



International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination

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Item 6 of the provisional agenda

Consideration of reports, comments and information

submitted by States parties under article 9 of the Convention

List of themes in relation to the combined eighteenth to twentieth periodic reports of Luxembourg

Note by the Country Rapporteur

1. The Committee on the Elimination of Racial Discrimination decided at its seventy-sixth session¹ that the Country Rapporteur would send to the State party concerned a short list of themes with a view to guiding and focusing the dialogue between the State party's delegation and the Committee during the consideration of the State party's report. The present document contains a list of such themes. It is not an exhaustive list; other issues may also be raised in the course of the dialogue. No written replies are required.

The Convention in domestic law and the institutional and policy framework for its implementation (arts. 1, 2, 4 and 6)

2. Information regarding the ethnic composition of the population of the State party and data on the socioeconomic indicators disaggregated by sex, gender and national or ethnic origin, covering also non-nationals, including asylum seekers, refugees, stateless persons and migrants.² Measures taken to strengthen the data-collection system in order to better assess the extent to which the rights enshrined in the Convention are being exercised in the State party.³

3. Additional measures taken to ensure that all grounds enumerated in article 1 of the Convention are fully covered in the legal framework on discrimination, including the Criminal Code, the Equal Treatment Act of 28 November 2006 amended by the Act of 7 November 2017, the Labour Code of 2006, the Act of 16 April 1979 establishing the general civil service regulations and the Act of 24 December 1985 establishing the local civil service regulations.⁴

4. Examples of cases in which the provisions of the Convention have been invoked and directly applied by domestic courts, as well as detailed information on the measures taken to improve awareness of the Convention among judges, lawyers, law enforcement personnel, civil servants and the general public, and on the impact of these measures.⁵

¹ A/65/18, para. 85.

² CERD/C/LUX/CO/14-17, para. 6. and CERD/C/LUX/18-20, paras. 19–21.

³ CERD/C/LUX/CO/14-17, para. 6.

⁴ Ibid., para. 7; and CERD/C/LUX/18-20, paras. 9, 10–12 and 22.

⁵ CERD/C/LUX/CO/14-17, para. 8; and CERD/C/LUX/18-20, paras. 82–84 and 108.



5. Information on: the measures taken and envisaged to strengthen coordination and cooperation, in particular on topics related to the Convention, among the Centre for Equal Treatment, the Ombudsman, the Advisory Commission on Human Rights, the National Council for Foreigners and the National Reception Office; the financial and human resources allocated to these bodies over the past 10 years; and the reassignment of the responsibilities of the former special standing commission to combat racial discrimination, especially in terms of the reception of racial discrimination complaints.⁶

6. Information on the non-judicial procedures available to victims of racial discrimination in order to claim their rights. Measures taken and envisaged to amend the Equal Treatment Act of 28 November 2006 with a view to enabling the Centre for Equal Treatment to receive complaints and granting it standing before the court.⁷ Updated information and statistics on the complaints of racial discrimination filed with the police, any non-judicial bodies and the domestic courts and on the ensuing investigations, convictions, penalties and any reparations awarded to victims.⁸

7. Measures to include racist motivation as an aggravating circumstance for offences in the Criminal Code. Examples of cases in which racist motivation was taken into account during sentencing.⁹ Measures aimed at adding to the Criminal Code a specific provision explicitly banning all organizations that incite racial discrimination and declaring them illegal. Examples of cases in which organizations that incite racial discrimination have been banned and dissolved.¹⁰

8. Information on the measures taken to prevent and combat hate speech, hate crimes and incitement to racial hatred in the media and online, especially towards migrants, refugees, asylum seekers, persons of African descent, and ethnic or religious minorities, and on the impact of these measures.¹¹

9. Examples of complaints lodged and investigations carried out regarding individuals and groups allegedly inciting or promoting racial discrimination and racist hate speech in the media, including on the Internet, and penalties imposed.¹² Measures taken to improve the reporting and follow-up of hate crimes and racist hate speech, including the establishment of a data-collection and storage system.

10. Specific measures taken and envisaged to prevent and combat racial profiling by police officers. Specific disciplinary and criminal measures to investigate cases of racial profiling and to punish them in practice.

Situation of minorities and non-citizens, including refugees, asylum seekers, stateless persons and migrants (art. 5)

11. Impact of the Reception and Integration Act of 16 December 2008 and the National Plan of Action for Integration for the period 2018–2023, in particular in the areas of employment, education, housing and health.¹³ Information on the measures taken to improve access to education for non-nationals, especially the children of migrant workers, child asylum seekers and refugee children, including at the “standard” secondary level.¹⁴ Measures taken to facilitate access to the labour market for nationals of non-European Union member States and to relax the conditions for persons seeking international protection to access the labour market.¹⁵

⁶ CERD/C/LUX/CO/14-17, paras. 8–9; and CERD/C/LUX/18-20, paras. 22, 26, 42, 52, 55–58, 206–207 and 215–219.

⁷ CERD/C/LUX/CO/14-17, para. 15; and CERD/C/LUX/18-20, paras. 22 and 61–64.

⁸ CERD/C/LUX/CO/14-17, para. 15; and CERD/C/LUX/18-20, paras. 59–60, 187–191 and 212–213.

⁹ CERD/C/LUX/CO/14-17, para. 11; and CERD/C/LUX/18-20, paras. 22 and 65–70.

¹⁰ CERD/C/LUX/CO/14-17, para. 12; and CERD/C/LUX/18-20, paras. 22 and 71–75.

¹¹ CERD/C/LUX/CO/14-17, para. 16; and CERD/C/LUX/18-20, paras. 59, 66 and 233–235.

¹² CERD/C/LUX/CO/14-17, para. 16; and CERD/C/LUX/18-20, paras. 59, 66 and 233–235.

¹³ CERD/C/LUX/18-20, paras. 23–25.

¹⁴ *Ibid.*, paras. 48 and 177.

¹⁵ CERD/C/LUX/CO/14-17, paras. 13–14; and CERD/C/LUX/18-20, paras. 146–149.

12. Information on the effect of the measures taken to improve conditions for the reception of refugees and asylum seekers and the measures recently taken to promote their integration into society.¹⁶ The number of asylum applications registered, granted and denied in the past 10 years. Measures taken to end the detention of child asylum seekers and of families with children.

13. Information on the measures taken to prevent and combat trafficking in persons, in particular persons from other countries, for the purposes of labour exploitation, for instance the development of a comprehensive statistics system, and to improve the identification of trafficking victims among applicants for international protection, migrants and foreign workers, especially women and children.

14. Information on the steps taken to adopt a specific legal framework on the determination of stateless status.¹⁷

15. Measures taken to prevent and eliminate discrimination against persons of African descent and information on their impact, particularly in the areas of education, employment and housing.

16. Information on the impact of the coronavirus disease (COVID-19) pandemic on the persons most vulnerable to discrimination and the different groups protected by the Convention, including non-nationals, especially refugees, asylum seekers, stateless persons and migrants. Measures taken to: (a) protect them against the effects of the COVID-19 pandemic; (b) protect them against discriminatory acts and counter hate speech and stigmatization in connection with the pandemic; and (c) mitigate the socioeconomic consequences of the pandemic for such persons and groups.

Education to combat prejudices and promote understanding (art. 7)

17. Further detailed information on the measures to promote human rights education, specifically with regard to racial discrimination, in all school curricula and teacher training and information on the impact of these measures.¹⁸ Strengthening and outcomes of initiatives to combat racial discrimination in the media.¹⁹

¹⁶ CERD/C/LUX/18-20, para. 35.

¹⁷ Ibid., para. 118.

¹⁸ Ibid., paras. 223–225.

¹⁹ CERD/C/LUX/CO/14-17, para. 16; and CERD/C/LUX/18-20, paras. 59 and 233–238.