



# General Assembly

Distr.: General  
12 November 2012  
English  
Original: English/French

---

**Human Rights Council**  
**Working Group on the Universal Periodic Review**  
**Fifteenth session**  
Geneva, 21 January–1 February 2013

## **Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21**

### **Luxembourg\***

The present report is a summary of 8 stakeholders' submissions<sup>1</sup> to the universal periodic review. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. As provided for in Resolution 16/21 of the Human Rights Council, where appropriate, a separate section is provided for contributions by the national human rights institution of the State under review that is accredited in full compliance with the Paris Principles. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

---

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

## **I. Information provided by the accredited national human rights institution of the State under review in full compliance with the Paris Principles**

### **A. Background and framework**

#### **1. Scope of international obligations**

1. The Consultative Commission for Human Rights of Luxembourg (CCDH) welcomed the ratification by Luxembourg of several international human rights instruments and noted that Luxembourg had still not ratified either the International Convention on Enforced Disappearance or the International Convention on Migrant Workers.<sup>2</sup>

#### **2. Constitutional and legislative framework**

2. CCDH expressed concern regarding certain aspects of the pending bills concerning constitutional and prison reform.<sup>3</sup>

#### **3. Institutional and human rights infrastructure and policy measures**

3. CCDH welcomed the adoption of the 2008 Act on the establishment of a human rights commission in Luxembourg in compliance with the Paris Principles.<sup>4</sup>

4. CCDH regretted that it had been little consulted by the Government and that its opinions had produced little practical effect. CCDH encouraged the authorities to pay greater heed to its recommendations and views concerning human rights.<sup>5</sup>

5. CCDH recommended that Luxembourg should give favourable consideration to its request for the establishment of a House of Human Rights, to include CCDH, the Centre for Equal Treatment, the Ombuds-Committee for children's rights and the Ombudsman, which would create synergies and strengthen cooperation between those bodies.<sup>6</sup>

6. CCDH noted that annual priorities had been reset each year in the 2010–2014 National Multiannual Plan of Action for Integration and against Discrimination. Where CCDH was concerned, however, a number of useful actions or measures needed to be extended over several years in order to produce a more lasting impact and to facilitate the integration of foreigners. CCDH considered that the plan required an intermediate and a final evaluation, to be shared with the main socioeconomic and political stakeholders and with civil society.<sup>7</sup>

7. CCDH also considered that compulsory human rights training should be introduced for civil servants and public employees. Special training should also be given to public employees that came into contact with minority groups.<sup>8</sup>

### **B. Cooperation with human rights mechanisms**

8. CCDH noted that Luxembourg had not submitted a midterm report to the Human Rights Council. It regretted that Luxembourg had not followed up the recommendation that it should pursue its consultations with national human rights institutions and NGOs. CCDH considered that the universal periodic review procedure required the establishment of an institutional mechanism to ensure that the recommendations of international organizations were incorporated in legislative documents and political measures.<sup>9</sup>

9. CCDH encouraged Luxembourg to hand in its national reports to the Committee on the Elimination of Racial Discrimination on time.<sup>10</sup>

10. CCDH encouraged the Government to follow the recommendations of the Committee on the Elimination of Discrimination against Women, concerning prostitution in Luxembourg, particularly those advocating the adoption of programmes aimed at discouraging demand and dissuading women from turning to prostitution, by introducing resettlement and assistance programmes for women wishing to give up prostitution, and by developing and supporting sexual education programmes based on gender equality.<sup>11</sup>

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

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

11. CCDH noted that the gender equality policy adopted a neutral tone and did not specifically distinguish women from the immigrant community, women in detention and women suffering from disabilities. CCDH recommended that Luxembourg should undertake a more detailed analysis of the specific situations experienced by women and acquire gender-specific statistics and studies in all areas of political action.<sup>12</sup>

12. Generally speaking, CCDH considered that training in gender equality and human rights should be mainstreamed in all forms of basic training and continuous training offered by national training institutions.<sup>13</sup>

13. With regard to religious communities, CCDH noted that the Catholic Church enjoyed privileges guaranteed by educational legislation.<sup>14</sup>

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

14. CCDH noted with satisfaction that the principle of non-refoulement was respected, and that the persons concerned were protected throughout the asylum procedure. However, for unsuccessful applicants, problems could arise in practice if the Government decided to execute or notify the decision to return them on the eve of their planned departure.<sup>15</sup>

15. CCDH noted that a number of measures concerning the prevention and elimination of all forms of violence against women were currently being implemented.<sup>16</sup>

16. CCDH encouraged Luxembourg to incorporate the 2011 Directive of the European Parliament and Council on trafficking in human beings and to adapt national legislation accordingly.<sup>17</sup>

17. CCDH noted that minors continued to be held in the Luxembourg Prison Centre (CPL) because the Security Unit (UNISEC) had still not been brought into service and was due to open in 2013.<sup>18</sup> With regard to conditions in the CPL, CCDH noted with satisfaction that two educators had been recruited to supervise the minors but that the infrastructure of the minors' unit in the CPL had not undergone any major changes since 2008.

18. CCDH noted that, despite the goodwill of staff and the CPL's policy of protecting the bond between mother and infant, the conditions provided for very young children (from 0 to 2 years) born of detainees whose pregnancy had terminated during or just prior to their incarceration were unsatisfactory. CCDH recommended ensuring minimum supervision, both for expectant mothers and for infants living in a very limited and unstimulating space.<sup>19</sup>

### **3. Administration of justice**

19. CCDH indicated that an asylum seeker could be detained in less harsh conditions and for longer periods than an illegal migrant in the territory. CCDH found it difficult to understand how such a situation had arisen. CCDH also regretted that house arrest was the only alternative to detention.<sup>20</sup>

20. CCDH reiterated its recommendation that all persons, at all levels of the judicial system, including judges and lawyers, who are in contact with minors in difficulty, should be given special training.<sup>21</sup>

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

21. CCDH raised the problem of “destitute” persons who held temporary private residence authorizations or permits. Considering that material aid was denied to certain persons under the 2008 legislation on social assistance, CCDH considered that Luxembourg should provide a different means of obtaining such assistance.<sup>22</sup>

**5. Right to health**

22. Concerning child psychiatry, although a great deal of effort had gone into providing ambulatory and residential child psychiatry facilities, CCDH was surprised that the question of minors hospitalized without their consent had not been reviewed in order to offer them and their legal representatives better administrative, judicial, medico-social and educational guarantees, in accordance with international standards and the Convention on the Rights of the Child in particular.<sup>23</sup>

23. CCDH was concerned at the fact that voluntary termination of pregnancy required women to undergo a compulsory psychosocial examination. CCDH also recommended setting up a programme of action for sexual and relational education for all, starting from the level of elementary schooling.<sup>24</sup>

**6. Right to education**

24. With regard to the schooling of the children of asylum seekers, CCDH had noted that the communes received subsidies from the State for every child they took in, and that in response to the growing diversity of the school population and in order to improve the performance of pupils, Luxembourg had taken a series of measures, such as a thorough reform of the education system allowing for differentiated teaching and the introduction of skills-based education and a reprieve system to reduce drop-out rates. CCDH recommended assessing the real integrative impact of the reforms and following them up by offering appropriate language teaching and combating school failure.<sup>25</sup>

**7. Persons with disabilities**

25. CCDH welcomed the preparation of a national action plan for persons with disabilities by the Ministry of the Family. CCDH indicated that it would be monitoring the implementation of the plan.<sup>26</sup>

**8. Migrants, refugees and asylum seekers**

26. CCDH regretted that the Grand-Ducal Regulations implementing the Act of 16 December 2008, concerning the reception and integration of foreigners in Luxembourg, had been published three years after the Act had been adopted. CCDH drew attention to the fact that those regulations had met with criticism on several counts. For example, the Grand-Ducal Regulation on the welcome and integration contract (CAI) offered only very limited language training facilities compared with what was offered in neighbouring countries, or the Regulation on the National Council for Foreigners (CNE), for which consultation and referral by the Government was not mandatory. CCDH recommended that Luxembourg take the necessary steps to speed up the application of the Act on Welcome and Integration.<sup>27</sup>

## 9. Right to development

27. CCDH welcomed the fact that, under article 4 (2) of the Act of 9 May 2012, all actions in favour of developing populations and countries had complied with the policy of mainstreaming the promotion of human rights and the gender dimension.<sup>28</sup>

## II. Information provided by other stakeholders

### A. Background and framework

#### 1. Scope of international obligations

28. Action Luxembourg Ouvert et Solidaire-Ligue des droits de l'Homme (ALOS-LDH) regretted that Luxembourg had still not completed its ratification of a number of human rights instruments, especially the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and the International Convention for the Protection of All Persons from Enforced Disappearance.<sup>29</sup> The International Federation of Action by Christians for the Abolition of Torture (ACAT-FIACAT) also recommended ratifying the latter Convention.<sup>30</sup>

29. End Child Prostitution, Child Pornography and Trafficking of Children for sexual purposes-Luxembourg (ECPAT-Luxembourg) recommended that Luxembourg ratify the Optional Protocol on the Convention on the Rights of the Child on a Communications Procedure.<sup>31</sup>

30. The Conseil national des femmes du Luxembourg (CNFL) recommended that Luxembourg ratify the 2011 Council of Europe Convention on preventing and combating violence against women and domestic violence, as soon as possible, and align domestic legislation with the Convention.<sup>32</sup>

#### 2. Constitutional and legislative framework

31. Regarding the Constitution of Luxembourg, the Council of Europe (CoE) noted that, according to the European Commission for Democracy through Law (Venice Commission), the text of the Chapter on public freedoms and fundamental rights did not entirely correspond to the relevant international treaties applicable in Luxembourg, particularly in connection with restrictions on rights and freedoms. In the Commission's view, in order to avoid any ambiguity, it might be worth clearly stating in the Constitution that the substantive provisions of international human rights conventions are directly applicable in Luxembourg and take precedence over the whole domestic legal system.<sup>33</sup>

#### 3. Institutional and human rights infrastructure and policy measures

32. ALOS-LDH welcomed the tabling of bills to reform the prison and execution of sentences system. However, it was concerned that the continuous human rights training of prison staff had not been made compulsory, that there were no specific provisions against discrimination, that there was no external assessment of places of detention, and that it had been decided not to apply the Labour Code in places of detention.<sup>34</sup>

33. According to the CoE, ECRI recommended to increase the human and financial resources allotted to the National Council for Foreigners; help it to acquire a higher profile and make premises available for holding its meetings adequately.<sup>35</sup>

34. ACAT-FIACAT stated that no follow-up consultations were held with civil society associations after the first UPR of Luxembourg, and no particular effort was made to

publicize the conclusions and recommendations from the previous review.<sup>36</sup> CNFL regretted that only informative meetings were held related to the UPR.<sup>37</sup> ALOS-LDH regretted that the recommendation that associations be consulted regarding the follow-up to and implementation of the recommendations issued by the first UPR had not been observed.<sup>38</sup>

## **B. Cooperation with human rights mechanisms**

### **1. Cooperation with treaty bodies**

35. ALOS-LDH recommended that Luxembourg submit its delayed national reports to the Committee for the Elimination of Racial Discrimination.<sup>39</sup> ECPAT-Luxembourg also recommended that Luxembourg submit its initial report under the Optional Protocol to the Committee on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography due in 2013.<sup>40</sup>

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

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

36. The CoE noted that, according to the European Commission against Racism and Intolerance (ECRI), while there have been positive developments in Luxembourg in fighting discrimination, issues of concern persist, such as inequalities in employment. ECRI in particular noted that the need to pass a test on spoken Letzeburgisch is an obstacle to the acquisition of Luxembourg nationality for a number of foreigners; and the school drop-out rate is particularly high among foreign pupils.<sup>41</sup>

37. The CoE noted that foreign nationals, lawfully resident in Luxembourg, are not entitled to social benefits on an equal footing with nationals.<sup>42</sup>

38. The CoE also noted that the division of labour among several bodies combating racial discrimination in Luxembourg is problematic, since their terms of reference overlap in some cases.<sup>43</sup>

39. ALOS-LDH recommended strengthening the Centre for Equal Treatment (CET) by granting it locus standi and adding nationality as one of the grounds for addressing CET. According to the CoE, ECRI also recommended to: (a) strengthen the CET by enabling the CET to take part in legal proceedings, by giving it the necessary human and financial resources, and by ensuring that the persons or bodies to which it addresses itself are obliged to reply.<sup>44</sup> ALOS-LDH also considered that it would be worth at the same time clarifying the role played by the Office luxembourgeois d'accueil et d'intégration (OLAI) in the fight against discrimination in order to avoid duplication and ensure maximum efficiency.

40. ALOS-LDH endorsed ECRI's recommendation to conduct information campaigns for the benefit of potential victims of racism or xenophobia.<sup>45</sup>

41. In ACAT-FIACAT's opinion, training on human rights and non-discrimination provided to members of the security forces and State agents who are in contact with minority groups, could be improved by substantially increasing the number of hours allocated to the training and by giving prison staff, among others, more opportunity to attend continuous training on these matters.<sup>46</sup> In particular, ACAT-FIACAT recommended improving training on human rights issues for prison wardens and members of the security forces.<sup>47</sup>

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

42. ACAT-FIACAT noted that the living conditions and psychosocial accompaniment of detained immigrants had notably improved.<sup>48</sup> However, ACAT-FIACAT regretted that people under an expulsion order were routinely placed in immigration detention, even if they did not in any way jeopardize national security or public order. No alternative to administrative detention had been put in place and administrative detainees often stayed in enclosed facilities for prolonged periods of up to six months.<sup>49</sup> ACAT-FIACAT was also concerned by the new possibility to detain families with children, although it was forbidden to hold them in the Centre for more than 72 hours.<sup>50</sup> ACAT-FIACAT recommended introducing alternatives to immigration detention and restricting the use of immigration detention to cases of people who represent a danger for national security or public order, and prohibiting in all circumstances the immigration detention of minors and victims of human trafficking.<sup>51</sup> It also recommended to strictly limit immigration detention to the time necessary to organise people's transfer to their set destination country, and to avoid as much as possible any additional detention for people who have just finished serving a prison sentence.<sup>52</sup>

43. According to the CoE, ECRI recommended to ensure that the Detention Centre near the Luxembourg airport has staff sufficiently well trained to deal with the persons detained.<sup>53</sup>

44. ACAT-FIACAT stated that workers in irregular situation exploited by criminal networks, had been arrested by the police and placed in immigration detention. In most cases, they feared reprisals from unscrupulous employers and therefore often refused to collaborate with the authorities and to provide any information, thus prolonging their detention.<sup>54</sup>

45. With regard to juvenile justice, ALOS-LDH and ACAT-FIACAT regretted the delay in the construction of the socio-educational centre, since minors continued to be held in prison, which was in breach of international rules.<sup>55</sup> ACAT-FIACAT recommended ensuring that the security unit for minors comes swiftly into service so that children are no longer detained in the prison centre for adults.<sup>56</sup>

46. CNFL noted that Luxembourg had still not adopted a strategy to combat female genital mutilation (FGM). CNFL recommended that Luxembourg law should explicitly punish persons practising FGM as well as parents or holders of parental authority who consented to the practice of FGM, for acts occurring both on Luxembourg territory and abroad. CNFL also recommended that Luxembourg should make legislative provision for the possibility of retaining a child within Luxembourg in the event of a risk of FGM abroad.<sup>57</sup>

47. CNFL observed that in 2003 Luxembourg had passed progressive legislation that resolutely condemned acts of domestic violence, which was currently being revised. CNFL recommended that the final draft should take account of the requests of associations for the defence of victims.<sup>58</sup>

48. CNFL pointed out that Luxembourg was further defining its policy with regard to prostitution. CNFL recommended adopting legislation that acted directly on the demand for "sexual services".<sup>59</sup>

49. ECPAT-Luxembourg stated that Luxembourg was a destination country for human trafficking, and a certain number of children in Luxembourg were unaccompanied asylum seekers, refugees or persons without appropriate legal documentation. They were particularly vulnerable to sexual exploitation or at risk of not benefiting from adequate protection or care.<sup>60</sup>

50. ECPAT-Luxembourg noted the entry into force in 2009 of the Law concerning the assistance, protection and security of victims of trafficking. In order to fully protect trafficking victims and provide sufficient services and assistance, ECPAT-Luxembourg recommended that Luxembourg ensure that an implementing regulation of the law is enacted and the law effectively implemented.<sup>61</sup>

51. ACAT-FIACAT regretted that victims of human trafficking were also placed in immigration detention for lengthy periods instead of receiving the protection and social support that they would need, and as a result, they returned to their previous condition after being released.<sup>62</sup>

52. According to ECPAT-Luxembourg, provisions contained in the Penal Code of Luxembourg and other laws relating to children, were relatively comprehensive, covered many forms of violence against children, including commercial sexual exploitation of children and many were in conformity with international law. However, there were several gaps in the national legislation on the sexual exploitation of children that should be addressed. An important gap, which left children unprotected, was the lack of a clear definition of “child pornography” and “child prostitution” in Luxembourgish legislation.<sup>63</sup>

53. ECPAT-Luxembourg recommended that Luxembourg provide a clear definition of child prostitution and child pornography in Luxembourg legislation, in line with the international obligations under the OP-CRC-SC and with the definition provided in the CoE Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.<sup>64</sup> ECPAT-Luxembourg recommended undertaking awareness raising campaigns, including in the educational system, in cooperation with other relevant stakeholders, addressing a broad range of issues related to commercial sexual exploitation of children.<sup>65</sup>

54. ECPAT-Luxembourg noted that comprehensive and effective implementation of the National Plan of Action (NPA) to combat the sexual exploitation of children, adopted in 1996, had not taken place thus far and no information was available regarding the impact of the NPA, as it appeared that no impact assessment had been conducted. It also noted a lack of coordination between key stakeholders (governmental and non-governmental) at national level in order to enable an efficient implementation of the NPA. ECPAT-Luxembourg recommended that Luxembourg update the National Plan of Action to combat the sexual exploitation of children and ensure its implementation, monitoring and evaluation. It also recommended that a multidisciplinary working group be appointed to support the implementation of the NPA.<sup>66</sup>

55. The Global Initiative to End All Corporal Punishment of Children (Global Initiative) stated that the Law on Children and the Family adopted in November 2008 prohibits all corporal punishment of children. However, they noted a lack of information regarding efforts to ensure implementation of the law. Global Initiative recommended undertaking measures to implement the law and eliminate corporal punishment in practice.<sup>67</sup>

### **3. Administration of justice**

56. The Council of Europe drew attention to the fact that, pursuant to article 3 of the Convention, in 2009, its Committee for the Prevention of Torture had again called on the Luxembourg authorities to allow all persons held in police custody — for any reason whatsoever — access to a lawyer from the very start of the deprivation of liberty. The right must include, for all persons deprived of liberty, the right to communicate in private with their lawyer from the very start of the deprivation of liberty.<sup>68</sup>



#### 4. Freedom of association

57. The European Committee on Social Rights (ECSR) indicated that domestic law in Luxembourg did not permit trade unions to freely choose their candidates in joint works council elections, regardless of their nationality.<sup>69</sup>

#### 5. Right to work and to just and favourable conditions of work

58. The ECSR noted that in Luxembourg there was no system for reducing working time or giving additional paid leave to those employed in dangerous or unhealthy occupations.<sup>70</sup>

59. ALOS-LDH deplored the discrimination to which border workers had been subjected in terms of access to social benefits since 2010.<sup>71</sup>

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

60. ACAT-FIACAT was concerned by the new provisions included in the Grand-Ducal Regulation of 8 June 2012, which drastically reduced the amount allocated to asylum seekers as social benefits, thereby inevitably causing a substantial deterioration in their living conditions.<sup>72</sup>

61. In 2012, noting the current plans to reduce the monthly cash allowance for asylum seekers, the Council of Europe Commissioner for Human Rights called on the authorities to avoid a regression of living conditions and continue to ensure decent standards of living.<sup>73</sup>

#### 7. Rights to health

62. ACAT-FIACAT was concerned at the fact that people with a medical condition requiring specialized treatment that was either not available in the country of origin or too expensive to be accessible to them, were nevertheless being expelled to their country of origin.<sup>74</sup> The CoE noted that legislation and practice in Luxembourg did not guarantee that all migrants receive emergency social assistance for as long as they might require it.<sup>75</sup> ACAT-FIACAT noted efforts were made to provide a certain amount of medicine to sick people prior to their departure. However, some chronic diseases required long-term treatment. ACAT-FIACAT recommended to take into consideration difficulties faced by seriously ill people in accessing to adequate medical treatment, before deciding to forcibly repatriate them.<sup>76</sup>

63. ACAT-FIACAT was concerned by the frequent practice of placing people with psychiatric disorders in the new holding centre for migrants in irregular situation. Such people required specialized attention, which could not be adequately provided by the staff at the Centre.<sup>77</sup> ACAT-FIACAT recommended refraining from placing people with psychiatric disorders in need of specialized medical attention in immigration detention centres.<sup>78</sup> CPT recommended that the authorities take steps to ensure that detainees suffering from psychiatric disorders receive the same standard of care as patients treated outside the prison system.<sup>79</sup>

#### 8. Right to education

64. ALOS-LDH noted that, at the end of the elementary school cycle a guidance opinion was delivered by an evaluation commission. The process lacked transparency, however, and at no stage were the child's wishes taken into account. As a result, access to the right to education, based on the principle of non-discrimination, was not always guaranteed. ALOS-LDH considered that the wishes of the child and those of its parents should at all times be the focus of attention and that the decision of the administrative tribunal should be applied without exception in order to guarantee equal access to the right to education.<sup>80</sup>

## 9. Persons with disabilities

65. With regard to the rights of persons with disabilities, JS1 noted that only a vague information campaign had been conducted by the Ministry of the Family and Integration and that only a tiny minority of persons living in institutions were really informed of the content of the International Convention on the Rights of Persons with Disabilities. The plan of action was believed to fall far short of the expectations and the international rights of persons with disabilities, because it did not take account of the daily experience of such persons.<sup>81</sup>

66. JS1 added that although since 1999 Luxembourg had practised dependent persons' insurance, it was limited to the private sector. Persons with disabilities were very often compelled to live in institutions, thereby forfeiting the benefits of a social life, a job and good education, while their rights to participation and active citizenship were not fully taken into account. Moreover, in institutions, the degree of self-determination of persons with disabilities was constantly being eroded.<sup>82</sup>

67. JS1 took the view that although the law recognized that sign language was indispensable, in practice those rights were not guaranteed.<sup>83</sup>

## 10. Migrants, refugees and asylum seekers

68. ACAT-FIACAT stated that the Office for the Reception of Asylum Seekers was temporarily closed between September and October 2011, making it impossible for a week to lodge any application for international protection in Luxembourg. ACAT-FIACAT noted that this closure was decided in response to an influx of asylum seekers not anticipated.<sup>84</sup> In addition, during several weeks, the newcomers were accommodated in very precarious conditions in campsites and other inadequate facilities.<sup>85</sup>

69. ALOS-LDH considered that the decision temporarily to close the Central Agency for the Reception of Asylum Seekers went against the spirit of the principle of non-refoulement. ALOS-LDH also expressed concern regarding the cuts in the social benefits granted to international protection seekers while their applications were being processed by the authorities on the grounds that such a measure did not respect human dignity and once again stigmatized the most destitute. Lastly, ALOS-LDH noted with concern the extremely precarious conditions of accommodation offered to asylum seekers in 2011.<sup>86</sup>

70. ACAT-FIACAT noted that people whose application for international protection had been definitively rejected were not systematically expelled, in particular when return to the country of origin was problematic for administrative, logistical or security reasons. In such cases, rejected asylum seekers were often pressurized, through eviction from their lodging for example, into leaving the country. According to ACAT-FIACAT, without a legal status and deprived of social protection, rejected asylum seekers were left in an administrative vacuum that can have tragic consequences. Some of these people had been held in immigration detention and released after several months for lack of any realistic means of expelling them. When they left the holding centre, they returned to their previous condition, with neither status nor social assistance.<sup>87</sup> ACAT-FIACAT recommended that rejected asylum seekers whose return to their country of origin is impossible for reasons beyond their control be granted a legal status, in order to allow them to gain their own sustenance and to have access to basic support services.<sup>88</sup>

71. ACAT-FIACAT recommended that the Ministries in charge of assessing applications for international protection, and of dealing with the reception of newcomers, take preventive measures to avoid being caught unprepared, and make provision for emergency situations in case of unusual numbers of arrivals. ACAT also recommended that the Luxembourg authorities provide asylum seekers with sufficient means to ensure that they do not become destitute.<sup>89</sup>

## Notes

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

*Civil society:*

ACAT-FIACAT	International Federation of Action by Christians for the Abolition of Torture.
ALOS-LDH	Action Luxembourg Ouvert et Solidaire-Ligue des droits de l’Homme.
CNFL	Conseil national des femmes du Luxembourg.
GIEACPC	Global Initiative to End All Corporal Punishment of Children.
ECPAT-Luxembourg	End Child Prostitution, Child Pornography and Trafficking of children for sexual purposes-Luxembourg.
JS1	Nëmme mat eist!, Daaflux, Elteren a Pedagogue fir Integatioun and Zak-Zesummen aktiv.

*National Human Rights Institution(s):*

CCDH	Commission consultative des droits de l’homme.
------	--

*Regional Inter-Governmental Organizations:*

CoE	Council of Europe.
-----	--------------------

- <sup>2</sup> Submission of the Consultative Commission for Human Rights, para. 8.  
<sup>3</sup> Submission of the Consultative Commission for Human Rights, para. 28.  
<sup>4</sup> Submission of the Consultative Commission for Human Rights, para. 4.  
<sup>5</sup> Submission of the Consultative Commission for Human Rights, para. 5.  
<sup>6</sup> Submission of the Consultative Commission for Human Rights, para. 7.  
<sup>7</sup> Submission of the Consultative Commission for Human Rights, para. 10.  
<sup>8</sup> Submission of the Consultative Commission for Human Rights, para. 18.  
<sup>9</sup> Submission of the Consultative Commission for Human Rights, para. 6.  
<sup>10</sup> Submission of the Consultative Commission for Human Rights, para. 18.  
<sup>11</sup> Submission of the Consultative Commission for Human Rights, para. 20.  
<sup>12</sup> Submission of the Consultative Commission for Human Rights, para. 22.  
<sup>13</sup> Submission of the Consultative Commission for Human Rights, para. 24.  
<sup>14</sup> Submission of the Consultative Commission for Human Rights, para. 25.  
<sup>15</sup> Submission of the Consultative Commission for Human Rights, para. 9.  
<sup>16</sup> Submission of the Consultative Commission for Human Rights, para. 19.  
<sup>17</sup> Submission of the Consultative Commission for Human Rights, para. 21.  
<sup>18</sup> Submission of the Consultative Commission for Human Rights, para. 15.  
<sup>19</sup> Submission of the Consultative Commission for Human Rights, para. 17.  
<sup>20</sup> Submission of the Consultative Commission for Human Rights, para. 9.  
<sup>21</sup> Submission of the Consultative Commission for Human Rights, para. 16.  
<sup>22</sup> Submission of the Consultative Commission for Human Rights, para. 12.  
<sup>23</sup> Submission of the Consultative Commission for Human Rights, para. 13.  
<sup>24</sup> Submission of the Consultative Commission for Human Rights, para. 27.  
<sup>25</sup> Submission of the Consultative Commission for Human Rights, para. 11.  
<sup>26</sup> Submission of the Consultative Commission for Human Rights, para. 26.  
<sup>27</sup> Submission of the Consultative Commission for Human Rights, para. 10.  
<sup>28</sup> Submission of the Consultative Commission for Human Rights, para. 23.  
<sup>29</sup> ALOS-LDH, page 1.  
<sup>30</sup> ACAT-FIACAT, page 6.  
<sup>31</sup> ECPAT, page 2.  
<sup>32</sup> CNFL, page 2.  
<sup>33</sup> European Commission for Democracy through law (Venice Commission) Opinion 544/2009, CD-AD(2009)057, para. 126.  
<sup>34</sup> ALOS-LDH, page 3.  
<sup>35</sup> Council of Europe, UPR Submission, July 2012, page 2.  
<sup>36</sup> ACAT-FIACAT, para. 2.

- 37 CNFL, page 1.  
38 ALOS-LDH, page 1.  
39 ALOS-LDH, page 2.  
40 ECPAT, page 2.  
41 Council of Europe, pages 1 and 2.  
42 Council of Europe, page 3.  
43 Council of Europe, page 2.  
44 Council of Europe, page 2.  
45 ALOS-LDH, page 2.  
46 ACAT-FIACAT, para. 12.  
47 ACAT-FIACAT, page 6.  
48 ACAT-FIACAT, para. 5.  
49 ACAT-FIACAT, para. 4.  
50 ACAT-FIACAT, para. 5.  
51 ACAT-FIACAT, page 6.  
52 ACAT-FIACAT, para. 21.  
53 Council of Europe, page 2.  
54 ACAT-FIACAT, para. 10.  
55 ALOS-LDH, page 3 and ACAT-FIACAT, para. 13.  
56 ACAT-FIACAT, page 6.  
57 CNFL, page 2.  
58 CNFL, page 1.  
59 CNFL, page 2.  
60 ECPAT, page 4.  
61 ECPAT, page 4.  
62 ACAT-FIACAT, para. 11.  
63 ECPAT, page 3.  
64 ECPAT, pages 4 and 5.  
65 ECPAT, page 6.  
66 ECPAT, page 6.  
67 Global Initiative, page 1.  
68 Council of Europe: report of the CPT on its visit to Luxembourg in 2009, CPT/Inf (2010) 31, page 57.  
69 Council of Europe: (Conclusions XVII-1) (conclusions XIX-3 (2010) – Introduction only).  
70 Council of Europe: (Conclusions XVIII-2) (conclusions XIX-3 (2010)).  
71 ALOS-LDH, page 2.  
72 ACAT-FIACAT, para. 8.  
73 Council of Europe, press release of 12 March 2012.  
74 ACAT-FIACAT, para. 23.  
75 Council of Europe, page 3.  
76 ACAT-FIACAT, page 6.  
77 ACAT-FIACAT, para. 3.  
78 ACAT-FIACAT, page 6.  
79 Council of Europe: report of the CPT on its visit to Luxembourg in 2009, CPT/Inf (2010) 31, para. 47.  
80 ALOS-LDH, pages 3 and 4.  
81 Joint Submission 1, page 1.  
82 Joint Submission 1, page 2.  
83 Joint Submission 1, page 2.  
84 ACAT-FIACAT, para. 6.  
85 ACAT-FIACAT, para. 7.  
86 ALOS-LDH, pages 2 and 3.  
87 ACAT-FIACAT, para. 16.  
88 ACAT-FIACAT, para. 17.  
89 ACAT-FIACAT, para. 9.