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Summary record of the 50th meeting*

Held at the Palais Wilson, Geneva, on Friday, 7 October 2022, at 3 p.m.

Chair: Mr. Abdel-Moneim

Contents

Consideration of reports (*continued*)

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

Fourth periodic report of Luxembourg (continued)

* No summary records were issued for the 49th meeting.

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The meeting was called to order at 3.05 p.m.

Consideration of reports *(continued)*

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant *(continued)*

Fourth periodic report of Luxembourg (continued) (E/C.12/LUX/4; E/C.12/LUX/Q/4; E/C.12/LUX/RQ/4)

1. *At the invitation of the Chair, the delegation of Luxembourg joined the meeting.*
2. **A representative of Luxembourg**, replying to questions raised by Committee members the previous day, said that while the International Labour Organization Domestic Workers Convention, 2011 (No. 189), had not yet been ratified, the Committee's views in that regard would be discussed with the social partners.
3. **A representative of Luxembourg** said that the Bee Secure platform, as well as providing guidance and training on safe and responsible use of digital technology, received reports of illegal online content, which were conveyed if necessary to the competent authorities, such as the police. Hate speech had been addressed in schools and youth centres through an awareness-raising campaign and the adaptation of curricula, and the police visited schools to give students the tools they needed to protect themselves from cyberharassment. A guide to good online behaviour had been drawn up, and around 30 projects on respect and hate speech had been launched as part of the Council of Europe No Hate Speech Movement.
4. As an alternative to criminal conviction, persons found to have made discriminatory comments online could complete placements with the "respect.lu" association, which had also launched a programme to assist persons who engaged in hate speech to reflect on their actions and use communication technology more respectfully. The National Action Plan for the Promotion of the Rights of Lesbian, Gay, Bisexual, Transgender and Intersex Persons countered prejudice by raising awareness among the general public. Several other awareness-raising activities had been undertaken in partnership with civil society, such as the publication of a guide on supporting transgender persons in the workplace.
5. **A representative of Luxembourg** said that a national campaign to raise awareness of disability had been launched that consisted of digital data sheets, videos and an informative website. The campaign had been organized to encourage all members of society to include persons with disabilities in daily life. The social inclusion of persons with disabilities was prioritized in a national action plan to implement the Convention on the Rights of Persons with Disabilities, The Government had also called on all participants in elections, including voters and local authorities, to assist in improving the accessibility of elections. Work to combat stereotypes of persons with disabilities was undertaken with local authorities and civil society, including through the media.
6. **A representative of Luxembourg** said that the Chamber of Deputies was debating major reforms that would see the separation of child protection and criminal law for minors. The reforms would be made via three bills: one on assistance, support and protection for minors and their families; a second on the introduction of criminal law for minors – something that would require a restructuring of the court system; and a third on the rights of child victims and witnesses in criminal proceedings. The mandate of the National Children's Bureau would be extended to include education, prevention and assistance for families. Foster families would enjoy an independent status, thereby improving the monitoring of the children placed with them. New procedural guarantees would be introduced, such as a requirement for children to be assisted in judicial proceedings by a lawyer, and proceedings would be adapted to the needs of children in conflict with the law who had reached the age of 14 years, the proposed age of criminal responsibility. Education and rehabilitation would be prioritized, and minors would be detained only as a last resort, in small groups under the competence of the State Socioeducational Centre. The Government had ratified the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, and nationals and non-nationals resident in Luxembourg could be prosecuted for such crimes, including those committed abroad.

7. **Mr. Dockendorf** (Luxembourg) said that the Government worked with non-governmental organizations, human rights treaty bodies and other United Nations agencies to combat child sexual abuse and had adopted the Council of Europe's guidance on terminology.

8. **A representative of Luxembourg** said that the Council of State, in reviewing a bill on legitimate and natural descent, had issued an opinion critical of the absence of an adequate bioethical framework, particularly with regard to medically assisted procreation. The bill was consequently being reformulated, and the new draft would afford all necessary guarantees regardless of parents' civil status. Consideration was also being given to legal provisions that would prevent or limit the practice of assigning a sex to intersex children. Experts and civil society had been consulted on a bill on the creation of a third gender in the civil register.

9. **A representative of Luxembourg** said that the Ministry of the Family, Integration and the Greater Region had commissioned a twice-yearly census of persons experiencing homelessness, with the first iteration, to be undertaken in late 2022 in the city of Luxembourg, serving as a benchmark with a view to extending the project's geographical scope. The resulting qualitative socioeconomic data and the establishment of a national database would inform evidence-based measures to reduce homelessness. To address poverty more generally, access to several essential services, such as childcare and public transport, was free or at low cost, while low-income households had been granted financial assistance to cope with the recent rise in energy prices.

10. Although 18.1 per cent of the general population was at risk of poverty, that figure stood at 28.5 per cent among minors, 42.9 per cent among single parents and 13.7 per cent among persons who were in employment but had low incomes; employment therefore constituted an effective defence against poverty. Poverty among children and single-parent families was addressed by measures including tax credits, parental leave and recent reforms to the guaranteed minimum income. Furthermore, all children received free schoolbooks, extracurricular support and music tuition, while children from low- and middle-income families received free school meals, and some were granted annual subsidies. All children had access to 20 hours' free childcare per week from their first birthday. The services of the Maison Relais Enfants (child drop-off centres) were free, and family benefits were index-linked. It should be noted that at-risk-of-poverty rates did not take account of benefits in kind.

11. **A representative of Luxembourg** said that the Government provided assistance to persons with disabilities who were unable to pay for residential facilities or day centres. Families with children with disabilities received additional financial assistance until the child reached the age of 18 years, or 25 in some cases. The Career Guidance Centre assessed the residual capacity of persons with disabilities during a two-month professional skills course, in order to aid their participation in the labour market. A study was planned into the current system for funding socioeducational support, with a view to assessing the needs of persons with disabilities and promoting their autonomy through a personal assistance budget.

12. **Mr. Hennebel** (Country Task Force) said that he would welcome information on plans to adopt a new strategy to address homelessness and on how irregular migrants could access housing. It would be helpful to have clarification as to where minors convicted of crimes were detained and regarding the reservations of the Council of State in relation to abolition of the distinction between legitimate and natural descent; it appeared that the Council's desire to broaden the scope of the draft legislation was delaying that step.

13. **Ms. Shin** said that she wished to know whether the Government would consider banning unnecessary surgery performed on intersex children at birth, in line with the Committee's general comment No. 22 (2016) on the right to sexual and reproductive health ([E/C.12/GC/22](#), para. 59).

14. **Mr. Abashidze** asked whether the State party would establish housing subsidies for those unable to obtain affordable housing, as well as forms and levels of housing finance that adequately reflected housing needs, in accordance with the Committee's general comment No. 4 (1991) on the right to adequate housing.

15. **A representative of Luxembourg** said that agreements were in place to provide hospital and psychiatric care to detainees. The Ministry of Justice had set up a working group

to liaise between the relevant services, hospitals and places of detention and ensure that detainees received the support they required. Persons deprived of their liberty were informed of the types of care available, and prison social workers would provide the health-care services with the detainees' documentation to ensure that the necessary care was given. Tailored support for persons with mental or psychosocial disabilities was available at all hospitals.

16. Migrants who were under the care of the National Reception Agency could be treated at the Agency's medical services, and those in an irregular situation were entitled to physical and psychological medical assistance from services contracted by the State. Medical teams provided treatment to persons in holding facilities, and a standard procedure was in place to provide health care to persons seeking international or temporary protection.

17. In April 2022, the Ministry of Health had launched a pilot project to provide universal health coverage to vulnerable people who had resided in the country for at least three months, were not registered for social security and had no source of income. For undocumented migrants, regular visits to the relevant services contracted by the Ministry of Health were sufficient to demonstrate that they had been in the country for the requisite three-month period. As of early October 2022, two thirds of applications for universal coverage had been accepted. The project would be evaluated at the beginning of 2023.

18. **A representative of Luxembourg** said that a national suicide prevention plan, implemented between 2015 and 2019, had led to improvements in the system for registering deaths by suicide and recording all suicide attempts. A working group had been created to study the epidemiology of suicidal behaviour and establish indicators to identify annual trends at the national and international levels. Efforts were currently under way to analyse data collected from hospital emergency wards on the factors that had led to suicide attempts, with a view to developing measures to combat depression and other suicide risk factors. In 2020, a major public awareness-raising programme on mental health first aid had been launched during European Mental Health Week and, in 2021, a training course on the same topic had been offered to professionals working with children and adolescents. A similar course which would be given by young people, to young people, was planned for October 2022. Furthermore, over 2,000 health-care professionals had received training to identify suicide risks since 2019.

19. Guidelines on preventing suicide and identifying symptoms of depression were being drafted but had been delayed as a result of the coronavirus disease (COVID-19) pandemic. Four websites had been created in cooperation with the Information and Prevention Service to raise public awareness of mental health problems. One website had been created specifically to provide advice and guidance on the effects of the lockdown on mental health during the COVID-19 pandemic. Information on where to find help and how to provide mental health first aid was available in several languages. A holistic mental health plan was being developed that would incorporate all initiatives implemented as part of the national suicide prevention plan. In 2021, the Department of Health had introduced a training programme to improve teachers' understanding of mental health issues, which would run until 2025.

20. In January 2020, the Government Council had approved a plan to reduce alcohol consumption among the general public, and young people in particular, for the period 2020–2024. Its principal aims were to tackle alcohol abuse and create an environment that was conducive to moderate alcohol consumption. Measures under the plan included raising the minimum age for purchasing alcoholic beverages from 16 to 18 years. An interministerial working group had prepared an extensive range of measures to combat drug-related crime, which was a major problem in the country.

21. **A representative of Luxembourg** said that education was universal, free of charge and compulsory for all children between 4 and 16 years of age, including migrant children upon their arrival in Luxembourg, regardless of their migratory status. All children from 6 years of age received an allowance of €115 at the start of every academic year, which increased to €235 from 12 years of age. Secondary school children whose families' net income fell below a certain threshold were entitled to an annual allowance, and care was available outside of school hours in order to allow mothers to take up paid employment.

Many children born to foreign parents studied within the general secondary education stream. That stream should not be regarded as inferior to standard secondary education; less emphasis was placed on language education and it allowed access to university education. Linguistic diversity among pupils in schools posed a major challenge, since a significant proportion of children had been born to foreign parents and approximately 60 per cent did not speak Luxemburgish at home. No data were gathered on the ethnic background, disabilities or economic situation of pupils or their families, in order to ensure equality and avoid stigmatization.

22. According to standardized tests administered every year by the Luxembourg Centre for Educational Testing, children who did not speak Luxemburgish or German at home and who came from disadvantaged families generally performed worse in all areas of study. In order to adapt the education system to the highly diverse backgrounds of students in the country and prevent dropout, certain schools offered European Baccalaureate and English A-level courses, as well as studies in French. A pilot project had been launched to boost French literacy at four primary schools, and a multilingual education programme had been introduced in 2017 to improve knowledge of Luxemburgish and French among preschool children.

23. A report published in March 2022 contained comprehensive data related to the school dropout rate, which was below the European Union average and had declined for two consecutive years. The number of children who continued their studies after having dropped out midway through the school year had increased owing to a range of innovative measures, including volunteer work and internships. A proposed bill would make education compulsory until the age of 18 years and would make alternative, non-academic forms of education more widely available. The law was expected to enter into force in 2025 to allow sufficient time for the education system to adapt.

24. The Government had made substantial efforts to increase the number of childcare places for young children, which had more than doubled over the previous decade. More than half of infants up to 3 years of age attended nursery, whether private or State-funded. A national plan had been set up to ensure the quality of early childhood education facilities, under which teachers were given ongoing training and facilities were monitored by experts in early childhood education.

25. As part of the National Action Plan for the Promotion of the Rights of Lesbian, Gay, Bisexual, Transgender and Intersex Persons, initiatives had been launched to raise awareness among educators and parents of methods to prevent bullying and assist victims. The Pedagogical and Technological Research and Innovation Coordination Service helped primary and secondary schools develop policies to prevent bullying and foster the inclusion of lesbian, gay, bisexual, transgender and intersex children. The Ministry of Equality between Women and Men, in cooperation with the University of Luxembourg, had undertaken a project to adapt school textbooks to ensure that they reflected the diversity of modern society.

26. Great efforts were made to ensure that children with special needs were able to attend mainstream schools, to the extent that only 1 per cent of such children were educated in other settings. In the three-tier system that had been in place since 2018, at the local level, specialists supported class teachers to provide lessons that were adapted to a child's specific needs; at the regional level, multidisciplinary teams advised teachers on differentiated education; and at the national level, a commission was responsible for defining educational provision for children with special needs, and eight centres of expertise in educational psychology had been opened.

27. **A representative of Luxembourg** said that an interministerial working group made up of 27 representatives from 19 ministries had designed a national action plan for digital inclusion. The national action plan for the implementation of the Convention on the Rights of Persons with Disabilities set out concrete measures to ensure digital inclusion for persons with disabilities, including through the systematic use of Easy Read formats.

28. **Mr. Caunhye** (Country Task Force) said that there were reportedly many uncertainties surrounding access to medically assisted procreation for lesbian, gay, bisexual, transgender and intersex persons. He would welcome information on whether and how the proposed legislation that was to be presented to parliament addressed that issue, and whether

it would also introduce a legal framework for the establishment of the parentage of non-gestational parents in female same-sex couples.

29. He wished to know whether any specific steps were being taken to address poor academic outcomes and high dropout rates among students with disabilities in secondary education.

30. **A representative of Luxembourg** said that medically assisted procreation was available to all couples without discrimination. The first iteration of the draft legislation had been aimed at removing the distinction between legitimate and illegitimate children. The Council of State had been unsatisfied with the technical solution that had been proposed, and work was continuing with the aim of resolving all remaining legal issues surrounding parentage as soon as possible. Nevertheless, in everyday life, the distinction existed on paper only. All children had the same inheritance rights, and parental authority was not dependent on marital status.

31. **A representative of Luxembourg** said that there were teams in place to support students with disabilities in 37 of the 39 public secondary schools. In the previous few years, 100 posts had been created in order to staff those teams. Proposed amendments to the legislation on secondary education would include reference to the teams, and a public awareness campaign on inclusive education was planned for 2023. The legislation governing reasonable accommodation provided for concrete measures that could be put in place to reduce obstacles to mainstream education faced by students with disabilities.

32. **A representative of Luxembourg** said that data on the number of people who had received housing aid in 2021 and on the amounts granted in the form of allowances and subsidies for renting, purchasing or constructing housing and for home improvements would be provided in writing.

33. **A representative of Luxembourg** said that an interministerial working group was in the process of drafting legislation on intersex persons, with the aim of finding a solution that balanced children's health and their right to self-determination. The process had been delayed by the pressures placed on the Ministry of Health by the COVID-19 pandemic. The purpose of the legislation was to introduce a legal prohibition on non-emergency medical treatment to "normalize" a person's sexual characteristics without free and informed consent. A ban on such treatment was also set out in the specific chapter on intersex persons in the National Action Plan for the Promotion of the Rights of Lesbian, Gay, Bisexual, Transgender and Intersex Persons. The chapter also set out other measures, including the development of protocols on how to discuss intersex status with affected persons and on the provision of information in advance of any treatment.

34. In October 2018, the authorities had run a national awareness campaign on issues affecting intersex persons. A consultation service had been set up for the families of intersex persons, and training was provided to health-care professionals, including psychologists and midwives, on the health-care needs of intersex persons.

35. **A representative of Luxembourg** said that under legislation adopted in 2018 changing one's registered sex was a purely administrative procedure. Requests for such a change could not be refused on the basis that a person had not undergone sterilization or gender-reassignment surgery. The procedure was open to nationals of Luxembourg, foreign nationals who had resided in Luxembourg for at least 12 months and persons who had been granted or who were seeking international protection.

36. There was currently one single closed security unit with 12 places for minors in conflict with the law. Minors could be held there for a three-month period, which could be extended by judicial order. The system was due to be reformed, with the aim of establishing decentralized units that would be run by the State Socioeducational Centre rather than by the prison system.

37. **A representative of Luxembourg** said that the Ministry of the Family, Integration and the Greater Region had commissioned the Luxembourg Institute of Socioeconomic Research to carry out the final evaluation of the strategy against homelessness. The Ministry was continuing to work with non-governmental organizations to increase and diversify its support for homeless persons through, for example, the Housing First project.

38. **A representative of Luxembourg** said that although women were overrepresented in education and health-care professions, in Luxembourg those jobs were not low-income positions. For example, according to data from 2017 published by the Organisation for Economic Co-operation and Development, nurses' earnings were 50 per cent above the national average, while the education sector was one of the best paid in the country. The Ministry of Equality between Women and Men had implemented a range of measures to encourage more men into caring professions and to break down stereotypes. The Social Boys project had been run in schools to give male students an insight into social and care professions.

39. A range of measures had been instituted to keep women in the workforce. Parental leave of six months was shared equally between both parents, day care was heavily subsidized and out-of-school care was free. The Ministry also encouraged private companies to join the Positive Actions programme and commit to ensuring equal treatment, equality in decision-making and a good work-life balance for all employees.

40. **A representative of Luxembourg** said that the frequency of closure of schools in Luxembourg due to the COVID-19 pandemic – 48 days for primary schools and only 34 days for secondary schools during the 2020–2021 academic year – was the second lowest of all countries globally. The Ministry of Education, Children and Youth, in collaboration with local authorities and civil society, had provided technological and other support to disadvantaged pupils to enable their participation in remote classes and to bridge gaps in their learning. Pupils had continued to take standardized tests and sit exams as usual and had progressed without difficulty from primary to secondary school and from secondary to post-secondary education or vocational training. A summer school set up in the summer of 2020 had been so successful that it had become an annual event.

41. **A representative of Luxembourg** said that all residents of Luxembourg were eligible for legal aid, even in respect of cases brought before foreign courts. The Government was in the process of reforming the legal aid system: currently, aid was provided on an all-or-nothing basis, namely, only where the applicant's resources did not reach a certain threshold; in the future, it would be provided on a tiered basis, such that applicants whose resources were above the current threshold might still be eligible for some support. While Luxembourg did not currently recognize class actions, a bill recently submitted to parliament, once enacted, would provide for the introduction of some form of collective redress mechanism.

42. **A representative of Luxembourg** said that his Government's legal minimum wage was the highest in the European Union, although, expressed in terms of purchasing power, it was more or less comparable to those of neighbouring countries. The minimum wage and the social inclusion income were adjusted biennially on the basis of changes in the average wage. According to the National Institute of Statistics and Economic Research, the minimum wage allowed for an adequate standard of living, depending on the number of persons in the earner's household.

43. **A representative of Luxembourg** said that the Ministry of Health, in close collaboration with the Ministry of Education, had taken steps to raise public awareness of the dangers of drug use. It also provided treatment and support for drug addiction in line with the National Drug Strategy 2020–2024. An interministerial group had been set up to discuss how to tackle drug-related crime.

44. **Mr. Uprimny** said that he would appreciate more detailed information on the State party's plans to introduce a minimum corporate tax rate in line with that proposed by the Organisation for Economic Co-operation and Development and endorsed by the Group of 20.

45. **Ms. Shin** said that she would be grateful for statistics supporting the State party's claim that horizontal segregation did not necessarily lead to considerable differences in the pay of women and men. In addition, she wished to know what specific efforts the State party was making to improve the participation of women in decision-making processes.

46. **Mr. Dockendorf** (Luxembourg) said that further information on the State party's position with regard to the Inclusive Framework on Base Erosion and Profit Shifting of the Organisation for Economic Co-operation and Development would be submitted in writing.

47. **A representative of Luxembourg** said that specific data on the gender pay gap and the gender pension gap in Luxembourg would also be submitted in writing.

48. **Mr. Amarti** (Country Task Force) said that he would like to know whether trade unions could be established without prior authorization, and whether they could be dissolved by simple administrative decision, namely, without a court order. He would appreciate information on the practice of enforced early marriage among migrant communities in the State party. Lastly, he would welcome the State party's response to the finding of a study by the Centre for Equal Treatment that around 40 per cent of victims of discrimination had not filed complaints because they did not believe that there was any point in doing so.

49. **Ms. Crăciunean-Tatu** (Country Rapporteur) said that she was grateful for the delegation's detailed replies to the questions posed by the Committee in the course of the constructive dialogue. Many of the measures taken by the State party to promote economic, social and cultural rights, including its revision of the Constitution and labour legislation, stood as a shining example for other countries in the region. The Committee's concluding observations would contain recommendations in those areas where further improvements could be made, as well as on three priority issues on which the State party must report within two years.

50. **Mr. Dockendorf** (Luxembourg) said that Luxembourg, as a small but wealthy country, recognized its responsibility to protect and promote the economic, social and cultural rights of persons both within and beyond its national borders, specifically by meeting its extraterritorial obligations, to ensure that nobody was left behind. To that end, his Government would continue to meet its reporting obligations under the Covenant and to collaborate closely with the Committee. It would submit detailed written responses in the ensuing 48 hours to those questions that remained unanswered.

51. **The Chair**, noting that in its report (E/C.12/LUX/4) the State party had indicated that there was nothing to report under certain articles of the Covenant, said that, in future reports, it should specify why that was so. Furthermore, the reporting period for statistical data should ideally start with the year of submission of the State party's initial report, to enable the Committee more easily to track progress in the areas concerned.

The meeting rose at 5.50 p.m.