



**International covenant
on civil and
political rights**

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HUMAN RIGHTS COMMITTEE
Seventy-seventh session

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLE 40 OF THE COVENANT**

Concluding observations of the Human Rights Committee

LUXEMBOURG

1. The Committee considered the third periodic report of Luxembourg (CCPR/C/LUX/2002/3) at its 2080th and 2081st meetings (CCPR/C/SR.2080 and CCPR/C/SR.2081), held on 24 March 2003, and adopted the following concluding observations at its 2089th meeting (CCPR/C/SR.2089) on 28 March 2003.

A. Introduction

2. The Committee welcomes with satisfaction the third periodic report of Luxembourg. It is pleased to be able to resume its dialogue with the State party over 10 years after the consideration of the preceding report. It regrets that the third report did not go into detail on the issues of national jurisprudence, the practical aspects of the implementation of the Covenant and the many questions raised by the Committee during the consideration of the second periodic report. However, it welcomes the high quality of the written and oral replies provided by the Luxembourg delegation.

B. Positive aspects

3. The Committee has taken note of the Luxembourg delegation's position that the Covenant takes precedence over internal law, including the Constitution. The Committee welcomes the institutional changes the State party is making in prisons in order to prevent suicides. It has also taken note of the initiatives in the form of bills that the State party is taking in order to ensure better protection for the victims of trafficking in persons for the purposes of forced prostitution and for witnesses in judicial proceedings; to combat family violence; and to change the law relating to the press to embody in it the principle of proportionality. It has taken note of the State party's intention not only to implement the relevant legislative provisions, but also to make society, and victims, in particular, aware of the use of existing protection mechanisms.

C. Principal subjects of concern and recommendations

4. The Committee takes note of the Luxembourg delegation's comments on the limited or even theoretical scope of the reservations formulated by the State party to various provisions of the Covenant.

The State party should reconsider its reservations with a view to ensuring, insofar as possible, that they are withdrawn.

5. The Committee regrets the lack of detailed information on equality of men and women in the private and public sectors and, in particular, on obstacles in this regard (articles 3 and 26 of the Covenant).

The State party should provide the Committee with a detailed analysis of the question in its next report.

6. The Committee continues to be concerned, on the one hand, about the maximum length of time detainees may be held in solitary confinement, i.e., six months, and the lack of information on the conditions in which such treatment is applied and, on the other hand, by the holding of detainees incommunicado, even though this has happened only once in 12 years.

The State party should ensure that such practices with regard to the treatment of detainees are in keeping with articles 7, 9 and 10 of the Covenant. In this connection, the State party should adopt legislation regulating and limiting incommunicado detention with the long-term objective of eliminating it completely, particularly during pre-trial detention.

7. The Committee notes, on the one hand, that the State party grants financial assistance to the Christian and Jewish communities only and, on the other hand, that the criteria (such as membership of a religion recognized worldwide and officially in at least one European Union country) may give rise to problems as far as their compatibility with the provisions of articles 18, 26 and 27 of the Covenant is concerned.

The State party should guarantee non-discriminatory treatment of communities of religion and belief in respect of financial assistance and, to this end, ensure that all criteria in this regard are revised to guarantee that they are in keeping with the Covenant.

8. The Committee remains concerned that, for a large number of offences, the systematic deprivation of the right to vote is an additional penalty in criminal cases (article 25 of the Covenant).

The State party should take steps to bring its legislation into line with paragraph 14 of General Comment No. 25.

9. The Committee notes that the Civil Code still draws a distinction between “legitimate” children and children born out of wedlock, whereas, by law, they are entitled to the same rights (article 26 of the Covenant).

The State party should remove this obsolete distinction from the Civil Code.

10. While taking note of the awareness-raising efforts being made by the State party, the Committee regrets that the Covenant and the Optional Protocol are still not well known to the public.

The State party should disseminate the Covenant and the Optional Protocol more widely.

11. The State party should disseminate widely the text of its third periodic report and the present concluding observations.

12. In accordance with rule 70, paragraph 5, of the Committee’s rules of procedure, the State party should within one year provide information on the implementation of the recommendations made by the Committee in paragraph 6 concerning the question of the holding of detainees in solitary confinement. The Committee requests the State party to provide information on the other recommendations made and on its implementation of the Covenant as a whole in its next report, which it is scheduled to submit by 1 April 2008.
