



***Concluding observations of the Committee on the Elimination of
Racial Discrimination : Luxembourg. 18/04/2005.
CERD/C/LUX/CO/13. (Concluding Observations/Comments)***

Convention Abbreviation: CERD
COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Sixty-sixth session
21 February-11 March 2005

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION**

**Concluding observations of the Committee on the
Elimination of Racial Discrimination**

LUXEMBOURG

1. The Committee considered the tenth, eleventh, twelfth and thirteenth periodic reports of Luxembourg, due between 1997 and 2003 and submitted in a single document (CERD/C/446/Add.1), at its 1678th and 1679th meetings (CERD/C/SR.1678 and 1679) on 23 and 24 February 2005. It adopted the concluding observations below at its 1697th meeting, held on 9 March 2005.

A. Introduction

2. The Committee welcomes the periodic report of Luxembourg, which is in conformity with the reporting guidelines of the Committee. It applauds the efforts made by the delegation to provide thorough and highly constructive answers to the questions raised. It appreciates the opportunity thus provided to resume a dialogue with the State party.

3. Noting that the report was more than seven years overdue when submitted, the Committee invites the State party to respect the intervals it has suggested for the submission of its future reports.

B. Positive aspects

4. The Committee notes with appreciation the information provided by the delegation on the execution of a national plan of action on the follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

5. The Committee welcomes the Act of 19 July 1997, which supplements the Criminal Code by making racism a more serious offence and criminalizing revisionism and other acts based on discrimination.
6. The Committee notes with satisfaction the current incorporation into Luxembourg law of Council Directive 2000/43/CE of 19 June 2000, implementing the principle of equal treatment between persons irrespective of racial or ethnic origin and establishing a general framework for equal treatment in employment and occupation.
7. The Committee commends the entry into force of the Act of 24 July 2001 amending the Luxembourg Nationality Act of 22 February 1968 by easing the conditions for obtaining Luxembourg nationality.
8. The Committee welcomes the entry into force of the Act of 8 June 2004 on freedom of expression in the media, which calls for a code of ethics to govern the pursuit of journalistic activities.
9. The Committee notes with satisfaction the signing of Protocol No. 12 on non-discrimination to the European Convention on Human Rights.
10. The Committee commends the establishment of an Advisory Commission on Human Rights, a Complaints Office within the Permanent Special Commission against Racial Discrimination, advisory commissions for foreigners in the communes, and the appointment of an ombudsman.
11. The Committee also notes with satisfaction school curricula that promote interculturalism, a certain number of mother-tongue classes for immigrant children and the introduction of intercultural mediators in schools.

C. Concerns and recommendations

12. The Committee notes that the statistical data provided by the State party are incomplete. It draws attention to the fact that it needs these data for an assessment of the implementation of the Convention and for monitoring measures taken for the benefit of minorities and vulnerable groups.

Recalling its general recommendations XXIV and XXX, the Committee requests the State party to include in its next periodic report updated statistical information, in particular on the Roma communities, and on vulnerable groups such as non-nationals, refugees, asylum-seekers and clandestine workers.

13. While noting the State party's efforts to tighten up its laws and strengthen its institutions combating racial discrimination, the Committee notes that racist and xenophobic incidents, in particular against Arabs and Muslims, and discriminatory attitudes towards ethnic minorities are still encountered.

The Committee encourages the State party to continue to combat prejudice and xenophobic stereotypes, in the media especially, and fight prejudice and discriminatory attitudes. It recommends that the authorities adopt a strategy for making the public at large better aware of the existence and purpose of the institutions established to combat racial discrimination.

14. The Committee is concerned at the fact that racist and xenophobic propaganda is to be found on Internet sites.

The Committee encourages the State party to combat this contemporary form of racial discrimination, which is covered by the principles of the Convention. It would like to be informed of action taken by the State party to this end in its next periodic report. It also suggests that the State party ratify the Council of Europe Convention on Cybercrime and its Additional Protocol concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems.

15. The Committee notes with satisfaction the efforts made by the State party to combat offences motivated by racial hatred. It also welcomes the bill reversing the burden of proof in civil cases in favour of victims of racial discrimination.

However, it notes that prosecutions in this area have been few in number.

The Committee encourages the State party to ensure that prosecutors and magistrates do prosecute racist offences under the relevant criminal laws, and apply the requisite criminal penalties. It also suggests that racist motives should be defined as a general aggravating circumstance for offences, and that derogations to the ban on discrimination such as those currently allowed under article 457-5 of the Criminal Code should be limited. It requests the State party to provide, in its next periodic report, updated statistics on acts of racial discrimination and judicial action taken in response.

16. While noting the action taken in response to the requirements of article 4 of the Convention, the Committee observes that the State party still upholds its interpretation of that article, viz. that criminal acts committed by members or supporters of a racist organization may be prohibited or punished by law, but not the existence of, or participation in, racist organizations.

The Committee draws the State party's attention to its general recommendation XV, according to which all provisions of article 4 of the Convention are of a mandatory character, including declaring illegal and prohibiting any organization promoting or inciting discrimination, as well as recognizing participation in such an organization as an offence punishable by law. Accordingly, the Committee recommends that the State party reconsider its position.

17. While recognizing the steps taken by the State party to combat racial discrimination, the Committee notes that certain vulnerable groups, such as non-nationals, refugees and asylum-seekers, are not afforded sufficient protection.

In the light of its general recommendation XXX, the Committee proposes action specifically to guarantee the equal enjoyment of the right to adequate housing for citizens and non-citizens, especially by avoiding segregation in housing and ensuring that housing agencies refrain from engaging in discriminatory practices.

18. The Committee is concerned that a number of non-nationals are illegally employed in Luxembourg, and are thus exposed to abuse by their employers.

In the light of its general recommendation XXX, the Committee encourages the State party to take practical steps to prevent and redress the serious problems faced by non-citizen workers, ensuring that any employers who recruit illegal workers are punished.

19. The Committee is concerned at allegations of discriminatory or vexatious conduct towards non-nationals on the part of officials working in various national or local authorities.

While aware of the information provided by the State party about human rights training for State employees, the Committee encourages the State party to include within the training a specific focus on the problems of racism and discrimination, and to ensure that all officials who come into contact with minority groups receive training of this type.

20. The Committee invites the State party to consider the possibility of ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and the 1961 Convention on the Reduction of Statelessness.

21. The Committee recommends that the State party's reports be made readily available to the public and that the observations of the Committee on these reports be similarly publicized.

22. The Committee recommends that the State party submit its fourteenth and fifteenth periodic reports in a single document due on 31 May 2007.



[TOP](#) | [HOME](#) | [INSTRUMENTS](#) | [DOCUMENTS](#) | [INDEX](#) | [SEARCH](#)

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