of the Inter-ministerial Committee to make it more efficient. Its main role is to monitor the implementation of equality between women and men during the legislative period 2018-2023. It is also called upon to centralise and coordinate political actions to mainstream equality between women and men and the gender dimension in all government policies.

A 2010 assessment found that, in practice, very few administrations and ministries had appointed delegates (as per the Regulation of 5 March 2004) and few employees were aware of the delegate's equality mission. In 2013, a joint initiative of the Department of Public Service and the (then) Ministry of Equal Opportunities saw delegates appointed in most administrations. The National Institute of Public Administration (INAP) and the MEGA, on request, organised training sessions for delegates, while two exchange meetings held by the Ministry established a network for equality delegates.

The Committee on Women's Labour is a government advisory body created by the Grand-Ducal Regulation of 27 November 1984. It studies all matters related to the activity, training and professional advancement of women, on its own initiative or at the request of the government. The Committee can propose (to the government or the MEGA) a set of actions to improve the situation of women.

Independent gender equality body

The Centre for Equal Treatment (Centre pour l'Égalité de traitement) was created by the Law of 28 November 2006[4]. An independent body, its purpose is to promote, analyse and monitor equal treatment between all persons, without discrimination based on race, ethnicity, gender, sexual orientation, religion or beliefs, disability or age. The centre publishes reports, issues opinions and recommendations, and carries out studies on all matters relating to discrimination, as well as producing and supplying information and documentation within the framework of its mission. It also provides assistance to people who report having been victims of discrimination through an advisory and orientation service intended to inform victims of their rights, the legislation, case-law, and means of claiming their rights.

[The centre](#) does not represent victims of discrimination but, rather, serves as a decisive advisory and orientation centre. It carries out its mission on a consultative basis, and with the objectivity required to assess the existing mechanisms, structures, and procedures.

Parliamentary bodies

Previously, the Commission of Health, Equal Opportunities, and Sports (Commission de la Santé, de l'Égalité des chances et des Sports) oversaw gender equality. Since 2019 and the change from the Ministry of Equal Opportunities to the MEGA, the responsibility has rested with the Committee on Home Affairs and Equality between Women and Men (Commission des affaires intérieures et de l'égalité des femmes et des hommes). Like all parliamentary committees, the Committee is primarily responsible for reviewing the bills, amendments, and motions issued by the President of the House. They also have the right to submit proposals and changes themselves, as well as preparing debates and organising hearings.

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Methods and tools

Training and awareness-raising

The NAP 2014-2018 notes that training is an instrument of gender equality policy and is particularly important in the implementation of related cultural change.

For the MEGA, training measures are one of the fundamental pillars of its outreach work in the medium and long-term.

In 2011, mandatory training on gender equality was introduced for trainee officers of the state and municipalities but not for those already employed (more detailed content information was clarified in the Code de la fonction publique, [Mémorial A - 271 du 26 avril 2019](#)). It aimed to educate future public administration officials on gender equality, in light of their role as key players in implementing the gender mainstreaming strategy.

The training delivered between 2011 and 2013 received a positive evaluation in terms of teaching materials and the level of trainers' skills [5]. However, students were less positive about their ability to integrate their knowledge on gender in their 'future' daily work, noting the difficulty in integrating gender topics where no positions have yet been assigned.

While ongoing gender equality training does exist, it is not mandatory and has proved unpopular. A study in 2008 showed that many of these training events were cancelled due to low demand[6]. Since 2014, training has also been offered as part of the continuing education for equality delegates in the public service. The MEGA also organises information or training sessions on specific topics relating to the equality of women and men, on request.

Gender statistics

The collection, publication and use of sex-disaggregated data remains a weak aspect of gender equality policy in Luxembourg. The Statistical Office of Luxembourg (STATEC) has no specific department, team or experts responsible for collecting and publishing sex-disaggregated data. Rather, it is published only as part of the general data on the labour market and population.

Collecting and producing sex-disaggregated data is not an objective for the STATEC. However, the Government Agreement of October 2018 states that 'based on the evaluation of the National Action Plan on Women's Equality and Men (2014-2018), a new action plan will be developed. Inequalities between women and men will be analysed in all areas, and statistics will be collected by generalising, among other things, the [breakdown by sex of official statistics](#)'. In its recent report on the follow-up to the [Beijing Platform for Action](#), this lack of sex-disaggregated statistics is further underlined.

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Good practices

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Endnotes

[1] Lejealle, B. and Vanni, L. (2016). Women and men in economic decision-making in Luxembourg: Report prepared for the Ministry of Equal Opportunities - Update 2015 (Ministère de l'Égalité des Chances (2016). Les femmes et les hommes dans la prise de décision économique au Luxembourg: [Rapport réalisé pour le Ministère de l'Égalité des chances](#) – Actualisation 2015).

[2] Committee on the Elimination of Discrimination against Women (2018). [Concluding observations. CEDAW/C/LUX/CO/6-7](#), p. 5.

[3] See the report of the Ministry of Equal Opportunities (prior to 2019) of [the NAP 2014-2018](#).

[4] 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 oeuvre 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](#).

[5] Diallo, H. and Plasman, R. (2014). [Evaluation du plan d'action national de l'Egalité des femmes et des hommes 2009-2014](#) – Luxembourg (Evaluation of the NAP Equality of Women and Men 2009-2014). DULBEA, Université Libre de Bruxelles.

[6] Sellach, B. (2008). Evaluation des nationalen Aktionsplans zur Gleichstellung von Frauen und Mannern.
