*Courtesy translation*

**Fourth universal periodic review of Luxembourg**

**Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review**

Luxembourg received 254 recommendations during its review on 4th May 2023.

Luxembourg takes note of the following 22 recommendations: 135.1-135.8, 135.21-135.23, 135.105, 135.107, 135.108, 135.152, 135.153, 135.159, 135.209, 135.216, 135.238, 135.249, 135.251 This addendum also includes an annex with a summary table of all recommendations accepted and noted by Luxembourg.

Luxembourg accepts all the other recommendations. These recommendations will be implemented by the relevant ministries and, where appropriate, within the framework of the various thematic inter-ministerial committees. It is within this framework that decisions will be taken which measures to adopt in order to implement the recommendations in question. The Interministerial Committee for Human Rights (CIDH) will be responsible for monitoring the implementation of the recommendations. The CIDH will coordinate the drafting of the mid-term report on the status of implementation of the recommendations received during this 4th cycle of the Universal Periodic Review (UPR), which Luxembourg will submit on a voluntary basis, as well as the drafting of the national report for the next UPR cycle.

Hereafter, this document provides Luxembourg's comments on a number of issues covered by the recommendations received and/or indicates what actions are planned to address them.

**International standards**

Luxembourg will study the possibility of ratifying ILO Conventions n°189 and n°190.

Luxembourg will take the necessary steps to lift its reservations to the International Covenant on Civil and Political Rights (ICCPR).

As concerns the reservations to the Convention on the Rights of the Child (CRC), Luxembourg will study the possibility to lift some of them.

**Discrimination and hate speech**

Following the adoption of article 80 of the Criminal Code (aggravating circumstances, hate crimes) and in view of article 457-1 of the Criminal Code, measures to enforce the law (training of stakeholders, awareness campaigns) need to be put in place. A number of non-discrimination provisions are also covered by articles 454 and 457-1 of the Criminal Code.

Article 15 of the revised Constitution, which came into force on 1st July 2023, states that "No one may be discriminated against on the grounds of his or her personal situation or circumstances". The legislator's intention with this article is to enshrine the principle of non-discrimination in the Constitution. This article means "the equal treatment of all persons without discrimination on grounds of race or ethnic origin, sex, sexual orientation, religion or belief, disability or age". This article was drafted on the basis of the European Union's anti-discrimination directives and Protocol 12 to the European Convention on Human Rights.

With regard to the fight against racial discrimination, Luxembourg has already begun work on drawing up a national anti-racism action plan, which will target racial discrimination as well as discrimination based on origin.

**National human rights institutions**

Luxembourg submits that the Consultative Commission on Human Rights (CCDH) is an independent advisory committee on human rights, which draws up opinions for the Government and is not a defender of rights with, for example, the prerogative to take legal action. At the request of the CCDH, discussions with the Government on strengthening the human and financial resources of the CCDH, as well as its attachment to the Chamber of Deputies, will take place in the near future.

**Law enforcement**

In addition to the 2018 law on the Grand-Ducal Police, the law of 3rd February 2023 amends the Code of Criminal Procedure with regard to the search of persons. Bill 7991 also provides for a restriction on the use of force against minors suspected or accused of committing an offence.

**Access to justice**

With regard to legal aid, a new bill is in the pipeline and article 37-1 (1) paragraph 6 of the 1991 law on the legal profession provides that : "Legal aid is also available, irrespective of residence and nationality, to persons who are victims in accordance with the provisions of article 4-1 of the Code of Criminal Procedure in the context of criminal proceedings taking place in the Grand Duchy of Luxembourg, who intend to bring a civil action in accordance with the provisions of the Code of Criminal Procedure and whose resources are insufficient".

**Domestic violence**

Victims of gender-based violence can apply to the Bar for legal aid on the same terms as anyone who needs a lawyer but cannot afford one. If legal aid is granted, the Ministry of Justice pays for the services provided by the lawyer in accordance with the legal conditions. Legal aid is completely free for children, regardless of their parents' financial situation.

In addition, the Committee on Violence's report on domestic violence for 2022[[1]](#footnote-1) includes recommendations in this area. The powers of the Equality Observatory will be extended, and the Committee on Violence has also redrafted the information sheets for victims and perpetrators.

**Trafficking in human beings**

Luxembourg will also continue its efforts to combat human trafficking. New avenues will be included in the new national action plan, which is currently being drawn up.

Officials from the Labour and Mines Inspectorate (*Inspection du Travail et des Mines*, ITM) have received more training in detecting cases of human trafficking.

Victim protection measures under the new national action plan are also the subject of a more comprehensive analysis of improving victim and witness protection. Protective measures for victims already exist, however, as perpetrators sentenced to a custodial sentence with a probationary suspension may be subject to bans on contact with the victim, for example. In addition, Bill 7992 provides for additional protection measures and guarantees for minors who are victims or witnesses of criminal offences, and Bill 7949 strengthens the criminalisation of rape and indecent assault.

The offence of trafficking is a priori defined as follows[[2]](#footnote-2): there must be an action (transport, accommodation, control, etc.) and the use of a means (threats, force, violence, deception, fraud, etc.) with a view to exploiting someone. In Luxembourg, however, the means, which are a priori the elements of the offence, are set out as aggravating circumstances. Luxembourg thus goes further than international and European texts, since trafficking can be prosecuted even in the absence of the use of a means of coercion. On the contrary, a wording containing the use of force, means of coercion or fraud as a constitutive element would be more restrictive, since it would be necessary to prove the existence of these means in order to characterise the offence of trafficking in human beings, whereas at present such proof is not necessary.

**Protection of minors**

With regard to the detention of minors, it should be noted that Article 29 (3) of the Act of 20th July 2018 reforming the prison administration provides that "minors (...) may not be placed in solitary confinement, unless it is in their manifest interest or in the case provided for in paragraph 2, point (b)".

Bill 7991 on juvenile criminal procedure provides for minors to be incarcerated in a juvenile prison. It is planned to create a specialised facility to house minors deprived of their liberty (pre-trial detention and custodial sentences), adapted to their needs, particularly in terms of education. Bill 7991 sets the minimum age for any measure involving the deprivation of liberty of a minor at thirteen.

In addition, the Luxembourg Penitentiary Centre will be rehabilitated and modernised, in particular by providing for an organisation of the prison population by category (vulnerable persons, persons suffering from drug addiction, etc.).

With regard to the prohibition of corporal punishment, article 401bis of the Criminal Code states that "Anyone who wilfully wounds or beats a child under the age of fourteen, or who wilfully deprives him or her of food or care to the point of compromising his or her health, or who commits any other violence or assault against him or her, with the exception of minor violence, will be punished by one to three years' imprisonment and a fine of between €251 and €2,500".

Minor violence is punishable under article 563 of the Criminal Code, which provides for a fine of between €25 and €250 for "perpetrators of assault or minor violence".

For minors over the age of 14, the other articles relating to intentional assault and battery apply (articles 398 to 401 of the Criminal Code).

**LGBTIQ+ people**

There are currently no plans to legislate on conversion therapies. However, Luxembourg is closely monitoring legislation that has explicitly banned such therapies in other countries and does not rule out revisiting this issue in the future.

As for banning sex reassignment surgery on intersex people without their consent, inter-ministerial consultations are already underway on this matter.

**Access to the labour market**

The law of 1st August 2019 creating an inclusion assistance activity aims to facilitate the integration and retention in employment of people who have the status of disabled employee or are undergoing external redeployment, by creating an activity called "employment inclusion assistance". The aim is to encourage employers in the public and private sectors to employ disabled people.

In order to facilitate access to the labour market for migrants, Bill 8227, through which the notion of a market test would disappear, will be submitted for a decision very shortly.

**Persons with disabilities**

Full implementation of the Convention on the Rights of Persons with Disabilities (CRPD) remains an important national priority. Luxembourg is striving to complete the actions set out in the 2019-2024 national action plan for implementing the CRPD. Reflections on the next national action plan have already begun.

Awareness raising and inclusion have been identified as priority themes in the 2019-2024 national action plan for implementing the CRPD. As a result, a new national disability awareness campaign has been launched for 2022.[[3]](#footnote-3)

The law of 7th January 2022 on the accessibility of places open to the public, public thoroughfares and collective residential buildings came into force on 1 July 2023. This law extends the accessibility obligation to certain private property. In addition, existing premises open to the public will now also be subject to accessibility obligations. Penalties will be imposed for failure to comply with accessibility obligations and for failure to make reasonable adjustments.

With the revision of the Constitution, which came into force on 1st July 2023, Luxembourg repealed the automatic exclusion of people under guardianship from the right to vote and stand for election, so that they can now exercise their right to vote and stand for election in their own right.

As part of the implementation of the national action plan for the CRPD, Luxembourg has taken a series of measures to make elections more accessible to people with disabilities. For example, the law of 29th June 2023 amending the amended electoral law of 18th February 2003 (parliamentary document n°8150) introduced the rule whereby the logos of political parties and groupings are reproduced on ballot papers for legislative and European elections in order to make the ballot paper more readable and easier to fill in for people with sensory or cognitive impairments. The same law provides that adults under guardianship and cognitively impaired voters may be accompanied to the polling booth on polling day.

**Development cooperation and aid**

Luxembourg's official development assistance (ODA) aims to contribute to the realisation of human rights – being universal, indivisible, interdependent and inalienable – and fundamental freedoms, including their political and civil dimensions. Luxembourg recalls that respect for human rights is a prerequisite for achieving inclusive and sustainable development, by creating an environment that offers equal opportunities, so that each individual can freely determine the course of his or her life. As in previous years, the Luxembourg government will maintain its objective of devoting at least 1% of its gross national income (GNI) to development cooperation and humanitarian aid.

**Financial sector and taxation**

Luxembourg has robust anti-tax avoidance legislation in place. This legislative framework is for the most part directly derived from international standards, which have been endorsed by the OECD and the G20, as well as from Directives adopted unanimously by the European Union and transposed into national legislation. Furthermore, according to the 2022 FATF mutual evaluation report of Luxembourg, as discussed and adopted by the FATF Plenary in Paris in June 2023, “Luxembourg has reached a high level of technical compliance with the FATF’s requirements and its AML/CFT regime is delivering good results.

**Climate change**

Efforts to achieve climate neutrality and emission reduction targets are made within the framework of the Integrated National Energy and Climate Plan (PNEC). The PNEC outlines policies and measures to achieve the national targets set for 2030: a 55% reduction in greenhouse gas emissions compared with 2005 (as set out in the Climate Act and the previous plan), a 35-37% share of renewable energy in final consumption (up from 25% in the previous plan), and a 44% improvement in energy efficiency (up from 40-44% in the previous plan).

**Discrimination and gender-based violence**

Luxembourg has achieved this objective with regard to the gender pay gap. In terms of women's representation, Luxembourg has introduced a voluntary quota of 40% representation of women in the public sector.

The amended law of 21st December 2007 regulating the financing of political parties contains rules on the balanced representation of candidates of each sex on candidate lists for legislative and European elections. In the context of the municipal elections of 11th June 2023, Luxembourg has conducted a campaign to promote the representation of women on candidate lists.

Concerning the Council of State, the law of 16th June 2017 on the organisation of the Council of State devotes article 7 to a provision on the balanced representation of women and men in the composition of the Council of State.

With regard to a strategy to combat female genital mutilation (FGM), a strategy on the fight against gender-based violence is currently being drawn up, which will also specifically cover FGM. The development of this strategy will be the result of inter-ministerial work, bringing together all the ministries concerned by these issues.

1. <https://mega.public.lu/fr/publications/publications-ministere/2023/raport-violence-2022.html> [↑](#footnote-ref-1)
2. Based on the Council of Europe Convention and the European Union Directive [↑](#footnote-ref-2)
3. <https://gouvernement.lu/fr/actualites/toutes_actualites/communiques/2022/04-avril/25-cahen-semainehandicap.html> [↑](#footnote-ref-3)