



# Convention on the Rights of Persons with Disabilities

Distr.: General  
13 June 2017  
English  
Original: French  
English, French, Russian and  
Spanish only

---

## Committee on the Rights of Persons with Disabilities

### Eighteenth session

14-31 August 2017

Item 5 of the provisional agenda

Consideration of reports submitted by parties to the  
Convention under article 35

## List of issues in relation to the initial report of Luxembourg

### Addendum

## Replies of Luxembourg to the list of issues\*, \*\*

[Date received: 31 May 2017]

---

\* The present document is being issued without formal editing.  
\*\* Annexes may be viewed in the files of the Secretariat.



## **A. Purpose and general obligations (arts. 1-4)**

### **Reply to the issues raised in paragraph 1 of the list of issues (CRPD/C/LUX/Q/1)**

1. The definition of the term “persons with disabilities” varies, depending on the context. The law always defines disability in a particular context, for example, to determine who may claim income for persons with serious disabilities.
2. Considerations of a medical nature are often the first indicator of whether a person is entitled to certain benefits. However, other indicators also play an important role (see, for example, reply to the issues raised in paragraph 35 of the list of issues, regarding the COSP-HR project).
3. A general definition aligned with that of the Convention on the Rights of Persons with Disabilities is expected to be provided in the draft bill on accessibility to all public places and apartment blocks.
4. In general terms, disability is a human rights issue in Luxembourg. Laws are interpreted and applied in accordance with the Convention.
5. For example, an agreement on the socio-educational support provided to persons with disabilities in shelters and daytime activity centres regulates relations between the State and managers of services for persons with disabilities. The agreement defines the persons with disabilities who are entitled to receive benefits, under the terms of the agreement, in a way that complies with the definition provided for in article 1 of the Convention.

### **Reply to the issues raised in paragraph 2 of the list of issues**

6. The principle of “design for all” is implicit in several pieces of legislation. The Act of 29 March 2001 on the accessibility of public places guarantees access for all citizens.
7. The government programme for 2014-2018 provides that: “Improving accessibility ... will be a key element of disability policy. It is therefore necessary to encourage the creation and supply of goods and services inspired by the principles of ‘design for all’.”
8. In 2016, a booklet intended to raise awareness of design for all in the housing sector was published (see reply to the issues raised in paragraph 12 of the list of issues).
9. The Ministry of the Family, Social Integration and the Greater Region (Ministry of the Family) is in the process of drafting a bill that aims to make public places accessible in accordance with the principles of universal design. The bill will contain a definition of design for all that will comply with the Convention.
10. The bill in question provides for ex ante monitoring based on building plans, as well as criminal penalties for breaches of accessibility obligations.
11. The definition and concept of reasonable accommodation are enshrined in the amended Act of 12 September 2003 on persons with disabilities and work. The Act enables employees with disabilities to benefit from certain measures intended to facilitate the integration or reintegration of persons with disabilities in the ordinary labour market. These measures include payment by the State of the costs of adapting workstations and facilitating access to the workplace, government contributions to transport costs and the provision of professional equipment.
12. In the area of education, the concept of reasonable accommodation is enshrined in the Act of 15 July 2011 on access to educational and vocational qualifications for students with special educational needs. In 2016, 23 secondary schools submitted requests to the Reasonable Accommodation Committee, which provided reasonable accommodation to 170 students, approximately 44 per cent more than in 2015.

13. Furthermore, the current draft of the bill on the accessibility of all public places includes a definition of reasonable accommodation in relation to the accessibility of the built environment.

#### **Reply to the issues raised in paragraph 3 of the list of issues**

14. The fact that the action plan for persons with disabilities was drafted in collaboration with around 200 persons involved in disability issues demonstrates the Ministry of the Family's desire to increase the participation of civil society in decision-making processes.

15. The various working groups established during the drafting process remained in operation after 2012 and are regularly consulted by ministries about legislative work, particularly with regard to projects in the areas of education, social security, labour, tourism, transport and the accessibility of public places.

16. Another very important advisory body is the Higher Council for Persons with Disabilities, which is mainly composed of persons with disabilities and representatives of organizations of persons with disabilities. It is responsible for advising on any bill concerning disability submitted to it by the Government.

17. By issuing opinions on legal texts, the Higher Council can influence the work of the Chamber of Deputies and the Government. It also considers all matters submitted to it by the minister and any other issue it deems worthy of consideration.

18. The opinions drafted in 2016 by the Higher Council concerned invisible disabilities, early intervention and the reform of dependency insurance, among other topics.

19. In 2017, the Higher Council has issued opinions on the bills on social inclusion income and the Centre for Equal Treatment.

20. Many administrative measures and bills have been amended following consultative meetings with the persons directly concerned. Examples that may be cited include the Adapto measure (see reply to the issues raised in paragraph 13 of the list of issues), the bill on dependency insurance, the bill on the accessibility of public places, the project concerning a new measure for supporting inclusion in employment and the draft study identifying the needs of persons with disabilities that, at the present time, are not being satisfactorily addressed by the State.

#### **Reply to the issues raised in paragraph 4 of the list of issues**

21. See reply to the issues raised in paragraph 3 of the list of issues.

## **B. Specific rights (arts. 5-30)**

### **Equality and non-discrimination (art. 5)**

#### **Reply to the issues raised in paragraph 5 of the list of issues**

22. The Acts of 28 and 29 November 2006 on equal treatment prohibit all discrimination (including against persons with disabilities) and introduce the principle of the shared burden of proof (the reversal of the burden of proof, except in criminal proceedings).

23. Articles 454 to 456 of the Criminal Code specifically prohibit and punish discrimination against persons with disabilities.

24. In the civil service, there is a special commission on harassment, which also deals with harassment of persons with disabilities.

25. A victim of discrimination may bring criminal indemnification proceedings against anyone who discriminates against them.

26. The Centre for Equal Treatment provides advice and guidance to persons who consider themselves to be victims of discrimination.

27. Any non-profit association of national significance that was constituted for the purpose of opposing discrimination and that satisfies certain conditions set by law may apply to the Ministry of Justice for approval to exercise the rights of a victim of discrimination in a court of law. Currently, five non-profit associations, including Info-Handicap, have been granted approval to defend victims with disabilities.

28. Access to justice is guaranteed. Individuals who cannot afford a lawyer are entitled to receive legal assistance. A lawyer is appointed to provide such persons with legal advice or to represent them in court. All costs are borne by the State.

#### **Reply to the issues raised in paragraph 6 of the list of issues**

29. When asylum seekers require special procedural guarantees, for example because they have a disability, they receive the appropriate support and are granted sufficient time for them to have effective access to procedures and to submit the information required in support of their application.

30. Asylum seekers can benefit from the dependency insurance scheme under the same conditions as any other resident of Luxembourg.

31. The assessment and guidance unit of the National Health Fund evaluates the individual needs of the person concerned to ensure that they receive the specific daily support they need during the 12-month probationary period. The Luxembourg Reception and Integration Agency bears the cost of providing home care and the necessary technical support.

32. Once asylum seekers are registered with the National Health Fund, they have access to health care and are entitled to consult a doctor of their choice. For the first three months following the filing of the application for asylum, the health-care costs of asylum seekers are fully borne by the Luxembourg Reception and Integration Agency.

33. With regard to the education of refugees and asylum seekers, the preliminary data indicate that the number of asylum seekers in school was significantly higher in the 2015/16 school year than in the previous year. In just the first quarter of the 2015/16 school year, the number of refugees enrolled in primary and secondary education stood at 268, a higher figure than that recorded for the whole of the 2014/15 school year. A Refugee Task Force was established in 2015 to coordinate the various initiatives undertaken by the Ministry of National Education, Children and Youth to ensure that refugee children received an education.

34. In view of the high prevalence of children with special educational needs among families who have applied for asylum, additional resources (psychologists, teachers, specialized service-providers) have been made available to these children.

#### **Women with disabilities (art. 6)**

##### **Reply to the issues raised in paragraph 7 of the list of issues**

35. See reply to the issues raised in paragraph 8 of the list of issues.

##### **Reply to the issues raised in paragraph 8 of the list of issues**

36. Article 10 bis of the Constitution provides that all citizens are equal before the law. Since article 11 of the Constitution guarantees the natural rights of the individual and the family, and the equality of women and men in rights and duties, it follows that domestic legislation applies without discrimination to girls, boys, women and men, regardless of whether or not they have a disability.

37. There are currently no statistics on girls and women with disabilities who are victims of violence, sexual abuse or multiple discrimination.

38. Every year, the Committee on Cooperation between Professionals in the field of Combating Violence sends the Government a report, containing gender-disaggregated statistics, on domestic violence in Luxembourg. However, this report does not indicate

whether the victims have a disability. The next report to be submitted to the Government is expected to contain data on women with disabilities.

39. With regard to access to education and employment for girls and women with disabilities, only one full exemption from compulsory education was granted in 2016. All other children of compulsory school age are enrolled in school.

## **Children with disabilities (art. 7)**

### **Reply to the issues raised in paragraph 9 of the list of issues**

40. The Act of 28 June 1994 provides that: “The State shall ensure that all children who are subject to compulsory schooling and who, because of their mental, behavioural, sensory or motor characteristics, cannot follow the ordinary or special education curriculum, and who have special educational needs, receive appropriate instruction in a centre or institute for special needs education or one-to-one assistance and support provided by a special needs education service in a preschool or primary school class.”

41. Students with disabilities who attend a post-primary or post-secondary educational establishment have access to special needs assistance and support services.

42. The forms of accommodation selected in 2016 by the Reasonable Accommodation Committee included the use of personal assistants (148), additional time in tests (146), assistive technologies such as video magnifiers, magnifying glasses and calculators (124), questionnaires in suitable formats (84), spellcheckers (78) and exemption from some compulsory end-of-term tests (76).

43. In Luxembourg, all children of four years of age or over must attend school.

44. Parents can choose between a school that belongs to the so-called regular system, with specialized out-of-school care provided by specialists where necessary, or enrolment in a specialized school. Parents’ wishes are respected and the final decision is theirs.

45. The Government is currently planning to restructure the care of children with special or specific needs at three levels:

- Local: Specialized teachers are to be directly assigned to schools. The school development plan of every school will set out a coherent approach to ensure that the principle of inclusivity is respected.
- Regional: Fifteen regional directors are to be responsible for coordinating the support teams for students with special or specific educational needs and those in crisis situations. Inclusion committees are also being restructured at the regional level.
- National: There will be eight specialized skills centres and one national committee for inclusion.

46. For information on sign language, see the reply to the issues raised in paragraph 29 of the list of issues.

### **Reply to the issues raised in paragraph 10 of the list of issues**

#### **(a) Children who are blind or visually impaired**

- 51 children enrolled in primary school (28 girls and 23 boys)
- 43 adolescents enrolled in secondary education (18 girls and 25 boys)
- 2 students at university (2 girls)
- 40 students enrolled in a special needs school or institute
- Total number of students taught at the Institute for the Visually Impaired: 136, of whom 32 are blind and 104 are visually impaired

**(b) Deaf-blind children**

47. Currently, there are no deaf-blind children enrolled in school.

**(c) Hearing-impaired children and****(d) Deaf children**

- 56 pupils enrolled in primary education
- 25 adolescents enrolled in secondary education
- 10 students enrolled in a special needs school or institute
- 47 students enrolled in the Speech Therapy Centre, including:
  - 9 children in early childhood education
  - 26 pupils in primary school
  - 25 adolescents in secondary education
- Total number of students who are deaf or hearing-impaired taught at the Speech Therapy Centre: 138, of whom 2 are deaf and 136 are hearing-impaired

**(e) Children with special educational needs owing to a physical/motor disability**

48. Some 84 students with special educational needs owing to a physical or motor disability are taught by multidisciplinary teams in the special needs system.

**(f) Children with special educational needs owing to an intellectual impairment**

49. Some 332 students with special educational needs owing to an intellectual impairment (mental retardation) are taught by multidisciplinary teams in the special needs system.

**(g) Children with special educational needs owing to a socio-emotional impairment**

50. Some 47 students with special educational needs owing to a socio-emotional impairment are taught by multidisciplinary teams in the special needs system.

**Reply to the issues raised in paragraph 11 of the list of issues**

51. The draft bill on the establishment of centres of expertise in specialized educational psychology for the promotion of school inclusion provides that:

52. A committee of children and young people with special educational needs who are cared for by the centre shall be established. The committee shall have the following functions:

- To represent children and young people with special educational needs who are cared for by the centre vis-à-vis the management
- To submit proposals to the director on all matters concerning the partnership within the centre
- To participate in the organization of cultural and social activities

53. The members of the committee of children and young people with special educational needs are elected by, and from among, the children and young people with special educational needs who are cared for by the centre.

54. For each child cared for by the Special Needs Education Service, a personalized education plan is drawn up which sets goals and priorities for the school year and establishes the methodologies to be used.

55. Students have the opportunity to become involved and express their views and wishes for their future so that priorities can be established and defined.

56. In addition, student conferences can be held in schools specializing in special needs education to give students the opportunity to voice their grievances.

## **Awareness-raising (art. 8)**

### **Reply to the issues raised in paragraph 12 of the list of issues**

57. From 2013 to 2016, an average annual budget of about €80,000 (compared with €57,000 in 2010-2012) was specifically allocated to raising public awareness of the rights of persons with disabilities. As a result, a number of information campaigns were carried out every year, each addressing different issues relating to the rights of persons with disabilities, such as accessibility, communication and the active participation of persons with disabilities in all areas concerning them. Also provided were training courses for trainers working in the area of disability, school activities, information sessions, information brochures and media campaigns. Some examples are listed below.

58. At the end of 2013 and in 2015, the Government of Luxembourg broadcast, on the country's main television channel, four television spots on the subject of disability. The spots were developed and produced in collaboration with high school students and persons with disabilities.

59. On 30 May 2016, the Ministry of the Family organized an information evening on follow-up to the disabilities action plan to inform civil society of recent advances in policy on persons with disabilities and to promote and strengthen the constructive dialogue with them.

60. The Ministry of the Family, the Ministry of Labour and the Employment Development Agency, in conjunction with the Institute for Social Movement, developed the "(Handi)Cap Emploi" project, whose purpose is to inform and raise awareness among employers of the issue of hiring employees with disabilities. A practical guide was produced and presented in April 2016.

61. During the 2016/17 school year, the Ministry of the Family, in collaboration with employees with disabilities and members of the DADOFONIC collective, a theatrical and visual arts group, carried out the *Hallo du* awareness-raising project, which aims to raise young people's awareness of the issue of disability and of the specific skills and needs of persons with disabilities. The audience is always made up of students with and without disabilities.

62. At the end of 2016, the Ministry of the Family, in collaboration with the National Resource Centre for Building Accessibility and the not-for-profit organization Info-Handicap, published a brochure entitled "Adaptable housing, sustainable accessibility" in order to raise public awareness of the principles of design for all.

63. Every year, the Ministry of the Family, in collaboration with the National Institute of Public Administration, organizes training courses for State and local government officials. The courses focus on raising awareness of the issues of accessibility, communication and human rights.

### *Action and measures taken by the City of Luxembourg, the Centre for Equal Treatment and Info-Handicap*

64. Since January 2010, the City of Luxembourg has been offering classes in German sign language, taught by two teachers who are deaf.

65. Since 2012, the City of Luxembourg, in conjunction with the participatory committee for the consideration of special needs, has held an annual "special needs fortnight" to draw attention to the needs of specific groups through exhibitions, conferences, debates, films, meals in the dark, plays and sports afternoons.

66. For many years, Info-Handicap has organized awareness-raising activities around 3 December.

67. Thus, on 29 November 2016, the “Instructions for Use” conference was held to discuss “Persons with disabilities: Getting and keeping a job”.

68. Since 2012, Info-handicap has organized training sessions on the topic of disability. Accordingly, awareness-raising and practical training sessions on care, diversity, transport and tourism for all are given for train guards, bus drivers and others.

69. The following training and awareness-raising activities have been organized by the State Information Technologies Centre with a view to creating universally accessible State websites.

- The Centre provides the editors of State websites with recommendations and tools to enable them to produce accessible content.
- Several awareness-raising sessions on accessibility were held in 2016. These services will also be offered in the future (assessment of website accessibility and accessibility awareness).

70. The increased frequency with which persons with disabilities are asserting their rights, usually by citing the Convention, and the rise in the level of press coverage of disability issues clearly demonstrate that there is increased awareness of the Convention among the general public.

### **Accessibility (art. 9)**

#### **Reply to the issues raised in paragraph 13 of the list of issues**

71. A new bill on the universal accessibility of all public places and apartment blocks will be submitted in 2017.

72. The scope of the 2001 law is expected to be greatly extended to cover many public and private places and certain types of housing. Thus, in the near future, accessibility requirements will apply to new building projects and plans to renovate shops, restaurants, playgrounds and medical surgeries. The key features of the new bill are the notions of collective use and openness to the public. The status of the owner will no longer be a decisive factor.

73. In existing public places, accessibility requirements will apply only to key areas and parts of buildings where public services are provided.

74. The bill provides for strict ex ante monitoring and criminal sanctions for any failure to comply with accessibility rules. It also contains definitions of the following concepts: design for all, reasonable accommodation and person with disabilities.

75. With regard to transportation, the Department of Transport, operating under the Ministry of Sustainable Development and Infrastructure, provides a transport service specifically for persons with disabilities who can travel neither by public transport nor independently by car.

76. These forms of transport, known as Adapto, supplement public transport by providing a transport service with specially equipped vehicles that can be operated on an occasional basis by carriers authorized by the Department of Transport.

77. As of 8 March 2017, 8,009 users of the Adapto service were registered in the database of the Ministry of Sustainable Development and Infrastructure. Over €13.4 million of State funds have been allocated to the Adapto service in 2017.

78. The ultimate goal is to make public transport accessible to all.

#### **Reply to the issues raised in paragraph 14 of the list of issues**

##### *In the field of telecommunications*

79. The Act of 27 February 2011 contains several provisions on electronic networks and communications services. Article 72 (3) (f), for example, provides that the Luxembourg

Regulatory Institute can “require enterprises that provide public electronic communications networks and/or publicly available electronic communications services to: ... (f) regularly provide subscribers with disabilities with detailed information on products and services intended for them”.

#### *Internet*

80. Directive (EU) 2016/2102 of the European Parliament and of the Council is in the process of being transposed into the legislation of Luxembourg.

81. Government strategy is based on a website standardization reference system (“Renow”), which provides a checklist covering over 200 classified criteria that guarantee the accessibility and consistency of government websites. It is currently being used by some 80 public websites.

82. The aim is to make websites accessible to deaf persons, blind persons and persons with a physical or intellectual disability.

83. The State Information Technologies Centre regularly conducts tests involving persons with special needs, arranges training for website editors and carries out regular evaluations of accessibility and activities to raise awareness of the accessibility of interfaces with public bodies.

84. The Centre also issues recommendations and provides tools for producing accessible web content.

85. Furthermore, in accordance with the i2010 strategy for promoting a global European information strategy, the Government has taken steps to bring the State’s presence on the Internet into line with the AA priority level of the Web Content Accessibility Guidelines 2.0.

#### *Dissemination of easy-to-understand language*

86. Klaro, a resource centre for easy-to-understand language, aims to develop the concept and use of easy-to-understand language in Luxembourg, to translate texts into easy-to-understand language, to train editors in the use of easy-to-understand language and to train persons with mental disabilities in the task of reviewing legislation in easy-to-understand language.

87. In 2016, Klaro offered 17 training sessions in which persons with disabilities served as co-trainers (in 4 out of 17 training sessions).

88. Over the past two years, there has been a marked increase in demand for the service from communes, associations, public services and the training centres of the National Institute of Public Administration.

#### *Streamlining of administrative procedures*

89. The Internet platform “Guichet.lu” allows administrative procedures to be simplified:

- Available face-to-face, online, by telephone and at certain fairs
- Available in different languages
- Efforts have been made to ensure that the “guichet” service is available in plain language, that procedures are better publicized and that computer graphics are used
- Several information sheets on procedures that specifically concern persons with disabilities have been produced and updated

90. Myguichet is a secure interactive platform on guichet.lu. It allows various administrative procedures to be carried out on a secure online platform. It enables people to complete the necessary formalities without having to leave home.

91. The interfaces of the platforms have been modified so that they can be accessed from different devices, ensuring accessibility in the broad sense of the term.

## **Situations of risk and humanitarian emergencies (art. 11)**

### **Reply to the issues raised in paragraph 15 of the list of issues**

92. Working closely with the National Council for Persons with Disabilities, the Government has taken the special needs of persons with disabilities into account in various emergency plans. The government plan to be enacted in the event of a nuclear accident provides for the evacuation of persons with disabilities and/or reduced mobility and for the provision of care appropriate to their needs in reception centres for evacuees.

93. The government plan for dealing with a flu epidemic establishes specific measures to facilitate the vaccination of persons with disabilities.

94. Since mid-2015, it has been possible to use text messages to transmit simplified warnings adapted to the needs of hearing-impaired or deaf persons. In the event of a nuclear incident, these persons can also use this system to receive early warnings, alerts and end-of-alert messages from the emergency services centre (112). Some 77 hearing-impaired or deaf persons are on the list of individuals who receive these tailored warning messages.

95. The pamphlet entitled “What to do in the event of a nuclear alert”, which was published by the Government’s information and press department in October 2014, is available in Braille, audio and easy-to-understand versions.

96. It is expected that, by the end of 2017, hearing-impaired or deaf persons will be able to receive warning messages in the form of push notifications through a specific smartphone application currently being developed.

## **Equal recognition before the law (art. 12)**

### **Reply to the issues raised in paragraph 16 of the list of issues**

97. The law on guardianship is currently being reformed in consultation with the persons concerned, namely, representatives of the judiciary, the bar association and associations that provide support to persons subject to a protection measure.

98. The purpose of the reform is to merge the three measures provided for by the law on adults without legal capacity into one measure known as tutorship (*curatelle*). This new form of tutorship will be defined in accordance with each person’s individual needs and should enable tailor-made solutions to be put in place. This approach gives absolute priority to assistance over all other forms of care and makes use of regular monitoring to ensure that any legal interference is proportionate to the needs of the person concerned.

99. In 2016, the two guardianship courts issued 336 decisions on guardianship (274 in Luxembourg and 62 in Diekirch) and 16 decisions on tutorship (139 in Luxembourg and 30 in Diekirch). It should be noted that the number of decisions on guardianship handed down by the court of Diekirch has fallen in recent years (from 101 in 2013/14 to 98 in 2015 and 62 in 2016).

## **Access to justice (art. 13)**

### **Reply to the issues raised in paragraph 17 of the list of issues**

100. Prison officers attend training courses on human rights. A bill on the reform of the prison system (submitted on 3 August 2016) provides for the establishment of a prison training academy, a training council and more in-depth training, particularly in the area of human rights.

101. Apart from the training programme followed by judges on taking up their duties, in-service training courses are provided and followed by a large number of them. Judges are offered training courses on disability and the Convention, among other topics. The training focuses on human rights, victims’ rights, trafficking in persons, the status of victims and anti-discrimination laws. Specialized training for investigating judges and juvenile and guardianship judges is offered each year.

102. Officers of the Grand-Ducal police undertake training (as part of their basic training) in human rights and the various forms of discrimination.

103. There are no statistics on the number and percentage of judges who have received training on the rights of persons with disabilities and the Convention.

**Reply to the issues raised in paragraph 18 of the list of issues**

104. Since March 2017, the Code of Criminal Procedure has provided as follows:

“Articles 3-4. (1) Victims or civil parties who do not speak or understand the language of the proceedings have the right to the free assistance of an interpreter, in a language they understand ... provided that such assistance does not have the effect of unduly prolonging the proceedings.

(2) If they have a speech or hearing impairment, they ... shall be assisted by a sign-language interpreter or by any other qualified person with competence in a language, method or means that allow that person to communicate with them.

(3) If it appears that they do not speak or understand the language of the proceedings, they have the right to the assistance of an interpreter at the time when the complaint is filed and during the hearings, investigation, pretrial proceedings and trial.

Provided that the same condition is fulfilled, they have the right, at their request, to the assistance of an interpreter to enable them to participate actively in the investigation or questioning in which they are entitled to participate, or in proceedings to which they are summoned to appear.

Victims also have the right to the assistance of an interpreter to communicate with a victim support unit or a restorative justice service.

...

(7) If it appears that the victims or civil parties do not speak or understand the language of the proceedings, they shall be immediately informed of their right to be assisted by an interpreter in accordance with this article ...

Art. 3-5. (1) In order to ensure that proceedings are fair, victims or civil parties who do not understand the language of the proceedings have the right to free translation, within a reasonable period of time, into a language that they understand, of all documents of which they have been notified or served notice, or to which they are entitled to have access, and which are essential to the exercise of their rights during the criminal proceedings.

(2) If there is any doubt surrounding their ability to understand the language of the proceedings, the authority conducting the hearing, or before which they are appearing, shall assess whether they can understand the language in question.

(3) If it appears that they do not understand the language of the proceedings, [the procedural documents] are to be translated as a matter of course.”

105. The documentation in court proceedings is available in both French and German.

106. In civil matters, the documentation necessary to protect the interests of individuals is also available in French and German. The forms used to submit a complaint to a court are therefore available in both French and German.

107. During hearings, individuals can speak in French, German or Luxemburgish. Persons who are unable to speak in one of these languages have the right to an interpreter, including for sign language.

108. The application form for legal assistance is available in both French and German.

## **Liberty and security of the person (art. 14)**

### **Reply to the issues raised in paragraph 19 of the list of issues**

109. There are currently no plans to amend the 2009 law regulating the hospitalization of persons with mental disorders without their consent.

### **Reply to the issues raised in paragraph 20 of the list of issues**

110. The Ministry of Health plans to negotiate, within the framework of the budget forecast for 2018, a specific budget line that would enable the State to contribute to the cost of home-based care as part of the out-of-hospital care provided to persons with specific, exceptional needs. (See also the measures provided under the dependency insurance scheme.)

111. With particular regard to persons with disabilities that have a psychiatric or somatic component, and taking into account the fact that suitable working conditions might improve their psychological state, inpatient evaluation is being replaced by outpatient evaluation (see reply to the issues raised in paragraph 35 of the list of issues, regarding the COSP-HR project).

### **Reply to the issues raised in paragraph 21 of the list of issues**

112. Although it is not compulsory to be represented by a lawyer in the criminal courts, everyone has the right to such representation. Anyone suspected of an offence is informed of their right to be assisted by a lawyer from the moment they are first questioned (see reply to the issues raised in paragraph 18 of the list of issues).

113. Anyone who cannot afford a lawyer is entitled to legal aid for the purpose of defending their interests in Luxembourg provided that they meet certain criteria. This law applies to persons with or without disabilities, whether they are minors or not.

114. In addition, there is a legal information service attached to the Public Prosecutor's Office which is open to individuals who wish to receive information and be referred to the relevant services, including in the area of criminal law. Legal information is provided free of charge by a person assigned by the Public Prosecutor's Office.

115. Moreover, every Saturday morning, between 8.30 a.m. and 11.30 a.m., lawyers are available inside the Courts of Justice to answer questions asked by the general public.

## **Freedom from exploitation, violence and abuse (art. 16)**

### **Reply to the issues raised in paragraph 22 of the list of issues**

116. In the framework of the efforts made to ratify the Convention on Preventing and Combating Violence against Women and Domestic Violence, and in accordance with its article 11, on data collection and research, article 4, on fundamental rights, equality and non-discrimination, and the obligation, under an integrated, coordinated policy, to protect and assist all victims, including women and girls with disabilities, from gender-based and domestic violence, plans are in place to:

- Adapt the amended Act of 8 September 2003 on domestic violence to ensure that the article on data collection also covers data on the numbers and profiles of vulnerable persons, including persons with disabilities, and that the collection of data on sexual and psychological violence is clarified.
- It should be noted that vulnerability based on disability, among other factors, is considered in Luxembourg law to be an aggravating circumstance in relation to threats, assault and battery, rape, indecent assault, infringements of liberty and violation of domestic privacy in the context of domestic violence and violence in general.

- Ensure that, in the areas of substantive law and data collection, the bill on the ratification of the above-mentioned Convention takes into account vulnerable victims, including women and girls with disabilities.

117. Women and girls with disabilities will also be taken into account in efforts to strengthen prevention and protection measures aimed at victims of gender-based violence and domestic violence.

118. All counselling and reception centres for women and girls in distress receive, assist, shelter and advise women and girls with disabilities who are victims of violence. If necessary, they refer them to other organizations that are better placed to help them.

119. The fight against domestic violence, sexual violence, prostitution and sexual exploitation (prostitution, pimping and human trafficking) also requires that sex and relationship education be provided from an early age.

120. Within the framework of the National Programme for the Promotion of Sexual and Emotional Health, which includes the establishment of the National Reference Centre for the Promotion of Emotional and Sexual Health, operating under the Ministry of Health, the vulnerability (including the disabilities) of recipients is taken into account, regardless of their age and gender, in terms of both access and needs.

#### **Reply to the issues raised in paragraph 23 of the list of issues**

121. The Act of 24 July 2014 on the rights and obligations of patients, which provides for the establishment of a national information and mediation service in the area of health, establishes the right to receive assistance (art. 7).

122. The support worker is, to the extent possible, involved in caring for the patient. Article 8 of the Act provides for possible courses of action in situations where patients are unable to state their wishes. Article 20 of the Act concerns the responsibilities of the national information and mediation service in the area of health; information on the right of a particular provider to provide services and any possible restrictions on that right; and quality and safety standards and guidelines, including provisions on monitoring and assessing health-care providers.

#### **Protecting the integrity of the person (art. 17)**

##### **Reply to the issues raised in paragraph 24 of the list of issues**

123. The Act of 10 December 2009 on the involuntary hospitalization of persons with a mental illness provides for possible remedies and checks in situations where persons, including persons with disabilities, are placed in psychiatric care without their consent.

##### **Reply to the issues raised in paragraph 25 of the list of issues**

124. The Ministry of the Family gives financial support to a number of associations working in the field of disability to enable them to offer awareness-raising programmes, in an educational setting, on the emotional and sex life and relationships of persons with disabilities. In order to ensure that every person can make an informed choice, particular attention is paid to different methods of contraception. (See also the Act of 24 July 2014 on the rights and obligations of patients, establishing a national information and mediation service in the area of health.)

125. Several associations that are funded by the Ministry of the Family also have rooms and apartments for couples with disabilities. There is also a parenting service which provides guidance to pregnant women with disabilities and young mothers and parents with disabilities.

## **Liberty of movement and nationality (art. 18)**

### **Reply to the issues raised in paragraph 26 of the list of issues**

126. The Luxembourg Reception and Integration Agency has six shelters that meet the requirements of persons with reduced mobility.

127. Tailored support is provided in collaboration with other services accredited by the Ministry of Health or the Ministry of the Family.

128. Newly built accommodation for asylum seekers will be made accessible for persons with reduced mobility.

129. Lastly, asylum seekers with disabilities can use transport that is specifically adapted for persons with reduced mobility and are eligible for a category B or C disability card.

## **Living independently and being included in the community (art. 19)**

### **Reply to the issues raised in paragraph 27 (a) of the list of issues**

130. The figures for the cash benefits paid in 2015 to persons with specific needs under the dependency insurance scheme are as follows:

- Blindness: 291 individuals received €1.81 million
- Spina bifida: 44 individuals received €317,954
- Deafness/communication difficulties: 179 individuals received €1.29 million

131. These cash benefits fund the technical or personal support, including sign-language interpretation, required by persons with disabilities.

132. The budget of the Ministry of the Family includes a budget line for the costs met by the State for the personal assistance required by persons with sensory disabilities undertaking continuous professional training and official examinations for promotion. The budget line amounts to €5,000 and is unrestricted. In 2016, the Ministry approved all the applications submitted to it and allocated a total of €770 for personal assistance.

### **Reply to the issues raised in paragraph 27 (b) of the list of issues**

133. In 2015, 1,000 carers were paid for by the dependency insurance scheme for persons with disabilities (budget: €26.94 million).

134. In 2015, 637 individuals received the special allowance for persons with severe disabilities (budget: €5.39 million).

135. In addition to the budget line for personal assistance, in 2014 the Ministry hired a sign-language interpreter. Individuals can request the services of the interpreter to help them in their dealings with the authorities.

136. Another interpreter is employed by the non-profit association Solidarität mit Hörgeschädigten, a service accredited by the Ministry. The State budget covers all the costs of this position, as well as any additional spending on foreign interpreters. In 2016, a supplementary budget of approximately €25,000 was made available for the non-profit association to hire a freelance interpreter.

137. In 2016, the Ministry asked the Luxembourg Institute of Socioeconomic Research to conduct a study on the feasibility of introducing a personal assistance budget in Luxembourg. The study is being carried out in three phases: the second phase, which is being carried out in 2017, consists of a comprehensive survey of persons with disabilities. The study will draw up an inventory of the support and measures that persons with disabilities are already receiving and assess their outstanding needs in the light of the obligations arising from the Convention on the Rights of Persons with Disabilities.

### **Reply to the issues raised in paragraph 27 (c) of the list of issues**

138. In Luxembourg there are three forms of accommodation for persons with disabilities: social and educational support homes, sheltered housing and independent housing.

#### *Social and educational support homes*

139. State-accredited accommodation services for persons with disabilities provide accommodation and/or support to groups of three or more persons with disabilities. The aim is to offer professional support to persons with disabilities using a comprehensive and coherent approach by providing them with, on the one hand, help and care as defined in the legislation on the dependency insurance scheme and, on the other, tailored socio-educational support.

140. Persons with disabilities live together in small groups of around 6 to 10 persons in specialized institutions spread across the whole country. The Agreement on Socio-Educational Support for Persons with Disabilities governs relations between the State and the bodies that manage housing and day-care services. It is in line with the principles underlying the Convention on the Rights of Persons with Disabilities and is designed to support the application of those principles.

141. The aim of socio-educational support is to provide the persons concerned with an environment that is conducive to their well-being, their physical, sensory, intellectual and emotional independence, and their inclusion, socialization and education. It is an ongoing comprehensive and holistic form of support.

142. Socio-educational support is based on the abilities of the individual concerned. It takes into account the lifestyle, available resources, history, family and social background, wishes and life choices of the individual and, where appropriate, their legal representative.

143. Socio-educational support for each individual is defined in a personalized socio-educational support plan. The services provided are determined on the basis of an initial evaluation and regular assessments of the needs, expectations and state of health of the person concerned, in consultation with the person and/or their family and friends.

144. In 2016, the capacity of the 42 accommodation centres run by the 12 organizations accredited by the Ministry of the Family stood at 860 beds, of which 54 were temporary. As at 31 December 2016, 24 beds were occupied by minors in centres run by four different organizations.

#### *Sheltered housing*

145. Sheltered housing is a form of community home for individuals with a high degree of independence who receive educational support on a daily rather than a full-time basis. The principal aim is to develop independence and achieve inclusion in social and professional life.

146. As at 31 December 2016, six associations were providing 57 sheltered housing units.

#### *Independent housing*

147. Independent housing takes the form of a home rented or acquired by the persons concerned, who receive personalized assistance tailored to their wishes and needs. Such assistance takes different forms depending on the skills, capacities and background of the person with disabilities. For example, it may take the form of counselling or support intended to encourage and empower the person, or help in making arrangements to compensate for the person's disability so that he or she can enjoy high-quality independent living. These care measures are available on an ad hoc or regular basis.

148. As of 31 December 2016, nine associations had signed agreements with the Ministry to provide home-based support for 272 individuals.

149. Alongside traditional accommodation and with a view to promoting the greatest possible independence of persons with disabilities, the Ministry of the Family has supported the development of facilities that offer care in open and semi-open settings. In

2016, the capacity of the home-help services run by the nine organizations accredited by the Ministry stood at 329 places, compared to 144 places in 2012.

**Reply to the issues raised in paragraph 27 (d) of the list of issues**

150. Many of the management associations have or are in the process of establishing residents' councils which are designed to receive complaints from residents and present them to the administrative committees of institutions. Many complaints and grievances can be resolved quickly and informally using this mechanism.

151. The Agreement on Socio-Educational Support for Persons with Disabilities defines the quality standards that management associations must meet. These standards require that the requests and needs of the individuals being supported must be taken into account and establish the means by which service staff and managers should respond to any claims or complaints made by users.

152. There are also services and associations that receive complaints and try to address them:

- None of the 768 complaints made to the Ombudsman in 2016 were lodged by a person with disabilities.
- In 2016, the Centre for Equal Treatment handled 115 cases, 34 of which concerned discrimination on the basis of disability. Of the 34 cases, 2 related to accommodation in institutions.
- In 2016, the legal information service of the National Disability Information and Meeting Centre (run by Info-Handicap) handled 714 requests, 10 of which related to accommodation in institutions. These were requests for information rather than formal complaints.
- The Ministry of the Family itself registers complaints from individuals or associations in connection with all types of discrimination and issues relating to disability. In 2016, nine cases were opened, none of which related to accommodation issues.

153. The Ministry of the Family is introducing cooperation mechanisms so that it can meet with management associations to discuss specific situations and any user complaints. Solutions are identified and implemented on the basis of consultation and collaboration.

154. In cases of disagreement, the Ministry can impose sanctions under the agreements concluded with the management associations. However, no such measures have ever had to be taken, thanks to the good level of collaboration between the State and the management associations.

**Reply to the issues raised in paragraph 28 of the list of issues**

155. One of the guiding principles of the dependency insurance scheme is that people should be allowed to stay in their own homes as far as possible. The new initiatives taken to this end include the development of networks of assistance and care at home, support for carers and the provision of free technical aids to insured persons to enable them to continue living in their own homes in decent conditions.

156. That aim has largely been achieved. In 1999, 60.6 per cent of the beneficiaries of the dependency insurance scheme lived in residential care homes and 39.3 per cent lived in their own home. By 2015, these figures had been completely reversed: 66.8 per cent of the beneficiaries of the scheme live in their own home while 33.2% live in an institution. However, these figures reflect the total number of dependent persons who are beneficiaries of the dependency insurance scheme, not only those who have disabilities.

157. In Luxembourg, the deinstitutionalization of persons with disabilities is also pursued by establishing sheltered housing and developing new home-based support services for persons living independently.

158. At the same time, several associations accredited by the Ministry of the Family organize training to promote the independence and self-determination of persons with

disabilities and assist them in transitioning more easily from residential care to life in sheltered or independent housing.

159. In 2012, the State budget for the care and support of people living in the 53 accredited sheltered housing units amounted to €1.04 million. The budget rose to €1.39 million in 2017.

160. The number of persons with disabilities receiving in-home support services increased from 144 to 303 between 2012 and 2017, while the budget rose from €2.27 million to €3.77 million.

161. Several projects are in the planning phase for the construction of sheltered housing for persons with autism (16 homes in Pétange), persons with physical disabilities (16 homes in Dudelange) and persons with intellectual disabilities (in Olm). The infrastructure costs for these projects will be borne by the State.

## **Freedom of expression and opinion, and access to information (art. 21)**

### **Reply to the issues raised in paragraph 29 of the list of issues**

162. At its meeting on 5 May 2017, the Government Council approved the preliminary bill amending the Act of 24 February 1984 on the use of languages. The bill was filed with the Chamber of Deputies on 23 May 2017.

163. The amendments to the Act of 24 February 1984 are designed to:

- Confer official status on German sign language (hereinafter referred to as sign language) and promote the linguistic identity of the deaf community by recognizing sign language as a language in its own right
- Facilitate communication between the State and citizens who are deaf or hearing-impaired by establishing their right to use a sign-language interpreter in their dealings with State authorities, with the costs borne by the State
- Facilitate the learning of sign language and facilitate communication within families where one family member uses sign language as their first language by enshrining the right of the parents and siblings of a person who is deaf or hearing-impaired to receive basic instruction in sign language
- Provide children who are deaf or hearing-impaired with the same opportunities as other children to undertake the training of their choosing by enshrining their right to learn German sign language and to complete basic and secondary education in sign language

164. Persons with disabilities were consulted and their preferences were taken into account in the drafting of the bill.

165. It should be noted that two sign-language interpreters are currently employed in Luxembourg and provide German sign-language interpretation to and from Luxemburgish, German and French.

166. Under a funding agreement with the State, the Solidarität mit Hörgeschädigten association has hired a sign-language interpreter for its advice and information service (Hörgeschädigten Beratung).

167. From 2012 to 2016, the advice and information service received 1,144 requests for appointments with interpretation, of which 841 (73.51 per cent) were held with an interpreter. It should be noted that 134 appointments (11.71 per cent) were cancelled by the client and 169 appointments (14.77 per cent) were cancelled by the interpreter.

168. It should be noted that during 2016, only 17.2 per cent of appointments were attended by the in-house interpreter, who was granted leave without pay followed by maternity and parental leave. This exceptional situation had a negative impact on the proportion of appointments attended by the in-house interpreter.

169. In 2014, the Ministry of the Family hired a sign-language interpreter to work, at no cost to the deaf or hearing-impaired person, in instances where a person attending a meeting or interview with Government officials had given advance notice of his or her need for interpretation.

170. From 2014 to 2016, 256 requests for interpretation were received by the Ministry of the Family. Of those requests:

- Interpretation was provided for 166 appointments (64.84 per cent)
- 75 appointments (29.3 per cent) were cancelled by the client
- Only 15 appointments (5.86 per cent) were cancelled by the interpreter

171. The Ministry of Culture promotes the use of sign language at cultural events. Plays, public book readings, dance displays and other artistic performances are increasingly interpreted in sign language.

## **Education (art. 24)**

### **Reply to the issues raised in paragraph 30 (a) of the list of issues**

172. In the field of education, domestic legislation is based on the following paradigms: (1) enrolment in mainstream education is the rule — for a child to be enrolled in a special school, a specific procedure involving a detailed assessment of the child must be followed; (2) every child has a right to education and instruction, no matter how complex his or her special educational needs; (3) the school place offered is based on the pupil's needs.

### **Reply to the issues raised in paragraph 30 (b) of the list of issues**

173. The choice of studies for students with special educational needs should be based on educational considerations, with the final decision taken by the parents. Children with special educational needs are enrolled in mainstream education unless their parents decide otherwise. Therefore parents do not need to request enrolment of their child in mainstream education as that is the rule and no preliminary procedures are required.

174. In Luxembourg, less than 1 per cent of students are enrolled in specialized schools.

### **Reply to the issues raised in paragraph 31 of the list of issues**

175. During the 2015/16 school year, out of a total of 1,675 children with disabilities, 918 students (54.80 per cent) attended a special needs establishment (c) and the Speech Therapy Centre, while 757 primary school pupils (45.20 per cent) received support (a) from the Institute for the Visually Impaired or multidisciplinary teams of professionals.

176. Integrated education (b): for 2016/17, 219 special needs pupils have been included in primary or secondary school classes.

### **Reply to the issues raised in paragraph 32 of the list of issues**

177. Information on reasonable accommodation and sign language is provided in the reply to the issues raised in paragraphs 2 and 29 of the list of issues.

### **Reply to the issues raised in paragraph 33 of the list of issues**

178. The preliminary bill on the establishment of centres of excellence in specialized psychological pedagogy for educational inclusion highlights the importance of interaction among the various partners in order to refresh skills and ensure quality of care.

179. It is important to keep abreast of scientific developments in these areas; to that end, forums for exchange, the formation of groups of experts, ongoing training and systematic monitoring contribute to maintaining the required quality standards. Many disciplines are related to specialized education; an interdisciplinary approach is therefore an essential element in the provision of high-quality care.

## **Work and employment (art. 27)**

### **Reply to the issues raised in paragraph 34 (a) of the list of issues**

180. The Act of 12 September 2003 on persons with disabilities introduced hiring quotas for secure employment for persons with disabilities. The quotas are based on the size of the company. Companies that do not fulfil their quota are usually provided with incentives rather than being sanctioned.

181. The policy developed by the Ministry of Labour, Employment and the Social and Solidarity Economy and the Employment Development Agency to assist persons with disabilities in finding employment appropriate to their expectations, needs and capabilities is designed to try to meet the needs of both employers and employees with disabilities. This policy builds on instruments that adopt a holistic approach.

182. These instruments include:

- Intensive tailored coaching: tailored coaching has been implemented in all offices of the Employment Development Agency for new job seekers registered since 2015. Advisers from the Agency work with the job seeker to develop an individual action plan designed to remove barriers to a return to work. The Agency's Employer Service has been strengthened by the recruitment of employment psychologists, who advise companies with a view to helping job seekers with disabilities return to work.
- Appropriate training: the Career Guidance and Career Change Commission may recommend specific professional training, to be paid for by the Employment Fund.
- Reasonable accommodation and financial support (see reply to the issues raised in paragraph 2 of the list of issues).

### **Reply to the issues raised in paragraph 34 (b) of the list of issues**

183. As at 1 January 2017, 821 employees of the various State departments, administrations and services of Luxembourg are registered as having disabilities. The State also has staff members with disabilities who are not included on the centralized register at the Ministry for the Civil Service and Administrative Reform because they have not requested registration.

184. In 2016, a total of 3,980 workers with disabilities aged between 17 and 64 years were registered. Of the total, 1,384 are men and 2,596 are women; 3,942 are employed and 38 are self-employed; and 3,020 have been referred to the open labour market and 960 to sheltered workshops.

185. As at 31 December 2016, 212 job seekers registered as workers with disabilities benefited from employment promotion measures; 66 were women and 146 were men. Out of the total of 212 persons, 84 were aged under 30 years, 67 were aged between 30 and 44 years and 61 were aged over 45 years.

186. As at 31 December 2016, 1,787 job seekers registered as workers with disabilities were not in employment. Of the total, 778 were women and 1,009 were men; 183 had been registered with the Employment Development Agency for less than 12 months; 161 had been registered for between 12 and 23 months; and 1,443 had been registered for more than two years.

### **Reply to the issues raised in paragraph 34 (c) of the list of issues**

187. In Luxembourg, persons with disabilities can submit complaints to several bodies (see reply to the issues raised in paragraph 27 (d) of the list of issues).

- In 2016, of the 115 cases handled by the Centre for Equal Treatment, 34 concerned discrimination on the basis of disability, 9 of which were in connection with discrimination at work or in the workplace.

- In 2016, the legal information service of the National Disability Information and Meeting Centre handled 19 requests in connection with discrimination in the workplace, including 11 that involved refusal of reasonable accommodation.

**Reply to the issues raised in paragraph 35 of the list of issues**

188. The number of persons classed as workers with disabilities employed in sheltered workshops rose from 373 in 2004 to 1,126 (full-time equivalent: 1,064) in March 2017.

189. The sheltered workshops are run as commercial enterprises. This approach is in line with the principle of inclusion underlined in the Convention.

190. The NGOs and foundations that run the sheltered workshops within economic entities have attempted to diversify their activities in recent years.

191. By way of example, the APA project is a collaboration between a sheltered workshop and a farm with the aim of creating new jobs in rural areas in the region by pooling their respective expertise and resources. The goal is for employees with disabilities to acquire new vocational skills.

192. The agreement between the Ministry of Labour and the sheltered workshops provides a regulatory framework that promotes cooperation with the private sector. This can occur through work placements or through clear, time-limited partnerships linked to specific projects, once the regulatory prerequisites are met.

193. Two managers who are experts in the field of employment of workers with intellectual disabilities have strengthened their partnerships with local and national employers. Teams of workers with disabilities provide labour for companies outside the sheltered workshop under the supervision of a specialized instructor.

194. The sheltered workshops and the Employment Development Agency are strengthening their collaboration in order to facilitate the transition from sheltered workshop to the open labour market.

195. The Government is preparing reforms to the amended Act of 12 September 2003 with the aim of supporting the inclusion of persons with disabilities in the labour market by:

- Making administrative procedures simpler and shorter
- Facilitating the integration of employees with disabilities in the open labour market
- Encouraging employers to hire more workers with disabilities
- Promoting measures to keep persons with disabilities in employment
- Raising awareness among co-workers

196. The “COSP-HR” project (Career Guidance Centre — Disability and Redeployment), which was launched in January 2017, is a partnership between the Ministry of Labour, the Ministry of the Family, the Ministry of Health, the Employment Development Agency, the Career Guidance Centre, the National Centre for Functional Therapy and Rehabilitation (Rehazenter), the National Neuropsychiatry Hospital, the Union of Luxembourg Enterprises and the National Institute for Sustainable Development and Corporate Social Responsibility.

197. The aim of the project is to assess the capacities of persons with disabilities and help them back into employment. During a two-month placement at the Career Guidance Centre, individuals participate in employment workshops and have their social and professional capabilities assessed by medical teams from Rehazenter (focusing on physical disabilities) and the National Neuropsychiatry Hospital (focusing on psychological and mental disabilities) and by advisers from the Career Guidance Centre. The teams make recommendations based on the needs and wishes of the person with disabilities. Entry to the open labour market is actively promoted in partnership with groups of employers.

198. Two “employment cafes”, which bring together employers and persons with disabilities, were organized in 2016 and as a result 10 job seekers with disabilities were recruited by companies.

199. The Contact Centre of the Employment Development Agency is the national call centre for employers and job seekers. It began operating in September 2012 and has 28 employees, all of whom have disabilities or reduced working capacity.

## **Participation in political and public life (art. 29)**

### **Reply to the issues raised in paragraph 36 of the list of issues**

200. The current bill containing proposed amendments to the Constitution would no longer deprive adults under guardianship of the right to vote. Article 66 of the proposed new Constitution (as at 29 November 2016), provides as follows:

- (1) To vote, a person must be a citizen of Luxembourg and must be over 18 years of age.
- (2) To be eligible for election, the person must also be domiciled in the Grand Duchy of Luxembourg.
- (3) In the cases provided for by law, the courts may impose a prohibition on the right to vote and to be elected.

### **Reply to the issues raised in paragraph 37 of the list of issues**

(a) The legislative provisions on the right to stand for election apply to everyone without distinction.

(b) The right to vote is guaranteed for all persons, with or without disabilities (Electoral Act of 18 February 2003, as amended, arts. 1-3).

201. Voters who are blind or who have disabilities can receive assistance to enable them to exercise their right to vote (Electoral Act of 18 February 2003, as amended, art. 79).

202. In addition, for the local elections coming up on 8 October 2017, municipalities will be called upon to ensure that polling stations are accessible for persons with disabilities. An explanatory brochure written in easy-to-understand language is currently being prepared.

## **Participation in cultural life, recreation, leisure and sport (art. 30)**

### **Reply to the issues raised in paragraph 38 of the list of issues**

203. With regard to subsidies for cultural infrastructure projects, the Ministry of Culture takes into account such criteria as innovation, accessibility and respect for architectural heritage.

204. In 2016, accessibility was the theme of the heritage days organized by the National Sites and Monuments Service. In September 2016, two conferences were held on the themes of “national monuments and design for all” and “architectural heritage and accessibility”. A number of castles and churches are now accessible to persons with disabilities.

205. In connection with the construction and use of sports facilities, the Act of 3 August 2005 provides that, as from the design phase, adjustments must be made to enable access and use by persons with disabilities.

206. The Ministry of Sport provides subsidies to the two national sport federations, the Luxembourg Paralympic Committee (for persons with disabilities) and the Special Olympics (for persons with mental disabilities). It also provides ad hoc subsidies such as partial or total coverage of the cost of sports prosthetics for elite athletes.

207. In its subsidiary role, the Ministry of Sport supports and encourages integration initiatives in the interests of organizations such as the Roll & Run pilot project organized by the City of Luxembourg as part of the ING Night Marathon Luxembourg.

208. The Ministry’s Sports and Leisure Division organizes events such as the “Wibbel & Dribbel” project, the aim of which is to highlight childhood in all its diversity. Associations

that deal with all kinds of disability issues will attend the 2017 event as observers in order to plan the 2018 event.

209. The Sports Medicine Division organizes sessions dedicated to sports fitness assessments for persons with disabilities so that they can receive care appropriate to their specific needs.

210. The Ministry of the Family funds 15 associations that promote access for persons with disabilities to sport, cultural and leisure facilities and services, as part of the social and daytime activities service.

211. These day-care facilities offer a variety of occupational activities such as gardening, cooking and doing the laundry, creative activities such as painting and ceramics, therapeutic activities such as relaxation, music and basal stimulation, and leisure activities such as excursions and shopping, as well as summer camps for children.

212. The “321 Vakanz” service specializes in holidays and leisure activities for persons with disabilities and/or reduced mobility. The National Youth Service runs inclusive holiday camps.

## **C. Specific obligations**

### **Statistics and data collection (art. 31)**

#### **Reply to the issues raised in paragraph 39 of the list of issues**

213. The Government systematically collects statistics on persons with disabilities in line with international human rights standards, that is, by adhering to the principles of participation, disaggregation, self-identification, transparency, confidentiality and responsibility (reliability and quality).

214. Organizations that receive financial support from the Government of Luxembourg to improve the situation of persons with disabilities must provide the Government each year with full data on their services, including the number, sex and type of disability of users.

215. All the data are contained in the publicly available annual activity reports issued by the relevant ministries.

216. Naturally, confidentiality is observed — the names of the persons with disabilities are not published, only their age, sex and type of disability.

217. In addition, the principle of self-identification is also respected in the data collection process as the data is not used to stereotype or discriminate against any population group. Lastly, identity documents and population registers do not contain information on a person’s disability.

218. The Grand Duchy of Luxembourg has a National Institute of Statistics and Economic Research. It enjoys scientific and professional independence in that it establishes its own programme of work in line with national and European legislation on statistics and produces and disseminates its data in a completely neutral manner.

219. In addition to the data already provided, the Government has statistics by age, gender and type of disability on persons with disabilities (for details see annex 1) in the areas of:

- I. Accommodation services
- II. Day-activity services
- III. Training services
- IV. Semi-independent housing
- V. In-home support and supervision services/independent housing
- VI. Various statistics on disability on the Eurostat website

- VII. Contributions to the cost of adaptations made to accommodation (excluding grants under the dependency insurance scheme) to meet the needs of persons with physical disabilities
- VIII. Students with disabilities at the University of Luxembourg
- IX. Priority cards and disability cards

## **International cooperation (art. 32)**

### **Reply to the issues raised in paragraph 40 of the list of issues**

220. In its humanitarian action, Luxembourg pays special attention to protecting and supporting particularly vulnerable groups, including women and children, the elderly, persons with disabilities and other groups with specific or less visible difficulties who are less able to participate actively in decision-making and to take advantage of assistance. This commitment is also anchored in the National Humanitarian Charter drafted and adopted by the Government jointly with five national humanitarian partners in May 2016.

221. Immediately following the World Humanitarian Summit in 2016, Luxembourg endorsed the Charter for the Inclusion of Persons with Disabilities in Humanitarian Action and supports efforts to take account of disability in humanitarian action at the European and international levels.

222. In early 2017, new terms and conditions were drawn up for the relationship between the Ministry of Foreign Affairs and non-governmental organizations wishing to receive Ministry funding for humanitarian action. Luxembourg based the terms and conditions on the National Humanitarian Charter, the commitments it made at the World Humanitarian Summit and the Grand Bargain on Humanitarian Financing in order to strengthen the concept of “vulnerable persons” and give the text a stronger focus on persons with disabilities.

## **National implementation and monitoring (art. 33)**

### **Reply to the issues raised in paragraph 41 of the list of issues**

(a) In March 2017, the Chamber of Deputies appointed a new Ombudsman; she is a trained lawyer who herself has a physical disability. Two of the five members of the board of the Centre for Equal Treatment have disabilities.

223. In collaboration with the Advisory Commission on Human Rights and Info-Handicap, the Centre has organized four series of “empowerment meetings” in recent years. The aim of the meetings is to support the participation of persons with disabilities and their organizations in discussions and decision-making processes. Several ministries and other bodies have participated regularly in the meetings to discuss with persons with disabilities the issues that are important to them.

(b) The Act of 28 July 2011 adopting the Convention on the Rights of Persons with Disabilities designates the Advisory Commission on Human Rights and the Centre for Equal Treatment as independent national mechanisms for promoting and monitoring implementation of the Convention. The Act provides for the appointment of the Ombudsman as the independent national mechanism for the protection of the rights of persons with disabilities.