



Human Rights Council
Working Group on the Universal Periodic Review
Twenty-ninth session
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Summary of Stakeholders' submissions on Luxembourg*

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a summary of eight stakeholders' submissions¹ to the universal periodic review, presented in a summarized manner owing to word-limit constraints. A separate section is provided for the contribution by the national human rights institution that is accredited in full compliance with the Paris Principles.

II. Information provided by the national human rights institution accredited in full compliance with the Paris Principles

2. The Advisory Commission on Human Rights welcomed the Government's efforts to fulfil its international commitments. It noted with satisfaction that the Government had ratified the Optional Protocol to the Convention on the Rights of the Child on a communications procedure and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.²

3. The Advisory Commission noted, however, that Luxembourg had not yet ratified the International Convention for the Protection of All Persons from Enforced Disappearance. It thus recommended speeding up the ratification of that instrument and considering the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, as well as the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, also called the Istanbul Convention, and the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189).³

4. With regard to the overdue periodic reports of Luxembourg, the Advisory Commission recommended that they be submitted as soon as possible, in particular the

* The present document was not edited before being sent to United Nations translation services.



reports to the Human Rights Committee and the Committee on Economic, Social and Cultural Rights, overdue since April 2008.⁴

5. The Advisory Commission noted that its opinion was sought much more frequently by the Government, as well as by other entities. It nevertheless encouraged the authorities to follow more closely the recommendations contained in the opinions and reports it issued regarding human rights in Luxembourg.⁵

6. In 2011, together with the Centre for Equal Treatment, the Advisory Commission had been designated as the national mechanism for the implementation of the Convention on the Rights of Persons with Disabilities. In 2014, it had also been designated as the National Rapporteur on Human Trafficking, pursuant to the Act of 9 April 2014 strengthening the rights of victims of human trafficking. The increased number of briefs and tasks assigned to the Advisory Commission meant that it had difficulty fulfilling in a satisfactory manner its mission to promote and protect human rights. The Advisory Commission welcomed the fact that it had been awarded an additional one-year fixed-term post by the Government in February 2017. It hoped that the post would be extended indefinitely.⁶

7. The Advisory Commission welcomed the drafting of Bill No. 7102 on, inter alia, the attachment of the Centre for Equal Treatment to the Chamber of Deputies. The Advisory Commission underscored the importance of according the Centre the power to participate in court proceedings. Moreover, it was of the opinion that nationality should be added to the list of grounds for discrimination. It also recommended initiating the implementation process to attach the Ombuds-Committee on the Rights of the Child to parliament.⁷

8. The Advisory Commission welcomed the establishment in 2015 of an interministerial committee on human rights tasked with overseeing the implementation of the human rights obligations of Luxembourg by the relevant actors, and in consultation with civil society. The Advisory Commission was regularly invited to the meetings of the committee.⁸

9. The Advisory Commission congratulated the Government on the drafting of a bill to allow transgender persons to change their names to match their gender, and on the adoption of a law permitting same-sex marriage and adoption by same-sex couples.⁹

10. The Advisory Commission noted that the Government had proposed a number of legislative amendments aimed at boosting the fight against terrorism. It underscored the importance of maintaining a balance between the safety of citizens and respect for the right to privacy and to the protection of personal data. The Advisory Commission invited the Government to take into account its recommendations when considering the cases in progress.¹⁰

11. The Advisory Commission welcomed the adoption of the Act of 30 July 2013 on domestic violence, which strengthened the rights of victims irrespective of their age, held the perpetrators of domestic violence accountable and guaranteed their right to a defence.¹¹

12. In its role as National Rapporteur on Human Trafficking, the Advisory Commission noted the Government's efforts to combat human trafficking. Nevertheless, one of the main challenges facing the Rapporteur during the drafting of its report in March 2017 had been the collection of statistical data, which were in many respects patchy and contradictory and did not enable conclusions and reliable trends to be extrapolated. The Advisory Commission had been pleased to learn that the Ministry of Justice was developing a reference manual on statistics.¹²

13. The Advisory Commission welcomed the adoption of the law on marriage of 18 June 2014, which had raised the minimum age of marriage for women to 18 years and repealed the waiting period for widowed and divorced women, with the aim of establishing equal legislation for men and women.¹³

14. The Advisory Commission encouraged the Government to introduce the offence of female genital mutilation in the Criminal Code of Luxembourg in order to increase the visibility of the issue.¹⁴

15. In the framework of constitutional reform, it had been decided to enshrine the rights of the child in the Constitution. Those rights should be strengthened and the proposed formulation should be expanded.¹⁵

16. The opening of a secure unit for minors, scheduled for 2013, still had not taken place. Minors continued to be detained in Luxembourg Prison. Until the State fulfilled its obligations with regard to ending the detention of minors in Luxembourg Prison, provision should be made for individualized plans for all minors who were to be deprived of their liberty in the adult prison, on an equal basis with other minors who were temporarily held in detention.¹⁶

17. The law on youth protection still had not been reformed despite being based on concepts dating from the 1980s. A new law had been drafted but was still awaiting presentation to parliament.¹⁷

18. A degree of progress had been made since the ratification of the Convention on the Rights of Persons with Disabilities. Some gaps and difficulties remained, however, in terms of its implementation on the ground. The Advisory Commission invited the Government to reflect on the establishment of a single independent structure tasked with promoting and protecting the rights and interests of persons with disabilities and monitoring and implementing the Convention at the national level.¹⁸

19. The Advisory Commission regretted the fact that access to legal aid was restricted to only some parties involved in the asylum request procedure and, where the provision of care for asylum seekers was concerned, to cases in which decisions had been adopted restricting or withdrawing that care.¹⁹ The Advisory Commission noted that the procedure for assessing the individual needs of vulnerable persons requesting international protection was not sufficiently precise.²⁰ It welcomed the introduction of a number of alternatives to the detention of persons seeking international protection. It regretted, however, that the Government had not instituted a complete ban on the detention of minors in closed facilities. It also deplored the fact that the length of time that persons or families accompanied by minors were detained in the holding centre had been increased from 72 hours to 7 days in the Act of 8 March 2017.²¹

III. Information provided by other stakeholders

A. Scope of international obligations and cooperation with international human rights mechanisms and bodies²²

20. In its Fundamental Rights report 2016, the European Union Agency for Fundamental Rights (EU-FRA) called on Luxembourg to sign, ratify and effectively implement the Istanbul Convention.²³ In September 2017, the Council of Europe Commissioner for Human Rights (CoE-Commissioner) noted positively that the ratification of the Istanbul Convention was underway, and trusted that the process would be concluded promptly. He recommended that the authorities consider the possibility of ratifying the Revised European Social Charter, as well as the International Labour Organisation's 2011 Convention concerning decent work for domestic workers (No. 189).²⁴

21. JS2 recommended that Luxembourg ratify, without delay, the International Convention for the Protection of All Persons from Enforced Disappearance and that it recognize the competence of the Committee on Enforced Disappearances to receive and examine communications submitted by individuals or by other States parties regarding violations of the provisions of the Convention.²⁵

22. In connection with the late submission of reports to the treaty bodies, JS2 noted that Luxembourg had submitted its report to the Committee against Torture in 2014. However, Luxembourg still had not addressed the delay in its reporting to the Human Rights Committee. The fourth periodic report of Luxembourg to that Committee had been due since 2008.²⁶

B. National human rights framework²⁷

23. The Organization for Security and Co-operation in Europe (OSCE) stated that the Office for Democratic Institutions and Human Rights (ODIHR) had been invited to observe the October 2013 early parliamentary elections in Luxembourg, and conducted a needs assessment mission. The report on this mission noted the confidence of all its interlocutors in the integrity of the electoral process and the professionalism and impartiality of the election administration. No significant concerns were expressed related to the respect for fundamental freedoms, transparency of the electoral process, candidate registration, and election day proceedings. However, interlocutors mentioned media coverage of the campaign, as well as political party and campaign finance, as areas that could benefit from review.²⁸

24. JS2 noted that in May 2015, Luxembourg had established an interministerial committee on human rights. The committee was tasked with overseeing the implementation of the human rights obligations of Luxembourg, in consultation with the national human rights institutions and civil society. Each ministerial department was represented on the committee. Its work was coordinated by the Ministry of Foreign and European Affairs. The committee had met with civil society organizations on 23 March and 22 June 2017 and had discussed the submission of the national report of Luxembourg in the framework of its third universal periodic review. JS2 recommended that Luxembourg continue to collaborate with civil society in the implementation of the recommendations of the universal periodic review.²⁹

25. The European Commission against Racism and Intolerance (CoE-ECRI) adopted its fifth report on Luxembourg in December 2016. It recommended that Luxembourg give the Centre for Equal Treatment and the Ombudsperson: the right to hear and consider complaints; the powers necessary to conduct effective investigations; the right to initiate legal proceedings; and the right to participate in judicial and administrative proceedings. It also recommended that Luxembourg consider bringing these two institutions as well as the National Council for Foreigners closer together or even merging them and attaching them entirely to the parliament.³⁰ CoE-Commissioner made similar recommendations.³¹

26. As for the Ombudsperson for the Rights of the Child, JS1 recommended that his/her selection and appointment be based on clear and transparent criteria. The Ombudsperson's office should also receive sufficient funding to ensure it is able to carry out its mission effectively.³²

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Cross-cutting issues

*Equality and non-discrimination*³³

27. CoE-ECRI strongly recommended that Luxembourg expressly provide that racist or homophobic/transphobic motivation constitutes an aggravating circumstance for any ordinary offence, explicitly make public insults, public defamation and racist and homophobic/transphobic threats a criminal offence and include the grounds of language and gender identity in the provisions of the Penal Code aimed at combating racism and homophobia/transphobia.³⁴

28. CoE-ECRI recommended that Luxembourg enshrine in the Constitution everyone's right to equal treatment; bring the list of grounds of discrimination and the scope of anti-discrimination legislation into line with the ones of Article 14 of the European Convention on Human Rights and Article 1 of its Protocol No. 12; and provide for the obligation to abolish the public financing of and dissolve any organisation that promotes racism.³⁵

29. OSCE/ODHIR stated that Luxembourg had never submitted data on hate crimes. The Criminal Code included penalty enhancements for specific offences and a substantive offence. The police, the Prosecutor's Office and the Ministry of Justice had been collected

data, but these had never been made publicly available.³⁶ CoE-ECRI recommended that the police and judicial authorities establish and operate a system for recording and monitoring racist incidents and the extent to which these incidents are brought before the prosecutors and eventually qualified as racist or homophobic/transphobic offences. It added that the authorities should publish these statistics.³⁷

30. CoE-ECRI further recommended, *inter alia*, that Luxembourg initiate a review of the regulatory framework for the media in order to prevent and eliminate hate speech in this area; encourage the media to develop measures to combat hate speech on their websites; and work towards ensuring that the social media and internet access providers ban hate speech in their conditions of use and enforce that ban. All these measures should strictly comply with the principle of media independence.³⁸

31. CoE-ECRI also recommended that Luxembourg implement measures to promote understanding and respect for lesbian, gay, bisexual and transgender persons, especially in schools. They should also provide all pupils and students with the information, protection and support necessary to enable them to live in accordance with their sexual orientation and gender identity.³⁹

Development, the environment, and business and human rights

32. EU-FRA stated that a lack of information on the documentation and steps required for registering a business was identified as a difficulty faced by youth, women and migrant entrepreneurs.⁴⁰

2. Civil and political rights

Right to life, liberty and security of person⁴¹

33. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CoE-CPT) indicated that the majority of the persons who had met with its delegation during its fifth visit to Luxembourg in 2015 had not reported any ill-treatment by the police. However, a number of reports of verbal abuse and excessive tightening of handcuffs had been received. The CoE-CPT recommended that the authorities regularly remind all police officials, including during training, that all forms of ill-treatment of persons deprived of their liberty were unacceptable and that professional techniques aimed at minimizing the risk of harming persons under arrest must be used.⁴²

34. The CoE-CPT had not received reports of physical ill-treatment by staff at Luxembourg Prison. However, some female detainees had reported that they were sometimes subjected to verbal abuse by particular wardens. The CoE-CPT again recommended that managerial personnel at Luxembourg Prison inform their staff that all forms of ill-treatment, including verbal abuse, were unacceptable and would be punished.⁴³

35. Likewise, the CoE-CPT had not received any reports of ill-treatment by staff at the Dreibern unit for boys or at the Schrassig unit for girls. Incidents of violence between minors had been reported, however, and the authorities were encouraged to continue their efforts to prevent such situations.⁴⁴

36. With regard to conditions of detention, the CoE-CPT highlighted the very good material conditions in cells mainly used for sobering up, but called upon the authorities to provide, without delay, mattresses for the persons detained in such cells. Furthermore, it regretted that despite the specific recommendation contained in its previous report, special security cells — small spaces, often measuring less than 2 m², that were equipped with a bench or chair and enclosed by a grill — had been installed in interrogation rooms in the police facilities it visited. The Committee recommended that measures be taken to discontinue the use of these cells during interrogations and that they not be used as a place of deprivation of liberty for longer than a few hours. In addition, it called upon the authorities to end the practice of handcuffing detained persons to immovable objects. All police premises should have detention facilities providing adequate conditions of safety.⁴⁵

37. At Luxembourg Prison, the material conditions of detention remained satisfactory in the facility as a whole, according to the CoE-CPT.⁴⁶

With regard to discipline at Luxembourg Prison, the CoE-CPT noted that improvements had been made in practice, including limiting the use of disciplinary segregation to 14 days and ending the use of solitary confinement for disciplinary reasons. The Committee recommended that the respective legislation be modified. It also formulated several specific recommendations aimed at strengthening the rights of detainees in the context of disciplinary procedures.⁴⁷

38. With regard to the Luxembourg Hospital Centre, the CoE-CPT noted the installation of secure rooms in a suitable unit, in line with its previous recommendations. However, the Committee found it unacceptable that while outside this unit, detainees were shackled to the bed and police officers were present at all times during medical examinations. The CPT recommended that these practices be discontinued.⁴⁸

*Administration of justice, including impunity, and the rule of law*⁴⁹

39. The CoE-CPT stated that since its first visit in 1993, it had engaged in dialogue with the authorities of Luxembourg regarding the basic safeguards against ill-treatment. In its report, the CoE-CPT noted improvements, particularly in the area of access to counsel for persons deprived of their liberty by the police in connection with criminal matters. Additional measures were nevertheless necessary, in law and in practice, to ensure that all persons deprived of their liberty by the police were accorded the right to inform a third person of their choice about their situation and allowed access to counsel in all cases from the outset of their deprivation of liberty. In addition, the CoE-CPT reiterated its previous recommendations with regard to ensuring that confidentiality was respected during medical examinations of persons being held in police custody and that a lawyer and, in principle, a trusted adult were present during police interrogations of minors.⁵⁰

40. CoE and EU-FRA referred to the main case pending execution before the Committee of Ministers of the Council of Europe under the standard procedure, which covers the issue of fairness of criminal proceedings. In *A.T. v. Luxembourg* (No. 30460/13), the European Court of Human Rights found that the absence of a lawyer during the applicant's initial interrogation by the police following his arrest under a European Arrest Warrant, as well as the applicant's inability to communicate with his lawyer prior to his first appearance before the investigating judge, violated Article 6 of the European Convention on Human Rights.⁵¹

41. EU-FRA stated that Luxembourg's legal framework granted extensive powers to the youth tribunal to place children in conflict with the law in institutional care (even abroad), and to transfer a child to a "disciplinary institution" if the child behaved "badly" (*mauvaise conduite*) or acted in a "dangerous manner" (*comportement dangereux*). It noted that such legal framework was currently under revision.⁵²

42. The CoE-CPT deplored the fact that, despite repeated recommendations, minors were still detained in Luxembourg Prison. Furthermore, the location of the section for minors was not appropriate, in particular due to its immediate proximity to the most difficult adult detainees in the facility. The Committee called upon the authorities to open, as soon as possible, a secure unit at the State socio-educational centre in Dreibern and to bring to a complete end the detention of minors in Luxembourg Prison.⁵³

43. Similarly, JS2 recommended that Luxembourg ensure that the law on the organization of the secure unit was passed as soon as possible in order to end the incarceration of minors at the adult prison in Schrassig; ensure in practice that detainees were separated according to their detention status, and that girls were not detained with women; and put an end to the holding of minors, including by amending the provisions of the Act of 28 May 2009 that since 2017 had allowed persons or families accompanied by minors to be held for a maximum of seven days.⁵⁴

*Fundamental freedoms and the right to participate in public and political life*⁵⁵

44. EU-FRA mentioned the LuxLeaks case, which concerned two whistle-blowers and a French journalist. The whistle-blowers were former employees of PricewaterhouseCoopers who leaked classified documents revealing a large amount of tax avoidance arrangements that the authorities in Luxembourg struck with hundreds of companies. In 2014, the leaked

documents were published by the International Consortium of Investigative Journalists. Following these revelations, the whistle-blowers and the journalist were charged by the public prosecutor in Luxembourg, and the journalist was charged with violating trade secrets and confidentiality. In June 2016, a court acquitted the journalist while convicting the whistle-blowers and imposing suspended jail sentences and fines.⁵⁶

*Prohibition of all forms of slavery*⁵⁷

45. The Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings (CoE-CPCECATHB) welcomed several measures taken by Luxembourg to combat trafficking in persons. It took note of a number of areas where further action was required in order to improve the implementation of the Convention on Action against Trafficking in Human Beings by Luxembourg, including: increasing efforts to combat human trafficking for the purpose of labour exploitation; adopting, in consultation with civil society, an action plan on combating human trafficking for the purpose of the different forms of exploitation, as well as measures aimed at preventing human trafficking; and improving the identification of victims of human trafficking, in particular by adopting a multidisciplinary approach, officialising the role and input of specialised non-governmental organisations, involving other relevant stakeholders, such as labour inspectors, and developing guides and indicators in co-operation with these actors.⁵⁸

46. JS1 noted that the vulnerability of children to child sexual exploitation varied, with some discernible groups being most at risk, particularly children who were migrants or seeking asylum, as well as children from dysfunctional families.⁵⁹ Since 2013, Luxembourg had improved its national legal framework to protect children from child sexual exploitation.⁶⁰

47. JS1 recommended that Luxembourg: develop a more precise definition of child pornography to ensure the criminalisation of highly sexualised pictures of children that fall outside the definition of the Optional Protocol on the sale of children, child prostitution and child pornography because no sexual activities or parts were explicitly represented, but which were clearly intended to be viewed for sexual purposes; evaluate and update the National Action Plan against Child Sexual Exploitation, which could be incorporated into a global and transversal national plan for children, while ensuring that the topic of child sexual exploitation is not lost or diluted; systematically and centrally collect and collate data on child sexual exploitation, and publish and distribute transparently and regularly such data; and ensure that full child protection is awarded to all unaccompanied minors, including the immediate appointment of a guardian and administrator, and provide training to the guardians and administrators enabling them to detect victims of trafficking.⁶¹

*Right to privacy and family life*⁶²

48. EU-FRA mentioned that in Luxembourg, the Data Protection Authority itself was not competent to supervise the intelligence service, but the supervisory authority competent to supervise data processing related to state security, defence and public safety comprised the Chief State Prosecutor and two members of the Data Protection Authority. EU-FRA deemed this as an interesting solution, which ensured that the oversight body was knowledgeable on data protection requirements.⁶³

49. EU-FRA noted that since 2015, Luxembourg had allowed same-sex couples to marry.⁶⁴

3. Economic, social and cultural rights

*Right to work and to just and favourable conditions of work*⁶⁵

50. CoE-Commissioner noted that while the Government had taken steps to facilitate access to employment for asylum-seekers, like the shortening of the mandatory waiting period for such a possibility, the number of asylum-seekers who actually find work was very low. In this regard, he invited Luxembourg to consider joining the Council of Europe's

pilot project on the “European Qualifications Passport for Refugees”, which aimed at facilitating refugee integration and progression towards employment.⁶⁶

51. CoE-ECRI recommended that Luxembourg adopt positive measures to facilitate access to the job market for persons with migration backgrounds with a low level of education. In particular, they should intensify the teaching of the official languages to adults with migration backgrounds, invest in their vocational training, facilitate recognition of qualifications obtained abroad and ease the conditions for accessing the job market imposed on applicants for international protection.⁶⁷

52. The European Committee of Social Rights (CoE-ECSR) stated that it had not been established that migrant workers lawfully resident in the country were treated no less favourably than Luxembourg nationals with regard to remuneration and other employment and working conditions.⁶⁸

53. EU-FRA noted positively that Luxembourg had implemented Article 13(4) of the Employer Sanctions Directive at the level of legislation.⁶⁹

54. EU-FRA indicated that in Luxembourg, trade unions were entitled to lodge complaints on behalf of victims.⁷⁰ However, CoE-ECSR stated that national law did not permit trade unions to freely choose their candidates in joint works council elections, regardless of their nationality.⁷¹

Right to social security

55. CoE-ECSR stated that spending on social services was sufficient, and monitoring arrangements for guaranteeing the quality of the social services supplied by providers did exist. It also stated that equal treatment with regard to social security rights and family allowances was guaranteed to nationals of all other States Parties.⁷²

56. However, CoE-ECSR noted it was not established that people in need aged below 25 were all entitled to a guaranteed minimum income, nor that legislation and practice guaranteed that all unlawfully present foreigners received emergency social assistance for as long as they might require it.⁷³

Right to an adequate standard of living⁷⁴

57. CoE-ECRI recommended that Luxembourg develop measures in the social housing field for the benefit of low-paid workers.⁷⁵

58. CoE-CHR noted that the authorities were facing a challenge when it came to providing all asylum-seekers with suitable accommodation in the context of a general housing shortage. According to him, there should be a longer-term reflection with regard to access to housing for beneficiaries of international protection and, in so far as feasible, authorities should try to house them in locations likely to enable integration while avoiding geographical isolation.⁷⁶

59. JS2 recommended in particular that Luxembourg ensure that reception facilities for persons seeking international protection had sufficient capacity to accommodate all such persons; that such persons did not remain in those facilities for longer than the period envisaged, including by helping them to move to external accommodation once their status was determined; and that vulnerable persons be duly identified in phase 2 accommodation facilities.⁷⁷ JS2 further recommended that Luxembourg put in place an external system to conduct neutral and impartial monitoring of reception infrastructure and accommodation for persons seeking international protection.⁷⁸

Right to health⁷⁹

60. In connection with health care for detainees in Luxembourg Prison, the CoE-CPT stated that the situation remained satisfactory in terms of both the staff in charge of health care and the quality of the facilities. However, the CoE-CPT strongly regretted that no solution had been found to providing a suitable framework for detainees with serious psychiatric impairments. High priority should be given to the creation of a specialist hospital facility for these detainees. Furthermore, measures should be taken to improve the

recording of traumatic injuries by doctors and to ensure that all medical consultations remained confidential.⁸⁰

61. Minnesota Citizens Concerned for Life Global Outreach (MCCL GO) argued that euthanasia, which was a legal practice in Luxembourg, endangered the right to life, the right to health, and equality and non-discrimination. It recommended that Luxembourg revise its law to prohibit euthanasia and protect the lives and health of all patients.⁸¹ ADF International (ADFI) made a similar recommendation. It also recommended that Luxembourg ensure, until the law on euthanasia and assisted suicide was repealed, that no hospital, retirement home, care or rehabilitation facility, or other institution is required by law to allow or facilitate such procedures.⁸²

Right to education

62. CoE-Commissioner stressed that Luxembourg had the commendable policy of including all foreign children in the education system at a very early stage and without regard to their immigration status. Earliest possible access to schooling, especially in the context of a multilingual education system, was essential for these children's and their families' successful integration in the society. However, he encouraged the authorities to systematically collect and make publically available data on children remaining in special education, such as their number and duration of stay, and to integrate them in the regular education system as soon as possible. He also recommended that Luxembourg remain vigilant in ensuring that no isolation of foreign children takes place, and promote systematically their meaningful interaction with local pupils.⁸³

4. Rights of specific persons or groups

*Persons with disabilities*⁸⁴

63. CoE-ECSR stated that it had not been established that people with disabilities were guaranteed effective equal access to employment.⁸⁵

*Minorities and indigenous peoples*⁸⁶

64. The Committee of Experts on the European Charter for Regional or Minority Languages (CoE-ECRML) stated that, in light of the particular situation whereby no regional or minority languages were spoken in Luxembourg, it would not propose to the Committee of Ministers of the Council of Europe to forward any recommendations to the authorities of Luxembourg. The Committee of Experts commended Luxembourg for the commitment and European solidarity it had demonstrated by ratifying the Charter, and expressed its appreciation of the valuable contribution it had made to the protection and promotion of regional or minority languages in Europe.⁸⁷

*Migrants, refugees, asylum seekers and internally displaced persons*⁸⁸

65. CoE-Commissioner stated that Luxembourg had made considerable efforts to respond to Europe's refugee and migrant crisis by receiving asylum-seekers and relocating and resettling refugees from other parts of Europe and beyond. The Government and civil society had reportedly been actively providing protection to people in need. He noted that the authorities were addressing the existing delays in processing asylum claims, including by increasing the number of staff assigned to handle the backlog. However, applicants should be provided more systematically with information on the progress made in the examination of their claims in order to prevent uncertainty and increase their confidence in the process. Additional efforts should also be made in the identification of vulnerable persons among all new arrivals, in particular those who have experienced torture, sexual abuse or human trafficking. As for asylum-seekers whose claims had been rejected, the authorities should make more use of alternatives to detention in order to avoid cases of repeated deprivation of liberty.⁸⁹

66. JS2 recommended that Luxembourg ensure that applications to set aside transfer decisions had a suspensive effect and that all asylum applicants, including those following the fast-track procedure, had enough time to prepare for interviews.⁹⁰ JS2 further

recommended that Luxembourg encourage transparency in the handling and follow-up of applications for international protection and that the applications be dealt with within a reasonable time period.⁹¹

Notes

- ¹ The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org. (One asterisk denotes a national human rights institution with “A” status).

Civil society

Individual submissions:

ADFI	ADF International, Geneva (Switzerland);
MCCL GO	Minnesota Citizens Concerned for Life Global Outreach, Minneapolis (United States of America).

Joint submissions:

JS1	Joint submission 1 submitted by: ECPAT International, a global network of civil society organizations working for the eradication of all forms of sexual exploitation of children, Bangkok (Thailand);
JS2	Joint submission 2 submitted by: Fédération Internationale de l’Action des Chrétiens pour l’Abolition de la Torture (FIACAT), Paris (France).

National human rights institution:

CCDH	Consultative Commission on Human Rights*, Luxembourg (Luxembourg).
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Regional intergovernmental organizations:

CoE	The Council of Europe Strasbourg (France): (CoE-Commissioner) Commissioner for Human Rights, press release on Mr. Nils Muižnieks’ visit to Luxembourg from 18 to 22 September 2017, ‘Luxembourg : Authorities encouraged to continue efforts to integrate asylum-seekers and migrants’ (22 September 2017); (CoE-CPCECATHB) Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings, Recommendation CP (2014)5, on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Luxembourg; (CoE-CPT) European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, report on its visit to Luxembourg from 28 January 2015 to 2 February 2015, 17 September 2015, CPT/Inf (2015) 30; (CoE-ECRI) European Commission against Racism and Intolerance, report on Luxembourg, fifth monitoring cycle, adopted on 6 December 2016, CRI (2017)4; (CoE-ECRML) Application of the European Charter for Regional or Minority Languages in Luxembourg: Fourth report of the Committee of Experts on the Charter and Recommendation of the Committee of Ministers of the Council of Europe on the application of the Charter by Luxembourg, Strasbourg, 19 November, 2015 (ECRML (2015)5); (CoE-ECSR) European Committee of Social Rights, Factsheet ‘Luxembourg and the European Social Charter’, June 2017;
EU-FRA	European Union Agency for Fundamental Rights, Vienna (Austria);
OSCE/ODIHR	Office for Democratic Institutions and Human Rights of the Organisation for Security and Co-operation in Europe, Warsaw (Poland).

² CCDH, para. 10.

³ CCDH, para. 12.

⁴ CCDH, para. 13.

⁵ CCDH, para. 4.

⁶ CCDH, para. 5.

- 7 CCDH, para. 9.
- 8 CCDH, para. 6.
- 9 CCDH, para. 20.
- 10 CCDH, para. 31.
- 11 CCDH, para. 14.
- 12 CCDH, para. 18.
- 13 CCDH, para. 19.
- 14 CCDH, para. 16.
- 15 CCDH, para. 23.
- 16 CCDH, para. 21.
- 17 CCDH, para. 22.
- 18 CCDH, para. 27-30.
- 19 CCDH, para. 24.
- 20 CCDH, para. 25.
- 21 CCDH, para. 26.
- 22 For relevant recommendations, see A/HRC/23/10, paras. 116.1-116.5, 116.13, 117.1-117.7, 117.9, 117.11, 118.1-118.3 and 119.1-119.4.
- 23 EU-FRA, p. 4.
- 24 CoE-Commissioner, <http://www.CoE.int/en/web/commissioner/-/luxembourg-authorities-encouraged-to-continue-efforts-to-integrate-asylum-seekers-and-migrants>.
- 25 JS2, para. 4.
- 26 JS2, para. 1.
- 27 For relevant recommendations, see A/HRC/23/10, paras. 116.8, 117.18, 118.7, and 118.68.
- 28 OSCE/ODIHR, p. 1-2. See NAM's full report: <http://www.osce.org/odihr/elections/106879?download=true>.
- 29 JS2, para. 3.
- 30 CoE-ECRI, para. 24.
- 31 CoE-Commissioner, <http://www.CoE.int/en/web/commissioner/-/luxembourg-authorities-encouraged-to-continue-efforts-to-integrate-asylum-seekers-and-migrants>.
- 32 JS1, p. 7.
- 33 For relevant recommendations, see A/HRC/23/10, paras. 116.20-116.21, 118.4, 118.14-118.25, 118.46, 118.49 and 118.52.
- 34 CoE-ECRI, para. 6.
- 35 CoE-ECRI, para. 17.
- 36 OSCE/ODIHR, p. 3.
- 37 CoE-ECRI, para. 35.
- 38 CoE-ECRI, para. 45.
- 39 CoE-ECRI, para. 90.
- 40 EU-FRA, p. 10.
- 41 For relevant recommendations, see A/HRC/23/10, para. 118.55.
- 42 CoE-CPT, p. 5.
- 43 CoE-CPT, p. 6.
- 44 CoE-CPT, p. 7.
- 45 CoE-CPT, p. 5.
- 46 CoE-CPT, p. 6.
- 47 CoE-CPT, p. 6.
- 48 CoE-CPT, p. 7.
- 49 For relevant recommendations, see A/HRC/23/10, paras. 118.37-118.38.
- 50 CoE-CPT, p. 5.
- 51 CoE, p. 5. EU-FRA, p. 5.
- 52 EU-FRA, p. 4.
- 53 CoE-CPT, p. 5.
- 54 JS2, para. 26 et 30.
- 55 For relevant recommendations, see A/HRC/23/10, paras. 118.47-118.48.
- 56 EU-FRA, p. 6.
- 57 For relevant recommendations, see A/HRC/23/10, paras. 118.11, 118.27-118.28, 118.31-118.35, 118.43 and 118.63.
- 58 CoE-CPCECATH, p. 2.
- 59 JS1, p. 2.
- 60 JS1, p. 3.
- 61 JS1, p. 5-6.
- 62 For relevant recommendations, see A/HRC/23/10, paras. 116.16 and 118.64.
- 63 EU-FRA, p.10.

- ⁶⁴ EU-FRA, p. 9.
- ⁶⁵ For relevant recommendations, see A/HRC/23/10, para. 118.13.
- ⁶⁶ CoE-Commissioner, <http://www.CoE.int/en/web/commissioner/-/luxembourg-authorities-encouraged-to-continue-efforts-to-integrate-asylum-seekers-and-migrants>.
- ⁶⁷ CoE-ECRI, para. 80.
- ⁶⁸ CoE-ECSR, p. 4.
- ⁶⁹ EU-FRA, p. 11.
- ⁷⁰ EU-FRA, p. 11.
- ⁷¹ CoE-ECSR, p. 4.
- ⁷² CoE-ECSR, p. 3.
- ⁷³ CoE-ECSR, p. 3.
- ⁷⁴ For relevant recommendations, see A/HRC/23/10, paras. 116.18.
- ⁷⁵ CoE-ECRI, para. 82.
- ⁷⁶ CoE-Commissioner, <http://www.CoE.int/en/web/commissioner/-/luxembourg-authorities-encouraged-to-continue-efforts-to-integrate-asylum-seekers-and-migrants>.
- ⁷⁷ JS2, p. 6.
- ⁷⁸ JS2, p. 6.
- ⁷⁹ For relevant recommendations, see A/HRC/23/10, para. 118.8.
- ⁸⁰ CoE-CPT, p. 6.
- ⁸¹ MCCL GO, p. 1 and 4.
- ⁸² ADFI, para. 19.
- ⁸³ CoE-Commissioner, <http://www.CoE.int/en/web/commissioner/-/luxembourg-authorities-encouraged-to-continue-efforts-to-integrate-asylum-seekers-and-migrants>.
- ⁸⁴ For relevant recommendations, see A/HRC/23/10, paras. 118.59-118.62.
- ⁸⁵ CoE-ECSR, p. 3.
- ⁸⁶ For relevant recommendations, see A/HRC/23/10, para. 118.69.
- ⁸⁷ CoE-ECRML, p. 3.
- ⁸⁸ For relevant recommendations, see A/HRC/23/10, paras. 117.15, 118.39, 118.41-118.42, 118.44, 118.50-118.51, 118.53-118.54, 118.56, 118.65-118.67 and 118.70-118.75.
- ⁸⁹ CoE-Commissioner, <http://www.CoE.int/en/web/commissioner/-/luxembourg-authorities-encouraged-to-continue-efforts-to-integrate-asylum-seekers-and-migrants>.
- ⁹⁰ JS2, p. 5.
- ⁹¹ JS2, p. 6.
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