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**COMPILATION PREPARED BY THE OFFICE OF THE HIGH COMMISSIONER FOR  
HUMAN RIGHTS, IN ACCORDANCE WITH PARAGRAPH 15(B) OF  
THE ANNEX TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1**

**Luxembourg**

This report is a compilation of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents. It does not contain any opinions, views or suggestions on the part of the Office of the High Commissioner for Human Rights (OHCHR), other than those contained in public reports issued by OHCHR. It follows the structure of the general guidelines adopted by the Human Rights Council. Information included herein has been systematically referenced in endnotes. The periodicity of the review for the first cycle being four years, most documents are dated after 1 January 2004. In the absence of recent information, the latest available reports and documents have been taken into consideration, unless they are outdated. Since this report only compiles information contained in official United Nations documents, lack of information or focus on specific issues may be due to non-ratification of a treaty and/or to a low level of interaction or cooperation with international human rights mechanisms.

## I. BACKGROUND AND FRAMEWORK

### A. Scope of international obligations<sup>1</sup>

<i>Core universal human rights treaties<sup>2</sup></i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>
ICERD	1 May 1978	None	Individual complaints (art. 14): Yes
ICESCR	18 Aug. 1983	None	-
ICCPR	18 Aug. 1983	Arts. 10 (3), 14 (3) and (5), 19 (2) and 20	Inter-State complaints (art. 41): Yes
ICCPR-OP 1	18 Aug. 1983	Art. 5 (2)	-
ICCPR-OP 2	12 Feb. 1992	None	-
CEDAW	2 Feb. 1989	None	-
OP-CEDAW	1 July 2003	None	Inquiry procedure (art. 8 and 9): Yes
CAT	29 Sept. 1987	Art. 1	Inter-State complaints (art. 21): Yes Individual complaints (art. 22): Yes Inquiry procedure (art. 20): Yes
CRC	7 March 1994	Arts. 3, 6, 7 and 15	-
OP-CRC-AC	4 Aug. 2004	Declaration. <sup>3</sup>	-

*Core treaties to which Luxembourg is not a party:* OP-CAT (signature only, 2005), OP-CRC-SC (signature only, 2000), ICRMW, CPD (signature only, 2007), CPD-OP (signature only, 2007), and CED (signature only, 2007).

<i>Other main relevant international instruments</i>	<i>Ratification, accession or succession</i>
Convention on the Prevention and Punishment of the Crime of Genocide	Yes
Rome Statute of the International Criminal Court	Yes
Palermo Protocol <sup>4</sup>	No
Refugees and stateless persons <sup>5</sup>	Yes, except the 1961 Convention
Geneva Conventions of 12 August 1949 and Additional Protocols thereto <sup>6</sup>	Yes, except Additional Protocol III
ILO fundamental conventions <sup>7</sup>	Yes
UNESCO Convention against Discrimination in Education	Yes

1. In 2007, the Committee against Torture (CAT) encouraged Luxembourg to consider ratifying the OP-CAT.<sup>8</sup> In 2008, the Committee on the Elimination of Discrimination against Women (CEDAW) commended the withdrawal of reservations to articles 7 (elimination of discrimination in the political and public life) and 16, paragraph 1 (g) (right to choose a family name, a profession and an occupation) of the Convention,<sup>9</sup> and as the Committee on the Elimination of Racial Discrimination (CERD)<sup>10</sup> and the Committee on the Rights of the Child (CRC)<sup>11</sup> in 2005, it encouraged Luxembourg to consider ratifying the ICRMW.<sup>12</sup> CEDAW also encouraged Luxembourg to consider ratifying the CED and the CPD.<sup>13</sup>

### B. Constitutional and legislative framework

2. In 2005, CRC noted with appreciation the adoption of the Act introducing the crime of torture in the Criminal Code; the Act establishing a regime of temporary protection for asylum-seekers; and the Act introducing, inter alia, a new article 384 of the Criminal Code expressly punishing child pornography and providing for the confiscation of all related items.<sup>14</sup>

3. In 2005, CERD welcomed the Act making racism a more serious offence and criminalizing revisionism and other acts based on discrimination; commended the entry into

force of the Act easing the conditions for obtaining Luxembourg nationality; and welcomed the entry into force of the Act on freedom of expression in the media, which calls for a code of ethics to govern the pursuit of journalistic activities.<sup>15</sup>

4. In 2007, CAT noted with satisfaction the introduction on 1 January 2006 of a new Charter of Ethical Values in the Grand Ducal police force, and as CEDAW in 2008 welcomed the adoption of the Act on the prevention of domestic violence.<sup>16</sup>

5. In 2008, CEDAW commended Luxembourg for adopting new laws in support of the goal of gender equality:<sup>17</sup> the law on pensions, which plays a key role in preventing poverty among older people, particularly women; the law on protection from sexual harassment in the workforce; the law with respect to the reversing of the burden of proof in cases of discrimination on the basis of sex;<sup>18</sup> the law concerning protection for pregnant workers, or who have recently given birth or are breastfeeding.<sup>19</sup> It also commended the revision in 2006 of article 11 of the Constitution which anchors the principle of equality between women and men; the adoption of the Law on the Naming of Children; the adoption of the Law on Collective Labour Relations which calls for the application of the principle of equal pay for women and men in labour contracts; and the enactment of the Law of 19 May 2003 amending the General Statute of Civil Servants which introduces measures to promote the reconciliation of family and working life.<sup>20</sup>

6. In 2003, the Committee on Economic, Social and Cultural Rights (CESCR) regretted that the ICESCR's rights have not been invoked before the courts and recommended that effective measures be taken to ensure that legal and judicial training takes full account of the justiciability of the ICESCR's rights and promotes the use of the ICESCR as a source of law in domestic courts.<sup>21</sup>

### **C. Institutional and human rights infrastructure**

7. The Consultative Commission on Human Rights (Commission Consultative des droits de l'Homme / CCDH) was established in 2000 and accredited with "A" status in 2002.<sup>22</sup> The review of its status was deferred from April to November 2008.<sup>23</sup>

8. CESCR in 2003, CERD in 2005 and CRC in 2005,<sup>24</sup> commended the establishment of the Consultative Commission on Human Rights. CERD also welcomed the establishment of a Complaints Office within the Special Permanent Commission against Racial Discrimination, and of advisory commissions for foreigners in the communes.<sup>25</sup>

9. In 2007, CAT noted with satisfaction the adoption of the Act of 22 August 2003 establishing the Office of the Ombudsman,<sup>26</sup> which was also commended by CERD and CRC.<sup>27</sup> Based on information provided by Luxembourg, a note by the Secretariat in 2004 reported the existence in Luxembourg of, inter alia, the National Council for Foreigners and the Mediator (Ombudsman).<sup>28</sup>

10. In 2008, CEDAW noted with satisfaction the work developed by the national machinery to promote equality between women and men. It particularly commended the implementation of the National Action Plan on Gender Equality which was in line with the Beijing Declaration and Platform for Action. CEDAW was however concerned that this implementation was not yet fully assumed by all sectors of the Government.<sup>29</sup>

11. CRC in 2005 and CAT in 2007<sup>30</sup> noted with appreciation the establishment of a Luxembourg committee on the rights of the child, the "Ombuds-comité," and CRC recommended strengthening its political, human and financial support.<sup>31</sup> While noting the

reorganization of ministries and the creation of a division for the promotion of children's rights within the Ministry of Family and Integration, CRC recommended that Luxembourg establish a body at the inter-ministerial level or entrust an existing one within its administration with a clear mandate to coordinate all activities related to the implementation of the Convention on the Rights of the Child.<sup>32</sup>

#### D. Policy measures

12. In 2005, CERD noted with appreciation the information provided by Luxembourg regarding the execution of a national plan of action on the follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.<sup>33</sup> In 2005 CRC noted with appreciation the appointment of five intercultural mediators from countries of origin of children of asylum-seekers, with the role of facilitating contact between teachers, families and children.<sup>34</sup>

13. In 2008, CEDAW welcomed Luxembourg's policy measures to improve reconciliation of family life and work, including the establishment of a network of childcare facilities.<sup>35</sup> However, while acknowledging the efforts taken by Luxembourg to raise awareness of the Convention, CEDAW noted with concern the limited sensitization and training initiatives, especially for judicial personnel, on gender equality issues and the provisions of the Convention.<sup>36</sup>

## II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

### A. Cooperation with human rights mechanisms

#### 1. Cooperation with treaty bodies

<i>Treaty body<sup>37</sup></i>	<i>Latest report submitted and considered</i>	<i>Latest concluding observations</i>	<i>Follow-up response</i>	<i>Reporting status</i>
CERD	2005	April 2005	-	Fourteenth and fifteenth reports overdue since 2007
CESCR	2003	May 2003	-	Fourth report due in 2008
HR Committee	2003	April 2003	May 2004	Fourth report due in 2008
CEDAW	2008	April 2008	-	Sixth report due in 2010
CAT	2007	July 2007	Due in May 2008	Sixth report due in 2011
CRC	2005	March 2005	-	Third and fourth reports due in 2010
OP-CRC- AC	2007	Oct. 2007	-	Second report due in 2010

#### 2. Cooperation with special procedures

<i>Standing invitation issued</i>	Yes
<i>Latest visits or mission reports</i>	None
<i>Visits agreed upon in principle</i>	None
<i>Visits requested and not yet agreed upon</i>	None
<i>Facilitation/cooperation during missions</i>	None
<i>Follow-up to visits</i>	None
<i>Responses to letters of allegations and urgent appeals</i>	No communications were sent between 1 July 2004 and 31 June 2008.

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*Responses to questionnaires on thematic issues*<sup>38</sup>

Luxembourg responded to 2 of the 12 questionnaires sent by special procedures mandate holders<sup>39</sup> between 1 July 2004 and 31 June 2008, within the deadlines.<sup>40</sup>

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### **3. Cooperation with the Office of the High Commissioner for Human Rights**

14. Luxembourg regularly makes voluntary contributions to support the work of the Office<sup>41</sup> and contributes to the United Nations Humanitarian Funds.<sup>42</sup>

#### **B. Implementation of international human rights obligations**

##### **1. Equality and non discrimination**

15. In 2008, CEDAW was concerned about the persistence of stereotypical attitudes towards women. It called upon Luxembourg to consider taking strengthened measures aimed at changing attitudes concerning women's traditional roles and responsibilities in child and family care, including curbing the portrayal of discriminatory images, attitudes and perceptions about the roles and responsibilities of women/girls and men/boys in the family and in society.<sup>43</sup>

16. In 2008, CEDAW expressed concern about the difficulties experienced by immigrant women regarding their integration and participation in the labour market. It called upon Luxembourg to take all necessary measures, including special temporary measures with time-bound targets, to eliminate occupational segregation, both horizontal and vertical, and to mainstream the issues of immigrant women into its employment policies and programmes.<sup>44</sup>

17. Also in 2008, the ILO Committee of Experts noted that according to Luxembourg's fifth periodic report under the CEDAW, the High Court of Justice had recognized the right of victims of sexual harassment to obtain compensation.<sup>45</sup>

18. While appreciating Luxembourg's efforts to strengthen its laws and institutions combating racial discrimination, CERD noted in 2005 that racist and xenophobic incidents, in particular against Arabs and Muslims, and discriminatory attitudes towards ethnic minorities were still encountered. It encouraged Luxembourg to continue to combat prejudice and xenophobic stereotypes and attitudes, in the media especially ; to adopt a strategy for making the public better aware of the institutions established to combat racial discrimination;<sup>46</sup> and to ensure that all officials who come into contact with minority groups receive human rights training.<sup>47</sup> CERD also suggested that racial motives should be defined as a general aggravating circumstance for offences,<sup>48</sup> and recommended that Luxembourg declare illegal and prohibit any organisation promoting or inciting discrimination, as well as recognize participation in such an organization as an offence punishable by law.<sup>49</sup>

19. CAT was concerned in 2007 about reports that foreign detainees are subjected to arbitrary behaviour and racist or xenophobic insults by law enforcement and prison personnel. It recommended taking necessary steps to provide such officials with more training in respect for the physical and psychological integrity of detainees, regardless of their origin, religion or sex; to make such behaviour a criminal offence; and to order systematic investigations and bring the accused before the competent courts.<sup>50</sup>

20. In 2005, CRC was concerned about the disparities in the enjoyment of rights experienced by children belonging to vulnerable groups, such as children with disabilities and refugee and asylum-seeking children. It recommended that Luxembourg increase its efforts to ensure non-

discrimination and adopt a proactive and comprehensive strategy to eliminate discrimination on any grounds and against all vulnerable groups.<sup>51</sup>

## **2. Right to life, liberty and security of the person**

21. While commending the considerable efforts made to address violence against women, including the domestic violence law, in 2008 CEDAW remained concerned at the prevalence of different forms of this phenomenon. It recommended that Luxembourg put in place a comprehensive strategy and action plan to prevent and eliminate all forms of violence against women, including in the immigrant community; establish an effective institutional mechanism to coordinate, monitor and assess the effectiveness of measures taken; and provide support services for women victims of violence.<sup>52</sup>

22. In 2003, the Human Rights Committee (HR Committee) expressed concerns 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.<sup>53</sup> CRC was concerned in 2005 at the use and length of solitary confinement (maximum ten days) of children and recommended to develop and implement alternative disciplinary sanctions in order to avoid as much as possible the use of solitary confinement, to further reduce the length of this confinement and to improve its conditions.<sup>54</sup> CAT reiterated in 2007 its previous recommendation that minors should not be placed in adult prisons for disciplinary purposes.<sup>55</sup>

23. In 2005, CRC was concerned that the conditions of work for women and girls arriving in Luxembourg to work in the entertainment sector might lead them to being exposed to prostitution and trafficking in human beings. It recommended strengthening efforts to identify, prevent and combat trafficking in children for sexual and other exploitative purposes.<sup>56</sup> In 2007, the ILO Committee of Experts noted this recommendation by the CRC and similarly requested Luxembourg to undertake studies with a view to assessing the nature and scope of the problem and to provide information in this respect.<sup>57</sup>

24. In 2007, CAT was also concerned by the continued trafficking of human beings and recommended that Luxembourg strengthen existing measures so as to ensure that artists' visas are not used for unlawful purposes, and that witnesses and victims of trafficking are protected.<sup>58</sup> In addition, and noting the efforts to address prostitution, including the mapping exercise and the plan to launch a campaign targeted to clients, CEDAW recommended in 2008 that Luxembourg study the extent of prostitution in the country, formulate comprehensive strategies, including programmes to discourage demand and women from entering prostitution, and establish programmes of rehabilitation and support for women who wish to discontinue their lives in prostitution.<sup>59</sup>

25. In 2005, the Special Rapporteur on the sale of children, child prostitution and child pornography noted that the New Technology Department of the Judicial Police had a small IT laboratory to give technical support to the investigations on child pornography on the internet.<sup>60</sup> On the same issue and while appreciating the measures taken by Luxembourg to prevent and combat child pornography on the Internet, CRC in 2005 recommended taking all appropriate measures to effectively protect children from being exposed to violence, racism and pornography through modern information technologies.<sup>61</sup> In relation to minors who are victims of commercial sexual exploitation, the Special Rapporteur on the sale of children, child prostitution and child pornography noted in 2008 that Luxembourg had stated that these cases were rare, due in part to their small number, but that victims of these abuses were treated as children in need of care and protection, as no specific programmes designed for this target group had been established.<sup>62</sup>

### **3. Administration of justice and the rule of law**

26. CRC in 2005 and CAT in 2007 recommended that Luxembourg keep children in conflict with the law separate from minors with social or behavioural problems; ensure that minors are never tried as adults; set up an independent monitoring body to inspect regularly juvenile facilities;<sup>63</sup> and bring its system of juvenile justice into line with United Nations standards in this field.<sup>64</sup>

27. While acknowledging that there is no compulsory military service and that volunteers under 18 cannot take part in military operations, CRC in 2005 recommended ensuring that the violation of the provisions of the OP-CRC-AC is explicitly criminalized; establishing extraterritorial jurisdiction for these crimes if committed by or against a person who is a citizen of or has other links with Luxembourg; and ensuring that military codes, manuals and other military directives are in accordance with the provisions and the spirit of the Optional Protocol.<sup>65</sup>

### **4. Right to privacy, marriage and family life**

28. In 2005, CRC was concerned that children born anonymously are denied the right to know their parents, and recommended that Luxembourg register and file all information about the parent(s) in order to allow the child to know - as far as possible and at the appropriate time - his/her parent(s).<sup>66</sup> Also concerned that parents automatically lose parental authority over their children when they are placed in foster care or in institutions by the courts, CRC recommended taking all possible measures to protect parental rights and parent-child relationship and to only use the transfer of parental authority in exceptional circumstances and in the best interests of the child.<sup>67</sup> It also recommended that placement of children in foster care or in institutions may only be ordered for a fixed period, with the possibility of prolonging the placement for another fixed period, thereby providing for a regular review of the conditions of and the need for placement.<sup>68</sup>

29. In 2008, CEDAW encouraged Luxembourg to step up its efforts to assist women and men in striking a balance between family and employment responsibilities, as well as to adopt new measures that better address women employment challenges, including the provision of additional childcare facilities for children of different age groups.<sup>69</sup> It also reiterated its earlier concern with regard to the law on divorce and requested Luxembourg to expedite the adoption of the draft law reforming divorce which abolishes the waiting period for women to remarry and divorce based on fault, as well as to amend the system of alimony to make it more equitable for women, to reform the system as to compensate for the disparities that the break-up of marriage often creates, and to provide for a system of joint exercise of parental authority by divorced parents.<sup>70</sup>

### **5. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life**

30. A United Nations Statistics Division source indicated that the proportion of seats held by women in the national parliament increased from 16.7 per cent in 2004 to 23.3 per cent in 2007.<sup>71</sup>

31. In 2003, the HR Committee noted that the criteria applied for granting financial assistance to religious communities (such as membership of a religion recognized worldwide and officially in at least one European Union country) might give rise to compatibility problems with the ICCPR. It recommended that Luxembourg guarantee non-discriminatory treatment of

communities of religion and belief in respect of financial assistance, and ensure that all criteria in this regard are revised to guarantee that they are in keeping with the ICCPR.<sup>72</sup>

32. Also in 2003, the HR Committee was concerned that, for a large number of offences, the systematic deprivation of the right to vote is an additional penalty in criminal cases. It recommended that Luxembourg bring its legislation in line with general comment No. 25 concerning article 25 of the Covenant on the participation in public affairs and the right to vote.<sup>73</sup> In 2008, CEDAW expressed concern that women remain underrepresented in Parliament and municipal elected bodies as well as at the generally low number of women working in public administration, and particularly at the low number of women holding high-ranking posts in public sectors.<sup>74</sup> It was also concerned at the resistance of social actors with regard to affirmative action measures aimed at increasing the participation of the underrepresented sex in certain sectors.<sup>75</sup> CEDAW called upon Luxembourg to use temporary special measures to ensure that the representation of women in political and public bodies reflects the full diversity of the population.<sup>76</sup>

## **6. Right to work and to just and favourable conditions of work**

33. In 2003, CESCR was concerned by the situation of prisoners who worked for private companies, and recommended that a prisoner may only perform work for a private company when such work has been consented to and the labour conditions are close to those of a free working relationship as regards wages and social security.<sup>77</sup>

34. Concerned that a number of non-nationals were illegally employed and exposed to abuse by their employers, in 2005 CERD encouraged Luxembourg to ensure that any employers who recruit illegal workers are punished.<sup>78</sup>

35. While appreciating in 2003 that the disparities between wages of men and women have been reduced, CESCR noted that the level of wage difference remains of concern and called upon Luxembourg to ensure equal treatment between men and women, including equal remuneration for work of equal value.<sup>79</sup> On the same issue, CEDAW in 2008 was particularly concerned about the long-standing pay gap between women and men.<sup>80</sup> Also in 2008, an ILO Committee of Experts noted that the National Action Plan for Equality of Women and Men of 2006 identifies the reduction of the gender pay gap as an explicit objective and that the plan envisaged an in-depth study of the causes of the gender wage gap and the holding of training courses on gender-neutral job evaluation, in cooperation with workers' and employers' organizations. The ILO Committee of Experts noted that the Luxembourg's fifth periodic report under the CEDAW indicated that the wage gap between men and women (average gross hourly earnings) increased from 13.9 per cent in 2003 to 14.3 per cent in 2005.<sup>81</sup>

## **7. Right to social security and to an adequate standard of living**

36. In 2003, CESCR reiterated its concern about adolescent health problems, owing in particular to drug abuse and high rates of alcohol and tobacco consumption. The Committee recommended that Luxembourg strengthen its efforts to prevent and combat drug abuse, especially among young people; step up a campaign against alcohol and tobacco abuse; and take measures to address the high incidence of suicide, especially among young people.<sup>82</sup> On this issue, in 2005 CRC recommended strengthening the programme of health education in schools, with particular attention to consumption of alcohol by young people,<sup>83</sup> as well as analysing the causes and consequences of this phenomenon and its possible links with violent behaviour and the high suicide rate among adolescents.<sup>84</sup>



37. While noting the favourable health situation in Luxembourg, in 2008 CEDAW was concerned about the reported increase in smoking among women, particularly among young women, and its effects on children. It recommended that Luxembourg conduct a study on the underlying causes of popularity of smoking among young women and integrate a gender perspective in its anti-smoking strategy, including in any awareness-raising campaigns.<sup>85</sup>

38. In 2005, CERD noted that certain vulnerable groups were not afforded sufficient protection and proposed action to guarantee the equal enjoyment of the right to adequate housing for citizens and non-citizens, especially by avoiding segregation in housing and ensuring that housing agencies refrain from engaging in discriminatory practices.<sup>86</sup>

39. According to a WHO statistical database, in 2002 100 per cent of births given in Luxembourg were attended by skilled health personnel.<sup>87</sup>

40. According to 2007 MDG Info, 100 per cent of the total population in 2004 used improved drinking-water sources. This figure comprises 100 per cent of the rural population and 100 per cent of the urban population.<sup>88</sup>

## **8. Right to education and to participate in the cultural life of the community**

41. According to MDG Info 2007, the net primary school enrolment ratio increased from 95.8 per cent in 2004 to 96.5 per cent in 2005. The female net primary school enrolment ratio increased from 96.0 per cent in 2004 to 96.9 per cent in 2005, whereas the male primary school enrolment ratio increased from 95.6 per cent in 2004 to 96.1 per cent in 2005.<sup>89</sup>

42. According to the UNESCO Institute for Statistics, the rate of primary school age children out of school decreased from 2 per cent in 2005 to 1 per cent in 2006. The female rate of primary school age children out of school decreased from 1 per cent in 2004 to nil or negligible in 2005, whereas the male rate of primary school age children out of school remained at 2 per cent for 2005 and 2006.<sup>90</sup>

43. In 2008, CEDAW encouraged Luxembourg to strengthen its programme aimed at diversifying academic and vocational choices for girls and boys and take further measures to encourage girls to pursue untraditional education fields.<sup>91</sup>

44. While refugee and asylum-seeking children have free access to the school system and while the Ministry of Education has appointed intercultural mediators in order to facilitate their integration in the educational system, CRC was concerned in 2005 that foreign children were disadvantaged by the educational programme. It recommended that Luxembourg consider all possible measures to grant foreign children and children of asylum-seekers equal access to the same standard of services in the field of education and ensure that language does not become an obstacle in education.<sup>92</sup> Concerning children with learning disabilities and/or behavioural problems, CRC encouraged Luxembourg to improve and/or expand educational facilities and put an end to placing them in facilities for mentally and physically disabled children.<sup>93</sup>

## **9. Migrants, refugees and asylum-seekers**

45. In 2003, CESCR recommended expediting the processing of applications for asylum so that the persons concerned may enjoy all the rights that refugee status confers upon them.<sup>94</sup>

46. In 2005, CRC recommended that Luxembourg take all necessary measures for an adequate reception of unaccompanied and separated children applying for asylum.<sup>95</sup> It also

recommended that Luxembourg continue identifying systematically, at the earliest possible stage, refugee, asylum-seeking and migrant children entering Luxembourg who may have been recruited or used in hostilities abroad contrary to the Optional Protocol and providing them with immediate, culturally sensitive and multidisciplinary assistance for their physical and psychological recovery and their social reintegration.<sup>96</sup>

47. In 2007, CAT was concerned about the possible inconsistency of Luxembourg's law with the principle of non-refoulement, and it recommended amending the law by including a provision stipulating that no person may be returned, expelled or extradited to a State where there are substantial grounds for believing that that person would be in danger of being subjected to torture.<sup>97</sup> CAT also recommended that, in the absence of behaviour that might compromise security or public order, asylum-seekers subject to any deportation are not detained and are properly treated; in particular, such asylum-seekers should be brought before a judge, given access to effective remedies, and placed in a facility that is separate from a penal correction facility.<sup>98</sup> CAT further encouraged Luxembourg to take the necessary steps to order an investigation when there are grounds for believing that a person may have been subjected to torture or cruel, inhuman or degrading treatment, including during removal operations; to allow the presence of human rights observers or independent physicians during all forced removals; and to systematically allow a medical examination to be conducted prior to the removal and whenever an attempted removal has been unsuccessful.<sup>99</sup>

48. A 2008 UNHCR report noted a decrease of asylum claims by 55 per cent.<sup>100</sup>

### **III. ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS**

49. CESCR in 2003, CRC in 2005 and CEDAW in 2008 welcomed the integration of gender perspectives in development cooperation programmes,<sup>101</sup> and, as also noted by a 2005 UNFPA report,<sup>102</sup> commended Luxembourg for being among the few States to allocate more than 0.7 percent of its GDP to development assistance.

50. In 2005, CERD noted with satisfaction school curricula that promote interculturalism, a certain number of mother-tongue classes for immigrant children and the introduction of intercultural mediators in schools.<sup>103</sup>

51. In 2005, CRC welcomed the regular financing of projects and non-governmental organizations for the protection and rehabilitation of children in armed conflicts. It also welcomed the substantial contribution of Luxembourg to the budget of the United Nations Relief and Works Agency for Palestine Refugees in the Near East as well as its active participation in multilateral activities aimed at combating the accumulation and proliferation of small arms.<sup>104</sup>

52. In 2007, CAT noted with satisfaction the excellent cooperation between the Luxembourg authorities and non-governmental human rights organizations, particularly in the context of assistance to aliens in administrative detention.<sup>105</sup>

### **IV. KEY NATIONAL PRIORITIES, INITIATIVES AND COMMITMENTS**

53. In 2003, the HR Committee requested Luxembourg to provide information on the implementation of recommendations made concerning the question of the holding of detainees in solitary confinement.<sup>106</sup> In its response, Luxembourg stated that it reduced the use of solitary confinement; elaborated on the modalities of this measure – which is distinct from incommunicado detention – ; and explained why this measure is a necessity in the country, which has only one prison.<sup>107</sup>

## V. CAPACITY-BUILDING AND TECHNICAL ASSISTANCE

N/A.

### Notes

<sup>1</sup> Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in *Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 2006* (ST/LEG/SER.E.25), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://untreaty.un.org/>.

<sup>2</sup> The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP1	Optional Protocol to ICCPR
ICCPR-OP2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CPD	Convention on the Rights of Persons with Disabilities
OP-CPD	Optional Protocol to Convention on the Rights of Persons with Disabilities
CED	International Convention for the Protection of All Persons from Enforced Disappearance

<sup>3</sup> Declaration: “The Government of the Grand Duchy of Luxembourg declares that, in accordance with article 3 of the Protocol, the minimum age at which voluntary recruitment to the army of Luxembourg shall be permitted is 17 years.” The following principles shall be observed in recruiting persons aged 17 years:

- (a) Recruitment shall be on a voluntary basis.
- (b) Voluntary recruits under the age of 18 must have the written consent of their parents or legal guardian.
- (c) Voluntary recruits under the age of 18 may not take part in the following military operations:
  - (i) At the national level: The defence of the Grand Duchy's territory in the event of armed conflict.
  - (ii) At the international level:
    - a) Contributing to the collective or common defence within the framework of the international organizations of which the Grand Duchy is a member;
    - b) Taking part within such a framework in humanitarian and evacuation missions, peacekeeping missions, and combat missions for crisis management, including peacemaking operations.
- (d) Voluntary recruits shall be fully informed, prior to their recruitment, of the duties connected with military service.
- (e) Voluntary recruits may withdraw from their military service at any time.”

<sup>4</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

<sup>5</sup> 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.

<sup>6</sup> Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked

Members of Armed Forces at Sea (Second Convention); Convention relative to the Treatment of Prisoners of War (Third Convention); Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at [www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html](http://www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html).

<sup>7</sup> International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No.105 concerning the Abolition of Forced Labour, Convention No. 87 concerning Freedom of Association and Protection of the Right to Organize; Convention No. 98 concerning the Application of the Principles of the Right to Organize and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

<sup>8</sup> Concluding observations of the Committee against Torture (CAT/C/LUX/CO/5), para. 13.

<sup>9</sup> Concluding observations of the Committee on the Elimination of Discrimination against Women (CEDAW/C/LUX/CO/5), para. 4.

<sup>10</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination (CERD/C/LUX/CO/13), para. 20.

<sup>11</sup> Concluding observations of the Committee on the Rights of the Child (CRC/C/15/Add. 250), para. 59.

<sup>12</sup> CEDAW/C/LUX/CO/5, para. 36.

<sup>13</sup> Ibid.

<sup>14</sup> CRC/C/15/Add.250, para. 3.

<sup>15</sup> CERD/C/LUX/CO/13, paras. 5-9.

<sup>16</sup> CEDAW/C/LUX/CO/5, para. 7; CAT/C/LUX/CO/5, para. 4.

<sup>17</sup> CEDAW/A/58/38, part I, para. 295.

<sup>18</sup> See also concluding observations of the Committee on Economic, Social and Cultural Rights (E/C.12/1/Add. 86), para. 10..

<sup>19</sup> See also CRC/C/15/Add.250, para. 3..

<sup>20</sup> CEDAW/C/LUX/CO/5, para. 7.

<sup>21</sup> E/C.12/1/Add. 86, paras. 15 and 26.

<sup>22</sup> For the list of national human rights institutions with accreditation status granted by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/7/69, annex VIII, and A/HRC/7/70, annex I.

<sup>23</sup> A/HRC/7/69, annex VIII, p. 46.

<sup>24</sup> E/C.12/1/Add.86, para. 7; CERD/C/LUX/CO/13, para. 10; CRC/C/15/Add. 250, para. 3.

<sup>25</sup> CERD/C/LUX/CO/13, para. 10.

<sup>26</sup> CAT/C/LUX/CO/5, para. 4.

<sup>27</sup> CERD/C/LUX/CO/13, para. 10; CRC/C/15/Add.250, para. 3.

<sup>28</sup> E/CN.4/2005/126, p. 12.

<sup>29</sup> CEDAW/C/LUX/CO/5, paras. 8 and 13.

<sup>30</sup> CRC/C/15/Add.250, para. 3; CAT/C/LUX/CO/5, para. 4.

<sup>31</sup> CRC/C/15/Add.250, para. 15.

<sup>32</sup> Ibid., paras. 12-13.

<sup>33</sup> CERD/C/LUX/CO/13, para. 4.

<sup>34</sup> CRC/C/15/Add.250, para. 3.

<sup>35</sup> CEDAW/C/LUX/CO/5, para. 17.

<sup>36</sup> Ibid., para. 11.

<sup>37</sup> The following abbreviations have been used for this document:

CERD	Committee on the Elimination of Racial Discrimination
CESCR	Committee on Economic, Social and Cultural Rights
HR Committee	Human Rights Committee
CEDAW	Committee on the Elimination of Discrimination against Women
CAT	Committee against Torture
CRC	Committee on the Rights of the Child

<sup>38</sup> The questionnaires included in this section are those which have been reflected in an official report by a special procedure mandate holder.

<sup>39</sup> See (a) report of the Special Rapporteur on the right to education (A/HRC/4/29), questionnaire on the right to education of persons with disabilities sent in 2006; (b) report of the Special Rapporteur on the human rights of migrants (A/HRC/4/24), questionnaire on the impact of certain laws and administrative measures on migrants sent in 2006; (c) report of the Special Rapporteur on trafficking in persons, especially women and children (A/HRC/4/23), questionnaire on issues related to forced marriages and trafficking in persons sent in 2006; (d) report of the Special Representative of the Secretary-General on human rights defenders (E/CN.4/2006/95 and Add.5), questionnaire on the implementation of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms sent in June 2005; (e) report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (A/HRC/6/15), questionnaire on the human rights of indigenous people sent in August 2007; (f) report of the Special Rapporteur on trafficking in persons, especially in women and children (E/CN.4/2006/62) and the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2006/67), joint questionnaire on the relationship between trafficking and the sent in July 2005; (g) report of the Special Rapporteur on the right to education (E/CN.4/2006/45), questionnaire on the right to education for girls sent in 2005; (h) report of the Working Group on mercenaries (A/61/341), questionnaire concerning its mandate and activities sent in November 2005; (i) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/4/31), questionnaire on the sale of children's organs sent on July 2006; (j) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2005/78), questionnaire on child pornography on the Internet sent in July 2004; (k) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/7/8), questionnaire on assistance and rehabilitation programmes for child victims of sexual exploitation sent in July 2007; (l) report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises (A/HRC/4/35/Add.3), questionnaire on human rights policies and management practices.

<sup>40</sup> The questionnaire on assistance and rehabilitation programmes for child victims of sexual exploitation (A/HRC/7/8) and the questionnaire on child pornography on the Internet (E/CN.4/2005/78).

<sup>41</sup> OHCHR 2007 report on activities and results, p. 167.

<sup>42</sup> United Nations Voluntary Fund on contemporary forms of Slavery, A/62/180, p. 6, para. 17; United Nations Voluntary Fund for victims of Torture, A/62/189, p. 5, para. 5.

<sup>43</sup> CEDAW/C/LUX/CO/5, paras. 15-16.

<sup>44</sup> *Ibid.*, para. 24.

<sup>45</sup> ILO Committee of Experts on the Application of Convention and Recommendations, 2008, Geneva Doc. No. 092008LUX111, para. 1.

<sup>46</sup> CERD/C/LUX/CO/13, para. 13.

<sup>47</sup> *Ibid.*, para. 19.

<sup>48</sup> *Ibid.*, para. 15.

<sup>49</sup> *Ibid.*, para. 16.

<sup>50</sup> CAT/C/LUX/CO/5, para. 8.

<sup>51</sup> CRC/C/15/Add.250, paras. 18 and 20.

<sup>52</sup> CEDAW/C/LUX/CO/5, paras. 19-20.

<sup>53</sup> Concluding observations of the Human Rights Committee (CCPR/CO/77/LUX), para. 6.

<sup>54</sup> CRC/C/15/Add.250, paras. 32-33.

<sup>55</sup> CAT/C/LUX/CO/5, para. 10.

<sup>56</sup> CRC/C/15/Add.250, paras. 57-58.

<sup>57</sup> ILO Committee of Experts on the Application of Convention and Recommendations, 2008, Geneva Doc. No. 092007LUX182, paras. 5-6.

<sup>58</sup> CAT/C/LUX/CO/5, para. 12.

<sup>59</sup> CEDAW/C/LUX/CO/5, paras. 29-30.

<sup>60</sup> E/CN.4/2005/78, para. 79.

<sup>61</sup> CRC/C/15/Add.250, paras. 30-31.

<sup>62</sup> A/HRC/7/8, para. 59.

<sup>63</sup> See CRC/C/15/Add. 250, paras. 60-61; CAT/C/LUX/CO/5, para. 10.

<sup>64</sup> CRC/C/15/Add.250, paras. 60-61.

<sup>65</sup> CRC/C/OPAC/LUX/CO/1, paras. 6-7.

<sup>66</sup> CRC/C/15/Add.250, paras. 28-29.

<sup>67</sup> *Ibid.*, paras. 34-35.

<sup>68</sup> *Ibid.*, see paras. 36-37.

<sup>69</sup> CEDAW/C/LUX/CO/5, para. 18.

<sup>70</sup> *Ibid.*, paras. 33-34.

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- <sup>71</sup> United Nations Statistics Division coordinated data and analyses, available at <http://mdgs.un.org/unsd/mdg> (accessed on 25 June 2008).
- <sup>72</sup> CCPR/CO/77/LUX, para. 7.
- <sup>73</sup> *Ibid.*, para. 8.
- <sup>74</sup> CEDAW/C/LUX/CO/5, para. 21.
- <sup>75</sup> *Ibid.*, para. 23.
- <sup>76</sup> *Ibid.*, para. 22.
- <sup>77</sup> E/C.12/1/Add.86, paras. 20 and 32.
- <sup>78</sup> CERD/C/LUX/CO/13, para. 18.
- <sup>79</sup> E/C.12/1/Add.86, paras. 22 and 34.
- <sup>80</sup> See CEDAW/C/LUX/CO/5, paras. 23 and 24.
- <sup>81</sup> ILO Committee of Experts on the Application of Convention and Recommendations, 2008, Geneva Doc. No. 092008LUX100, paras. 2-4.
- <sup>82</sup> E/C.12/1/Add.86, paras. 24, 38 and 39.
- <sup>83</sup> CRC/C/15/Add.250, paras. 46-47.
- <sup>84</sup> *Ibid.*, para. 56.
- <sup>85</sup> CEDAW/C/LUX/CO/5, paras. 27-28.
- <sup>86</sup> CERD/C/LUX/CO/13, para. 17.
- <sup>87</sup> WHO, Statistical Information System, available at [www.who.int/whosis/data/Search.jsp?countries=\[Location\].Members](http://www.who.int/whosis/data/Search.jsp?countries=[Location].Members) (accessed on 8 July 2008).
- <sup>88</sup> MDG Info 2007, available at <http://www.devinfo.info/mdginfo2007/devinfoapp.aspx?cl=IND> (accessed on 8 July 2008).
- <sup>89</sup> *ibid.*
- <sup>90</sup> UNESCO Institute for Statistics, available at [http://stats.uis.unesco.org/unesco/TableViewer/document.aspx?ReportId=136&IF\\_Language=eng&BR\\_Topic=0](http://stats.uis.unesco.org/unesco/TableViewer/document.aspx?ReportId=136&IF_Language=eng&BR_Topic=0) (accessed on 8 July 2008).
- <sup>91</sup> See CEDAW/C/LUX/CO/5, paras. 25-26.
- <sup>92</sup> CRC/C/15/Add.250, paras. 50-51.
- <sup>93</sup> *Ibid.*, paras. 48-49.
- <sup>94</sup> E/C.12/1/Add.86, paras. 16 and 28.
- <sup>95</sup> CRC/C/15/Add.250, para.54.
- <sup>96</sup> See CRC/C/OPAC/LUX/CO/1, paras. 10-11.
- <sup>97</sup> CAT/C/LUX/CO/5, para. 6.
- <sup>98</sup> *Ibid.*, para. 5.
- <sup>99</sup> *Ibid.*, para. 7.
- <sup>100</sup> UNHCR, Global Appeal Report 2007, Geneva, 2008, p. 275.
- <sup>101</sup> E/C.12/1/Add.86, para. 6; CRC/C/15/Add.250, para. 5; CEDAW/C/LUX/CO/5, para. 9.
- <sup>102</sup> UNFPA, State of the World Population 2005, New York, 2005, p. 90.
- <sup>103</sup> CERD/C/LUX/CO/13, para. 11.
- <sup>104</sup> CRC/C/OPAC/LUX/CO/1, para. 12.
- <sup>105</sup> CAT/C/LUX/CO/5, para. 4 (h).
- <sup>106</sup> CCPR/CO/77/LUX, para. 12.
- <sup>107</sup> CCPR/CO/77/LUX/Add.1 .

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