



International Convention on the Elimination of All Forms of Racial Discrimination

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Summary record of the 2875th meeting*

Held at the Palais Wilson, Geneva, on Tuesday, 19 April 2022, at 3 p.m.

Chair: Ms. Shepherd

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The meeting was called to order at 3 p.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
([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. Asselborn** (Luxembourg), in a pre-recorded video statement, said that his country's report ([CERD/C/LUX/18-20](#)) was the product of a national consultation conducted by the Interministerial Human Rights Committee, which had been established in 2015. The Committee met every six to eight weeks in sessions that were chaired by the Ambassador-at-Large for Human Rights and attended by representatives of all ministries and public authorities involved in the protection and promotion of human rights in Luxembourg. The preparation of the country's periodic reports to the United Nations human rights treaty bodies was coordinated by the Committee. Each working session was followed by consultations with civil society in order to discuss agenda items and to offer civil society stakeholders the opportunity to draw attention to specific issues.
3. Before attracting a large number of immigrants, Luxembourg had been a relatively unprosperous rural country with a high rate of emigration. It had then become highly industrialized and had experienced a boom in the service sector. While Luxembourg retained a solid national identity, it was a multilingual society and open to a plurality of cultures. More than 47 per cent of its inhabitants were foreigners belonging to over 170 different nationalities. In addition, more than 200,000 of the country's 450,000 jobs were occupied by cross-border employees. As a result, immigrant or cross-border workers accounted for about 70 per cent of the country's workforce. Migratory flows were thus recognized both as a challenge and as an essential source of cultural and economic enrichment. Luxembourg had experienced considerable demographic growth since the 1980s and was a State in which citizens from all over the world lived together on a daily basis.
4. Notwithstanding its multicultural identity, Luxembourg had not been spared from the phenomenon of racism. With a view to remedying the lack of data on the subject and developing a coherent strategy to combat racial discrimination, a national survey had been conducted in July 2020 and the results had been published in March 2022.
5. **Ms. Goedert** (Luxembourg) said that her country had continued to strengthen its legal framework and policies aimed at eliminating racial discrimination in recent years. For instance, the Act of 18 December 2015 provided for the reception of applicants for international protection and temporary protection, and the Act of 8 March 2017 facilitated access to Luxembourg nationality in order to strengthen social cohesion and combat discrimination against non-nationals.
6. The Multi-Year National Plan of Action on Integration 2018 had been prepared in consultation with civil society, municipalities, the National Council for Foreigners and the Chamber of Deputies. It provided a strategic and sustainable framework and covered two areas: the reception of applicants for international protection and the integration of non-nationals of Luxembourg. Action to combat discrimination and to promote diversity and equality of opportunity constituted an integral part of the two areas. A large-scale mobilization campaign under the slogan "I can vote" had been conducted during the 2017 local elections. It had led to a significant increase in the number of foreigners registered to vote and had alerted key stakeholders to the importance of foreigners' political participation. Any non-national of Luxembourg was entitled to register after having resided in the country for at least five years. However, Bill No. 7877, tabled in September 2021, provided for the abolition of the five-year residence period in order to broaden access to local elections.
7. In response to the massive influx of applicants for international protection that had begun in 2015, the State had substantially increased the resources and staff of the former Luxembourg Reception and Integration Agency, whose powers had been shared in 2020 between the new National Reception Office and the new Integration Department of the Ministry of the Family, Integration and the Greater Region. The supervised integration

process implemented by the Ministry set out the route to integration for applicants for and beneficiaries of international protection. It was based on the principle that there were two prerequisites for integration: learning the country's national and administrative language and understanding how everyday life worked.

8. The Centre for Equal Treatment sought to promote, analyse and monitor equality of treatment of all persons without discrimination on grounds of race, ethnic origin, sex, religion or belief. The Act of 7 November 2017 had placed the Centre under the auspices of the Chamber of Deputies, and the Chamber had adopted a resolution on 1 July 2020 attributing greater powers to the Centre and increasing its budgetary allocations and staff.

9. Luxembourg had reiterated its commitment to combating all forms of racial discrimination and xenophobia during the 2018 universal periodic review and had accepted 12 State recommendations on the subject.

10. The European Union Agency for Fundamental Rights had stated, in a report published in 2019, that racial discrimination problems in Luxembourg were greater than previously estimated. The Ministry of the Family, Integration and the Greater Region, the Intercultural and Social Research and Training Centre and the Luxembourg Institute of Socio-Economic Research had accordingly cooperated in producing a study on racism, which had been published in March 2022. The four objectives of the study were to compile an inventory of existing mechanisms and tools, to establish a consistent data-collection methodology, to identify groups at risk and discriminatory situations and contexts, and to draw up policy recommendations. The study had ascertained that the relevant legal provisions were rarely applied in practice and that there had been only a few convictions for discrimination. Two thirds of victims had failed to lodge complaints, primarily owing to a lack of faith in the outcome or because delivery of a statement would be unduly complicated or costly. Experts had also invoked the problem of proof and the fear of reprisals.

11. Owing to the low rate of reporting and the scarcity of data on racism and discrimination, it was impossible to measure the scale of such phenomena and to identify the groups at risk. In addition, data-collection criteria were not clear enough and the available data were not disaggregated in terms of types of discrimination and legal categories.

12. The quantitative survey indicated that structural racism was widespread in a number of key areas, such as access to housing, employment and education, and in the social media. Discrimination was frequently based on ignorance of Luxembourgish, skin colour or even distinctive cultural signs. The study also confirmed that discrimination and the stigmatization of racial groups were based on social stereotypes and clichés.

13. The policy recommendations based on the results of the study aimed, in particular, at raising awareness of the phenomenon of racism by adopting a sectoral approach, especially in the key areas of housing, employment and education. The study also recommended strengthening legal aid systems, in particular by supporting the Centre for Equal Treatment, and developing local and easily accessible structures for victims of racial discrimination.

14. According to the study, 68 per cent of residents had called for the adoption of political decisions to take more effective action against systemic discrimination. The Government planned to draw inspiration from the study's results and recommendations in order to develop new awareness-raising campaigns and new projects under the National Plan of Action for Integration involving all competent ministries.

15. **Ms. Ziadé** (Advisory Commission on Human Rights), speaking via video link, said that, while the amendment of the Constitution currently under way offered the possibility of guaranteeing the equality of all persons before the law, the distinction between nationals and non-nationals of Luxembourg had unfortunately been maintained, notwithstanding the recommendations of several national and international bodies. Such a distinction was not recognized by international law or by the Luxembourg Constitutional Court.

16. The Equal Treatment Act of 2006 failed to mention colour and descent, despite the Committee's recommendations in that regard. While nationality had been added to the prohibited grounds of discrimination, it was not included among the fields of competence of the Centre for Equal Treatment.

17. The lack of data and statistics precluded an effective analysis of access to rights, particularly in the area of ethnic and racial discrimination. Data concerning legal proceedings were also lacking. The Advisory Commission on Human Rights therefore urged the Government to strengthen the data-collection system.

18. The Advisory Commission also considered that the Centre for Equal Treatment should be empowered to take legal action, to intervene in judicial and administrative proceedings, to conduct investigations, to assist in compiling ethnic statistics, and to monitor the implementation of anti-discriminatory and anti-racist legislation. Non-profit organizations very rarely took legal action, despite the existence of cases of racial discrimination.

19. The Multi-Year National Plan of Action on Integration 2018 unfortunately omitted the component in the previous plan concerning action to combat discrimination and provided little information on the implementation of planned measures, including the deadlines, the allocated budget, the ministries responsible for their implementation and the monitoring of such measures.

20. With regard to the right to work, the profiling system used to assist people in finding employment or in securing alternative social support had many flaws. Persons seeking employment were usually expected to comply with certain conditions, and specific situations were rarely taken into account. In particular, applicants for international protection and their employers were required to follow complex procedures in order to obtain a work permit.

21. Access to affordable housing remained very difficult in the context of the current housing crisis. Cases of discrimination based on ethnic or racial origin had also been reported. The Advisory Commission was concerned about the health and hygiene conditions and the limited space available to applicants for and recipients of international protection in the homes run by the National Reception Office, as well as the regular transfers to which they were subjected. It was also concerned about the recurrent evictions of beneficiaries of international protection from such homes without provision for alternative measures or affordable housing.

22. With regard to the right to health and social security, the Advisory Commission welcomed the establishment of universal health-care coverage but did not approve of the three-month residence requirement. It was concerned about the concrete implementation of the new system and its suitability for all situations in which the persons in question found themselves.

23. **Mr. Guissé** (Country Rapporteur) said that the data provided by Mr. Asselborn differed markedly from those contained in the report. They reflected the country's significant demographic growth that was primarily linked to immigration. Luxembourg had thus experienced a multicultural transformation of society, as well as challenges related to racism and the protection of groups to which the Convention was applicable.

24. As noted by the Advisory Commission on Human Rights, the Centre for Equal Treatment and the European Commission against Racism and Intolerance, it was difficult to assess the scale of racism in Luxembourg and to specify the groups at risk. The Committee would therefore like to know what measures had been taken to improve data-collection procedures.

25. It would be useful to know whether the Act of 1 August 2018 on the Protection of Natural Persons with Regard to the Processing of Personal Data in Criminal and National Security Matters provided for the collection of data based on a person's ethnic origin and, if not, whether measures had been taken to include such information in other data-collection systems with a view to assessing the problems faced by ethnic and racial groups, especially in the areas of employment, housing, education and access to justice.

26. Noting that article 10 bis of the Constitution stated that all nationals of Luxembourg were equal before the law, he asked whether the amendments to the Constitution that were currently being discussed would include all prohibited grounds for discrimination contained in article 1 of the Convention. Article 454 of the Criminal Code contained no reference to descent. Furthermore, the Equal Treatment Act, as amended in 2017, and the Labour Code contained no reference to colour or descent. He therefore asked what additional measures

were being taken to ensure that all those prohibited grounds were also covered by the existing legal framework, including the Criminal Code and the Equal Treatment Act of 2006.

27. He wished to know what steps were being taken to include provisions in legislation on the adoption of special measures to ensure that the groups protected by the Convention were able to enjoy their human rights and fundamental freedoms. He would appreciate details of cases in which the provisions of the Convention had been cited before and directly applied by the courts. He would also appreciate information about awareness-raising campaigns on equal treatment and preventing and combating racial discrimination, as well as about the dissemination of relevant domestic and international law.

28. He would welcome information about the introduction into criminal legislation of an aggravating circumstance for racially motivated crimes, as previously recommended by the Committee and other international bodies. Moreover, he wondered what steps had been taken to amend the Criminal Code to ban all organizations inciting racial discrimination, and whether there were any examples of such organizations being banned or dissolved.

29. In view of reports of substantial increases in hate speech, particularly on the Internet, against migrants, refugees, asylum seekers, people of African descent and ethnic and religious minorities, he wished to know of any measures aimed at preventing and combating hate speech, racial crimes and incitement to racial hatred in the media and online, especially in relation to the groups mentioned. He would appreciate receiving details of complaints lodged, investigations carried out and, if applicable, penalties applied to those prosecuted for hate speech and inciting racial hatred. Lastly, given the low level of reporting of racial discrimination and the lack of relevant data, he would appreciate information on measures taken to improve data collection and identify and follow up on cases of racist hate speech.

30. **Mr. Diaby** (Country Task Force) said that he would welcome information on measures adopted or planned to strengthen coordination and cooperation, in particular on topics covered by the Convention, between the Centre for Equal Treatment, the Ombudsman, the Advisory Commission on Human Rights, the National Council for Foreigners and the National Reception Office. Information on trends in the financial and human resources allocated to those bodies over the previous decade, as well as on measures taken to ensure that their jurisdictions and functions did not overlap, would also be appreciated.

31. Moreover, in view of the findings of the study conducted by the Ministry of the Family, Integration and the Greater Region, which had been published in March 2022, he wished to know whether steps had been taken to establish a new independent national body responsible for combating racial discrimination. Had the powers of the former special standing commission on racial discrimination, in particular in relation to receiving complaints, been reallocated, as recommended by the Committee in its concluding observations on the combined fourteenth to seventeenth periodic reports of Luxembourg ([CERD/C/LUX/CO/14-17](#))? It would be helpful to know what judicial remedies were available for victims of racial discrimination, as well as any relevant non-judicial measures.

32. It appeared that the Centre for Equal Treatment did not have a clear legal status and that its mandate did not cover nationality, despite the fact that nationality was prohibited as a ground for discrimination under the Criminal Code. He wished to know what measures had been adopted or were envisaged to revise the Equal Treatment Act of 2006 to strengthen the Centre's mandate, give it a clear legal status, allow it to receive complaints or bring legal proceedings, and give it investigative powers to obtain information and documents. Had measures been taken or planned to provide the Centre with appropriate increases in staff and funding?

33. Lastly, regarding non-judicial measures for victims of racial discrimination, he wished to know whether the State party would establish an accessible structure for victims, or a legislative body to follow up on recommendations made by the Centre for Equal Treatment. In addition, it would be useful to know of any plans for a comprehensive national plan to combat racial discrimination that would cover all sectoral initiatives. He would appreciate up-to-date data on complaints of racial discrimination made to the police or non-judicial bodies and national courts, as well as on investigations carried out and convictions or reparations issued to victims in such cases. How many complaints of racial discrimination were made to the police or to non-judicial bodies, if such existed?

34. **Mr. Kut** (Follow-up Coordinator) said that the State party should be aware that, as had been the case when it had appeared before the Committee in 2014, it would be expected to provide an interim report within one year on a select number of issues that would be identified in the Committee's concluding observations. Moreover, the State party's current periodic report had been due for submission in 2017 but had not been received until 2020; it was important for the Committee to have information that was as up to date as possible.

35. He would appreciate further, more current information on the application of judicial procedures for banning and dissolving organizations that incited racial hatred, including details of any available case law. Information on the number of complaints of racial discrimination and convictions in such cases for the years since 2018 would be also appreciated. Lastly, he wished to know why the State party authorities had not acted on the recommendation that the Centre for Equal Treatment should be allowed to be a party to legal proceedings and whether there were any plans to do so.

36. **Ms. Tlakula** said that she wished to know whether the human rights training for Grand Ducal police officers included training on combating racism and racial discrimination; what conditions needed to be met for the acquisition of Luxembourg nationality by children adopted by foreign nationals legally and habitually resident in Luxembourg; and which countries were included under the heading of "third countries" in reference to the nationality of those lodging complaints with the Centre for Equal Treatment.

37. **Ms. Stavrinaki** said that it would be helpful to know why complaints of discrimination made to the police had not been followed up by the public prosecutor's office and whether the complainants had been informed of what had happened to their complaints.

38. **Ms. Esseneme** said that she would appreciate definitions of the many different terms used in the State party report, such as "persons seeking international protection", as the distinctions between those terms were not always clear. The report contained references to numerous diversity initiatives, such as the Luxembourg Charter for Diversity and a national diversity day, and it would be useful to know how such promotion of diversity affected individuals and groups, and what form the Diversity Awards took. Lastly, she wished to know who was considered a "foreigner" for the purposes of voting in local elections. Did the term refer to immigrants who had residence permits or all immigrants, including those without official documents?

39. **Mr. Balcerzak** said that it would be useful to have data from 2019 onwards on immigration and refugees, and to learn whether there had been any notable changes to the indicators used in that area. He also wished to know whether there had been any influx of refugees or asylum seekers from Ukraine in recent weeks and, if so, how the authorities had responded.

40. **Mr. Amir** said that, to ensure that the delegation had sufficient time to gather information in order to respond properly to the questions asked, it should be allowed to submit answers in writing following its meetings with the Committee.

The meeting was suspended at 4.15 p.m. and resumed at 4.35 p.m.

41. **Ms. Goedert** (Luxembourg) said that it was true that the country's statistics on nationality and country of birth did not include information on the ethnic make-up of the population; she would welcome advice on how other countries addressed that issue. The most recent statistics available, which had been submitted to the Committee, were from the 2011 census. A new census had been conducted in 2021; the data were still being processed and would be forwarded to the Committee when available.

42. **Ms. Jaouid** (Luxembourg) said that, while the police and the judicial authorities kept general statistical data on discrimination-related offences committed under article 454 of the Criminal Code, they did not keep statistical data disaggregated by the 17 specific prohibited grounds of discrimination listed in that provision. The nature and form of offences against the person were, however, evaluated and recorded by the police and/or the judicial authorities during the investigation phase.

43. No statistical data were available on aggravating circumstances in cases of hate crimes, as the criminal law of Luxembourg did not provide for such specific aggravating

circumstances. Specific aggravating circumstances did, however, exist for the offence of defamation. According to the police, 55 complaints of discriminatory acts committed under article 454 et seq. of the Criminal Code had been filed in 2019 and 92 such complaints had been filed in 2020. No data were currently available for 2021.

44. The BEE SECURE platform, which was designed to promote the safe, responsible and positive use of information and communications technology by the general public, facilitated the reporting of acts of incitement to racial hatred, especially acts perpetrated online. Between 2015 and 2020, the police and/or judicial authorities had received between 200 and 300 notifications of racism, revisionism and discriminatory content through the platform. The reported conduct had then been analysed to determine whether it in fact constituted discrimination under the Criminal Code. On average, fewer than 10 convictions had been handed down per year over that period. The disparity between the number of notifications and the number of convictions could be explained by, inter alia, the fact that, upon investigation, not all the acts reported had been found to amount to racial discrimination and been prosecuted; the difficulty of gathering evidence to prove racial discrimination and of identifying the perpetrators of discriminatory acts; victims' deciding to withdraw their complaints; and recourse to mediation or other restorative justice mechanisms.

45. Luxembourg contributed to the work of the European Union Agency for Fundamental Rights and the European Commission on the reporting of hate crimes and was taking steps to incorporate good practices identified in other European countries.

46. The law of Luxembourg did not currently define race or ethnicity, or racist hate crimes specifically. A bill to introduce in the Criminal Code general aggravating circumstances for any offence allegedly motivated by discrimination was being drafted.

47. Article 454 of the Criminal Code, as amended by the Act of 20 July 2018, defined discrimination as any form of distinction made between natural persons based on their origin, skin colour, sex, sexual orientation, sex reassignment, gender identity, family situation, age, health, disability, morals, political or philosophical opinions, trade union activities, or membership or non-membership, actual or assumed, of a particular ethnic group, nation, race or religion. Article 454 also dealt with discrimination against legal entities, groups or communities of persons. There was a slight difference between the definition of discrimination contained in article 454 of the Criminal Code and the definition of racial discrimination in article 1 of the Convention.

48. The relevant provisions of the Criminal Code were complemented by those of the Act of 28 November 2006 transposing Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, amended by the Act of 7 November 2017, which had overhauled the structure and mandate of the Centre for Equal Treatment. The delegation could provide details of the specific laws dealing with hate speech in the media and the applicable penalties in writing. The Labour Code and the General Civil Service Regulations likewise contained anti-discrimination provisions.

49. Although, to date, there had been no court cases in which the Convention had been applied directly, it had been applied indirectly through the implementation of the domestic law provisions mentioned previously and the European Convention on Human Rights. Domestic court judges often used the case law of the European Court of Human Rights, which often cited the Convention and other relevant international instruments, to interpret and apply domestic law provisions aimed at combating racial discrimination.

50. Several emblematic judgments had been issued by the courts of Luxembourg between 2017 and 2021. In 2017, a conviction had been obtained under articles 454 and 457-1 of the Criminal Code for racist hate speech perpetrated against refugees on social networks in 2015 after the defendant had confessed to the crime. In his reasoning, the judge had recalled article 10 of the European Convention on Human Rights, on freedom of expression and its limits, read in conjunction with article 14, on the prohibition of discrimination, and had referred to the case law of the European Court of Human Rights, which directly cited the Convention. In that case, the judgment had also referred to a 2013 judgment by the Court of Appeal. Upon conviction, the defendant had received a fine of 1,000 euros.

51. A second, similar case concerning racist hate speech perpetrated against Syrian refugees on the social media platforms of the Government of Luxembourg in 2017 had reached the Court of Appeal. In that case, the conviction secured in 2018 had been upheld by the Court of Appeal in 2020. The reasoning put forward by the judge had, again, recalled the European Convention on Human Rights and the Convention, and a fine of 2,000 euros had been imposed on the defendant, who had not confessed to the crime.

52. In a third case, the alleged perpetrator of racist hate speech against immigrants on the social media platform of a national newspaper had partially contested the charges brought. In that case, the presiding judge had recalled the provisions of the Convention and sentenced the defendant to 6 months' imprisonment and a fine of 1,500 euros.

53. In a fourth case, concerning alleged workplace discrimination on the basis of political, philosophical or religious beliefs, the defendant had been acquitted. In a fifth case, a young couple had been convicted in 2021 of terrorism-related offences and inciting hatred under articles 135-11 and 135-17 et seq. of the Criminal Code by disseminating jihadi propaganda online. Although the defendants had received a prison sentence, they had been placed on probation and enrolled in a deradicalization programme. The delegation could provide the Committee with the necessary legal references in writing. The domestic courts therefore determined the penalties to be imposed for acts of racial discrimination on a case-by-case basis.

54. Regarding racist hate speech, article 457-1 of the Criminal Code established as an aggravating circumstance any form of communication, by whatever means, which incited hatred or violence against a natural person or legal entity on the basis of the criteria set out in article 454 of the Criminal Code. The delegation could provide in writing details on the dissolution of organizations involved in inciting racial hatred.

55. Government initiatives to counter racist hate speech and incitement to racial discrimination included the above-mentioned BEE SECURE platform and a deradicalization programme accessible through the website Respect.lu. Following the amendment of the Police Act in 2018, the country's police service had been restructured and the Inspectorate General of the Police had been established as an autonomous entity. Complaints could be submitted to the police electronically through the eCommissariat platform. The delegation could provide additional information on the Centre for Equal Treatment in writing.

56. The Government had taken specific measures for the training of law professionals. Future judges and prosecutors received both general and specialized training in human rights and in United Nations treaties, including the Convention. The police and lawyers, including notaries and bailiffs, received general training on the subject.

57. Regarding measures to improve mechanisms for the prevention of discrimination and the protection of rights, the Government had drafted and submitted two bills which provided for the exchange of data held in the files of the judiciary and of the police. The two bills had been drafted in accordance with legislation on personal data protection; further details would be provided to the Committee in writing.

58. Luxembourg criminal procedure provided for an extremely broad definition of the victim. Any person who had been harmed could file a formal complaint with the police or the public prosecutor's office, or could initiate a private prosecution or a civil action. Complaints could be lodged via the eCommissariat platform. Once the victim had filed a complaint, he or she would receive an "Infodroit" file, which had been developed in accordance with European directives on victims' rights and procedural safeguards in criminal proceedings. The file, which had been translated into 20 languages, explained how victims could exercise their rights to interpreting and translation services and to legal aid; how to contact the victim assistance services to receive personalized support; and how to seek alternative measures such as mediation and restorative justice. Victims were thus empowered to act in a number of ways. It should be noted that the legal aid system had been reformed in order to widen access to justice.

59. **Ms. Jost** (Luxembourg) said that the Luxembourg Charter for Diversity was open for signature by all Luxembourg organizations, companies and municipalities. The initiative was

particularly aimed at promoting diversity in the business sector; it organized an annual Diversity Day and conferred Diversity Awards.

60. **Mr. Dockendorf** (Luxembourg) said that the Government had not yet followed up on the study on racism that had been published in March 2022; it planned to do so in order to learn from the exercise. Political awareness of racism as a structural problem was increasing, along with recognition that it was often invisible to those who did not experience it.

61. The Government did not collect statistics on the ethnic composition of the country, partly owing to historical sensitivities. Governments that drew up lists of people based on their ethnic or racial characteristics ran the risk of their being used for harmful purposes. The Government would be interested to know how the Committee proposed to avert such risks.

62. **Mr. Guissé** said that it would be useful to know the nationalities of the nine persons who had lodged complaints with the Centre for Equal Treatment and who were listed in paragraph 188 of the report as being from “third countries”. The statistics given in such tables would be more balanced and comprehensive if non-European nationalities were listed in the same way as European ones. He would be grateful if the delegation would comment on the statement by the representative of the Advisory Commission on Human Rights, who had expressed concern that the drafters of the constitutional amendment in progress had decided to maintain a distinction between nationals and non-nationals of Luxembourg, instead of providing for the equal treatment of all persons before the law.

63. **Mr. Diaby** said that the Committee would particularly welcome clarification concerning the legal status of the Centre for Equal Treatment. He would be interested to know why, since its establishment, the Centre had been requested to issue only three opinions on draft legislation in accordance with its mandate under article 10 of the Equal Treatment Act. As the Centre seemed to be somewhat underutilized, he wondered what measures might be taken to ensure that its recommendations were not ignored. Lastly, the Committee would be interested to know what steps the State party had taken to consult with civil society organizations on the drafting of the report.

64. **Ms. Goedert** (Luxembourg) said that the report had been coordinated and drafted by the Interministerial Human Rights Committee after an open dialogue with civil society. Information on the Centre for Equal Treatment would be submitted to the Committee in writing.

65. **Mr. Dockendorf** (Luxembourg) said that the institutional landscape and the interactions of human rights institutions with the Government and non-governmental organizations were pertinent issues. To promote the coordination of inclusive policies, the Government had created the post of interministerial delegate for the coordination of policies to combat racism, antisemitism, anti-LGBTIQ+ hatred and anti-Gypsyism. The selected candidate would take up the role on 1 June 2022.

66. **Ms. Ali Al-Misnad** said that, as foreign nationals accounted for almost half of the population, she would like to know more about the system for the acquisition of citizenship.

67. **Ms. Stavrinaki** said that she would appreciate further details of cases in which article 454 of the Criminal Code had been applied. In particular, she wished to understand what rights had been violated and how Luxembourg criminal law addressed structural discrimination.

68. **Ms. Tebie** said that, in paragraph 82 of its report, the State party referred to the reform of basic training for certain categories of trainee police officers. The Committee would be grateful for information on the number of police officers who received regular training and the impact of that training on their work.

69. **Mr. Yeung Sik Yuen** said that he would welcome clarification of the number of reported offences of discrimination and convictions under article 454 of the Criminal Code. He would also be interested to know the number of complaints, prosecutions and convictions relating to hate speech under article 457-1. Lastly, he asked whether Luxembourg applied a monist legal system, meaning that the Convention formed part of domestic law, or a dualist system.

70. **Ms. Esseneme** said that she wished to know whether the judgments that had been handed down in cases of discrimination and incitement to hatred were final and thus had become case law. Since Luxembourg had many institutions and bodies that engaged in the promotion and protection of human rights, she wondered whether there was a coordination framework to ensure that they worked effectively and avoided duplication of efforts.

71. **Ms. Goedert** (Luxembourg) said that the Act of 8 March 2017 on Luxembourg Nationality laid down the procedures for the acquisition of citizenship. Information in that regard was publicly available on government websites.

72. **Ms. Jaouid** (Luxembourg) said that article 454 of the Criminal Code listed 17 prohibited grounds of discrimination. Article 457 covered the dissemination of messages inciting racial hatred and participation in organizations that incited hatred and set forth the applicable penalties. In the event that an offence of discrimination was reported, an investigation would be conducted, in which the investigating officers would seek to establish the alleged discriminatory motive in order to bring charges.

73. Since the reform of the law governing the police, police officers underwent general human rights training at the National Institute of Public Administration. The training was delivered by legal professionals, as well as police officers. The Committee would be provided with figures concerning the number of officers trained.

74. The delegation did not have specific data on complaints, prosecutions and convictions relating to the offences set forth under article 457-1 of the Criminal Code, although it had provided the Committee with figures on convictions for all offences covered by chapter 6. Luxembourg law did not yet provide for a separate offence of hate crime and thus no statistics were available in that regard.

75. The judgments in cases of discrimination and incitement to hatred mentioned previously were indeed final. Moreover, they had an important deterrent effect. In one recent case, a human rights activist had been racially insulted on a social network. The courts had dealt with the case quickly and the conviction of the perpetrator had received extensive media coverage.

76. **Mr. Dockendorf** (Luxembourg) said that the different institutions active in the field of human rights had clearly defined mandates and, since they communicated with each other, the risk of overlap in their activities was small. A greater concern was that the victims of human rights violations might find it difficult to know where to turn; the Government and the institutions themselves accordingly worked to raise public awareness in that regard. The Government had a one-stop service which provided information on how to access justice. Many of the institutions were grouped together in a single location, the House of Human Rights, which had opened recently. They included the Advisory Commission on Human Rights, the Office of the Ombudsman, the Centre for Equal Treatment, the Office of the Children's Rights Advocate and the National Commission for Data Protection.

The meeting rose at 6 p.m.