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## **National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21\***

### **Luxembourg**

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## I. Introduction

1. The Grand Duchy of Luxembourg, which was one of the first nations to sign the Universal Declaration of Human Rights, is a democracy in which the rule of law prevails. Equality for all and human rights are principles enshrined in the Constitution and the laws of the land. An ardent defender of the universality of human rights, Luxembourg has ratified 16 of the 18 international human rights instruments and is well on its way towards ratifying a seventeenth: the International Convention for the Protection of All Persons from Enforced Disappearance.

2. The Government of Luxembourg welcomes the opportunity offered by the universal periodic review conducted by the Human Rights Council to give an accounting of its application of international law and the promotion and protection of human rights in the country. Luxembourg continues to wholeheartedly embrace an effective multilateral system centred around the United Nations. That system is more important than ever before as a means of maintaining international peace and security and of ensuring sustainable development for all based on respect for human rights and the protection of those rights, which remain universal, indivisible and inalienable.

3. For Luxembourg, the indivisibility of human rights is a principle of the utmost importance: if civil and political rights are the fundamental guarantees of participation and personal and collective development, economic, social and cultural rights are just as important in guaranteeing the well-being of all. The Government therefore attaches particular importance to the implementation of the 2030 Agenda for Sustainable Development and submitted a voluntary national review at the High-Level Political Forum on Sustainable Development in July 2017 in New York.

4. The present report covers the main changes and new developments that have occurred since the second cycle of the universal periodic review; any overlap with the preceding national report (A/HRC/WG.6/15/LUX/1 of 8 November 2012) has been avoided to the extent possible. The information provided in the preceding report remains valid except where otherwise noted herein. Most of the instances in which this is the case have to do with laws that have been amended or repealed as a means of streamlining and improving the country's legal framework.

5. This report has been prepared on the basis of the format suggested in the guidance note provided by the Office of the United Nations High Commissioner for Human Rights (OHCHR). A more complete table, organized by thematic cluster, which provides information on the follow-up to the recommendations received by Luxembourg in the course of the preceding cycle, appears in an annex to this report. The midterm report that was submitted in September 2015 is available at: <http://lib.ohchr.org/HRBodies/UPR/Documents/Session15/LU/AnnexLuxembourg2ndCycle.pdf>.

## II. National report of Luxembourg

### A. Methodology and consultations

6. The Minister for Foreign and European Affairs ensures that follow-up action is taken on the international human rights commitments of Luxembourg, particularly in respect of the recommendations received in the course of the universal periodic review, and is the lead official for the present report.

7. In order to further inter-agency cooperation and coordination in the field of human rights and to increase the alignment of the domestic and external policies of Luxembourg, on 8 May 2015 the Cabinet approved the establishment of the Interministerial Human Rights Committee (CIDH).

8. The Committee is entrusted with overseeing the action taken in fulfilment of the human rights obligations of Luxembourg by the different agencies concerned, in

consultation with national human rights institutions and civil society. This includes follow-up to the recommendations accepted by Luxembourg within the framework of the universal periodic review, the preparation of periodic reports to the treaty bodies overseeing implementation of the conventions to which Luxembourg is a party and the preparation of responses to questionnaires dealing with human rights received from multilateral organizations, first and foremost those of the United Nations.

9. CIDH meets every three months or as necessary. In addition to the interministerial sessions as such, representatives of each of the ministries and departments concerned with human rights meet to discuss topical matters and to track action taken in follow-up to the international commitments of Luxembourg. CIDH also includes representatives of civil society and of national human rights institutions and provides a forum for genuinely constructive consultations for all concerned. Consultations held between State and non-State actors provide an opportunity to raise issues that call for collective action.

10. As for the universal periodic review, CIDH validated the midterm report of Luxembourg submitted in September 2015. It also organized four working meetings on the drafting of the national report for the third cycle (29 November 2016, 3 March 2017, 22 June 2017 and 28 September 2017). In July 2017, the Minister for Foreign and European Affairs sent an invitation to all members of the Government of Luxembourg to provide written input for the present report. Non-governmental organizations (NGOs) and national human rights institutions were encouraged to provide their own reports to the Minister for Foreign and European Affairs in order to provide a fuller picture of the situation in Luxembourg.

## **B. Implementation of recommendations from previous cycles**

11. Given the more compact format to be used for the national report for the third cycle of the universal periodic review, it is not possible to cover all the activities undertaken and all the advances made since the second cycle. However, the table that shows the thematically clustered recommendations, which is annexed to the report for the second cycle, the September 2015 midterm report and this report, provides a complete overview of the State's efforts in this respect. The implementation of some of these recommendations entail ongoing action, as in the case of efforts to combat violence against women and girls and to combat human trafficking. Consequently, the follow-up activities involved in implementing those recommendations are categorized as having been partially implemented.

### **1. Full implementation of recommendations**

#### *Acceptance of international norms*

Ratification of the Convention on the Reduction of Statelessness of 1961, ratification of other conventions on the subject and efforts in this connection [117.16, 118.5]

12. On 8 March 2017, a law was passed whereby the following instruments were approved: the Convention on the Reduction of Statelessness, concluded in New York on 30 August 1961; the European Convention on Nationality, concluded in Strasbourg on 6 November 1997; and the Council of Europe Convention on the Avoidance of Statelessness in relation to State Succession, concluded in Strasbourg on 19 May 2006. The Convention on the Reduction of Statelessness was ratified by Luxembourg on 21 September 2017 in New York. One of the international community's chief concerns is the prevention of statelessness. Under customary international law, when States are defining who their nationals are, they are bound to avoid rendering any person stateless. The prevention of statelessness is closely linked to the right of every person to a nationality, inasmuch as the failure to uphold that right leads to statelessness. By becoming a party to these three international conventions, Luxembourg has confirmed that it stands ready to combat statelessness and to collaborate actively at the international level in respect of the subject of nationality.

13. On 8 March 2017, a law on Luxembourg nationality was adopted which abrogated the law on Luxembourg nationality of 23 October 2008 and the law of 7 June 1989 on the transposition of the given names and surnames of persons who acquire or regain Luxembourg nationality. This law simplifies the conditions and streamlines the procedures for the acquisition of Luxembourg nationality by naturalization. This option is now open to persons who have resided in Luxembourg for at least five years, who have demonstrated that they have a certain level of command of Luxembourgish and who have attended the course entitled “Living together in the Grand Duchy of Luxembourg” or have taken the corresponding examination. The purpose of the new law on Luxembourg nationality is to promote the social and political integration of non-nationals in the Grand Duchy of Luxembourg and to strengthen the cohesiveness of the national community.

Ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights [116.1, 117.9]

14. The law of 17 December 2014 approved the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, which was adopted by the United Nations General Assembly in New York on 10 December 2008. Luxembourg ratified the Optional Protocol on 3 February 2015. To date, no individual communication concerning Luxembourg has been received by the Committee on Economic, Social and Cultural Rights.

Ratification of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure [117.8, 117.9]

15. On 12 February 2016, Luxembourg ratified the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, which was concluded in New York on 19 December 2011.

#### *Non-discrimination*

Adoption of the draft law on same-sex marriage and its comprehensive implementation [118.46]

16. A law on same-sex marriage was approved on 18 June 2014 by the Chamber of Deputies. That law was promulgated on 17 July 2014 and entered into force on 1 January 2015. The first same-sex marriage took place on 1 January 2015. A law was adopted on 23 May 2016 on the recognition of marriages in the Grand Duchy of Luxembourg which amended the Civil Code in order to establish certainty and predictability with regard to the recognition in Luxembourg of same-sex marriages entered into outside the country and of validated adoptions of children by parents of the same sex concluded outside the country prior to the entry into force of the law of 4 July 2014 that amended the existing law on marriage.

#### *Economic, social and cultural rights*

Adoption of further measures to redress inequality in job opportunities and social welfare [118.49]

17. Socioeconomic inequalities and exclusion undermine societal cohesiveness and social peace. As part of its efforts to achieve the Sustainable Development Goals, Luxembourg is working to reduce inequality at the national level (Sustainable Development Goal 10). Further information on this subject can be found in the review of efforts to implement the 2030 Agenda for Sustainable Development submitted at the High-Level Political Forum on Sustainable Development in July 2017.<sup>1</sup> A number of examples of amendments and initiatives aimed at promoting social inclusion and the realization of economic and social rights in Luxembourg are given below.

18. **Social inclusion income (REVIS):** In order to give further impetus to the promotion of social and professional activation with a view to ensuring that everyone has the

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<sup>1</sup> <https://sustainabledevelopment.un.org/memberstates/luxembourg>.

opportunity to engage in gainful employment suited to their needs and abilities, in January 2017 the Government submitted a bill on a social inclusion income scheme (REVIS) to replace the existing guaranteed minimum income plan (RMG). There were four main challenges to be overcome in order to bring this initiative to fruition:

- The framing of a social inclusion approach;
- The establishment of a coherent system of stabilization, social activation and professional reintegration policies;
- Action to combat poverty among children and single-parent households;
- Measures for streamlining the administrative arrangements for the scheme.

19. **Food aid and basic material assistance:** In Luxembourg, the Fund for European Aid to the Most Deprived (FEAD) provides support for persons in need of food aid and basic material assistance (hygiene kits). A nationwide network of what are known as “social grocery stores” provide foodstuffs to persons at risk of poverty who have been identified by social service offices. These grocery stores furnish fresh, quality foodstuffs and other daily necessities to persons in need for a small fee or free of charge.

20. **Access to water and domestic energy:** The Social Assistance Act of 18 December 2009 provides that access to water and to a minimum supply of domestic energy is guaranteed to all persons who meet the eligibility requirements for social assistance.

21. **Assistance to energy-poor households:** The Ministry of Sustainable Development and Infrastructure and the Ministry for Family Affairs and Integration and for the Greater Region, social service offices and the MyEnergy Consortium have worked together to start up a project to provide assistance to energy-poor households. In 2016, the project started out by offering personalized advisory services on energy use to energy-poor households nationwide. Social service offices assess the situation of such households and invite them to participate in the personalized energy use advisory system run by MyEnergy. This system is supplemented with subsidies, financed by the Climate and Energy Fund, for the purchase of energy-efficient household appliances to replace ones that are less efficient.

Increased efforts to combat racism, intolerance and discrimination through awareness-raising, information, education and follow-up campaigns for the whole of society and the adoption of effective measures to combat unemployment among migrants, refugees and asylum seekers [118.52]

22. All residents, including foreign nationals legally residing in Luxembourg, have the same employment and labour rights and are entitled to the same social benefits and transfer payments. The guaranteed minimum income scheme offers all rights holders the opportunity to receive a minimum income coupled with mandatory personalized mentoring services focusing on helping beneficiaries to enter the job market or to become more fully integrated into society.

23. The Professional Qualifications Recognition Act of 28 October 2016 has created a framework for the accreditation in Luxembourg of professional qualifications and diplomas obtained in a country that is not a member of the European Union — as is often the case for migrants and refugees. This measure enables persons to secure the accreditation of equivalent qualifications that they have obtained in their country of origin so that they may practise regulated professions in Luxembourg. Once such accreditation is received, they have the same prerogatives in terms of the recognition of their professional qualifications as those enjoyed by residents of Luxembourg and by foreign nationals from a country of the European Union. These provisions enhance their access to the job market and their opportunities for becoming part of Luxembourg society.

24. In order to combat intolerance, in 2017 the Government set up the Centre for the Prevention of Radicalization [Respect.lu]. This is a counseling and support service for people who are confronted in any way with extremism or violent radicalization. The Centre deals with political and religious extremism and radicalism and is overseen by the Ministry for Family Affairs and Integration and for the Greater Region.

Cooperation with civil society — Gender equality and participation by persons with disabilities [116.8]

25. The ministries responsible for promoting the rights of women, children and persons with disabilities who are socially vulnerable engage in dialogues with civil society organizations and other stakeholders. On 22 and 23 August 2017, the Committee on the Rights of Persons with Disabilities examined the report of Luxembourg on the steps it has taken to implement the provisions of the Convention on the Rights of Persons with Disabilities.

26. The 2009-2014 National Action Plan for Equality between Women and Men came to an end on 31 December 2014. The 2013/14 evaluation of the implementation of that plan may be consulted on the website of the Ministry for Equal Opportunity. A new national action plan for 2015-2018 has taken its place.

27. Fundamental rights are guaranteed by the Constitution. These rights are reinforced on an ongoing basis by the adoption of new laws, the adaptation of existing ones and the implementation of the Government's programme. On the ground, they are also promoted through the implementation of a series of awareness-raising programmes and the provision of special toolkits.

28. The High Council of Persons with Disabilities (CSPH), whose legal basis is set forth in the Disabilities Act of 12 September 2003, is an important consultative body for the Government and particularly for the Ministry for Family Affairs. The High Council is composed primarily of persons with disabilities and representatives of associations of or for persons with disabilities and provides advisory services regarding all bills having to do with disability that are submitted to it by the Government.

29. The opinions concerning bills or draft regulations issued by the High Council may influence the work of the Chamber of Deputies or the executive branch. The Council also examines all issues submitted to it by the Ministry and any other issues or subjects that it deems to be relevant. In 2016, the High Council issued opinions on such matters as invisible disabilities, early assistance services and the reform of the long-term care insurance system. In 2017, the High Council has issued opinions on legislative bills concerning the social inclusion income scheme and the proposed Centre for Equality of Treatment. It is also represented on such bodies as the Social Security Consultative Committee, the Reasonable Accommodation Committee, the Ad Hoc Employees with Disabilities Review Committee and the National Occupational Re-education and Readaptation Centre.

30. At the time that the action plan for the implementation of the United Nations Convention on the Rights of Persons with Disabilities was being developed, a number of working groups were set up, and some of those groups have continued their activities since 2012. They are regularly consulted by different ministries concerning legislation having to do with the subjects dealt with by those working groups, including bills dealing with education, social security, employment, tourism, transportation and the accessibility of public buildings and premises.

31. The Act of 23 July 2016 amending the Government Financial Aid for Higher Education Act of 24 July 2014 provides for an extension of the supplementary period of eligibility for financial aid for students with disabilities. Under this law, students with a recognized disability status are eligible for scholarships and student loans for up to two supplementary semesters per cycle, in addition to the number of semesters provided for under existing provisions pertaining to studies in the first cycle, second cycle and the post-secondary cycle, and up to four supplementary semesters in addition to the number of semesters provided for under existing provisions for the single cycle. Along the same lines, the evaluation of a student's progress through the first cycle may be deferred for up to three years. These provisions promote equality of opportunity for students with a recognized disability and, more specifically, help to ensure that persons with disabilities benefit from the same treatment and same opportunities as persons without disabilities. They thus help to guarantee and promote the full exercise of all human rights and fundamental freedoms by persons with disabilities in a manner that is free of any sort of disability-based form of discrimination. Under this law, recognition of disability status, the extension of eligibility

for financial aid and the deferral of evaluations of students' progress through the first cycle of education are matters that are to be decided upon in each case by the Minister of Education based on the opinions issued by a consultative commission, one of whose members is a physician.

32. Bill No. 7132 on the organizational structure of the University of Luxembourg will, if adopted, replace the existing institutional law on that subject. It provides for the introduction of a procedure for the authorization of reasonable accommodations for persons with special educational needs. This bill sets out a definition of "users with special educational needs" that is modelled on the definition of "students with special educational needs" set out in article 1 of the law of 15 July 2011, as amended, on access to academic and professional qualifications for students with special educational needs. In fact, in line with the measures established in the above-mentioned law of 15 July 2011 in respect of secondary, secondary technical and adult education, the new law on the organizational structure of the University of Luxembourg is likely to include provisions under which reasonable accommodations can be authorized for students and auditors with disabilities in order to mitigate the obstacles they may face as they pursue their studies in the normal course of events and in order to facilitate their participation in scholastic achievement examinations.

33. The relevant procedure is modelled on the procedure introduced by the law of 15 July 2011, as amended, for the provision of access to academic and professional qualifications for students with special educational needs in secondary, secondary technical and adult education.

#### *Combating racism, xenophobia and other forms of hatred*

Implementation of information campaigns as a means of preventing racist and xenophobic acts [118.15, 118.20-24]

34. Luxembourg has laws (articles 454 to 457-4 of the Criminal Code) that provide for effective, proportionate and dissuasive measures for combating racist and xenophobic acts.

35. Numerous government agencies work to combat discrimination: the Ministry for Family Affairs and Integration and for the Greater Region and its Luxembourg Reception and Integration Agency (OLAI), the Ministry for Equal Opportunity, the Centre for Equality of Treatment (CET), the Ombuds-Committee for Children's Rights (ORK) and the Works and Mines Inspectorate (ITM).

36. The 2015-2018 National Action Plan for Equality between Women and Men is being incorporated into the workplans of the relevant ministerial departments. In addition, a national action plan is being developed for the promotion and protection of the rights of lesbian, gay, bisexual, transgender and intersex persons in close consultation with civil society and other stakeholders.

37. The 2010-2014 National Integration and Anti-discrimination Action Plan has also been incorporated into the workplans of the relevant ministerial departments. The measures called for under this first plan have continued to be undertaken at the national and local levels up to 2017. A new national action plan is being developed and will be introduced in early 2018. The preparatory work in this area has included consultations with the Chamber of Deputies, civil society and municipalities, with OLAI acting as the lead agency. In response to the massive influx of applicants for international protection in 2015-2017, a series of integration projects are being piloted with a view to identifying new, specific integration needs that will be addressed in the new action plan.

38. Under the National Integration and Anti-discrimination Action Plan developed by OLAI in cooperation with the Interministerial Integration Committee, the Government supports specific projects and action aimed at providing support to groups that may be targets of discrimination and at promoting diversity. It also encourages municipalities to take similar action at the local level.

39. Information campaigns are conducted to promote consistent, sustainable integration policies.

- Since 2015, a National Diversity Day has been organized each year by Inspiring More Sustainability (IMS) via the Luxembourg Charter for Diversity Committee. Since its inception, more than 150 different activities have been carried out. The aim of this event, which is funded by OLAI, is to bring together businesses, public bodies and associations and to marshal their efforts to promote diversity. This event is open to all organizations operating in Luxembourg. On National Diversity Day, the Minister for Family Affairs and Integration, who sponsors the Luxembourg Charter for Diversity, pays on-site visits to the different initiatives launched by these organizations.
- Diversity Awards events have been organized in 2015 and 2017 in order to recognize good practices in diversity management. This initiative is intended to encourage organizations to take a long-term approach to the promotion of diversity that will yield significant results that may inspire other organizations to seek to replicate their practices.
- The National Integration Conferences organized in 2016 and 2017 have served as an information-sharing platform for municipal governments seeking to promote integration at the local level.
- In order to carry forward the work of the National Integration Conferences at the local level, a working group for information exchange and support for integration has been set up. This group regularly convenes panel discussions for persons working actively in the field of integration in the country's municipalities focusing on topics and issues that they encounter on the ground.
- During the run-up to the municipal elections held on 8 October 2017, the Ministry for Family Affairs and Integration and for the Greater Region conducted an information and awareness campaign to encourage non-nationals residing in the country to register to vote. This campaign was coordinated by OLAI.
- In cooperation with the Association of Luxembourg Cities and Municipalities (SYVICOL), activities are regularly undertaken to promote the Municipal Integration Plan (PCI), which serves as a tool for municipalities wishing to develop a sustainable, cross-cutting and structured integration policy that encompasses as many local actors as possible.

40. OLAI has also developed a communications strategy for keeping the public at large, OLAI partners and the media informed about developments in this area. The many activities carried out in this connection have included the publication of information brochures and the development and publication of an integration kit for the governments of municipalities that are hosting refugees.

## 2. Partial implementation of recommendations

### *Acceptance of international human rights norms*

Ratification of the International Convention for the Protection of All Persons from Enforced Disappearance [117.2-117.7]

41. Luxembourg signed the International Convention for the Protection of All Persons from Enforced Disappearance on 6 February 2007. Ratification procedures are being followed, and Luxembourg is committed to ratifying the Convention as soon as possible. The draft instrument of ratification, which is now being prepared, will address the question of the declarations provided for in articles 31 and 32 concerning recognition of the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of individuals subject to its jurisdiction claiming to be victims of a violation of the International Convention for the Protection of All Persons from Enforced Disappearance.

*Human rights education and professional training in human rights*

Further promotion of human rights education and professional training in human rights  
[117.18, 118.7]

42. A new values education course entitled “Life and Society” was introduced as part of the core curriculum at the start of the 2016-2017 school year at the secondary level and at the start of the 2017-2018 school year at the basic education level. Instruction concerning the universal human rights enshrined in the Universal Declaration of Human Rights and the European Convention on Human Rights is a core component of this values education course, which has three chief objectives:

(a) Promote tolerance founded upon knowledge: Openness, respect and tolerance in our multicultural society. In order to learn about and to live democratic values, it is important for students to understand that there are many different concepts and ways of life, cultures, religions and, value and belief systems. The “Life and Society” course is designed to teach students about the religious and non-religious traditions and rites that form part of our modern society, since a lack of knowledge about certain aspects of a culture or an inability to decode symbols or the figurative language used in some texts often leads to the adoption of dogmatic and radical positions.

(b) Foster critical thinking and learning processes: This course is based on an innovative, student-centred approach. Its point of departure is students’ questions, reflections and experiences in relation to their day-to-day surroundings. The aim is to encourage young people to gradually come to view their experiences and their search for meaning in the light of the profound issues faced by humanity and society. Students will learn to develop their reflective and critical thought processes in a self-directed manner so that they may become self-reliant, responsible citizens who are in control of their own lives.

(c) Explore the foundational issues of life and society: This course will lead children and young people to gradually come to view their experiences and their search for meaning in the light of the profound issues faced by humanity and society. By learning about the ways in which the different schools of philosophical and ethical thought answer these questions and about the world’s great religious and cultural traditions, the students will be offered ways of going about establishing their own points of reference while respecting others and developing their powers of critical thinking.

43. The course makes use of a multi-referential approach that takes account of the foundational questions and schools of thought developed by human societies, human rights, the knowledge developed by the sciences and the knowledge generated through the use of reason, and the religious cultures that have founded our societies and societies that differ from our own. The steering committee for the course and the United Nations Regional Information Centre for Western Europe (UNRIC) have been contacted in order to ensure that the course is fully up to date in terms of the information it provides and its characterization of the issues involved in the work of the United Nations in the fields of international peace and security, sustainable development, human rights and the rule of law.

44. The basic training in human rights and gender equality described in the midterm report continues to be provided to police officers and security agents at the national and municipal levels. A new training component on the prevention of human trafficking and on methods of combating human trafficking was introduced in 2017 as part of the national plan for combating human trafficking.

*Discrimination against women*

Effective implementation and enforcement of existing statutes prohibiting gender discrimination and an increase, through effective implementation and enforcement, of efforts to narrow the existing wage gap between women and men [118.12, 118.13]

45. With the passage of the new law of 15 December 2016, which amended the Labour Code, and article 2 of the law of 21 December 2007, as amended, on political party financing, wage inequalities have been categorized as an offence. Under the new regulations, an employer can be fined if a wage gap is found to exist that cannot be justified

by objective factors and if it is based on gender-related considerations. The Works and Mines Inspectorate monitors the implementation of the new law on wage equality, while the Labour Academy is responsible for preparing equality opportunity monitors to take up their duties.

46. There has been a marked “feminization” of the labour force in Luxembourg in recent decades. At the microeconomic level and in terms of employment, gender equality continues to be a cross-cutting objective that figures as one of the structural pillars of long-term growth. Under the Europe 2020 strategy, the national target for Luxembourg for the employment rate is set at 73 per cent by 2020. The most recent data available indicate that Luxembourg is quite close to that target figure, having registered an employment rate of 70.7 per cent for 2016. The steady increase in the employment rate in recent years is also attributable to the greater participation of women in the workforce.

47. The percentage of domestic jobs held by women has risen from 37.9 per cent (2005) to 40.5 per cent (2016), for a 2.6 percentage-point increase in a single decade. The upswing in the employment rate for women is even sharper, since it climbed from 58.4 per cent (2005) to 65 per cent (2016). Women now hold nearly 41 per cent of wage jobs in the country. This increase in women’s participation in the labour market can be attributed to a number of different factors: the strong labour demand generated by economic development, the marked expansion of employment in occupations which are often held by women (childcare services, domestic services, education, etc.), changing lifestyles (an increase in the number of working single mothers, fewer stay-at-home wives, changes in regulations on parental leave, a considerable expansion of childcare facilities and the use of the service voucher system). The employment rate for women holding a lower secondary school diploma rose from 5.2 per cent in 1992 to 70.5 per cent in 2012, while the rate for women with an upper secondary school diploma climbed from 61.9 per cent to 73.9 per cent during the same period. The rise in the rate for women with a university degree was somewhat smaller (from 75.1 per cent to 81.5 per cent). This 20-year period has thus been marked by two converging trends. First, the female employment rate for women of all educational levels has come closer to the male employment rate. Second, the differential in the employment rates for highly qualified women and for less qualified women has also shrunk. As a result, the difference between employment rates narrowed from 22.9 points in 2002 to 11 points in 2012.

#### *Gender-based violence/violence against women and girls/domestic violence*

Continuation of the revision of legislation on domestic violence and of efforts to prevent and eliminate all forms of violence against women [116.6-7, 118.26]

48. Bill No. 7167 would amend: (1) the Criminal Code; (2) the Code of Criminal Procedure; (3) the Domestic Violence Act of 8 September 2003, as amended; and (4) the Free Movement of Persons and Immigration Act of 29 August 2008. The bill was submitted to the Chamber of Deputies on 10 August 2017 and is to serve as the instrument for approving the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, which was signed in Istanbul on 11 May 2011. Its aim is to provide effective means of combating gender-based and domestic violence. The main changes to be introduced by Bill No. 7167 are the following:

- Adding the concept of gender identity to the list of prohibited grounds for discrimination;
- Introducing the specific criminal offence of female genital mutilation (under the present Criminal Code, all forms and all types of mutilation come under the general provisions governing the offence of “voluntary bodily injury”, but the Code does not specifically prohibit the practice of female genital mutilation);
- Strengthening the existing legal framework on domestic violence.

49. These modifications would reinforce the legal instruments for the prevention of domestic violence among household members, for the protection of children who are direct or indirect victims of domestic violence and for the fulfilment of the needs of such children.

50. Genital mutilation is prohibited under Luxembourg law. The Child and Family Assistance Act of 16 December 2008 prohibits physical and sexual violence, inter-generational transgression, inhuman and degrading treatment and genital mutilation in family and educational settings, in particular (article 2). Although there is no provision in the Criminal Code that deals specifically with genital mutilation (a void that will be filled by the passage of Bill No. 7167), criminal sanctions exist and are applicable in such cases. Article 400 of the Criminal Code, on assault and battery, sets out terms of imprisonment of from 2 to 5 years and fines of from 500 euros to 5,000 euros if the bodily harm that was caused results in an apparently incurable disorder, a permanent disability that prevents a person from working, the loss of full use of an organ or a serious mutilation. The penalty increases to from 5 to 10 years if the assailant acted with premeditation.

Continued efforts to strengthen the capacity for action in the fight against human trafficking [116.11, 118.18, 118.28, 118.31-35, 118.43]

51. The new National Action Plan to Combat Human Trafficking, which was formulated by the Committee to Combat Human Trafficking and adopted by the Government in November 2016, states that human trafficking is often described as a modern form of slavery and should be countered at both the national and international levels. Over the last few years, the Government of Luxembourg has submitted a number of bills designed to bring national laws fully into line with international instruments for combating human trafficking. The law of 9 April 2014, which strengthens the rights of victims of human trafficking, and the regulations of 10 March 2014 and 11 September 2014 on assistance are the most recent initiatives in that connection. Under the Action Plan, Luxembourg will focus its efforts in three high-priority areas:

- The identification and protection of victims;
- The pursuit and prosecution of traffickers;
- An active and effective anti-trafficking policy.

52. A campaign to raise awareness of the problem among the public at large was launched in November 2016 with the introduction of the [www.stoptraite.lu](http://www.stoptraite.lu) website. Training for personnel, in particular police officers and other officials who are likely to have contact with trafficking victims, is organized jointly by the Ministry of Justice and the Ministry for Equal Opportunity.

Resettlement, reception and inclusion of asylum seekers [118.15, 118.54, 118.56, 118.68, 118.70]

53. In response to the international appeal made by the United Nations High Commissioner for Refugees, in 2013 the Government of Luxembourg took the decision to take in Syrian refugees under the aegis of the European Resettlement Network, which has come to the aid of more than 3 million Syrians who have fled their war-torn country.

54. In April 2014, Luxembourg welcomed 28 Syrians — the first of 74 Syrians whom Luxembourg has pledged to host. On 5 May 2015, Luxembourg again welcomed another 46 Syrian refugees coming from Turkey. In addition, Luxembourg has agreed to resettle 190 Syrian refugees from Turkey under the 1:1 mechanism agreed upon by the European Union and Turkey on 18 March 2016. On 25 May 2016, the first group of 27 Syrian refugees arrived in Luxembourg, and on 29 September 2016, a second group of 25 persons arrived. All of these people have been granted refugee status in Luxembourg.

55. Apart from the commitments made under the agreement reached between the European Union and Turkey, Luxembourg has also pledged to resettle another 30 Syrian refugees coming from Turkey by the end of 2017 within the framework of the decision taken by the Justice and Home Affairs Council in July 2015. In addition, it made a commitment to take in a group of 20 Syrian refugees from Turkey at a conference held by the Office of the United Nations High Commissioner for Refugees in March 2016. In all, of the total number of 240 persons who are to be resettled in Luxembourg in 2017, 234 persons had already been resettled as of 20 October 2017. Further commitments for the coming years are under consideration.

56. In view of the arrival of a large number of persons seeking international protection in 2015, Luxembourg adapted its legal framework by adopting two new major pieces of legislation:

- The International Protection and Temporary Protection Act of 18 December 2015 establishes the procedures for granting and withdrawing international protection, the regulations governing the conditions to be met by third-party nationals and stateless persons in order to receive international protection, a uniform status for refugees or for persons eligible for subsidiary protection, and the nature of that protection.
- The Reception of Persons Seeking International Protection and Temporary Protection Act of 18 December 2015 establishes standards for the reception of applicants for international protection in the territory of the Grand Duchy of Luxembourg and the rights enjoyed by persons receiving temporary protection. This law incorporates the contents of Directive 2013/33/EU into national law and establishes the procedures for receiving persons seeking international protection. Its objective is to improve these people's living conditions, to ensure that they are received with dignity and to respond more fully to the particular needs of vulnerable persons and unaccompanied minors. An entire chapter of this law (chapter 4) is devoted to the protection of vulnerable persons.

57. A number of measures have been introduced in order to cope with the influx of persons seeking international protection and to receive such persons in accordance with the Reception of Persons Seeking International Protection and Temporary Protection Act of 18 December 2015. Cooperation between OLAI and its partner ministries and local stakeholders has been strengthened considerably. The Ministry of Foreign and European Affairs and OLAI have pursued a policy for recruiting the additional personnel required by these measures. As of 2013, 30 agents were working in the refugee services of the Ministry's Immigration Bureau. Between 2015 and July 2017, 22 new agents joined the service, bringing their total number to 52. OLAI has also taken on additional permanent and temporary staff, and supplementary resources have been mobilized thanks to closer cooperation with a number of NGOs.

58. Other measures:

- Strengthening of cooperation between OLAI and its partner ministries (the Ministry of Education, Children and Youth, the Ministry of Foreign and European Affairs, the Ministry of Health) and very close cooperation with the Public Works Department of the Ministry of Sustainable Development and Infrastructure, the Ministry of Housing and the Ministry of the Interior;
- Mobilization of resources thanks to closer cooperation with NGOs;
- Strengthening of cooperation at the local level;
- Reorganization of OLAI in 2015 and the recruitment of more permanent and temporary staff.

59. After filing an application for international protection with the Ministry of Foreign and European Affairs, applicants obtain a certificate attesting to their status as such. That certificate authorizes these persons to remain in Luxembourg while their applications are being processed. It also makes them eligible for social assistance provided by the State and administered by OLAI. Material assistance provided to such persons includes housing, food, clothing, a monthly allowance and medical care. Housing is provided by OLAI to international protection applicants on the basis of a model consisting of three different phases:

(a) Upon entering the country, any person wishing to apply for international protection and persons whose files are being processed using the new fast-track procedure are housed in shelters set aside for new arrivals, which are referred to as Phase 1 shelters.

(b) After filing their application for international protection, all other applicants are transferred to Phase 2 housing, where the applicants' specific needs (for medical care, psychological services, school enrolment for children, etc.) will be identified and appropriate orientation will be provided.

(c) Subsequently, and for the duration of the period required to process the application, applicants will be housed in Phase 3 units, which are known as “sustainable residential units”. Some of these centres receive both men and women, while others are reserved for families or for only men or only women who are travelling alone. Some beds are reserved for unaccompanied minors and some are reserved for persons with reduced mobility.

#### Family reunification [118.44]

60. In April 2014, the European Commission issued guidelines for the implementation of Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification. In cases where refugees and/or members of their families cannot obtain national travel documents or long-stay visas, the Commission encourages States members to recognize and accept emergency travel documents issued by the International Committee of the Red Cross (ICRC) or the Office of the United Nations High Commissioner for Refugees (UNHCR), to provide a laissez-passer for entry into the country or to offer the members of the family seeking reunification the opportunity to be provided with an entry permit and to receive a visa upon their arrival. The Luxembourg regulation of 9 March 2015, amending the regulation of 7 May 2009 on procedures for the issuance of a laissez-passer, is in accordance with the European Commission’s recommendation. In some cases, this measure has a direct influence on the amount of time required to complete family unification procedures.

61. Because so many persons were granted refugee status in 2015, 2016 and up to June 2017, the number of applications for family reunification has increased quite sharply. Whereas there were only 12 such applications in 2013 and 2014, 397 persons filed applications between 1 January 2015 and 31 August 2017, and 84 per cent of those requests were granted. Once the file is complete, the waiting time for these families does not exceed three months. Many of the files that are submitted are incomplete, however, and numerous reunification requests do not meet the established family reunification requirements. While the least stringent conditions apply only to persons who file their application within three months of having been granted refugee status, the Immigration Department allows such persons to provide preliminary evidence of the existence of a family tie within that three-month time frame and then to complete their application later on. The persons in question are informed at the very outset of the conditions to be met by persons seeking family reunification.

#### *Conditions of detention*

An increase in the available prison facilities in order to reduce overcrowding and to improve conditions of detention [118.37, 118.38]

62. The Uerschterhaff Prison Construction Act of 24 July 2014 authorizes the Government to proceed with the construction of a prison in that location. In 2016, the site work for the construction of the third prison was begun in the Commune of Sanem in the locality known as “Uerschterhaff”. According to the construction schedule, the prison should come on stream in 2022.

63. Bill No. 7042, which would modify the prison administration system, was submitted on 31 August 2016. The objective of the proposed changes is to prepare prisoners to live a crime-free life after their release and to create the necessary legal and administrative structures for that purpose. It is impossible to increase the effectiveness of efforts to prepare convicts to lead a life free of crime after their release if prisoners serve their sentences in a setting that is completely cut off and different from the world in which they are meant to make a place for themselves. This is why all aspects of the above-mentioned bill are based on the idea that conditions of detention should, insofar as possible, reflect the way of life that prisoners will have following their release. The bill draws, in particular, on the second and third basic principles set out in Recommendation Rec(2006)2 of the Committee of Ministers to member States on the European Prison Rules: “2. Persons deprived of their liberty retain all rights that are not lawfully taken away by the decision sentencing them or remanding them in custody. 3. Restrictions placed on persons deprived of their liberty shall

be the minimum necessary and proportionate to the legitimate objective for which they are imposed.”

Juvenile justice [118.40, 118.45]

64. The law of 29 August 2017 amending the law of 16 June 2004, as amended, on the reorganization of the State socio-educational centre opens the way for the security unit at the Dreibern Socio-Educational Centre to enter into operation. The security unit is scheduled to come on stream on 1 November 2017.

Human rights and counter-terrorism [118.76]

65. Two laws were passed in 2014:

- The law of 18 July 2014 approved the Convention on Cybercrime of the Council of Europe (23 November 2001) and the Additional Protocol to the Convention on Cybercrime, concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems (28 January 2003), and incorporated these two legal instruments into the national legal framework. This law introduced new cybercrime offences into the Criminal Code and expanded upon the definition of the offence of money laundering; existing and newly defined cybercrime offences were also added to the list of primary offences.
- The law of 28 July 2014 on the compulsory deposit and freeze of bearer shares and bearer share warrants in accordance with the standards of the Financial Action Task Force (FATF) (2012 revised version) is in conformity with paragraph 14 (c) of the interpretative note on revised FATF Recommendation 24. Under this law, bearer shares must be frozen and deposited with a professional depository subject to the obligations deriving from the applicable laws on countering money laundering and the financing of terrorism (AML/CFT). Failure to fulfil the obligations set out in this law are subject to penalties under criminal law.

### 3. Pending recommendations

#### *Cooperation with treaty bodies*

Adoption of measures to ensure that reports to treaty bodies are submitted on time [116.2-4]

66. The authorities of Luxembourg continue to face quite serious constraints in terms of capacity and human resources. Efforts are being made to eliminate the backlog of reports to treaty bodies and, where appropriate, to take advantage of simplified reporting procedures. In addition to the accounting of progress made in the midterm report of September 2015 (submission of the State party report to the Committee on the Elimination of Racial Discrimination dated 14 January 2014), on 16 October 2017 Luxembourg sent responses to the list of issues drawn up by the Committee on the Elimination of Discrimination against Women which constitute its combined sixth and seventh periodic reports.

67. In order to improve interministerial cooperation and coordination in matters relating to human rights and to further align domestic and external policies in that field, the Government in Council approved the creation of the Interministerial Human Rights Committee (CIDH) on 8 May 2015. The Ministry of Foreign and European Affairs plans to make a more systematic use of the informatics tools made available to member States by the United Nations High Commission for Human Rights and to reinforce its staff in the medium term.

### 4. Noted recommendations

#### *Acceptance of international norms*

Withdrawal of all reservations to the Convention on the Rights of the Child [118.3]

68. The necessary preparatory legislative work is proceeding on Bill No. 6568, which would modify the right of filiation by amending the Civil Code, the New Code of Civil

Procedure, the Criminal Code, Germinal Act No. 11-21 (XI) on given names and name changes, and the Commune Act of 13 December 1988 (L-23/12), registered on 25 April 2013.

69. The aim of the legislative amendments proposed by the Government is to modify the Civil Code by eliminating the distinction between legitimate and natural descent and to align other provisions with that change so that they apply equally to all children, whether born in or out of wedlock, to clarify the conditions applying to actions for filiated status, to harmonize procedures for the legal finding of filiated status, to increase the legal certainty of ties of filiation and to streamline the system for legal challenges by, in particular, modifying the rules regarding persons having legal standing to lodge challenges and the corresponding deadlines.

Consideration of the possibility of ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families [119.1-4]

70. To date, no member State of the European Union has ratified this Convention owing to the major legal obstacles associated with the fact that the European Union member States exercise community jurisdiction in respect of migrant workers. That jurisdiction arises from the fact that the Council of the European Union is competent to adopt measures on immigration and on the protection of the rights of third-country nationals with regard, for example, to conditions of stay.

71. Given the scale of human migration witnessed in 2017 and the insufficiency of international support and in-take mechanisms for migrants and involuntarily displaced persons, Luxembourg is actively following the work being undertaken by the United Nations to formulate a worldwide agreement for ensuring safe, orderly and regular migration for adoption in 2018.

Child migrants/detention of families with minor children [118.6, 118.42]

72. Under article 103 of the Free Movement of Persons and Immigration Act of 29 August 2008, as amended, no unaccompanied minor can be returned to another country except on imperative grounds of public security or unless it is in the child's best interests. The governing principle is thus one of refraining from returning an unaccompanied minor, and thus from holding the minor in custody with a view to his or her return. In exceptional cases, if an unaccompanied minor is to be removed from the country, article 120, paragraph (1) of the Free Movement of Persons and Immigration Act provides that the unaccompanied minor may be placed in custody in an appropriate facility that is suited to the needs of a person of that age, while at all times acting in the best interests of the child.

73. Pursuant to the decision reached by the Government Council on 7 July 2017, Luxembourg plans to set up a multidisciplinary committee in the autumn of 2017 composed of representatives of children and of the relevant Ministries and services to evaluate individual cases in order to determine what the best interests of the child are in each instance; based on those assessments, the committee will then issue decisions regarding the return and removal of minor asylum seekers who are in an illegal situation, in accordance with article 10 of Directive 2008/115/EC, or their authorization to remain in the country. If a minor is to be removed on the grounds that he or she poses a grave threat to public security, placement in a holding centre may be an option; in the case of a removal that is to be undertaken in order to serve the interests of the child, he or she must be placed in another type of suitable facility, not a holding centre. The Government is of the view that there is no valid reason for abrogating this legal provision.

74. All persons seeking international protection in Luxembourg, including unaccompanied minors and persons with special needs, reside in open, not closed, centres. Unaccompanied minors are treated in the same way as Luxembourg minors in a comparable situation. They are brought before a juvenile court judge who designates a legal guardian for each minor who is under 16 years of age. Unaccompanied minors between the ages of 16 and 18 may reside in shelters reserved for families with children, while those under 16 years of age are placed in a specialized facility for children and adolescents as soon as possible, where they receive social and pedagogical support around the clock, day in and

day out. They also receive the same financial and material assistance that other children and young people are given and attend elementary or secondary school just like all young people in Luxembourg.

75. A new compulsory identification system is provided for by the International Protection and Temporary Protection Act of 18 December 2015. Its purpose is to ensure that the special needs of asylum seekers who fall into the category of vulnerable persons (persons suffering from an illness, unaccompanied women, women with children, unaccompanied minors and others) are recognized and that these persons receive appropriate support throughout the duration of the application procedure.

76. Pursuant to the Act of 8 March 2017 Amending the Free Movement of Persons and Immigration Act of 29 August 2008 and the Holding Centre Act of 28 May 2009, the maximum length of time during which persons and families accompanied by minors may stay at the Centre has been increased from 72 hours to 7 days. This change has been made in response to both external and internal factors, European factors (the Schengen evaluation in the field of return) and technical factors at the national level. The mechanism for evaluating and monitoring the application of the Schengen acquis, which was introduced pursuant to European Union Council Regulation No. 1053/2013 (<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:295:0027:0037:EN:PDF>), had found that the 72-hour window was too short to permit an effective evaluation in respect of returns and was therefore not in conformity with the Schengen regime.

77. Finally, there have been numerous cases in which legal action has been brought for the purpose of instituting a provisional measure to extend the deadline so that the presiding judge of the administrative tribunal can analyse the petition properly. In line with the need to avoid any abuse of the system by persons whose asylum applications have been denied or persons in an irregular situation, the allowed length of stay is shorter than the European average and the actual length of stay is kept to as short a time as possible in each case. The Government continues to place priority on voluntary return.

### **C. Status of implementation of voluntary pledges**

78. Luxembourg is a candidate for election to the Human Rights Council for 2022-2024 and will in due course enter into voluntary undertakings at the domestic and external levels. At the national level, these commitments will concern the acceptance of international standards and their incorporation into national law and cooperation with the United Nations system and with treaty bodies, in particular. At the international level, such undertakings will have to do with support for development partner countries and the country's ongoing commitment to the promotion and protection of human rights around the world.

79. The post of Ambassador-at-Large for Human Rights was created by order of the Grand Duchy on 8 March 2013 and has been employed more systematically since 1 January 2016. The Ambassador-at-Large presides over the Interministerial Human Rights Committee (CIDH) and represents Luxembourg at international meetings and conferences on human rights. He or she may serve as the head of delegation for Luxembourg, as occurred, for example, in the case of the exchange of views with the Committee on the Rights of Persons with Disabilities concerning the report of Luxembourg on the measures adopted to implement the Convention on the Rights of Persons with Disabilities. The Ambassador also coordinates work in a number of thematic areas, such as the preparation of a national action plan on business and human rights, and work on strategic issues such as a rights-based approach to development, the role of human rights in the implementation of the 2030 Agenda for Sustainable Development and the impact of climate change on human rights and migration.

## **D. New and emerging issues, including advances and challenges in that regard**

### **National human rights institutions**

80. Under the watchword “Openness, responsibility, cohesion”, the government programme for 2013-2018 focuses on strengthening public participation in political life and improving both governance and the performance of the government service. It also provides for the creation of a human rights centre to be known as the “House of Human Rights” which will bring together various national institutions, including the Advisory Commission on Human Rights, the Ombuds-Committee for Children’s Rights (ORK), the Centre for Equality of Treatment (CET) and the Office of the Mediator. A site for the building’s construction has been identified, and four of the above agencies have been surveyed to determine their needs in that connection.

81. Bill No. 7102, which received a majority vote in favour at first reading in the Chamber of Deputies on 11 October 2017, will, if passed into law, bring about two changes in the operational model of the Centre for Equality of Treatment (CET): CET would be attached to the Chamber of Deputies in the same manner as the Office of the Mediator is, and it would operate on the basis of the provisions of Directive 2014/54/EU of 16 April 2014 concerning measures to facilitate the exercise of workers’ right to free movement.

### **New human rights technologies**

82. The extremely rapid development and adoption of new information and communication technologies represent a social and economic development opportunity, but these advances also pose risks with regard to the protection of human rights that must be understood and managed, both by the State and by other stakeholders. Cooperation within Europe with a view to protecting people’s privacy — supported by the new general regulation on the protection of natural persons with regard to the processing of personal data and on the free movement of such data — and within other multilateral forums is one way of addressing these challenges. While seizing the opportunities offered by new information and communications technologies for economic diversification through such initiatives as “Digital Luxembourg” and the “Third Industrial Revolution”, Luxembourg is also continuing with its efforts to protect fundamental human rights in the face of further developments in the field of informatics through the National Data Protection Commission and other agencies.

### **Business and human rights**

83. As part of its efforts to take action to give effect to the resolutions of the Human Rights Council, in 2017 the Luxembourg authorities embarked on the preparatory work required to lay the foundations for the introduction of a national action plan for the application of the Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework. A multi-stakeholder working group composed of representatives of the relevant Ministries, civil society, business and the University of Luxembourg has been convened to develop such a plan.

## **E. Challenges which would require the support of the international community**

84. The Government would appreciate the continued support of the Office of the United Nations High Commissioner for Human Rights in regard to the use of the Universal Human Rights Index to build its capacity for on-time reporting to the various treaty bodies.

85. The Government also appreciates the support and advisory services offered by the various special procedures mandate holders, including the Working Group on business and human rights, to assist it in fulfilling its commitments. The experiences of other member States with the implementation of national action plans of this sort will also be very useful.

86. Certain challenges in relation to the protection of human rights, especially in connection with human mobility (reception and inclusion of persons seeking international protection and persons receiving such protection, the organization of safe, orderly migration and the effort to combat human trafficking and migrant smuggling) and in connection with the environment (the effort to counter the negative impacts of climate change) exceed the bounds of national capabilities, and Luxembourg undertakes to pursue its international cooperation activities aimed at finding collective means of overcoming these challenges.

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