



**Convention on the Rights  
of Persons with Disabilities**

Distr.: General  
7 September 2015  
English  
Original: French  
English, French and Spanish only

---

**Committee on the Rights of Persons with Disabilities**

**Consideration of reports submitted by States  
parties under article 35 of the Convention**

**Initial reports of States parties due in 2013**

**Luxembourg\*, \*\***

[Date received: 4 March 2014]

---

\* The present document is being issued without formal editing.

\*\* The annexes can be consulted in the files of the secretariat.

GE.15-15086 (E) 300516 030616



\* 1 5 1 5 0 8 6 \*

Please recycle 



---

## Contents

	<i>Page</i>
Introduction.....	3
Articles 1 to 4 — General principles of the Convention.....	4
Article 5 — Equality and non-discrimination.....	6
Article 6 — Women with disabilities .....	8
Article 7 — Children with disabilities .....	8
Article 8 — Awareness-raising.....	13
Article 9 — Accessibility .....	15
Article 10 — The right to life .....	17
Article 11 — Situations of risk and humanitarian emergencies.....	18
Article 12 — Equal recognition before the law .....	18
Article 13 — Access to justice.....	21
Article 14 — Liberty and security of the person.....	22
Article 15 — Freedom from torture or cruel, inhuman or degrading treatment or punishment.....	23
Article 16 — Freedom from exploitation, violence and abuse .....	24
Article 17 — Protecting the integrity of the person.....	27
Article 18 — Liberty of movement and nationality .....	28
Article 19 — Living independently and being included in the community.....	29
Article 20 — Personal mobility .....	33
Article 21 — Freedom of expression and opinion, and access to information .....	36
Article 22 — Respect for privacy .....	37
Article 23 — Respect for home and the family .....	38
Article 24 — Education .....	41
Article 25 — Health.....	45
Article 26 — Habilitation and rehabilitation .....	46
Article 27 — Work and employment.....	47
Article 28 — Adequate standard of living and social protection .....	51
Article 29 — Participation in political and public life .....	54
Article 30 — Participation in cultural life, recreation, leisure and sport .....	54
Article 31 — Statistics and data collection.....	56
Article 32 — International cooperation .....	57
Article 33 — National implementation and monitoring .....	58

## Introduction

1. In 1992, a working group was tasked with developing a national programme for persons with disabilities. The moment marked a turning point for disability policy in Luxembourg. Leaving behind an approach that focused on individuals with disabilities and their limitations (medical model of disability), disability finally came to be seen as inseparable from its social context (social model of disability). Today, the message is clear: “disability is everyone’s business”. The importance of working together to meet the needs of persons with disabilities is no longer called into question.

2. In February 1995, following the adoption of this first government programme for persons with disabilities, a coordinating body on disability was established under the authority of the Minister for Persons with Disabilities and Accident Victims. The coordination of disability policy has since been entrusted to the Ministry of the Family, Integration and the Greater Region.

3. Respecting the rights of persons with disabilities and ensuring their full enjoyment of all human rights and fundamental freedoms without discrimination on the basis of disability is not optional, nor is it a favour. Rather, it is a well-defined obligation enshrined in the Convention on the Rights of Persons with Disabilities (hereinafter referred to as “the Convention”).

4. From a legal perspective, in depositing the instrument of ratification on 26 September 2011, the Grand Duchy of Luxembourg established its consent to be bound internationally by the Convention and its Optional Protocol. On 26 October 2011, with the entry into force of the two instruments for Luxembourg, the latter became a party to the Convention and thereby became formally committed to implementing its provisions.

5. To avoid these provisions from becoming a dead letter in Luxembourg, the Ministry of the Family decided to pursue the path of inclusion and to ensure that persons with disabilities are not excluded from the processes that affect them.

6. As in the negotiations on the Convention, the Ministry of the Family sought to increase the participation of civil society in the decision-making process. In response to a call for participation in the national media in December 2010, more than 200 people who were directly or indirectly affected by disability issues contacted the Ministry of the Family.

7. After five intensive working meetings, attended by 100 people on average, the 11 different working groups comprising representatives of civil society and the Government produced a five-year action plan to implement the Convention.

8. The purpose of the plan is to identify the challenges that the Convention poses in the different areas of national disability policy. It sets out specific measures that the State undertakes to adopt in the short and medium term to implement the provisions of the Convention.

9. The plan focuses on the perennial areas of work in the field of disability, with other measures and actions to come in 2017. The topics covered are the following: (1) awareness-raising and information; (2) freedom of expression and opinion, and access to information; (3) work and employment; (4) school and education; (5) non-discrimination and equality; (6) transport and mobility; (7) accessibility; (8) equal recognition before the law and legal capacity; (9) autonomy and inclusion; (10) health; and (11) statistics.

10. In order to expedite the constructive incorporation of disability in all areas of political action (disability mainstreaming), every member of the Government has designated a focal point on the Convention in his or her ministry.

11. These focal points, who cooperated in the drafting of this report, aim to protect the interests of persons with disabilities during the adoption of new legislative, administrative and technical measures. They will also try to stimulate dialogue among decision-makers, civil society and, in particular, members of the working groups mentioned above.

12. The principle underlying the Convention, namely that persons with disabilities should participate in the formulation of policies that affect them, has been respected not only in the process of drafting the action plan and the present report but also in the implementation of the Convention. To reflect this, the initial report of Luxembourg takes into account not only the measures adopted by the Government but also the action taken at the municipal level and by disability organizations. Progress will be achieved more quickly by uniting efforts than by duplicating them.

## **Articles 1 to 4**

### **General principles of the Convention**

13. Equality between persons with disabilities and those without disabilities is enshrined in the Constitution of Luxembourg (art. 10 bis (1): “Nationals of Luxembourg are equal before the law”). Since 2007, the social integration of persons with disabilities has been guaranteed by the Constitution (art. 11 (5): “The law shall govern the principles of social security, the protection of health, the rights of workers, the fight against poverty and the social integration of citizens with disabilities”).

14. The Labour Code provides for measures to offset the disadvantages related to disability that affect a given person in a particular situation, without it being possible to consider such measures discriminatory (art. 252-3 (2)). It is a transposition of the concept of reasonable accommodation as defined in Directive 2000/78/EC of the Council of the European Union. The article establishes that provisions concerning the protection of health and safety in the workplace and measures to introduce or maintain arrangements or facilities to preserve or encourage the inclusion of persons with disabilities and employees who have reduced work capacity in the labour market are not a form of direct or indirect discrimination.

15. Moreover, the amended Disability Act of 12 September 2003 refers implicitly to the notion of reasonable accommodation and provides for specific measures that amount, de facto, to accommodations. The measures are geared towards the integration or reintegration of persons with disabilities in the regular labour market and include, but are not limited to — since measures are decided on a case-by-case basis — government contributions to salaries and training expenses, State funding of adjustments to workstations and improvements to workplace accessibility, government contributions to transport costs and the provision of professional equipment. In 2012, a total of €12,473.55 was allocated to seven employers in response to requests for adjustments to workstations (see section on article 27). The Act has led to a paradigm shift. By giving employees with disabilities the right to a proper wage, it has paved the way for greater autonomy and for independence from social assistance.

16. The purpose of the Act of 15 July 2011, on access to academic and professional qualifications for students with special educational needs, is to help such students succeed in their secondary and technical secondary studies by providing accommodations to offset their disability or illness. Since the Act entered into force, a commission has provided reasonable accommodations to 104 students after hearing the views of parents and reference persons nominated by head teachers. These accommodations may relate to classroom instruction, the exercises given to students in or outside lessons, tests in class, final examinations or integrated projects, and can be provided using a wide variety of

means, such as: (1) adapted test papers; (2) exemption from some of the obligatory tests in a semester or trimester; (3) the use of technological and human support to offset certain impairments; and (4) spreading final examinations over two sessions. Between 2011 and 2013, technical and computer equipment was provided to 64 students, of whom 16 were given access to a spellchecker and 48 were given a range of technical equipment, including: laptops for those with motor problems; microphones, dictation machines and audio recordings of texts for those with hearing impairments; portable and stand-mounted video magnifiers, and scanned copies of school textbooks for students with visual impairments (see section on article 24).

### **Definition of disability**

17. The law lays down the criteria for granting benefits and allowances to persons with disabilities. It defines, in a given context, who may be considered to be a person with a disability. There is therefore currently no universal definition in domestic law. Benefits and allowances differ according to the type of impairment and the situation. Thus, there are specific measures and forms of financial assistance (such as family allowances, family leave, dependency insurance, taxes and levies, and income for persons with severe disabilities), and measures to compensate for a disability (such as disabled parking permits, priority and invalidity cards, and postal voting) that relate to different areas of life.

### **Defence of rights and remedies**

18. No one may be subjected to reprisals, either for protesting against or rejecting an act or behaviour that runs counter to the principle of equal treatment, or for filing a complaint or taking legal action with the aim of ensuring respect for that principle. No one may be subjected to reprisals for witnessing or reporting a violation of that principle. Any provision or act that contravenes the law, including wrongful dismissal, is null and void *ipso jure*.

19. When a person considers that he or she has been wronged by a failure to respect his or her right to equal treatment and presents facts before a civil or administrative court that point to the existence of direct or indirect discrimination, it is for the defendant to prove that the principle of equal treatment has not been violated (reversal of the burden of proof, except in criminal proceedings).

20. Any provision that violates the principle of equal treatment under the relevant domestic legislation<sup>1</sup> is to be considered null and void. Any non-profit association of national significance that was constituted for the purpose of opposing discrimination and satisfies certain conditions set by law may exercise the rights of a victim of discrimination in civil or administrative courts (see section on article 5).

### **Social assistance for a life with dignity**

21. The Act of 18 December 2009 on social assistance established a right to social assistance to enable citizens to live a life compatible with human dignity. Social workers in social welfare offices have the power to offer personalized social assistance on the basis of an accurate assessment of the applicant's situation. Persons who receive social assistance should be neither privileged nor disadvantaged. The aim is to ensure equal treatment for the poorest groups and respect for individuals and their human dignity (see section on article 28).

---

<sup>1</sup> Acts of 28 and 29 November 2006 incorporating into domestic legislation Council Directive 2000/43/EC, implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, and Council Directive 2000/78/EC, establishing a general framework for equal treatment in employment and occupation (applicable in both the public and private sectors).

## Article 5 Equality and non-discrimination

22. Article 10 bis of the Constitution of Luxembourg provides that all nationals of Luxembourg are equal before the law. Article 11 sets out that the State guarantees the natural rights of the individual and the family, and that women and men are equal in rights and duties. Since these rights are guaranteed by the Constitution, it follows that domestic legislation applies without discrimination to girls, boys, women and men, regardless of whether they have a disability or not.

23. Anti-discrimination legislation was introduced in Luxembourg through the adoption of the Acts of 28 and 29 November 2006 on equal treatment,<sup>2</sup> which punish direct and indirect discrimination and introduce the concept of harassment as a form of discrimination. Incitement to discrimination is also prohibited. The Act of 28 November 2006 also introduces the principle of sharing the burden of proof. The Act applies to all persons, whether public or private, natural or legal, including the government agencies responsible for employment, social protection — including social security and health care — social benefits, education and access to goods and services, including housing.

24. In the public service, the Special Commission on Harassment, which was established in the Ministry of Public Service and Administrative Reform pursuant to the Act of 17 July 2007, is tasked with identifying harassment against civil servants, including new recruits during their probationary period, and State employees and salaried workers, and, if appropriate, with issuing recommendations to put an end to such harassment. The law prohibits any distinction made between persons by reason of their origin, skin colour, sex, sexual orientation, family situation, age, state of health, disability, customs, political or philosophical opinions, trade union activities, or affiliation or non-affiliation, genuine or supposed, to a specific ethnic group, nation, race or religion (Criminal Code, art. 454 et seq.).

25. The Centre for Equal Treatment, which was set up in 2008, is the national body that specializes in combating discrimination. Its task is to promote, analyse and monitor the equal treatment of all persons without discrimination on grounds of race, ethnic origin, sex, sexual orientation, religion or belief, disability or age. It is empowered to assist persons who consider themselves to be the victims of discrimination by providing them with advice and guidance. In 2012, the Centre handled 28 cases involving persons with disabilities, of which 2 related to employment, 13 to access to goods and services, 2 to education, 2 to the Convention and the rest to various other matters.

26. The following non-profit associations have been authorized by the Ministry of Justice to defend in court any victims of discrimination on account of disability: (1) Confédération luxembourgeoise d'œuvres catholiques de charité et de solidarité (Luxembourg branch of Caritas Internationalis); (2) Action Luxembourg Ouvert et Solidaire — Ligue des droits de l'homme (Open and United Luxembourg Initiative — Human Rights League); (3) Chiens guides d'aveugles au Luxembourg (Guide Dogs in Luxembourg); (4) Info-Handicap — Conseil national des personnes handicapées (Info-Handicap — National Council for Persons with Disabilities); and (5) Association de soutien aux travailleurs immigrés (Support Association for Migrant Workers).

---

<sup>2</sup> Acts of 28 and 29 November 2006 incorporating into domestic legislation Council Directive 2000/43/EC, implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, and Council Directive 2000/78/EC, establishing a general framework for equal treatment in employment and occupation (applicable in both the public and private sectors).

27. Access to justice is guaranteed. All persons who can provide proof of insufficient income are eligible for legal aid, whether they have a disability or not. A lawyer is appointed to provide them with legal advice or represent them in court, with all costs borne by the State.

28. In the field of disability proper, it should be noted that, as early as 1993, the programme for persons with disabilities of the Ministry of the Family had advocated the establishment of an “information and counselling service”. This resulted in the establishment of the National Disability Information and Meeting Centre — run by the non-profit association Info-Handicap — which currently brings together 51 disability organizations, some of which manage services and institutions, while others are self-help or support groups. In 1997, the Minister for Persons with Disabilities and Accident Victims acknowledged the importance of offering legal protection to persons with disabilities and added support and information on legal matters to the mandate of Info-Handicap, to which it gave legal advice. The most important activity undertaken by the legal information service is to inform, guide and support persons with disabilities, their family members and friends who have questions of a legal nature or feel that they have been discriminated against by reason of their disability.

29. In the business sector, June 2012 saw the introduction of the Luxembourg Charter for Diversity. The Charter, which is directed at all companies, is signed on a voluntary basis. By doing so, 40 companies in 2012 and a further 53 in 2013 committed to help promote diversity by taking specific measures that go beyond the legal and statutory requirements related to non-discrimination. The Charter serves both as a guide to the implementation of a diversity policy and as a communication tool that allows companies to demonstrate their commitment to being socially responsible employers.

30. With regard to schooling, particularly compulsory school attendance, the law makes no distinction between students, whether they have a disability or not. Article 2 of the Act of 6 February 2009 on compulsory school attendance stipulates that “all children aged 3 and over who live in the territory of the Grand Duchy are entitled to schooling that, by complementing the efforts of their family, contributes to their education. This right is guaranteed by the State in accordance with the laws governing the various levels of education”. Article 10 of the Act stipulates that “children with special needs can meet the requirement of compulsory school attendance by receiving special needs education that is tailored to their needs as assessed by a school inclusion commission”. A regular school education is the rule. As to the guidance given to children with disabilities, parents’ views are generally in line with the proposals made by experts.

31. In order to promote the inclusion of children with disabilities in mainstream education, the Pedagogical and Technological Research and Innovation Coordination Service, in collaboration with the Ludwigsburg University of Education, launched a study into the efforts of some schools to foster the inclusion of all pupils. The purpose of the study is to identify best practices and initiatives for inclusion, and the preconditions that made it possible to move towards inclusiveness, so as to promote them in other schools and among teachers in general. The study aims to pinpoint the technical, administrative, legal and other obstacles to inclusion, and to help the schools that participate in the study to enhance their approach. The study will be published in February 2014.

32. The concept paper for the “Eis Schoul”, an experimental school founded by the Act of 13 May 2008 on the establishment of an experimental preschool and primary school based on inclusive education, provides that at least 10 per cent of pupils should have special educational needs (a disability). The school aims to develop and implement teaching and an educational framework anchored on the principle of inclusive education, which involves the full participation of all pupils in every aspect of school life, regardless of their sociocultural, physical, sensory, cognitive, socio-affective or psychomotor idiosyncrasies. In 2012/13, the

school had 93 pupils, of whom 11 had special educational needs, including 3 who required full-time support from a teaching assistant.

## **Article 6**

### **Women with disabilities**

33. Equality before the law is guaranteed by the Constitution (see section on article 5). Article 454 et seq. of the Criminal Code prohibits any discrimination against persons by reason of, inter alia, disability. National legislation makes no distinction between girls and boys, or women and men. The law is the same for all.

34. In Luxembourg, sex and disability are among the six grounds of discrimination listed in the Acts of 28 and 29 November 2006 on equal treatment. The Ministry of Equal Opportunities coordinates national policies on equal opportunities for women and men. Article 1 of the Act of 13 May 2008 on equal treatment for men and women prohibits all forms of gender-based discrimination, whether direct or indirect, particularly with reference to matrimonial or family status. The Act of 21 December 2007 regulates the equal treatment of men and women in the access to, and supply of, goods and services.

35. In the context of disability, the Ministry of Equal Opportunities has stressed that the principle of equal opportunities shall apply in the same way to girls and women as it does to boys and men, who are also at risk of discrimination. For this reason, the Ministry argues in favour of a differentiated approach to understanding and identifying the specific needs of, on the one hand, girls and women with disabilities, and, on the other, boys and men with disabilities, in policies and programmes to eliminate discrimination against persons with disabilities.

36. In Luxembourg, girls and women with disabilities enjoy all human rights and fundamental freedoms on an equal basis with boys and men with disabilities.

37. In Luxembourg, girls and women with disabilities enjoy all human rights and fundamental freedoms on an equal basis with other girls and women without disabilities.

38. The age of civil majority (legal capacity) is 18 for both girls and boys. Nevertheless, a person (regardless of sex) who has attained majority but whose individual faculties are impaired in such a way that he or she is not competent to look after his or her interests, is protected by law, whether for a specific act or on a continuous basis (see section on article 12).

## **Article 7**

### **Children with disabilities**

#### **Assistance before the courts**

39. Domestic legislation makes no distinction among minors, whether they have a disability or not. All require a legal representative to defend their interests. This is true before all courts, whether criminal, civil or administrative, and regardless of whether the minors are victims or offenders.

#### **Legal assistance**

40. In Luxembourg, minors are not tried before criminal courts. They are subject to the provisions of the amended Act of 10 August 1992 on the protection of young people. Juvenile courts can take custodial, educational and protective measures with regard to minors. Moreover, article 18 of the Act states that a minor, his or her parents or guardian or



any other natural persons having temporary or permanent custody of the minor may choose a lawyer or ask the juvenile court to appoint one. A juvenile court appoints a lawyer for a minor, even in the absence of a request, where the minor is charged with a criminal offence in respect of which a temporary custody order has been imposed. It does so in all other cases where dictated by the interests of the minor.

41. If, during the course of proceedings, a minor's interests appear to conflict with those of his or her legal representatives, the judge shall appoint an ad hoc administrator to represent him or her (Civil Code, art. 388-1 et seq.).

42. If the applicant is a minor involved in judicial proceedings, he or she shall be granted legal assistance regardless of the financial circumstances of his or her parents, or of the persons with whom he or she lives (Act of 10 August 1991 on the legal profession, as amended, art. 37-1, para. 1 (7)).

### **Hearing of the minor**

43. In any proceedings concerning him or her, a minor capable of forming his or her own views may, without prejudice to the provision made for his or her intervention or consent, be heard by the judge or, where his or her interests require it, by the person designated by the judge for this purpose. By law, this hearing must take place if the minor requests it. When the minor refuses to be heard, the judge shall assess whether this refusal is well founded. The minor may be heard alone or with a lawyer or person of his or her choosing. If this choice does not appear to be in keeping with the interests of the minor, the judge may designate another person. The hearing of the minor shall take place in the judge's chambers (in camera). Hearing the minor shall not confer on him or her the status of a party to the proceedings (Civil Code, art. 388-1).

### **Administration of the minor's assets**

44. Article 389 of the Civil Code provides that the father and mother (legal or biological) exercising parental authority are the legal administrators of the property of their unemancipated minor children. This article applies to all children, regardless of whether they have a disability.

45. Article 389-3 of the Civil Code provides that the legal administrator shall represent the minor in all civil acts, except where legislation or custom allow minors to act on their own behalf. When the interests of the legal administrator are in conflict with those of the minor, he or she must request the guardianship judge to appoint an ad hoc administrator. Should the legal administrator fail to act, the judge may appoint an ad hoc administrator at the request of the public prosecutor's office, the minor concerned, or ex officio.

### **National policy for children with disabilities**

46. This policy aims to promote greater inclusion of children with disabilities in society to enable them, according to their abilities, to participate in social life on an equal footing. Inclusion and empowerment have been set as the main objectives of a social and family policy designed to help children with disabilities and to improve their situation (see also section on article 23).

47. To encourage inclusion from an early age, an education and training resource centre focusing on inclusion, Incluso, seeks to facilitate and improve the care given to children with disabilities or developmental delays in education and care services. The centre is run by one of the services accredited by the Ministry of the Family, the APEMH Foundation. This service offers: (1) awareness-raising, information and training for staff members who care for children up to the age of 12 years; (2) personalized coaching; (3) advice, support and assistance in drawing up and implementing a personalized plan for one or more

children with special needs; (4) assessment and analysis of specific situations through the structured observation of children with special needs in their care environment; (5) assessment of children with a suspected developmental delay; (6) activities to raise awareness among peers; and (7) coordination and networking. Between March 2012 and June 2013, Incluso carried out 41 awareness-raising and information activities, and dealt with 60 requests for practical assistance (from childcare centres, parents and a local authority) relating to a total of 43 children (31 boys and 12 girls) under the age of 12.

48. Incluso also offers an ongoing training programme for professionals in the non-formal education sector, entitled “*Oser la diversité*” (Dare to be diverse). The purpose of this training is to promote the inclusion of children with disabilities in childcare centres (crèches, day-care centres, drop-in centres, etc.). Nine women from six different institutions took part in this training in 2012. Professionals who have attended awareness-raising sessions and who are qualified can care for, assist and supervise all children, including those with special needs.

49. To encourage the inclusion of children with disabilities from the earliest possible age, particularly in crèches and drop-in centres, the State covers the costs of having a staff member to supervise every child with special needs in educational and care facilities, provided that such needs have been certified either by two external professionals, including a doctor, or by a school inclusion commission set up pursuant to article 29 of the amended Act of 6 February 2009 on the organization of elementary education. In 2012, assistance of this kind was given to 48 children with special needs under the age of 4 (19 girls and 29 boys) and 104 children with special needs aged 4 to 12.

50. As part of a pilot project, an inclusive crèche provides care to children with disabilities and non-disabled children up to the age of 4. One third of the 15 places available are reserved for children with disabilities, and the centre aims to ensure the early inclusion of children with a mental disability. In 2012, a boy was enrolled in the 0-2 age group and a girl and three boys joined the 2-4 age group. A second such project is being planned.

### **National Children’s Bureau**

51. The National Children’s Bureau is a department of the Ministry of the Family and was established by the Act of 16 December 2008 on support for children and the family. The Act establishes the right to request psychosocial support and focuses on prevention and early intervention in cases of psychosocial distress.

52. With the entry into force of the Act and the Grand-Ducal regulations on 17 August 2011, the National Children’s Bureau assumed its permanent functions. The lawmakers defined various forms of support for families, children and young people in difficult situations. Whatever the form of support, keeping young people in their own environment is the rule and removing them from it the exception. Minors may be placed in socio-educational care facilities only if it is in their best interests. Children with at least some ability to form their own views may even be invited to participate in decision-making that affects them. Various forms of assistance are available: daytime and round-the-clock institutional and family-based support; and outpatient services such as psychological, orthopedagogical, social and educational support for children and their families.

53. The support provided by the National Children’s Bureau includes the programme coordination services introduced in 2011 to guide, coordinate and evaluate efforts to assist children, their families and young adults. This work is, to the extent possible, undertaken in collaboration with the children’s families or legal representatives. There are three programme coordination services: one run by the Red Cross; one by the non-profit Association pour la gestion de services de coordination de projets d’intervention (ACPI)

(Association for Programme Coordination Service Management), which brings together several administrators from the area of psychosocial care; and one by the non-profit association La Cordée, which brings together several administrators from the area of care for children with special needs. In 2012, La Cordée handled 99 cases, of which 47 went to court and 52 were resolved without going to court. In 81 cases, the persons involved were either children with special needs or parents with disabilities.

### **The best interests of the child and children's freedom of expression**

54. The best interests of the child (whether he or she has a disability or not) must take precedence in all decisions concerning the child, particularly with regard to parental authority (Civil Code, arts. 387-1 to 387-8), adoption (art. 343) and divorce (art. 302).

55. All children are given the opportunity to express themselves according to their own capabilities. As is the case with all children, however, the responsibility for deciding what is in the child's best interests rests with adults, specifically those holding parental authority.

56. A distinction must be drawn between boys and girls who struggle to express themselves owing to functional problems and those whose difficulties are linked to a mental impairment. For the first group, child- and youth-friendly technical and computer equipment is supplied to offset the problems they have. Children with a mental impairment may also be provided with such equipment, as long as their cognitive faculties allow them to make use of it. The Institute for the Visually Impaired provided 114 pupils with technical or computer equipment: laptops, PCs, portable video magnifiers, braille embossers, etc. Of these pupils, some of whom received multiple items of equipment, 40 are enrolled in primary school, 40 in secondary school and 34 in a special needs education centre. Seven pupils at the Institute for Children with Cerebral Palsy have been given technical or computer equipment. Wheelchairs are considered separately from this equipment.

### **Schooling of children with disabilities**

57. In the field of education, domestic legislation is based on the following paradigms: (1) enrolment in mainstream education is the rule — for a child to be enrolled in a special school, a specific procedure involving a detailed assessment of the child must be followed; (2) every child has a right to education and instruction, no matter how complex his or her special educational needs; (3) the place of schooling proposed is based on the pupil's needs.

58. In 2012/13, 840 pupils attended special schools in Luxembourg: 262 at the Speech Therapy Centre, 11 at the School Integration Centre, 8 at the Observation Centre, 50 at the Institute for Children with Autism or Psychotic Disorders, 53 at the Institute for Children with Cerebral Palsy, 394 in special needs education centres and 62 in vocational centres.

59. The Act of 28 June 1994 offers children with sensory, motor, intellectual, mental or behavioural disabilities the opportunity to enrol in mainstream education rather than special needs education centres or institutions. Various mobile services provide assistance during lessons. In 2012/13, following a decision by the relevant school inclusion commission or the National Medical, Psychological and Educational Commission, 492 primary school pupils and 57 children in secondary or technical secondary education received support from a multidisciplinary team. These pupils received a total of 3,874 hours of assistance during lessons from members of a multidisciplinary team, including 496 hours from health professionals (remedial teachers, psychomotor specialists, etc.).

60. In addition, 80 pupils with visual impairments are enrolled in mainstream education (40 in primary school and 40 in secondary school) and receive support from the Institute for the Visually Impaired. Among the pupils helped by the Institute, 34 attend a special needs school.

61. The Speech Therapy Centre not only guarantees the education of pupils with speech and hearing impairments but also supports such pupils in regular classes. In 2012/13, the Centre was able to offer 200 weekly hours of speech therapy lessons to 4,069 pupils who had been sent for screening because of language or hearing problems. These hours included individual speech therapy lessons, consultations with teachers and guidance for parents. The 42 pupils with hearing impairments were entitled to 30 hours of assistance from a teacher per week.

62. In September 2012, 157 pupils were enrolled in a special school abroad as a result of a decision by the National Medical, Psychological and Educational Commission, a juvenile court or a child or adolescent psychiatry service (99 pupils in Germany, 55 in Belgium, 2 in France and 1 in England). The education and vocational training costs were borne by the State. The Special Needs Education Service monitors the progress of children and adolescents who receive guidance from the National Medical, Psychological and Educational Commission. Most of these pupils attend school abroad to help overcome behavioural problems or learning disabilities.

63. Twenty-one children with special needs living in Luxembourg attend German-language schools in Saint Vith and Eupen, Belgium. The State's responsibilities in this regard are regulated by a convention. A further 76 pupils living in Luxembourg attend special French-language schools in the Belgian province of Luxembourg without the need for a decision by the National Medical, Psychological and Educational Commission, a judge or a psychiatrist, and the State does not bear any costs. Parents may, however, apply for a grant from the School Psychology and Counselling Centre.

64. In 2012/13, 46,406 pupils were enrolled in State elementary schools, 39,719 in State secondary or technical secondary schools and 840 in special needs schools.

#### **Awareness-raising**

65. In 2012, the Ministry of the Family, in cooperation with the National Youth Service, organized a film competition for persons aged 12 to 24. The winning video clip was broadcast in autumn 2013 on the main television channel in Luxembourg. The goal of this activity was to expose children and, in particular, adolescents to the topic of disability. The key message was that "an unsuitable environment creates/exacerbates disability".

#### **Financial assistance for children with disabilities**

66. The special allowance for persons with disabilities (provided for in article 272 of the Social Security Code) is intended to compensate for the additional costs arising from a child's disability. The allowance is granted to the child, not the child's parents. As at 31 December 2012, a total of 1,192 children (441 girls and 751 boys) under the age of 18 and living in Luxembourg were receiving the full allowance. This equates to around 1.17 per cent of the 101,575 children living in Luxembourg who receive a standard family allowance (49,427 girls and 52,148 boys).

#### **Ombuds-Committee on the Rights of the Child**

67. The Committee handles cases of general interest and drafts opinions on proposed legislation in the area of child rights. It examines situations in which children's rights have not been respected and issues recommendations aimed at rectifying them. Committee members are entitled to request any information or document, except for those subject to medical confidentiality or any other form of professional confidentiality. In the exercise of their duties, information related to individual circumstances is subject to professional confidentiality. This confidentiality does not preclude them from passing on to the competent judicial authorities information on any situation that might harm the best

interests of the child (Act on the Ombuds-Committee, art. 4).<sup>3</sup> Of the 238 children referred to the Committee between 8 November 2011 and 7 November 2012, 48 were under 4 years of age, 57 were aged 5 to 9, 68 were aged 10 to 14, and 65 were aged 15 to 18. These referrals led to the opening of 158 new case files, 9 of which concerned children with special needs.

## **Article 8**

### **Awareness-raising**

68. From 2010 to 2012, a total of €175,000 from the budget of the Ministry of the Family was allocated specifically to raising awareness of the rights of persons with disabilities. Accordingly, a number of information campaigns have been carried out every year, each addressing different issues relating to the rights of persons with disabilities, such as accessibility, communication and the active participation of persons with disabilities in all areas concerning them. There have also been training courses for trainers working in the area of disabilities, information brochures and media campaigns.

69. In 2009, in an effort to raise general awareness of the situation of persons with disabilities and to disseminate the objectives of the Convention more widely, the Ministry conducted its first information and awareness-raising campaign on the Convention on the Rights of Persons with Disabilities.

70. The campaign's objectives and key messages included: (1) informing persons with disabilities about the Convention; (2) raising the awareness of the general public about the rights of persons with disabilities by showing, through an information campaign (posters, advertisements on buses and radio and cinema spots), that the rights of these persons do not differ from universal human rights; and (3) informing the relatives of persons with disabilities and professionals working in the social, educational and health-care spheres about the Convention.

71. In January 2013, the Ministry of the Family, in cooperation with the Ministry of the Economy and Foreign Trade and the Consumer Protection Association of Luxembourg, designed a calendar on the theme of the inclusion of persons with disabilities in all areas of life and distributed it to more than 50,000 households.

72. In March 2013, Info-Handicap, the Association pour le développement et la propagation d'aides techniques pour handicapé(e)s (ADAPTH) (Association for the Development and Dissemination of Technical Aids for Persons with Disabilities) and the technical school for educational and social professions, in partnership with a large shopping centre and in cooperation with the Ministry of the Family and the Ministry of National Education and Vocational Training, launched the first "10 Days of Disability" event. Over a 10-day period, visitors to the shopping centre could view an inclusive classroom, browse information and sales stands, and attend events and demonstrations.

73. As part of a Grundtvig project run by the Directorate-General for Education and Culture of the European Union, Info-Handicap joined the team of Camera-etc. and GIAA (an association of blind and partially-sighted intellectuals) to carry out a joint project based on real-life experiences. Over four weekends, a group of some 20 persons with disabilities, assisted by two group leaders, a technician and a cameraman, staged and produced a film entitled *La Coquille* on (1) the ability of each person to take or reclaim control of his or her own life; (2) autonomy; (3) overprotective relatives and friends; (4) the perception of others;

---

<sup>3</sup> Act of 25 July 2002, establishing a Luxembourg committee on the rights of the child, the "Ombuds-Comité fir d'Rechter vum Kand".

and (5) labour relations. The aim of the film and its “making of” is to stimulate debate about each person’s individual capacity.

74. At the end of 2013, the Government of Luxembourg broadcast four television spots on the subject of disability, which had been developed and produced in cooperation with high school students and persons with disabilities, on the country’s main television channel.

Actions and measures taken by the City of Luxembourg, the Centre for Equal Treatment and Info-Handicap

75. Since January 2010, the City of Luxembourg has been offering German sign-language classes, taught by two teachers who are deaf, as a means of engaging with those who cannot speak. In 2012, 14 evening classes (eight sessions lasting 90 minutes each) covering three different levels were offered to 127 persons, 110 of whom obtained a certificate. From January 2010 to July 2013, 22 beginners’ classes, 17 intermediate classes and two advanced classes were offered. A total of 386 persons attended the classes and 351 certificates were awarded. In 2012, the advisory service for the hard of hearing “Hörgeschädigten Beratungsstelle” in Dudelange offered four classes to 33 students.

76. In 2012 and 2013, the City of Luxembourg launched an “awareness week”, which later became a fortnight, to draw attention to the needs of specific groups with exhibitions, conferences and debates, films, meals in the dark, theatre performances and sports afternoons. Through this initiative, the City, together with the committee responsible for taking into account the needs of specific groups and more than 40 associations working in that area, is seeking to promote dialogue between the persons concerned and the general public, to allay fear of the “other”, to forge links and to promote a better coexistence in the long term.

77. For two years, the Centre for Equal Treatment has been running awareness-raising workshops with a view to allowing young people without disabilities aged between 12 and 26 years to gain a better understanding of disability. In 2013, eight NGOs and 95 individuals took part in workshops on the following subjects: hearing impairments; visual impairments; mental disability; physical disability; language disorders; accessible language; and autism.

78. In 2013, the Info-Handicap National Disability Information and Meeting Centre launched, for the eighth time, the competition entitled “A municipality for all”. The main purpose of the competition, the theme of which is “a municipality accessible to all locals and visitors”, is to reward municipalities that strive to include and improve the quality of life of persons with disabilities.

79. For several years, Info-Handicap has been conducting awareness-raising activities around 3 December, the International Day of Persons with Disabilities. Of late, these activities have included film screenings and an exhibition on the subject of disability displayed on stands staffed by a variety of associations.

80. In 2012, Info-Handicap conducted 13 training sessions on disability, which were attended by some 500 people. By way of example, two awareness-raising sessions entitled “Communicating with persons with disabilities” were held in November 2012 in cooperation with the Luxembourg Alzheimer Association for call-centre staff in the City of Luxembourg. In 2013, Info-Handicap, in cooperation with the Ministry of the Family, conducted two training sessions for public officials at the national and communal levels on “taking the needs of persons with disabilities into account” at the National Institute of Public Administration.

## **Article 9 Accessibility**

### **National concept**

81. In Luxembourg, accessibility is viewed as a holistic concept, as recommended in the European Concept for Accessibility.

82. This conception of accessibility requires a number of actions: (1) the systematic introduction of accessibility features by specialists in the fields of publicity/awareness-raising, training and technical advice; (2) monitoring of the implementation of the accessibility policy by a steering group coordinated by the Ministry of the Family; and (3) validation of the accessibility feature by a group of users (the Multidisciplinary Expert Group on Accessibility (MEGA)).

### **Legislation**

83. The accessibility of the physical environment is governed by the Act of 29 March 2001 and by the amended Grand-Ducal regulation of 23 November 2001. Public premises and buildings (co-)financed by the State of Luxembourg and the municipalities currently fall within the scope of that legislation. The legislation in question applies to new constructions and to substantial renovations.

84. The existing legislation governing the accessibility of the physical environment is currently under review. In particular, there are plans to broaden the scope of the Act of 2001 to cover certain private premises which are open to the public, such as shops, restaurants, cafés, theme parks, cinemas, banks, medical practices, bus shelters, play areas and stations. The process of aligning the legislation governing the accessibility of the physical environment with, for example, the provisions of the Convention is carried out in close consultation with all relevant stakeholders, which include professionals from the construction industry and persons with disabilities.

85. Upstream of this legislation, anyone who is interested may refer to the “Guide to standards”, which contains recommendations and explanations on accessibility. The guide was drafted, on the initiative of the Ministry of the Family, by a working group coordinated by Info-Handicap. A number of representatives of associations of and for persons with disabilities contributed to the work of the group. The guide is useful to both professionals and users. It contains all the necessary technical elements without compromising on user-friendliness. The guide provides both general and technical information on how to incorporate accessibility features into building designs.

### **National resource centre for building accessibility**

86. A good number of new project designs already exceed the requirements laid down in the existing regulations. These building projects are reviewed by ADAPTH, which is overseen and subsidized by the Ministry of the Family and which is currently the main advisory service on accessibility in Luxembourg. The suggestions put forward by this advisory service have allowed accessibility needs to be better incorporated into a number of large-scale construction projects.

87. As part of the action plan to implement the Convention, ADAPTH was recently designated the national resource centre for building accessibility. As such, ADAPTH aims to advise the public on how to build premises that are safe, healthy, adequate and pleasant and that can be used by all members of society; in other words, places which respect the principles of universal design.

88. Other renovation projects involving public buildings, such as school renovations, are always carried out with a view to improving the accessibility of the building for all users.

89. In 2012, ADAPTH oversaw 15 new building development projects and three studies, in addition to the projects initiated in 2011. It handled the dossiers of 630 clients; 592 concerned private individuals (mostly requests from dependency insurance providers) and 38 concerned ministries, associations or private companies. From the 630 clients, 231 new requests for home adaptations under a dependency insurance regime and 41 new requests from private individuals were received.

90. The National Security Service of the Public Service (SNSFP) is responsible for monitoring enforcement of the relevant legislation and is generally involved in projects from the design stage onwards. In 2012, the Service oversaw the accessibility aspect of 350 projects.

#### **Training on accessibility**

91. Given that it is essential for all professionals working in the field of the built environment to understand and apply correctly the principles of universal design, the Ministry of the Family encourages and cooperates regularly with the different actors working in the construction sector on the organization of lectures on accessibility and universal design.

92. Such awareness-raising efforts must also include training which caters to the needs of all stakeholders. In that regard, the Training Institute for the Construction Sector (IFSB) and the Henri Tudor Research Centre (CRPHT) frequently organize, in cooperation with ADAPTH, training sessions on building accessibility and on universal design. In March 2011, 70 persons (49 men and 21 women) attended a conference organized by IFSB, entitled “Construction and disability — For a suitable environment”. In January 2013, 12 women and 14 men attended the first module on accessible building, offered by CRPHT and the Order of Architects and Engineers of Luxembourg.

93. On six separate occasions, Info-Handicap, in partnership with MEGA, organized training sessions on accessibility entitled “Transport for all” for Luxembourg railway workers.

#### **Accessibility of all public spaces to persons with disabilities accompanied by a service dog**

94. As from 22 July 2008, the law has incorporated the principle of accessibility of all public spaces to persons with disabilities accompanied by a service dog with the aim of facilitating their full participation and integration into society. Public spaces are understood to include: public transport, open spaces for collective use, both public and private, and spaces dedicated to professional, training or socio-educational activities. The presence of a service dog next to a person with disabilities, his or her support worker or his or her foster family should not entail additional costs when accessing services. To refuse access to a service dog is punishable by a €250 fine. From April 2009 to August 2013, the Ministry of the Family awarded the “service dog” medal to 38 specially trained dogs, including 12 guide dogs, 25 psychiatric service dogs and one diabetes alert dog.

#### **Information on accessibility**

95. There is a website dedicated to accessibility in Luxembourg at [www.welcome.lu](http://www.welcome.lu). It contains information on such things as the accessibility of cultural venues, swimming pools, hotels or restaurants. Establishments that have obtained the EureWelcome seal of approval (see section on article 30) are frequently listed on the website. Reliable data on the accessibility of a multitude of locations are stored in the database. As at the end of July



2013, 84 establishments had obtained the EureWelcome seal of approval in Luxembourg, whereas at the end of 2012 there were only 58.

96. In cooperation with Info-Handicap and ADAPTH, the City of Luxembourg published a brochure in September 2012 entitled “Mobility for all”, which describes in a light-hearted manner the numerous measures taken and infrastructure created to guarantee and maximize the well-being of persons with specific needs, and to guarantee maximum accessibility to all users (see section on article 12).

97. In September 2013, Info-Handicap posted online a new version of the film *Les transports pour tous* (Transport for all), which sums up the accessibility of the Luxembourg train, bus and air transport network.

### **In the health sphere**

98. The Ministry of Health plans to compile data provided by health professionals on the wheelchair accessibility of their place of work: these data will then be added to the information on health professionals through the health-care portal, at [www.sante.lu](http://www.sante.lu). All hospitals are accessible to wheelchair users.

## **Article 10** **The right to life**

### **Death penalty**

99. The Constitution of Luxembourg provides for the complete abolition of the death penalty. Article 18 stipulates that “the death penalty may not be imposed”.

### **Euthanasia**

100. In Luxembourg, euthanasia and assisted suicide are strictly regulated by the Act of 16 March 2009. The Act does not differentiate between persons with disabilities and persons without disabilities. However, in all circumstances, the patient must have reached the age of majority, and be competent and aware when making his or her request.

### **Abortion**

101. The voluntary termination of a pregnancy is regulated by articles 348 to 353-1 of the Criminal Code. For women with or without disabilities, terminating the pregnancy does not constitute a criminal offence if the procedure is performed before the end of the twelfth week of pregnancy and if the pregnant woman, fully appreciating the situation of distress in which she finds herself, requests the abortion. However, the procedure is subject to certain conditions. In particular, the woman must undertake two obligatory consultations, which are conducted in an open manner by qualified personnel, before having an abortion. Since the legislation governing abortion was amended in 2012, special attention has been given to providing women with information and advice. (For information on obtaining the prior consent of and respecting the wishes of women with disabilities under guardianship or curatorship, see “Patients’ rights” in the section on article 17.) Circumstances in which the voluntary termination of a pregnancy is authorized are those resulting from the pregnant woman finding herself in a situation of distress, which may be not only physical or psychological but also social in nature.

102. After the twelfth week of pregnancy, the conditions are much stricter. In addition to the conditions applicable to terminations performed before the end of the twelfth week of pregnancy, two doctors must attest in writing to the existence of a serious threat to the health or life of the pregnant woman or her unborn child.

## **Article 11**

### **Situations of risk and humanitarian emergencies**

#### **At the national level**

103. As to the accessibility of the emergency services, the Emergency Services Administration attaches great importance to the specific needs of persons with disabilities, while ensuring that its services are accessible to the whole population.

104. For a number of years, the technical service of the Emergency Services Administration has been operating an SMS messaging service for persons with disabilities within an emergency service call centre (CSU112). This system allows residents to make emergency calls via SMS. It is an essential service for persons who are deaf or hard of hearing.

105. The Emergency Services Administration is currently involved in a project aimed at finding a mobile solution to dealing with accidents and sending out specific alerts. This alert system will allow information to be sent in the form of instant notifications. The notifications will be displayed directly on the user's screen.

106. The Emergency Services Administration plans to include a disability component in the training dispensed to its staff.

#### **At the international level**

107. The protection of vulnerable groups, such as persons with disabilities, and the provision of assistance to meet their specific needs are a priority in the humanitarian assistance strategy of Luxembourg.

108. The Luxembourg development cooperation programme ensures the full participation of beneficiary communities in the process of identifying their needs and producing and giving effect to solutions. It also ensures the inclusion of particularly vulnerable groups, such as persons with disabilities, the elderly or persons suffering from chronic diseases in its activities (see section on article 32).

## **Article 12**

### **Equal recognition before the law**

109. The Civil Code provides for three broad protection systems for persons having reached the age of majority, which are applied and monitored by guardianship judges (arts. 488-514):

(1) *Curatorship* may be considered an assistance scheme. This scheme applies to persons whose mental faculties are impaired to the point that they require the assistance of a curator in civil acts. If the curator refuses to assist in such an act, the person under curatorship may request an additional authorization from a guardianship judge (Civil Code, art. 510);

(2) The *judicial supervision scheme* is a temporary protection scheme whereby the person concerned is only represented according to their needs. In principle, the scheme is of a limited duration and often serves as a transition scheme until a curatorship or guardianship is put in place. These two schemes do not, a priori, raise issues of incompatibility with the provisions of the Convention;

(3) The *guardianship scheme* is one of continuous representation. This scheme provides full protection and effectively declares the adult to be legally incompetent.

110. These articles of the Civil Code also regulate the financial transactions and the personal acts that a protected adult may perform, according to the degree to which his or her faculties are impaired. The procedure governing protection systems for persons having reached the age of majority (including the appeals procedure) is, in turn, regulated by the New Code of Civil Procedure (arts. 1080-1107).

111. For certain personal acts (donations, wills or marriage, for example), the law contains special provisions that guarantee the rights of individuals by means of special measures. The authorization of the guardianship judge is still required for the sale of the home or personal property of the protected adult.

112. For the persons concerned and their relatives, these schemes are both a form of protection against ill-intentioned third parties and a means of expression in the face of administrative and financial requirements.

113. Requests for protection may originate from hospitals and from care and retirement homes. The guardianship judge must be in possession of a certificate from a specialized medical practitioner before putting a protection scheme in place. The judge hears the persons for whom the protection scheme has been requested and may order the Central Social Assistance Service to conduct a social inquiry.

#### **Providing information to the person to be placed under protection**

114. The guardianship judge normally hears the person for whom protection is requested and informs him or her of the procedure instituted (New Code of Civil Procedure, art. 891-1). If the participation of the person to be placed under protection in a hearing is likely to have a negative impact on his or her health, the judge may, by reasoned decision and on the basis of the opinion of the family doctor and a specialist, decide that there is no need to hold a hearing (New Code of Civil Procedure, art. 891-1). By the same decision, the guardianship judge may order that the person to be placed under protection should be informed in an appropriate manner of the procedure instituted.

115. The judge normally prefers a family member to perform the duties of curator or guardian. If no trustworthy relative is available, the judge may appoint an independent third party, such as a lawyer or a specialized association. The guardian takes care of the protected person and represents him or her in all civil acts. He or she should manage the protected person's assets with due diligence and is liable for any damage that may result from poor management.

116. In every guardianship scheme, a deputy guardian is appointed by the family council from among its members (Civil Code, art. 420). The deputy's function is to monitor the conduct of the guardianship and to represent the minor when his or her interests are in conflict with those of the primary guardian.

117. The family council is composed of between four and six persons, including the deputy guardian. The guardianship judge chooses the members of the family council from among the relatives or in-laws of the father and mother of the protected minor or adult, or from among friends, neighbours or other persons who the judge considers to be concerned about the vulnerable person.

118. Under the law of Luxembourg, a guardianship order has the effect of declaring the adult placed under the scheme to be legally incompetent (Civil Code, art. 502), although it leaves open the possibility of making one-off adjustments to the scheme (art. 501). This approach, which deprives persons with disabilities of their legal capacity (but not their rights) and allows occasional exceptions to be made to this system of "partial depersonalization", is, for some, difficult to reconcile with the approach provided for in the

Convention, which is aimed at completely preserving the legal capacity of persons with disabilities in principle and making exceptions to this principle if necessary.

119. It is therefore necessary to improve the current guardianship regime and to create a regime that will be even better adapted to the individual's needs and will therefore place fewer restrictions on individual freedom. For this reason, preparations are under way for a reform intended to give greater impetus to the three principles underpinning all protective measures to be taken, namely the principles of necessity, subsidiarity and proportionality of the protection measure.

120. In 2012, the youth and guardianship court of Luxembourg handed down 250 guardianship and curatorship orders, of which 78 concerned adults with disabilities (48.72 per cent of whom were women). Of these adults, 47 had a mental disability, 22 had a psychological disability, 8 had a physical disability and 1 a sensory disability. In 43.60 per cent of cases, the guardian or curator was a family member; in the other cases, it was an outsider. The youth and guardianship court of Diekirch rendered 90 judgments, of which 30 concerned adults with disabilities (46.67 per cent of whom were women). Of these adults, 14 had a mental disability, 15 had a psychological disability and 1 a physical disability. In 78.95 per cent of the 19 cases of curatorship, the curator was an outsider and, in 21.05 per cent of cases, it was a family member. As to the 11 guardianship orders, in 45.45 per cent of cases, the guardian was a family member.

### **Minors**

121. Fathers and mothers who exercise parental authority are the legal administrators of the property of their unemancipated minor children, whether the latter have disabilities or not (Civil Code, art. 389). In the event of a disagreement between a father and a mother who are joint legal administrators, the decision is taken by the guardianship judge when a request to that effect is submitted by either party, with the other party being heard or duly summoned.

122. When the interests of the legal administrator are in conflict with those of the minor, he or she must request the guardianship judge to appoint an ad hoc administrator (Civil Code, art. 389-3). Should the legal administrator fail to act, the judge may appoint an ad hoc administrator at the request of the public prosecutor's office, the minor concerned, or ex officio.

### **Providing information to minors with disabilities**

123. Minors who are over 16 years of age may, if the judge deems it appropriate, attend meetings of the family council (which are chaired by the guardianship judge) for the purposes of consultation. The minor must be invited to attend when the meeting of the council has been called at his or her request (Civil Code, art. 415).

124. An action for annulment of the decisions of the family council may be brought by the guardian, the deputy guardian, a member of the family council or the public prosecutor's office in the two years following the decision, as well as by the minor who has reached the age of majority or become emancipated, within two years of having done so (Civil Code, art. 416).

### **The right to vote**

125. The bill amending the Constitution of Luxembourg currently under review provides for an extension of the right to vote, including to persons under guardianship.

126. There are several non-profit associations of professional guardians, including Tutelle an Curatelle Service (TACS) and Service d'accompagnement tuteur (SAT). Their

purpose is to assist protected persons and help them manage their day-to-day lives. They work with the Ministry of Justice to monitor persons under guardianship. The service currently manages 427 cases. What distinguishes these services is that they actively involve their clients in the development of projects, and that they not only manage their clients' administrative affairs but also the specific social and financial situations of adult clients deemed to be incompetent. In addition, social workers support clients and their close relatives in dealing with psychological issues.

127. The channels for appeals against guardianship orders are set out in article 493 et seq. of the Civil Code.

#### **Awareness-raising and information campaigns**

128. Training activities that specifically target persons with disabilities (for the purpose of empowerment), their support workers and professionals who are likely to have to deal with disability-related issues are constantly being improved.

129. Info-Handicap regularly organizes conferences, information sessions and roundtables on this topic. For example, a conference on guardianship and curatorship as protective measures for persons with disabilities was held in October 2012.

130. A "Life Academy" operates alongside one of the management services accredited by the Ministry of the Family (Ligue HMC — an association providing assistance to children, adolescents and adults with mental disabilities). The Life Academy operates as a discussion forum for persons with disabilities. The facilitators organize regular discussions on topics related to supported decision-making. Workshops for persons with disabilities are held twice a month, on topics such as "What are my rights and duties?" and "How can I express my opinion?". These workshops serve as a form of continuous training. The main purpose of the Life Academy is to increase the autonomy, self-determination and self-representation of persons with disabilities (see section on article 19).

### **Article 13**

#### **Access to justice**

131. Equality before the law is guaranteed by the Constitution. The laws of Luxembourg apply to all persons present in the national territory.

132. Natural persons with insufficient resources are entitled to legal aid for the purpose of defending their interests in Luxembourg provided that they fulfil certain criteria. This law applies to persons with or without disabilities, whether they are minors or not.

133. Persons with disabilities, like any other citizen, are entitled to consult legal information, advice or mediation services. To facilitate their access to these services, the Ministry of the Family has an agreement to support the activities of the legal advice service of Info-Handicap. The service's most important area of activity is informing, advising and supporting persons with disabilities, or their friends or family, if they have any legal questions or if they feel that they are being discriminated against on account of their disability. Legal advice clinics are available on the premises of Info-Handicap. The lawyer's advice is free of charge to users and the lawyer's fees are covered at the standard rate by Info-Handicap. The service provides ad hoc assistance but does not cover the cost of individual cases or legal action. In 2012, four legal advice clinics were held with the assistance of a lawyer from Info-Handicap's network for persons with disabilities or people from their circle of friends and relatives. Three women and one man benefited from legal advice. The two employees of the legal advice service scheduled 49 appointments with users (of whom 25 were women and 24 men); in addition, 416 telephone exchanges and

234 e-mail exchanges on general questions (benefits for persons with disabilities, addresses, etc.) and issues related to the rights of persons with disabilities took place.

134. As a means of guaranteeing protection to adults, the guardianship judge may assign a lawyer to the protected person (see section on article 12 above).

#### **Training of prison officers**

135. Prison officers have been attending human rights training courses for many years. The bills and regulations submitted to the Chamber of Deputies as part of the substantial reform of the prison system which is currently in progress are expected to strengthen and raise the status of prison officers. Raising their status entails more exacting requirements in terms of professional qualifications and training. A significant part of the new training programme for prison officers is devoted to human rights.

#### **Training of judges**

136. Apart from the training programme followed by judges upon taking up their duties, ongoing training is also offered and is followed by a large number of them. These training courses for judges, which cover, inter alia, the subject of disability and the Convention, are provided by the Brussels Judicial Training Institute in Belgium, the Trier Academy of European Law in Germany, and the Paris National College of Magistrates in France. The training focuses on human rights, victims' rights, human trafficking, the status of victims and anti-discrimination laws. Specialized training for investigating judges and juvenile and guardianship judges are offered each year.

137. Should the defendant, civil party or witness not speak the same language or not speak one of the languages that may be used in judicial matters, or if it is necessary to translate a document that has been produced in court, the presiding judge appoints an interpreter (who may be a sign-language interpreter) and has him or her swear under oath to faithfully translate the spoken or written word (Code of Criminal Procedure, art. 190-1, para. 4).

138. If the defendant is hard of hearing, deaf and/or mute and cannot write or communicate in sign language, the presiding judge appoints the person who is most used to conversing with him or her as an interpreter (Code of Criminal Procedure, art. 190-2).

139. If the defendant can write, the clerk writes down the questions and comments addressed to him or her. These are shown to the defendant, who provides written replies. The clerk then reads all the written replies out loud to the court.

140. For information on access to justice for minors and adults under a protection scheme, see the sections on articles 7 and 12 above.

### **Article 14**

#### **Liberty and security of the person**

141. The Act of 10 December 2009 on the hospitalization of persons with mental disorders without their consent regulates the admission and committal of persons with mental disorders to, and their stay in, a psychiatric ward of a hospital or a specialized psychiatric facility without their consent. Wherever possible, persons with mental disorders should be treated in the place where they live. They may only be admitted to or placed in such a facility if their mental disorder is so severe that they become a danger to themselves or to others, or if their committal to such a facility has been ordered by a trial court or investigating judge (Criminal Code, art. 71). It was in this way that a 150-year tradition of

only committing such persons to the country's neuropsychiatric hospital was successfully brought to an end — so far with no major incidents.

142. The Act aims to separate more clearly the medical and legal aspects of committal and forced treatment. It lays down the procedure for admission to the psychiatric ward of a hospital authorized by the Minister of Health; defines the duration of the observation period; defines the role of the judge in the committal process; and gives the doctor the responsibility for deciding when the person is to be discharged. Lastly, the Act regulates the principles relating to involuntary treatment and solitary confinement. The Act is in line with the latest recommendations on the protection of human rights, including those of the Council of Europe.

### **Psychiatric reform in Luxembourg**

143. Since July 2005, both open and closed units for the mentally ill, including paediatric psychiatry services, have been set up in the hospitals in the three regions of the hospital system. Patients with mental disorders can now be committed only by the acute psychiatric services in general hospitals.

144. In addition to day hospitals, the programme to decentralize psychiatric services provides for the setting up of day centres, accommodation and work spaces in different regions of the country, all of which has been achieved thanks to allocations from the State budget.

145. Furthermore, the funding provided by the National Health Fund for psychiatric home care services since 2008 has allowed the residential care sector to grow further, and this, in turn, has expedited deinstitutionalization and reduced the stigma surrounding hospitalization in psychiatric wards.

146. Now that the neuropsychiatric hospital has been released from its duties relating to acute psychiatric care, it can now devote itself wholly to being a rehabilitation facility. The plans for its modernization have been approved and the first steps towards decentralization are being taken (see section on article 19).

### **Criminal responsibility**

147. Article 71 of the Criminal Code provides that a person suffering from a mental disorder that left them without discernment or control over their actions when the acts were committed cannot be held criminally liable. If the investigating judge or trial court finds that the accused or the defendant is not criminally liable pursuant to this article, and that the mental disorder that left the accused or the defendant without discernment or control over their actions when the acts were committed persists, the judge or court shall order the committal of the accused or the defendant to a facility or service authorized by law to accommodate persons subject to a committal order who pose a danger to themselves or others. The investigating judge or trial court may, in any case, assign a lawyer to the accused or defendant if the latter has not chosen one. The committal order may be appealed or contested in the manner and by the deadline provided for in the Code of Criminal Procedure.

## **Article 15**

### **Freedom from torture or cruel, inhuman or degrading treatment or punishment**

148. By virtue of the Act of 24 April 2000, Luxembourg, as recommended by the Committee against Torture, introduced into its Criminal Code specific provisions to

criminalize acts of torture within the meaning of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

149. The Criminal Code punishes acts of torture (arts. 260-1 to 260-4). In Luxembourg, laws apply to all persons, with or without disabilities. The Criminal Code punishes not only physical torture but also mental torture.

150. Article 260-1 of the Criminal Code prescribes a prison term of between 5 and 10 years for acts of torture inflicted on another person for any reason based on discrimination of any kind, including disability. According to the Constitution of Luxembourg, “no penalty may be fixed or applied except in pursuance of the law”. Cruel, inhuman or degrading treatment other than torture is punishable under the Criminal Code of Luxembourg: (1) by the provisions relating to offences of abuse of authority (Criminal Code, art. 257) and to offences of assault causing bodily harm (Criminal Code, arts. 398-401 bis); (2) as an aggravating circumstance in a crime or offence against a person or property (e.g. incitement to prostitution — Criminal Code, art. 379 bis; extortion or robbery with violence or threats — Criminal Code, art. 473); (3) by the provisions relating to sexual abuse; or (4) by certain special laws.

151. The Office of the Ombudsman was established by law as the national torture prevention mechanism.<sup>4</sup> Its mission is to exercise external oversight of places where people are deprived of their liberty. The Ombudsman also guarantees the protection provided for under the Convention. The Office of the Ombudsman is an independent authority whose mission is to receive individual complaints lodged by natural persons or legal entities against an authority, a government department or a municipality relating to a matter that concerns them personally.

152. The Act of 16 December 2008 on support for children and the family prohibits physical and sexual violence, intergenerational transgressions, inhuman or degrading treatment and genital mutilation, in families and school communities in particular.

## **Article 16**

### **Freedom from exploitation, violence and abuse**

#### **Domestic violence**

153. The Grand Duchy police, in the course of its duties to prevent crime and protect citizens, may, with the authorization of the State prosecutor, expel from their home and surrounding property individuals against whom there is evidence that they are preparing to commit an offence against the life or physical integrity of a person to whom they are close and with whom they cohabit. Following the expulsion of the perpetrator, domestic violence victim support and assistance services proactively contact the victim.

154. The Act of 8 September 2003 on domestic violence (see article 439, paragraph 2, of the Criminal Code) makes no distinction between men and women, or between persons with and persons without disabilities. The expulsion of the perpetrator of domestic violence is an innovative measure that has the following three objectives: (1) to put an immediate stop to domestic violence in emergency situations; (2) to get perpetrators of violence to take responsibility for their actions, with a view to long-term prevention; and (3) to raise public awareness of the nature and seriousness of domestic violence.

---

<sup>4</sup> The Act of 11 April 2010 (1) adopts the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly of the United Nations on 18 December 2002; and (2) appoints the Ombudsman as the national mechanism to prevent torture and defines its functions.



### **Awareness-raising and prevention**

155. The Ministry of Equal Opportunities raises awareness of domestic violence through annual media campaigns. A comprehensive website ([www.violence.lu](http://www.violence.lu)) informs victims and perpetrators about the laws on domestic violence and the support services available to them. Reports on the regular meetings between the Ministry and interested parties on the prevention of domestic violence and provision of assistance are also uploaded to the site. All shelters and counselling services approved by the Ministry are accessible to persons with disabilities. In 2010 and 2011, two women with disabilities were among the victims who received support. In 2012, no such cases were reported to the Ministry. Managers of various services directed women with disabilities who were victims of violence to specialized services so that they could receive the support they needed.

156. In terms of prevention and protection, particularly against abuse, exploitation and domestic violence, some associations use brochures and websites to inform women and girls with disabilities, and health professionals, about their rights, including those related to sexual and reproductive health.

### **Children with disabilities**

157. A bill on the prevention of sexual abuse and the sexual exploitation of children, which proposes to amend several provisions of the Criminal Code, is currently going through the legislative process. The bill would incorporate into national law Directive No. 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children.

158. It also should be noted that the Act of 16 July 2011 adopted (1) the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse and (2) the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and amended certain articles of the Criminal Code and the Code of Criminal Procedure.

159. An interministerial working group was established at the end of 2012 to prepare a governmental strategy on the rights of the child. A national action plan to combat the sexual exploitation of children will be drawn up by a working group consisting of representatives from the ministries of the family, culture, education, equal opportunities, justice, health, labour and employment.

### **Human trafficking**

160. Articles 382-1 to 382-3 of the Criminal Code define human trafficking as an offence. Three new laws have been adopted to supplement the legislative framework for combating human trafficking since 2009:

- The Act of 13 March 2009, adopting the first Palermo Protocol and the Council of Europe Convention on Action against Trafficking in Human Beings. The Act implements one of the recommendations made at the time of the first universal periodic review of Luxembourg in 2008, and supplements the Criminal Code and the Code of Criminal Procedure;
- The Act of 8 May 2009 on assistance, protection and security for victims of human trafficking, which specifically provides for the establishment of a committee to monitor, evaluate and combat trafficking and to coordinate preventive action;
- The Act of 21 July 2012, adopting the second Palermo Protocol.

161. A bill implementing Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and

protecting its victims, and replacing Council Framework Decision 2002/629/JHA, was tabled at the beginning of 2013. It should be noted that most of the provisions of the Directive are already covered under Luxembourg law.

### **Victim support**

162. The Victim Support Service was established in 1994. It provides assistance to all victims (children, young persons and adults) who have suffered a violation of their physical or psychological integrity as a result of a criminal offence (theft, robbery with violence, threats, domestic violence, sexual assault, attempted murder, assault causing bodily harm, etc.). It also provides support to all persons who, owing to their relationship with the victim, shared their suffering or witnessed the offence. Victims are mainly referred to the Service by the police, social workers, hospital staff, doctors or the Civil Protection Psychological Support Group, or read about the Service in the press.

163. The Service has many functions. The team provides psychological support and rehabilitation to prevent post-traumatic stress. The victim has access to open-ended psychological treatment based on a variety of approaches. The team has also established a therapy group (ATAVIE) for victims of domestic violence.

164. From a legal standpoint, the Service is responsible for informing victims of their rights and the legal process. The victim may also ask for information on the progress of the investigation into their case. The Service can support the victim through the various procedures, by helping them file a complaint, prepare for trial or lodge a claim for compensation with the Minister of Justice, and accompanying them to the Compensation Commission.

165. The Service's other tasks include: raising public awareness of victims' grievances; raising the awareness of present and future police officers about victims' reactions; and participating in cross-border cooperation meetings involving the victim support services of the Greater Region.

166. Some non-profit organizations have received approval from the Minister of Justice to defend victims of discrimination on the grounds of disability (see section on article 2).

167. Various chapters of the Criminal Code define exploitation, violence and abuse as offences, and therefore provide penalties for: the exploitation of prostitution and pimping (arts. 379-382); indecent assault and rape (arts. 372-378); human trafficking (arts. 382-1 to 382-3); public indecency (arts. 383-386); desertion of family (arts. 391 bis to 391 ter); neglect or desertion of one's family (arts. 354-360); and torture (arts. 260-1 to 260-4).

168. The Criminal Code provides for harsher punishments if the offence involves any abuse of the particularly vulnerable situation that persons may find themselves in as a result of their illegal or unresolved administrative status, unstable social situation, pregnancy, sickness, infirmity or physical or mental impairment (arts. 308, 382-2 and 383 bis).

169. The Act of 21 February 2013 criminalizing the abuse of vulnerability provides for the punishment of the fraudulent abuse of the ignorance or weakness of a minor or particularly vulnerable person as a result of their age, illness, disability or physical or mental impairment which is apparent or known to the perpetrator, or any person in a state of physical or psychological subjection as a result of strong or persistent pressure or techniques intended to alter their judgement, which leads the minor or person concerned to perform or fail to perform a given act, with seriously damaging consequences.

170. It should also be noted that anyone liable to work with persons with disabilities must demonstrate their trustworthiness before they are hired (amended Grand-Ducal Regulation of 23 April 2004 concerning government approval of managers of services for persons with disabilities).

### **Compensation for victims of criminal offences**

171. The amended Act of 12 March 1984 on compensation for certain victims of bodily injury resulting from an offence established the right for certain victims (including minors) to claim compensation for damages from State funds.

### **In the area of education**

172. All school staff are trained to ensure that pupils are adequately taken care of and are therefore protected. In order to teach children and young persons how to protect themselves from abuse, the special needs education curriculum expressly refers to the empowerment of pupils.

## **Article 17**

### **Protecting the integrity of the person**

#### **Patients' rights**

173. While the rights of patients (all patients without exception) are already enshrined in the Hospitals Act and are therefore guaranteed for hospital patients, the bill on patients' rights and obligations would establish a national health information and mediation service and define patients' rights in their dealings with any type of health-care provider.

174. Generally speaking, patients are entitled to protection of their privacy, confidentiality, dignity and respect for their religious and philosophical beliefs (article 3 of the bill). The principles enshrined in the bill include: (1) equal access to necessary health care; (2) patients are entitled to be assisted in health-care decisions and procedures by a third party of their choice — as long as the patient does not object, medical secrecy is lifted in respect of the person assisting them; (3) every patient has the right to have their patient record kept carefully up-to-date by the health-care provider; (4) every patient has the right, either personally or by means of a third party, to access their patient records and all information relating to their health held by a health-care provider or any other medical body. The patient's consent should, in principle, be given or withheld explicitly. However, consent may be given tacitly when the health professional, after providing adequate information to the patient, can reasonably infer from the patient's conduct that he or she consents to the recommended course of treatment. The health professional who records the patient's decision should ensure that the patient has understood the information provided at the time of making the decision on his or her medical care.

175. If the patient is temporarily or permanently in no position to express his or her wishes, the health-care provider should seek to establish the patient's apparent wishes. When attempting to ascertain those wishes, health professionals call upon the designated person of trust, if there is one. They may also contact any other person likely to know the wishes of the patient.

176. Article 14 of the bill regulates the rights of patients under a protection regime. In the absence of a specifically designated person of trust, the interests of a patient subject to guardianship are normally managed by his or her guardian. Patients under curatorship, if they have not been authorized by court order to exercise their own health rights, may only exercise their rights with the assistance of their curator. In the spirit of "supported decision-making", the bill provides that patients under a protection regime are to be involved in the exercise of their rights and given appropriate information in line with their level of understanding. Their personal consent is sought wherever possible.

## **Article 18**

### **Liberty of movement and nationality**

#### **Luxembourg nationality**

177. The Act of 23 October 2008 on Luxembourg nationality establishes the different conditions for the acquisition and loss of nationality. No distinction is made between persons with disabilities and persons without disabilities. Disability is never considered as a ground for denying, or denying the opportunity to apply for, Luxembourg nationality.

178. Luxembourg nationality is bestowed upon: (1) children born, even in a foreign country, to a Luxembourg parent, provided that the child's parentage is established before he or she has reached the age of 18 and that the parent is a Luxembourg national when parentage is established. If the judgement establishing descent is not handed down until after the death of the father or mother, the child is a Luxembourg national if the parent held Luxembourg nationality at the time of his or her death; (2) children born in the Grand Duchy to unknown parents. An abandoned infant found in the Grand Duchy is presumed, until proven otherwise, to have been born in Luxembourg; (3) children born in the Grand Duchy who have no nationality because their parent or parents are stateless; (4) children born in the Grand Duchy to foreign parents when the child cannot by any means acquire the nationality of either parent under foreign law; (5) children born in the Grand Duchy to foreign parents of whom one was born in Luxembourg.

179. No legal distinction is made between children with disabilities and those without disabilities. The Civil Code provides that all births must be registered with the civil registrar in the place of birth within five days of the birth. The day of birth itself is not counted as one of these days. The child's birth is declared by either parent or, failing that, by doctors, midwives or anyone else present at the birth. The birth certificate lists the date, time and place of birth, sex, surname and forenames of the child and the surnames, forenames, occupation and place of residence of the mother and father and their dates and places of birth if known (Civil Code, arts. 55-57).

#### **Specific case of foundlings**

180. Any person who finds a newborn baby must report the matter to the registrar at the place where the baby was found. The registrar shall prepare a detailed report specifying the date, time, place and circumstances of the discovery, the sex and apparent age of the baby, any distinguishing features that might help to identify the baby, and the authority or person entrusted with the baby. The report is registered on that date with the civil registry office (Civil Code, art. 58). On the basis of the report, the registrar prepares a separate certificate which serves as a birth certificate. This certificate records in particular the sex of the baby and the surname and forenames given to him or her. It sets a date of birth on the basis of the apparent age of the baby and the place of birth as the municipality where the baby was found.

#### **Right to possess and utilize nationality documents**

181. The Passport Act provides that Luxembourg citizens have the right to receive a regular passport on request. The Act makes no provision for special arrangements, for example for persons with disabilities.

182. The Criminal Code penalizes crimes and offences aimed at denying or destroying proof of a child's civil status (arts. 361 to 367-2).

## **Article 19**

### **Living independently and being included in the community**

#### **Empowerment**

183. Training activities that specifically target persons with disabilities (for the purpose of empowerment) are constantly being improved.

184. A “Life Academy” has been operated since 2011 by one of the management services accredited by the Ministry of the Family (Ligue HMC — an association providing assistance to children, adolescents and adults with mental disabilities). The Life Academy operates as a discussion forum for persons with disabilities. Workshops for persons with disabilities are held twice a month, on topics such as “What are my rights and duties?” and “How can I express my opinion?”. These workshops serve as a form of continuous training. The main purpose of the Life Academy is to increase the autonomy, self-determination and self-representation of persons with disabilities. The Academy’s underlying principle is that persons with disabilities are experts in the areas that concern them and that they should be involved in the discussions affecting them and be given the opportunity to make their own life choices. In 2012, 36 men and 18 women with mental disabilities or learning disabilities participated in the training sessions run by the Academy. Some 10 training sessions were offered to persons with disabilities and 16 training sessions and activities were subsequently organized by those persons for third parties.

185. The Council of Workers with Disabilities of the Ligue HMC was established in 2011 and functions as a staff delegation. It comprises 11 members (8 men and 3 women), each of whom represents an occupational area within the organization. It is one of the educational tools used to help workers with disabilities speak out in their professional lives.

#### **Availability of information in accessible formats**

186. The Government aims to make information available in accessible formats so that persons with disabilities can stay informed independently, without needing to systematically seek help from others. It works in conjunction with Klaro, a resource centre for easy-to-understand language established in April 2012. Its role is to coordinate with, assist and support persons with communication difficulties and to organize courses in “easy-to-understand forms of communication and language” for government and public and private institutions. In 2012, the year that Klaro was established, 12 men and 11 women working for government, public or private institutions took part in two courses on easy-to-understand forms of communication and language run by overseas trainers. Two men and nine women participated in a training day at the beginning of 2013.

187. For more information on sign-language interpreters for deaf and hearing-impaired persons, see the section on article 21 below.

#### **Home-help networks/dependency insurance**

188. Home-help services offer home-based care and material and psychological assistance for persons with disabilities and their families. The aim is to support independent living at home and to provide care tailored to the individual needs and expectations of the persons concerned.

189. Where appropriate, dependency benefits contribute substantially to promoting the practice of independent living at home.

190. Dependency insurance is a mandatory element of the social security system. Since 1999, it has covered the costs of care and assistance for dependent persons in terms of personal hygiene, food and personal mobility. For the 2011 financial year, a total of €143

million was spent on dependency benefits for persons with disabilities. As at 31 December 2011, 3,995 persons with disabilities (2,153 women and 1,842 men) were receiving dependency benefits (32.41 per cent of the total), out of a total 12,327 persons (8,037 women and 4,290 men) in receipt of the benefit. Among the beneficiaries with disabilities, there were 594 children under 19 years of age (226 girls and 368 boys) and 1,847 adults under 65 years of age (811 women and 1,036 men).

191. Dependency insurance is part of the social security system alongside health insurance and functions according to the same principles. Everyone makes a mandatory contribution and any insured person who becomes dependent is entitled to receive dependency benefits.

192. If the dependent person lives at home, care and assistance may be provided by a professional or private carer (chosen by the person with disabilities). Professional carer fees are paid directly by the insurer. If the carer is a private individual, a sum of money is paid to the dependent person so that he or she can pay that individual.

193. In order to qualify for dependency benefits, the assistance required for basic day-to-day tasks must represent at least 3.5 hours per week and the state of dependency must be likely to last at least 6 months or be permanent. In 2011, dependency benefits accounted for a total of 69,604,286.43 acts of basic day-to-day care for persons with disabilities. Alongside care and assistance for basic day-to-day tasks, dependent persons may also be eligible for help around the house, including help with the laundry, for 2.5 or 4 hours per week, as well as for support and counselling where appropriate. In 2011, a total of €7,645,179.05 was spent on domestic tasks and €34,073,358.62 on support activities. Support is provided for a maximum of 14 hours or, for groups, for up to 56 hours per week (8 hours a day, 7 days a week). A total of €11,988.74 was spent on counselling for persons with disabilities living at home. Dependency insurance covers the pension premiums for the carer (the close family member or friend who regularly assists the dependent person and who does not have a personal pension). Some 758 carers benefited from this arrangement in 2011.

194. Persons who are completely blind, persons with spina bifida, persons with communication difficulties owing to serious hearing problems or dysarthria and persons who have undergone a laryngectomy receive a lump-sum cash payment once their diagnosis has been confirmed by a specialist doctor certified by the assessment and guidance unit. In 2011, a total of €3,043,887.47 was paid to such persons.

195. Assistive devices (e.g. walking frames, wheelchairs, special beds, adapted vehicles) and home alterations (e.g. walk-in showers, lifts, concrete ramps) have been made available to persons with disabilities with a view to maintaining or increasing their level of independence. The maximum amount that can be claimed stands at €26,000. In 2011, the dependency insurance scheme paid out €4,310,913.93 for assistive devices, €36,000 of which went towards two guide dogs, one for a man in the 60-64 years age range and another for a woman in the 20-24 years age range (see section on article 20). A total of €356,488.13 was spent on building surveys and €697,912.26 on adapting the homes of persons with disabilities.

196. If the applicant rents, dependency insurance can cover the additional costs of moving to an adapted or adaptable home (max. €300 per month, up to a limit of €26,000). In 2011, a total of €8,400 was spent on rent subsidies.

#### **Care in open or semi-open settings**

197. Alongside traditional accommodation and with a view to promoting the greatest possible independence of persons with disabilities, the Ministry of the Family has supported the development of facilities that offer care in open and semi-open settings. In

2012, the capacity of these home-help services run by eight organizations accredited by the Ministry stood at 144 places.

198. Such assistance takes different forms depending on the skills, capacities and background of the person with disabilities. For example, it may take the form of counselling or support intended to encourage and empower the person, or help in making arrangements to compensate for the person's disability so that he or she can enjoy high-quality independent living. These care measures are available on an ad hoc or regular basis, usually at the home of the person with disabilities.

### **Accommodation and day care**

199. State-accredited accommodation services for persons with disabilities provide accommodation and/or support to groups of three or more persons with disabilities. The aim is to offer professional support to persons with disabilities using a comprehensive and coherent approach by providing them with, on the one hand, help and care as defined in the amended Act of 19 June 1998 on the introduction of dependency insurance and, on the other, tailored socio-educational support (see section on article 23).<sup>5</sup>

200. In Luxembourg, persons with disabilities live together in small groups of around 8 to 10 persons in specialized institutions spread across the whole country.

201. The 2013 Agreement on Socio-Educational Support for Persons with Disabilities governs relations between the State and the bodies that manage accommodation and day-care services. It is in line with the principles underlying the Convention on the Rights of Persons with Disabilities and is designed to support the application of those principles.

202. The aim of socio-educational support is to provide the persons concerned with an environment that is conducive to their well-being, their physical, sensory, intellectual and emotional independence, and their inclusion, socialization and education. It is an ongoing comprehensive and holistic form of support that covers day-to-day living, health and security issues, social and cultural activities, the development of the individual's physical, psychological, sensory and social abilities, and religious and philosophical guidance.

203. Socio-educational support is based on the abilities of the individual concerned. It takes into account the lifestyle, available resources, history, family and social background, wishes and life choices of the individual and, where appropriate, their legal representative.

204. Socio-educational support for each individual is defined in a "personalized socio-educational support plan". The services provided are determined on the basis of an initial evaluation and regular assessments of the needs, expectations and state of health of the person concerned, in consultation with that person and/or the person's family and friends.

205. In 2012, the capacity of the 39 accommodation centres run by the 11 organizations accredited by the Ministry of the Family stood at 787 beds, of which 49 were temporary. As at 31 December 2012, 35 beds were occupied by minors in centres run by 4 different organizations.

206. Day-care services for persons with disabilities provide not just care and assistance but also socio-educational and therapeutic support in the form of a variety of activities tailored to the individual needs and expectations of the person with disabilities. Day-care services look after persons with disabilities who, owing to their disability or age, cannot regularly attend a vocational training course or hold down a permanent job. The aim is to provide professional and multidisciplinary support to persons with disabilities and to support families caring for a person with disabilities. In 2012, the capacity of the 16 day-

<sup>5</sup> Act of 8 September 1998 governing the relationship between the State and organizations working in the social, family and therapeutic fields.

care centres run by the 11 organizations accredited by the Ministry of the Family stood at 435 places, of which 220 were for persons with disabilities not living in State-approved accommodation. Some 23 places were occupied by minors in centres run by 4 different organizations.

### **“De-institutionalization, decentralization, destigmatization and prevention” in the field of psychiatry**

207. A big shift towards decentralizing psychiatric care has taken place in Luxembourg since 1994. From 1994 onwards, persons with disabilities living in psychiatric hospitals have been transferred either to special institutions for persons with disabilities or, where possible, to sheltered accommodation. The mental health reform in Luxembourg, which gained renewed momentum in 2005, can be summarized as follows: “De-institutionalization, decentralization, destigmatization and prevention.”

208. In order to meet demand, small non-hospital facilities (for 8-10 persons) were established to accommodate psychiatric patients. These facilities work as a network. As mental illness is often a chronic condition, the facilities continue to collaborate closely with the hospital network. They provide various mental health services:

209. (1) Psychiatric consultations and follow-up treatment; (2) supervised accommodation; (3) day-care centres; (4) meeting centres; (5) therapeutic workshops; and (6) information and prevention centres.

210. (1) Psychiatric consultations and follow-up treatment are organized in the different regions of the country. These services are aimed specifically at patients with mental disabilities who are experiencing social difficulties.

211. (2) Supervised accommodation consists of apartments where residents with mental disabilities are supported by professionals. These professionals help patients in various tasks and monitor their state of health. Supervised accommodation is run by non-profit organizations.

212. (3) Day-care centres for persons with mental disabilities organize day activities as part of therapeutic workshops for psychiatric patients deemed to be “too weak” to find work. These centres provide occupational and therapeutic activities for patients and personalized support (e.g. help in coping with daily tasks, assistance with administrative and social procedures, improving cognitive skills and autonomy, offering occupational therapy workshops aimed at possible social rehabilitation and entry to the job market).

213. (4) Meeting centres serve as points where persons with mental disabilities can meet and talk during the day. These centres are primarily targeted at patients who are unable to work in a therapeutic workshop or attend a day-care centre.

214. (5) In therapeutic workshops, patients are able to engage in an occupation. According to their abilities, they help to carry out certain tasks and make various items, proceeds from the sale of which go towards the running costs of the workshops. The work is designed to ensure that patients are not pressured to meet productivity targets as in normal workshops.

### **Home-based psychiatric service for adults and adolescents**

215. This service provides support in the person’s home environment. It aims to provide psychiatric follow-up at home to any person with one or more mental disabilities. The service is made up of two distinct sections for different target groups. The first section focuses on follow-up treatment for adults, while the second section focuses on support for children/adolescents and their families. The second section, which has been operating since



July 2009, offers support aimed at successfully reintegrating the child or adolescent into family and social life.

## **Article 20**

### **Personal mobility**

#### **Accessibility of the physical environment and service animals — legislation**

216. In Luxembourg, accessibility of the physical environment is governed by the Act of 29 March 2001 and by the amended Grand-Ducal Regulation of 23 November 2001. In terms of the accessibility of public highways and public spaces, playgrounds, green spaces, woods and gardens, the implementing regulation sets out a number of accessibility requirements, including the provision of pedestrian crossings, slopes and optical and tactile markings that signal the separation between the path and the road. It also provides for parking spaces to be reserved for persons with disabilities.

217. With regard to service animals, the Act of 22 July 2008 provides that any service dog accompanying a person with disabilities or his or her support worker or host family is allowed to access public transport and public spaces.

#### **Assistive devices and financial support**

218. The dependency insurance scheme provides persons with any assistive devices they need, including wheelchairs and walking frames. Assistive devices are available free of charge to persons with disabilities. In 2011, the dependency insurance scheme paid out a total of €4,310,913.93 for assistive devices and two guide dogs (see section on article 19). Dependency insurance can also be used to cover some of the costs of home alterations, such as the installation of a walk-in shower, the widening of a door to allow the passage of a wheelchair or the installation of a stair lift. A total of €356,488.13 was spent on building surveys and €697,912.26 on adapting the homes of persons with disabilities (see section on article 19). Dependency insurance has also covered the cost of adapting vehicles in certain circumstances.

219. *Assistance to resume driving*: Rehazenter Luxembourg has a driving rehabilitation unit that offers an evaluation (or certification) of the driving ability of any person likely to experience driving difficulties as a result of illness, accident or disability who wishes to learn how to drive or who wishes to resume driving. The unit conducts a medical examination. It takes into account the person's remaining capacities and he or she is told about the necessary adaptations. The examination will normally be backed up by a clinical assessment of the patient's level of alertness and awareness and an evaluation of his or her motor responses and reflexes. Considering that the ability to drive is a key factor in the independence and inclusion in society of many people, the unit's work is of great importance.

220. *Priority and disability cards*: The Act of 23 December 1978 introduced priority and disability cards, which are issued by the Ministry of the Interior.

221. Priority cards are granted to persons with walking difficulties whose disability, while classed as below 50 per cent, causes them serious problems in walking or standing. In 2012, 64 new priority cards were issued, giving their holders priority service or right of way and a seat in all circumstances.

222. Disability cards serve as a travel pass when accompanied by official proof of identity ([www.miat.public.lu](http://www.miat.public.lu)). In 2012, 1,417 type-A disability cards were issued to persons whose degree of physical disability was between 30 and 49 per cent; 1,471 type-B disability cards were issued to persons whose degree of physical disability was between 50

and 75 per cent; and 218 type-C disability cards were issued to persons whose physical or mental state was such that they could not get around without the assistance of a third party.<sup>6</sup>

223. *Exemption from vehicle tax:* Vehicles registered to persons with disabilities holding type-B or type-C disability cards (or war veterans with disabilities) may be exempted from vehicle tax. The complete exemption from vehicle tax for persons with disabilities extends to persons without disabilities who are responsible for a person with disabilities in their household.

224. Parking badges for persons with disabilities entitle drivers with disabilities and drivers without disabilities who are driving a person with disabilities to park in parking spaces reserved for persons with disabilities. In 2012, a total of 2,420 badges were in circulation.

### **Public transport**

225. The Ministry of Sustainable Development and Infrastructure and the Verkéiersverbond (Transport Association) presented an action plan for persons with limited mobility in 2009. The plan includes specific measures for rail, road and air travel.

226. The accessibility of new rolling stock is guaranteed under the rules on invitations to public tender and is reviewed on an ongoing basis. The Luxembourg railways are equipping stations and their rolling stock according to the agreed standards. They receive guidance from the non-profit association ADAPTH (designated a national resource centre for building accessibility). Work on the central station in the City of Luxembourg has recently been completed. The railway station provides a baggage and assistance service for persons with disabilities. In 2012, 1,635 trips were made by persons with reduced mobility, 345 of which were within the country and 1,290 abroad. Of those trips, 625 were made by persons in wheelchairs, 426 by persons with visual impairments, 281 by persons unable to travel on their own, and 186 by persons with mental or minor physical disabilities. Some 60 per cent of requests for assistance came from women.

227. Pursuant to the attendant European legislation (Regulation 1107/2006/EC), measures to improve access to air travel for persons with disabilities and reduced mobility were introduced at Luxembourg airport in 2009. A practical guide, which sets out the minimum standards of care for persons with reduced mobility and disabilities, helps ensure a better quality of service for these air passengers at no extra cost to them. In 2012, Luxembourg airport provided assistance to 1,020 passengers with reduced mobility who were unable to walk at all and who requested reduced mobility assistance for the duration of their journey, and to 2,421 persons who requested reduced mobility assistance and could walk from their wheelchair to the door of the aircraft.

228. In September 2012, the Transport Association published, with the support of the Ministry of Sustainable Development and the Association of Luxembourg Cities and Municipalities (Syvicol), a brochure entitled "Recommendations for adapting bus stops" for municipalities in Luxembourg. One of the main objectives is to guarantee independent access to the bus network for persons with disabilities. The brochure was prepared by a multidisciplinary team which included ADAPTH and organizations of and for persons with disabilities. ADAPTH helped draw up the technical specifications related to accessibility. These concerned, for example, the tactile guidance system for blind and visually impaired persons and bus access for persons with reduced mobility. Passenger information systems equipped to provide spoken and written announcements are systematically installed in trains and buses operating in Luxembourg, as well as on rail platforms and at bus stops.

---

<sup>6</sup> Ministerial Regulation of 12 June 2007 setting public transport fares.

229. In September 2012, the City of Luxembourg published a brochure entitled “Mobility for all” in cooperation with Info-Handicap and ADAPTH. This colourful brochure describes the many steps taken to ensure and enhance the well-being of persons with special needs and ensure maximum accessibility for all users.

230. In September 2013, Info-Handicap launched a new version of the film *Les transports pour tous* (Transport for all), which gives an overview of the accessibility of the Luxembourg transport network (train, bus and air travel). The film was produced in cooperation with the Transport Association, Luxembourg Railways, the City of Luxembourg, the City of Luxembourg bus service and Luxembourg airport.

231. There is an on-demand bus reservation service in Luxembourg. The Novabus project, established in 2008 by the Department of Transport at the Ministry of Sustainable Development, is reserved for persons holding a valid type-B or type-C disability card who cannot travel either on their own or using existing forms of public transport. The aim is to fill the gap in the existing transport network by introducing an on-demand form of transport for occasional use. The service is operated using vehicles suitable for making door-to-door journeys at an affordable price for passengers. In 2012, a budget of €7,508,743 was allocated to the Novabus project, which transported 55,688 passengers. The City of Luxembourg bus service has also been operating the “Rollibus” service since 1 December 1988: this service is reserved exclusively for persons with physical disabilities who are forced to travel in wheelchairs and, where appropriate, for their personal assistants. It operates in the City of Luxembourg and the eight neighbouring municipalities. In 2012, 4,640 persons used the Rollibus and a budget of €700,000 was allocated to the service.

#### **Special transport services to schools, specialized centres and sheltered workshops**

232. These services are provided by the Department of Transport. They meet the quality standards established by agreement with everyone concerned, including the managers of specialized centres and the parents of students. These are door-to-door transport services.

233. The Department of Transport pays particular attention to the quality of rolling stock and bus driver training. All routes use specially adapted vehicles that meet the prescribed standards of security, accessibility and comfort. In 2012, €10.8 million was spent on transporting approximately 1,125 children and students with disabilities to school on a daily basis and a budget of €25,216,550 was spent on transporting 1,375 persons with disabilities on a daily basis to specialized centres and sheltered workshops.

#### **Training**

234. Info-Handicap is an information centre that provides information on all questions relating to disability in Luxembourg. It is accredited and funded by the Government of Luxembourg. It offers an awareness-raising training course on the needs of persons with disabilities entitled “Transport for all”. Since 2009, training on “accommodating persons with special needs” has been part of the basic training programme for any new train guard with Luxembourg Railways. The trainers include persons with disabilities, who describe their own needs and the difficulties they sometimes experience when travelling. In addition, Info-Handicap organized training courses on accessibility entitled “Transport for all” on six different dates for staff members of Luxembourg Railways, in partnership with the multidisciplinary group of experts on accessibility (MEGA). Similarly, 12 awareness-raising workshops were held on 6 June 2012 as part of Luxembourg Railways’ “safety day”, involving approximately 300 participants (25 to 30 participants per workshop).

## **Article 21**

### **Freedom of expression and opinion, and access to information**

235. The Ministry of the Family promotes the availability of information in accessible formats in order to enable persons with disabilities to acquire knowledge independently, without having to resort systematically to third parties for assistance. For example, it works hand in hand with Klaro, a resource centre for easy-to-understand language (see section on article 19). Since the start of the project, several people with intellectual disabilities, with or without reading ability, have been involved in the development of translations into easy-to-understand language and have been participating as specialists in training sessions on techniques to achieve easy-to-understand language. Since 2013, a group of people with or without reading ability (3 men and 9 women) has been meeting once a month with the head of Klaro as part of the “Klaro-Treff” (Klaro meeting) to read and discuss their needs for accessible information.

236. The Ministry of the Family, together with Klaro and Info-Handicap, is in the process of publishing five brochures on accessible communication. The topics are: “Why and how to speak of disability”; “The use of simple language”; “An accessible welcome as a welcome to all”; “Creating accessible audio and video materials”; and “Internet without barriers”. The first three brochures appeared in late March 2013 and are meant especially for civil servants, state and municipal employees, persons working in the disability field, restaurateurs and retailers.

237. Sign language enjoys de facto recognition in Luxembourg. Since 2007, the Ministry of the Family has provided the funding for a sign-language interpreter, who works free of charge at meetings and events organized by associations of and for persons with hearing impairments, and at conferences and general assemblies. With regard to administrative procedures, medical consultations and other occasions such as private parties, cost-sharing arrangements for the provision of an interpreter have been made in close collaboration with the persons concerned.

238. In 2012, sign-language interpreters were used a total of 150 times, including 55 times for private individuals, 66 for institutions, 4 for associations, 9 for the association Solidarität mit Hörgeschädigten (Solidarity with Persons with Hearing Impairments), 6 for the courts or police, 5 for the Hörgeschädigtenberatung (Office of Social Services for Persons with Hearing Impairments) and 5 for the Ministry of the Family. The courts, for example, contract sign-language interpreters as necessary and bear the related costs. The costs of sign-language interpretation for the individual quarterly meetings held to discuss the classroom progress of the children of parents with hearing impairments are borne by the Ministry of National Education and Vocational Training.

239. There are plans to provide sign-language interpretation for an increasing number of live television programmes, such as broadcasts during national and municipal elections and other broadcasts of national interest. For example, Grand Duke Henri’s Christmas speech and the New Year’s interview with the Prime Minister were recently broadcast live in sign language. The news broadcast on the country’s main television channel is subtitled.

240. Dependency insurance covers special care for persons with hearing impairments whose hearing capacity in their better ear, after correction with a permanent hearing aid, is reduced by at least 75 decibels. These persons are entitled to a cash benefit corresponding to six hours of assistance and care a week to enable them to deal with any expenses related to their disability, such as an interpreter’s fees.

241. Persons who are completely blind are also entitled to the aforementioned cash benefit under the dependency insurance scheme. The Institute for the Visually Impaired

makes supplementary assistance available to blind or visually impaired persons (see section on article 19).

242. Regarding government websites, the State Information Technologies Centre, an office of the Ministry of Public Service and Administrative Reform, is responsible for developing and updating a normative framework for information technology projects and the modernization of the State. The Centre has had a set of quality standards in place for websites since the early 2000s ([www.renow.public.lu](http://www.renow.public.lu)). The Renow quality standards are the Luxembourg Government's web standardization framework.

243. Renow has adopted a user-centred approach to ensuring web quality. The objectives of Renow, which takes its lead from international standards and user and client feedback, centre on web ergonomics and accessibility. Renow provides for the administration of user tests, among other things. Since the early 2000s, many tests have been done with visually impaired persons. At the same time, Renow offers a framework, templates and features in conformity with the AA-level Web Content Accessibility Guidelines 2.0 adopted by the World Wide Web Consortium (W3C). Since the editorial component is critical to maintaining accessible content, Renow provides for information, training and support sessions to familiarize civil service web editors with the accessibility criteria that the content they produce must meet.

244. The Centre produces the "Citizens" section of the web portal [www.guichet.public.lu](http://www.guichet.public.lu), the objective of which is to simplify the exchange of information with the State by providing timely and user-friendly access to all information and services offered by public agencies.

245. The "Employers" section of this website is produced by the Corporate Policy Directorate of the Ministry of the Economy and Foreign Trade, in collaboration with the Ministry of the Middle Classes and Tourism and in partnership with the Chamber of Commerce, the Trades Association and Fedil-Business Federation Luxembourg. This section is version 2 of the one-stop portal for employers ([www.entreprises.lu](http://www.entreprises.lu)).

246. Structured in user-friendly fashion, the portal (which meets the Renow standards) offers to both individuals and businesses: (1) simple and transparent access to information and online services provided by the State (for each text, there is also a version read aloud in German and French); (2) a description of the most important administrative procedures; (3) the possibility of downloading forms, some of which can be returned signed, electronically, to the body concerned; and (4) the possibility of completing administrative paperwork electronically through online applications.

## **Article 22**

### **Respect for privacy**

247. The State ensures that privacy is protected (Constitution, art. 11).

248. As for the protection of data and privacy, the amended Act of 2 August 2002 on the protection of individuals with regard to the processing of personal data provided for the establishment of a supervisory body called the National Data Protection Commission. The Act assigns to the Commission responsibility for: (1) overseeing and ensuring the legality of the collection and use of processed data and informing the persons responsible for the processing about their obligations; (2) ensuring full respect for people's fundamental rights and freedoms, including respect for privacy, and informing the public of the rights of the persons concerned; (3) receiving and investigating complaints and requests for verification of the legality of information processing; and (4) advising the Government on the matter.

249. Data on health or sexuality and genetic data fall within a special category of private data that is provided with special protection as a result of their sensitivity (see articles 6 and 7 of the aforementioned Act).

250. The Commission is also responsible for the implementation of the provisions of the amended Act of 30 May 2005 on privacy protection in the area of electronic communications and the Act's implementing regulations.

#### **Privacy in the event of institutionalization**

251. Supervision in residential and day facilities is personalized; it respects the wishes and choices of the person with a disability (see section on article 19).

252. These institutions have their own sets of privacy guidelines, and persons with disabilities may be accommodated in private rooms. In these institutions, basic daily functions and medical procedures are performed according to appropriate standards and with respect for the person's privacy. In addition, most of the administrators of these institutions have recently set up formal complaints procedures.

### **Article 23**

#### **Respect for home and the family**

##### **Right to marry**

253. In principle, the civil rights of all persons with disabilities are guaranteed (these rights are rooted in the Constitution and the Civil Code); they may marry and found a family. However, it should be noted that: (1) the marriage of an adult under guardianship is authorized only with the consent of a family council convened specifically to consider the matter. The council may rule only after hearing the future spouses. There are no grounds for convening a family council if both parents consent to the marriage. In all cases, the attending physician's opinion must be sought (Civil Code, art. 506); (2) for the marriage of an adult under curatorship, the consent of the curator is required or, in its absence, that of the guardianship court (Civil Code, art. 514).

##### **Access to family planning, assisted reproduction and adoption or fostering programmes**

254. All persons with disabilities have access to family planning, assisted reproduction and adoption or fostering programmes. However, if a person with disabilities is under court protection, it is incumbent on the guardianship court to decide whether and to what extent that person is fit to participate in such programmes. To that end, the court seeks the opinions of the attending physicians, the family council and the guardian. In any event, adults under protection are heard, and guardianship judges assent to their opinions as far as possible. Similarly, it is incumbent on the guardianship court to hear parents with disabilities who are subject to protective measures, so that it may take any action necessary to help them exercise their parental responsibilities and, where applicable, ensure that children are not separated from one or both of their parents because they or one of their parents has a disability.

255. In general, when parents disagree on what would be in the best interests of the child, they may turn to the guardianship court, which rules after first attempting to reconcile the parents (Civil Code, art. 375).

**Support for families with one or more members with disabilities**

256. Pursuant to articles 1 and 2 of the amended Act of 8 September 1998 on the relationship between the State and organizations working in areas of social welfare, the family and therapy, a Grand-Ducal regulation on the official accreditation of providers of services to persons with disabilities was prepared. The purpose of this regulation is to define minimum standards and quality standards for all services for persons with disabilities through accreditation by the Minister for the Family.

257. It should be recalled that a number of associations of and for persons with disabilities offer different kinds of activities or services for well-defined population groups. These activities are classified in terms of the care objectives, which are early intervention, home help, accommodation, training, employment, day care, information, consultation and meetings.

258. To provide effective support for families with one or more members with disabilities, a high degree of organization of the following activities is essential.

259. Day-care services cater for persons with mild, severe or multiple disabilities. When school is not in session, they also receive school-age minors with disabilities. The aim is to ease the burden on families looking after relatives with disabilities at home. The services provided by the personnel depend on the users' individual needs.

260. The Activity, Rehabilitation and Meeting Centre, for example, is a service of the APEMH Foundation that targets children and young people aged 5 to 16 who are in school and have disabilities that may or may not be associated with behavioural disorders or other kinds of impairment. The Centre, established in 1998, is an education and leisure facility offering 20 children and young people a way station between school and family, in accordance with the families' wishes and needs. It (1) addresses the families' needs for relief outside school hours, allowing them to fulfil their educational responsibilities and have a social and professional life, (2) provides additional support to children and young people, outside the school day and time spent with the family, and (3) promotes social interaction in a group setting and enables families to meet and talk. In 2012, 50 children were enrolled in the ongoing activities during the week or in day sessions during the holidays.

261. The information, consultation and meeting services give persons with disabilities and their family members access to information, counselling, organized activities and a meeting place. The aim is to promote the full participation of persons with disabilities and to prevent isolation and social exclusion.

262. SCAF, a special support and assistance service for parents that has been operating as part of the APEMH Foundation since September 2007, targets (1) children and young people with disabilities under 27 years of age and their parents and siblings, as well as the extended family, (2) parents with disabilities who have children under the age of 27, with or without disabilities, and (3) persons working with children or parents with disabilities and their families. In 2012, SCAF helped 48 families.

263. The Ligue HMC, a service provider accredited by the Ministry of the Family, established "Family Space" in 2011 to promote the healthy development of children with disabilities in their usual family environment. This is an information, consultation and meeting place for persons with disabilities, their brothers and sisters, their parents, their grandparents, their children, their friends and any person interested in or affected by the issue. It organizes evening sessions for parents, discussion groups for brothers and sisters and individual/family consultations ([www.ligue-hmc.lu](http://www.ligue-hmc.lu)). In 2012, Family Space held 25 group sessions, 120 individual consultations, 50 family consultations and 4 couples' consultations.

264. The accommodation services offer accommodation or support or both to persons with disabilities. The objective is to take a comprehensive, consistent approach to providing professional support to persons with disabilities by giving them, for one thing, assistance and care as defined in the amended Act of 19 June 1998 on the introduction of dependency insurance and, for another, social and educational support tailored to their needs and individual expectations (see section on article 19).

265. If necessary, to provide relief for the parents of children with disabilities (for example, for a stay in hospital or simply to allow them go on holiday), several services offer holiday accommodation for persons with disabilities.

266. Home-help service providers offer care and/or material and psychological assistance to persons with disabilities and their family members in a family environment. The aim is to make it easier for persons with disabilities to remain at home and live independently.

267. Training services provide training for adolescents (and/or adults with disabilities) who are over the age of compulsory schooling. The aim is to provide them with knowledge of a general and/or vocational nature, thereby preparing them to lead active lives.

268. Early-intervention services provide early care for young children with special needs and support the family concerned. The aim is to limit the effects of an impairment or even to compensate for a developmental delay through functional therapy, educational stimulation, social and educational guidance and family support.

269. There are many early-intervention services whose mission is to provide assistance to parents as they raise children with disabilities (see section on article 7).

270. Early intervention plays a vital role in the rehabilitation measures designed to promote the independence and inclusion of children with disabilities. It seeks to prevent the aggravation of an impairment, and its side effects, at as early an age as possible. Early intervention includes treatment measures targeting children up to school age. Early intervention involves not only treatment for the child but also support for the child's parents. Since the birth of a child with a disability often destabilizes the entire family, early intervention aims to provide support to parents to help them better manage their individual circumstances, as well as to give them assistance and advice on their child-rearing responsibilities.

271. Several services accredited by the Ministry of Health provide comprehensive development checks, which take into consideration children's medical, social and psychological problems (see section on article 25).

272. SIPO, founded in 1981 and accredited by the Ministry of the Family since 1985, is an early-intervention service for children up to the age of 6 and the members of their families. SIPO, which is able to assess a child's susceptibility to learning disabilities, provided services to 378 children and their families in 2012, for a total of 5,622 individual interventions.

273. In 2012, 215 families, including 91 new families, were provided with a diagnostic, support and training assessment by the Fondation Autisme Luxembourg (Luxembourg Autism Foundation), which is accredited by the Ministry of the Family. Twenty-one adults and 30 children received a number of hours of professional support covered by the dependency insurance scheme.

274. Measures have been put in place to promote the integration of the disabled children of working parents into day facilities that take care of children during working hours. The State covers the personnel costs for one employee for every child with special needs in these facilities.



### **Child neglect**

275. Child neglect is a criminal offence (Criminal Code, arts. 355-360). There are also specific penalties for those who have left or have caused a child below the age of 7 to be left in a solitary location. These articles provide for more severe penalties if, for example, the child dies or acquires a disability as a result of the neglect.

### **Article 24 Education**

276. All children living in Luxembourg aged 3 years or over are entitled to schooling, which, complementing the work of their families, contributes to their education. This right is guaranteed by the State. Municipal authorities are responsible for ensuring that the obligation to attend school is enforced. Children with special needs can fulfil their obligation to attend school by receiving instruction in keeping with their needs, as determined by a school inclusion commission.<sup>7</sup>

277. All children have the right to education and instruction, regardless of the complexity of their special educational needs. Where they study depends on their needs. In schools, children are given the opportunity to express their views, to be heard and to receive help with their problems. In orienting students, the prime consideration is the parents' wishes, which in most cases coincide with the suggestions made by experts.

278. Parents have the right and responsibility to choose the kind of school that is most appropriate for their children: full- or part-time preschool or primary school attendance or enrolment in a centre/institute of the Special Needs Education Service or an equivalent facility abroad. The decision should be made in the children's best interests, taking into consideration their personal circumstances. However, contact between children with disabilities and children without disabilities is highly desirable and should be encouraged. If it is not possible to encourage such contact in class, meetings should take place during extracurricular or leisure activities.

279. Helping children with disabilities in preschool or primary school classes often requires additional assistance from qualified individuals. This work is done by multidisciplinary teams. Their role, in collaboration with the teacher and, if necessary, with the school medical and counselling staff, is to provide a diagnosis and follow-up of students with special educational needs and advise the teacher and the teaching staff on the implementation of special needs measures.

280. These multidisciplinary teams include personnel from the Special Needs Education Service and the Speech Therapy Centre, special needs teachers assigned to a municipality in the school district and other specialists in the assistance and support to be provided to the students concerned.

281. The children whose cases are submitted to the National Medical, Psychological and Educational Commission for consideration of a possible change of school have generally been seen previously by members of the multidisciplinary teams, whose regional counselling centres are located throughout the country. Preschool and primary school teachers who are of the view that a child has serious learning difficulties and that he or she needs special support advise the parents to contact this service to find appropriate help for the child's problems. After an assessment drawing on the results of educational and psychological tests, the relevant specialists meet to discuss possible solutions.

---

<sup>7</sup> Articles 2 and 6 of the Act of 6 February 2009 on compulsory school attendance.

282. Staff from the multidisciplinary teams' regional counselling centres help solve psychological, educational and school-related problems. Some parents contact the centres on a teacher's recommendation, but many others do so on their own initiative.

283. However, no children may take advantage of that guidance without the consent of their parents or a person entrusted with parental authority.

284. In 2012/13, 549 students flagged by the school inclusion commissions were enrolled in mainstream schools, 492 of them in primary school and 57 in secondary school. Pursuant to a decision of the commission concerned, they received a total of 3,874 hours of classroom assistance from members of the multidisciplinary teams, including 496 hours from persons working in a health-related field (special needs education specialists, psychomotor education specialists, etc.). In addition, 80 students tracked by the Institute for the Visually Impaired (40 of them in primary school and 40 in secondary school) attended regular schools. If a decision is made not to enrol a child in a regular school, the child is referred to the schools and services of the Special Needs Education Service. These schools and services target students who have special educational needs and who, as a result of their distinctive intellectual, behavioural, sensorial or motor characteristics, are unable to attend regular schools. Specialists also support parents or teachers in the event of educational and/or psychological, learning or school-related problems with the child.

285. The Special Needs Education Service currently includes 14 schools, organized into regional hubs and specialized institutions. In 2012/13, 840 students were enrolled in special schools in Luxembourg: 262 at the Speech Therapy Centre, 11 at the School Integration Centre, 8 at the Observation Centre, 50 at the Institute for Children with Autism or Psychotic Disorders, 53 at the Institute for Children with Cerebral Palsy, 394 in special needs education centres and 62 in vocational centres.

286. The Special Needs Education Service also has multidisciplinary teams. The members of these teams are responsible for providing and following up on personalized support to students who need additional assistance. The Special Needs Education Service works closely with the Speech Therapy Centre, which serves deaf children and children with hearing impairments or speech impediments.

287. Children are tracked into special needs schools on the recommendation of the National Medical, Psychological and Educational Commission and at the discretion of their parents.

288. The small number of children in special needs classes enables personalized instruction, with the learning material adapted to the special educational needs of each student. The groups are led by teachers, graduate and non-graduate special needs teachers, nurses and other social workers or therapists.

289. Articles 27 to 33 of the amended Act of 6 February 2009 on the organization of elementary education govern the operations of school inclusion commissions. The cooperation of these commissions with the organizations working with children with disabilities before the age of compulsory schooling is conducive to their later school attendance and at the same time helps ready them for it.

290. The vast majority of students are simply included in regular early education and preschool classes. It is only at the time of entry to primary education, at 6 years of age, that children with special needs require special assistance.

#### **Arrangements that are necessary to ensure the effective education and full inclusion of students with disabilities**

291. The Act of 29 March 2001 on the accessibility of public places states that authorization to build or renovate a building, a facility or a public space will be granted by

the relevant authority only if the planned project meets the so-called accessibility requirements. These requirements are designed to remove the spatial and architectural barriers from the physical environment and thus ensure that it is accessible to all.

292. The place of study, as well as the curriculum to be followed, depends on the child's specific educational needs, which are assessed with the assistance of various specialists. The language used, as well as the modes and means of communication, takes students' abilities into consideration.

### **Training on disability issues and measures to include persons with disabilities in educational teams**

293. The initial training of primary school teachers in Luxembourg is provided by the University of Luxembourg, which, since the 2012/13 school year, has been offering fifth-semester students a training module on supportive teaching practices for children with special educational needs. All instructors are encouraged to cover the topic of inclusion in their courses.

294. Every year, the in-service training institution of the Ministry of National Education and Vocational Training offers courses on the subject of inclusion. Five training courses for teaching, educational and counselling staff dealing with special needs education and inclusion were organized during the 2012/13 school year and drew a total of 84 participants. In addition, 14 teachers and members of multidisciplinary teams completed a university-level programme of 260 to 300 hours on diagnosing special needs and on special teaching methods relating to the problems of dyslexia, dyscalculia and behavioural disorders. Forty-three guidance and psychological counsellors from secondary schools took part in five seminars on oral and written language disorders and 18 in the training programme entitled "Children with special educational needs: How to approach a diagnostic assessment".

295. The special schools of the Special Needs Education Service and the multidisciplinary teams receive support from deaf persons or persons with hearing impairments who use sign language and/or manually coded language. As teachers or teachers' aides, such persons can be of vital assistance to students with limited means of communication, for whom they act as intermediaries.

296. *Quality control in the schools:* Special schools undergo regular independent evaluations, and staff members have the opportunity to participate in supervision exercises. The Quality Agency provides academic and methodological support to the departments responsible for the innovative measures taken to improve support for students with special educational needs.

297. Individualized education plans with key learning objectives are submitted to parents for their signature. They are also submitted for approval to the relevant primary school supervisors, on their request. It is the responsibility of primary school supervisors and secondary school principals to ensure that these educational plans are properly implemented for students with special educational needs as well as for all students.

### **Access to lifelong learning opportunities with a view to making persons with disabilities more employable**

298. To encourage persons with special needs to participate in education and lifelong learning, the Adult Training Service has in recent years taken various measures.

299. *Courses targeting persons with special needs:* since the 2002/03 school year, the course offerings of the Institute for the Visually Impaired have been included in the general system of adult education and training in schools. Some 50 courses a year, tailored to the specific needs of blind and partially sighted persons, are organized under the supervision of

an administrator responsible for adult education. They include courses in Braille, information and communication technologies and the arts and crafts, as well as courses designed to facilitate mobility and sporting and leisure activities. Enrolment has increased considerably in recent years (from 101 in 2006/07 to 2,056 in 2011/12). These courses are free or nearly free. At the local level, several municipalities have recently taken new initiatives in this area, including literacy classes for persons with disabilities. Since 2003, the municipality of Bettembourg, with the support of the Adult Training Service, has organized beginners' courses on information and communication technologies for persons with mental disabilities. In 2012/13, 25 persons (20 women and 5 men) aged 22 to 72 years were enrolled.

### **Promoting access to adult education and training for persons with special needs**

300. For three years, the Adult Training Service has been encouraging schools to offer courses for adults. It has also encouraged the municipalities and associations with which it has entered into agreements to ensure that their courses are inclusive and accessible to persons with special needs. Training institutions are encouraged to note whether each of the courses listed in their annual adult education catalogue is accessible to persons with reduced mobility, partially sighted persons, persons with hearing impairments and illiterate persons.

301. Persons with degenerative diseases must often take one or more, sometimes lengthy, courses to ensure that they can remain in employment in the medium and long term. For such people, training is a vital need, not simply a choice made for the sake of career progress. In this regard, article L.234-61 of the Labour Code states that persons with a degenerative disease that requires them to receive specific training to ensure either that they can remain in employment or that they are employable are entitled to additional paid training days, regardless of the number of hours allocated to their training programme. No applications have as yet been submitted to the relevant advisory commission.

### **Basic education for adults**

302. Providing basic education (reading, writing, arithmetic and familiarity with information and communication technologies) is an increasingly important exercise in contemporary society, in which people who lack basic skills are likely to be shut out of the labour market, civil society and lifelong learning. The Adult Training Service has therefore strengthened its basic education programme, which also targets people with special needs, who can thus supplement and develop their basic skills after completing their schooling.

303. In addition, on request (using a standard application form), the Ministry of the Family covers the costs of helpers who accompany persons with sensory disabilities taking part in (1) in-service training and (2) career- or promotion-related legal or statutory examinations.

### **Higher education**

304. The university has a focal point for persons with special needs. Adjustments are made on a case-by-case basis.

305. The relocation of the University of Luxembourg to Esch-Belval will make it possible to improve the reception of persons with special needs in terms of infrastructure.

306. In 2012/13, 44 students (28 male, 16 female) at the University of Luxembourg, or 0.6 per cent of all enrolled students, stated that they had a specific need as a result of a disability. This statement is made during online registration, and there is no need to provide certificates or other documentation. Five persons with disabilities are enrolled as non-degree students, 10 are enrolled in the Faculty of Sciences, Technology and

Communication; 23 in the Faculty of Law, Economics and Finance; and 6 in the Faculty of Arts, Social Sciences and Education.

## **Article 25**

### **Health**

307. Hospital facilities are designed and built to receive persons with all forms of disability, including severe disabilities, and to meet their needs. The same may be said of emergency services, as well as for requests for urgent hospitalization (see “Patients’ rights” in section on article 17).

308. The human resources in health-care units are determined according to a nursing project methodology used by all hospitals. This methodology makes it possible to determine the appropriate staffing levels of each care unit, in accordance with the treatment required by the patients and the time it takes to administer that treatment. For example, a care unit receiving patients with severe disabilities or a considerable loss of autonomy would be allocated more medical staff than a unit with fitter, more autonomous patients. These staff members are paid out of the hospital budget, in accordance with the agreement signed by the Union of Health Insurance Funds and the Luxembourg Hospital Alliance, concluded pursuant to article 74 et seq. of the Social Security Code.

309. The monitoring of patients and the prescription of remedies suited to their situation are the responsibility of the attending physician at the hospital. Under article 36 of the amended Act of 28 August 1998 on hospitals, records are drawn up for each patient and they must include medical information in the form of case histories, medical and treatment reports, records of diagnostic examinations, prescriptions, X-rays and any other documents or articles related to a patient’s health or treatment. In addition, article 37, paragraph 2, of the Act states that “treatment must be organized in such a way as to ensure its continuity in all circumstances”. These provisions on records and the continuity of care ensure that medical records can be consulted and monitored, thereby making it possible at all times to take the necessary measures in cases requiring special attention.

310. All providers of medical care, advice or support, including in the field of sexual or reproductive health, are accessible to all individuals, regardless of their physical or psychological condition, nationality or sexual orientation — that is, without any discrimination.

311. Luxembourg has taken a series of measures for the prevention and early detection of physical or psychological disorders, as well as for the support, throughout their schooling, of children with chronic conditions:

312. *Protection of pregnant women, post-delivery medical checks for mothers and protection of infants:* In order to receive family benefits related to pregnancy and childbirth, a set number of medical checks (specified by law) must be carried out during pregnancy and the period up to the child’s thirtieth month.

313. *Neonatal screening:* Phenylketonuria, congenital hypothyroidism, congenital adrenal hyperplasia and medium-chain acyl-CoA dehydrogenase (MCAD) deficiency.

314. *Newborn hearing-screenings:* The Audiology and Phonology Services of the Department of Health provide testing and treatment services to persons in the general population with hearing and language impairments. A total of 6,791 children were born in 2012 (newborn infants identified in the national register three months after birth), 6,606 of whom (97.3 per cent) were given newborn hearing-screenings (0-6 months). Of the children tested, 287 were treated by an ear, nose and throat specialist, and one child with a hearing impairment was fitted with an assistive device.

315. *Eye examinations at the age of 30 months:* Early examinations are free of charge and available to all children living in the Grand Duchy of Luxembourg, from birth to preschool age.

316. *Hearing and speech tests.*

317. Testing for language disorders is done at 2.5 (the 30-month check-up) and 4 years of age. Follow-up in the form of further evaluations and parental guidance was carried out for 1,979 of the 4,358 children seen at these check-ups in 2012; 326 later saw a speech and language therapist and 190 were referred to another department.

318. In all, 6,006 of 6,051 schoolchildren (99.3 per cent) were tested at school hearing-screenings (at 5 to 6 years of age) in 2011/12; 5,052 test results were normal, while 954 led to a referral to ear, nose and throat specialists. The children tested do not include the children fitted with hearing aids.

319. In 2012, 101 children were treated for hearing impairments (15 under 5 years of age, 61 between the ages of 5 and 12, and 25 between the ages of 13 and 18), and 505 were treated for language disorders (448 under 5 years of age, 56 between the ages of 5 and 12, and 1 between the age of 13 and 18), 86.73 per cent of whom were children with language delays.

320. The School Medicine Division of the Ministry of Health is responsible for organizing nationwide student health checks in primary and secondary schools. Health checks for children in special needs education are the responsibility of a physician of the Department of Health.

321. The Occupational Health Division of the Ministry of Health is responsible for coordinating and supervising the operations and organization of the country's various occupational health services. It works together with other bodies in the country and with the occupational health services on early detection in order to prevent occupational illnesses and workplace accidents. It records and reviews the lists of hazardous jobs in Luxembourg companies and works with the Labour and Mines Inspectorate, especially as regards employees exposed to biological, chemical, carcinogenic or mutagenic agents at work.

322. In 2011, the Ministry of Health published the results of a survey on the situation of people with rare diseases in Luxembourg.

323. On 1 January 2012, in association with the National Health Fund, the Ministry of Health began a programme of covering 80 per cent of the cost of contraceptives for all women under the age of 25. It funds the Aidsberodung and works closely with Planning Familial, associations that, at the national level, offer all persons advice and aid in the areas of sexual and reproductive health, including sexually transmitted diseases.

## **Article 26**

### **Habilitation and rehabilitation**

#### **National Centre for Functional Therapy and Rehabilitation (Rehazenter) and dependency insurance**

324. The aim of the National Centre for Functional Therapy and Rehabilitation (CNRFR — Rehazenter), which has existed since 2007, is to be a centre of excellence in Luxembourg and the Greater Region.

325. The Centre is for all patients and their families. Its missions are to: (1) manage a specialized hospital facility responsible for providing inpatient and outpatient functional therapy; (2) rehabilitate victims of accidents; (3) initiate and pursue scientific clinical

research programmes on functional therapy and rehabilitation; and (4) provide facilities for education on the topic of therapy.

326. *Cooperation between the dependency insurance provider and centres like Rehazenter*: If the applicants for dependency benefits are in rehabilitation, the Assessment and Guidance Unit of the dependency insurance provider offers to work closely with rehabilitation centres in order to meet their specific needs. This procedure makes it possible to pay special attention to needs for technical aids or refitted housing to ensure a return home as soon as possible.

### **Psychiatric hospital specializing in rehabilitation (one of the three major services of the Neurological and Psychiatric Hospital)**

327. The hospital offers comprehensive psychiatric and social rehabilitation for patients with serious long-term psychological disorders. The approach taken by this public health institution is informed by the Mental Health Declaration for Europe and the Mental Health Action Plan for Europe of 2005.

328. After the initial treatment, individual, medical, psychological, educational, professional and social support can profoundly improve the quality of life of persons with mental disabilities in their social environment. The aim, through numerous therapeutic offerings, is to encourage people with disabilities to acquire, or reacquire, the highest possible degree of autonomy, as well as a way of life and an appropriate position in daily and professional life.

### **Accessory Equipment Service**

329. The aim of the Accessory Equipment Service is to improve the quality of life of persons with reduced mobility and enable them to remain at home. It offers advisory and information services and lends equipment and accessories, as well as technical aids. In 2011, the dependency insurance scheme spent €2,542,704.42 through the Accessory Equipment Service.

### **Services for infants and young children**

330. The Ministry of Health funds a medical consultation service and outpatient medical and paramedical therapy specifically for infants and children up to the age of 4 years with motor disorders, sensory impairments, speech and language disorders, behavioural disorders or developmental delays. This medical and therapeutic service (Early Therapy — Hëllef fir de Puppelchen) offers treatment in seven locations around the country and in the home (see section on article 25).

## **Article 27**

### **Work and employment**

#### **Regulation of the working conditions of persons with disabilities**

331. It is mainly the amended Disability Act of 12 September 2003 and its implementing regulations of 7 October 2004 that have had a substantial impact on the employment of persons with disabilities. The Act is the expression of society's awareness of the capacities and need for independence of persons with disabilities.

332. The Act was adopted with a view to promoting a policy that encourages persons with disabilities to be active and participate. Carrying out a professional activity is the best way for persons with disabilities to achieve economic independence and social inclusion. The Act provides for specific measures to integrate or reintegrate persons with disabilities

in the regular job market or in sheltered workshops. These State-funded measures include contributions to salaries and training expenses, financial incentives and rehabilitation grants, funding for making adjustments to workstations and improving workplace accessibility, contributions to transport costs and the provision of professional equipment. A range of assistance and care services are also offered to persons with disabilities in the workplace.

333. In addition, exemptions from the general requirements for training and recruitment may be granted to persons with disabilities to boost their job prospects and facilitate their access to employment.

334. With the entry into force of the Act of 2003: (1) persons classed as workers with disabilities and employed in sheltered workshops are recognized as fully fledged employees and receive a salary; (2) the application of labour laws is subject to certain exemptions that take account of the specific needs and capacities of employees with disabilities; and (3) persons whose disability prevents them from working either in regular workplaces or in sheltered environments may claim the severe disability allowance.

335. In the field of employment, the principle is that persons with disabilities should be encouraged to join the regular job market. If that is not possible, they are advised to join a supported work environment or a sheltered workshop. It should be noted that one of the objectives of sheltered workshops is to support and train persons with disabilities so that they may one day join the regular job market.

336. As at 31 December 2012, 2,811 persons with disabilities (of whom 30.67 per cent were women) were employed in the regular job market. Of those, 60.76 per cent were in the private sector, 31.13 per cent in the public sector and 8.11 per cent in the municipal sector; 8.32 per cent had a mental disability, 78.69 per cent had a physical disability, 4.27 per cent had a psychiatric disability and 8.72 per cent had a sensory impairment. Three individuals recognized as workers with disabilities (including one woman) are self-employed: two of them have a psychiatric disability and one has a sensory impairment (see section on article 28). As at 31 December 2012, the number of persons employed in the regular job market in Luxembourg stood at 358,316, of whom 0.78 per cent had disabilities.

337. There were 927 employees with disabilities (of whom 44.55 per cent were women) in sheltered workshops. Of these, 66.45 per cent had a mental disability, 20.28 per cent had a physical disability, 11.11 per cent had a psychiatric disability and 2.16 per cent had a sensory impairment. In 2012, a total of €21,423,413.99 was allocated to 21 sheltered workshops to cover the cost of the minimum wage paid by those workshops to persons with the status of worker with a disability.

338. As at 31 December 2012, 2,422 persons were receiving the allowance for persons with a severe disability, for a total annual outlay of €34,279,447.60. Of these persons, 1,185 (of whom 47.34 per cent were women) were unemployed, amounting to 6.99 per cent of the 16,963 jobseekers living in Luxembourg. They had been deemed fit for work by the Medical Commission of the Employment Development Agency but, for reasons beyond their control, had been unable to secure employment either in the regular job market or in a sheltered workshop. The remaining 1,237 persons had been deemed unfit for work by the Commission because of the severity of their disabilities.

#### **Specific measures to promote the inclusion of persons with disabilities in the labour market and ensure continuance of employment — monitoring and job coaching**

339. The Service for Employees with Disabilities of the Employment Development Agency is tasked with the guidance, training, placement, rehabilitation and occupational integration and reintegration of victims of workplace accidents, war veterans with disabilities and persons with physical, mental, sensory, psychiatric and/or psychosocial disabilities who have been recognized as workers with disabilities.



340. Vocational training is an important means of promoting the inclusion of persons with disabilities in the labour market, particularly given that a significant number of them have not completed any such training in the past. The Service for Employees with Disabilities is pursuing cooperation with institutions in the Greater Region, particularly the European Vocational Training Centre in Bitburg, where the first cohort of young persons with disabilities have successfully completed their training and joined the labour market.

341. As part of a policy for the continuance of employment, the Service for Employees with Disabilities is paying ever more visits to employers for the purpose of early detection of problems in the relationship between employees with disabilities and their employers. The strategy is one of mediation between the two parties with the ultimate goal of maintaining the employment relationship. Should this prove impossible, the Service endeavours to secure a job for the employee with another company and to find a replacement for them.

342. Adopting an approach based on employability, the Department uses a scientific method to assess, on the one hand, the person's abilities and, on the other, the demands of the job, in order to guarantee a long-term placement and quantify any under-performance by the person with a disability.

343. The staff members of the Service who are responsible for the measures envisaged under the amended Disability Act of 12 September 2003 endeavour to include in their approach the recurring topic of disability management, which is a modified form of case management that aims, through prevention and rehabilitation, to safeguard the jobs of persons who are at risk of unemployment because of a reduction in their capacity for work.

344. Since 2009, the Service has been collaborating actively with the Job Coaching service, which is a project co-funded by the Ministry of Health, the Ministry of Labour and the European Social Fund, and run by the non-profit Association for Therapeutic Work for Persons with Mental Illnesses (ATP). The project is aimed at persons with mental illnesses who have the status of worker with a disability and are registered as jobseekers with the Employment Development Agency, employed in the regular job market or signed up to a service provided by the Association. Job coaching involves a number of tasks: assessing social and professional competencies, offering career guidance, ensuring follow-up in regular workplaces and sheltered environments, providing appropriate training, securing and keeping jobs, organizing work placements, introducing a mentoring system in the workplace, collaborating with competent services and departments, canvassing potential employers and providing information on, and raising awareness of, disability. Another job coaching service run by the non-profit Fondation Autisme Luxembourg is aimed specifically at the recruitment and retention of persons with autism in the regular job market.

345. *Supervised job crews*: group work allows better, more targeted support to be provided by a team of assistants and qualified specialist staff. Since 2000, an agreement has been in place between SuperDrecksKëscht (SDK) and the Rehabilitation Centre of Ligue HMC to promote the recruitment of persons with disabilities. SDK employs six persons with mild disabilities in the logistics centre of its recycling department (which sorts and dismantles reusable materials). This group of six persons is monitored by an assistant/instructor. A similar agreement exists between the parks department of Luxembourg city council and Ligue HMC. In 2003, for the first time, a work project was launched in cooperation with the sanitation department of Luxembourg city council. As a result, six persons with mental disabilities were offered permanent contracts starting on 1 September 2005. A second team of five persons with mental disabilities joined the same department in 2008 and they were formally recruited by Luxembourg city council on 1 April 2013. In 2011, three persons with mental disabilities began working for the council's parks department.

346. The six members of support staff who monitor teams of employees with disabilities are accredited by the Ministry of Labour, and Luxembourg city council bears all related costs.

347. In 2012, 10 persons with mental disabilities from Ligue HMC worked for two nursing homes, two private companies and two municipalities. A further two persons with mental disabilities completed work experience in two nursing homes.

348. Broadly speaking, all sheltered workshops have established formal or informal channels of communication with companies in the regular job market with a view to favouring the inclusion of persons with disabilities.

349. *Quotas for the inclusion of persons with disabilities in the job market:* Article 10 of the Disability Act provides that the State, municipalities, public institutions and the national railway company must ensure that at least 5 per cent of their total staff (whether salaried or with public servant status) are persons with disabilities employed on a full-time basis.

350. In order to increase the number of employees with disabilities in the public sector, the State has committed to recruiting an additional 50 persons with disabilities per year for the foreseeable future. A budget has been allocated for the equivalent of 50 full-time posts for persons with disabilities. Given the need for great flexibility when employing persons with disabilities, so as to ensure that the positions are suited to their actual capabilities, these 50 full-time posts are expressed in hours per week, which means that the posts made available can be either full-time or part-time, depending on the needs of the person concerned. In addition to securing job placements, the Service for Employees with Disabilities provides support in the filling of posts left vacant by persons with disabilities.

351. As at 31 December 2012, 708 of the 26,112 public (not municipal) employees were persons with disabilities.

352. *Careers fair for persons with disabilities:* In 2014, the Ministry of Labour will organize its first careers fair. The aim will be to: (1) give employers the chance to discover, through examples of best practice, that persons with disabilities can be able, talented employees; and (2) give persons with disabilities the chance to discover the numerous opportunities available to them. There will also be discussions on potential avenues for the effective and long-term inclusion of persons with disabilities in the labour market.

### **Discrimination in employment**

353. Under article L.251-1(3) of the Labour Code, “harassment is regarded as a form of discrimination within the meaning of paragraph (1) when undesirable conduct related to one of the grounds listed therein (disability, among others) is designed to, or has the effect of, violating a person’s dignity and creating a hostile, degrading, humiliating or offensive environment”.

354. Article L.253-2 of the Code deals with cases in which people claim that their right to equal treatment has been violated.

355. Article 1 bis of the amended Act of 16 April 1979 setting out the general regulations for public servants prohibits any direct or indirect discrimination that may result in a specific disadvantage for persons with disabilities compared with other persons (see section on article 5 above).

356. In that connection, it should be noted that, pursuant to the same article, provisions concerning the protection of health and safety in the workplace and measures to introduce or maintain arrangements or facilities to preserve or encourage the inclusion of persons with disabilities in the labour market are not considered a form of direct or indirect discrimination.

357. In its section 5, on the duties of public servants, article 10 of the amended Act stipulates that all public servants must refrain from harassment of any kind in the workplace. Thus, all undesirable conduct that has the purpose or effect of violating the dignity of a person with a disability and creating an intimidating, hostile, degrading, humiliating or offensive environment is prohibited.

358. Pursuant to the Act of 17 July 2007, the Special Commission on Harassment was set up in the Ministry of Public Service and Administrative Reform. The Commission can receive complaints from anyone who considers him or herself a victim of harassment. It is tasked with identifying harassment against civil servants, including new recruits during their probationary period, and State employees and salaried workers, and, where appropriate, with issuing recommendations to put an end to such harassment. The Commission serves only as an advisory body to the Government, which makes all final decisions. In 2012, the Commission received 10 complaints, none of which related to disability.

## **Article 28**

### **Adequate standard of living and social protection**

#### **Social assistance (Act of 18 December 2009 on social assistance)**

359. Social assistance ensures that persons in need (with or without disabilities) and their families have access to goods and services adapted to their circumstances, in order to help them gain or preserve their independence. It is a subsidiary benefit, complementing other social assistance measures and financial benefits provided under other laws and regulations, which applicants for social assistance must first exhaust.

#### **Guaranteed income**

360. The aim of the amended Disability Act of 12 September 2003 is to promote the financial security and independence of persons with disabilities. The measures implemented concern both persons whose capacity for work is sufficient for them to engage in a paid professional activity and those whose impairments are so severe as to prevent them from carrying out paid work.

361. The Act provides for: (1) the establishment of a system of remuneration for persons with the status of worker with a disability in the regular job market or in a sheltered workshop; (2) the introduction of an allowance for persons with disabilities so severe as to prevent them from earning a living in the regular job market or in a sheltered workshop (see section on article 27).

362. To counter the increased risk of poverty and unemployment faced by persons with disabilities, a person with the status of worker with a disability who, for reasons beyond their control, does not have access to paid employment and has an income lower than the severe disability allowance may, under certain conditions, also receive that allowance.

363. Persons with disabilities employed in the regular job market cannot be paid a salary lower than that provided for by law, regulations or collective agreements. As a result, they are no longer entitled to claim an allowance on account of their disability.

364. Persons with disabilities employed in sheltered workshops earn a salary equal to the hourly minimum social wage multiplied by the number of working hours set out in their contract.

365. The amended Act of 29 April 1999 establishing a right to a guaranteed minimum income states that persons under the age of 25 may claim the benefits provided for by the

Act if: (1) they are adults caring for a person with a severe disability who requires constant support; or (2) they are adults who, on account of an illness or disability, are unable to earn a living.

366. In addition to the provisions of the Disability Act of 2003, articles L.551-1 to L.552-3 of the Labour Code set out, under the heading “Employment of persons unable to continue doing their last job”, the procedures for reclassifying such employees.

367. The reclassification procedure is currently initiated when it is observed that an employee is unable to continue doing his or her job. A joint commission is then tasked with finding the person concerned another job in the same company (internal reclassification) or, through the Employment Development Agency, in a new one (external reclassification).

368. The Act provides for the payment of unemployment benefits to persons awaiting external reclassification and of compensation for any wages lost as a result of internal reclassification.

369. If the employee cannot be reclassified externally while still entitled to full unemployment benefit payments, he or she is entitled to a tide-over allowance paid for through the pension insurance system and equal in amount to the disability pension.

370. A bill to amend the provisions on internal and external reclassification was submitted in March 2013. The main changes proposed involve:

- (1) Expediting occupational reclassification procedures and introducing an alternative pathway;
- (2) Creating a special regime for employees undergoing external reclassification so as to strengthen the protection afforded to them;
- (3) Establishing a procedure for the periodic assessment of persons undergoing professional reclassification by an occupational health doctor to improve monitoring of their capacity for work;
- (4) Replacing the tide-over allowance with a contributory occupational tide-over allowance, as an extension of the right to unemployment benefits;
- (5) Introducing penalties for employers who refuse reclassification.

### **Adequate housing**

371. Recipients of the severe disability allowance who live in rented accommodation may claim a housing allowance.

372. Financial assistance for the installation of special facilities for persons with one or more motor disabilities in new or existing buildings can be obtained from the Ministry of Housing. This assistance is subsidiary to that available under the dependency insurance scheme (see section on article 19). State assistance covers 60 per cent of the installation costs up to a maximum of €15,000, with the rest covered by dependency insurance. In 2012, a sum of €2,541.76 was allocated to a person with a physical disability.

373. The two main public contractors in the housing sector are the National Society for Affordable Housing and the Housing Fund. In 2012, the Housing Fund had 52 properties for persons with disabilities in its rental stock. However, it receives very few requests and the last two properties for persons with disabilities available for rent were unoccupied for more than a year owing to a lack of prospective tenants with disabilities. The National Society has only one tenant who is a wheelchair user; in 2012, 2 of the 273 applications on the social-housing waiting list were submitted by wheelchair users. The number of social housing units available in Luxembourg in 2012 stood at 1,703 through the Housing Fund,

170 through the National Society and 106 through the Social Housing Agency. In 2011, 1,296 social housing units were available through local authorities.

### **Improved social protection for (dependent) persons with disabilities following the introduction of dependency insurance in 1999**

374. Dependency insurance, which was introduced on 1 January 1999, recognizes dependency as a risk to be covered by social security in the same way as illness, workplace accidents, disability and old age.

375. Given that this is a risk that knows no boundaries and makes no distinctions, and that it can affect anyone at any age, all persons with health insurance are insured against it. Dependency benefits are not means-tested.

376. Dependency insurance supplements social protection by covering the risk of a permanent loss of autonomy and serves to offset the cost of assistance from a third party for basic daily requirements (hygiene, nutrition and mobility).

377. The need for assistance from a third party must result from a physical, mental or psychological illness or disability of a certain intensity and duration.

378. The guiding principles are as follows: (1) rehabilitation must be attempted before dependency benefits can be claimed, as these are intended for those in a permanent state of dependency; (2) priority is given to home care over institutional care: two thirds of beneficiaries currently live at home, while only one third have been institutionalized; (3) priority is given to benefits in kind over cash benefits: a major concern is to ensure that the assistance and care provided to dependent persons is of high quality.

379. It is possible, however, to exchange benefits in kind for cash benefits, for which the ceiling is currently in excess of €1,100 per month. The money is paid to the beneficiary so that they can afford to pay for a carer (the person providing care and assistance). The benefits may also be combined.

380. By means of an individual, objective and fair assessment of the need for assistance and care, the Assessment and Guidance Commission of the dependency insurance scheme determines which professional and technical services are needed to allow each dependent person to live with dignity. The Commission informs and advises the persons concerned of the possibilities open to them under the dependency insurance scheme.

### **Special disability allowance**

381. The special disability allowance (provided for by article 272 of the Social Security Code) is intended to offset additional costs incurred as a result of a child's disability. In principle, it is payable when a child for whom family allowance is payable has a sickness or infirmity that leaves them with a permanent physical or mental disability classed at 50 per cent or higher when compared to a non-disabled child of the same age (see section on article 7). As at 31 December 2012, 1,192 children (441 girls and 751 boys) aged under 18 and living in Luxembourg were receiving the special disability allowance in full. That equated to around 1.17 per cent of the 101,575 children living in Luxembourg for whom the standard family allowance was payable. Entitlement to the special disability allowance can be extended up to the age of 27, provided that the recipient has suffered from one or more medical conditions since he or she was a minor, is undergoing training tailored to his or her abilities, and does not receive a salary, severe disability allowance or income of any kind that is equal to or greater than the allowance. As at 31 December 2012, a total of 205 adults (103 women and 102 men) living in Luxembourg were receiving the special disability allowance in full.

## **Article 29**

### **Participation in political and public life**

382. The bill to amend the Constitution of Luxembourg that is currently being drafted provides for a change in the provisions on the right to vote: persons under guardianship would no longer be automatically deprived of this right. The right to vote should be denied only in specific cases and by court order. To ensure the enjoyment of the right to vote by all, polling stations must be accessible and ballot papers must be adapted to the needs of persons with disabilities.

383. Postal voting is possible in Luxembourg but, in accordance with the policy of inclusion that promotes the participation of all citizens, this alternative should not hold back the process of making polling places accessible. Article 79 of the amended Electoral Act of 18 February 2003 provides that: “If a voter is blind or has a disability, the presiding officer authorizes him or her to be accompanied by a guide or helper, who may even mark the ballot paper if the voter is unable to do so alone. The guide or helper does not necessarily have to be on the electoral roll.” In 2013, Info-Handicap republished a brochure on the accessibility of polling stations and on alternative methods of voting, such as postal voting.

384. Everyone should be able to understand electoral programmes. To that end, it is essential to have information in an accessible format, for example one that uses simple language (see section on article 21, on the work of the resource centre for easy-to-understand language). Other persons require sign-language interpretation. Since 2007, the Ministry of the Family has provided the funding for a sign-language interpreter, who works free of charge at meetings and events organized by associations of and for persons with hearing impairments, and at conferences and general assemblies. Since May 2012, the weekly meetings of Luxembourg city council have been interpreted simultaneously into German sign language and broadcast via Livestream. Broadcasts of the meetings are available on the council’s website. Some meetings of the Chamber of Deputies, especially those dealing with matters of particular relevance to persons with disabilities, are broadcast live on the Internet in sign language. An increasing number of television programmes made in Luxembourg that are of national interest are also broadcast in sign language. In 2013, sign-language interpretation of the State of the Nation Address delivered by the Prime Minister of Luxembourg was broadcast live on “Chamber TV”.

385. Luxembourg supports numerous disability NGOs with regular or occasional grants, including the National Council for Persons with Disabilities, which is composed mainly of disability organizations. With a view to encouraging the movement for the self-representation of persons with disabilities, the State covers the cost of the annual fee paid by the National Council to the European Disability Forum.

## **Article 30**

### **Participation in cultural life, recreation, leisure and sport**

386. *Tourism:* Since 2010, the Ministry of Tourism has granted the EureWelcome label in collaboration with Info-Handicap. The label is awarded to service providers in the tourism and leisure sectors for special efforts to promote accessibility and cater for persons with disabilities. It serves as visible proof that the premises have been checked by inspectors specializing in accessibility and that reliable information on the degree of accessibility is available. By the end of July 2013, 84 establishments had been awarded the EureWelcome label in Luxembourg, up from just 58 at the end of 2012. Accessible premises are brought to the attention of potential customers and visitors on the website “www.welcome.lu” and through brochures and links on culture and tourism websites recognized at the national, interregional and European levels. “Package tours”, a bilingual brochure on untrammelled

cross-border tourism between Saarland and Luxembourg, contains reliable, verified information on the accessibility of the hotels, guest houses and attractions featured, most of which have been awarded the EureWelcome label.

387. The project “3, 2, 1, *Vakanz*” is a specialized travel and leisure service for persons with disabilities or reduced mobility operated by the non-profit association Tricentenaire. The service has organized group holidays for persons with disabilities since 2009 and rents all manner of technical equipment (ramps, *joëlettes* (one-wheeled all-terrain chairs), etc.) to enable persons with disabilities to make the most of their holidays. The service has been provided by the professionals at Tricentenaire, who put in 2,570 hours of work in 2012, with the help of 22 trained volunteer guides, who contributed 1,264 hours of their time to group holidays, offered individual support on 16 occasions (for a total of 114 days) and provided assistance for leisure pursuits and numerous small activities on 50 occasions. The service also responded to 69 requests for information on accessible establishments and on its own work.

388. Several other associations offer *Fräizäit* service, which are leisure services partly funded by the Ministry of the Family. They organize leisure activities for persons with disabilities and facilitate their participation in activities and events for the general public. The activities on offer are very diverse and include outings (cinema, visits, restaurants, concerts, etc.), sports activities (swimming, horse-riding, team sports, air trampoline, etc.), creative activities and holiday camps. The activities and camps are run by professionals and volunteers. Participants are aged between 15 and 64. In 2012, 31 persons with disabilities took part in the activities on a regular basis.

389. Since 1995, an inclusive camp has been organized by the National Youth Service on a fully accessible site. In 2012, 12 children with disabilities out of a total of 42 children aged 7 to 10 attended the camp and 18 young persons with disabilities took part in a camp organized for a total of 48 youngsters aged 11 to 14. Since 2004, the Service has organized an annual training weekend on the inclusion of children with disabilities. In 2012, years of experience were brought together in a publication on the inclusion of children with disabilities for activity leaders.

390. In 2010, Info-Handicap provided training on “Making *all* tourists feel welcome” at the City of Luxembourg tourist office to raise awareness of disability and accessibility among students hired under the “Luxembourg Jackets — Ask Me” initiative. The role of “the Jackets” is to inform and advise tourists in the capital from mid-June to mid-September. Since 2011, Info-Handicap has accompanied the Jackets on their tours of the capital.

391. In the cultural sphere, various projects to facilitate the access of persons with disabilities to culture have been, or are about to be, carried out. The National Sites and Monuments Service has created a cultural itinerary for persons with visual impairments at Useldange Castle. The route comprises around 20 waypoints providing a historical perspective on the local heritage. The route and reading material are tailored to persons with visual impairments, allowing them to smell, hear and touch history. The project has been declared a pilot project by the United Nations Educational, Scientific and Cultural Organization (UNESCO).

392. The National Literature Centre, in collaboration with the Lëtzebuurger Blannevereenegung Foundation, is carrying out a project entitled “*Eng Stëmm fir d’Buch*”, the aim of which is to produce audio versions of texts that form part of the country’s literary heritage for persons who are blind or partially sighted.

393. Institutions such as the cultural centre in the town of Mersch have undertaken to help persons with disabilities realize their creative potential. The “*BlanContact*” project brings together professional artists and amateur dancers, some of whom have physical

disabilities, and combines movement, music, images and installations. The cultural centre, with the support of the Ministry of the Family, also stages theatre performances with sign-language interpretation.

394. In 2010, the first sheltered workshop for the visual and performing arts was set up. The “Dadofonic” collective is composed of 12 employees with mental disabilities (seven men and five women), supported by two assistants/instructors. In 2012, three outside artists took part in 10 training sessions organized for the employees and in 10 public performances.

395. In the field of sports, since 2007, the disability sports section of the Ministerial Department for Sports, to which two persons with the status of worker with a disability have been assigned, has endeavoured to create optimal training conditions for sportsmen and women with physical or mental disabilities.

396. In 2012, a large number of training sessions and competitions were held in the Rehazenter facilities.

397. Since October 2011, as part of its “Sports for all” strategy, Luxembourg city council has organized multi-sport sessions for persons with disabilities aged 12 to 26. There were about a dozen participants in 2011/12 and 2012/13.

### **Article 31**

#### **Statistics and data collection**

398. The following surveys provide statistics on persons with disabilities and their social integration in Luxembourg:

(1) *European Health and Social Integration Survey*: This is the only survey that focuses primarily on disability and the social inclusion of persons with disabilities. It is conducted under the responsibility of Eurostat in 29 European countries, including Luxembourg. It is the first time that a survey on this subject has been undertaken in Luxembourg. The fieldwork was carried out in the second half of 2012 and early 2013. The results should be available in early 2014;

(2) *Labour Force Survey — 2002 and 2011 modules on employment and disability*: An ad hoc module is periodically added to the Labour Force Survey, which is conducted under the responsibility of the National Institute of Statistics and Economic Research (STATEC), and focuses mainly on the labour market. In 2002 and 2011, the module was devoted to the employment of persons with disabilities;

(3) *European Survey on Income and Living Conditions*: this survey includes variables on self-perceived health, chronic morbidity or disability and long-term activity limitation;

(4) *European Health Interview Survey*: this survey focuses on public health issues in general. It deals with the topic of disability indirectly, in that it includes variables on activity limitation. The survey was conducted in 2013 under the responsibility of the Ministry of Health and at the same time as the European Health Examination Survey.

399. All the above-mentioned surveys are of the general population. Given that the sample sizes are relatively small, a detailed analysis of each subgroup (persons with disabilities, for example) is often not possible, as the number of responses is too limited.

400. As to the measures taken to disseminate these statistics and make them accessible to persons with disabilities, it should be noted that surveys conducted under the responsibility of STATEC (Labour Force Survey, European Survey on Income and Living Conditions) appear in publications that are accessible on the statistics portal of the Grand Duchy of



Luxembourg. The 2011 ad hoc module of the Labour Force Survey was analysed by STATEC in the *Work and Social Cohesion Report* of 2012. The European Health Interview Survey conducted under the responsibility of the Ministry of Health will also be published. The results of the European Health and Social Integration Survey will probably be published by Eurostat, but STATEC will use and disseminate the results for Luxembourg.

## **Article 32**

### **International cooperation**

401. Luxembourg is firmly committed to enhancing the rights of persons with disabilities around the world, and the Government is in favour of international cooperation in the forms and for the purposes set out in this article.

402. With regard to development cooperation, it should be noted that, during the planning of bilateral projects in partner countries, the Luxembourg development agency, LuxDev, pays particular attention to persons with disabilities and to ensuring that their rights are respected. This applies above all to infrastructure projects, particularly those involving the construction of schools or training centres, or the installation of sanitation facilities. Standards on accessibility for persons with disabilities are included in invitations to tender for such projects.

403. The humanitarian aid strategy drawn up in 2013 takes account of persons with disabilities, particularly in the component related to the protection of affected and vulnerable persons. In its development assistance activities, Luxembourg pays special attention to protecting and supporting particularly vulnerable groups, including women and children, the elderly, persons with disabilities and other groups with specific or less visible difficulties who are less able to participate actively in decision-making and to take advantage of assistance. Development cooperation agencies in Luxembourg will ensure that such groups are included in the process of identifying nutritional needs and in the formulation and implementation of responses. From now on, they will also encourage partners to attach greater importance to the protection of population groups affected by disasters and to be attentive to their safety and dignity.

404. In 2011 and 2012, development cooperation agencies in Luxembourg contributed €4,815,000 and €4,571,000, respectively, to projects offering direct or indirect support to persons with disabilities. In 2012, 28 cooperation projects (development, humanitarian aid and awareness-raising) providing direct support to persons with disabilities received funding of €2,947,778, and 11 cooperation projects (development, humanitarian aid and awareness-raising) providing indirect support to persons with disabilities received funding of €1,119,645. Most of the contributions from Luxembourg went to specific development assistance, humanitarian aid, awareness-raising or demining projects. These projects were implemented by specialized NGOs such as Handicap International Luxembourg, Christian Solidarity International, the National Scout and Guide Federation of Luxembourg and the Raoul Follereau Foundation, and are aimed at providing humanitarian assistance and social reintegration services for persons with disabilities, strengthening the capacity of civil society organizations in recipient countries, supplying orthopaedic equipment in rehabilitation centres and hospitals, improving the access of persons with disabilities to physical rehabilitation services and developing prevention activities.

405. With regard to foreign policy, in addition to the disability projects supported as part of its development cooperation efforts, Luxembourg has a long-standing commitment to conventional disarmament. Luxembourg is keenly aware of the threat posed to civilian populations by non-discriminatory weapons such as anti-personnel mines and cluster

munitions, and of the need to help mutilated victims. Luxembourg was one of the first States to ratify the Convention on Cluster Munitions, which entered into force in 2010.

406. In this connection, Luxembourg regularly funds demining, clearance and victim assistance projects carried out by NGOs or international organizations in the most affected parts of the world, and also contributes financially to international campaigns against such weapons run by NGOs.

407. The Luxembourg Army participates regularly in demining and clearance activities as part of operations led by international organizations. It is currently engaged in southern Lebanon as part of the United Nations Interim Force in Lebanon.

### **Article 33**

#### **National implementation and monitoring**

408. The Ministry of the Family is the government body responsible for developing and coordinating policies, laws and measures in favour of persons with disabilities. As the focal point, the Ministry promotes, encourages and furthers disability mainstreaming in all policy areas, including by means of a five-year action plan, and thereby fosters the creation of a culture of inclusion. Its main tasks as the focal point are to: (1) increase awareness and understanding of the Convention among the general public; (2) promote the inclusion of the topic of disability in all policy areas; (3) foster and encourage the participation of civil society in the process of implementing the Convention and in decision-making processes that concern persons with disabilities; (4) stimulate dialogue between decision makers and civil society; (5) guarantee respect for the interests of persons with disabilities during the adoption of new legislative, administrative or technical measures; and (6) ensure the effective implementation of the Government's disability action plan.

409. The Ministry of the Family is supported in its role as focal point by the non-profit association Info-Handicap, which acts as the national platform for the Convention on the Rights of Persons with Disabilities. As such, Info-Handicap: (1) helps persons with disabilities obtain the benefits that are due to them; (2) informs and supports persons with disabilities, their family members and friends when they have questions of a legal nature or feel that they have been discriminated against by reason of their disability; and (3) directs persons with disabilities to specialized services such as the Centre for Equal Treatment, the Advisory Commission on Human Rights and the Ombudsman, and promotes dialogue among the different actors.

410. The Advisory Commission on Human Rights, which acts in accordance with the Paris Principles, is an advisory body that guides the Government on all general issues relating to human rights in the Grand Duchy of Luxembourg. It issues opinions and prepares reports, position papers and recommendations at the request of the Government or on its own initiative. With regard to the Convention, its task is to work alongside the Centre for Equal Treatment to promote and monitor the Convention at the national level and, more specifically, to: (1) increase awareness and understanding of the Convention and the human rights of persons with disabilities; (2) analyse the compliance of existing and proposed laws and political programmes with the Convention; and (3) participate in meetings and exchanges with disability organizations and other civil society actors. The Commission is not competent to receive complaints from individuals.

411. The Centre for Equal Treatment operates independently with the aim of promoting, analysing and monitoring equal treatment for all persons without discrimination on grounds of race, ethnic origin, sex, sexual orientation, religion or belief, disability or age. In fulfilling its mandate, the Centre may publish reports, issue opinions and recommendations, undertake studies and provide assistance to persons who consider themselves to be victims

of discrimination by providing them with advice and guidance on their individual rights, legislation, jurisprudence and available remedies. With regard to the Convention, its task is to work alongside the Advisory Commission on Human Rights to promote and monitor its application at the national level. The Centre can also handle individual cases in which a person considers him or herself to be a victim of discrimination on account of disability.

412. The Ombudsman is responsible for protection under the Convention. The Office of the Ombudsman is an independent authority whose mission is to receive individual complaints lodged by natural persons or legal entities against an authority, a government department or a municipality relating to a matter that concerns them personally. If the Ombudsman deems a complaint to be justified, he or she engages with the administration in question in an attempt to resolve the dispute, either by: (1) seeking amicable solutions to the individual disputes brought to his or her attention; or (2) making recommendations to improve the functioning of an administration or suggesting amendments to laws and regulations in the public interest. The Ombudsman is responsible for protection in the context of implementing the Convention.

413. Measures have been taken to involve civil society, including the Higher Council for Persons with Disabilities, in the reporting process. The Council, which has its legal basis in the Act of 12 September 2003, is composed mainly of persons with disabilities and representatives of associations of or for persons with disabilities. It is tasked with: (1) assisting and advising the minister responsible for coordinating the Government's disability policy; (2) bringing together, to that end, the relevant partners, namely persons with special needs, professionals in the field and members of the Government; (3) giving an opinion on any bill or draft regulation concerning disability that is submitted to it by the Government; and (4) examining any questions submitted to it by the minister and any issues that, in its view, merit consideration, particularly those related to the implementation of the Convention.

414. On 15 June 2013, a morning of consultations with civil society was organized to discuss the initial report of Luxembourg on the implementation of the Convention. The Government also encourages disability organizations to draft a shadow report and makes a financial contribution for that purpose.

415. In order to promote participation and inclusion, Luxembourg city council organizes an annual day of discussion on the situation of persons with special needs. The day makes it possible to have a regular, ongoing exchange between councillors, municipal bodies and relevant associations, and to address numerous subjects that affect the daily lives of persons with disabilities. Luxembourg city council also organizes working groups on accessibility, communication and society that are open to everyone, regardless of whether they live in the city or not.

416. In order to provide the best possible response to the wishes and expectations of persons with disabilities, Luxembourg city council has established a service for integration and special needs. The service, which reports directly to the mayor, is the main point of contact for persons with disabilities and disability organizations.

---