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COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS
Thirtieth session
5-23 May 2003

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLES 16 AND 17 OF THE COVENANT**

**Concluding observations of the Committee on
Economic, Social and Cultural Rights**

LUXEMBOURG

1. The Committee on Economic, Social and Cultural Rights considered the third periodic report of Luxembourg on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/1994/104/Add.24) at its 5th and 6th meetings, held on 7 May 2003 (E/C.12/2003/SR.5 and 6), and adopted, at its 29th meeting, held on 23 May 2003, (E/C.12/2003/SR.29) the following concluding observations.

A. Introduction

2. The Committee welcomes the third periodic report of the State party, which was in general prepared in conformity with the Committee's guidelines although the information provided was not sufficient for the Committee to assess developments in the status of implementation of some of the Covenant's provisions. In particular, the Committee regrets the lack of comparative and disaggregated statistical data.

3. The Committee notes with appreciation the comprehensive written replies given by the State party. It regrets, however, that the replies were not submitted prior to the session and were only available in French.

4. The Committee welcomes the open and constructive dialogue with the delegation of the State party. The Committee regrets, however, that the delegation did not include more experts, which would have allowed for a constructive dialogue in all fields covered by the Covenant.

B. Positive aspects

5. The Committee notes with appreciation the State party's continuing efforts to comply with its obligations under the Covenant and the overall high level of protection afforded to economic, social and cultural rights in Luxembourg.

6. The Committee notes with satisfaction that Luxembourg allocates more than 0.7 per cent of its gross domestic product to official development assistance (ODA) and is thus one of the few countries to have gone beyond the United Nations target for development aid. The Committee also welcomes the goal set by the Government to gradually increase its ODA contribution to 1 per cent of its gross domestic product by 2005.

7. The Committee welcomes the establishment in 2000 of the Consultative Commission on Human Rights, charged with advising the Government on all questions concerning human rights, including economic, social and cultural rights.

8. The Committee notes with satisfaction that the unemployment rate in the State party remains low.

9. The Committee notes with satisfaction the State party's ratification of ILO Convention No. 111 concerning discrimination in respect of employment and occupation, in accordance with the Committee's previous recommendations.

10. The Committee welcomes the measures taken by the State party to promote equality between women and men at the workplace, including the law of 28 June 2001 reversing the burden of proof in cases of gender-based discrimination.

11. The Committee notes with appreciation the recent amendment to the law governing the joint enterprise committees, by which foreign workers who are not citizens of the European Union but have a one-year work permit are allowed to serve on joint enterprise committees.

12. The Committee welcomes the measures undertaken by the State party to combat trafficking in persons, child pornography and sexual exploitation of women and children. In particular, the Committee welcomes the extraterritorial application of certain provisions of the Criminal Code, allowing for the criminal prosecution of persons, both nationals and non-nationals, for sexual crimes committed abroad.

13. The Committee notes with appreciation the increase in the support and subsidies given by the State party to cultural associations and artists.

C. Factors and difficulties impeding the implementation of the Covenant

14. The Committee notes the absence of any significant factors or difficulties impeding the effective implementation of the Covenant in Luxembourg.

D. Principal subjects of concern

15. While taking note of the information provided by the State party that international treaties take precedence over national laws, the Committee regrets that the Covenant's rights have not been invoked before the courts.
16. While acknowledging that economic, social and cultural rights of asylum-seekers are generally protected in the State party, the Committee is concerned about the considerable length of time taken to process applications for asylum.
17. The Committee notes that the State party still has not revised the Constitution in order to include the principle of equality between women and men.
18. While noting the measures taken by the State party to integrate persons with disabilities into the labour market, the Committee is concerned that the draft law (No. 4827), introduced on 27 July 2001 regarding the integration of persons with disabilities into the labour market, has still not been adopted.
19. The Committee notes with concern that, despite the good overall employment situation, there has been a recent increase in unemployment, which seems to mainly affect young people.
20. The Committee is concerned about the situation of prisoners who work for private enterprises and recalls that under ILO Convention No. 29, when a private enterprise is involved with work carried out by a prisoner, the latter must consent to such work and the conditions of work (including wages and social security) must be close to those of a free employment relationship.
21. The Committee notes with concern that the State party has not ratified a number of ILO conventions in the area of labour rights and social security, including Conventions Nos. 117, 118 and 122.
22. The Committee notes with concern that women are still underrepresented in the work force. While taking note that the disparities between wages of men and women have been reduced, the Committee also notes with concern that the current level of wage difference (women receiving 15 per cent lower wages than men) remains a matter of concern.
23. The Committee remains concerned about the terminological distinction between "legitimate" and "natural" children in the Civil Code. While the distinction does not imply a difference in protection of rights, the Committee expresses its concern about the terminology's pejorative connotations.
24. The Committee reiterates its concern about adolescent health problems, owing in particular to drug abuse and high rates of alcohol and tobacco consumption.
25. The Committee is concerned about the high incidence of suicide in the State party, especially among young people.

E. Suggestions and recommendations

- 26. The Committee recommends that effective measures be taken by the State party to ensure that legal and judicial training takes full account of the justiciability of Covenant rights and promotes the use of the Covenant as a source of law in domestic courts. In this respect, the Committee draws the attention of the State party to its general comment No. 9 on the domestic application of the Covenant.**
- 27. The Committee invites the State party to submit, in its next periodic report, its views and comments on the proposal for an optional protocol to the Covenant to be examined by the open-ended working group established by the Commission on Human Rights in 2003.**
- 28. The Committee recommends that the State party take effective measures to expedite the processing of applications for asylum so that the persons concerned may enjoy all the rights that refugee status confers upon them.**
- 29. The Committee recommends that the State party approve the constitutional reform which will guarantee the principle of equality between women and men.**
- 30. The Committee recommends that the State party accelerate the adoption of draft law No. 4827 regarding the integration of persons with disabilities into the labour market.**
- 31. The Committee recommends that the State party intensify its efforts to reduce the unemployment rate among young people.**
- 32. The Committee recommends that the State party ensure that a prisoner may only perform work for a private enterprise when such work has been consented to and the labour conditions are close to those of a free working relationship as regards wages and social security.**
- 33. The Committee encourages the State party to ratify ILO Conventions Nos. 117, 118 and 122.**
- 34. The Committee calls upon the State party to effectively implement the measures outlined in the National Plan of Action for Employment aimed at increasing the level of participation of women in the labour market and to ensure equal treatment between women and men, including equal remuneration for work of equal value.**
- 35. The Committee recommends that the State party provide information in its fourth periodic report on how it monitors social services provided by private organizations that use public funds, so as to ensure that they conform to the requirements of the Covenant.**
- 36. The Committee recommends that the State party enact the draft law on domestic violence introduced in May 2001, by which a violent spouse may be forced to leave the family home, as soon as possible.**

37. The Committee recommends that the reference to “legitimate” and “natural” children in the Civil Code be replaced by “children born in wedlock” and “children born out of wedlock”, respectively.
38. The Committee recommends that the State party strengthen its efforts to prevent and combat drug abuse, especially among young people, and step up its campaign against alcohol and tobacco abuse.
39. The Committee recommends that the State party take measures to address the high incidence of suicide, especially among young people.
40. The Committee requests the State party to provide disaggregated figures on the incidence of occupational diseases, showing changes during the reporting period, and refers the State party in this regard to the Committee’s general comment No. 14, in particular paragraphs 43 and 44 regarding core obligations.
41. The Committee requests the State party to provide in its next report information on the implementation of the pilot project on early childhood education currently carried out in a number of communes with a view to providing an opportunity for working parents to reconcile professional and family responsibilities.
42. The Committee notes the imminent establishment of a national university (Université de Luxembourg) and recommends that education at the university be free from the outset, or that tuition fees be kept at a minimum level with a view to progressively introducing free higher education, as required by article 13 (2) (c) of the Covenant.
43. The Committee recommends that the State party continue and strengthen its efforts to support and subsidize cultural associations, including those of migrants.
44. The Committee encourages the State party to provide human rights education in schools at all levels and to raise awareness about human rights, in particular economic, social and cultural rights, among State officials and the judiciary.
45. The Committee requests the State party to disseminate its concluding observations widely among all levels of society, including among State officials and the judiciary, and to inform the Committee of all steps taken to implement them in its next periodic report. It also encourages the State party to continue to consult with non-governmental organizations and other members of civil society in the preparation of its fourth periodic report.
46. The Committee requests the State party to submit its fourth periodic report by 30 June 2008.
