



**International covenant
on civil and
political rights**

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HUMAN RIGHTS COMMITTEE
Sixty-seventh session

**List of issues to be taken up in connection with the consideration of the third
periodic report of Luxembourg (CCPR/C/LUX/2002/3), adopted by the
Human Rights Committee on 30 October 2002**

**Constitutional and legal framework within which the
Covenant is implemented (art. 2)**

1. (a) Please provide information on the status of the provisions of the Covenant in Luxembourg's domestic legislation. Have cases invoking the provisions of the Covenant been brought before Luxembourg courts during the period under review? If so, please give detailed information on the relevant cases.

(b) Does Luxembourg plan to withdraw the reservations it has lodged concerning various provisions of the Covenant?

2. Please spell out the functions of the Advisory Commission on Human Rights and indicate the factors which guarantee its independence. Can individuals lodge complaints before the Commission?

Equality and the principle of non-discrimination (arts. 3 and 26)

3. Please provide information on any cases under the Act of 26 May 2000 concerning protection against sexual harassment at work.

4. In the light of the Act of 26 June 2001 reversing the burden of proof in respect of gender-based discrimination, please provide information on any scope for appeals under the Act (paragraph 9 of the report).

5. Please indicate steps taken to promote equality between the sexes in the private and public sectors. Has the Act of 26 May 2000 helped to increase the number of women in senior positions and ensure equal pay for work of equal value and better participation and representation of women in political life? Please supply statistics in this regard, including statistics on the representation of women in the Luxembourg Parliament.

6. Please list the measures taken to address the problem of trafficking in women for the purpose of forced prostitution. Please also provide more detailed information on legal and practical steps taken by the State party to combat this practice within the country.

7. Please spell out how the distinction drawn in the Civil Code between "legitimate" children and children born out of wedlock is considered to be compatible with article 26 of the Covenant.

**Right to freedom and security of person; conditions of detention; right of every person
to a fair hearing by an impartial tribunal (arts. 7, 9, 10 and 14)**

8. How does the State party justify the lack of a law specifically banning violence in the family, in particular against women? Have steps been taken towards the adoption of a law to combat family violence?

9. In the light of the Committee's final comments on the second periodic report (1992), please provide more detailed information on the treatment of prisoners, including the current

practice of solitary confinement. Please indicate the conditions under which prisoners convicted of drug trafficking and money-laundering offences are detained. In the light of information to the effect that certain prisoners are held in strict solitary confinement, please explain to what extent a decision to place them in strict solitary confinement is compatible with articles 7, 9 and 10 of the Covenant. Can such a measure be appealed?

10. Indicate the measures taken to halt the practice of placing young prisoners, including minors, in prisons for adults, particularly Schrassig penitentiary. What steps have been taken to improve conditions for such young prisoners? Luxembourg has made a reservation to article 10, paragraph 3 of the Covenant, according to which that provision refers solely to the legal measures incorporated in the system for the protection of minors, which is the subject of the Luxembourg Youth Welfare Act. With regard to other juvenile offenders falling within the sphere of ordinary law, the Government of Luxembourg retains the option of adopting measures that might be more flexible and be designed to serve the interests of the persons concerned. Please clarify to what extent this detention policy serves the interests of young prisoners, including minors.

11. Please provide detailed information on the causes of, and circumstances surrounding, the suicide of six detainees in Schrassig penitentiary between December 1999 and May 2000. Were these prison deaths independently investigated, and what were the conclusions? Following the report on possible ways of minimizing the risk of suicide in prison environments that was ordered by the Ministry of Justice, what measures have been taken to address malfunctions and organizational shortcomings in prisons?

12. Are the measures for placing persons subject to expulsion or refoulement, in temporary detention, particularly those being held in Schrassig penitentiary, justified in the light of article 9 of the Covenant? Explain how the placing of persons in temporary detention together with convicted criminals in a prison, on the basis of a mere administrative decision, can be justified.

Treatment of foreigners and refugees (art. 13)

13. What measures have been taken to ensure that the expulsion of foreigners is carried out in accordance with the provisions of the Covenant? Please indicate to what extent the current system of judicial procedures is compatible with the provisions of the Covenant.

Freedom of religion, freedom of opinion and expression and freedom of association (arts. 18, 19 and 22)

14. With reference to article 443 of the Criminal Code and current legislation on defamation, please explain the criteria relating to defamation whereby defamation becomes a criminal act, and how these criteria are considered compatible with article 19 of the Covenant.

15. In the light of information to the effect that Luxembourg provides financial support to various religious communities, and the Committee's comments on that subject in its concluding observations on the second report (1992), please provide information on the outcome of the requests for financial aid made by the Anglican and Muslim communities. What criteria are applied when granting aid to religious communities?

Dissemination of information concerning the Covenant (art. 2)

16. Please indicate what measures have been taken to disseminate information regarding the principal subjects of concern mentioned in the Committee's earlier comments and "the insufficient publicity given to the Covenant among persons in those professions most concerned with its application and among the general public, which thus may not be adequately informed of the protection afforded by the Covenant and of the possibility of submitting individual communications under the Optional Protocol".

17. Please provide information on arrangements made to raise the awareness of judges, public servants, police officers and other law enforcement officials, legal advisers and teachers with regard to the Covenant and the Optional Protocol.
