

TARGETED STAKEHOLDER CONSULTATION 2021 RULE OF LAW REPORT

UN HUMAN RIGHTS REGIONAL OFFICE FOR EUROPE (OHCHR)

This document presents the UN Human Rights Office's contribution to the targeted stakeholder consultation held by the European Commission in 2021 in the context of the second annual rule of law report.

It is a compilation of information related to Luxembourg, included in reports and documents of United Nations Treaty Bodies, Special Procedures and the Universal Periodic Review of the UN Human Rights Council, presented in a summarized manner. It also refers to statements and reports of the UN High Commissioner for Human Rights and her Office. The cited material covers the period 2018-2020.

It mentions both positive developments and challenges to the rule of law in Luxembourg, as well as recommendations issued by the UN Mechanisms on how these challenges can be addressed and how the rule of law can be further strengthened.

In light of the methodology proposed by the European Commission the submission is divided in four pillars: national justice systems, anti-corruption frameworks, media pluralism and freedom and other institutional issues related to the checks and balances essential to an effective system of democratic governance.

LUXEMBURG REVIEW

Justice System

➤ *Quality of justice*

In its 2018 concluding observations, the UN Committee on the Elimination of Discrimination against Women expressed concern about the limited funding provided to legal aid services and the resulting reluctance of lawyers to represent victims of violence and discrimination against women, thereby restricting their capacity to claim their rights, as well as the low level of awareness among women and girls of their rights, as well as of available remedies and services. The Committee recommended that Luxembourg allocate sufficient resources to ensure that women who are victims of discrimination and gender-based violence but are without sufficient means have access to free legal aid. ([CEDAW/C/LUX/CO/6-7](#), para 17, 18)

The UN Committee on the Elimination of Discrimination against Women, in its 2018 concluding observations, noted with concern that the Convention the Elimination of All Forms of Discrimination against Women had been invoked in court only once and that it may indicate insufficient knowledge within, among others, the judiciary about the Convention, the Committee's jurisprudence under the Optional Protocol to the Convention and its general recommendations. The Committee recommended that Luxembourg disseminate those among the judiciary, law enforcement authorities, civil society and the general public. It reiterated its previous recommendation that Luxembourg integrate the Convention, the Optional Protocol

thereto and the general recommendations of the Committee into the university curricula for legal and related studies and into capacity-building programmes for the judiciary and law enforcement officers. The Committee also noted with concern the lack of gender-sensitive capacity-building for the judiciary on the application of legislation on trafficking in persons ([CEDAW/C/LUX/CO/6-7](#), para 8, 9, 31).

During Luxemburg's last Universal Periodic Review in 2018, it supported recommendation to introduce compulsory human rights training for civil servants and public employees, including judges, magistrates and lawyers. ([A/HRC/38/11/Add.1](#), para 15).

➤ ***Other***

In its 2018 concluding observations, the Committee on the Elimination of Discrimination against Women noted with concern the low prosecution and conviction rates in trafficking cases in the preceding year, partly due to delays in criminal proceedings, and the lack of victim and witness protection measures in place ([CEDAW/C/LUX/CO/6-7](#), para 31).

Other institutional issues related to checks and balances

➤ ***Independent authorities***

In its 2018 concluding observations, the UN Committee on the Elimination of Discrimination against Women noted with concern the restricted capacities of the Centre for Equal Treatment, which prevent it from filing complaints on behalf of women who are victims of discrimination or investigating cases of discrimination against women; it recommended to broaden the capacities of the Centre for Equal Treatment to allow it to file complaints on behalf of women who are victims of discrimination, investigate and issue binding decisions in cases of discrimination against women and ensure that women who are victims of intersecting forms of discrimination have access to effective remedies for claiming their rights ([CEDAW/C/LUX/CO/6-7](#), para 17, 18).

In its 2018 concluding observations, the UN Committee on the Elimination of Discrimination against Women expressed concern that the Advisory Commission on Human Rights lacked the human, technical and financial resources necessary to effectively carry out its mandate. The Committee recommended that Luxembourg enhance resource allocation to the Advisory Commission on Human Rights and implement the recommendations issued in 2015 by the Global Alliance of National Human Rights Institutions ([CEDAW/C/LUX/CO/6-7](#), para 21, 22).