

**ECRI CONCLUSIONS ON THE IMPLEMENTATION
OF THE RECOMMENDATIONS
IN RESPECT OF LUXEMBOURG
SUBJECT TO INTERIM FOLLOW-UP**

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¹ Unless otherwise indicated, any developments which occurred after 2 May 2014, the date on which the response of the Luxembourg authorities to ECRI's request for information on measures taken to implement the recommendations chosen for interim follow-up was received, are not taken into account in this analysis.

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FOREWORD

As part of the fourth round of ECRI's monitoring work, a new process of interim follow-up has been introduced with respect to a small number of specific recommendations made in each of ECRI's country reports.

Accordingly and in line with the guidelines for the fourth round of ECRI's country-by-country work brought to the attention of the Ministers' Deputies on 7 February 2007¹, not later than two years following the publication of each report, ECRI addresses a communication to the Government concerned asking what has been done in respect of the specific recommendations for which priority follow-up was requested.

At the same time, ECRI gathers relevant information itself. On the basis of this information and the response from the Government, ECRI draws up its conclusions on the way in which its recommendations have been followed up.

It should be noted that these conclusions concern only the specific interim recommendations and do not aim at providing a comprehensive analysis of all developments in the fight against racism² and intolerance in the State concerned.

¹ CM/Del/Dec(2007)986/4.1.

² According to ECRI's General Policy Recommendation (GPR) No.7, "racism" shall mean the belief that a ground such as race, colour, language, religion, nationality or national or ethnic origin justifies contempt for a person or a group of persons, or the notion of superiority of a person or a group of persons. "Racial discrimination" shall mean any differential treatment based on a ground such as "race", colour, language, religion, nationality or national or ethnic origin, which has no objective and reasonable justification.

1. *In its report on Luxembourg (fourth monitoring cycle) published on 21 February 2012, ECRI strongly recommended that the Luxembourg authorities strengthen the Centre for Equal Treatment by enabling it to take part in legal proceedings, by giving it the necessary human and financial resources, and by ensuring that the persons or bodies to which it addresses itself are obliged to reply.*

ECRI notes that the Luxembourg Consultative Commission on Human Rights (CCDH) recently recommended that the new government establish a “Human Rights House” combining several national institutions responsible for promoting and protecting human rights, namely the CCDH, the Centre for Equal Treatment (CET), the Ombudsman Committee for Children’s Rights and the Ombudsman¹. The possible establishment of a Human Rights House and the attachment of the institutions concerned to parliament is also part of the 2013 government programme. This attachment to the legislature would serve to increase their independence and neutrality.²

The Luxembourg authorities have informed ECRI of their support for an identical proposal by the CET that it be attached to parliament. They also recommend that it be allocated the resources and powers needed to raise its profile and increase its efficiency, but do not, however, refer to enabling it to take part in legal proceedings or requiring the persons or bodies to which it addresses itself to reply. According to the authorities, parliament must work out the details in draft legislation. The CET has itself informed ECRI that there has been no change in its situation since the publication of the ECRI report.

ECRI therefore considers that this recommendation has not been implemented.

2. *In its report on Luxembourg (fourth monitoring cycle), ECRI recommended that the Luxembourg authorities ensure that the detention centre has staff sufficiently well trained to deal with the persons detained.*

The authorities have informed ECRI that the detention centre’s 67 staff members received initial training before the centre was opened in August 2011. They were introduced to methods and techniques for intercultural communication and suicide prevention. They also received human rights training, in particular regarding respect for persons held in administrative detention, and courses on the legal and regulatory framework concerning detention, asylum and immigration. The detention centre management has introduced a compulsory ongoing training programme. It covers intercultural communication, stress management, language learning and the prevention and management of physical and psychological aggression in the workplace. ECRI has also been informed that the detention centre intends continuing the ongoing training for its staff.

In her 2014 report on the detention centre, the Ombudswoman of the Grand Duchy of Luxembourg concluded that she was very satisfied with the commitment of the entire staff to ensuring that the conditions of persons held in administrative detention were as decent as possible.³ The reactions by civil society to the report principally questioned the actual existence of the institution, but did not indicate any lack of training.

ECRI considers that this recommendation has been implemented.

¹ CET, 2013 activity report, p. 4; CCDH, 2013 activity report, p. 109 (in French).

² CCDH, 2013 activity report, p. 19 (in French).

³ Ombudswoman of the Grand Duchy of Luxembourg 2014, The detention centre – report, p. 49 (in French).

3. *In its report on Luxembourg (fourth monitoring cycle), ECRI recommended that the Luxembourg authorities increase the human and financial resources allotted to the National Council for Foreigners. ECRI also recommended that the Luxembourg authorities help the National Council for Foreigners to acquire a higher profile. It recommended that they make premises available to the Council for holding its meetings.*

The authorities have informed ECRI that the budget of the National Council for Foreigners (CNE) was reduced as part of the budget cuts decided upon for 2014. At the same time, the CNE did not spend the sum of 15 000 euros allocated to it for holding seminars in 2013. Appropriate premises have been made available to the CNE.

ECRI notes that the CNE still has difficulties in performing its role as an advisory body. Over the past two years, it has only issued an opinion concerning Luxembourg nationality and approved a declaration on diversity and integration. According to the government activity reports, the CNE only held two plenary meetings in 2012 and seven others in 2013. The CNE's leaflet dates back to 2010⁴, its last press release was issued in 2012⁵ and its website⁶ includes no indication of any other recent publications. Lastly, ECRI notes that the CNE does not any more deal with complaints of racial discrimination and that it did not reappoint the Permanent Special Commission against Racial Discrimination (CPSDR), which had the power to receive such complaints.⁷

In this context, ECRI refers to the recommendation in paragraph 56 of its report on Luxembourg that the authorities examine the added value of each body which exists to combat discrimination in order to avoid overlapping powers and ensure maximum efficiency. Given the fact that the CNE has decided not to deal any more with complaints for racial discrimination and that the CET remains competent for such complaints⁸, ECRI considers that it should no longer examine the implementation of this recommendation.

⁴ http://www.olai.public.lu/fr/publications/brochures-depliants/03-depliant_cne/depliant_cne.pdf.

⁵ <https://www.gouvernement.lu/734341/14-olai?context=971516>.

⁶ http://www.olai.public.lu/fr/rerelations-nationales/organismes_consultation/conseil-nat-etrangers/.

⁷ See paragraph 49 et seq. of the 4th report and CERD, 21 February 2014, Concluding observations on the combined fourteenth to seventeenth periodic reports of Luxembourg, CERD/C/LUX/CO/14-17, paragraphs 9 to 10.

⁸ Cf. in this respect § 1 of this document.

