

'RIGHT TO EDUCATION'

Submission to the Universal
Periodic Review of the United
Nations Human Rights
Council

4th Cycle – 43rd Session

Country Review: Luxembourg

October 2022

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Broken Chalk is an Amsterdam-based NGO established in 2020 which focuses on monitoring and minimizing human rights violations in education all around the world. Our goal is to contribute to promoting universal and equal access to education for all.

Together with our international sponsors and partners, we encourage and support achieving societal peace by advocating for intercultural tolerance, preventing radicalism and polarization, and tackling inequalities in the field of education.

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0. Introduction

1. This report has been drafted by Broken Chalk to contribute to the 4th cycle, 43rd session of the Universal Periodic Review [UPR]. Since Broken Chalk is an organization aimed at fighting inequalities and improving the quality of Education worldwide, this report will focus on Education.
2. First, the report brings attention to the main issues in which Luxembourg could improve in regard to the Right to Education. Secondly, the report individuates some topics that could be tackled through Education. In doing so, Broken Chalk will commend Luxembourg for the efforts made and actions taken to improve Education and to use Education to bring awareness to other human rights topics. Lastly, in view of the points raised, Broken Chalk would like to offer a few recommendations to Luxembourg to continue improving in the field of Education.
3. In the last review of Luxembourg of 2018, the state received 149 recommendations, 7% of which were linked to the 4th goal of the Sustainable Development Goals (SDG)ⁱ, namely ensuring inclusive and equitable quality education and promoting lifelong learning opportunities for all.
4. Luxembourg has stated that it believes the indivisibility of human rights to be a core principle, underlining that economic, social and cultural rights – among which there is the right to Education – are pivotal in guaranteeing the well-being of all. Luxembourg further expresses its commitment to the 2030 Agenda for Sustainable Development.ⁱⁱ

I. Main issues to tackle in Education

Quality of Education

5. Broken Chalk would like to start by commending Luxembourg for offering free public education for all, as well as free public transport to students, which greatly assists in overcoming socio-economic inequalities by giving all students the possibility to study.
6. According to the PISA Assessment of 2018, Luxembourg has performed under the OECD average in all three categories: literacy, mathematics and science.ⁱⁱⁱ Noting that all results must be taken into consideration within the context of each country, this underperformance still raises some doubts about the quality of education in Luxembourg.
7. A further concerning data is that Luxembourg has one of the largest percentage of students that have repeated a grade before tertiary education among OECD countries (32%).^{iv} Both advantaged and disadvantaged students – based on socio-economic status – repeat a grade more than in other OECD countries, however disadvantaged students repeat a grade 38% more than advantaged ones, which is one of the largest differences among OECD countries.^v
8. It must be considered that Luxembourg has a particular school system, which is intensively multilingualistic: by the start of secondary education students are literate in Luxembourgish, French and German; throughout secondary education they additionally learn English and optionally another language (e.g. Portuguese or Italian).^{vi} Broken Chalk

commends Luxembourg for its multilingualism, which is not only part of their culture and society but being multilinguistic is an essential tool in Europe and our increasingly globalized world.

9. An additional particularity of the Luxembourgish educational system is that it is mandatory from age 4 (earlier than in most countries) until 16.^{vii} Broken Chalk praises Luxembourg for giving importance to pre-school education, which helps children to gradually integrate in the school system, providing them with age-appropriate exercises to start learning and interacting with others.
10. Luxembourg certainly shows its regard for education in its financial spending on education. In fact, Luxembourg is the country that spends the most on education and pays teachers the most among OECD countries.^{viii}
11. Among OECD countries, Luxembourg has one of the highest shares of populations that has achieved a tertiary level of education (almost 60%).^{ix}

Gender-equality within Education

12. In regard to gender-equality, all students are guaranteed equal opportunities within education. However, an inequality of outcomes persists especially in the pursued career paths: men are more likely to undertake a career in the fields of science, technology, engineering and mathematics (STEM), representing around 80% of the new entrants; whereas women represent the 74% of new entrants in the field of education.^x
13. A larger share of 25-34 years-old women have acquired tertiary education compared to their male counterpart (11% more).
14. Nonetheless, young women – especially with lower level of education - remain less likely to be employed than men (with the same level of education) and when employed they averagely earn less than their male peers (15-20% less).
15. It must be noted that in this gender inequality of outcomes Luxembourg is within the OECD average.^{xi}

Access to Education by persons with disabilities

16. Broken Chalk commends Luxembourg for redacting an Action Plan for the implementation of the Convention on the Rights of Persons with Disabilities [CRDP] (2019-2024), where Luxembourg emphasizes that all children, including those with disabilities, have the fundamental right to education, as well as the right to non-discrimination, as established by article 24 of the CRDP.^{xii}
17. Luxembourg further realises that for persons with disabilities to be integrated in society it is essential for children and adolescents with disabilities to have access to the ordinary public system of education, to have a qualified staff in every institution specialised in aiding persons with disabilities to be integrated and learn and to have spaces and means of transport that are adequately accessible for them.^{xiii}
18. Additionally, Luxembourg rightly states that a key element of reinforcing the actual integration of persons with disability into society is for them to have a good education and/or professional training which will give them better chances to find employment.^{xiv}
19. Since Luxembourg has planned to implement many and complex policies it must also put in place measures to monitor the improvement, assess and tackle the difficulties resulting from the implementation of the policies, as it plans to do according to their plan of action.^{xv}

Access to Education by migrants, asylum seekers and their family members

20. In Luxembourg, the share of foreign-born adults with tertiary education is higher than national-born adults with the same level of education (68%), this is contrary to the average case among OECD countries.^{xvi}
21. Accordingly, Luxembourg has the highest share of foreign-born students in tertiary education among all OECD countries, this is also due to the fact that Luxembourgish tertiary-level students tend to study abroad, (e.g. there are more international students in doctoral programmes than national students, 87%).^{xvii}
22. According to the PISA assessment the gap in reading performance between immigrant and non-immigrant students in Luxembourg was 17 score points in favour of non-immigrant students, lower than the OECD average, however immigrants students have improved more than non-immigrants students in respect to the 2009 PISA assessment.^{xviii} The difference in reading performance between immigrant students who speak the language of assessment at home and those who do not is the largest compared to other countries.^{xix}
23. Furthermore, among the share of immigrant students, three in eight are socio-economically disadvantaged, this proportion is congruent to the OECD average.^{xx} Even if immigrant students are socio-economically disadvantaged and tend to score less than their non-immigrant peers, some of them (22%) do achieve academic excellence, a higher share than in other OECD countries.^{xxi}
24. Even though the general school climate in Luxembourg is very good, immigrant students are more likely to report that they feel like outsiders than their non-immigrant peers, this is also reflected in their report on life-satisfaction.^{xxii}
25. Broken Chalk would like to re-estate the concern and recommendation posed by the Committee on the Rights of Child in its concluding observations on Luxembourg regarding the continue grow of children in poverty especially those of immigrant background or with parents with a low level of education.^{xxiii}
26. Inequalities affecting migrants are found too in relation to the right to work, however Luxembourg tends to perform better than other OECD countries. In particular, foreign-born adults' wages are lower than their national-born peers especially when having an educational level below upper-secondary, the wage gap decreases with the increase of the educational level, being of only 3% at the tertiary-level.^{xxiv}
27. Awareness raising and education can play a key role in putting an end to inequalities.

II. Use Education to improve other aspects of society

Education to advocate for Human Rights

28. Broken Chalk admires the efforts of Luxembourg in raising awareness of human rights. It further recommends Luxembourg to keep using education as one of the most effective tools for human rights advocacy.
29. Human rights teaching should be part of all school curricula and at all levels. One cannot demand the rights they do not know to have.
30. Whenever Luxembourg ratifies a new treaty on human rights, appropriate training and sharing of information should follow. Training should be targeted both at specific stakeholders and at the entire society.

Education to tackle criminality committed by minors

31. Minors that have committed crimes cannot be detained in adult penitentiary centres.

32. Education can and should be use as a means to educate minors to abide by the law as well as being used to re-educate minors that have been found guilty of committing a crime, this must be done with the best interest of the minor in mind as well as seeking the best interest of the society at large by having as a goal their reintegration.^{xxv}

III. Recommendations

33. Conscious that Luxembourg has a multilinguistic educational system that must be preserved and its qualities highlighted; Broken Chalk recommends Luxembourg to further improve its quality of Education. In doing so Luxembourg should also aim at filling the inequality gaps - in performance, pursued career path and opportunities - based on gender, national background and socio-economic status.
34. Broken Chalk is eager to see the outcomes of the Luxembourgish Action Plan for the implementation of the CRPD. The vision that the document envisions is completely shared by Broken Chalk, as shared are the hopes and the will to improve the reality for persons with disabilities, especially when it comes to the fulfilment of the Right to Education.
35. Broken Chalk urges Luxembourg to continue and further implement all necessary measures to guarantee the rights of asylum seeking, refugee, unaccompanied and migrant children, including the right to education as education can give them a higher standard of living, can integrate them into Luxembourgish society and can give them overall better opportunities. All measures must be taken in consultation with the affected children and their guardians, in an independent manner and with the best interest of the children as main priority.
36. As in agreement with a great number of UN member states, Broken Chalk would like to urge Luxembourg to push for the ratification of the International Convention on the Protection of the Rights of All Migrants Workers and Members of Their Families within the EU, so that Luxembourg as well as other EU members can become members of that treaty.^{xxvi}
37. Broken Chalk recommends Luxembourg to continue using Education to inform and bring awareness about human rights issues. Education can serve and should continue to be used to further integration of persons with disabilities, migrants, asylum-seekers, refugees and to teach equality and non-discrimination of all, to all. Human rights shall be thought at all educational levels to all, in particular all government representatives shall be duly trained in the field of human rights in relation to their careers.
38. Broken Chalk urges Luxembourg to appropriately respect the rights of minors within the judicial system.
39. Lastly, Education should be accessible, inclusive, of high-quality, and free for all. Luxembourg is certainly moving in the right direction for the fulfilment of the right to Education and, despite improvements always being possible, it is exemplary for other countries.

- ⁱ United Nations Human Rights Council. (2018, January). *Universal Periodic Review - Luxembourg, Infographic*
- ⁱⁱ Luxembourg. (2017, November 13). *National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21 – Luxembourg*, para. 3
- ⁱⁱⁱ OECD - The Organization for Economic Cooperation and Development. (2018). *Education GPS - Luxembourg*
- ^{iv} OECD - The Organization for Economic Cooperation and Development. (2018). *Education GPS – Luxembourg, Participation in Education*
- ^v OECD - The Organization for Economic Cooperation and Development. (2018). *Education GPS – Luxembourg, Participation in Education*
- ^{vi} European Commission. (2022, June 17). *Luxembourg*
- ^{vii} OECD - The Organization for Economic Cooperation and Development. (2018). *Education GPS – Luxembourg, Diagram of education system*
- ^{viii} OECD - The Organization for Economic Cooperation and Development. (2020 or latest available). *Education spending*; OECD - The Organization for Economic Cooperation and Development. (2020 or latest available). *Teachers' salaries*
- ^{ix} OECD - The Organization for Economic Cooperation and Development. (2020 or latest available). *Population with tertiary education*
- ^x OECD - The Organization for Economic Cooperation and Development. (2021). *Education at a Glance 2021 : OECD Indicators – Luxembourg, Gender inequalities in education and outcomes*
- ^{xi} OECD - The Organization for Economic Cooperation and Development. (2021). *Education at a Glance 2021 : OECD Indicators – Luxembourg, Gender inequalities in education and outcomes*
- ^{xii} Luxembourg. (2020, January). *Disability Strategies and Action Plans by Country/Area - Luxembourg - Action plan for the implementation of the CRPD*, p. 18, p. 20
- ^{xiii} Luxembourg. (2020, January). *Disability Strategies and Action Plans by Country/Area - Luxembourg - Action plan for the implementation of the CRPD*, p. 19, p. 35, p. 37
- ^{xiv} Luxembourg. (2020, January). *Disability Strategies and Action Plans by Country/Area - Luxembourg - Action plan for the implementation of the CRPD*, p. 13
- ^{xv} Luxembourg. (2020, January). *Disability Strategies and Action Plans by Country/Area - Luxembourg - Action plan for the implementation of the CRPD*, p. 62
- ^{xvi} OECD - The Organization for Economic Cooperation and Development. (2021). *Education at a Glance 2021 : OECD Indicators – Luxembourg, Education and migration background*; OECD - The Organization for Economic Cooperation and Development. (2020). *Figure A1.5. Share of foreign-born adults among all 25-64 year-olds, by level of educational attainment (2020)*
- ^{xvii} OECD - The Organization for Economic Cooperation and Development. (2019). *Figure B6.2. Incoming student mobility in tertiary education, by level of study (2019)*
- ^{xviii} OECD - The Organization for Economic Cooperation and Development. (2019). *The Programme for International Student Assessment (PISA) Results from PISA 2018 – Luxembourg*, p. 1, p. 5
- ^{xix} OECD - The Organization for Economic Cooperation and Development. (2018). *Education GPS – Luxembourg, Performance and diversity*
- ^{xx} OECD - The Organization for Economic Cooperation and Development. (2019). *The Programme for International Student Assessment (PISA) Results from PISA 2018 – Luxembourg*, p. 1
- ^{xxi} OECD - The Organization for Economic Cooperation and Development. (2019). *The Programme for International Student Assessment (PISA) Results from PISA 2018 – Luxembourg*, p. 8
- ^{xxii} OECD - The Organization for Economic Cooperation and Development. (2019). *The Programme for International Student Assessment (PISA) Results from PISA 2018 – Luxembourg*, p. 9-10
- ^{xxiii} Committee on the Rights of the Child. (2021, June 21). *CRC/C/LUX/CO/5-6: Concluding observations on the combined fifth and sixth periodic reports of Luxembourg*, para. 26
- ^{xxiv} OECD - The Organization for Economic Cooperation and Development. (2021). *Education at a Glance 2021 : OECD Indicators – Luxembourg, Education and migration background*

^{xxv} Committee on the Rights of the Child. (2021, June 21). *CRC/C/LUX/CO/5-6: Concluding observations on the combined fifth and sixth periodic reports of Luxembourg*, para. 30-31

^{xxvi} United Nations Human Rights Council. (2018, April 18). *Report of the Working Group on the Universal Periodic Review – Luxembourg*



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