



International Convention on the Elimination of All Forms of Racial Discrimination

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Summary record of the 2876th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 20 April 2022, at 10 a.m.

Chair: Ms. Shepherd

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The meeting was called to order at 10 a.m.

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention *(continued)*

Combined eighteenth to twentieth periodic reports of Luxembourg (continued)
([CERD/C/LUX/18-20](#); [CERD/C/LUX/Q/18-20](#))

1. *At the invitation of the Chair, the delegation of Luxembourg joined the meeting.*
2. **Mr. Guissé** (Country Rapporteur) said that he wished to know whether racial profiling by law enforcement officials was explicitly prohibited by law, in accordance with the Committee's general recommendation No. 36 (2020). In that regard, he would welcome further information on the measures taken by the State party to eradicate racial profiling, including training courses, disciplinary and criminal measures against officials who engaged in that practice, and remedies available to victims.
3. It would be useful to receive further information on the impact of the measures taken under the Multi-Year National Plan of Action on Integration 2018 and the Reception and Integration Act of 16 December 2008, in particular in the areas of employment, education, housing and health care, as well as on the tools used to monitor the impact of such measures. He would also be interested to learn more about the measures taken to facilitate access to the labour market for persons seeking international protection, in particular persons from non-European countries.
4. He would be grateful for additional information on the initiatives undertaken by the State party to address the high dropout rate among foreign students and to facilitate their access to standard secondary education. In that regard, he wished to know whether initial assessments of the education level of foreign children were carried out in languages other than Luxembourgish or German and whether such children were provided with additional support to help them to acquire the language proficiency necessary to follow classes in the State party's national languages.
5. With reference to paragraph 16 of the list of themes ([CERD/C/LUX/Q/18-20](#)), he would appreciate further information on the impact of the coronavirus disease (COVID-19) pandemic on the persons most vulnerable to discrimination and the different population groups protected by the Convention, as well as on the measures taken to protect such persons from the effects of the pandemic and from pandemic-related discrimination.
6. He would be grateful for additional information on the measures taken to prevent and eliminate discrimination against persons of African descent and on their impact, particularly in the areas of education, employment and housing. In that regard, it would be useful to receive additional information on measures taken to combat systemic racism in the light of the Black Lives Matter movement and in the context of the International Decade for People of African Descent.
7. Lastly, he would welcome detailed information on the measures taken to promote human rights education, specifically with regard to racial discrimination, in all school curricula and teacher training programmes and on the impact of those measures. He would also be interested to learn whether specific measures had been taken to counter prejudices and racial stereotypes through education and whether the history of colonialism and slavery and their consequences were taught in primary and secondary schools.
8. **Mr. Diaby** (Country Task Force) said that he would be grateful for information on the measures taken to improve the conditions of reception of refugees and asylum seekers and on the impact on those measures. The delegation's comments on reports that the Multi-Year National Plan of Action on Integration 2018 did not address the question of discrimination would also be welcome. The Committee lacked sufficient information to assess whether the State party's integration programmes addressed the needs of all non-nationals, regardless of their social situation, language skills and level of education.
9. He would appreciate receiving information on the measures taken by the State party to receive asylum seekers and refugees, including those from Ukraine. He would welcome data, disaggregated by nationality, on the number of asylum requests received and granted

by the State party in the previous 10 years, the number of requests denied and why, and the measures taken to ensure that there was no discrimination in the processing of such requests. He would also welcome information on the measures taken to end the detention of child asylum seekers, unaccompanied child migrants and migrant families with children, including an update on the status of Bill No. 7633 on the prohibition of the administrative detention of minors.

10. It would be useful to learn whether the State party planned to issue an updated action plan on trafficking in persons and whether an independent assessment of the impact of the National Action Plan on Human Trafficking 2016 had been carried out. In that regard, he would welcome additional information on any measures taken to improve the methods by which data on cases of trafficking in persons were collected and to ensure that victims of trafficking were identified and benefited from protection measures. Did the State party plan to ratify the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189)?

11. The Committee was concerned about the fact that there was no specific legislation on statelessness in Luxembourg. In that regard, he would appreciate clarification of whether the State party planned to promote national legislation on the determination of stateless status, how stateless status was currently determined, how many stateless persons were estimated to be living in Luxembourg and whether such persons could acquire Luxembourg nationality.

12. With regard to measures to combat racial discrimination in the media, he wished to know what steps the State party planned to take to comprehensively prohibit discrimination in all new forms of media, including video-sharing platforms. He would also be interested to learn more about the measures taken by the State party to combat racist hate speech in the media and their impact, the number of complaints received in that regard and their outcomes, and the measures taken ensure that the diversity of the population of Luxembourg was accurately reflected in the national media.

13. **Ms. Ali Al-Misnad** said that she would welcome confirmation that enrolment in school was compulsory for all children between the ages of 4 and 16 years, regardless of their nationality and status. She would also welcome specific information on the school enrolment and dropout rates among foreign children. In that regard, it would be useful to learn at what level of education the dropout rate was the highest.

14. **Ms. Stavrinaki** said that she would appreciate further information, including statistical data, on the introduction of universal health care in Luxembourg, including clarification with regard to access to universal health coverage for non-nationals. She would also be interested to learn whether the State party used artificial intelligence to analyse health-care data or create patient profiles.

15. **Mr. Amir** said that he would be grateful if the delegation could clarify the State party's understanding of the term "structural racism" (*racisme structurel*), which the head of delegation had used in her opening remarks.

The meeting was suspended at 10.40 a.m. and resumed at 11.05 a.m.

16. **Ms. Jost** (Luxembourg) said that foreigners could stand for election, including in local elections, after five years of residence; undocumented migrants were therefore excluded. It was hoped that a bill to shorten the required residency period would be adopted in the near future.

17. **Ms. Jaouid** (Luxembourg) said that the legal system was monist in law and in practice, with the provisions of international instruments applied directly by judges and incorporated into national legislation. With regard to racial profiling, the police service had been the subject of major reform in 2018, including the establishment of the Inspectorate General of the Police, an independent body that monitored police activity and undertook all investigations into police officers, who could be subject to disciplinary measures and criminal proceedings.

18. **Ms. Jaerling** (Luxembourg) said that all persons in Luxembourg, regardless of status or origin, could access the public health services on an equal footing following a three-month

waiting period, during which the National Reception Office covered the health-care costs of asylum seekers who lacked the necessary financial resources.

19. Following the creation of the National Reception Office in 2019, the Ministry of the Family, Integration and the Greater Region had assumed responsibility for migrant integration. The Office had been placed under the aegis of the Ministry of Foreign and European Affairs so as to link immigration procedures with care services, for which the Office was responsible and which included accommodation, education, material support and access to health care.

20. The accommodation network for asylum seekers had doubled in size since 2014, reaching 4,300 beds. In response to the conflict in Ukraine, an extra 2,300 beds and 19 accommodation facilities had been created for individuals of all nationalities arriving from that country, and the Office's staff had been increased. Nevertheless, accommodation facilities for asylum seekers had been running almost at capacity in recent years, and the Government had therefore invested heavily in buildings and land. Accommodation facilities in a state of disrepair were closed as new facilities were opened, and renovations were carried out where necessary. A housing crisis was affecting the country as a whole, and the space allocated to each asylum seeker was therefore relatively small; priority was given to large-scale accommodation facilities. All facilities complied with the hygiene guidelines of the European Agency for Asylum, and new accommodation facilities included kitchens, which were also being installed in existing facilities where possible.

21. The quality of the services provided to asylum seekers had been enhanced by the recruitment of support staff by the Office and its partners. Services for newly arrived asylum seekers had been consolidated in the First Reception Centre, which included an ethnopsychology unit that detected vulnerabilities and particular needs among asylum seekers so as to place them in appropriate accommodation. The National Reception Office worked closely with that unit to monitor vulnerable asylum seekers. Asylum seekers' autonomy was promoted through information sessions on the practicalities of life in Luxembourg and a number of pilot projects, including one that provided cash to purchase food. Staff providing socioeducational support to asylum seekers received training, including on vulnerability and trafficking in persons.

22. Investment had been made in tools to facilitate the management of data and the transfer of asylum seekers between accommodation facilities. Those transfers occurred only when facilities were closed, when a change in family circumstances meant that alternative accommodation was more suitable, or when a tenancy agreement expired. The best interests of children were always prioritized in such circumstances, and they were always able to remain in school.

23. Measures to protect asylum seekers during the COVID-19 pandemic had included the provision of vaccination services and information in 10 different languages in asylum seekers' accommodation; facilities allowing the most vulnerable to self-isolate; quarantine and testing facilities for new arrivals; and the closure of canteens.

24. **Ms. Martin** (Luxembourg) said that on 1 January 2022 the population of Luxembourg had been 645,397, an increase of 1.7 per cent on the previous year that was mainly due to migration. The country's housing crisis affected immigrants and citizens alike, with many forced to move to border areas in neighbouring countries. Asylum applications had peaked at 2,447 in 2015 and had almost halved during the COVID-19 pandemic. Numbers had recently begun to rise again, with almost 400 received so far in 2022, excluding applications from persons arriving from Ukraine, who were entitled to temporary protection.

25. Refugee status under the Convention relating to the Status of Refugees had been granted to more than 5,800 persons over the previous 10 years, with subsidiary protection granted to a further 575 persons who did not meet the necessary criteria but who were nevertheless unable to return to their countries of origin. Since 2015, refugee status had been granted to an increasing number of persons, most of whom came from the Syrian Arab Republic, Eritrea and Afghanistan. Almost 5,000 persons, including persons previously residing in Ukraine, had applied for temporary protection under the Temporary Protection Directive of the European Commission, and 2,000 of those applications had so far been granted. A single window for temporary protection applicants had been established to

expedite procedures; currently, some 100 applications were processed each day. There were different types of residence permits for citizens of the European Union and third-country nationals, details of which were set out in the amended Reception and Integration Act of 2008.

26. A bill had been drawn up to prohibit the placement of minors in holding centres. The current Government's Coalition Agreement 2018–2023 envisaged a series of changes in immigration policy, including an end to the placement of unaccompanied minors in holding centres and the creation of a special reception facility for children. Temporary emergency shelters would be replaced by semi-open, long-term accommodation facilities. A separate facility would be established for women, families and vulnerable persons. Once the new facilities became available, the Reception and Integration Act would be amended to prohibit the placement of child asylum seekers in holding centres.

27. Stateless persons were eligible for naturalization after five years of residency. In order to prevent statelessness, children born to stateless persons residing in Luxembourg were granted Luxembourg nationality at birth. There was no relevant legislation, but recognition of stateless status and granting of residence permits were based on the definition of statelessness provided in the Convention relating to the Status of Stateless Persons.

28. **Ms. Jaouid** (Luxembourg) said that far-reaching legal reforms had been undertaken in regard to the detention of minors. The Act of 10 August 1992 on the protection of young people had been overhauled. In April 2022, two bills had been presented: one introducing criminal law for minors and another to strengthen the rights and procedural guarantees for minors who were victims or witnesses of criminal offences. The bills were fully in line with the Convention on the Rights of the Child.

29. In recent years, a series of measures had been taken to expand the legal framework for combating trafficking in persons. In 2017, legislation had been adopted to strengthen procedural guarantees in criminal matters and to provide victims with information and support throughout the proceedings. Women and men who were victims of trafficking had equal access to justice and remedies, regardless of their residence status, sex, age or the nature of the trafficking offence. The Act of 28 February 2018 reinforcing the fight against the exploitation of prostitution, pimping and trafficking in human beings for sexual exploitation provided for stiffer penalties for offences relating to trafficking in persons. Other relevant legislation included the Act of 15 December 2020 ratifying the Protocol of 2014 to the ILO Forced Labour Convention, 1930 (No. 29) and the Act of 16 June 2021 amending article 95 of the Act of 29 August 2008 concerning the free movement of persons and immigration, which specified that residence permits issued to victims of trafficking were renewable, for six months at a time, for the duration of the judicial proceedings.

30. Institutional measures taken to strengthen the fight against trafficking in persons included the appointment of a focal point for trafficking within the Directorate of Immigration and the establishment of a fugitive search and victim protection unit within the criminal police. An interministerial committee for monitoring the fight against trafficking in persons was tasked with coordinating the activities of the various stakeholders.

31. Training and awareness-raising activities relating to trafficking in persons were delivered to staff of the Inspectorate of Labour and Mines and the National Reception Office, social workers and non-governmental partners involved in the reception of applicants for international protection, among others. Transnational awareness-raising campaigns were conducted in the framework of the European Crime Prevention Network. Information for victims and potential victims of trafficking was available on the website “www.stoptraite.lu” and the Facebook page “[stoptraite.lu](https://www.facebook.com/stoptraite.lu)”. Since the outbreak of the war in Ukraine, the www.stoptraite.lu website also linked to a popup-window with information for potential victims of trafficking from Ukraine. All applicants for international protection were provided with information on the risks of trafficking in a language they could understand; Ukrainian and Russian had recently been added.

32. The Labour Inspectorate, the Ministry of Labour, Employment and the Social and Solidarity Economy and the Ministry of the Family, Integration and the Greater Region each collected its own data, but the central register of victims of trafficking was kept by the police. The case files contained basic information on the sex, age and nationality of the victim, as

well as information on the type of exploitation suffered and the perpetrators. Several State agencies cooperated in the detection and identification of victims of trafficking nationally and with different anti-trafficking mechanisms at the level of the European Union.

33. **Ms. Jost** (Luxembourg), noting the Committee's concerns regarding the absence of specific anti-discrimination provisions in the Multi-Year National Plan of Action on Integration 2018, said that the Plan provided a general framework aimed at promoting social cohesion between Luxembourg nationals and non-nationals, without distinction based on race or ethnicity. It took an intercultural approach, seeking to involve migrants and host populations on equal terms. The principles of non-discrimination, diversity and equality were mainstreamed across all activities. The Plan entailed, firstly, a supervised integration process, the so-called Accompanied Integration Pathway, for applicants and beneficiaries of international protection and for beneficiaries of the resettlement programme of the Office of the United Nations High Commissioner for Refugees, and, secondly, the conclusion of "welcome and integration contracts". Participants in the programme had access to language courses, information sessions on daily life in Luxembourg and civic education activities.

34. It was difficult to gauge the impact of the Reception and Integration Act of 2008. The Ministry of the Family, Integration and the Greater Region launched annual calls for integration project proposals and applied qualitative and quantitative indicators to monitor the outcome of the selected projects. A committee comprising representatives of 13 different ministries was responsible for project selection. Detailed information on the budget allocated for the implementation of the National Plan would be provided in writing.

35. The study on racism and ethno-racial discrimination in Luxembourg that had been published in March 2022 took stock of racism experienced by persons of African descent and other ethnic groups in employment, education, health, housing and other areas. The second part of the study, which also comprised a victim survey, would be published later in 2022. Several projects had been implemented to promote the inclusion of persons of African descent, including one to empower women entrepreneurs of African descent and another aimed at raising awareness of racism at school.

36. **Ms. Sevenig** (Luxembourg) said that all children residing in Luxembourg, regardless of their migration status, had equal access to compulsory education. Universal access to education had been one of the guiding principles during the COVID-19 pandemic. Every effort had been made to keep schools open as long as possible and to maintain communication in all official languages during lockdowns, to ensure that pupils and their parents had uninterrupted access to all relevant information. Education was compulsory from 4 to 16 years of age; legislation was currently being drafted to raise the age of compulsory education to 18 years. The risk of school dropout was greatest among students aged between 16 and 18 years, and specific measures had been taken to tackle dropout in certain target groups through alternative pathways. Statistical data on school dropout would be provided in writing.

37. The complex linguistic landscape in Luxembourg sometimes constituted a barrier to access to secondary education for foreign children, and a series of reforms had been undertaken to address the problem. Measures included the establishment of six international schools offering different language streams and the introduction of French-language literacy classes in public schools. Textbooks were provided free of charge in both primary and secondary schools, and free school meals would be introduced in 2023. Non-formal education activities were an important factor of integration and would also be offered free of charge as of 2023. All matters related to children, youth and education came under the aegis of the Ministry of Education, Children and Youth, which enabled a comprehensive, holistic approach to formal and non-formal education. Both schoolteachers and non-formal educators were trained to be mindful of children's linguistic and cultural diversity and were given the skills to facilitate their integration in everyday life.

38. In 2018, school mediation services had been introduced to help resolve conflicts between pupils and the school administration, prevent dropout and facilitate the integration of migrant children. Traditional religion and ethics courses had been replaced by a course entitled "Life and Society", which provided a space for dialogue on issues such as racism, exclusion and living together, among others. The course aimed at bringing students to identify their own objectives and develop their own views, while respecting the views of

others. A separate project had been launched where parents met in order to help overcome sociocultural and linguistic barriers and promote access to formal and non-formal education.

39. **Mr. Gierden** (Luxembourg), recalling some of the laws governing electronic and other media referred to in paragraphs 233 to 235 of the State party's report, said that Luxembourg had a series of legal instruments that banned incitement to violence or hatred in the media and on social media platforms on the grounds set forth in the Charter of Fundamental Rights of the European Union. In addition, the Act of 30 June 2021 on Subsidies to Professional Journalism established an obligation for beneficiaries to put in place appropriate means of protection against illicit material on pages and online platforms where individuals could submit contributions. Those provisions were supplemented by the Code of Ethics established through the amended Act of 8 June 2004 on Freedom of Expression in the Media, whereby the press committed to refraining from and combating any discrimination on grounds of sex, nationality, language, religion, ideology, ethnicity, culture, class or belief, while ensuring respect for fundamental human rights.

40. **Mr. Guissé** said that the Committee would welcome more information about the amendments that were being made to the Constitution, particularly in the area of equality.

41. **Mr. Diaby** said that he would be interested to know how the language skills of children of migrant origin were assessed at the preschool stage; what measures were taken to ensure that such children acquired the language skills needed for academic success; and whether the Government planned to establish French-language sections within primary schools and general secondary schools. Lastly, he would appreciate more information on the legislative framework for the protection of human rights defenders.

42. **Ms. Goedert** (Luxembourg) said that information regarding the amendments to the Constitution would be provided in writing.

43. **Ms. Sevenig** (Luxembourg) said that there was no formal assessment of children's language skills at the preschool stage. However, since the reform of the early childhood education system in 2017, children could attend a crèche or nursery free of charge for 20 hours per week from the age of 1 year, and nurseries were required to provide multilingual education in order to familiarize children with both Luxembourgish and French while taking into account their native languages. Nursery teachers and support staff were required to complete training on language development, and every nursery had to designate a focal point for multilingual education. As a result of that initiative, there had been an improvement in the average language skills of children entering primary education. Children's language skills were monitored and assessed on a regular basis during the first cycle of primary education and any delays were addressed through specific measures. The Government did not intend to establish French-language sections within primary schools, because such an approach would be detrimental to social cohesion. However, there were plans to run a project where some children would be taught to read and write in French before they were integrated into mainstream classes.

44. **Ms. Goedert** (Luxembourg) said that, as a member of the Human Rights Council for the period 2022–2024, Luxembourg had identified the protection of human rights defenders as one of its priorities.

45. **Ms. Jaouid** (Luxembourg) said that human rights defenders, including anti-racism activists, were effectively protected by the criminal justice system, as demonstrated by a recent case in which an activist who campaigned for the rights of women and persons of African descent had been subjected to online hate speech and the perpetrator had been prosecuted, convicted and sentenced to a fine.

46. **Ms. Stavrinaki** said that she would like clarification as to whether any authorities other than the police were involved in identifying victims of trafficking in persons. She would also like to know whether the universal health coverage scheme took into account women's reproductive rights.

47. **Mr. Yeung Sik Yuen**, referring to the monist legal system applied in Luxembourg, asked how the courts dealt with situations in which the provisions of national legislation on racial discrimination diverged from the Convention and whether it was stated explicitly in

the Constitution or another legal instrument that, in such cases, the Convention must take precedence.

48. **Ms. Tebie**, noting that the awareness-raising campaign on vaccination against COVID-19 had been conducted in a certain number of languages, asked how those languages had been chosen and whether people who did not speak them had been at a disadvantage in terms of access to vaccination.

49. **Ms. Jaerling** (Luxembourg) said that foreign nationals in Luxembourg had access to all health care services on an equal basis with nationals once their health insurance coverage had come into effect. In addition, a project aimed at increasing access to information about sexual and reproductive health for all women, including refugees, had been launched by the organization Planning Familial with the support of the European Commission. As part of that project, multimedia tools were used to share information and online and in-person medical consultations were offered.

50. The awareness-raising campaign on vaccination and other measures to prevent the spread of COVID-19 had been conducted in the three official languages, as well as English, which served as a lingua franca, and Portuguese, on account of the large number of Portuguese speakers in Luxembourg. In migrant accommodation facilities, information had been made available in additional languages, based on an analysis of the main languages spoken by the migrant population. All persons in Luxembourg had equal access to vaccination against COVID-19. Migrants in accommodation facilities could seek information about vaccination from staff or via a dedicated hotline. Interpreters were on hand to assist migrants who did not speak any of the languages in which information had been made available.

51. **Ms. Jaouid** (Luxembourg) said that the police were responsible for identifying victims of trafficking in persons, under the authority of the public prosecutor's office. Within the police force, a specific unit had been set up to deal with cases of trafficking in persons. The unit consisted of an investigation team and a victim protection team.

52. Treaties were directly applicable in Luxembourg once they had been approved at the national level by means of a specific law and formally ratified. The Constitution was at the top of the hierarchy of norms. The Constitutional Court was responsible for assessing the constitutionality of national laws.

53. **Mr. Guissé** said that the delegation had not yet replied to the questions regarding the way in which the country's colonial past was dealt with in school textbooks and the activities that were being organized in the framework of the International Decade for People of African Descent. He wished to commend the timely manner in which the State party had submitted its report and the fruitful dialogue in which it had engaged. He looked forward to receiving additional information in writing.

54. **Ms. Goedert** (Luxembourg) said that the National Museum of History and Art had recently opened an exhibition on the country's colonial past, including its involvement in the administration of the Belgian Congo.

55. She would like to thank the Committee for the frank and instructive dialogue and to confirm that additional information would be provided in writing within 48 hours. Luxembourg remained committed to ensuring the integrity, independence and proper functioning of the United Nations system for the protection of human rights. It was aware of its responsibility to protect the most vulnerable groups, including applicants for international protection and stateless persons. The study conducted by the Ministry of Family Affairs, Integration and the Greater Region had provided an insight into the experiences of racialized groups. The Government continued to face logistical challenges in areas such as the reception of migrants and the inclusion of children of migrant origin in schools. She hoped that the information provided during the dialogue had helped to demonstrate the efforts that were being made to overcome those challenges. Luxembourg would continue to strive to promote a peaceful and inclusive society, in line with Sustainable Development Goal 16, and to leave no one behind in its implementation of the Committee's recommendations.

The meeting rose at 1 p.m.