



**International Convention on  
the Elimination of All Forms  
of Racial Discrimination**

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**Committee on the Elimination of Racial Discrimination**

**Reports submitted by States parties under article  
9 of the Convention**

**Combined fourteenth to seventeenth periodic reports of  
States parties due in 2011**

**Luxembourg<sup>\*,\*\*</sup>**

[17 December 2012]

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\* This document contains the fourteenth to seventeenth periodic reports of Luxembourg, due in 2005, 2007, 2009 and 2011 respectively. For the tenth to thirteenth reports and the summary records of the meetings at which the Committee considered the reports, see documents CERD/C/LUX/CO/13 and CERD/C/SR.1677 and 1678.

\*\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited.

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## Article 1

1. In respect of assessment of the compliance of the definition of racial discrimination in domestic law with the definition provided in article 1, paragraph 1, of the Convention, attention should be drawn to the Act of 13 February 2011, which amends article 457-3 of the Criminal Code to incorporate the framework decision of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law (negationism).

## Article 2

### A. Legal framework and general policies to eliminate racial discrimination

2. In respect of the legal framework and general policies to eliminate racial discrimination, the following texts that touch very broadly on the issue of racism and discrimination have been adopted.

3. The three Acts of 6 March 2006 approving Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) concerning the principle of non-discrimination, Protocol No. 13 to ECHR, concerning the abolition of the death penalty in all circumstances and Protocol No. 14 to ECHR, amending the control system of the Convention.

4. The Act of 23 October 2008 on Luxembourg nationality which provides for a person's nationality of origin to be maintained upon voluntary acquisition of Luxembourg nationality and vice versa, in accordance with the conditions of residency allowing adequate assimilation and integration (dual nationality).

5. The Act of 13 March 2009 on trafficking in human beings approving the Council of Europe Convention on Action against Trafficking in Human Beings and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

6. The Act of 11 April 2010 approving the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment which institutes external monitoring of places of detention and assigns this new function to the Ombudsman.

7. The Act of 16 July 2011 approving the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, opened for signature in Lanzarote, and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and the Council's framework decision 2004/68/JAI of 22 December on combating the sexual exploitation of children and child pornography.

8. The Act of 27 February 2012 bringing domestic law into line with the provisions of the Rome Statute of the International Criminal Court.

9. The Act of 27 February 2012 governing cooperation procedures with the International Criminal Court.

10. The Act of 21 July 2012 approving the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime.

11. Furthermore, a bill currently being processed is intended to combat forced marriages and partnerships and marriages or partnerships of convenience.

12. Approval of the International Convention for the Protection of All Persons from Enforced Disappearance and the Council of Europe's Convention on Cybercrime and its Protocol is also planned.

13. The Act of 16 December 2008 concerning the reception and integration of foreigners in the Grand Duchy of Luxembourg (Mem. 209/2008) endows Luxembourg with legislation on integration and the fight against discrimination.

## **B. Specific information on the legislative, judicial, administrative or other measures taken**

14. The Reception and Integration Act of 16 December 2008 established the Luxembourg Reception and Integration Agency:

(a) The national multi-year plan of action to achieve integration and combat discrimination, 2010–2014, which pools the resources of 14 ministries and government administrations, is being implemented. It is a five-year plan based on the 11 guiding principles of European integration policy, which highlights the importance of a global approach to integration. Implementation of the plan is monitored and evaluated by the Economic and Social Council. In 2011 and 2012, a public consultation was held with civil society to define the priorities and actions to be planned for 2012 and 2013. The consultation also made it possible to engage all the different civil society players and encourage their active participation;

(b) The Government commits itself, through the welcome and integration contract, to providing language training in Luxembourgish, French or German, training in citizenship and an orientation day for applicants who have signed the contract. Furthermore, article 3 of the Act of 16 December 2008 states that the purpose of the Reception and Integration Agency "is to organize the reception in the country of newly arrived foreigners, and to facilitate the integration of foreigners by applying and coordinating the reception and integration policy, of which combating discrimination is an essential element";

(c) The Centre for Equal Treatment (CET) was established pursuant to the Act of 28 November 2006 on equal treatment. In fulfilling its mandate, the CET may:

- Publish reports, issue opinions and recommendations and undertake studies on all matters related to discrimination;
- Produce and provide any information and documentation that serves the purpose of its mandate;
- Provide assistance to persons who consider themselves to be victims of discrimination by offering advice and guidance designed to inform them about their individual rights, legislation, jurisprudence and available remedies.

15. The Grand Ducal Regulation of 15 November 2011 on the appointment of representatives of foreigners to the National Council for Foreigners and their distribution by nationality no longer systematically provides for the establishment of a special permanent commission against racial discrimination.

16. The new National Council only began its mandate on 13 September 2012, and so has yet to decide whether such a commission will be established.

17. The CET, however, under its mandate to receive complaints from persons who claim to be victims of racial discrimination, is the body competent to receive complaints in accordance with article 14, paragraph 2, of the International Convention on the Elimination of All Forms of Racial Discrimination.

18. Article 2 of the Act of 28 July 2011 designates the Advisory Commission on Human Rights and CET as independent national mechanisms for promoting and monitoring the application of the Convention on the Rights of Persons with Disabilities.

19. In addition, between 2002 and 2011, the Ministry of the Family, through the Luxembourg Reception and Integration Agency, conducted an information and awareness-raising campaign to combat discrimination, with the support of the European Community programme known as Progress. The programme was intended for both the general public and for more targeted audiences and has led to the introduction of training tools (e-learning, training for jurists, a teaching pack for preschool teachers), tools to heighten awareness among the general public (advertisements, campaigns, the diversity portal), as well as more focused actions, particularly regarding the labour market. For example the Union of Luxembourg Enterprises, through the National Institute for Sustainable Development, has introduced a social responsibility label, part of which is devoted to the social sector and equal work opportunities.

20. Since 2009, these actions have been part of the plan of action to achieve integration and combat discrimination. Although it did not receive any Community support in 2012, the country is continuing its efforts to increase awareness and knowledge. For example, it is helping the Institute for Social Movement to draw up the Luxembourg Charter for Diversity. It also supports CET in carrying out its projects, which have included a day of discussion on tests to detect discrimination, and supports associations that have organized intergenerational rallies against discrimination.

21. In addition, the Reception and Integration Act of 16 December 2008 established the Reception and Integration Agency, which, under the responsibility of the Ministry of the Family, coordinates the country's integration policies. The Act states in its article 3 that fighting discrimination is an essential aspect and integral part of the reception and integration policy and creates a legal basis for all the Agency's areas of action, covering racial or ethnic origin, religion or belief, disability, age and sexual orientation.

22. For the first time, the Act entrusts a public authority with the task of coordinating and implementing the reception and integration policy. The Act defines integration as "a two-way process whereby a foreigner shows their desire to participate sustainably in the life of the host society, which shall adopt in their respect every social, economic, political and cultural measure to encourage and facilitate such a step" (art. 2). To this end, it has established two tools: the reception and integration contract; and the national plan of action to achieve integration and combat discrimination.

(a) The reception and integration contract covers a period of two years and sets out mutual commitments by the State and the foreign citizen with a view to arranging and facilitating the latter's integration. The State provides language training, training in citizenship and an orientation day during which applicants who have signed the contract are given practical information on life in Luxembourg society;

(b) The national multi-year plan of action is the tool for strategic and operational coordination of cross-cutting integration policies. It pools the resources of 14 ministries and government departments in an effort to encourage harmonization between the activities that the ministries undertake, or fund or for which they take responsibility, with a view to integrating foreigners in Luxembourg and combating discrimination. It is a five-year plan based on the 11 guiding principles of European integration policy. The plan of action is monitored and evaluated by the Economic and Social Council. This will determine whether

the activities undertaken are in line with the desired objectives and will identify the difficulties encountered and adjustments required. The evaluation will also provide the basis for recommendations on the follow-up to the plan of action. In order to promote dialogue with civil society, a public consultation is held annually to help define priorities.

### **Article 3**

#### **Information on the legislative, judicial, administrative or other measures which give effect to the provisions of article 3 of the Convention**

(a) Measures to prevent, prohibit and eradicate all practices of racial segregation in territories under the jurisdiction of the reporting State;

(b) Measures to ensure proper monitoring of all trends that can give rise to racial segregation and ghettoization;

(c) Measures to prevent and avoid as much as possible the segregation of groups and individuals protected under the Convention, including the Roma/Gypsies, descent-based communities and non-citizens, in particular in the areas of education and housing.

23. The national plan of action to achieve integration and combat discrimination is a tool to promote social cohesion, especially through the integration of non-Luxembourg nationals.

24. In this context, a certain number of actions are proposed to promote coexistence, intercultural dialogue and knowledge of the host society.

25. One example is the substantive work carried out at local level through close cooperation between the Association of Luxembourg Cities and Municipalities (Syvicol) and the Ministry of the Interior, with the implementation of a local integration strategy. This strategy has three main focuses and aims in particular to empower municipalities and local and national stakeholders in the field of integration. To support the municipalities in their actions, the Ministry of Family and Integration, through the Reception and Integration Agency, has set aside a specific budget item and promotes both resources and practices through an exchange forum, soon to be complemented by an Internet portal.

26. Within the framework of the national plan of action, the Ministry of Family, in cooperation with Syvicol and the Ministry of the Interior, organized a large-scale mobilization campaign under the slogan: "I can vote" both to encourage foreigners to vote in the October 2011 local elections and to initiate a debate in the host society on the need for them to do so.

27. As a result of the campaign, the number of foreigners registered to vote increased considerably and candidates of foreign nationality were elected in the municipalities. Key players (e.g. political parties, foreigners' associations and trade unions) also realized the importance of foreigners' participation and a real awareness of the issue was fostered, with each of the political parties taking a position.

28. Within the context of another of the Agency's roles (the reception of applicants for international protection), meetings were organized with the local population to reassure them prior to the establishment of a reception centre in a municipality. At a press conference, the Minister for the Family and Integration had also appealed to the municipalities to take in applicants for international protection. The appeal was also an opportunity to respond to prejudices and received ideas concerning such applicants.

29. Public contractors (Housing Fund, National Society for Affordable Housing and the municipalities) run subsidized community housing construction projects that ensure social diversity.

30. In this context, the amended Housing Benefit Act of 25 February 1979 allows public contractors to set aside up to 25 per cent of their rental stock for rental according to private market rules. Up to 40 per cent of subsidized homebuyers do not have to have received a purchase or construction subsidy (a benefit given up to a certain level of income).

31. On a general level, it should be noted that there is no kind of discrimination (for example racial) in the legislation regarding housing benefits.

32. The Act of 6 February 2009 on the organization of elementary education, provides in its articles 34 and 37 for the creation of newcomer classes and specialized classes to meet individual needs that arise.

33. Measures are also planned for secondary education.

34. The Office of Education for Foreign Children of the Ministry of National Education and Vocational Training coordinates measures to integrate all foreign students into school regardless of the legal status of their parents. Through various projects and support services, it provides assistance to students, parents of students with a foreign mother tongue, and teachers who have those students in their classes.

35. The action taken, in particular to prevent and eschew segregation of children of applicants for international protection, including Roma, can be summarized as follows:

#### **1. Intercultural mediation**

36. Providing schooling for the children of applicants for international protection presents teachers and education authorities with communication difficulties. For families of Roma origin, the Office's Serbo-Croatian intercultural mediators provide translation, interpretation, information and mediation services to encourage the children's integration into school and establish links between the schools and the students' families. To this end, they regularly provide help in person in the classes and sometimes participate in information meetings, teacher-parent meetings and teacher-student meetings.

37. Demand for intercultural mediation, in particular in Serbo-Croatian, is on a sharp increase:

- 2007/08: 1,145 requests, of which 403 in Serbo-Croatian;
- 2008/09: 1,211 requests, of which 414 in Serbo-Croatian;
- 2009/10: 1,634 requests, of which 456 in Serbo-Croatian;
- 2010/11: 1,817 requests, of which 548 in Serbo-Croatian.

The Service has had to call on more freelancers, especially for Serbo-Croatian.

#### **2. Recruitment of Serbo-Croatian-speaking teaching staff**

38. Owing to recent developments and the massive influx of applicants for international protection, in particular of Roma origin, who are housed in establishments that do not come under the aegis of the respective commune, the Ministry of National Education and Vocational Training has opted, as a temporary measure, to provide schooling for their children in State-run specialized newcomer classes, pursuant to article 17 of the Grand-Ducal Regulation of 16 June 2009 on the functioning of newcomer courses and classes for children who have recently settled in the country. Serbo-Croatian-speaking teachers have

been recruited to provide educational support for the children and to best meet their specific needs.

### **3. CASNA: reception and orientation for newly arrived students (12–18 years)**

39. The educational reception unit for newly arrived students (CASNA) offers information, in different languages, on the Luxembourg school system and the assistance available for all recently arrived students, including the children of applicants for international protection, such as newcomer courses and classes to teach the main languages of the school system (i.e. French, German and Luxemburgish), as well as special language streams at secondary school level. All newcomers aged between 12 and 18 must go through CASNA to be placed in a secondary school suited to their profile. The educational profile of the students is determined on the basis of an individual interview and placement tests.

40. In 2011, there was a massive influx of applicants for international protection. According to data from CASNA, which is attached to the Ministry of Education and Vocational Training, around 22 per cent of the students received were children of applicants for international protection, including unaccompanied minors, the majority of Roma origin from Serbia and the former Yugoslav Republic of Macedonia.

41. In addition, CASNA provides pedagogical support to teachers responsible for the reception of students who have recently arrived in the country, through an information and advice session and by providing teaching materials adapted to the needs of the students. These personalized information sessions are followed with the possibility of specialized in-service training.

## **Article 4**

42. Racial motives for a crime are not considered to be an aggravating circumstance in Luxembourg as our Criminal Code does not recognize aggravating factors relating to an offence.

## **Article 5**

### **Information on the legislative, judicial, administrative or other measures which give effect to the provisions of article 5 of the Convention**

#### **Preliminary remarks**

43. With regard to the rights contained in article 5, the fundamental rights of every citizen and every person in Luxembourg are recognized in either the Constitution, the European Convention for the Protection of Human Rights and Fundamental Freedoms or the European Union Charter of Fundamental Rights. Consequently, no specific legal texts exist.



**Information grouped under particular rights**

- A. The right to equal treatment before tribunals and all other organs administering justice<sup>1</sup>**
- B. The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution**

44. The spirit of human rights texts has been incorporated into the specific training programme for police officers at the Grand-Ducal police college in a module on “The Police and Society” which contains a section on “The Police and Democracy”. This section covers the following subjects:

- Human rights (10 hours);
- Constitution and public freedoms (18 hours);
- Rights and duties of public officials (30 hours);
- Professional standards for the police and efforts to combat extremism (12 hours).

45. One of the senior officers of the General Police Inspectorate is responsible for organizing the module on human rights. This module includes a visit to the exhibition “A European People, a Foreign People – Luxembourg and the Roma” at the Resistance Museum in Esch-sur-Alzette.

46. The module on professional standards for the police and efforts to combat extremism includes theoretical training and a visit to the Hinzert concentration camp.

47. Organizations such as the Support Association for Migrant Workers or the Foreigners’ Action and Liaison Committee give lectures on their work as part of the training course. In general, the talks by these two organizations form part of the “Police and Society” module.

48. The following courses are taught at the Grand-Ducal police college in order to raise police officers’ awareness of women’s and children’s rights and to develop and pursue strategies to combat prostitution, child sexual exploitation and pornography:

- A 12-hour course on the protection of young people;
- A 16-hour course on domestic violence including a statement by the Ministry of Equal Opportunities;
- A lecture by the Ombuds-Comité fir d’Rechter vum Kand as part of the module on human rights.

49. Article 9 of the Grand-Ducal Regulation of 26 September 2008 establishing the rules of conduct for officers in charge of carrying out removals by air stipulates that “the members of the escort shall receive specific training tailored to the execution of their task”. The four-hour training session for future escort officials is both theoretical and practical. Its purpose is to acquaint participants with:

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<sup>1</sup> See previous report and preliminary remarks.

- The need to ensure the respect, dignity and integrity of persons on whom a security search is carried out;
- The need to respect the dignity of persons who are to be removed for the whole duration of the removal by air;
- The need to ensure that the menu proposed to a person being removed is compatible with his or her religious convictions.

**Information for individuals concerned (alleged perpetrators and victims)**

50. In an effort to inform individuals of their rights, such as the right to:
- Notify a person of their choice;
  - Be examined by a doctor of their choice;
  - Receive assistance from counsel registered on the roll of legal practitioners;
  - Notify the State prosecutor.
51. The Grand-Ducal police provides its staff with forms in 17 languages (Albanian, Arabic, Chinese, Croatian, Dutch, English, French, German, Greek, Hungarian, Italian, Polish, Portuguese, Romanian, Russian, Serbian and Spanish).
52. Information leaflets for victims are available in six languages.
53. Information leaflets for both victims and perpetrators of domestic violence are available in 16 different languages.
54. In terms of encouraging the recruitment of members of protected groups, it should be noted that Luxembourg nationality is a prerequisite for all police candidates. Although individuals from immigrant families (Portuguese, Cape Verdean, individuals from the Balkan regions and other groups) may serve in the Grand-Ducal police, the Data Protection Act formally prohibits the recording of data on ethnicity, religion or membership of any other social group.

**C. Political rights**

55. The Reception and Integration Act of 16 December 2008 instituted mandatory consultative commissions on integration (responsible for the coexistence of all residents and, in particular, for the interests of foreign residents) in all municipalities. The related Grand-Ducal Regulation of 15 November 2011 specifies their organization and function. In municipalities where more than half the residents are foreigners, the municipal council may decide that the number of Luxembourg and foreign members will be proportional to the percentage of Luxembourg and foreign inhabitants.
56. For Luxembourg voters, voting in European, legislative and communal elections is not only a right but a duty, since voting is compulsory for all Luxembourg nationals registered on the electoral lists. Some flexibility is, however, allowed, and voting by correspondence is designed to facilitate the electoral process.
57. In national legislative elections, only Luxembourg citizens are entitled to vote or to stand for election.
58. In communal elections, the nationals of European Union countries who have lived in Luxembourg for at least five years are also entitled to vote, as well as the nationals of non-European Union countries who have resided legally in the Grand Duchy for at least five years. Nationals of the European Union may stand for election in the communes after five years of residence.

59. Luxembourg nationals and nationals of European Union countries who have been residing in Luxembourg for at least two years are entitled to vote in European elections. Luxembourg nationals may stand for election in the European elections without any residency requirement and citizens of the European Union may stand for election after five years of residence.

60. As part of the national multi-year plan of action to achieve integration and combat discrimination and in order both to encourage foreigners to participate in the October 2011 local elections and to initiate a debate within the host community on the need for them to do so, the Ministry of Family and Integration and the Ministry of the Interior, in collaboration with the Association of Luxembourg Cities and Municipalities (Syvicol), organized a large-scale mobilization campaign under the slogan "I can vote".

61. As a result, the number of foreigners registered to vote increased considerably, candidates of foreign nationality were elected in the municipalities, and political parties, foreigners' associations and trade unions realized the importance of participation by foreigners. The campaign also provided a real awareness of the issue and highlighted the stance taken by each of the political parties towards participation by foreigners.

62. There are two kinds of national referendum in Luxembourg. The first is used for the purposes of revising the Constitution. This may be initiated either by a certain number of deputies, or by a certain number of the voters registered on the electoral lists for legislative elections. The Constitution itself allows a general referendum, which may deal with many subjects and which must follow established rules of procedure. This kind of consultative referendum may only be called by the Government.

63. Voters may also be called upon to vote in referendums on communal matters, at the initiative either of the communal authorities or of a certain number of voters. Communal referendums are only consultative in nature.

64. Luxembourg has conducted an effective policy for the integration of foreigners established in Luxembourg by offering them access to Luxembourg nationality.

65. The right to acquire Luxembourg nationality has been adapted to take account of the constant growth of the foreign community established in Luxembourg which nowadays exceeds 40 per cent.

66. In 2001, the Act of 22 February 1968 on Luxembourg nationality was amended to simplify the formalities required to obtain Luxembourg nationality. Since a knowledge of languages was considered to be a positive factor of integration, the reform added a necessary condition for obtaining nationality in the form of an active and passive knowledge of one of the administrative languages of Luxembourg and a basic knowledge of the Luxembourg language.

67. In 2006, a law was adopted to allow Luxembourg citizens born abroad to maintain their Luxembourg nationality without making any special declaration to that effect, even if they reside permanently abroad and hold the nationality of their country of residence in addition to Luxembourg nationality.

68. On 23 October 2008, a new Act on Luxembourg nationality was adopted, which introduced major changes. The purpose of the Act was to adapt legislation to the changes in Luxembourg society during the previous decades and to help to consolidate the integration of foreigners living there.

69. The main innovation of the reform was to accept dual or multiple nationality as a general principle. Consequently, persons who wish to acquire or recover Luxembourg nationality are no longer obliged to give up their nationality of origin, provided the law of

the other country also authorizes dual nationality. In addition, the decision voluntarily to acquire a foreign nationality no longer leads to loss of Luxembourg nationality.

70. Moreover, processing of applications for naturalization has been streamlined and speeded up. More particularly, decision-making authority has been transferred from parliament to the Ministry of Justice, which is in principle required to take a decision within eight months of the submission of the application. An application for review with suspensive effect may also be lodged with the Administrative Tribunal against a refusal to grant nationality, with the possibility of an appeal to the Administrative Court.

71. Finally, the law has introduced a new basis for obtaining the status of Luxembourg national by birth, based on *jus soli*. Any child of foreign parents, one of whom was also born in Luxembourg, shall possess Luxembourg nationality.

#### **D. Other civil rights<sup>2</sup>**

- 1. The right to freedom of movement and residence within the border of the State**
- 2. The right to leave any country, including one's own, and to return to one's country**
- 3. The right to nationality**
- 4. The right to marriage and choice of spouse**
- 5. The right to own property alone as well as in association with others**

72. Constitution, article 16: "No one shall be deprived of his or her possessions except in the public interest and subject to the conditions provided for by law"; and article 17: "Property may not be confiscated as a means of punishment".

- 6. The right to inherit<sup>3</sup>**
- 7. The right to freedom of thought, conscience and religion**

73. Article 19 of the Constitution states that "Freedom of religion and of public worship as well as freedom to express one's religious opinions are guaranteed, except where offences are committed in the exercise of such freedoms".

74. The concern voiced by the Committee in 2007 about the possible intersectionality of racial and religious discrimination, including the effects of antiterrorism measures, which may lead to discrimination on ethnic grounds against members of specific religious communities, does not apply to Luxembourg: all religious communities, including the Muslim community, include persons from a very diverse range of ethnic origins. The risk of ethnic discrimination against one or other of these communities is therefore currently very limited in Luxembourg.

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<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

**8. The right to freedom of opinion and expression<sup>4</sup>**

75. Constitution, article 24: “The freedom to express one’s opinions orally on all matters, together with freedom of the press, are guaranteed, except where offences are committed in the exercise of such freedoms – censorship is categorically prohibited”.

**9. The right to freedom of peaceful assembly and association**

76. Constitution, article 25: “The Constitution guarantees the right to assemble peaceably and unarmed, complying with such laws as may regulate the exercise of this right, without being required to seek prior approval. This stipulation does not apply to political, religious or other gatherings in the open air, which remain entirely subject to police laws and regulations”.

**E. Economic, social and cultural rights****1. The right to work<sup>5</sup>**

77. Constitution, article 11: “(...) The law guarantees the right to work and the State shall ensure that every citizen may exercise that right. (...)”

**2. The right to form and join trade unions**

78. Constitution, article 11: “(...) The law guarantees the freedom of trade unions and recognizes the right to strike. (...)”

**3. The right to housing**

79. The right to housing is not recognized in the Luxembourg Constitution.

80. However, this right is implicitly recognized by law. Article 26 of the amended Act of 21 September 2006 on residential tenancy stipulates that the communal authorities are responsible for guaranteeing housing, as far as possible, for all persons residing in the municipality.

81. The Act of 2006 also provides wide-ranging protection for tenants (for example, limiting the annual amount of rent charged to a maximum of 5 per cent of the capital invested, reducing the rent if this amount is reduced, providing periods of notice in the event of eviction and grace periods in the event of the lease being terminated).

82. Under the proposed revisions to amend and reorder the Constitution (parliamentary papers No. 6030), there are plans to include, as article 37, a State obligation “to ensure that all persons have access to decent housing”.

**4. The right to public health, medical care, social security and social services**

83. The Constitution does not directly address social security; this responsibility is transferred to parliament in article 11, paragraph 5, which provides that: “The law shall govern the principles of social security, the protection of health, the rights of workers, the fight against poverty and the social integration of citizens with disabilities”. Parliament has fulfilled this constitutional obligation through the establishment of a comprehensive social security system to cover the risks of sickness, maternity, work incapacity, accident, old age, disability, death, addiction, unemployment, poverty and family responsibilities. It also

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<sup>4</sup> Ibid.

<sup>5</sup> Ibid.

incorporated the obligations deriving from the international treaties ratified by Luxembourg, including the Conventions of the United Nations, when implementing and developing the various social security branches.

84. Social security in Luxembourg therefore applies irrespective of nationality or other distinction. It guarantees free access to benefits through a compulsory contribution scheme for all persons in paid employment. The same system applies to persons receiving income replacement and those on a guaranteed minimum income, who do not otherwise have access to protection. Family members of an insured person, particularly his or her spouse or registered partner and children, have a derived right to health care, pensions and survivor's benefit. Other persons residing in Luxembourg may obtain voluntary insurance. The Welfare Office pays contributions for those persons without sufficient resources and the State contributes for minor children who would not otherwise be covered, where necessary.

85. The health system is founded on the basic principles of a patient's right to choose a doctor, the provision of flat-rate tariffs through mandatory service agreements and the right of all insured persons to equal provision.

86. Benefits are financed by employers, the persons protected by the insurance and the State. The contributions to be paid by employers and protected persons are calculated using a uniform contribution rate, which is not linked to the individual situation of the person concerned (age, sex, marital status, state of health, nationality, race or origin). The State's contribution is primarily based on general tax revenues.

87. Moreover, the Act of 28 November 2006 enacted in national law European Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin and Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation. Any direct or indirect discrimination based on religion or beliefs, disability, age, sexual orientation or actual or assumed affiliation with a specific ethnic group or race is prohibited. The principle of non-discrimination applies to all persons, whether public or private, natural or legal, including government agencies responsible for social protection, including social security and health care, and social assistance benefits.

88. The Act of 29 August 2008 on the free movement of persons and immigration introduces penalties for unauthorized entry and residency and provides that any employer who hires a foreign worker without a valid residence permit entitling him or her to work, or without the appropriate work permit, must pay all unpaid taxes and social contributions, including, where appropriate, administrative fines.

89. The Social Security Code also requires employers to make a social security declaration within eight days for each employee they hire. Any employer who: does not meet or is late in fulfilling his or her obligations under the Social Security Code; provides late or inaccurate information; does not comply with auditing efforts; or does not make contributions by the required deadline may be subject to a fine of up to €2,500.

90. In the event of a late declaration, a worker's affiliation to the system is applied retrospectively, and in the case of an accident in the workplace, the accident insurance provider provides benefits in cash and in kind, in accordance with the law. If a social security entry declaration has not been submitted prior to the accident, the accident insurance association may require the employer to reimburse up to half the amount of any subsequent benefits paid following the accident, to a maximum of €30,000.

91. Furthermore, any company director, employer or employee who commits the following offences shall be subject to a fine of up to €6,250, unless subject to a harsher penalty arising from another legal provision or regulation:

- Knowingly precluding the total or partial application of Social Security Code provisions to the detriment of those insured through the use of employment agreements or rules, or restricting the insured persons' freedom to accept or exercise an honorary function conferred on them under the Code; such agreements and rules shall be null and void;
- Knowingly making deductions that are not legally authorized from the income of insured persons;
- Not using the deductions taken, pursuant to the Code, from the salaries of employees for the purposes of insurance.

92. If, in the latter case, the perpetrator is deemed to have acted with fraudulent or malicious intent, the judge may, in addition to a fine, impose a prison sentence of 8 days to 3 months.

93. The Government strives to strengthen bilateral relations by negotiating social security agreements with countries outside the European Economic Area in an effort to maintain and facilitate access to social rights for third country migrants in Luxembourg. Such agreements have already been concluded with Bosnia and Herzegovina, Brazil, Canada, Cape Verde, Chile, Croatia, India, the former Yugoslav Republic of Macedonia, the Republic of Moldova, Montenegro, Serbia, Tunisia and Turkey and negotiations are ongoing with Albania, Argentina, Japan, Ukraine and Uruguay. Morocco has yet to ratify the agreement established between it and Luxembourg. With a few exceptions, the agreements apply regardless of nationality. All of the agreements provide for the equal treatment of nationals of the Contracting States and the maintenance of acquired rights in regard to social security, including the export of pensions and the recognition of periods of insurance for acquisition of the right to pensions. Some agreements also regulate health insurance and accident insurance, while others provide for mutual recognition of periods of employment in the other country for acquisition of the right to unemployment benefits and take account of the family members of workers who live in the other State in any potential increase in unemployment benefits. Bilateral agreements enhance cooperation between the institutions of the States concerned, in the interest of persons who are or have been subject to legislation in both Luxembourg and the partner country.

94. Furthermore, Regulation (EU) No. 1232/2010 of 24 November 2010 extended Regulations (EC) No. 883/2004 and No. 987/2009 on the coordination of social security systems in the European Union to third country nationals not already covered by these Regulations solely for reasons of nationality, as well as their family members and survivors, provided they are legally resident in the Member State and their situation connects them to several Member States.

95. Seventy per cent of persons employed in the Grand Duchy of Luxembourg are foreign nationals (foreign residents and non-resident, cross-border workers). Legislation to protect the health and safety of workers applies to all employees working in Luxembourg, regardless of their origin.

96. Any training and information provided for by law on health and safety in the workplace is translated into the country's various working languages, namely Luxemburgish, German, French and English. As a result, most employees working in Luxembourg are able to understand the training given.

97. The Act of 18 December 2009 on social assistance entered into force on 1 January 2011. Article 4 of the Act states that any person residing in the Grand Duchy of Luxembourg has the right to assistance, in accordance with the legislation in force.

98. The establishment of 30 welfare offices (public establishments under the supervision of the municipalities) has fostered a preventive approach designed to break the vicious

circle of social exclusion. In addition to ensuring that people in need and their families have access to the goods and services required by their circumstances, the Act helps them to preserve or acquire independence. Assistance may be palliative, curative or preventive and has a subsidiary role as a complement to other social assistance measures and to the financial benefits provided under other laws and regulations, which applicants for social assistance must first exhaust.

99. The benefits provided by the welfare offices include:

- Statutory assistance to individuals and their families;
- Advice and information and assistance with accessing the social, physical and financial benefits to which the persons concerned are entitled under other laws and regulations;
- The necessary social and educational guidance to enable those concerned to gradually overcome their difficulties;
- Assistance with access to means of communication and cultural activities;
- The most appropriate form of material support and emergency accommodation;
- Registration in the social security system;
- Referral to the most appropriate specialized services;
- Encouragement to use all available means to improve the applicant's individual situation.

## **5. The right to education and vocational training**

(a) *Information on inequalities in the level of education and training that exist among members of groups protected under the Convention*

100. With regard to elementary education, article 17 of the Grand-Ducal Regulation of 16 June 2009 on newcomer courses and classes for children who have recently settled in the country provides that the State may establish newcomer classes in exceptional cases in which demand exceeds the capacity of communal facilities.

101. At the secondary level, newcomer classes have been set up under article 9 of the Act of 25 June 2004 on the organization of general and technical secondary schools.

102. Given the particular situation of children of persons seeking international protection, especially those of Roma origin, whose length of stay is often uncertain and whose educational level, even at older ages, tends to be low, the Ministry of National Education and Vocational Training, in accordance with article 10 of Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers, has established two priorities that are equally important, regardless of whether the children or young people remain in Luxembourg or return to their country of origin. These are:

- To give such children a sense of stability and security and make it possible for them to lead the life of a child or a young person in the same way as others;
- To provide instruction in at least one of our languages, so as to enable them to communicate with the other children and continue their education. Knowing one or more foreign languages is a necessity if they attend school in Luxembourg and is an advantage if they return to their country of origin.



(b) *Information on languages spoken and taught in schools*

103. Article 7 of the Act of 6 February 2009 on the organization of elementary education includes among the objectives of such education, language development and learning, proficiency in Luxembourgish and introduction to foreign languages.

104. In order to improve communication with parents seeking international protection who have recently arrived in Luxembourg, the Office of Education for Foreign Children makes available general and academic information that has been published by the Ministry and translated into various languages, including Serbo-Croatian. Targeted information sessions for parents may also be held in the presence of an intercultural mediator on request.

(c) *Description of government action to prevent racial discrimination in the enjoyment of this right*

105. Article 3 of the Act of 6 February 2009 on compulsory school attendance states that formal education is conducive to developing children's full potential, creativity and confidence in their abilities. It enables them to acquire general knowledge and prepares them for working life and the performance of their civic responsibilities in a democratic society. It educates them in the ethical values that are based on the Universal Declaration of Human Rights and teaches them respect for the equality of girls and boys. It constitutes the basis for lifelong learning.

106. Families are invited to participate in achieving these objectives. With a view to promoting equal opportunities, relevant provisions make it possible for everyone, depending on their aptitudes and particular needs, to have access to various types and levels of education.

107. The Office of Education for Foreign Children also coordinates measures designed to support and inform teachers who are responsible for looking after students who have recently arrived, including those of Roma origin. It also coordinates in-service training courses on the specific needs of these students.

- Teachers are informed by means of publications and, where necessary, are given individual support. Recent publications include:
  - A teacher training document entitled *Ouverture aux langues à l'école. Vers des compétences plurilingues et pluriculturelles* (Openness to languages in school. Developing multilingual and multicultural skills), which is addressed to elementary and lower secondary schoolteachers and contains a discussion of theoretical and educational topics as well as numerous proposals for practical classroom activities;
  - A manual for teachers and learning method for students of Luxembourgish as a foreign language entitled *Wat gelift? – Lëtzebuergesch fir déi Jonk*, intended for foreign-language-speaking adolescents who have recently arrived in Luxembourg and prepared in cooperation with the Institute for Intercultural Communication in Zurich, Switzerland;
  - *Accueillir & intégrer. Guide pour enseignants accueillant un enfant nouvellement arrivé au pays* (Welcoming and integrating. Guide for teachers welcoming a child who has recently arrived in the country), an update to the handbook for teachers of newcomer courses in elementary schools;
- In-service training courses are designed better to equip teachers to deal with the increasing heterogeneity of their classes, as well as with the individual needs of students. Examples include the following:

- Training course entitled *Zusatzqualifikation Deutsch als Zweitsprache* (Additional qualification in German as a second language) for part-time teachers of newcomer courses in elementary schools;
- Training course in evaluating the German language proficiency of recently arrived students;
- Training course on educating Roma students for elementary schoolteachers and teachers of newcomer classes in secondary schools;
- Training course on the new learning method *Wat gelift? – Lëtzebuergesch fir déi Jonk* for secondary schoolteachers of Luxemburgish in newcomer and adaptation classes;
- Training course on dyslexia (diagnosis, rehabilitation and follow-up of students in the new arrivals class) intended for secondary schoolteachers of newcomer classes.

108. The right to educational mainstreaming of students who are non-nationals of Luxembourg is embodied in various legislative instruments, including:

- Act of 6 February 2009 on the organization of elementary education, article 34 (<http://www.legilux.public.lu/leg/a/archives/2009/0020/a020.pdf#page=4>);
- Grand-Ducal Regulation of 16 June 2009 on newcomer courses and classes for children who have recently settled in the country (<http://www.legilux.public.lu/leg/a/archives/2009/0144/a144.pdf#page=2>);
- Act of 25 June 2004 on the organization of general and technical secondary schools, articles 9 and 39 (<http://www.legilux.public.lu/leg/a/archives/2004/0126/a126.pdf#page=2>);
- Grand-Ducal Regulation of 21 July 2006 on the conditions in which persons seeking international protection may access the training provided for in article 14 of the Act of 5 May 2006 on the right to asylum and complementary forms of protection, which regulates access to vocational training for child asylum seekers (<http://www.legilux.public.lu/leg/a/archives/2006/0131/a131.pdf#page=3>).

## **6. The right to equal participation in cultural activities**

109. The activities of the Ministry of Culture are based on the principle of respect for the cultural diversity of the individuals and communities present in the territory of Luxembourg. The country's multilingual and multicultural nature is such that the promotion of cultural diversity is an intrinsic feature of the political agenda, especially as it relates to cultural affairs. In fact, cultural diversity is a daily reality, given that some 43 per cent of the population of foreign origin. Affirming the country's multicultural nature, while simultaneously maintaining its distinct cultural identity, is therefore also the main way of avoiding and combating all forms of discrimination, and not solely in the cultural sphere. Nevertheless, care must be taken to ensure that the fundamental rights of other individuals or communities present in Luxembourg are not impaired or limited in scope in the name of cultural diversity.

110. With reference to the basic principles followed in implementing the International Covenant on Economic, Social and Cultural Rights, the Ministry of Culture considers that guaranteeing the right of everyone to take part in cultural life involves three interdependent components: participating in, accessing and contributing to cultural life.

111. In this regard, emphasis should be placed primarily on basic democratic principles, such as those according to which everyone has the right to freedom of action, to exercise

their own cultural practices, to express themselves in the language of their choice, to produce cultural and creative expressions and to share them with others.

112. Luxembourg is also taking positive steps in these areas, by pursuing the objectives for culture set out in the Government Declaration of 29 July 2009, which stipulates that “access to culture is a fundamental right” since “culture, which conveys values, is an instrument of integration and fosters cohesion in our society”.

113. In accordance with these priorities and guidelines, Luxembourg has improved the conditions for free and equal access to cultural resources for everyone, explicitly including regions where it has established a policy of regional cultural development. It also strives to offer a wide range of cultural events and cultural services, not only through the public cultural institutions that fall under the remit of the Ministry of Culture and the synergies it creates with civil society and private organizations, but also through the provision of financial support to the numerous associations that are active in the cultural and creative fields, doing so without any distinction based on grounds of discrimination.

114. Moreover, particular attention is paid to young people and to ensuring that they have equal conditions of access to artistic and cultural activities. The same principle of non-discrimination is also followed with regard to efforts to promote artistic creation and the emergence of new artists and new forms of cultural and creative expression. The development of new modes for the distribution of cultural content, especially digital content, in order to make it accessible to everyone is also considered a priority objective.

115. Another objective calls for the organization, between now and 2014, of a cultural forum to serve as a platform for improving understanding of the cultural diversity of Luxembourg and for producing a genuine exchange to foster integration by bringing those involved with cultural events together with both foreigners and Luxembourg citizens, particularly to encourage intercultural dialogue.

## 7. The right of access to places intended for use by the general public<sup>6</sup>

*Information pertaining to relevant groups of victims or potential victims of racial discrimination*

116. Please see the activity reports of the Centre for Equal Treatment (<http://cet.lu/category/publications/>).

## Article 6

### A. Information on the legislative, judicial, administrative or other measures which give effect to the provisions of article 6 of the Convention

117. Convictions for racial discrimination:

2005: 4

2006: 0

2007: 3

2008: 1

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<sup>6</sup> Ibid.

2009: 1

2010: 1

2011: 0

2012 (01.09): 1

There are a number of cases under investigation.

## **B. Information on the implementation of article 14, paragraph 2**

118. The Centre for Equal Treatment was established pursuant to the Act of 28 November 2006 on equal treatment. See paragraphs 14 (c) to 18 of the present report.

### **Article 7**

#### **Information on the legislative, judicial, administrative or other measures which give effect to the provisions of article 7 of the Convention**

##### **A. Education and teaching**

**1. It is clear from the elementary school curriculum that subjects, especially, but not exclusively, introductory science courses, are treated in a cross-cutting fashion and that particular emphasis is placed on reading. The Act of 25 June 2004 on the organization of general and technical secondary schools highlights among the objectives of secondary schools that students are to receive an education leading to the award of a recognized certificate, the acquisition of a general standard of knowledge, and preparation for working life and the fulfilment of individual and civic responsibilities. These include helping students in their personal development and career orientation.**

119. Article 42 of the same Act provides for the imposition of disciplinary measures in the case of racial discrimination.

120. Cases involving offences punishable by permanent expulsion from school are brought before the school disciplinary board by the school council. Such offences include: incitement to racial hatred, xenophobia and religious intolerance.

**2. A citizenship education course is given as part of the training of future elementary schoolteachers. A new textbook on citizenship education will be available beginning with the 2012/13 school year. Citizenship education modules have also been introduced at all levels of vocational training.**

121. In addition to the general levels of awareness that are developed implicitly through the curricula, teachers introduce various educational initiatives at both the elementary level (peace education) and the secondary level (school-wide projects on human rights, drafting a school charter that describes the profile that the school community wishes to give the school).

**3. National curriculum commissions were invited to review all parts of textbooks containing stereotyped or demeaning images, references, names or opinions concerning groups protected under the Convention, and to replace them with images, references, names and opinions that affirm the inherent dignity of all human beings and their equality with regard to the enjoyment of human rights.**

## B. Culture

122. The basic approach to cultural policy in Luxembourg, at both the national and the international levels, is to promote social cohesion. Therefore, measures taken within the cultural sphere are also consistently aimed at promoting awareness of other cultures.

123. The establishment of the Neumünster Abbey Cultural Exchange Centre is a direct reflection of these efforts. The law provides that the main objectives of the Centre — a public institution inaugurated on 28 May 2004 that falls under the remit of the Ministry of Culture — include the following: to develop its cultural and artistic programme around the theme of the cultural identity of Luxembourg and its interaction with other cultures; and to promote contact between Luxembourg and foreign individuals and organizations involved in cultural and sociocultural activities, on the one hand, and contact between them and the general public, on the other. In keeping with the Abbey's definition of itself as "open to everyone as a meeting space for a dialogue of cultures and a culture of dialogue", nearly 700 activities are organized there each year.

124. Similarly, Luxembourg supports the Pierre Werner Institute, which was established in 2003 at the initiative of the Governments of Germany, France and Luxembourg and is open as a venue to other European countries as well. Its objective is to provide a forum for debate and intellectual and scientific exchange. The Institute also regularly organizes the European Forum of Culture and Society to provide an opportunity for multilateral discussions of issues and problems affecting European societies.

125. In addition, dozens of associations are covered by an agreement with the Ministry of Culture, which ensures that common objectives in terms of access, diversity, etc., are incorporated into their missions and activities.

126. Luxembourg also continues to allow foreign artists who live in the country to benefit from support measures for those involved in cultural activities, such as the status of self-employed professional artist or contract worker in the entertainment field, creative support grants, subsidies, etc.

127. With the aim of providing answers to the questions most frequently asked by persons in artistic and cultural occupations, a practical guide for artists was published in 2011. This is a unique resource that gathers together all official information in order to make it available to everyone. The guide explains the relevant provisions of legislation concerning, *inter alia*, artists' working conditions, protection, promotion and mobility. It therefore also serves to increase awareness of the occupational profiles and special attributes of artists, and to promote dialogue with and understand the approaches of other institutions, in order to facilitate working with them. This also has the effect of promoting creativity and access to creativity, especially on the part of young people, but also in terms of the cultural landscape of Luxembourg, which, owing to its particularly rich and prolific nature, has become known as a European hub. Ultimately, the idea is to create an environment that facilitates the recognition of artists at the national and international levels by providing considerable support for their development as professionals, and in so doing, emphasize the role of culture and the preservation of cultural diversity as an instrument of economic and social development within our societies.

128. For this reason, encouragement is given to enhancing exchanges between creative artists in Luxembourg and the Greater Region, which comprises neighbouring regions in Germany (Rhineland Palatinate, Saarland), Belgium (Wallonia) and France (Lorraine). To that end, the Greater Region Cultural Forum was established in 2008. It brings together representatives of the different countries and regions to coordinate, support and promote cross-border projects with a view to fostering cooperation and exchanges between those

involved in cultural activities, as well as their career development beyond the borders of a single country.

129. With regard to linguistic policies, multilingualism is a feature of Luxembourg and has been incorporated into its legislation since 1984: Luxembourgish is the national language, French is the language of legislation, while French, German and Luxembourgish are all languages of the administration and the justice system. In practice, the use of these languages and of the languages spoken by the different communities varies greatly, depending on the context and the purpose (workplace interactions, written texts, formal or informal communication). The importance of knowing Luxembourgish has increased not only in the labour market, but also since the adoption in 2008 of the Luxembourg Nationality Act, which introduced mandatory testing of spoken Luxembourgish for all naturalization applicants.

130. In order to give a greater number of people, whether citizens of Luxembourg or foreign citizens, the opportunity to learn the national language, an online dictionary that will be accessible through the Internet has been developed and is nearing completion. It is multilingual and contains entries in Luxembourgish with translations into German, French, English and Portuguese.

131. Luxembourg also continues to support the translation of literary works, whether written by native authors or authors residing in Luxembourg, or foreign works considered to be of genuine cultural or intercultural interest.

### **C. Information**

132. Article 6, paragraph 1 (c), of the amended Act of 27 July 1991 on the electronic media, stipulates that “all radio programmes broadcast in Luxembourg must respect the following principles: (...) they shall not contain any incitement to hatred based on race, sex, opinion, religion or nationality”.

133. The Act of 17 December 2010, which modified the amended Act of 27 July 1991 on the electronic media, provides for the deletion of article 6 and its replacement with a new article 26 bis, whose wording is identical to that of former article 6 and applies to all audiovisual or sound media services under the jurisdiction of Luxembourg. (Article 26 bis states that: “Audiovisual and sound media services shall not contain any incitement to hatred based on race, sex, opinion, religion or nationality.”)

134. Since the promulgation of the Act of 19 July 1997 amending the Criminal Code by means of the introduction of articles 454 et seq., which prohibit and criminalize acts based on illegal forms of discrimination, there has been very little case law on the subject. This is despite the awareness-raising campaign launched by the Ministry of Justice in cooperation with non-governmental organizations (NGOs) working in this field and the distribution to all households in Luxembourg of a pamphlet entitled “All different – All equal”, which explains the provisions of the recently promulgated Act in clearly understandable language.

135. Various radio and television channels work in close cooperation with foreign associations and associations working with foreigners in order to widen the horizons of both Luxembourg nationals and foreigners living in the country and to familiarize them with little known or even unknown cultural and social as well as economic and political perspectives.

136. Since 2006, information and awareness-raising campaigns have been geared, inter alia, to providing information on current legislation and to emphasizing that discrimination is illegal in Luxembourg. As a result, Luxembourg participated actively in the two Diversity Day events organized by the European Commission in 2009 and 2010. With co-

financing from the European Union, it has also developed a variety of tools for educating the general public and more targeted groups about combating discrimination and explaining the provisions of the law in this regard. In 2012, by means of the national plan of action to achieve integration and combat discrimination, support was provided for an intergenerational rally, which was organized by the Confederation of Luxembourg Youth in cooperation with the RBS – Center Fir Altersfroen, and for a day of discussion on tests to detect discrimination.

## Annex

### **Recommendations made by the Committee on the Elimination of Racial Discrimination in its concluding observations in respect of the previous report**

**12. Recalling its general recommendations XXIV and XXX, the Committee requests the State party to include in its next periodic report updated statistical information, in particular on the Roma communities, and on vulnerable groups such as non-nationals, refugees, asylum seekers and clandestine workers.**

1. Data from the 2011 decennial population census confirmed that the population of the Grand Duchy had increased by 72,814 since the 2001 census. On 1 February 2011, it had reached 512,353, representing an average annual growth of 1.5 per cent. During this period, the foreign population rose by nearly 35 per cent to the level of 43.04 per cent of the total population.

2. On 1 February 2011, according to census data, 59.8 per cent of persons living in the Grand Duchy had been born in Luxembourg. According to the National Institute of Statistics and Economic Research (STATEC), 74.2 per cent of foreign-born residents of Luxembourg were nationals of a European Union country, while 14.1 per cent were of Luxembourg nationality.

3. On 1 January 2012, the population of Luxembourg had risen to 524,900, of which 229,900 (43.8 per cent) were foreigners.

4. The vast majority of foreign residents are nationals of European Union countries. They number 198,681 and account for 37.8 per cent of the total population and 86.4 per cent of the foreign population.

5. Between 1 January 2005 and 31 October 2012, 7,546 individuals applied for international protection in Luxembourg. Of these, 767 were granted one of the two possible statuses of international protection.

6. See also the information provided in chapter VI, section F, subsection 4, entitled "Asylum seekers and international protection", of the core document (HRI/CORE/LUX/2012).

**13. The Committee encourages the State party to continue to combat prejudice and xenophobic stereotypes, in the media especially, and fight prejudice and discriminatory attitudes. It recommends that the authorities adopt a strategy for making the public at large better aware of the existence and purpose of the institutions established to combat racial discrimination.**

7. In conjunction with the establishment of the Centre for Equal Treatment, a media campaign to inform the public and raise awareness of its existence was launched, thanks to support from the European Union's Progress programme.

8. Since that time, and depending on the resources available to it, the Luxembourg Reception and Integration Agency has taken measures in all of its public awareness campaigns to increase the visibility of the Centre for Equal Treatment by providing information on its existence and functions. Examples include the airing of an annual Radio Latina programme on the subject of the Centre, and a stand to publicize the Centre at Orientation Day events, which are organized several times a year specifically for candidates who have signed the welcome and integration contract.



**14. The Committee encourages the State party to combat this contemporary form of racial discrimination, which is covered by the principles of the Convention. It would like to be informed of action taken by the State party to this end in its next periodic report. It also suggests that the State party ratify the Council of Europe Convention on Cybercrime and its Additional Protocol concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems.**

9. As part of the multi-year awareness-raising and information campaign carried out by the Ministry of Family and Integration and the Luxembourg Reception and Integration Agency, with support from the European Commission's Progress programme, two projects specifically targeting young people have been developed on the dangers associated with the use of the new media. These are:

- The project "Discrimination is against the law: on the Internet too", which is being implemented by the Centre for Equal Treatment (CET), in cooperation with the associations BEE Secure and 4motion. This project involves the development and distribution of a brochure designed specifically for adolescents. Using a convincing example, the pamphlet clearly shows that acts of discrimination are punishable and can be traced, even when the person committing them thinks that he or she is acting anonymously through the Internet;
- The "Tolébook" video advertisement, which is sponsored by the Association to Support Immigrant Workers, in cooperation with the National Youth Service, youth centres and the Ministry of National Education. This video clip, directed by young Luxembourg teenagers at the Diekirch secondary school, is intended to inform young people of the risks posed by the social network Facebook in terms of intolerance and racism.

10. Luxembourg is in the process of drafting a bill that provides for the ratification of the Council of Europe Convention on Cybercrime and the Additional Protocol to the Convention on Cybercrime, concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems.

**16. The Committee draws the State party's attention to its general recommendation XV, according to which all provisions of article 4 of the Convention are of a mandatory character, including declaring illegal and prohibiting any organization promoting or inciting discrimination, as well as recognizing participation in such an organization as an offence punishable by law. Accordingly, the Committee recommends that the State party reconsider its position.**

11. It is worth noting that criminal liability for legal persons was established in 2010 and repeating what has already been said about the Act of 1928 on associations, especially with regard to its provisions on public order and the possibility of dissolving an association. The introduction of an automatic ban is not envisaged because the matter is considered to be covered by existing legislation. The wording of the response given in 2005 was perhaps somewhat infelicitous.

**17. In the light of its general recommendation XXX, the Committee proposes action specifically to guarantee the equal enjoyment of the right to adequate housing for citizens and non-citizens, especially by avoiding segregation in housing and ensuring that housing agencies refrain from engaging in discriminatory practices.**

12. The Housing Fund, which is the main public housing agency, makes available some 1,700 rental units of social housing in the Grand Duchy. Only 35 per cent of these units are taken by Luxembourg families, the other 65 per cent being occupied by foreign families.

**19. While aware of the information provided by the State party about human rights training for State employees, the Committee encourages the State party to**

**include within the training a specific focus on the problems of racism and discrimination, and to ensure that all officials who come into contact with minority groups receive training of this type.**

13. Reference is made to the information provided in article 5, section B, of the present report.

**20. The Committee invites the State party to consider the possibility of ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and the 1961 Convention on the Reduction of Statelessness.**

*International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*

14. Significant legal obstacles associated with the existence of Community (European Union) powers in respect of migrant workers make it unfeasible at this stage to consider the ratification of the Convention by Luxembourg. Luxembourg would like to see an in-depth study carried out in the European Union so as to identify possible ways of removing the obstacles to the ratification of that Convention. Like other European partners, Luxembourg will continue to participate actively in discussions among the international community on the issue of migrants.

*Convention on the Reduction of Statelessness*

15. Luxembourg confirms its willingness to accede to the 1961 Convention on the Reduction of Statelessness. However, doing so requires amending the Act of 23 October 2008 on Luxembourg nationality, which was subject to an evaluation in September 2012. The Government has requested Parliament to organize a consultation discussion on the reform of this Act. As part of its efforts to reform the legislation governing Luxembourg nationality, the Government plans to introduce a bill providing for the adoption of the Convention on the Reduction of Statelessness.

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