



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of Luxembourg and welcome the constructive engagement of the Government during the 29th session of the UPR Working Group in January 2018.

As the final outcome report on the review of Luxembourg was recently adopted by the Human Rights Council at its 38th session, I am writing to follow up on a number of areas raised in two reports that my Office had prepared for the review - the compilation of UN information and the summary of stakeholders' submissions - which I consider in need of particular attention over the next four and a half years until the next cycle of the UPR. In identifying these areas, I have also considered the recommendations and statements made by 69 countries, Luxembourg's presentation and responses, and the action taken by Luxembourg to implement the 112 recommendations it accepted during the second cycle of the UPR. The areas cover a range of issues and are set out in the annex to this letter.

I would like to highlight that I am particularly encouraged by Luxembourg's action to implement recommendations accepted during the second cycle, in particular by becoming a party to a number of important human rights instruments. These include the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights in 2015, and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure in 2016. I also congratulate Luxembourg for its efforts to combat trafficking in persons, as well as to promote the political and economic advancement of women.

I also take positive note of the statement by the head of delegation during the UPR outcome adoption on 29 June 2018, that the Minister for Foreign and European Affairs announced the inclusion of the protection of human rights defenders in the voluntary commitments that Luxembourg will make in the context of its candidacy to the Human Rights Council for the 2022-2024 term.

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H. E. Mr. Jean Asselborn
Minister of Foreign and European Affairs
Luxembourg



I encourage Luxembourg to develop a comprehensive national human rights action plan in order to achieve concrete results in the areas contained in the annex and to facilitate Luxembourg's preparations for the fourth cycle of the UPR. The development of such a national human rights action plan should include consultations with all stakeholders, in particular the Consultative Commission on Human Rights and civil society organisations, and, where necessary, the support of international organisations, including the Office of the United Nations High Commissioner for Human Rights (OHCHR) and other United Nations entities.

I also encourage Luxembourg to further strengthen its national mechanism for comprehensive reporting and follow up, i.e. its Inter-ministerial Human Rights Committee, also to enable it to continue to timely submit reports to the international human rights mechanisms, including the treaty bodies. I strongly recommend the use of the practical guide that my Office released in 2016 on this topic and which is available at: http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf

Please be advised that I will be sharing my advice with all Member States as they go through the third cycle of the UPR with a view to assisting them to begin implementing recommendations early on, following the review. An important measure that can contribute positively to follow up action is voluntary mid-term reporting. I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the outcome report. In this regard, I welcome Luxembourg's readiness to submit a mid-term report for the third cycle, by 2020, as mentioned by the head of delegation during the UPR outcome adoption on 29 June 2018.

As the Secretary-General states in his 2017 report on the work of the Organization (A/72/1, paragraph 98): *"The Human Rights Council's universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council's recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals."*

I look forward to discussing with you ways in which my Office may assist Luxembourg to take action in the areas I have identified.

Please accept, Excellency, the assurances of my highest consideration.

Zeid Ra'ad Al Hussein
High Commissioner for Human Rights



Annex

Scope of international obligations and cooperation with international human rights mechanisms and bodies

- Ratify the International Convention for the Protection of All Persons from Enforced Disappearance, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the ILO Indigenous and Tribal Peoples Convention (No.169), the ILO Domestic Workers Convention (No.189), the Protocol of 2014 to the ILO Forced Labour Convention 1930 (No.29), and the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention).
- Withdraw reservations to articles 2, 6, 7 and 15 of the Convention on the Rights of the Child.
- Timely submission of reports to the treaty bodies and urgent submission of overdue reports.

National human rights framework

- Amend the Act on equal treatment of 28 November 2006 to also include the criteria of national origin, colour or descent in the definition of racial discrimination.
- Ensure that racist motives increase the severity of a criminal act.

Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

Equality and non-discrimination

- Prevent the spread of negative stereotypes regarding ethnic groups and combat racism, xenophobia and hate speech including against migrants.

B. Civil and political rights

Right to life, liberty and security of person

- Ensure that persons deprived of their liberty have access to medical treatment, including external medical care, and that those in need of urgent medical care are not forcibly returned to their home countries.

Prohibition of all forms of slavery

- Continue its efforts to address trafficking in persons, including for the purpose of labour exploitation, and improve the identification of victims of trafficking in persons, in particular women and children.



C. Economic, social and cultural rights

Right to work

- Facilitate access to the labour market for foreigners, including migrants and asylum seekers.

Right to an adequate standard of living

- Address the challenge of poverty among persons with disabilities.

Right to health

- Strengthen awareness raising on available medical and psychological services in case of underage pregnancy.
- Ensure the accessibility of health-care services and facilities for persons with intellectual or psychosocial disabilities.

Right to education

- Ensure that children of migrants, asylum-seekers and refugees have access to quality education in the regular education system.

D. Rights of specific persons or groups

Women

- Continue its efforts to eliminate gender-based violence against women and girls, including domestic violence.
- Continue its work towards enhancing gender equality and women's empowerment in political and economic life.

Children

- Address violence against children in the family, including corporal punishment.
- Ensure the juvenile justice system is fully in accordance with international standards and develop alternatives to detention and punishment.
- Continue to raise awareness to combat child sex tourism.
- Build the capacity of care facilities to identify and protect all children at risk, including from child prostitution and child pornography.
- Ensure that internet-hosting services promptly remove child pornographic content.
- Ensure that child psychiatric services adequately prevent and respond to attempted suicides by adolescents.

Persons with disabilities

- Explicitly recognize "reasonable accommodation" and sanctioning its denial as discrimination based on disability.
- Increase the level of employment of persons with disabilities in the public and private sectors.
- Address segregation in education of children with intellectual disabilities, and ensure their integration into regular schools.



Migrants, refugees and asylum seekers

- Intensify the teaching of the official languages to migrants, ensuring quality vocational training, and recognition of qualifications obtained abroad.
- Ensure that persons seeking international protection do not remain in reception facilities beyond the envisaged period.
- Ensure that beneficiaries of international protection have access to housing.

Stateless persons

- Ensure the existence of a legislative procedure for determining statelessness.