

LUXEMBOURG

CESCR E/1991/23

87. The Committee considered the initial report of Luxembourg concerning the rights covered by articles 1 to 15 of the Covenant (E/1990/5/Add.1) at its 33rd to 36th meetings held on 29 and 30 November and 3 December 1990 (E/C.12/1990/SR.33 to 36).

88. The representative of the State party introduced the report and explained that his Government had ratified the International Covenants on Human Rights and the Optional Protocol in 1983, after having determined that those international instruments were compatible with the European instruments to which Luxembourg had previously acceded, and after having taken the necessary measures to guarantee the exercise within the territory of Luxembourg of the rights established by the Covenant.

General matters

89. As regards the general framework in which the Covenant was being implemented, members of the Committee requested information on the land and people of Luxembourg; its general political structure; its economic, social and cultural characteristics; and the general legal framework within which human rights were protected. They further asked what information and publicity was given to the Covenant and the report of Luxembourg and what the legal status was of international treaties, particularly of the Covenant. Information was also requested on the demographic distribution of the migrant population of Luxembourg.

90. Noting that individuals could invoke EEC legislation before the courts in Luxembourg, but could not do the same with the Covenant, members of the Committee asked why the Covenant's applicability in Luxembourg's judicial system was subjected to such a restrictive interpretation; whether there had been public discussion relating to the preparation of the report; whether trade unions and other institutions had taken part in it; and whether the report had been widely disseminated. It was observed that the report made no mention of how the provisions of the Covenant were implemented in practice and it was asked whether Luxembourg had encountered any problems in this regard and whether it had adapted or intended to adapt its legislation in order to meet the requirements of the provisions of article 2 of the Covenant.

91. The representative of the State party emphasized that the principal Human rights and fundamental freedoms were directly incorporated in his country's Constitution. He went on to describe the Grand Duchy and its demographic, linguistic, administrative and political structures. He drew attention to the fact that foreigners represented 27.5 per cent of the population of Luxembourg and that the independence of the three powers - legislative, executive and judicial - was exercised in a context of a representative democracy in the form of a constitutional monarchy.

92. He also provided detailed information on the economic, social and cultural characteristics of

his country which made possible both the expansion of the productive sector and an equitable distribution of the national product. He pointed out that while Luxembourg had a negative balance in its foreign trade, the deficit was largely offset by the favourable balance of trade in services. Moreover, social progress had been achieved through the establishment of new public services and public employment. At the same time, the number of non-wage-earning members of the working population had slowly but steadily decreased. The expansion of wage-earning employment was due to the increase in the number of cross-frontier workers, to the increasing amount of part-time work and to the growth of female employment. The unemployment rate was currently 1.4 per cent. The remuneration of workers, particularly wages, were rising steadily and the minimum social wage had been increased by 3.5 per cent.

93. The representative furnished information on the increasing funds which the Government of Luxembourg had allocated to the Ministry of Cultural Affairs, especially for maintenance of the cultural infrastructure and for the dissemination of culture and science. He also referred to the measures taken to preserve the culture of the Portuguese and Italian linguistic minorities and to his country's legislation designed to protect the moral and material interests resulting from any scientific, literary or artistic output. He then referred to a number of international conventions on industrial property and on scientific and cultural co-operation to which Luxembourg was a party.

94. He stated that most of the rights recognized in the International Covenant on Economic, Social and Cultural Rights were incorporated in the Constitution of Luxembourg. The Covenant had been reproduced in the Journal officiel and, pursuant to the Constitution, had become an integral part of the internal law. However, it was clear from the Covenant's purpose and objectives that its provisions were not directly applicable in the internal juridical order and the authorities of Luxembourg had emphasized, upon approving the Covenant, that that instrument contained no provision which could be directly invoked by individuals and that it committed only the contracting parties.

95. The representative pointed out that the migrant population of Luxembourg constituted 27.5 per cent of the total population and was composed mainly of Portuguese, Italians, French, Belgians and Germans. He also stated that his Government's report had been prepared on the basis of the information furnished by the ministries concerned, without consultation of other bodies.

Article 6: Right to work

96. Members of the Committee wished to know how "unemployment" was defined in Luxembourg and whether it comprised people looking for part-time work of 20 hours per week or less; what steps Luxembourg had taken to create jobs for less qualified employees; how Luxembourg had coped with the unemployment problems generated by the crisis in the steel industry; what had been done to reduce the unemployment of young people and whether there were any specific training programmes to increase their chances in the labour market. They also asked what had been done to reduce unemployment among women; whether there were increased opportunities for part-time employment and whether there were any steps taken to increase the employment of disabled persons.

97. Furthermore, information was requested on the evolution of employment and unemployment in Luxembourg since 1988, when the report had been prepared, and additional information was

requested on the legislation governing protection against dismissal.

98. The representative of the State party said that unemployment was defined in Luxembourg as the fact of not having work for reasons beyond one's control. In that connection, he furnished details of the legislation on unemployment that applied since June 1987 to workers who had lost regular employment which they had held on a full-time or part-time basis. He added that Luxembourg had not created jobs for unskilled persons, but sought rather to improve the vocational training of such persons. A modernization and rationalization programme had been introduced to deal with the crisis in the iron and steel industry and legislative measures had been taken to maintain employment, to employ surplus labour in special work projects of public benefit, to retrain iron and steel workers for work in other sectors and to establish an expanded system of early retirement. Under a Grand Ducal regulation of 1978, vocational training, readaptation and general education courses had been organized for young unemployed persons and workers whose employment was threatened. The female unemployment rate in Luxembourg was no higher than the male rate. Nevertheless, a bill to deal with the problem of female unemployment was currently in preparation. Furthermore, a placement and rehabilitation office dealt with the question of the occupational and social reintegration of disabled persons. Since 1988 the unemployment rate showed a declining trend. Improper dismissal from employment had been defined in Luxembourg law by the Act of 24 May 1989, which also provided for remedies.

Article 7: Right to just and favourable conditions of work

99. Members of the Committee wished to know how the minimum wage was determined in Luxembourg; how the decline in real wages in industry was explained; and whether wage increases were regulated only by law or were also subject to collective bargaining.

100. In addition they wished to receive comparative figures for migrant workers from the EEC and from non-Community countries in Luxembourg and asked whether working conditions and social security provisions differed for the two groups. They further asked how real wages paid by enterprises were taken into account in determining the guaranteed minimum income and requested details concerning measures taken to adjust remuneration to variations in the index published by the Government.

101. In his reply, the representative of the State party referred to the Act of 12 March 1973 on the reform of the minimum social wage, which was mentioned in his Government's report, and to the Act of 12 June 1965 on collective labour agreements, which laid down the requirements for pay increases. He said that the system of automatic adaptation of the minimum wage according to movements of the cost-of-living index made a reduction of the real value of wages virtually impossible.

102. Referring to the treatment of foreign workers in matters of social security, the representative said that the social legislation of Luxembourg established the principle of equality among all wage-earners without distinction. Nevertheless, under the provisions of the Treaty of Rome, nationals of States members of the EEC were fully assimilated to Luxembourg workers, whereas nationals of other countries were covered by relevant bilateral or multilateral conventions. He gave some particulars of the system of responsibility for payment of wages where leave was granted for

educational purposes in the private and public sectors.

103. The minimum wage was the same for everyone and was not determined according to the profitability of the employing enterprise. Pay was indexed to the cost of living both in the public sector and in the private sector.

Article 8: Trade union rights

104. Members of the Committee asked what was the definition of a “legitimate and lawful strike”; what were the lawful reasons for a strike; whether public servants had the right to strike, and if so, under what limitations; and what the function of the National Conciliation Office was.

105. They also wished to know whether law or practice required a strike ballot before the right to strike could be exercised; whether persons going on strike before the conciliation procedures had been exhausted could be sent to prison; what sort of system existed to determine which unions were most representative; and what was the percentage of union membership among workers in Luxembourg. It was noted that Luxembourg had ratified ILO Conventions 98 of 1949 and 151 of 1978 concerning, *inter alia*, collective bargaining in the public sector and information was requested on the application of those Conventions and on the collective bargaining machinery existing in Luxembourg to deal with that sector. It was also asked who decide whether the conciliation procedures had been exhausted and whether there was any time-limit within which that decision had to be taken.

106. The representative of the State party explained that, in the event of a collective labour dispute, a compulsory conciliation procedure was initiated by the National Conciliation Office composed of representatives of the Ministry of Labour, employers’ organizations and trade union organizations. At the conclusion of the negotiations, the National Conciliation Office submitted to the parties concerned a proposal which could lead to the conclusion of a new collective agreement or, in the event of rejection of the proposal, to arbitration. Under Luxembourg law, legitimate grounds for a strike could be of an occupational nature only. Public sector workers enjoyed the right to strike, with the exception of certain categories, such as heads of departments, members of the judiciary, medical personnel of the custodial services, etc. Personal requisition orders were provided for in the legislation regulating the right to strike in the public service. Criminal or disciplinary penalties and fines were also provided for in the case of non-observance of this legislation.

107. He explained that strikes were fairly rare in Luxembourg and were called only after a ballot by the trade union members concerned. Participants in unlawful strikes were liable to disciplinary penalties, but not to imprisonment. Under Luxembourg law, a strike was considered lawful if there were legitimate grounds for it, if it had been preceded by negotiation between the employers and the trade union organizations and that negotiation had failed, and if conciliation and arbitration procedures had also failed. The representativeness of a trade union was defined by the Act of 12 June 1965.

Article 9: Right to social security

108. Members of the Committee wished to know how Luxembourg’s old-age pension scheme dealt

with the problem of divorce, in particular the splitting of pension claims in cases where one spouse had not acquired a prior claim on a pension; whether long-term unemployed women and other groups with difficult access to the labour market were disadvantaged by any rules requiring a minimum time of insurance; whether there were any social security benefits which were not available to foreigners and, if so, which ones; and what the reasons were for excluding non-citizens. It was also asked whether pensioners in Luxembourg were as able to meet basic needs as were wage-earners.

109. The representative of the State party said that Luxembourg's current social security legislation established the right of a divorced spouse to receive a survivor's pension on the basis of the principle of equal treatment for men and women. Such survivors' pensions amounted to a proportion of the normal survivor's pension. The legislation of Luxembourg did not provide for a division of the pension entitlements where one of the divorced spouses had not acquired a claim on an old-age pension prior to the divorce. He also pointed out that persons who were no longer entitled to an unemployment benefit received a guaranteed minimum income that was payable only to persons who had paid their unemployment insurance contributions. He also referred to the measures taken in Luxembourg to facilitate the reintegration into employment of wage-earning mothers who had ceased working in order to care for their children.

110. With regard to social security benefits, foreigners were entitled to equality of treatment without exception, on condition that they exercised an occupation or profession or had a contract of employment. There was a link, in Luxembourg, between the amount of the retirement pension and the amount of the salary or wage.

Article 10: Protection of the family, mothers and children

111. Members of the Committee asked whether maternity payments were independent of the income of the mother (or father) of the child; who paid the wages/salaries during maternity leaves, whether it was the employer or the State; whether there were any programmes for mothers who wished to take leave of absence for two to three years to raise their child; whether their jobs were guaranteed or whether the re-entry to employment was supported in some other way and what the situation of these women was in the social security system.

112. It was also asked whether the law provided for paternity leave, whether family allowances were adequate to cover the cost of bringing up a child and whether consumer assistance was available to the unemployed and to retired people. In addition, statistical information was requested on marriage and divorce rates and the percentage of natural children as compared with children born in wedlock. Information was also requested on the treatment of juvenile delinquents.

113. The representative of the State party provided information on maternity allowance which had been introduced in Luxembourg in 1973. Maternity payments were made by the health insurance scheme and later reimbursed by the State. They were not independent of the mother's income. The maternity allowance covered a period up to 12 weeks and was payable to any pregnant woman or any woman who gave birth in Luxembourg provided they had lived there for a year before the birth of her child. With regard to programmes for mothers wishing to take leave of absence to raise their child, the representative referred to the information provided under article 9 of the Covenant.

114. He said that under Luxembourg law a person recognized as an illegitimate child by one of its parents was treated in the same way as a legitimate child as far as social security was concerned, the child being simply regarded as a dependant. The falling birth rate had been the reason for the fairly frequent modifications of the family allowances, which had been considerably extended over the years. The divorce rate in Luxembourg had risen considerably. In 1989, 40 per cent of marriages had ended in divorce.

Article 11: Right to an adequate standard of living

115. Members of the Committee requested a description in more detail of the system of rent control in Luxembourg. They asked, in particular, whether in case of heavy increases in the capital value of buildings the rent ceiling rose accordingly, and whether there were any homeless people in Luxembourg. In addition, more information was requested about the adequacy of the guaranteed minimum income for a single person's standard of living. It was also asked whether any benchmarks had been established for the quality of housing in Luxembourg and whether there were any statistics indicating the extent to which the available housing did not measure up to such benchmarks.

116. The representative of the State party stated that low-cost housing was scarce in Luxembourg and that the Government had taken steps to promote home ownership and to provide housing for the least advantage sectors of the population. Under an Act of 1955, amended in 1987, rent control committees had been established. Housing subsidies were available for families with an income below a certain level and interest subsidies could be granted to persons who borrowed to build or buy a dwelling under certain conditions. In Luxembourg, there were no homeless people, however, the authorities had occasionally discovered that clandestine migrant workers occupied dwellings which did not meet minimum standards.

Article 12: Right to physical and mental health

117. Members of the Committee asked how the medical insurance system coped with the problem of extreme increases in medical costs and whether the health care facilities available in Luxembourg were considered adequate. Information was also requested on measures taken in Luxembourg to ensure the human rights of individuals affected by AIDS; to reduce alcohol consumption; and to combat cardiovascular diseases. It was also asked whether the bill on occupational medicine referred to in paragraph 62 of the report had already been adopted; What preventive measures were taken against endemic and epidemic diseases; and what were the proportions of public and private medicine in the health sector.

118. The representative of Luxembourg stated that in his country the medical insurance branch of the social security service was in chronic difficulty. Various cost-cutting measures had been adopted. However, those measures had not succeeded in reducing the cost of health services. Doctors tended to over-prescribe and Luxembourg was in the process of introducing measures under which the frequency of prescription of various medicines was monitored. Those measures were intended solely to promote therapeutic discretion. In 1991, insurance contributions from citizens would be increased to overcome the large deficit in insurance revenues of the State. Ample facilities were already available for health care, particularly for elderly persons.

119. He also referred to various measures which had been considered in Luxembourg in order to overcome a certain backwardness in the area of preventive medicine. The medical insurance schemes had suggested the introduction of a special tax on tobacco and alcohol, but the idea had been rejected. He also referred to social projects envisaged by the Government which aimed, inter alia, to provide greater protection for elderly persons and disabled workers.

Articles 13 and 14: Right to education

120. Members of the Committee wished to know how children of migrant workers were integrated in the Luxembourg educational system and what provision was made for the preservation of the cultural and language differences of immigrant children and the children of migrant workers. They noted that public expenditure on education in Luxembourg represented 2.6 per cent of GNP in 1984, down from 6.0 per cent in 1980-1982 and they asked what the reasons were for targeting the funding of education with such severe budget cuts during the recent austerity measures. In addition, information was requested regarding the number of Luxembourg citizens attending university or receiving post-graduate education outside the country and concerning special schools for the disabled.

121. It was also asked what was being done in Luxembourg to ensure that secondary and higher education was gradually made free of charge; who was responsible for providing in-school instruction on religious or secular ethics; whether any decision had been taken as a result of the debate on religious education in the schools; what measures had been taken to help adult refugees and migrant workers who had not received any basic education in their own countries; and what influence Luxembourg's geographical position and demographic situation had on its culture and environment. More information was requested on the number of private schools, in particular religious schools; the drop-out rate in compulsory education; and the proportion of the national budget allocated to education at present.

122. The representative of the State party said that approximately one third of the children enrolled in primary schools in Luxembourg were aliens, mainly from Portugal. The children of migrant workers usually attended the same schools as Luxembourg children. The Government and the local authorities had taken measures to try to resolve the difficulties encountered by the children of migrant workers in primary school, where instruction was given in three languages (Luxembourgish, French and German).

123. The representative said that the reduction of the education budget was attributable to the decline in special service allowances; to the suspension of the mechanism linking salaries to the cost-of-living index; and to a reduction of the funds allocated for educational establishments and for the purchase of teaching materials. Some 2,500 Luxembourg students were currently pursuing university studies abroad. A special education system had been introduced in Luxembourg which also benefited disabled children. Its cost was borne by the State.

124. The representative said that public education was free of charge in Luxembourg and assistance, as well as State scholarships, were provided for students who had to pursue university studies abroad. The private schools were almost all Catholic. Relations between the State and the educational establishments were governed by the Acts of 1912 and 1982. The representative also

provided detailed information on the composition of the school population, which included a large number of foreign children. No specialized system of education was planned in Luxembourg for adult refugees or migrants.

Article 15: Right to take part in cultural life and to enjoy the benefits of scientific progress and to benefit from the protection of the interests of authors

125. Members of the Committee noted that the report did not deal with the rights enshrined in article 15 of the Covenant. They, therefore, asked whether this omission was deliberate, and, if so, how Luxembourg judged this omission in the light of its reporting obligations under the Covenant.

126. With regard to the lack of information in the report on certain points relating to the implementation of the Covenant, the representative of the State party said that further written information would be sent to the Committee. This would deal, in particular, with the questions of religious instruction in schools, the influence of foreigners residing in Luxembourg on the country's culture and the implementation of ILO Conventions Nos. 98 of 1949 and 151 of 1978.

Concluding observations

127. The Committee was of the view that the report submitted by Luxembourg was too short, insufficiently informative and excessively concerned with legislative provisions at the expense of practical information as to the extent of enjoyment of economic, social and cultural rights. This was particularly problematic in the context of an initial report. It was noted that article 15 of the Covenant was not dealt with at all in the report.

128. Nevertheless the Committee observed that the detailed and well-documented oral replies given by the delegation of Luxembourg had largely filled the gaps in the report itself. It was noted that the situation of economic, social and cultural rights in Luxembourg appeared to be generally satisfactory and the Committee welcomed the fact that the representative had undertaken to submit information in January 1991 to reply to questions which had remained unanswered.

129. However, the constitutional status of economic, social and cultural rights in Luxembourg gave rise to considerable debate. In particular the fact that the Covenant, virtually alone among applicable international human rights treaties, was considered to be non-self-executing in its totality was questioned. It was observed that, by contrast to this approach, the Covenant contained a number of provisions which the great majority of observers would consider to be self-executing. These included for example, provisions dealing with non-discrimination, the right to strike and the right to free primary education. In that connection, a view was expressed that a theory according to which every State should have its own system of interpretation of the international treaties would lead to chaos and would destroy the very essence of international law.

CESCR E/1998/22

383. The Committee considered the second periodic report of Luxembourg on articles 1 to 15 of the Covenant (E/1990/6/Add.9) at its 48th and 49th meetings on 2 December 1997 and, at its 54th meeting on 5 December 1997, adopted the following concluding observations.

Introduction

384. The Committee expresses its appreciation to the State party for its second periodic report, which complied with the Committee's guidelines. Nevertheless, it regrets the delay in the submission of the report. The Committee also appreciates the very detailed additional information provided in response to its list of issues. It welcomes the presence of a high-level delegation, with which it engaged in an open and constructive dialogue.

Positive aspects

385. The Committee notes with appreciation the State party's continuing efforts to comply with its obligations under the Covenant through its law, policies, programmes and administrative measures.

386. The Committee notes with satisfaction the existence of a comprehensive social security scheme and the efforts undertaken by the State party to improve and update its legislation with regard to economic and social rights, the introduction of dependants' insurance, and the drafting of a law guaranteeing enjoyment of the right to health care.

387. The Committee welcomes the establishment of the Tripartite Coordination Committee as a mechanism designed to promote social peace and stability. The Committee further notes the State party's efforts to address the problem of rising unemployment.

388. The Committee notes the large number of foreigners residing in the State party and welcomes the measures taken by the authorities to ensure the enjoyment of their economic, social and cultural rights.

Factors and difficulties impeding the implementation of the Covenant

389. The Committee notes the absence of any significant factors or difficulties preventing the effective implementation of the Covenant in Luxembourg.

Principal subjects of concern

390. The Committee is concerned that the Covenant has not been given the status of domestic law and that there have been no judicial decisions relating to its application by domestic courts. Therefore, jurisprudence on the implementation of the provisions of the Covenant in Luxembourg is lacking.

391. The Committee expresses its concern that a clear definition of the principle of gender equality

is not expressly entrenched in the Constitution and notes the persistence of inequitable gender disparities, particularly in conditions of work and in salary scales in the private sector.

392. The Committee notes with concern that the provisions of ILO Conventions No. 77 (Medical Examination of Young Persons (Industry) Convention, 1946) and No. 78 (Medical Examination of Young Persons (Non-Industrial Occupations) Convention, 1946) have not been fully incorporated in domestic legislation, especially in relation to the regulation of employment of young workers in domestic service and agriculture.

393. The Committee is concerned about the absence of a comprehensive and specific legal framework that promotes and protects the rights of persons with disabilities.

394. The Committee notes with concern that the Civil Code, which maintains a clear distinction between “legitimate” and “natural” children, discriminates against children born out of wedlock.

395. The Committee is concerned about the absence of a comprehensive programme to combat all forms of sexual exploitation and abuse of children and adolescents.

396. The Committee notes with concern the occurrence in the State party of adolescent health problems, due in particular to drug abuse, and is alarmed about the high incidence of suicide among young people.

397. The Committee is concerned by the absence of specialized geriatric doctors and facilities to address the problems of the large ageing population in the State party.

398. The Committee is concerned about the high drop-out rates among the youth of secondary school age.

399. The Committee is concerned about the absence of human rights education in school curricula and the low level of awareness regarding the Covenant, especially among the judiciary and within professional groups, among non governmental organizations and among the general public.

Suggestions and recommendations

400. The Committee recommends that the State party take all appropriate measures to ensure equal treatment of men and women in employment, especially in the private sector. Furthermore, the Committee encourages the State party to pursue its intention to ratify ILO Convention No. 111 (Discrimination (Employment and Occupation) Convention, 1958).

401. The Committee recommends that the State party take all necessary legal measures to ensure that the provisions of ILO Conventions Nos. 77 and 78 are fully recognized by domestic law and are implemented.

402. The Committee recommends that the State party's draft law on the rights of persons with disabilities be adopted in order to enhance the promotion and protection of their fundamental rights.

403. The Committee strongly recommends that any existing distinction in the Civil Code regarding children born out of wedlock be eliminated.

404. The Committee recommends that the State party adopt more effective legislation to prevent and protect children and adolescents from all forms of sexual exploitation and abuse.

405. The Committee recommends that the State party continue its efforts to prevent and combat drug abuse and suicide among the youth and, where necessary, reinforce existing measures.

406. The Committee recommends that the State party engage in a review process with a view to decreasing the high number of school drop-outs. The Committee further encourages the State party to adopt the draft law guaranteeing the right to continuing education.

407. In the spirit of the United Nations Decade for Human Rights Education, the Committee encourages the State party to include human rights education in school curricula. It further recommends that the State party undertake measures to educate the judiciary, professional groups, non governmental organizations and the general public about the provisions of the Covenant.

408. Finally, the Committee recommends that the concerns expressed in the present concluding observations, as well as the issues raised during the discussion of the second periodic report which remained unanswered, be addressed in the State party's third periodic report. It urges the State party to disseminate widely the present concluding observations adopted by the Committee following its consideration of the State party's second periodic report.

CESCR E/2004/22

62. The Committee considered the third periodic report of Luxembourg on the implementation of the Covenant (E/1994/104/Add.24) at its 5th and 6th meetings, held on 7 May 2003, and made public, at its 29th meeting, held on 23 May 2003, the following concluding observations.

A. Introduction

63. The Committee welcomes the third periodic report of the State party, which was in general prepared in conformity with the Committee's guidelines although the information provided was not sufficient for the Committee to assess developments in the status of implementation of some of the Covenant's provisions. In particular, the Committee regrets the lack of comparative and disaggregated statistical data.

64. The Committee notes with appreciation the comprehensive written replies given by the State party. It regrets, however, that the replies were not submitted prior to the session and were only available in French.

65. The Committee welcomes the open and constructive dialogue with the delegation of the State party. It regrets, however, that the delegation did not include more experts, which would have allowed for a constructive dialogue in all fields covered by the Covenant.

B. Positive aspects

66. The Committee notes with appreciation the State party's continuing efforts to comply with its obligations under the Covenant and the overall high level of protection afforded to economic, social and cultural rights in Luxembourg.

67. The Committee notes with satisfaction that Luxembourg allocates more than 0.7 per cent of its GNP to official development assistance and is thus one of the few countries to have gone beyond the United Nations target for development aid. The Committee also welcomes the goal set by the Government to gradually increase its official development assistance contribution to 1 per cent of its GNP by 2005.

68. The Committee welcomes the establishment in 2000 of the Advisory Commission on Human Rights, charged with advising the Government on all questions concerning human rights, including economic, social and cultural rights.

69. The Committee notes with satisfaction that the unemployment rate in the State party remains low.

70. The Committee notes with satisfaction the State party's ratification of ILO Convention No. 111 (1958) concerning discrimination in respect of employment and occupation, in accordance with the Committee's previous recommendations.

71. The Committee welcomes the measures taken by the State party to promote equality between women and men at the workplace, including the law of 28 June 2001 reversing the burden of proof in cases of gender-based discrimination.

72. The Committee notes with appreciation the recent draft amendment to the law governing joint enterprise committees in the private sector, by which foreign workers who are not citizens of the European Union but have a one-year work permit are allowed to serve on joint enterprise committees.

73. The Committee welcomes the measures undertaken by the State party to combat trafficking in persons, child pornography and sexual exploitation of women and children. In particular, the Committee welcomes the extraterritorial application of certain provisions of the Penal Code, allowing for the criminal prosecution of persons, both nationals and non-nationals, for sexual crimes committed abroad.

74. The Committee notes with appreciation the increase in the support and subsidies given by the State party to cultural associations and artists.

C. Factors and difficulties impeding the implementation of the Covenant

75. The Committee notes the absence of any significant factors or difficulties impeding the effective implementation of the Covenant in Luxembourg.

D. Principal subjects of concern

76. While taking note of the information provided by the State party that international treaties take precedence over national laws, the Committee regrets that the Covenant's rights have not been invoked before the courts.

77. While acknowledging that economic, social and cultural rights of asylum-seekers are generally protected in the State party, the Committee is concerned about the considerable length of time taken to process applications for asylum.

78. The Committee notes that the State party still has not revised the Constitution in order to include the principle of equality between men and women.

79. While noting the measures taken by the State party to integrate persons with disabilities into the labour market, the Committee is concerned that the draft law (No. 4827), introduced on 27 July 2001 regarding the integration of persons with disabilities into the labour market, has still not been adopted.

80. The Committee notes with concern that, despite the good overall employment situation, there has been a recent increase in unemployment, which seems mainly to affect young people.

81. The Committee is concerned about the situation of prisoners who work for private companies and recalls that under ILO Convention No. 29 (1930) concerning forced or compulsory labour, when

a private company is involved with work carried out by a prisoner, the latter must consent to such work and the conditions of work (including wages and social security) must be close to those of a free employment relationship.

82. The Committee notes with concern that the State party has not ratified a number of ILO conventions in the area of labour rights and social security, including Convention No. 117 (1962) concerning basic aims and standards of social policy, No. 118 (1962) concerning equality of treatment of nationals and non-nationals in social security and No. 122 (1964) concerning employment policy.

83. The Committee notes with concern that women are still underrepresented in the workforce. While taking note that the disparities between wages of men and women have been reduced, the Committee also notes with concern that the current level of wage difference (women receiving 15 per cent lower wages than men) remains a matter of concern.

84. The Committee remains concerned about the terminological distinction between “legitimate” and “natural” children in the Civil Code. While the distinction does not imply a difference in protection of rights, the Committee expresses its concern about the terminology’s pejorative connotations.

85. The Committee reiterates its concern about adolescent health problems, owing in particular to drug abuse and high rates of alcohol and tobacco consumption.

86. The Committee is concerned about the high incidence of suicide in the State party, especially among young people.

E. Suggestions and recommendations

87. The Committee recommends that effective measures be taken by the State party to ensure that legal and judicial training takes full account of the justiciability of Covenant rights and promotes the use of the Covenant as a source of law in domestic courts. In this respect, the Committee draws the attention of the State party to its general comment No. 9 (1998) on domestic application of the Covenant.

88. The Committee invites the State party to submit, in its next periodic report, its views and comments on the proposal for an optional protocol to the Covenant to be examined by the Open-Ended Working Group established by the Commission on Human Rights at its fifty-ninth session in 2003.

89. The Committee recommends that the State party take effective measures to expedite the processing of applications for asylum so that the persons concerned may enjoy all the rights that refugee status confers upon them.

90. The Committee recommends that the State party approve the constitutional reform that will guarantee the principle of equality between men and women.

91. The Committee recommends that the State party accelerate the adoption of draft law No. 4827 regarding the integration of persons with disabilities into the labour market.

92. The Committee recommends that the State party intensify its efforts to reduce the unemployment rate among young people.

93. The Committee recommends that the State party ensure that a prisoner may only perform work for a private company when such work has been consented to and the labour conditions are close to those of a free working relationship as regards wages and social security.

94. The Committee encourages the State party to ratify ILO Conventions Nos. 117 (1962), 118 (1962) and 122 (1964).

95. The Committee calls upon the State party to implement effectively the measures outlined in the national plan of action for employment aimed at increasing the level of participation of women in the labour market and to ensure equal treatment between men and women, including equal remuneration for work of equal value.

96. The Committee recommends that the State party provide information in its fourth periodic report on how it monitors social services provided by private organizations that use public funds, so as to ensure that they conform to the requirements of the Covenant.

97. The Committee recommends that the State party enact as soon as possible the draft law on domestic violence introduced in May 2001, by which a violent spouse may be forced to leave the family home.

98. The Committee recommends that the reference to “legitimate” and “natural” children in the Civil Code be replaced by “children born in wedlock” and “children born out of wedlock”, respectively.

99. The Committee recommends that the State party strengthen its efforts to prevent and combat drug abuse, especially among young people, and step up its campaign against alcohol and tobacco abuse.

100. The Committee recommends that the State party take measures to address the high incidence of suicide, especially among young people.

101. The Committee requests the State party to provide disaggregated figures on the incidence of occupational diseases, showing changes during the reporting period, and refers the State party in this regard to the Committee’s general comment No. 14 (2000) on the right to the highest attainable standard of health (art. 12 of the Covenant), in particular paragraphs 43 and 44 regarding core obligations.

102. The Committee requests the State party to provide in its next periodic report information on the implementation of the pilot project on early childhood education currently carried out in a number of communes with a view to providing an opportunity for working parents to reconcile

professional and family responsibilities.

103. The Committee notes the imminent establishment of a national university (Université de Luxembourg) and recommends that education at the university be free from the outset, or that tuition fees be kept at a minimum level with a view to introducing progressively free higher education, as required by article 13, paragraph 2 (c), of the Covenant.

104. The Committee recommends that the State party continue and strengthen its efforts to support and subsidize cultural associations, including those of migrants.

105. The Committee encourages the State party to provide human rights education in schools at all levels and to raise awareness about human rights, in particular economic, social and cultural rights, among State officials and the judiciary.

106. The Committee requests the State party to disseminate widely the present concluding observations among all levels of society, including among State officials and the judiciary, and to inform the Committee of all steps taken to implement them in its next periodic report. It also encourages the State party to continue to consult with non-governmental organizations and other members of civil society in the preparation of its fourth periodic report.

107. The Committee requests the State party to submit its fourth periodic report by 30 June 2008.