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COMMITTEE ON ECONOMIC, SOCIAL AND  
CULTURAL RIGHTS

Pre-sessional working group  
3-7 December 2001

**LIST OF ISSUES TO BE TAKEN UP IN CONNECTION WITH THE  
CONSIDERATION OF THE THIRD PERIODIC REPORT OF  
LUXEMBOURG CONCERNING THE RIGHTS COVERED BY  
ARTICLES 1 TO 15 OF THE INTERNATIONAL COVENANT ON  
ECONOMIC, SOCIAL AND CULTURAL RIGHTS  
(E/1994/104/Add.24)**

**I. GENERAL FRAMEWORK FOR THE APPLICATION  
OF THE COVENANT**

**General legal framework**

1. The report contains no information on the status of the Covenant in the domestic legal system. In its concluding observations on Luxembourg's second report (E/C.12/1/Add.22 of 12 December 1997, para. 8), the Committee stated its concern that the Covenant had not been given the status of domestic law and that there had been no judicial decisions relating to its application by domestic courts. Please provide updated information on the status and application of the Covenant in Luxembourg.
2. Please explain why the State party has not ratified the following ILO Conventions: Nos. 111 (Employment and Occupation Convention), 118 (Social Security Convention), 160 (Labour Statistics Convention) and 174 (Employer's Insolvency Convention). Please indicate whether the State party intends to ratify them.
3. What is the position of the Government of Luxembourg on the draft optional protocol providing for the consideration of individual communications?

4. Please indicate whether the State party prepared a national action plan for human rights in accordance with the recommendation of the World Conference on Human Rights (Part I, para. 93 of the Vienna Declaration and Programme of Action), especially with regard to economic, social and cultural rights. Please also indicate whether the State party established a national institution for human rights in order to promote human rights, especially economic, social and cultural rights.

## **II. ISSUES RELATING TO THE GENERAL PROVISIONS OF THE COVENANT (arts. 1-5)**

### **Article 2 - Non-discrimination**

5. Please provide updated information on whether domestic law prohibits discrimination on the grounds indicated in article 2, paragraph 2, of the Covenant (race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status).

6. The Committee would like to have more information on the existing legal framework for promoting and protecting the rights of disabled persons. Is the Act of 19 June 1998 on dependency insurance the only measure taken in this regard? What coverage does it provide for the disabled? Please indicate the measures adopted by the State party in order to integrate disabled persons into social life and the working environment.

7. Please provide updated information on steps, legislative or otherwise, taken to remove the distinction between “legitimate” and “natural” children in the Civil Code, which discriminates against the latter. Please elaborate on the statement in the report that a natural child should be treated “as far as possible on an equal footing with a legitimate child” (para. 109 of the report).

8. Please indicate why Luxembourg has not yet ratified the 1961 Convention on the Reduction of Statelessness.

9. Please indicate for what reasons asylum seekers are not entitled to family reunification during the asylum request procedure, which may be lengthy.

### **Article 3 - Equal rights of men and women**

10. In its concluding observations on Luxembourg’s second report (E/C.12/1/Add.22, para. 9), the Committee noted that the Constitution did not expressly guarantee the principle of gender equality. Please indicate whether the State party has corrected or intends to correct this situation.

11. In the same concluding observations (E/C.12/1/Add.22, para. 9), the Committee noted continuing disparities between the sexes in such areas as working conditions and salary scales in the private sector. Please provide updated information on this issue and indicate whether these disparities are on the decline.

### **III. ISSUES RELATING TO SPECIFIC PROVISIONS OF THE COVENANT (arts. 6-15)**

#### **Articles 6 and 7 - Right to work and to just and favourable conditions of work**

12. Please provide a fuller explanation of the relationship between the Employment Administration, the National Employment Commission, the Permanent Employment Committee and the Tripartite Coordination Committee (paras. 7 and 8 of the report). What are their respective powers and areas of authority?
13. Please give further details on the legislation and jurisprudence which “guarantee employees strict protection against arbitrary dismissal” (para. 9 of the report).
14. Please provide further details on the Act of 12 February 1999 concerning the implementation of the national plan of action for employment (para. 25 of the report).
15. What measures have been taken by the Government to address or remove disparities between the wages of men and women (women receiving 20 to 30 per cent lower wages than men), with a view to guaranteeing equal pay for work of equal value?
16. Please provide information on the situation regarding regulations on annual paid leave for public sector employees, which appears not to be covered by the Act of 22 April 1966 (para. 37 of the report)? Are public sector employees covered by another law?
17. Please provide more information on the implementation of the Act of 3 August 1977 prohibiting clandestine work.

#### **Article 8 - Right of association**

18. According to Luxembourg legislation, trade unions have to be considered as independent in order to secure recognition of their representative status (para. 44 of the report). Who determines the independence of trade unions and on what basis?

#### **Article 9 - Right to social security**

19. Is the Act of 3 August 1998 on old age insurance, with its new calculation method, leading to a reduction in the levels of pensions actually received by civil servants and public employees (paras. 50-51 of the report)?
20. Please explain in more detail the system of optional pension insurance (para. 54 of the report).

**Article 10 - Protection of the family, mothers and children**

21. Please provide updated information on what measures, legislative or otherwise, the State party has undertaken in order to implement the recommendation the Committee made in its concluding observations on the second periodic report of Luxembourg (E/C.12/1/Add.22, para. 22) calling for the adoption of more effective legislation to prevent and protect children and adolescents from all forms of sexual exploitation and abuse.

22. Please provide information on the status of children born from incestuous liaisons (para. 107 of the report).

23. Please provide more information regarding exceptions to the law prohibiting the employment of children under the age of 15 (para. 110 of the report), as well as on the extent of the problem.

24. The Committee would like to have fuller information on the application of ILO Conventions No. 77 and 78, concerning medical examination for fitness for employment of children and young persons in industry and in the non-industrial occupations, including information on the regulation of the employment of young people in domestic service and in agriculture. Please indicate the effect on children's health.

25. Please indicate whether the State party has adopted legislation to combat domestic violence and the extent of this problem.

26. Please provide information on the extent of the problem of pornography and on the measures taken to protect children from it.

27. Please provide updated information on the measures, legislative or otherwise, undertaken to combat child prostitution.

**Article 12 - Right of everyone to the enjoyment of the highest attainable standard of physical and mental health**

28. Please provide updated information on the measures, legislative and otherwise, the State party has undertaken to implement the Committee's recommendation contained in its concluding observations on the second periodic report of Luxembourg (E/C.12/1/Add.22, para. 23) to prevent and combat drug abuse and suicide among young people. Please also indicate whether the rate of drug abuse and suicide among young people has declined.

29. In its concluding observations on the second periodic report (E/C.12/1/Add.22, para. 15), the Committee expressed its concern at the lack of specialized geriatric doctors and facilities to address the problems of a large ageing population. Has any progress been made in this area?

**Articles 13 and 14 - Right to education**

30. In higher education, there are no enrolment fees for courses in the first and second cycles at the undergraduate level. This is not the case, however, for postgraduate courses. What measures have been taken to ensure free enrolment in postgraduate courses as well?

31. Please provide information on the implementation of the Committee's recommendation in its concluding observations on the second periodic report (E/C.12/1/Add.22, para. 24) on the measures undertaken to deal with the problem of school drop-out. Please indicate whether this problem has been reduced in recent years.

32. Please provide information on human rights education in schools and universities and among legal professionals.

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