



**Convention on the Rights
of Persons with Disabilities**

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Committee on the Rights of Persons with Disabilities

Concluding observations on the initial report of Luxembourg

Addendum

**Information received from Luxembourg on follow-up to the
concluding observations***

[Date received: 14 November 2018]

* The present document is being issued without formal editing.



Measures taken by the Grand Duchy of Luxembourg to implement the recommendations of the Committee on the Rights of Persons with Disabilities contained in paragraphs 9 and 25

1. Paragraph 60:

“The Committee requests that the State party, within 12 months and in accordance with article 35 (2) of the Convention, provide information on the measures taken to implement the Committee’s recommendations as set forth in paragraphs 9 and 25 above.”

2. Paragraph 9:

“The Committee recommends that the State party take measures to increase cooperation and coherence on matters related to disability, that it establish a systematic mechanism to effectively and meaningfully consult with persons with disabilities through their representative organizations in the development of all laws, policies and programmes, and that it ensure that a broad range of persons with disabilities, through their representative organizations, participate meaningfully in an inclusive and accessible manner in public decision-making processes that affect them.”

3. Paragraph 25:

“Recalling its general comment No. 1 (2014) on equal recognition before the law, the Committee recommends that the State party, in close cooperation with persons with disabilities, through their representative organizations:

(a) Repeal and/or amend all discriminatory legal provisions, including article 490 and Chapter III of the Civil Code and the Guardianship Act of 1982, with a view to abolishing substitute decision-making regimes;

(b) Restore the full legal capacity of all persons with disabilities and review its guardianship system;

(c) Introduce supported decision-making mechanisms that respect the autonomy, will and preferences of persons with disabilities, such as the mechanism of ‘person of trust’ currently existing in the health sector for persons not denied legal capacity;

(d) Improve data collection and disaggregation about persons who are still under substituted decision-making regimes, with a view to improving public policies;

(e) Adopt professional quality standards for supported decision-making mechanisms;

(f) Together with persons with disabilities, particularly persons with psychosocial and/or intellectual disabilities, through their representative organizations, develop and carry out training to all relevant actors at the national and local levels, including civil servants, judges, social workers, health and social services professionals and the wider community on the recognition of the legal capacity of persons with disabilities and on supported decision-making.”

A. Comments concerning the recommendations in paragraph 9

1. Increasing cooperation and coherence on matters related to disability

4. As regards measures taken since August 2017, it should be noted that the Ministry of the Family, Integration and the Greater Region (Ministry of the Family) held an evening of discussion on 4 December 2017, bringing together various representatives of civil

society and ministerial departments, including the focal points for the Convention, in the context of the International Day of Persons with Disabilities.

5. The aim was to evaluate the measures taken by the Government under its action plan for the implementation of the Convention, which covers the period up to the end of 2017.

6. The concluding observations and recommendations addressed to the Government by the Committee after its review of the initial report of Luxembourg under the Convention were also presented on that occasion. Nearly 100 people took part in the discussions, which dealt with 11 themes, including access to services and information, education and health for persons with disabilities and opportunities for such persons to live independently. With regard to the last issue, several participants expressed a desire for the provision of State assistance and support to persons with disabilities to be as flexible as possible, so as to allow them to choose the assistance that was best suited to their needs. In this connection, the Ministry of the Family announced that a study on the living conditions of persons with disabilities in Luxembourg had been commissioned. The aim of the study is to identify, firstly, what steps have been taken and, secondly, what else should be done in Luxembourg in order to enable persons with disabilities to live independently. This study will also serve as a means of collecting more detailed and reliable statistics on the situation and needs of persons with disabilities.

7. Several participants noted that State websites are not very accessible to deaf and hard-of-hearing persons because most of them are available in French only. In this regard, the Ministry of the Family announced that its website would be fully accessible to all by the end of 2018 and that a German version would be made available, alongside the French version.

8. At the meeting, the issue of follow-up to the 2012–2017 National Action Plan was discussed and consultations were held on the road map to be adopted for the implementation of the Convention in the coming years.

9. It should be noted that many of the measures provided for in the 2012–2017 National Action Plan have been implemented. As it was not possible to incorporate all the provisions of the Convention into domestic law and daily life straight away, the remaining measures will need to be implemented in a second phase, as announced in the Plan.

10. As for measures carried out before August 2017, following the adoption of an initial government action plan to support persons with disabilities, a coordinating body for disability-related issues was set up in February 1995 under the authority of the Minister for Persons with Disabilities and Accident Victims. Since then, policies to support persons with disabilities have been coordinated by the minister whose portfolio covers disability issues.

11. The Persons with Disabilities Division of the Ministry of the Family coordinates the drafting of cross-cutting national and European Union legislative proposals on disability issues. For example, the Ministry is overseeing the negotiations in Luxembourg on the proposed European Accessibility Act, which is intended to harmonize the accessibility requirements for certain key products and services across the European Union. Representatives of the Persons with Disabilities Division take part in the negotiations within the Working Party on Social Questions of the Council of the European Union and send the proposed texts that have been negotiated to the relevant ministries in order to gather feedback. The Ministry also supports and advises other ministries in the development of bills and draft regulations and other national measures relating to disability issues.

12. In order to make the coordination mechanism more effective, the Ministry has considerably increased the size of the Persons with Disabilities Division over the past two years.

13. The Division also takes measures relating to the provision of material and psychological support to persons with disabilities and their close relatives, and public awareness-raising, information and training to promote the inclusion of persons with disabilities in society. To this end, the Ministry provides financial assistance, through funding agreements, to several associations, foundations and other organizations that offer information, advice, support groups and other assistance for persons with disabilities.

14. In 2012, in preparation for drafting the initial report of Luxembourg and at the initiative of the Ministry of the Family, several ministers designated focal points for the Convention within the ministerial departments that are primarily responsible for its implementation. The task of these focal points is to ensure that the interests of persons with disabilities are taken into account in areas that fall within the remit of their ministries and to participate actively in the implementation of the Convention. The focal points also play an important role in communication between policymakers and public servants on the one hand, and persons with disabilities and civil society representatives on the other. The focal points meet regularly to coordinate the implementation of disability-related measures by their respective departments.

2. Establishing a systematic mechanism for effective and meaningful consultations with persons with disabilities

15. In order to ensure that the second national action plan, for the period 2019–2023, focuses on the issues that are considered the most pressing by persons with disabilities in Luxembourg, the selection of topics was carried out by the Higher Council for Persons with Disabilities, together with the Action Plan Steering Group.

16. It should be recalled that the process of drafting a national action plan for the implementation of the Convention has been continuously monitored by a steering group since 2010. After the 2012–2017 National Action Plan was published in 2012, the role of the Steering Group was redefined. Since 2012, it has been helping to organize and monitor the implementation of the 2012–2017 National Action Plan and to define next steps for the period after 2017.

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18. The Steering Group is currently composed of:

- Two persons with disabilities elected by the persons with disabilities who helped to draft the 2012–2017 National Action Plan
- A representative of the National Council for Persons with Disabilities
- A representative of the Higher Council for Persons with Disabilities
- A representative of the disability platform of the Federation of Social Sector Organizations
- Three representatives of the Ministry of the Family

19. The Steering Group is another way of connecting decision makers with the individuals concerned.

20. The Higher Council for Persons with Disabilities is another very important advisory body, for which the legal basis is the amended Act of 12 September 2003 on persons with disabilities. It is composed mainly of persons with disabilities and representatives of associations of persons with disabilities and associations for persons with disabilities. Its responsibilities include advising on any bill concerning disability issues that is submitted to it by the Government.

21. By issuing opinions on bills and draft grand-ducal regulations, the Higher Council can influence the work of the Chamber of Deputies and the Government. It also considers all matters submitted to it by the minister and any other issue that it deems relevant.

22. The opinions drafted in 2016 by the Higher Council concerned invisible disabilities, early intervention and the reform of long-term care insurance, among other topics.

23. In 2017 and 2018, the Higher Council drafted opinions on matters such as the bill on the establishment of centres of expertise in specialized educational psychology, the bill on

the social inclusion income scheme and the bill on the accessibility of public places, public roads and multi-dwelling buildings for all.

24. Many administrative measures and bills are amended in the light of consultations with the persons directly concerned. Examples include the ADAPTO initiative, a special transport service for persons with disabilities who cannot travel by public transport or independently by car; the bill on long-term care insurance; the bill on the accessibility of public places, public roads and multi-dwelling buildings for all; the bill on a new scheme involving the appointment of inclusive employment assistants; and the draft study aimed at identifying the needs of persons with disabilities that are not being adequately addressed by the State.

25. Members of the Higher Council have expressed their interest in helping to develop disability awareness campaigns. A working group composed of members of the Higher Council and officials from the Ministry of the Family has therefore been set up. This working group will meet for the first time in October 2018.

26. When it comes to proposals for laws that are particularly relevant to persons with disabilities, the Higher Council is consulted very early in the process so that it can provide an informed and comprehensive opinion. For example, in late 2017 and early 2018, the Higher Council was consulted extensively on the preliminary bills concerning the accessibility of public places, inclusive education and inclusive employment assistance, some time before these bills were submitted to the Chamber of Deputies.

27. It should be noted that the Higher Council is also represented on several national commissions, such as the Advisory Commission on Social Security, the Commission on Reasonable Accommodation and the Special Review Commission for Employees with Disabilities, as well as in the National Centre for Functional Re-education and Rehabilitation.

28. Furthermore, over the past six years, the disability policy budget of the Ministry of the Family has seen a much greater increase than the budget of other ministerial departments (6 per cent). Specifically, there was an increase of more than 43 per cent in the disability policy budget of the Ministry of the Family during this period.

29. On 29 June 2018, the Ministry of the Family held a workshop in preparation for drafting the new national action plan for the implementation of the Convention. The workshop was attended by more than 100 people from the public and private sectors, including persons who work in the field of disability, persons with disabilities and persons who have a family member with disabilities or are simply interested in the subject. The participants were divided into small working groups in which they had the opportunity to discuss various topics relating to the rights of persons with disabilities, including recognition before the law, independent living, education and work. The aim of this workshop was to identify the needs of persons with disabilities through the discussions of each working group.

30. The meeting on 2 October 2018, meanwhile, was devoted to discussing specific measures that the Government should take in order to improve the situation of persons with disabilities in Luxembourg.

31. There are plans to hold another workshop later this year, on 26 November 2018. At the beginning of 2019, the new national action plan will be submitted to the Government Council for feedback and approval.

3. Ensuring that a broad range of persons with disabilities, through their representative organizations, participate meaningfully in an inclusive and accessible manner in public decision-making processes that affect them

32. Measures have been taken in recent months and will continue to be taken in the coming months in order to make the election process more accessible to persons with disabilities.

33. For example, ahead of the 2017 communal elections, Klaro, the official office for easy-to-read language in Luxembourg, worked with the Government to prepare and

distribute an information leaflet that explains, in easy-to-read German, how communal elections are conducted and how they work.

34. Also in preparation for these elections, Info-Handicap, otherwise known as the National Centre for Information and Exchanges on Disability Issues, worked with the Government to produce an information leaflet on the accessibility of polling stations. This leaflet, which is available in French and German, is aimed at communal authorities. It explains how to make polling stations accessible to all.

35. Info-Handicap updated this leaflet ahead of the upcoming legislative elections in October 2018, in collaboration with the Government.

36. In addition, a letter has been sent to the country's various political parties in order to raise awareness of the need to write election manifestos in a way that is accessible to all, using easy-to-read French and German. The aim is to reach as many people as possible. Subsequently, three of the four main political parties in Luxembourg have produced easy-to-read versions of their manifestos; these can be found on their websites.

37. Also in preparation for the forthcoming legislative elections, Info-Handicap and the Zentrum für politisch Bildung (ZpB), a foundation that aims to promote civic rights by improving people's understanding of democracy and current societal challenges, have worked with the Government to produce an information booklet on the way in which parliament operates, elections are conducted and the Government is formed. The text is written in easy-to-read language and is available in French and German. This is the first in a new *Check Politik* series of booklets which will cover various topics relating to democracy and human rights.

38. Notifications and instructions concerning the legislative elections are also available in easy-to-read language (French and German). The accessible versions of these texts are available on the following websites: www.elections.public.lu, www.mfamigr.gouvernement.lu and www.info-handicap.lu.

39. The Institute for Persons with Visual Impairments, which is the centre of expertise in differentiated education for pupils with special educational needs related to sight, is working with the Government to prepare ballot papers containing information in Braille, following the amendments made to the electoral law in this regard. These ballot papers will be used in the October 2018 legislative elections.

40. In addition, the Ministry of the Family, the Ministry of State and the Ministry of the Interior are currently working on a proposal aimed at simplifying ballot papers in order to make them more accessible to all. More specifically, they are proposing to use colours and to include political party logos and photos of the candidates on the ballot paper. Since the photos on the ballot papers would be fairly small, they are proposing that an information booklet, containing larger photos of the candidates and other relevant information about them, should be produced at the same time. This project is being carried out by the working group on accessible elections, which was set up in 2017 by the Ministry of the Family and charged with making public elections in Luxembourg accessible to all. This working group is composed of representatives of Info-Handicap, ZpB, Klaro, the Ministry of the Family, and Life ACADEMY.

41. The Act of 23 September 2018, amending the Act of 24 February 1984 on languages policy, was approved by the Chamber of Deputies in July 2018. It provides for the recognition of German Sign Language in Luxembourg and establishes the right to communicate with the authorities in sign language, the right to receive sign language instruction and the right of some family members to receive basic sign language instruction.

42. Lastly, the bill on the accessibility of public places, public roads and multi-dwelling buildings and its three implementing regulations were submitted to the Chamber of Deputies in July 2018. These texts will, among other things, help to improve access to elections for persons with a motor, sensory or mental disability.

B. Comments concerning the recommendations in paragraph 25

1. Facilitating access to Luxembourg nationality for persons with disabilities

43. The amended Act of 8 March 2017 on Luxembourg nationality significantly facilitates access to Luxembourg nationality for persons with disabilities.

44. With regard to the Luxembourgish language examination, which is organized by the National Institute of Languages as part of the procedure for obtaining Luxembourg nationality, article 15 (4) and (5) provide for two types of measure:

- Upon receiving a substantiated request from an applicant for Luxembourg nationality, the Director of the National Institute of Languages may grant or, where necessary, adapt or suspend reasonable accommodation that consists of: adjusting the layout of the classroom and/or the applicant's seat; allowing the applicant to sit the tests in a separate room; providing an adapted version of the test papers; granting extra time and/or additional breaks during the tests; allowing the applicant to sit the tests outside school, at home or in an institution; and using technological and human resources to compensate for particular disabilities. The Director of the National Institute of Languages may seek guidance from the Commission on Reasonable Accommodation, which was established by the amended Act of 15 July 2011 on access to academic and vocational qualifications for pupils with special educational needs.
- Upon receiving a substantiated request, the minister responsible for matters relating to Luxembourg nationality may exempt the applicant from the Luxembourgish language examination if the applicant is unable to learn the language on account of his or her state of physical or mental health. A certificate from a medical specialist must be attached to the request. The applicant may be interviewed by a representative of the competent minister. In case of doubt, the minister may order an expert medical examination.

45. As for the course and the examination on "Living together in the Grand Duchy of Luxembourg", which are organized by the Adult Education Department as part of the procedure for obtaining Luxembourg nationality, article 16 (4) and (5) contain provisions similar to those concerning the Luxembourgish language examination.

46. Upon receiving a substantiated request from a candidate for the examination on "Living together in the Grand Duchy of Luxembourg", the Director of the Adult Education Department may grant or, where necessary, adapt or suspend reasonable accommodation that consists of: adjusting the layout of the classroom and/or the candidate's seat; allowing the candidate to sit the tests in a separate room; providing an adapted version of the test papers; granting extra time and/or additional breaks during the tests; allowing the candidate to sit the tests outside school, at home or in an institution; and using technological and human resources to compensate for particular disabilities. The Director of the Adult Education Department may seek guidance from the Commission on Reasonable Accommodation.

47. Upon receiving a substantiated request, the minister responsible for matters relating to Luxembourg nationality may exempt the applicant from the course and the examination if the applicant is unable, on account of his or her state of physical or mental health, to acquire knowledge of the following: the fundamental rights of citizens, the State and communal institutions of the Grand Duchy of Luxembourg, the history of the Grand Duchy of Luxembourg and European integration. A certificate from a medical specialist must be attached to the request. The applicant may be interviewed by a representative of the competent minister. In case of doubt, the minister may order an expert medical examination.

2. Preparing to amend legislation on adult protection

48. The Ministry of Justice is currently preparing to amend the existing legislation on adult protection. One of the main aims will be to increase the autonomy of the persons concerned and to involve them as much as possible in matters that affect them.

49. A working group will be convened as soon as possible to advise the Ministry of Justice on the preparation of a preliminary bill. This working group will comprise representatives of not only the judiciary and the bar associations, but also the Higher Council for Persons with Disabilities and the relevant associations.
