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**ECRI CONCLUSIONS  
ON THE IMPLEMENTATION OF THE RECOMMENDATIONS  
IN RESPECT OF LUXEMBOURG  
SUBJECT TO INTERIM FOLLOW-UP**

*Adopted on 10 December 2019<sup>1</sup>*

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<sup>1</sup> Unless otherwise indicated, any developments which occurred after 5 March 2019, the date on which the response of the authorities of Luxembourg to ECRI's request for information on measures taken to implement the recommendations chosen for interim follow-up was received, are not taken into account in this analysis.

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## FOREWORD

As part of its fifth round of monitoring work, ECRI has renewed its process of interim follow-up with respect to two specific recommendations made in each of its country reports.

In line with the Information Document on ECRI's fifth monitoring cycle brought to the attention of the Ministers' Deputies on 14 November 2012<sup>1</sup>, not later than two years following the publication of each report, ECRI addresses a communication to the Government concerned asking what has been done in respect of the specific recommendations for which priority follow-up was requested.

At the same time, ECRI gathers relevant information itself. On the basis of this information and the response from the Government, ECRI draws up its conclusions on the way in which its recommendations have been followed up.

It should be noted that these conclusions concern only the specific interim follow-up recommendations and do not aim at providing a comprehensive analysis of all developments in the fight against racism and intolerance in the State concerned.

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<sup>1</sup> CM/Del/Dec(2012)1154/4.2.



1. *In its report on Luxembourg (fifth monitoring cycle) published on 28 February 2017, ECRI recommended that the Luxembourg authorities quickly adopt a new national integration action plan and provide it with an appropriate budget. They should then ensure that all its objectives are achieved by implementing the measures set out in it.*

The Luxembourg authorities have informed ECRI that the Government Council adopted the new National Action Plan on Integration (“PAN intégration”) at its session of 13 July 2018 following the preparatory work involving many civil society stakeholders. The Government Council tasked the Minister of Family Affairs and Integration with ensuring implementation of this action plan.

The action plan covers two areas: the reception of and social support for those seeking international protection, and the integration of all non-Luxembourg citizens residing in the country. These two areas are supplemented by the following three cross-sectoral lines of action: access to information and interaction; the quality of services; and national and international co-operation and co-ordination. Objectives and measures have been devised for these five priority areas. The action plan will be implemented by all the actors concerned, both institutions and associations, based on their own budget and resources. The stakeholders in question will be able to issue calls for projects, carry out pilot projects, and develop and optimise existing integration programmes, including the Reception and Integration Contract and the Assisted Integration Programme.

Although civil society representatives had noted with regret in March 2019 that no call for projects had been launched, ECRI notes with satisfaction that in the meantime, a call for expressions of interest was published and that the selected projects could become up and running with effect from 1 September 2019.

ECRI considers that its recommendation that a new national integration action plan be adopted has been fully implemented. At the same time, it encourages the authorities to continue to implement the action plan and to achieve all its objectives by implementing the measures set out in the plan.

2. *In its report on Luxembourg (fifth monitoring cycle), ECRI recommended that the Luxembourg authorities adopt, as soon as possible, a law on name changes and gender recognition for transgender persons, drawing inspiration from international recommendations and especially from Resolution 2048 (2015) of the Council of Europe Parliamentary Assembly.*

The Luxembourg authorities have informed ECRI that on 31 May 2017, the Minister of Justice tabled a bill on changing the registration of a person’s gender and their first name(s) in public records and official documents and amending the Civil Code. Once all the parliamentary work had been completed, the law entered into force on 16 September 2018.

The law enables intersex and transgender persons to submit an administrative request to the Minister of Justice, asking for their gender and first name(s) to be amended in public records and official documents. The applicant must show through an appropriate provision of evidence that the gender mentioned in public records and official documents does not correspond to that which they present themselves as and are known by. The fact that they have not undergone any medical treatment, surgery or sterilisation cannot be grounds for refusing their request (Articles 1.2 and 1.3 of the law). For minors who are five years of age or older, the persons with parental authority or their legal representative can make such a request. For minors under five, a legal procedure applies under certain conditions. Pursuant to the Marriage Equality Act, which was introduced in 2014, the persons concerned may remain married after changing their gender in the public records and official documents.

Several civil society representatives have welcomed the Government’s action in adopting this new legal framework by underlining that it is now based on the self-determination of the persons concerned. They have pointed out that the administrative procedure put in place is more respectful of a person’s dignity as it relies on self-declaration and no longer

requires prior intervention by a psychiatrist, another doctor or a third party. In this way, it has led to “de-psychiatrisation” of a modification of gender and first name.<sup>1</sup>

ECRI welcomes the enactment of this new legislation which draws on several key parts of paragraph 6 of Resolution 2048(2015) of the Parliamentary Assembly of the Council of Europe, and considers that this recommendation has been fully implemented.

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<sup>1</sup> Intersex & Transgender Luxembourg a.s.b.l. (2018), Avis sur le projet de loi 7146 relative à la modification de la mention du sexe et du ou des prénoms à l'état civil et portant modification du Code civil.

