

CRI(2026)3

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

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

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## FOREWORD

As part of its sixth 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 sixth monitoring cycle brought to the attention of the Ministers' Deputies on 9 May 2018<sup>2</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>2</sup> [CM/Del/Dec\(2018\)1316/4.1](#); [CM\(2018\)62-add10](#).

1) *In its report on Luxembourg (sixth monitoring cycle) published on 19 September 2023, ECRI recommended that the authorities take the requisite measures to strengthen the legal framework, the mandate and the powers of the Centre for Equal Treatment (CET) in the light of ECRI's General Policy Recommendation No. 2 (revised) on equality bodies to combat racism and intolerance at national level, particularly with regard to the following matters: (i) giving it a clear legal status; (ii) giving it jurisdiction to deal with all relevant grounds concerning equal treatment, including "citizenship"; (iii) giving it the necessary powers to conduct proper investigations; (iv) setting up a system to follow up on its recommendations; (v) giving it the right to have complaints referred to it; (vi) giving it the right to take part in court proceedings and to intervene in judicial proceedings concerning discrimination; and (vii) ensuring that it has suitable resources to perform any new duty.*

ECRI notes that a preliminary draft reform of the Centre for Equal Treatment (CET) was prepared by the CET in consultation with the Parliament in 2022. It regrets, however, that no legislative steps have yet been taken in response to this initiative.

ECRI notes that the Luxembourg government has forwarded its recommendation to the Parliament. That in itself, however, does not constitute action to ensure effective implementation of the recommendation.

The authorities contend that, as the CET comes under the authority of the Parliament, they are not in a position to have a direct influence on the implementation of this recommendation. ECRI considers, however, that the administrative status of the CET should not prevent the authorities from initiating or supporting steps to strengthen the institution in the context of their relations with the Parliament.

Consequently, ECRI cannot but note that the CET still has no clear legal status, thereby limiting its capacity for action. It cannot deal with cases of discrimination based on citizenship or carry out effective investigations. Nor does it have the right to initiate and participate in court proceedings. Furthermore, no mechanism has been put in place to monitor compliance with the CET's recommendations.

At the same time, ECRI notes with interest that an existing post within the CET has been made more secure and that there are plans to create an additional post from 2026 as part of the measures to transpose Council Directive (EU) 2024/1499 of 7 May 2024 on standards for equality bodies.<sup>3</sup>

In the light of the above, ECRI cannot but regret the lack of tangible measures to strengthen the legal framework, the mandate and the powers of the CET since the publication of its report in 2023. ECRI therefore concludes that its recommendation has not been implemented.

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<sup>3</sup> [Directive - EU - 2024/1499 - EN - EUR-Lex.](#)

2) *In its report on Luxembourg (sixth monitoring cycle), ECRI recommended that the authorities take the necessary measures to properly protect the right of intersex children to physical integrity and bodily autonomy through i) the introduction of appropriate legislative changes to prohibit the so-called “normalising” genital surgery and other medically unnecessary treatments until the child is able to participate in the decision on the basis of the right to self-determination and the principle of free and informed consent; ii) the development of intersex equality rights guidelines and training for professionals who may be in contact with intersex children, such as teachers and health professionals; iii) the establishment of easily accessible counselling and support services for intersex people and their family.*

ECRI notes that no legislative measures have been taken to prohibit any unnecessary medical interventions that might be performed on intersex children without free and informed consent.<sup>4</sup> In addition, compared with the previous coalition agreement (2018-2023), under which legislation was to be introduced in this area,<sup>5</sup> the current coalition agreement (2023-2028) has taken a step backwards by only committing to the setting-up of an interministerial working group to review existing procedures.<sup>6</sup> Accordingly, the new National Action Plan for the promotion of LGBTIQ+ rights (PAN LGBTIQ+), announced on 21 July 2025, no longer includes, unlike the previous plan, a commitment to enact specific legislation.<sup>7</sup>

ECRI notes that some training and awareness-raising activities have been organised, in particular by non-governmental organisations, in co-operation with public bodies. However, these initiatives remain ad hoc, non-mandatory and are not incorporated in the standard training programmes for the professionals concerned, including notably in the health sector. ECRI further notes that no guidelines on the rights of intersex persons have been published for the professionals in question.

As regards support for intersex people, in addition to the specialised services already in place and the specific mandate given to the *Familljen-Center*, state-funded peer support schemes have been developed since 2024. However, there is no effective co-ordination between these structures and the health professionals likely to identify or refer the children concerned, potentially making the available services less accessible.

Lastly, ECRI has received reports that some intersex children are still being referred abroad for medical interventions that are not deemed essential.

In the light of the above, ECRI refers to its General Policy Recommendation No. 17 on preventing and combating intolerance and discrimination against LGBTI persons and the Recommendation of the Committee of Ministers of the Council of Europe CM/Rec(2025)7 on equal rights for intersex persons,<sup>8</sup> and concludes that its recommendation addressed to the Luxembourg authorities has not yet been implemented.

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<sup>4</sup> See also: Intersex & Transgender Luxembourg a.s.b.l., “[Mutilations génitales des personnes avec des variations des caractéristiques sexuelles : pour une loi au Luxembourg](#)”, May 2024.

<sup>5</sup> [Coalition Agreement 2018-2023 - The Luxembourg government](#).

<sup>6</sup> [Coalition agreement 2023-2028 - The Luxembourg government](#).

<sup>7</sup> [National action plan for the promotion of LGBTIQ+ rights](#) announced on 21 July 2025; Virgule, [3 August 2025](#).

<sup>8</sup> [ECRI General Policy Recommendation No. 17 on preventing and combating intolerance and discrimination against LGBTI persons](#), adopted on 28 June 2023 and published on 28 September 2023, and [Recommendation of the Committee of Ministers CM/Rec\(2025\)7](#) on equal rights for intersex persons, adopted on 7 October 2025.