



Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

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

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

1. In the absence of a harmonized definition of disability (see CRPD/C/LUX/1, para. 17), please provide information on whether the concept of disability in the national laws is compliant with the human rights model of disability and is in line with the purpose of the Convention.
2. Please provide information about measures adopted in implementing the concepts of “reasonable accommodation” and “universal design”.
3. Please provide detailed statistical data on the number and role of organizations for persons with disabilities that have participated in consultations on legislative policies and administrative measures aimed at combating discrimination and the effect of such legislative policies and administrative measures to date.
4. Please provide information on the outcomes of the participation of persons with disabilities through their representative organizations in decision-making processes and in the development, implementation and evaluation of plans and policies that affect them.

B. Specific rights (arts. 5-30)

Equality and non-discrimination (art. 5)

5. Please provide information about procedures and mechanisms available to persons with disabilities for defending their rights as persons with disabilities and about the remedies available to them.
6. Please provide information about the situation of asylum seekers, refugees and migrant children with disabilities. Please explain what actions have been adopted to support them.

Women with disabilities (art. 6)

7. Please provide statistical data on the number of women and girls with disabilities affected by sexual violence and abuse and on the number of women and girls with disabilities affected by multiple discrimination and/or intersectional discrimination.
8. Please provide information on measures taken to eradicate discrimination against women and girls with disabilities and on measures taken to increase their participation in education and employment.

* Adopted by the pre-sessional working group at its seventh session (13-20 March 2017).



Children with disabilities (art. 7)

9. Please provide information on the options and facilities available to children with disabilities who require high levels of support to access education, especially those who require sign language support.

10. Please provide detailed statistics on all children with disabilities enrolled in mainstream education, particularly children who are blind or otherwise visually impaired, deaf-blind, deaf or otherwise hearing impaired and physically impaired, as well as on children with intellectual and/or psychosocial disabilities.

11. Please explain what mechanisms have been put in place to ensure that children with disabilities can freely express their views in matters affecting their daily lives.

Awareness-raising (art. 8)

12. Please provide information on the progress made on the awareness-raising strategies set out in the national action plan 2011-2016 and on whether awareness of the Convention has increased among the general public.

Accessibility (art. 9)

13. Please provide information on the status of the review of the 2001 accessibility act, which requires that only public buildings, institutions and means of transportation belonging to the State or municipalities be accessible. Please provide information on policies and legislative measures adopted to harmonize the act with the Convention.

14. Please provide information on measures taken specifically in relation to access by persons with disabilities to communications and information technologies and systems, including the Internet.

Situations of risk and humanitarian emergencies (art. 11)

15. Please provide information on the extent to which organizations of persons with disabilities are involved in the national strategy for the management of emergencies and disaster-related risks and on accessible measures available to persons with disabilities in emergency situations.

Equal recognition before the law (art. 12)

16. Please provide information on measures adopted to repeal the 1982 guardianship act and harmonize it with article 12 of the Convention, in line with the Committee's general comment No. 1 (2014) on equal recognition before the law. Please provide data and statistics, disaggregated by age and sex, on persons currently placed under guardianship.

Access to justice (art. 13)

17. Please provide detailed information on capacity-building training programmes on the rights of persons with disabilities conducted for law enforcement and prison officials, police officers and members of the judiciary, in line with the principles of the Convention. Please indicate whether such training is carried out systematically and whether participation in it is mandatory. Please also provide information on the number and percentage of judges trained specifically on the rights of persons with disabilities and on the Convention.

18. Please report on procedural protocols and appropriate accommodation for court proceedings and on the information made available to persons with disabilities on access to the justice system. Please also provide information on whether court documents are provided to persons with intellectual or psychosocial disabilities in both French and German.

Liberty and security of the person (art. 14)

19. Please provide information on whether the State party has carried out any research to determine how the hospitalization of persons with disabilities without their consent is affecting their right to be included in the community and whether the State party is

considering repealing the act of 2009 regulating the hospitalization of persons with mental disorders without their consent.

20. Please explain what budgetary measures have been taken by the State party to move persons with disabilities from in-care hospitalization to community-based services.

21. Please explain what efforts have been made by the State party to make legal representation available to persons with intellectual disabilities during criminal proceedings.

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

22. Please provide information on affirmative action measures taken to harmonize the 2003 act on domestic violence in such a way as to protect persons with disabilities, in particular women and girls with disabilities, from violence and abuse.

23. Please provide information on measures adopted to prevent the use of physical and mechanical restraints on persons with disabilities in psychiatric care and the forcible treatment of such persons.

Protecting the integrity of the person (art. 17)

24. With reference to the 2014 act on patients' rights, please provide information on the conditions under which treatment or institutionalized care can be imposed upon persons with disabilities without their consent and on the remedies that are available should such consent be refused.

25. Please provide information on measures adopted to repeal the policy allowing for the sterilization of women and girls with disabilities without their informed consent.

Liberty of movement and nationality (art. 18)

26. Please provide information about the situation of refugees and asylum seekers with disabilities and whether the centres that receive and house them meet the accessibility standards set out in article 9 of the Convention and general comment No. 2 (2014) on accessibility.

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

27. Please provide information on:

(a) Whether there is a yearly itemized budget for the provision of personal assistants to persons with disabilities, in particular sign language interpreters;

(b) The number of personal assistants and the budget allocated for persons with disabilities in recent years;

(c) The type and number of residential institutions for persons with disabilities and the number of persons with disabilities living in such institutions;

(d) The number of complaints made by persons with disabilities in institutions and the remedies granted to them since the ratification of the Convention.

28. Please provide information about steps taken, in line with the national action plan for 2011-2016, to accelerate the process of deinstitutionalizing persons with disabilities.

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

29. Please provide information, including on any timelines, regarding the official recognition of sign languages in the State party and whether there are sufficient resources available for sign language interpretation in Luxembourg.

Education (art. 24)

30. Please provide information on:

(a) The assessment criteria used in the admission of all learners with disabilities to inclusive mainstream education, from pre-primary to tertiary education;

(b) The procedures in place and the remedies available should the competent authority refuse to enrol learners with disabilities in mainstream education.

31. In accordance with the Committee's general comment No. 4 (2016) on the right to inclusive education, please provide disaggregated data on the number and percentage of children with disabilities who are: (a) in inclusive mainstream education; (b) in integrated education; (c) in segregated education; and (d) outside the education system.

32. Please provide information about the outcome of measures taken by the State party pursuant to the national action plan for 2011-2016 in relation to inclusive education and on the budget allocated for providing reasonable accommodation to persons with disabilities, particularly for sign language.

33. Please provide information on measures that the State party intends to take to implement article 24 of the Convention, in accordance with general comment No. 4, in particular in relation to the training of support teachers to assist children with disabilities in fully realizing the right to inclusive education.

Work and employment (art. 27)

34. Please provide information on:

(a) Measures to monitor the implementation of the quota requirement for the employment of persons with disabilities in the private sector;

(b) The number and percentage of persons with disabilities employed in the private and public sectors;

(c) The number of complaints made and the remedies available for addressing discrimination at work, in particular in relation to the non-provision of reasonable accommodation.

35. Please provide information on policy measures and incentives the State party intends to adopt to move persons with disabilities from sheltered workshops to the open labour market.

Participation in political and public life (art. 29)

36. Please provide information on the status and the timeline for adopting the bill containing proposed amendments to the Constitution that will ensure that persons under guardianship are not automatically deprived of the right to vote.

37. Please provide information on measures to ensure the effective representation of persons with disabilities at all ranks of political institutions and the right of persons with disabilities to vote, including the provision of personal assistants to persons with all types of disabilities and, particularly, persons with disabilities under guardianship.

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

38. Please provide information on measures adopted to improve the accessibility of persons with disabilities to sports, recreational and cultural facilities and services.

C. Specific obligations

Statistics and data collection (art. 31)

39. Please provide data, disaggregated by age, gender and type of disability, on persons with disabilities in the State party. Please also explain whether the State party has been collecting disability-specific data systematically and in line with international human rights standards.

International cooperation (art. 32)

40. Please provide information on whether there are established criteria and/or guidelines for the funding of activities of overseas organizations with disabilities and

whether persons with disabilities or their representative organizations are consulted in those processes.

National implementation and monitoring (art. 33)

41. Please provide information on measures to strengthen the participation of persons with disabilities in the monitoring framework, namely the Commission consultative des droits de l'homme and the Centre for Equal Treatment, to ensure the effectiveness and independence of those mechanisms and to ensure stable budgetary allocations to the monitoring framework.
