

DOTCOM: The Disability Online Tool of the Commission

Luxembourg

A. UN Convention status

A1. Ratification or conclusion of the UN Convention

Luxembourg signed the UN Convention on the Rights of Persons with Disabilities (CRPD) and the Optional Protocol on 30 March 2007. After the deposit of the legislative proposal (No. 6141) in May 2010, the Convention and the Optional Protocol were approved by the Luxembourgish Parliament (Chambre des Députés) on 13 July 2011. The Convention entered into force for Luxembourg on 12 August 2011. The Convention was published as 'Rights of Persons with Disabilities' (Droits des Personnes Handicapées) in the national law journal (MEMORIAL Journal Officiel du Grand-Duché de Luxembourg / Amtsblatt des Großherzogtums Luxemburg, A-No.169 9 août 2011 p.2897 -2916) on 09 August 2011. The document covers the CRPD and the Optional Protocol and the introductory paragraphs appoint and clarify the independent national monitoring mechanism of the CRPD.

In 2013, Luxembourg presented the first periodical report on the implementation of the Convention, as provided for in Article 35 of the Convention.

In 2017, a Luxembourg delegation travelled to Geneva to explain the report to the United Nations Committee of Experts in Geneva and to share information with the Committee on the implementation of the UN CRPD in Luxembourg. The Luxembourg delegation, representatives of various ministries, the Commission consultative des droits de l'homme (CCDH) and representatives of civil society participated in the exchange. The Committee of Experts published its final comments on the first report of the Grand Duchy in 2017. On 4 December 2017, the Ministry of Family Affairs of the Grand Duchy of Luxembourg presented a report on the state of implementation of the first national action plan (Bilan du Plan d'Action de mise en oeuvre de la CRDPH 2012-2017).

In the period from summer 2018 to spring 2019, several working group meetings were held to develop a new action plan (Elaboration du Plan d'Action 2019-2024 de mise en œuvre de la Convention relative aux droits des personnes handicapées). The focus was on the following topics: Awareness-raising (Art. 8), Equal recognition of legal personality (Art. 12), Autonomy of life and inclusion in society (Art. 19), Freedom of expression and opinion and access to information (Art. 21), Education (Art. 24), Health (Art. 25), Work and employment (Art. 27), Participation in political and public life (Art. 29). A preliminary completion of the Action Plan 2019-2023 for the implementation of the UN Convention on the Rights of Persons with Disabilities was presented on 26 March 2019 under the leadership of the Ministry of Family Affairs.

The next report to the UN is due for submission in 2021.

Links

Luxembourg National Law Journal

<http://www.legilux.public.lu/leg/a/archives/2011/0169/a169.pdf>

CRPD in French (CRDPH) and in German (BRK), the National Ministry of Family, Integration and the Greater Region

<https://mfamigr.gouvernement.lu/fr/le-ministere/attributions/personnes-handicapees/convention-nations-unies.html>

European Legislation Identifier

<http://eli.legilux.public.lu/eli/etat/leg/loi/2011/07/28/n3>

CRPD time table Luxembourg

<https://mfamigr.gouvernement.lu/de/le-ministere/attributions/personnes-handicapees/convention-nations-unies.html>

Overview of the implementation of the CRPD 2012-2017 (Bilan Plan d'Action 2012-2017)

<https://mfamigr.gouvernement.lu/dam-assets/le-ministere/attributions/personnes-handicapees/bilan-plan-d-action-2013-2017.pdf>

Topics for future action plans

<https://mfamigr.gouvernement.lu/dam-assets/le-ministere/attributions/personnes-handicapees/themen-aktionsplan-2019-2024.pdf>

A2. Ratification or accession to the Optional Protocol

Luxembourg signed the Optional Protocol on 30 March 2007 and approved it on 13 July 2011. The Optional Protocol was announced in the national law journal (Mémorial du Grand Duché de Luxembourg - Amtsblatt des Großherzogtums Luxemburg) and entered into force on 12 August 2011.

Links

Luxembourg National Law Journal

<http://www.legilux.public.lu/leg/a/archives/2011/0169/a169.pdf>

European Legislation Identifier

<http://eli.legilux.public.lu/eli/etat/leg/loi/2011/07/28/n3>

A3. Declarations, Reservations and Objections

There were no declarations, reservations, or objections documented by the Luxembourgish Parliament. Advocacy groups, human rights associations, stakeholders, and other relevant groups were asked by the Ministry of Family and Integration (Ministère de la Famille et de l'Intégration) for statements and comments on the convention. In summary: they acknowledged the impact of the convention and agreed it. There is an overview of comments and notes ('avis') to the CRPD by different organisations (e.g.: Centre pour l'Egalité de Traitement/Centre for equal treatment, Commission Consultative des Droits de l'Homme du Grand-Duché de Luxembourg/ National Consultative Commission on Human Rights of the Grand-Duchy of Luxembourg, Conseil National des Personnes Handicapées/ National Disability Council, and others).

Links

Comments to the CRPD act (rôle des affaires CRDPH)

<https://mfamigr.gouvernement.lu/dam-assets/le-ministere/attributions/personnes-handicapees/monitoring-convention-de-l-onu-relative-aux-droits-des-personnes-handicapees-.pdf>

Parliamentary processing

<https://www.chd.lu/wps/portal/public/Accueil/TravailALaChambre/Recherche/RoleDesAffaires?action=doDocpaSearchAction&choice=MotCleResume&MotCleResume=convention%20handicap>

A4. Comprehensive review

In 2010, the Luxembourgish Government introduced the Convention at the Parliament, giving a comprehensive overview and concluded that the existing national legislation already fulfilled most of the obligations and acts required by the Convention (Chambre des députés session ordinaire 03.06.2010. Sommaire du projet de loi portant approbation - de la Convention relative aux droits des personnes handicapées, Dépôt: le 25.5.2010, Luxembourg: Service Central des Imprimés de l'Etat, p.7). Comments and reviews are documented at the National Service Agency for persons with disabilities (Infohandicap), where versions of the CRPD in English, French, and German are available. An easy-to-read version (a very short overview of the CRPD and the National Action Plan) is also available on the webpage.

Links

Information from the Luxembourg Parliament

<http://chd.lu/wps/portal/public/RoleEtendu?action=doDocpaDetails&backto=/wps/portal/public&id=6141>

The National Service Agency for persons with disabilities (Infohandicap)

<http://www.info-handicap.lu/index.php/de-DE/dokumente/uno-konvention-convention-ONU>

A5. Focal point

In 2009, the Luxembourg Government designated the National Ministry of Family and Integration (Ministère de la Famille et de l'intégration now Ministère de la Famille, de l'Intégration et de la Grande Région) to prepare and accompany the implementation of the Convention and the elaboration of the national action plan. A steering committee was established to guide the implementation of the Convention. This focal group initiated a first official presentation of the Convention on 2 March 2011 and launched subgroups dealing with specific subjects of the Convention and their implementation in Luxembourg. These working groups are still operable and deal with the following topics: Information and awareness of disability issues; access to information and freedom of opinion; non-discrimination and equal opportunity; mobility and use of public transport; accessibility to public services and infrastructures; legislation and administrative rules; autonomy and participation; health conditions and data collection. Different groups are formed to discuss a variety of topics and these groups have highlighted current problems and barriers to participation and inclusion, as well as proposed solutions to them. The working groups have no decision-making power but play an important role in consultation and empowering participants and stakeholders as they are in close contact with the Ministry of Family and Integration.

Links

National Ministry of Family, Integration and the Greater Region

<https://mfamiqr.gouvernement.lu/de/le-ministere.html>

A6. Coordination mechanism

The Luxembourg Ministry of Family and Integration (Ministère de la Famille et de l'Intégration) cooperates with other concerned Ministries (e.g. Ministry of Labour) or administrations, services and NGOs and coordinates the implementation of the CRPD at national level. At the international level the Ministry of Foreign Affairs (Ministère des Affaires Etrangères) is the responsible partner. The Ministry of Family and Integration launched an awareness campaign and organised related actions. Members of the steering groups are the Ministry of Family and Integration, delegates of non-profit organisations and disability associations, including persons with disabilities elected by the first working session. The working groups are ad hoc groups with significant participation of persons with disabilities. The Ministry charged with the coordination changed in 2014. Now it is the Ministry of Family, Integration and Greater region (Ministère de la Famille, de l'Intégration et à la Grande Région).

Links

Ministry of Family, Integration and the Greater Region

<https://mfamigr.gouvernement.lu>

Ministry of Family, Integration and Greater Region, Information on CRPD

<https://mfamigr.gouvernement.lu/fr/le-ministere/attributions/personnes-handicapees/convention-nations-unies.html>

A7. Independent mechanism

As appointed in the leading text of the Rights of Persons with Disabilities Act (Memorial 09 August 2011 A-169) there are two institutions mandated with the monitoring task at national level: The Luxembourg Consulting Commission on Human Rights (Commission consultative des Droits de l'Homme du Grand-Duché de Luxembourg - CCDH) and the National Centre for Equal Treatment (Centre pour l'égalité de traitement - CET). The CCDH is a consulting organisation founded in 2008, and is recognised by law as providing advice to the Government. The members (presently: 19, mostly lawyers, advocates, journalists, or from the social professions) are appointed by the Government for five years with a renewable mandate. The CET was established by law in 2006. It consists of five members appointed for five years (renewable once) by the Grand Duke based on a proposal from the Luxembourg Parliament. There is no hierarchy, but a thematic division of work. In Article 3 of the Rights of Persons with Disabilities Act, the CET is appointed as the national independent mechanism, to protect the implementation of the Convention and as the national mediator on civil services (médiateur au service de citoyens - Ombudsman) of Luxembourg. An Overview of the monitoring mechanism is available at the homepage of the national disability information centre 'Infohandicap'.

Links

Information from the Luxembourg Parliament

<http://www.chd.lu/wps/portal/public/RoleEtendu?action=doDocpaDetails&id=6141>

National Consultative Commission on Human Rights of the Grand-Duchy of Luxembourg

<http://www.ccdh.public.lu/fr/index.html>

Centre for Equal Treatment

<http://cet.lu/en>

Ombudsman Luxembourg

<http://www.ombudsman.lu/>

National Disability Information Centre

<http://www.info-handicap.lu/index.php/de-DE/dokumente/uno-konvention-convention-onu/678-unbrkmonitoring/file>

Monitoring flow chart (rôle des affaires CRDPH)

<https://mfamigr.gouvernement.lu/dam-assets/le-ministère/attributions/personnes-handicapées/monitoring-convention-de-l-onu-relative-aux-droits-des-personnes-handicapees.pdf>

A8. Official reporting

As the Convention was signed on July 2011 and published in the national law journal during August 2011, the first national report was due in October 2013 and submitted to the UN in March 2014. Under the responsibility of the Ministry of Family, Integration and the Greater Region, the Initial report (premier rapport périodique du Grand-Duché de Luxembourg de mise en oeuvre de la Convention des Nations Unies relative aux droits des personnes handicapées) covers the entire range of the CRPD by tackling 421 points reaching from the first national programme on disability policy to the creation of a community based service for people with disabilities in the capital of Luxembourg.

In August 2017, the UN Committee commented on the report (CRPD/C/LUX/1) and adopted 64 concluding observations at its 354th and 356th meetings, held on 28 and 29 August 2017, respectively.

The Initial report is available in French, English, and Spanish. The Concluding Observations on the initial report of Luxembourg are published in English, Russian and Spanish, none of which is the national language of Luxembourg. Within the disability movement, a workable translation into German has been developed, but this version has no official status and is only available for internal use (no official link exists yet).

In 2018, a review of the implementation of the UN CRPD was published, on the basis of which a new working group was established to draw on this report for the elaboration of the Action Plan 2019-2024 (work still in progress).

Links

State reports to the UN Committee

https://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=4&CountryID=102&DocTypeID=29

Link to all UN reporting cycle documentation

https://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=4&CountryID=102

First National Comprehensive Report on the Implementation of the CRPD in Luxembourg (multilingual reports)

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fLUX%2fQ%2f1%2fAdd.1&Lang=en

Concluding observations on the initial report of Luxembourg (2017)

https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fLUX%2fCO%2f1&Lang=en

Review of the first action plan (bilan des mesures réalisées par le gouvernement CRDPH)
<https://mfamigr.gouvernement.lu/fr/le-ministere/attributions/personnes-handicapees/convention-nations-unies.html>

A9. Shadow reporting

On 30 December 2016, the first alternative report was sent to Geneva developed by a broad coalition of cross-disability organisations and empowerment groups. The report addressed specific points and in general commented on the implementation of the CRPD and the recent situation in Luxembourg. In addition to the official shadow report in English (Alternative Report on Implementation of the United Nations Convention on the Rights of Persons with Disabilities - Luxembourg 2016), a German version was published (Umsetzung des Übereinkommens der Vereinten Nationen Über die Rechte von Menschen mit Behinderungen - Schattenbericht des Großherzogtums Luxemburg 2016). In February 2017, the National Consultative Council on Human Rights (Commission Consultative des Droits de l'Homme) issued a specific report on the implementation of the CRPD based on the national and alternative reports including the 'list of issues' of the Committee on the rights of persons with disabilities.

Links

Nëmme Mat Eis! Homepage

<http://www.nemmemateis.lu/#aufruz>

Nëmme Mat Eis and other Luxembourgish DPOs - Alternative report

https://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Countries.aspx?CountryCode=LUX&Lang=EN

Commission consultative des Droits de l'Homme (CCDH)-NHRI-LOIs-Luxembourg

https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCRPD%2fIFL%2fLUX%2f26611&Lang=en

Shadow report Luxembourg

https://tbinternet.ohchr.org/Treaties/CRPD/Shared%20Documents/LUX/INT_CRPD_ICO_LUX_26863_E.doc

Civil society reports to the UN Committee

https://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=4&CountryID=102&DocTypeID=14

B. General legal framework

B1. Anti-discrimination legislation

The national law prohibits discrimination against persons with disabilities in education, employment, transportation, access to health care, and the provision of other state services (Luxembourg Human Rights Report 2013). The national constitution does not explicitly mention persons with disabilities concerning human rights and non-discrimination. However, article 11(5) stipulates that the law regulates in principle social security, health protection, worker's rights, poverty reduction, and the social integration of citizens with disabilities: 'La loi règle quant à ses principes la sécurité sociale, la protection de la santé, les droits des travailleurs, la lutte contre la pauvreté et l'intégration sociale des citoyens atteints d'un handicap' (Art.11.5). There is one Article stating: 'Les Luxembourgeois sont égaux devant la

loi'. All Luxembourgian are equal before the law (art. 10bis). The Constitution also states, in article 11.2, that men and women are equal ('Les femmes et les hommes sont égaux en droits et devoirs'). The recent legal and administrative measures and arrangements are guided by the Action Plan in Favour of Persons with Disabilities (Plan d'action en faveur des personnes handicapées) published in 1997 and to date officially not revised, but updated by the CRPD. There are some legislative regulations concerning some aspects and circumstances of persons with disabilities: Act of accessibility 22 July 2008 (Loi du 22 juillet 2008 relative à l'accessibilité des lieux ouverts au public aux personnes handicapées accompagnées de chiens d'assistance). Act on the supreme counsel for persons with disabilities 25 January 2006 (Règlement grand-ducal du 25 janvier 2006 concernant l'organisation et le fonctionnement du Conseil supérieur des personnes handicapées). Act on persons with disabilities 12 September 2003 (Loi modifiée du 12 septembre 2003 relative aux personnes handicapées). There is some brief information by the Ministry of Family and Integration pointing out some future essentials in disability policies: accessibility, awareness raising, self-determination, empowerment, being expert in your own case, inclusion, independent living, participation, etc. In 2006, the regulations of the National Labour Act (Code du travail) related to the European Commission Directives (43/2000/EC and 2000/78/EC, p. 15) stipulate that discrimination based on disabilities is forbidden by law ('Toute discrimination directe ou indirecte fondée sur..., le handicap, ... est interdite' (Art. L. 251-1). There are no specific rights for disabled women. Women with and without disabilities enjoy the same legal rights as men with or without disabilities including rights under family law, property law, and the judicial system. Children with disabilities may attend regular schools or the so-called competence centers (emerged from the former Education Différenciée in 2018- Centres de compétences en psychopédagogie spécialisée), in accordance with parents' preference.

Links

National Framework Disability Policy (in German)

http://www.info-handicap.lu/images/GdH_9/9.3_DE.pdf

The Constitution of Luxembourg

http://www.legilux.public.lu/leg/textescoordonnes/recueils/Constitution/constitution_gdl.pdf

Labour Act (Code du travail)

http://www.legilux.public.lu/leg/textescoordonnes/codes/code_travail/Code_du_Travail.pdf

Competence centers (Centres de compétences en psychopédagogie spécialisée)

<http://www.men.public.lu/fr/themes-transversaux/eleves-besoins-specifiques/03-11-niveau-national-centres/index.html>

B2. Recognition of legal capacity

As there is no unique definition of disability and no uniform legal criteria of disability in jurisprudence, there is no overall view on the denial of legal capacity. The Luxembourg General Civil Code (Code Civile) recognises on a comprehensive level the legal capacity ('capacité de jouissance') of all citizens (Code Civile, livre Ier. - des personnes titre I. - de la jouissance et de la privation des droits civils, chapitre Ier. - de la jouissance des droits civils, Art. 7. & 8). The Luxembourg Penal Code uses the term 'irresponsibility' ('n'est pas pénalement responsable') and points out that a person is not responsible for his or her crime offence in the case of mental disability or insanity (Art. 71 Chapitre VIII. - Des causes de

justification, d'irresponsabilité ou d'atténuation de la responsabilité et d'excuse. (08 août 2000). In Luxembourg, lawful adult age is reached when turning 18. Regulations concerning legal capacity for adults ('le droit des incapables majeurs') is allocated in three sections (régimes de protection):

1. Guardianship: ('Tutelle') is the most restrictive procedure, involving the loss of important civil rights, like the right of voting;
2. Curatorship: ('Curatelle') is less restrictive as to the guardianship, consent of the curator is required in most activities, and
3. Legal protection: ('La mise sous sauvegarde de justice') where there are some kinds of rights of objection particularly for persons with intellectual and developmental disabilities (Code civil, titre XI. - De la majorité et des majeurs qui sont protégés par la loi (L. 11 août 1982) National Law Journal.

Links

Register of Luxembourg Law Journal Code Civil

http://www.legilux.public.lu/leg/textescoordonnes/codes/code_civil/CodeCivil_PageAccueil.pdf

Luxembourg Law Journal Code Penal

http://www.legilux.public.lu/leg/textescoordonnes/codes/code_penal/

B3. Accessibility of voting and elections

Luxembourg subjects all citizens aged from 18 to 75 years old to compulsory voting. Persons with disabilities are permitted to make use of a postal vote (Article 53 (1) 3 Constitution of the Grand Duchy of Luxembourg Article 6 -3° Election Law 2003). Accompanying assistants are allowed for persons with disability at the voting office and polling booth. Exclusions from voting (be elector or eligible) apply to persons sentenced to criminal punishment; persons sentenced for minor offenses depriving them of the right to vote; persons of full age under guardianship (Tutelle) (Article 53 [Non-Qualification]). No other exclusion clause may be foreseen. The right to vote may be restored to persons sentenced by penal courts by reprieve. The National Action Plan indicates the imperative to find solutions for persons under guardianship to participate in voting. In the run-up to the 2018 parliamentary elections, the national information office for people with disabilities (INFO-Handicap) pointed out that the Luxembourg legislation on accessibility does not include any information on the accessibility of polling booths in Luxembourg.

Links

Election Service Information of the Government

https://mint.gouvernement.lu/content/dam/gouv_mint/circulaires/2019/élections-européennes/3680-Accessibilite-des-elections.pdf

Accessibility of voting in Luxembourg information by Infohandicap

<https://info-handicap.lu/2019/05/21/newsflash-n15-2019-2/>

Constitution of the Grand Duchy of Luxembourg

<http://www.legilux.public.lu/leg/textescoordonnes/recueils/Constitution/>

Accessibility of voting office and polling booths

<https://elections.public.lu/dam-assets/fr/elections-legislatives/2018/Accessibilite-des-bureaux-de-vote-FR-accessible.pdf>

B4. Official recognition of sign language

On 23 May 2017 the Minister for Family and Integration submitted the preliminary draft law no. 7142 to the Luxembourg Chamber of Deputies.

This Act is about the recognition of German Sign Language as a fully-fledged language in Luxembourg. With the coming into force of the law, hearing-impaired people are given the right to use Sign Language in contact with authorities. Hearing impaired students are given the right to access Sign Language instruction and to learn Sign Language. In addition, parents and siblings of hearing-impaired children are given the right to attend free sign language courses. On 24 July 2018, the Chamber of Deputies unanimously adopted the draft law on the recognition of German Sign Language in Luxembourg. With the adoption of Law of 23 September 2018, German Sign Language has received official recognition in Luxembourg.

Links

National Law Journal: the Language Act of 1984

<http://www.legilux.public.lu/leg/a/archives/1984/0016/1984A01961.html>

Homepage of deaf people Luxembourg

<http://daaflux.net/category/start/>

Act on sign language in Luxembourg of 23 September 2018

<http://legilux.public.lu/eli/etat/leg/loi/2018/09/23/a872/1o>

B5. National disability strategy and action plan

Legal and administrative measures and arrangements for people with disabilities are guided by the Action Plan in Favour of Persons with Disabilities (Plan d'action en faveur des personnes handicapées) published in 1997. There are several legislative regulations concerning some aspects and circumstances of persons with disabilities: the Act on Accessibility of 22 July 2008 (Loi du 22 juillet 2008 relative à l'accessibilité des lieux ouverts au public aux personnes handicapées accompagnées de chiens d'assistance); the Act on the Supreme Council of persons with disabilities of 25 January 2006 (Règlement Grand-Ducal du 25 janvier 2006 concernant l'organisation et le fonctionnement du Conseil Supérieur des personnes handicapées); the Act on persons with disabilities of 12 September 2003 (Loi modifiée du 12 septembre 2003 relative aux personnes handicapées). The Ministry of Family and Integration pointed out some future essentials in disability policies: accessibility, awareness raising, self-determination, empowerment, being expert in your own case, inclusion, independent living, participation, etc. In 2006, following the European Commission Racial Equality Directive (43/2000/EC) the national Labour Act (Code du travail) stipulated that discrimination based on disabilities is forbidden by law ("Toute discrimination directe ou indirecte fondée sur..., le handicap, ... est interdite", Code du travail, Titre V - Egalité de traitement en matière d'emploi et de travail, Chapitre Premier.- Principe de non-discrimination, Art. L. 251-1. (1), p.130). In 2007, the CRPD was signed and in 2011 it was ratified by the Luxembourg Government. The first National Action Plan was published in 2012. The Action Plan 2012 clearly supports the idea of inclusion and points out its advantages over the concept of integration which does not provide significant changes in

established structures or systems (National Action Plan 2012, p.1). The first state report (premier rapport périodique du Grand-Duché de Luxembourg) published in 2014 tackled 421 items on realised implementations and aspired goals in line with the CRPD in Luxembourg. This report claims that respecting the rights of persons with disabilities and ensuring the full enjoyment of all the human rights and fundamental freedoms without discrimination is neither an option, nor a favour, but a well-defined obligation which is enshrined in the CRPD.

Links

National Action Plan

<http://sante.public.lu/fr/publications/p/plan-action-lux-conv-nation-unies-pers-handicapees-fr-de/index.html>

State reports to the UN Committee (premier rapport périodique du Grand-Duché de Luxembourg)

https://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=4&CountryID=102&DocTypeID=29

Concluding observations on the initial report of Luxembourg (2017)

https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fLUX%2fCO%2f1&Lang=en

Review of the first action plan / bilan des mesures réalisées par le gouvernement CRDPH

<https://mfamigr.gouvernement.lu/fr/le-ministere/attributions/personnes-handicapees/convention-nations-unies.html>

C. Accessibility

C1. Transport accessibility

There are particular laws and regulations on public transport for disabled pupils (service de transport des enfants de l'éducation différenciée) and persons with mobility impairments (Services occasionnels spécifiques de transports de personnes, adaptés aux personnes à mobilité réduite). The accessibility of public buildings is defined in the Act on accessibility (loi du 29 mars 2001 portant sur l'accessibilité). Information about accessibility of all transport services in Luxembourg is available under the National Ministry of Sustainable Development and Infrastructures (Ministère du Développement durable et des Infrastructures) and a national information site on accessibility. There are many accessible and special services for travellers going by car (parking spaces for the disabled), bus and/or train, etc. Persons with a special certification (C) and an accompanying assistant do not need to pay for transportation. The main stations of the country and most of the buses are accessible. There are special offers for persons with disabilities e.g. NOVABUS (for wheelchair users), and a taxi bus for travelling in the Grand Duchy for people with reduced mobility. There is a countrywide special service of transportation for children with disabilities 'spezialisierter Transport - transport spécialisé'.

Links

Ministry of Sustainable Development and Infrastructures / Ministère du Développement durable et des Infrastructures

<https://transports.public.lu/fr.html>

National information on accessibility website EureWelcome

<https://guichet.public.lu/de/entreprises/commerce/labels/label-qualite-tourisme/label-eure-welcome.html>

Guide on Transport and Mobility (Infohandicap)

<http://info-handicap.lu/index.php/fr-FR/documents/guide-du-handicap/516--135/file>

C2. Built environment accessibility

Accessibility of the built environment is covered by the national Accessibility Acts of 2001 and 2008 (Règlement Grand-Ducal sur l'accessibilité des lieux ouverts au public). The aim of this law is to guarantee access to all public buildings in Luxembourg. The stipulations of the Accessibility Acts are limited only to the construction of new buildings and substantial renovation of existing buildings so some problems with older buildings may persist as there are no laws concerning older buildings. The action plan to implementing the CRPD highlights the need to extend the accessibility act to all buildings. Technical standards on accessibility are defined in the National Guidelines on Accessibility (Guide des Normes).

Links

National Law Journal

<http://www.legilux.public.lu/leg/a/archives/2008/0040/a040.pdf#page=2>

National Guidelines on Accessibility (Guide des Normes)

<http://sante.public.lu/fr/publications/g/guide-normes-accessibilite-environnement/index.html>

C3. ICT and Web accessibility

The Accessibility Act (2001) does not mention the question of Web accessibility and there are no legal directives in communication technology laws. The 'e-Luxembourg' project launched by the Luxembourg Government concerns e-accessibility and the accessibility of official governmental or municipal websites based on WAI-criteria. RENOW (Référentiel de normalisation web des sites gouvernementaux luxembourgeois - Guidelines on the creation of web sites for the Luxembourg Government) assists the Luxembourg Government in web design for all. Luxembourg signed the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who are Blind, Visually Impaired or Otherwise Print Disabled on 28 June 2013; ratification is still pending.

Links

E-accessibility assistance

<http://www.eluxembourg.public.lu/>

RENOW (Guidelines on the creation of web sites for the Luxembourg Government)

<http://www.renow.public.lu/fr/index.html>

Marrakesh Treaty

http://www.wipo.int/treaties/en/ShowResults.jsp?treaty_id=843

D. Independent living

D1. Choice of living arrangements

The Luxembourg society has a long tradition of institutional (religious) view of welfare and care, so there is a lack of clear statements in favour of independent living for persons with disabilities in legal documents, except for a short declaration of intent in the Action Plan in favour of Disabled Persons published by the former concerned Ministry (Plan d'action en faveur des personnes handicapées, 1997, p.15). Also there have not been powerful pressure

groups in the past, and contact points or places to go hardly exist for independent living. Some big player Institutions (APEMH, Asbl Elisabeth, LIGUE HMC, and others) have started to broaden their structures with smaller and more autonomous units (eight to ten residents/clients per unit generally). In addition, most institutions offer home care services (services d'assistance à domicile). Even in the national compulsory long-term care insurance (assurance dépendance) and the basic income guarantee (RMG since January 2019 changed to "REVIS" social inclusion income "revenu d'inclusion sociale") for working persons with disabilities and the basic income guarantee for persons with disabilities unable to work ('revenu pour personne gravement handicapée - RPGH'), independent living remains a minority phenomenon in Luxembourg. The self-advocacy group 'Nëmme Mat Eis' may play a crucial role here to advance independent living for persons with disabilities in Luxembourg. In the context of psychosocial disabilities, the community care service 'Liewen Dobaussen' offers community based living structures ranging from assisted small group-units to individual flats. In the case of psychosocial disabilities or risk of neglect or child abuse, commitment to an institution may be imposed by court order together with a determination about the placement. In Luxembourg, involuntary placement and forced admission to an institution is possible without the consent of persons with mental health issues under the condition that a significant risk of self endangerment or of harming others is present at the time of involuntary admission. Otherwise, there are no obligations for people with disabilities to live in a particular living arrangement. The National Action Plan (2012) to implement the CRPD demands for a more flexible system of care and help to enable more persons with disabilities independent living.

Links

National Service for Persons with Disabilities

<http://www.info-handicap.lu/index.php/de-DE/dokumente/test/537-top-thema-logement>

Self-help group Nëmme mat eis

<http://www.nemmemateis.lu/online/www/func/news/DEU/index.html>

Self-help group open psychiatry

<http://www.liewen-dobaussen.lu/de/leben-bei-liewen-dobaussen.html>

Annual reports of the national psychiatry

<https://www.chnp.lu/blog/category/rapport-annuel/>

Annual reports of the national Ministry of Family and Integration

<https://mfamigr.gouvernement.lu/fr/publications.html>

D2. De-institutionalisation

The 2005 report about De-institutionalisation and community living – outcomes and costs presented a synopsis of living conditions for persons with disabilities in Luxembourg. The report elaborated by Carole Warnier (Luxemburgish Ministry of Family and Integration - Ministère de la Famille et de l'Intégration, Luxembourg) and Hilde De Keyser (European Association of Service Providers for Persons with Disabilities - EASPD) analysed the frequencies and size of institutionalised units. Following the Haefner Rapport (1993), the national central psychiatric hospital started a de-institutionalisation process, which still continues to date. More recently, the Rössler Rapport summarised the evaluation of psychiatry reforms in Luxembourg. Persons with intellectual or developmental disabilities now live in smaller and community-based units. However, big institutions for persons with

disabilities with a total of more than 100 clients/residents still exist. Actual statistics about de-institutionalisation can be found in the yearly reports of the Ministry of Health, and the Ministry of Family Affairs. The first national state report confirms the ongoing process of decentralisation and de-institutionalisation in mental health services. According to the decentralisation programme on psychiatric hospitalisation in Luxembourg, persons with acute mental health disorders should first be hospitalised in the psychiatric service of a general hospital in the community. Only when the hospitalisation takes long time (more than four weeks), the person can be transferred to the central psychiatric hospital in Ettelbruck. In 2015, the Act on Psychotherapy (Loi du 14 juillet 2015 portant création de la profession de psychothérapeute) provides persons with mental health problems individual psychological care.

Links

The Ministry of Health

<http://www.ms.public.lu/fr/ministere/sante-declaration-gouv-2013/index.html?highlight=psychiatrie>

Rössler study on Luxembourg Psychiatry

<http://www.sante.public.lu/fr/publications/r/rapport-rossler-psychiatrie-lux-planungsstudie-2005-bestandaufnahme/index.html>

National central neuropsychiatric hospital (CHNP)

<http://www.chnp.lu/>

Ministry of Family Affairs

<https://mfamigr.gouvernement.lu/fr/publications.html>

D3. Quality of social services

There are first attempts at standardisation and quality monitoring in social services. In the field of childcare, a research project at the University of Luxembourg was launched by Ulla Peters elaborating a framework of ensuring quality for children in care and educational institutions. For youth, Sandra Biewers and Helmut Willems from Luxembourg University presented in 2007 a report about quality assurance and development in youth centres in Luxembourg (Die Entwicklung des Qualitätssicherungsprozesses in den Jugendhäusern in Luxemburg Evaluationsbericht 2007). In most institutions and organisations, an internal quality circle or monitoring group is concerned with questions of maintaining or enhancing quality of services. The implementation of quality standards is still work in progress and is based on institutional commitment. The national Ombudsman (la Médiatrice du Grand-Duché de Luxembourg) provides an advisory service for persons and mediates if there is a conflict between citizens and public services. The National Higher Council for Persons with Disabilities (Conseil supérieur des Personnes Handicapées) assists and advises the Ministry of Family and Integration in all areas of disability services and disability policy.

Links

National Higher Council for Persons with Disabilities (Conseil supérieur des Personnes Handicapées)

<http://www.csph.lu>

Research Unit INSIDE University of Luxembourg

<http://wwwen.uni.lu/research/flshase/inside>

Quality for Children study

http://www.de.uni.lu/recherche/flshase/inside/research_institutes/health_and_behaviour/projects

Report about quality assurance and development in youth centres in Luxembourg

<https://mfamigr.gouvernement.lu/fr/publications.html>

D4. Provision of assistive devices at home

The introduction of a compulsory care insurance (dependency insurance) in 1998 ensures the financing of assistive equipment, adaptations, and home care for people with disabilities. The Dependency Insurance Act (Assurance-Dépendance) aims to assist dependent people with disabilities to perform activities of everyday life like hygiene, eating, and mobility. After examination and assessment, a certain number of hours of support is allocated in form of professional services, or cash benefit if the assistance is provided by a family member or other private person. The goal of the services financed by the dependency insurance is enabling people with disabilities to live or continue living in their own homes. Most of the equipment and technical supports financed by the insurance are provided by the service of supportive technologies for persons with disabilities (ADAPTH - Association pour le développement et la propagation des aides techniques pour personnes handicapées) founded in 1985 under the Umbrella of the Ministry of Health. There are particular benefits and financial support measures for blind and deaf persons. Physically handicapped persons can apply for allowances if they need reasonable accommodations at home.

Links

Dependency Insurance Act / Loi du 19 juin 1998 portant introduction d'une assurance dépendance

<http://www.legilux.public.lu/leg/a/archives/1998/0048/a048.pdf#page=2>

Service for handicap related hardware

<http://www.adapth.lu/>

D5. Availability of personal assistance schemes

Individual personal assistance is not very common in Luxembourg. The services financed by the dependency insurance are mostly delivered and organised by national and formal care providers. Personal assistance under the control and autonomy of the person with disability is provided traditionally by family members or other private persons. This private assistance fits within the dependency insurance scheme. A private budget approach to finance assistance for persons with disabilities does not exist with the exception of allowances for the blind and deaf persons. Some institutions offer individual assistance at workplaces like supported employment services.

Links

Dependency insurance (Assurance Dépendance)

<http://eli.legilux.public.lu/eli/etat/leg/loi/1998/06/19/n1>

National Labour Agency Service for handicapped worker (Service de Travailleur Handicapé - STH)

<http://www.adem.public.lu/fr/demandeurs-demploi/handicap/index.html>

D6. Income maintenance

The National Act on the Employment of Persons with Disabilities (Loi relative aux personnes handicapées - service de travailleur handicapé) of 2003 provides a definition of who may be recognised as a 'disabled worker' ('salarié handicapé'). A person may ask for REVIS (social inclusion income) or RPGH (income for persons with severe disabilities) if the person did not get an employment to earn one's living. The person has to be examined by the relevant medical service and assessed as having at least a partial incapability to work of about 30% resulting from physical, mental, sensorial, or psychic disability. The wages correspond to the general guaranteed minimum wage ('salaire social minimum' RMG). Financial benefits exist in the form of tax reductions and special family allowance (allocation spécial supplémentaire) Additional benefits concern supplementary paid leave days. Adults with disabilities considered as unemployable or incapable of working may receive additional disability benefits (revenu pour personnes gravement handicapées - RPGH).

In January 2017, the new bill on social inclusion income (REVIS) was adopted in the National Parliament (Chamber of Deputies). With this new act, the government wants to reorganise the guaranteed minimum income scheme (the former RMG and RMGH). The bill introducing the REVIS is designed to further strengthen the activation of entitled persons.

The four objectives of the REVIS are:

1. to achieve a social inclusion approach;
2. to establish a coherent system of stabilisation, social activation and occupational reintegration policies;
3. to act against poverty among children and single-parent families; and
4. to simplify administration.

Links

Act on disabled workers (Loi du 12 septembre 2003 relative aux personnes handicapées)

<http://legilux.public.lu/eli/etat/leg/loi/2003/09/12/n1/jo>

Act on income maintenance (REVIS) of 28 July 2018

<http://legilux.public.lu/eli/etat/leg/loi/2018/07/28/a630/jo>

D7. Additional costs

For families of persons with disabilities or individuals with disabilities some financial benefits exist in Luxembourg including children's allowances, disabled adult's benefits, and tax reductions. A Special Family Allowance (allocation spéciale supplémentaire) is given if a child has a disability of at least 50% compared to non-disabled children. The special allowance is linked to the general child allowance and is about the same amount (Loi du 19.06.1985 - Mémorial A 1985, p. 679 and Loi du 12.09.2003 -Mémorial A 2003, p. 2938). The changes in family allowances decided for 2015 did not apply for children with disabilities. The Special Family Allowance (allocation spéciale supplémentaire) was not affected. There are particular benefits and financial support measures for blind and deaf persons. Physically handicapped persons can apply for allowances if they need reasonable accommodations at home or if there is a need for a special vehicle equipped for a disabled person.

Links

Dependency insurance (Assurance Dépendance)

<http://www.legilux.public.lu/leg/a/archives/1998/0048/1998A07101.html>

Invalidity Pension

http://www.mss.public.lu/pension/prest_invalid_incap/pension_invalidite/index.html

Education allowance

<https://www.secu.lu/prestations-familiales/livre-iv/chapitre-ii-allocation-speciale-supplementaire/>

Act on Family Allowance (Loi du 19 juin 1985 concernant les allocations familiales et portant création de la caisse nationale des prestations familiales)

<http://legilux.public.lu/eli/etat/leg/loi/1985/06/19/n1/jo>

D8. Retirement income

There are no special regulations for people with disabilities who are fully employed over their working lifetime. The administrative framework distinguishes between retirement by age or by invalidity. Retirement by age presupposes 480 months of mandatory pension insurance to be eligible for receiving a pension at the age of 57 or older, or being 65 years old and having paid (mandatory or voluntary) insurance for a minimum of 120 months. Invalidity pension is independent of these criteria, which means, it is also available for persons without prior employment.

Links

The Ministry of Service Social

http://www.mss.public.lu/pension/prest_invalid_incap/pension_invalidite/index.html

Information about retirement and invalidity

<http://www.cnap.lu/>

National Act on Social Security (2016)

http://www.legilux.public.lu/leg/textescoordonnes/codes/code_securite_sociale/code_securite_sociale.pdf

E. Education

E1. Special schools

In 1912, the first official schooling laws were announced by the government. The Compulsory Education Act gave the general right of education to every child, but children with intellectual and developmental disabilities were refused access and children with physical disabilities were excluded from school attendance. Only the foster care centre of Betzdorf offered some schooling for pupils with disabilities, starting 1904. In 1966, the first 'experimental classes' with pupils with special needs e.g. in Esch/Alzette took place. Others like the Centre on hearing and language disorders (Centre de Logopédie Luxembourg), followed sometimes without government authorisation or legislation. The Special Education Act of 1973 obliged children with disabilities to attend school and there emerged several special education institutions and special schools. Currently, there are 16 institutions and special schools all over the country. In 1994/95 the reformulation of the Special Education Act opened the gateway to integration by proposing three ways of schooling for children with disabilities:

joining the Luxembourg special education system (éducation différenciée), going to an approved institution abroad and/or participating in mainstream schooling. The Luxembourg administration pointed out the right and responsibility of the parents to decide the type of schooling (special or mainstreaming education) they want for their children. From the early years of the new century the numbers in the special education system have decreased continuously.

In 2009, the Act on Education (loi l'école fondamentale) set up a framework of cooperation between mainstream and special education schools. In 2013, the first special education school changed its name to 'regional inclusion centre' (centre scolaire inclusif regional). The current education policy favours inclusive school enrolment, but it does not intend to abolish the special education system. There is no individual right to permanently mainstream schooling for disabled pupils, if they do not meet the defined educational standards. The reform of the Act on Primary Education of 2017 (loi du 29 Juin modification de l'enseignement fondamental) states that a child with special or specific educational needs may satisfy the obligation to attend school by receiving a differentiated education (enseignement différencié) according to his or her needs identified by the school inclusion commission (la commission d'inclusion). The new Act will provide the so-called 'competence centres' (centres de compétences) for students with special educational needs, building on existing structures (the special schools and institutions - l'éducation différenciée). In addition some new centres will be created, such as:

- the current Speech and Language Centre will evolve to the Centre for Language Development, Hearing and Communication Skills;
- the current Institute for the Visually Impaired will evolve towards the Centre for the Development of Visual Competence;
- the Institute for Cerebral Palsy will join the Centre for Motor and Global Development;
- Differentiated Education Centres will be consolidated in the Centre for Intellectual Development; and
- The Institute for Autistic and Psychotic Children will become the Centre for the Development of Children and Youth with Autism Spectrum Disorder.

Three new centres will emerge:

- a Centre for the development of learning for students suffering from dyslexia, dyscalculia, dyspraxia;
- a Centre for socio-emotional development for students with behavioural disorders; and
- a Centre for the follow-up of children and young people who are intellectually precocious, for 'gifted' or high-potential students.

The Government highlights that the proposed restructuring is not limited to a mere name change, but represents a considerable change in paradigms and pedagogical approach.

At the beginning of the new school year 2018/19, the Act on Competence Centres (Loi du 20 juillet 2018 portant création de Centres de compétences) was enacted on 17 September 2018.

Links

Special Education Luxembourg

<http://www.ediff.lu/>

Annual reports of the Ministry of Education and Training

<http://www.men.public.lu/fr/actualites/publications/index.html>

Regional inclusive education centre Echternach (centre scolaire inclusif regional)

<http://www.men.public.lu/catalogue-publications/themes-transversaux/dossiers-presse/2012-2013/130506-inauguration-centre-echternach.pdf>

Primary Education School Act of 6 February 2009

<http://www.legilux.public.lu/leg/a/archives/2009/0020/2009A0200A.html>

Act on Primary Education of 29 June 2017

<http://legilux.public.lu/eli/etat/leg/loi/2017/06/29/a617/jo>

National Report on Education (Part 10. Schülerinnen und Schüler mit besonderem Förderungsbedarf)

<http://www.men.public.lu/catalogue-publications/themes-transversaux/statistiques-analyses/bildungsbericht/2015/band-2.pdf>

New structure of special education

<http://www.men.public.lu/fr/actualites/grands-dossiers/enseignement-fondamental/04-ecole-pour-tous/index.html>

Act on Competence Centres of 20 July 2018

<http://legilux.public.lu/eli/etat/leg/loi/2018/07/20/a664/jo>

E2. Mainstream schools

The Luxemburg school system starts with Elementary School (three to five years which is optional) and is compulsory at year four and five (Preschool education). The medium of instruction is Luxembourgish. At Primary Education (6-12 years) literacy is taught in German and French lessons during the second year in Primary Education. Transition from primary to secondary education (classical: year 12-18 or technical: year 12-17/19 depending on the branch) is guided by an orientation procedure. For children with special needs in mainstream schooling educational support teams were established in 1998. Participation for children with disabilities in mainstream education can be realised through two models: 1) the cohabitation model: (SEN classes integrated in the mainstream structure); or 2) in form of individual inclusion in ordinary classes – temporarily or over the whole period of schooling. In 2009, the service for children with special needs (SREA Service Rééducative Ambulatoire) was restructured and now is entitled as multidisciplinary teams (équipes multi-professionnelles) to support children with disabilities at schooling period. In 2011, the Act on Reasonable Accommodation for children with Special Education Needs (Loi du 15 juillet 2011 l'accès aux qualifications scolaires et professionnelles des élèves à besoins éducatifs - aménagements,

raisonnables) states that there should be an evaluation and certification of pupils with disabilities in mainstream schools at secondary level (enseignement secondaire). The aim of this Act is to guarantee that pupils with physical or sensory handicaps get the qualification of the secondary level (lycée classique and lycée technique). Institutional accessibility (public transport, buildings, classrooms, equipment and so on) has to be initiated or adapted. Educational tests or exams have to be modified to give disabled pupils a fair chance to pass transcription in Braille (embossed printing) oral examination, additional breaks, extra time, and so on. The proposal prescribes that teachers in training should be given a better understanding of disability, along with a positive notion thereof, during their initial year of training. A new national commission (commission des aménagements raisonnables) will be created in the context of the Reasonable Accommodation Act to decide on requests submitted by school directors. Members of the Commission will be representatives of the schools, teachers, specialised teachers, psychological services and the National Committee for Persons with Disabilities. It is expected that the impact of this Reasonable Accommodation Act will result in a growing number of Luxemburgish pupils with disabilities being able to take up higher education. In 2007/08 new inclusive approaches and school-models emerged e.g. 'Eis Schoul' (L'école fondamentale de recherche, à journée continue, fondée sur la pédagogie inclusive). In 2013 the first special school was renamed as inclusive school ('centre scolaire inclusif régional') to emphasise a closer cooperation with the local mainstream schools. Education policy prefers inclusive school enrolment in general but does not intend to abolish the special education system in total. There is no individual right on permanently mainstream schooling for disabled pupils, if they do not meet the defined educational standards. The national law prohibits discrimination against persons with disabilities including in education and schooling (Luxembourg Human Rights Report 2013).

Links

The Ministry of Education

<http://www.men.public.lu/>

Accommodation Act of 15 July 2011

<http://www.legilux.public.lu/leg/a/archives/2011/0150/2011A2177A.html?highlight=am%C3%A9nagements%22raisonnables>

Inclusive school project (L'école fondamentale de recherche, à journée continue, fondée sur la pédagogie inclusive)

<http://www.myschool.lu/portal/server.pt?space=CommunityPage&cached=true&parentname=CommunityPage&control=SetCommunity&CommunityID=1938&PageID=0>

E3. Sign language and Braille in school

The education of deaf children is complicated by the multilingualism in Luxembourg. Luxemburgish children speak Luxemburgish as their native language. In nurseries, play schools and kindergartens Luxemburgish is the common language. At primary school pupils start to read and write in German. From the second school year onwards, French and German are taught in parallel. Additional languages like English are taught in post primary education. Braille (Eight-dot Braille) is taught by the IDV (Institut pour Déficients Visuels - Institute for blind and vision disabled children) in Luxembourg. This institution was founded in 1975 to support children with visual impairment in mainstream schools and adults in vocational training. Deaf pupils are taught German as basic language. The consequence is that most

deaf students use German as their main language and are hardly able to use French for communication, despite the fact that French is more widely spoken in the environment. In Luxembourg, the formerly prevailing oralist method of education has been abandoned in favour of using more Sign Language, however not with all deaf children, but mostly with deaf students who have learning difficulties. Deaf children, who do not have learning difficulties, continue to receive oral education. Moreover, some deaf and hard of hearing pupils are educated beyond the Centre de Logopédie, at mainstream schools. These pupils are usually not familiar with Sign Languages, particularly the German Sign Language (Deutsche Gebärden Sprache- DGS). Nowadays, there are some sign language courses (German Sign Language and Sign-supported German). Sign Language can be learnt at Daaf Flux (Hearing Impaired, Luxembourg) and at the Speech Therapy Centre (Centre de Logopédie). According to the Reasonable Accommodation Act (2011), educational tests or exams provided in mainstream schools have to be adapted and if necessary transcribed in Braille (embossed printing). With the coming into force of the Law on Sign Language in 2018, hearing-impaired students are given the right to access Sign Language instruction and to learn Sign Language. In addition, parents and siblings of hearing-impaired children are given the right to attend free Sign Language courses.

Links

Visually Impaired Luxembourg

<http://www.idv.lu/index.php/fr/homepage>

Hearing Impaired Luxembourg

<http://www.daaflux.lu/>

Speech Therapy Centre

<http://www.logopedie.lu/>

Information on hearing disorders

<http://www.hoergeschaedigt.lu>

Institute for visually impaired (courses)

<http://www.idv.lu/index.php/fr/cours>

Act on sign language in Luxembourg (German version)

<http://legilux.public.lu/eli/etat/leg/loi/2018/09/23/a872/jo>

E4. Vocational training

Vocational training and formation is integrated at technical secondary education level. In general it leads to a certificate of technical and vocational proficiency (certificat d'aptitude technique et professionnelle CATP). Vocational education provides apprenticeship at two levels. At the first level a vocational basis for education leads to the certificate of technical and vocational initiation (CITP- Certificat d'initiation technique et professionnelle). The second level offers the CCM (certificat de capacité manuelle) for slow learners or pupils with intellectual disabilities who have difficulties in learning theoretical subjects but who are capable of learning practical vocational skills and aptitudes. This opens the possibility for a professional career or to go on to the CATP. The specialised education service (Education Différenciée) also provides so-called 'preparing centres' (Centre de Propédeutique Professionnelle) where pupils with disabilities older than 15 years can profit from a range of vocational training. Most of the sheltered workshops and therapeutic ateliers offer vocational skills trainings and adapted formation for persons with disabilities. Despite of the legal

mission, the enrollment in special centers (preparing centres and sheltered workshops) does not result in inclusion into the mainstream labour market.

Links

Vocational Training and Secondary Education

<http://www.legilux.public.lu/>

Special Education

https://guichet.public.lu/fr/organismes/organismes_citoyens/education-differenciee.html

Propaedeutic Centres

<http://www.etat.lu/annuaire/index.php?idMin=5097v>

E5. Higher education

The first and only national higher institution - the University of Luxembourg was founded in 2003. The mission statement of the University (2005) highlights the inclusion of students with special needs. For incoming students fully accessible apartments are offered by the student service (Service des Études et de la Vie Étudiante SEVE). The service for students with special needs is situated at campus Belval. Students with disabilities can benefit from individual reasonable accommodations. The Reasonable Accommodation Act (Loi du 15 juillet 2011 pour l'accès aux qualifications scolaires et professionnelles des élèves à besoins éducatifs - aménagements, raisonnables) legally does not apply at the university level.

In 2017, the Act on Higher Education at Luxembourg University (projet de Loi ayant pour objet l'organisation de l'Université du Luxembourg, of 8 May 2017) was adopted.

The number of students with disabilities at Luxembourg University has risen continuously since 2005. In 2015 the new campus became operational. This campus was planned and designed under the national act on accessibility but there are some inconsistencies with universal design principles still to be resolved. The Act on Higher Education at Luxembourg University prohibits all discrimination against persons with disabilities (Art. 44,7: 'toute discrimination directe ou indirecte fondée sur ... le handicap...'). Article 11 of the Act on Higher Education at Luxembourg University requires the appointment of a person responsible for compensation for disadvantages and reasonable accommodations. Article 39 refers to students with special educational needs ('usager à besoins éducatifs particuliers') and defines them as 'users with a particular disability or incapacity whose repercussions impede a normal progression in higher education or prevent them from asserting the knowledge and skills acquired in the assessment tests by impairments and limitations that can be overcome by the reasonable accommodation'. However, this Act does not cover all higher education structures, but only applies to the University of Luxembourg. The Act on Higher Education at Luxembourg University entered into force in August 2018.

Links

University of Luxembourg (Loi du 12 août 2003)

<http://eli.legilux.public.lu/eli/etat/leg/loi/2003/08/12/n17>

University of Luxembourg (overview)

http://wwwfr.uni.lu/universite/documents_officiels

University of Luxembourg (new campus)

http://wwwfr.uni.lu/universite/belval_nous_voici

Act on Higher Education at Luxembourg University
<http://legilux.public.lu/eli/etat/leg/loi/2018/06/27/a587/jo>

F. Employment

F1. Non-discrimination in employment

Luxembourg commits to equal opportunity policy by applying the European Directives 2000/43/EC and 2000/78/EC. Therefore, it is an offence to discriminate on the basis of disability when hiring a person. The national law prohibits discrimination against persons with disabilities this includes employment and labour market (Luxembourg Human Rights Report 2013). A quota system for persons with disabilities prescribes by law that the public sector has to fulfill an employment quota of about 5% and private companies with at least 25 workers must integrate at least one person with a disability. The quota rises to 2% for private companies with 50 employees and to 4% for companies with 300 or more employees (Code du travail Livre V Art. L. 562-3). If the quota is not met, a charge (50% of the guaranteed basic income) can be imposed. Still to date, the law has not been applied.

Links

National Law Journal

http://www.legilux.public.lu/leg/textescoordonnes/codes/code_travail/Code_du_Travail.pdf

F2. Public employment services

The ADEM (Agence pour le Développement de l'Emploi) is the only national employment service. For persons with disabilities there is a special section for counselling and support of persons with disabilities in the main labour market or in the secondary labour market and sheltered workshops. The prior term 'travailleur handicapé' (handicapped worker) was recently changed to 'salarié handicapé' (employee with disabilities).

Links

National Employment Office Service for working persons with disabilities

<http://www.adem.public.lu/fr/demandeurs-demploi/handicap/index.html>

National Employment Office

<http://www.adem.public.lu/adem/index.html>

F3. Workplace adaptations

The national employment service (Agence pour le développement de l'emploi - ADEM) can meet all or part of the expenses of workplace adaptations, didactic measures like additional training or particular instruction and costs of transportation requested for hiring a person with disabilities.

Links

National Employment Office

<http://www.adem.public.lu/fr/index.html>

F4. Financial incentives

The employment of a person with disabilities can be facilitated by the national employment

service (ADEM) by financial participation (40-100%) of the wage, including the employer's contribution to social security systems. The employed person with disabilities can benefit from reduced or total exemption from social security contributions. Employees with disabilities have the right to an additional six days leave per annum. The Ministry of Labour counts the financial expenditure under the title 'Compensation costs for working persons with disabilities' (Indemnité compensatoire travailleurs handicapés), which was about EUR 1 293 003,40 in 2018 (Rapport d'activité 2018, the Ministry of Labour).

Links

Special Measures for Disabled Employees

<http://www.adem.public.lu/fr/demandeurs-demploi/handicap/index.html>

The Ministry of Labour: Activity Report 2018

<https://gouvernement.lu/en/publications/rapport-activite/minist-travail-emploi/mteess/2018-rapport-activite.html>

G. Statistics and data collection

G1. Official research

Official research activities in the domain of disability are rarely undertaken. At the university level, disability is not a research priority, and there is no tradition of disability research. A prominent research partner at the University of Luxembourg is the research group Processes and Systems of Social Regulation - Social Inclusion and Exclusion, integrated in the research unit INSIDE (Integrative Research Unit: Social and Individual Development in 2014 renamed in: institute for research and Innovation on Social Work, Social Pedagogy, Social Welfare - IRISS). Very few research deals with inclusion processes and disability questions in higher education. Some articles can be found in the ARC Journal. There are also some former and ongoing projects at institutional level in the field. The National Report on Education tackles the situation of pupils with disabilities in the national education system (Limbach-Reich & Powell 2015: Schülerinnen und Schüler mit besonderem Förderungsbedarf im luxemburgischen Bildungssystem). The Ministry of Labour and the National Employment Office (ADEM) publish annual data on the employment situation of disabled workers (Ministère du Travail, de l' Emploi et de l'Economie Sociale et Solidaire 2014: Rapport d'activité; L'Agence pour le Développement de l'Emploi 'ADEM' 2014: Rapport d'activité). The Ministry of Family Affairs collects data about the social situation and living conditions of persons with disabilities in Luxembourg (Ministère de la Famille, de l'Intégration et à la Grande Région 2014: Rapport d'activité 2014). Other ministries as well report data on disabilities and persons with disabilities in line with their area of responsibility. The National Statistical Office (STATEC) compiles data on education and employment of persons with disabilities and other demographic data in line with disabilities. In Luxembourg, to date, a special research unit on disability is not well established.

Links

Research Unit INSIDE University of Luxembourg, Institut IRISS

http://wwwde.uni.lu/recherche/flshase/inside/research_institutes/social_work_social_pedagogy_social_welfare

Archiv fir Sozial Aarbecht, Bildung an Erzeiung

<http://orbilu.uni.lu/browse?type=journal&value=archiv+fir+sozial+aarbecht%2C+bildung+an+erz%C3%A9iung+anciennement+ance-bulletin>

G2. Census data

Every ten years a general population census is undertaken in Luxembourg by STATEC (Central Service for Statistics and Economic Studies, formed in 1962 under the authority of the Ministry of Economy and Foreign Trade). As the last census in Luxembourg took place on 15 February 2001, STATEC has organised the next one on 1 February 2011. There are no data about the general population with disabilities. In the collection of data disabled persons are not identified in any question. Some data can be found about children in special education institutions or about requests for disability or related national support services. The recent statistic portal includes a survey on pupils enrolled in special centres and institutes of special education in Luxembourg compiling data from 1998/1999 in Luxembourg.

Links

Statistic data bank STATEC Luxembourg

http://www.statistiques.public.lu/stat/ReportFolders/ReportFolder.aspx?IF_Language=fra&MainTheme=3&FldrName=

G3. Labour Force Survey

The Ministry of Labour publishes every year the data relating to registered job-seekers with disabilities. The national employment Service in 2014 amounts the incidence number of persons with disabilities at 426 persons. Disabled workers are identified by the enrolment at the National Employment Service (ADEM) and recognised as a disabled worker (salarié handicapé) by the Employment Service. Luxemburg participated in the European LSF Module 2002 Employment of Disabled Persons.

G4. Disability equality indicators

There are no official disability equality indicators based on public data sources. The Ministry of Education publishes annually the percentages of children with special needs in segregated schools in relation to the whole population of pupils (primary and secondary) the non-inclusion rate was under 1%. The Ministry of Labour reports annually the percentage of registered job seekers with disabilities in relation to all registered job seekers.

Links

The Ministry of Education: Activity Report 2018

<https://gouvernement.lu/en/publications/rapport-activite/minist-travail-emploi/mteess/2018-rapport-activite.html>

H. Awareness and external action

H1. Awareness raising programs

The Ministry of Family and Integration started an awareness-raising programme in March 2010 to inform the Luxemburgish society about the CRPD and its main targets. Additional awareness raising events took place the following years. An overview of awareness raising programmes provides the National Disability Information Centre (Infohandicap). Very popular are the local actions ('eng Gemeng fir Jiddereen', 'Am Rollstuhl duerch Lëtzebuerg').

Links

Ministry of Family and Integration

<https://mfamigr.gouvernement.lu/fr/publications.html>

Infohandicap

<http://www.info-handicap.lu>

H2. Training for teachers

Starting in 2012 first compulsory and optional modules were introduced in Luxembourgish teacher training. There is no national higher education training for teachers in special needs institutions. The internship obligatory for teacher education includes special needs institutions. The Bachelor of Social Sciences and Educational Sciences offers modules in disability related topics and special education.

Links

University of Luxembourg Teacher Formation

[http://wwwfr.uni.lu/formations/flshase/bachelor en sciences de l education professionnel](http://wwwfr.uni.lu/formations/flshase/bachelor_en_sciences_de_l_education_professionnel)

Bachelor in Social Sciences and Educational Sciences

[http://wwwen.uni.lu/studies/flshase/bachelor en sciences sociales et educatives professionnelles](http://wwwen.uni.lu/studies/flshase/bachelor_en_sciences_sociales_et_educatives_professionnelles)

H3. Training for lawyers

Disability awareness or disability equality issues are not a compulsory part of training programmes for lawyers. In cooperation with the national disability Information centre (Infohandicap) first negotiations have been started to establish offers for lawyers on disability issues. To date disability awareness are not part of the compulsory programme of lawyers.

Links

Programme of the Bachelor of laws at Luxembourg University

[http://wwwfr.uni.lu/formations/fdef/bachelor en droit academique/](http://wwwfr.uni.lu/formations/fdef/bachelor_en_droit_academique/)

H4. Training for doctors

Disability awareness or disability equality issues are not a compulsory part of training programmes for doctors. The Association of Parents with Children with disabilities offers information programmes for medical staff. Full medical training for doctors to date is not established at Luxembourg University. In 2019 a first BA higher education programme will start at Luxembourg University. There is no information about special training programmes available.

Links

Bachelor en sciences de la vie - médecine (académique) at Luxembourg University

http://wwwfr.uni.lu/formations/fstc/bachelor_en_sciences_de_la_vie_medecine_academique

Bachelor in medicine at Luxembourg University

https://wwwfr.uni.lu/lcsb/news_events/bachelor_programme_in_medicine_to_be_established

H5. Training for engineers

Disability awareness, equality issues, accessibility or universal design are not a compulsory part of training programmes for engineers at Luxembourg University. There are no offerings on the BA programmes in engineering at the University of Luxembourg but there is a programme in Sustainable Development that covers disability and equality issues. Infohandicap offers information events on 'Design for all' for technical staff and engineers.

Links

Bachelor en ingénierie (professionnel)

http://wwwfr.uni.lu/formations/fstc/bachelor_en_ingenierie_professionnel

Sustainability group of Luxembourg University

<http://wwwen.uni.lu/sustainability>

Info Handicap (Bulletin)

<http://www.info-handicap.lu/index.php/fr-FR/documents/bulletin-de-liaison/679-buloc2014-1/file>

H6. International development aid

The strategies and topics of development aid of the Luxembourg Government do not explicitly highlight the domain of disability. However, on the level of specific cooperation areas there are programmes including persons with disabilities under the domain of health and health education (Santé). This is so in the fields of health, education, and vocational training (Ministry of Development / Ministère de la Coopération et de l'Action humanitaire). The Luxembourg Government cooperates with handicap international and other NGOs (e.g. Fondation Follereau). Luxembourg's development cooperation annual report (Lëtzebuurger Entwécklungszesummenaarbecht) 2014 did not highlight any disability mainstreaming aspect.

Links

Ministry of Development

<http://cooperation.mae.lu/>

Handicap international section Luxembourg

<http://www.handicap-international.lu/>

Fondation Raoul Follereau

<http://www.ffl.lu/>