

**STATEMENT OF COMPLIANCE WITH THE PARIS PRINCIPLES
OF THE COMMISSION CONSULTATIVE DES DROITS DE L'HOMME DE LUXEMBOURG
- OCTOBER 2008 -**

I. BACKGROUND

At the April 2006 meeting of the ICC, it was agreed that members currently accredited with status A would have their accreditation renewed as part of a regular process of re-accreditation, commencing in October 2006 according to an agreed schedule. The Commission Consultative des Droits de l'Homme du Grand-Duché de Luxembourg (hereafter the CCDH) is scheduled for a re-accreditation review in October 2008.

The CCDH first submitted its application for accreditation as a National Institution to the International Coordinating Committee of National Institutions (ICC) in 2002. At this time it was granted an "A(R)" status. The CCDH then reapplied in 2002 and was granted "A" accreditation status.

The following sections provide background information on the CCDH based on supporting documentation submitted by the Institution to the Secretariat of the ICC, in accordance with Article 3 of the ICC Rules of Procedure.

II. DOCUMENTATION PROVIDED IN SUPPORT OF THE APPLICATION

To permit the ICC to make a determination as to the compliance of the CCDH with the Paris Principles, the following documentation has been submitted by the CCDH in support of its application:

- ❖ Règlement du gouvernement en Conseil portant création d'une Commission Consultative des Droits de l'Homme (26 May 2000; hereafter the "Règlement de 2000")
- ❖ Règlement fixant les indemnités des membres ("Règlement du Gouvernement en Conseil modifiant le règlement du Gouvernement en Conseil du 26 mai 2000 portant création d'une Commission consultative des Droits de l'Homme") (16 February 2007 ; hereafter the "Law on Indemnities")
- ❖ Projet de loi portant de la création de la Commission Consultative des Droits de l'Homme, accompanied by comments (9 May 2008, prefaced by an "Expose des Motifs" and supplemented by a "Commentaire des Articles" ; hereafter the "Draft Law of 2008")
- ❖ Budget 2008 de la Commission Consultative des Droits de l'Homme (hereafter the "2008 Budget")
- ❖ Liste actuelle des membres de la CCDH (hereafter the "Membership List")
- ❖ Structure organisationnelle et informations supplémentaires (hereafter the "Organigram")
- ❖ Rapport annuel 2007 (hereafter the "2007 Annual Report"); and
- ❖ Déclaration de conformité aux Principes de Paris (hereafter the "Statement of Compliance")

III. CHARACTER OF THE NHRI

1. Establishment

The CCDH was created by the Government of the Grand-Duché de Luxembourg through the passing of the Règlement de 2000. This law was amended in 2007 by the Law on Indemnities, which establishes a legal basis for the indemnities that members of the CCFH are entitled to while engaged in the fulfilment of the institution's mandate and functions.

At present, the CCDH is constituted only by the Règlement de 2000. On 9 May 2008, however, a "Projet de loi portant de la création de la Commission consultative des Droits de l'Homme du Grand-Duché de Luxembourg" was submitted by Henri, Grand Duke of Luxembourg, to the country's Chamber of Deputies. The Draft Law of 2008, according to the "Expose de Motifs" that prefaces the Draft Law itself, is intended to confer upon the institution legal status to place it on a par with other key organs of the state of Luxembourg dedicated to the defence of human rights, in particular the Médiateur, the Ombuds-Comité fur d'Rechter vum Kand, the Commission nationale pour la Protection des Données, and the Centre pour l'Égalité de Traitement.

According to article 2 of the Règlement de 2000, the CCDH is competent to perform its functions throughout the territory of Luxembourg. This is affirmed at article 1, paragraph 2 of the Draft Law of 2008. According to section 1 of the institution's Statement of Compliance, it also takes positions on government policy relating to Luxembourg's status as a member of the European Union, the Council of Europe, and the United Nations.

2. Independence

The text of both the Règlement de 2000 and the Draft Law of 2008 are both silent on the subject of the institution's independence. The Exposé de Motifs that prefaces the Draft Law of 2008, however, indicates that the works of the CCDH are to be publicised in an effort to underline the independence of the organization; to this end the recommendations of the CCDH are also to be published as parliamentary documents.

According to section 2 of the institution's Statement of Compliance, the independence of the institution is assured, primarily through the publication of its work and the diffusion of its findings to members of Luxembourg's Chamber of Deputies, members of the Council of State, and members of the press, as well as the broader government.

While the institution's Statement of Compliance asserts (at section 2) that the CCDH is independent, one of the institution's twenty-two members is a representative of the government, who participates in the institution's plenary sessions in an advisory capacity (Règlement de 2000, article 4, paragraph 2. This arrangement is also contained at article 4(1) of the Draft Law of 2008. The comments on article 4 of the Draft Law of 2008 state that the role of the government representative is not to influence debate by the institution's members, but to provide the institution with information on the Government's activities, in the event that the institution requires such information.

Additionally, according to section 2 the institution's Statement of Compliance, the CCDH avoids conflicts of interest by negotiating with the government.

The institution's Statement of Compliance further asserts that the members of the CCDH are not legally liable for actions they undertake in fulfilment of their official duties as members of the institution.

Finally, article 11 of the Draft Law of 2008 indicates that the operating costs of the institution are to be part of the budget of the State of Luxembourg; this is confirmed by the comments on article 11 of the Draft Law of 2008, which further clarifies that the CCDH's operating grant is inscribed in the budget of the Ministry of State. Article 11 of the Draft Law of 2008 itself further provides that, within the available budgetary limits, the Secretariat of the institution is to be staffed by State of Luxembourg.

3. Appointments processes and organisational infrastructure

3.1. Composition of the NHRI's membership and appointment processes

Under article 3 of the Règlement de 2000, the institution consists of no more than 22 members. Of the 22 members, one is a President and a second is the Vice-President. According to article 5 of the Draft Law of 2008, which elaborates further upon the Règlement de 2000, the President and Vice-President will in future be chosen by a vote of the absolute majority of those members of the institution with voting rights. The comments on article 5 of the Draft Law of 2008 clarify that the possibility exists for the number of Vice-Presidents at the institution to be increased to two, for reasons of ensuring flexibility.

The terms of members of the CCDH last for 3 years and are renewable. The Draft Law of 2008 reproduces this composition at article 4, but proposes to extend the members' term in office to 5 years (renewable). Article 5 of the Draft Law of 2008 states further that the President and Vice-President are elected by the members of the institution to serve for a term corresponding to the mandate of the Commission. None of the members of the CCDH serve full-time.

Under article 3 of the Règlement de 2000, the institution's members are nominated by the government. According to article 4 of the Draft Law of 2008, however, the members of the institution will in future be nominated to their positions by the government upon the advice of the CCDH. The comments on article 4 of the Draft Law of 2008 clarify that the text of the draft law effectively enshrines the appointment procedure already in practice at the institution.

The institution's Statement of Compliance asserts at section 3.1 that the members of the CCDH are proposed by the Prime Minister to the Government on the advice of the institution.

Under article 12 of the Règlement de 2000, the members of the institution are presently entitled to a indemnity that is fixed by Luxembourg's Governing Council. According to 2007's Law on Indemnities, which modifies article 3 of the Règlement de 2000, the quantum of this indemnity is 25 EUR for each plenary session attended. According to the Law on Indemnities, the indemnity is paid to each member of the institution at the end of each year, upon presentation of a bill summarizing costs expended by the submitting member in the carriage of his or her functions as a member of the institution. The Law on Indemnities further states that bills submitted by members must be certified by the President of the institution.

This provision of indemnities for members is reproduced in the Draft Law of 2008, at article 11, paragraph 2, with the further stipulation that indemnities are provided to member for their participation in plenary sessions of the institution, as well as for participation in working group meetings, and that the indemnity quantum is fixed by Luxembourg's Governing Council. The comments on article 11 of the Draft Law of 2008 also refer to the indemnity quantum established by the 2007 Law on Indemnities, maintaining the indemnity quantum at 25 EUR per member for each meeting attended.

The Règlement de 2000 also states at article 12 that members of the institution and experts consulted by the institution are reimbursed for the costs expended in attending meetings of the institution. Finally, the Règlement de 2000 states at article 12 that at present the afore-mentioned expenses are paid out from the operating credit allocated to the government by the institution.

The institution's Statement of Compliance asserts at section 3.1 that the indemnity quantum is insufficient, and observes that members do not receive any indemnity for their *ad hoc* participation in sub-commission and working group meetings.

The Règlement of 2000 is silent on the issue of dismissal of members. Article 3 of the Règlement of 2000, however, stipulates that persons named to replace members who leave the institution before the expiry of their full terms succeed both to the post and also to the term of mandate of those who they replace. This is affirmed by article 4(3) of the Draft Law of 2008.

Article 4(2) of the Draft Law of 2008 indicates that, in future, the mandates of members will not be revocable, insofar as the holder of the mandate retains the qualities for which he or she was nominated.

While there is no separate body established to advise the institution, according to article 4 of the Règlement de 2000, the government is represented on the CCDH by one member. This is reproduced by article 4(1) of the Draft Law of 2008, which further elaborates that the role of the government member is exclusively advisory. The institution's Statement of Compliance asserts at section 3.1.1. that in practice the government's representative does not vote.

The Règlement de 2000 is silent on the issue of whether the institution's members are chosen to serve in their private capacity. Article 4(2) of the Draft Law of 2008, however, indicates that the members of the institution are independent and are representative of civil society. The institution's Statement of Compliance asserts at section 3.1.1 that the members of the institution serve the CCDH in their capacity as individuals and do not represent any organization.

3.2. Pluralism

The Règlement of 2000 does not speak to the pluralism of the institution, nor does it impose any requirements for pluralism. Article 4(2) of the Draft Law of 2008 is also silent on the issue of pluralism, beyond stating that the members of the institution are representatives drawn from civil society.

According to section 3.2 of the institution's Statement of Compliance, the CCDH is a pluralist institution, intended to represent a broad swathe of convictions and opinions. The Statement of Compliance further indicates that the membership is composed of persons of different nationalities and religious backgrounds.

According to the institution's Membership List, 7 of the current voting members of the institution are women ($\frac{1}{3}$ of the 21 members of the institution, excluding the one representative from the Luxembourg government). The institution's Membership List shows that the CCDH's membership consists of representatives from different disciplines. Specifically, there are 6 professors, 7 lawyers and jurists, one

educational specialist, 3 professionals (2 psychologists and one social assistant), one Masters' degree holder, one journalist, and one president of a private foundation.

Of the two staff on the institution's Secretariat, one is a woman.

3.3. Organisational Infrastructure

3.3.1. Organisational Structure

According to the Organigram of the institution, the President and Vice-President of the CCDH together with the institution's Secretariat make up the Executive Bureau of the institution. The Executive Bureau is linked, via the members of the institution, to the CCDH's sub-commissions and working groups. The working groups and sub-commissions are responsible for transmitting their advice and recommendations to the government, which is described in the Organigram as also transmitting information to the institution (although how this transmission of information is facilitated is not detailed).

The supplementary information annexed to the institution's Organigram names two persons as staff of the institution. Neither the Organigram nor the supplementary information elaborates on the staffing structure of the institution.

According to the supplementary information annexed to the institution's Organigram, the operating budget of the institution for the years 2006-2008 inclusive has been 12,500 EUR. This is confirmed by the 2008 Budget annexed to the institution's Statement of Compliance.

3.3.2. Staffing

The Règlement de 2000 states at article 10 that the government will provide logistical and administrative support to the institution. The Draft Law of 2008 is silent on the matter of the institution's competence to hire its own staff. Article 11 of the Draft Law of 2008 stipulates that the staff of the Secretariat of the institution will be employees of the State. Article 9 of the Draft Law of 2008 also states that the functions of the institution not specified in the Draft Law itself will be provided for by the institution's "règlement d'ordre intérieur". No such internal regulatory document was provided by the institution with its Statement of Compliance.

As indicated in section 3.2 of this summary, above, the supplementary information annexed to the institution's Organigram specifies that 2 staff persons belong to the Secretariat that supports the institution, one of them a woman. According to section 3.3.2 of the institution's Statement of Compliance, the appointment of a second staff post to the CCDH occurred in 2008. The supplementary information further details that 2 staff persons belong to the Secretariat that supports the institution, one of them a woman.

The Statement of Compliance clarifies at section 3.3.2 that the institution is not used to engaging staff without the agreement of the government - while the institution can demand staff from the government, the final decision on engaging further staff is at the discretion of the government, as part of the consideration of the national budget. The Statement of Compliance also asserts that the selection of candidates is always entrusted to the institution itself.

3.3.3. Regular meetings

There is no indication of whether the institution holds meetings regularly. The available law does provide for a minimum number of meetings to be held each year.

Article 8 of the Règlement de 2000 stipulates that the CCDH's membership must meet in plenary at least 6 times per year. This requirement is reproduced at article 6(2) of the Draft Law of 2008. Article 8 of the Règlement de 2000 further stipulates that plenary meetings are called and chaired by the President of the institution or, in her of his absence, by the Vice-President. The article provides that meetings cannot occur unless at least twelve (12) members are present. Additionally, article 7 provides that and advice proposed or recommendations made by the institution at the plenary meetings must be carried by a vote of the absolute majority of the institution's members. Finally, article 8 of the Règlement de 2000 provides that plenary meetings are to be private and that the deliberations that occur during these sessions are confidential.

The Draft Law of 2008 reproduces the provisions of the Règlement de 2000 in respect of the frequency of meetings and the chairing of meetings by the President or Vice-President (at article 6(2)). Article 6(1) of the Draft Law also stipulates that the plenary meeting gathers all of the institution's members and makes decisions based on the absolute majority of members with voting rights; article 6(5) further provides that the institution's plenary meetings are private and that their debates are confidential. Article 6(1) of the Draft Law expands on the current Règlement de 2000, however, by allowing for proxy voting. The Draft Law of 2008 also expands on article 8 of the Règlement de 2000 by indicating that the President of the Institution sets the agenda for each plenary meeting.

Article 6(4) of the Draft Law of 2008 also expands on the provisions of the Règlement de 2000 in respect of the institution's plenary meetings, by providing that representatives from several public organs dedicated to human rights promotion and protection are to attend the plenary meetings of the institution in an advisory capacity, and that they cannot be represented by any other party. Specifically, article 6(4) provides that the Médiateur of Luxembourg, the Ombuds-Comité fur d'Rechter vum Kand, the President of the Commission nationale pour la Protection des Données, and the President of the Centre pour l'Égalité de Traitement will attend plenary sessions in an advisory capacity. According to the comments on article 6 of the Draft Law of 2008, the purpose of allowing the Presidents of these public organs to attend the plenary meetings is to enrich the debate that occurs therein and to make the institution a place for discussion and exchanges relating to human rights.

According to section 3.3.3 of the institution's Statement of Compliance, in 2006 and 2007 the members of the institution held 7 plenary meetings, while as of the date of the submission of the institution's application for re-accreditation in 2008 the members of the institution have met in plenary 5 times.

4. Relations with Civil Society and human rights institutions

4.1. Formal Relationships with Civil Society

The preamble to the Règlement de 2000 currently in force indicates that the law establishing the institution was passed in light of the need for a transversal and coherent policy to support the government's human rights activities, and that the definition and implementation of said policy presupposes, among other things, the existence of dynamic partnerships with civil society. The text of the Règlement itself, however, does not formalize any relationship between civil society and the institution.

Article 3(4) of the Draft Law of 2008, however, provides that one of the institution's functions will be to facilitate exchanges of information between national human rights institutions and organs responsible for defending human rights. The article further provides that the CCDH will collaborate with all international organs and institutions responsible for the protection and promotion of human rights.

According to the details provided section 4.1 of the institution's Statement of Compliance, in practice the institution has cooperated with civil society organizations since its creation in 2000. Among these institutions are a university, a non-governmental organization, organisations that advocate for the rights of persons with disabilities, and several experts (for the purposes of soliciting advice for the institution's official recommendations).

4.2. Regular Consultations

The Règlement de 2000 currently in force does not provide for the institution to have regular consultation with other human rights bodies. Article 6(4) of the Draft Law of 2008, however, provides that representatives from several public organs dedicated to human rights promotion and protection are to attend the plenary meetings of the institution in an advisory capacity, and that they cannot be represented by any other party. For further details, please see section 3.3.3 of this summary.

According to section 4.2 of the institution's Statement of Compliance, in practice the institution regularly has formal and informal meetings with the Médiateur of Luxembourg, the Ombuds-Comité fur d'Rechter vum Kand, the Commission nationale pour la Protection des Données, and the Centre pour l'Égalité de Traitement.

4.3. Cooperation with the United Nations, regional and national institutions

The Règlement de 2000 stipulates at article 1 that the CCDH the Luxembourg's national correspondent to the European Observatory on Racist and Xenophobic Phenomena. Beyond this provision, the

Règlement does not provide a legal foundation for the institution's cooperation with regional, national, and international human rights organizations.

The Draft Law of 2008, however, provides a legal basis for the institution's interactions with national organizations at article 3(4), as discussed in section 4.1 of this summary. The article further provides that the institution will collaborate with all international institutions and organizations responsible for the protection and promotion of human rights.

According to section 4.2 and 5.1 of the institution's Statement of Compliance, the CCDH has co-operated with international bodies other than the ICC, regional and national bodies on the following occasions:

- 2002 CCDH organized a colloquium entitled "La discrimination" intended to promote public awareness of human rights issues
- 2004 Hosted the Organization for Security and Cooperation in Europe (OSCE)'s previous Special Representative Against Human Trafficking on the occasion of her official visit to Luxembourg
- 2004 Received the Council of Europe's Commissioner for Human Rights during his official visit to Luxembourg; welcomed a delegation from the European Commission Against Racism and Intolerance who were responsible for editing a report on the situation in Luxembourg
- 2005 Requested educational material on human rights from UNESCO
- 2005 CCDH organised a colloquium entitled "L'éducation aux droits de l'Homme: Un défi pour l'École du XXI^e siècle", in cooperation with Luxembourg's Ministry of National Education and Professional Training
- 2007 Representation at the European Conference on the Rights of Disabled Persons, organized by the German presidency of the Council of the European Union
- 2007 Submitted Luxembourg's report on the human rights situation in Luxembourg to the UN Human Rights Council in fulfilment of the country's obligations under the Universal Periodic Review mechanism.

The institution's Statement of Compliance further notes at section 4.2 that the institution regularly refers to the recommendations of regional, national and international organizations in the advice that it gives to the government and as part of its published communications.

5. Accessibility

5.1. Procedures and mechanisms to ensure accessibility

The Règlement de 2000 states, at article 9, that the institution will at least once per year address to the government a report on its activities, and that this report will be made public.

According to article 7(2) of the Draft Law of 2008, the advice, studies, position papers and recommendations of the institution are to be publicized after they have been communicated to the government; the government will then be responsible for submitting said advice relating to the institution's projects and proposals for legislative initiatives to the Luxembourg Chamber of Deputies and the Council of State (article 7(3)). According to article 7(1) of the Draft Law, any advice given by the institution in its official capacity must be adopted by the plenary assembly of all the institution's members.

According to the comments on article 7 of the Draft Law of 2008, the government calls upon the CCDH to publicize its advice freely and indicates that all the works of the institutions will be made public. The comments on article 7 further state that the institution's advice is transmitted to the government by the Prime Minister via the Chamber of Deputies and the Council of State, in order to give those recommendations parliamentary character.

5.2. Procedures and mechanisms for addressing public opinion

According the section 5.2 of the institution's Statement of Compliance, the advice, communications and reports of the institution and publicized through various press organs after they have been communicated to the government; the information is also made available on the institution's website. The Statement of Compliance further notes (at section 5.2) that some of the institution's publications, most notably information brochures on the CCDH itself, are available in French, English, and German.

5.3. Working Groups

The Règlement de 2000 does not refer explicitly to working groups in any of its provisions. Article 8 of the Draft Law of 2008, however, stipulates that the institution's plenary assembly may establish working

groups relating to a specific problem (article 8(1)). According to article 8(3), the meetings of working groups are closed and their deliberations are confidential. Finally, article 8(2) of the Règlement de 2000 grants working groups and the institution generally the right to engage experts on short-term consultation contracts to gain information necessary for the execution of their functions. According to the comments on article 8 of the Règlement de 2000, the provision in the Draft Law follows the institution's current practice of establishing working groups to prepare research on specific subjects.

According to section 5.3 of the institution's Statement of Compliance, the CCDH's membership is divided into sub-commissions and working groups, each with its own particular competence, although it is not clear from the materials submitted by the institution which, if any, of the sub-commissions and working groups are currently operational. According to the Statement of Compliance, the following are the institution's sub-commissions and working groups since its inception in 2000:

Working Groups

- Children's Rights
- Expulsions
- Searches
- Juvenile Detention¹
- Psychiatry
- Immigration

Sub-Commissions

- Education
- Discrimination
- Institutions
- Living Conditions of Asylum-Seekers
- Application and Implementation of Refugee Law

According to section IV.2. of the institution's 2007 Annual Report (at page 51), the membership of the following Commissions and a single Working Group was as follows:

Sub-Commissions	<u>Education</u>	Roby Altmann Rita Jeanty Jean-Paul Lehnens Gilbert Pregno
	<u>Institutions</u>	Azédine Lamamra Olivier Lang Marc Limpach Victor Weitzel
	<u>Asylum Claimants and Immigration</u>	Olivier Lang Sylvain Besch Marc Limpach Rita Jeanty Ginette Jones <i>Secretary: Fabienne Rossler</i>
Working Group	<u>Juvenile Detention</u>	Roby Altmann Deidre Du Bois Henri Grün Anne Heniqui Gilbert Pregno Victor Weitzel <i>Secretary: Fabienne Rossler</i>

Article 1(3) of the Draft Law of 2008 officially confirms the present location of the institution in Luxembourg as its legally recognized location. The institution's Statement of Compliance further indicates at section 5.3 that the institution has no regional offices and that their sole office is accessible to persons with disabilities.

¹ A listing of the international experts consulted by the Juvenile Detention working group in 2007 is given in the institution's 2007 Annual Report, at pages 36-37.

IV. COMPETENCE AND RESPONSIBILITIES

6. General Jurisdiction and Functions

6.1. Mandate to promote and protect human rights.

According to article 2 of the Règlement de 2000, the institution is responsible for assisting the government of Luxembourg on all questions pertaining to human rights in the territory of Luxembourg by providing advice and studies on human rights issues in Luxembourg. The institution is also charged, under this article, with proposing to the government of Luxembourg measures and programs of action to encourage the protection and promotion of human rights in Luxembourg, particularly in the context of primary and secondary education, as well as post-secondary education and professional training. Finally, article 2 of the Règlement de 2000 states that the CCDH acts as Luxembourg's national correspondent to the European Observatory of Racist and Xenophobic Phenomena (see section 4.3 of this summary for details of the institution's other activities in the local, regional, and international milieu).

Article 1(2) of the Draft Law of 2008 elaborates further upon the institution's mandate, defining the CCDH as a consultation organ of the government whose mission is the promotion and protection of human rights in the territory of Luxembourg. According to this article, the institution is to execute this function by independently conveying to the government advice, studies, position papers and recommendations on question pertaining generally to human rights issues in Luxembourg. The article further stipulates that, in conveying this advice, the institution is to draw the government's attention to measures that will encourage the promotion and protection of human rights in Luxembourg. According to the Draft Law of 2008, the institution can make recommendations to the government of its own initiative, or in response to the government's requests.

The Exposé des Motifs that prefaces the Draft Law of 2008 indicates that the Draft Law's statement of the institution's mandate is intended to bring the institution into compliance with the Paris Principles. The Exposé des Motifs also indicates that the institution will in future continue to focus on questions of general import relating to human rights.

6.2. The mandate in practice

According to section 6.2 of the institution's Statement of Compliance, the CCDH deplores the government's failure to automatically and systematically refer to the institution human rights for the CCDH to make recommendations and furnish advice on questions and projects relating to fundamental rights. According to the Statement of Compliance, the majority of the advice given by the institution was given on its own initiative, rather than having been requested by the government (section 6.2).

6.3. Functions regarding national legislation

The Règlement de 2000 is silent on the matter of the institution's functions in respect of Luxembourg's national legislation. The Draft Law of 2008, however, provides at article 3(2) that the institution will be responsible for encouraging the harmonization of Luxembourg's laws, regulations and national practices with international instruments. The Exposé des Motifs clarifies that the institution will focus on harmonizing Luxembourg's laws with the international human rights instruments to which the state of Luxembourg is party.

The comment on article 3 of the Draft Law of 2008 further clarifies that the institution will be responsible for intervening in the implementation of international human rights instruments at the national level and will do so by occasionally counselling the government on the creation of reports presented periodically to different international human rights organizations. The comment also states that, by way of cooperation with the government, the institution will be called upon to advise the government of Luxembourg on the appointment of Luxembourgish to non-jurisdictional posts related to the protection and promotion of human rights in organizations such as the European Union, the Council of Europe, and the United Nations.

6.4. Encouraging ratification and implementation on international standards

The Règlement de 2000 is silent on the issue of the CCDH's responsibility for encouraging the ratification of international human rights instruments by the government of Luxembourg. Article 3(2) of the Draft Law of 2008 elaborates on the institution's responsibilities in this area, indicating that the

institution will be officially charged with following the process of ratification of international human rights instruments. This is affirmed by the comments on article 3 of the Draft Law, as well as by the Exposé des Motifs that prefaces the Draft Law.

According to section 6.4 of the institution's Statement of Compliance, the CCDH encourages the government to ratify international instruments through press releases, advice, or letters to ministers responsible for human rights issues. The institution refers in its Statement of Compliance to its publication of two communiqués on the government of Luxembourg's decision to return illegal immigrants to their countries of origin, making reference to key fundamental principles contained in the European Convention on Human Rights.

6.5. Programmes for teaching and research

As discussed in section 6.1 of this summary, under the Règlement de 2000 the CCDH is responsible for making recommendations to the government of Luxembourg about measures and programs to promote and protect human rights in the context of education.

The comments on article 3 of the Draft Law of 2008 further state that the institution is expected to play a leading pedagogical role in proposing measures and action plans likely to encourage the promotion and protection of human rights to the government. The comment provides that the institution can organize seminars, colloquia and conferences on human rights issues, and can be active at all levels of education, whether post-secondary or primary.

According to section 5.3 of the institution's Statement of Compliance, one of its working groups focuses on human rights issues in education. At section 6.5 of the Statement of Compliance, however, the institution indicates that, in 2004, it developed a multidisciplinary concept for a project to raise awareness of human rights issues amongst teachers.

6.6. General powers

For detailed information on the institution's general powers, please see section 6.1 of this summary.

6.7. Power to gather information

The available law is silent on the institution's information-gathering competence and capabilities. It refers only to the institution's ability to exchange information with other bodies.

Under article 11 of the Règlement de 2000, the institution can contract the services of experts as short-term consultants in fulfilling its mandate (see also article 8(1) of the Draft Law of 2008). Article 3(3) of the Draft Law of 2008 provides that the Government will transmit to the institution all the information that it requires to provide the government with advice. Finally, article 3(4) of the Draft Law of 2008 further provides that the institution will undertake information exchanges with various national and international organizations responsible for human rights protection.

According to section 6.7 of the institution's Statement of Compliance, the institution gathers all necessary information and documents as it produces and publishes its reports. According to the Statement of Compliance, the CCDH also has the power to hear any person with an interest in the files it works on, with a view towards having the broadest possible view of any subject.

7. Quasi-jurisdictional competence

According to article 1 of the Draft Law of 2008, the institution is a consultative organ of the government of Luxembourg. The comments on article 1 of the Draft Law clarify that the organization does not have the capacity to receive individual complaints and will not infringe on the jurisdiction of the Médiateur and the Ombuds-Comité fur d'Rechter vum Kand, the two public organs in Luxembourg charged with the examination of individual human rights complaints. This is affirmed at section 6.1 of the institution's Statement of Compliance. Accordingly, the institution has no quasi-jurisdictional competence.

V. SUMMARY OF THE ANNUAL REPORT

The 2007 Annual Report of the institution covers the institution's major activities in the 2007 calendar year. The *Avant-propos du Président* gives a survey of the major activities of the institution in 2007, and also notes

that the government of Luxembourg's creation of a draft law to give the CCDH a legal basis in conformity with the requirements of the Paris Principles. (6)

According to the resume of advice given by the CCDH in 2007, the institution views persons in need of international protection and some foreigners in Luxembourg with irregular status as being among the most vulnerable in the country. (11) The CCDH also welcomes the government's construction of a detention centre separate from the penitentiary to house persons in Luxembourg with irregular status, while making some criticisms of the draft Loi N° 5654 relatif à la création d'un Centre de Rétention proposed to establish the centre (11-17).

The institution criticizes the draft Loi n°5737 portant modification de la loi du 5 mai 2006 relative au droit d'asile et à des formes complémentaires de protection, which proposes to reform Luxembourg's asylum system. Also concerned about lack of access to subsidiary protection for those who do not meet the new criteria established by the refugee definition. (21-22)

The CCDH also comments critically on the Luxembourg's Règlement grand-ducal du 18 avril 2007 fixant une liste de pays d'origine sûrs of July 2007, which proposes to create a list of safe countries of origin and safe third countries. (23-24) In particular, the CCDH notes the absence in Luxembourg of any law to govern the deportation persons whose claims to asylum and subsidiary protection have failed, or whose immigration status in Luxembourg is irregular, raising the spectre of forced repatriation and refoulement. (26-27) the CCDH also asserts that human rights education is an essential means of promoting human rights, in Luxembourg and elsewhere. (30) Finally, the CCDH also proposes unifying the initiatives meant to mark the 60th anniversary of the UDHR, taking care in particular to promote the idea of human rights education. (31)

The CCDH's 2007 Annual Report also surveys the institution's activities at the regional, national and international levels. The institution's Juvenile Detention working group visited the juvenile wing of the Luxembourg Penitentiary, and interview the director and the staff in charge of minors. The working group also heard from many international experts. (36)

The institution also participated in the meeting of the "Human Rights Education and Citizenship" working group organized by Luxembourg's Ministry of Education and assessed projects the Ministry had completed related to human rights education, as well as upcoming projects, with a view towards providing constructive comment and criticism. The CCDH also convened an organizing committee to lead the activities related to the celebration of the 60th anniversary of the UDHR, in particular the organization of a gala evening on 10 December 2008. The institution also met with representatives from government, civil society, and a number of other organizations working in the domain of human rights between May and December 2007 (see pages 37 to 38 of the institution's 2007 Annual Report for details).

In respect of institutional relations, the CCDH, designated two of its members as focal points responsible for liaising between it and the following organizations:

- Network of experts on migration and asylum of the European Group of National Human Rights Institutions (focal point: Olivier Lang)
- Bureau of the Human Rights Commissioner of the Council of Europe (focal point: Azédine Lamamra)

At the European and international levels, the institution also attended several human rights conferences and agreed to participate in a number of partnership projects (see pages 39 to 46 of the institution's 2007 Annual Report for extensive details).