

LUXEMBOURG 2017 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitution guarantees freedom of religion, including the right to public religious practice and to manifest religious opinions, and prohibits compulsory participation in religious services or observance of religious groups' days of rest. Although, pursuant to 2016 legislation reorganizing the relationship between the state and six religious communities, the government no longer appointed or removed clergy from these communities or paid the salaries or pensions of newly appointed clergy, parliament had not yet voted on the comprehensive constitutional reform package reflecting these changes. Local governments and the Catholic Church reached agreements on the disposition of Church properties, but local Church councils opposed the agreements, and by year's end parliament had not enacted legislation formalizing them. The government proposed legislation banning the burqa in public buildings and on public transportation, which generated considerable debate among political parties; parliament had not voted on the proposal by year's end.

In September the Bar Association changed its internal regulations to ban lawyers from wearing headscarves while practicing law. Leaders of the six recognized religious communities agreed to formally maintain the structure of an interfaith council they established in 2016 to negotiate the law revising their relationship with the government but to meet only on an ad hoc basis in the future. They did not meet during the year.

U.S. embassy officials discussed religious freedom issues with government officials at the Ministry of Justice, Ministry of Foreign Affairs, and Ministry of State, as well as with leaders and representatives of religious groups, including reactions to the draft law banning facial coverings and implementation of the law reorganizing the relationship between religious communities and the state. The Charge d'Affaires hosted an interfaith Thanksgiving lunch on the International Day of Tolerance, at which she facilitated guests' discussion of interfaith tolerance and respect and delivered remarks supporting religious freedom.

Section I. Religious Demography

The U.S. government estimates the total population is 594,000 (July 2017 estimate). By law the government may not collect personal information related to

religion and relies on religious communities to report the number of their adherents. These numbers are then certified by an independent accountant. The government estimates that approximately 70 percent of the population is Roman Catholic; there are approximately 10,000 Protestants, 10,000 Muslims (including those from neighboring countries who cross the border to worship in the country), 3,000 members of Orthodox Churches, 2,500 Anglicans, and 1,500 Jews. A 2011 study by the government Luxembourg Institute of Socio-Economic Research (previously known as the Center for Studies of Population, Poverty, and Socio-Economic Policy) reported small numbers of Bahais, Jehovah's Witnesses, members of The Church of Jesus Christ of Latter-day Saints (Mormons), and members of the Universal Church of the Kingdom of God.

Section II. Status of Government Respect for Religious Freedom

Legal Framework

The constitution guarantees freedom of religion, including the freedom to public religious practice and to manifest religious opinions, as long as no crime is committed in exercising that freedom. While the constitution guarantees the right to assemble peacefully without prior authorization, it stipulates that open-air religious or other meetings are subject to regulation by police. The constitution prohibits compulsory participation in or attendance at church services or observance of religious days of rest and stipulates that a religious marriage ceremony must be preceded by a civil marriage ceremony to be recognized by the state. The constitution provides for the regulation of relations between religious groups and the state, including the role of the state in appointing and dismissing religious clergy and the publication of documents by religious groups, through conventions between the state and individual religious groups. These conventions are subject to review by parliament.

The government has formally approved conventions with six recognized religious communities, which it supports financially based on the number of adherents of each group. The six recognized communities are: the Catholic Church; the Greek, Russian, Romanian, and Serbian Orthodox Churches as one community; the Anglican Church; the Reformed Protestant Church of Luxembourg and the Protestant Church of Luxembourg as one community; the Jewish community; and the Muslim community. To qualify for a convention with the state, a religious community must be a recognized world religion and establish an official and stable representative body with which the government can interact. Groups without

signed conventions, such as the Bahai Faith, may operate freely but do not receive state funding.

Under the law, newly hired religious workers do not receive government-funded salaries and pensions, but clergy of recognized religious groups hired in 2016 or earlier continue to receive their salaries from the government and are grandfathered into the government-funded pension system.

Not counting the government-paid salaries for religious workers hired in or before 2016, the funding levels agreed to in the conventions with the six recognized religious groups are as follows: 6.75 million euros (\$8.1 million) to the Catholic community; 315,000 euros (\$378,000) to the Jewish community; 285,000 euros (\$342,000) to the Orthodox community; 450,000 euros (\$540,000) to the Protestant community; 450,000 euros (\$540,000) to the Muslim community; and 125,000 euros (\$150,000) to the Anglican community.

Under the conventions, government funding to a religious community may be cancelled if the government determines that the religious community is not upholding any of the three principles upon which they mutually agreed: respect for human rights, national law, and public order.

Effective in the 2016-17 academic year for secondary schools and in 2017-18 for primary schools, religious education in public schools is abolished and replaced by an ethics course called “Life and Society.” Religious instructors affected by the change may teach the new Life and Society course if they qualify under the new provisions (including holding a bachelor’s degree), agree to adhere to the new curriculum, and participate in a “reorientation” course.

The country is a party to the International Covenant on Civil and Political Rights.

Government Practices

Pursuant to instructions from the central government to local administrative districts known as communes, the communes and the Catholic Church negotiated agreements on the disposition of Church properties in each commune. Previously, the properties had been under the control and responsibility of local Catholic Church councils, which operated independently. Under the agreements, control was transferred to the communes or the central Church authority. The Church at the national level developed a list of buildings needed for worship, and local Church councils negotiated the disposition of each building with the communes.

In some cases, the Church transferred ownership of properties it did not need to communes for a symbolic fee of one euro (\$1.20); in others, the communes leased properties they owned to the Church for nominal rental fees of 1,000-2,500 euros (\$1,200-\$3,000) per year. The government had initially set a January 1 deadline for these agreements but later extended it to June 1, a deadline which all of the communes and Church councils met. In addition, the government and Catholic Archbishop of Luxembourg Jean-Claude Hollerich agreed that the upkeep of two historical Church properties, the Basilica of St. Willibord in Echternach and the Notre Dame Cathedral in Luxembourg, would be cofinanced by the government and the Catholic Church.

The Syndicate of Church Councils, an association representing the interests of 270 of the 285 local Catholic Church councils in the country, opposed the legislation on church properties and the property agreements signed between the Church councils and the communes. The syndicate, with the support of 118 of its Church councils, filed a lawsuit in December 2016 against Minister of Religion (also Prime Minister) Xavier Bettel, Minister of the Interior Dan Kersch, and Archbishop Hollerich. The lawsuit challenged the right of the archbishop to represent the Catholic Church in signing the 2015 convention that laid out the parameters for separating church and state and required that property ownership be negotiated between the local Church councils and the communes. The lawsuit remained pending at year's end.

In addition to filing the lawsuit, the syndicate gathered 12,000 signatures on a petition, allowing it to gain a parliamentary hearing in January, at which it insisted it be included in the negotiation process on issues related to the separation of church and state. At the hearing, Interior Minister Kersch stated the archbishop was the government's official negotiating partner and objections to the law advanced by the syndicate pertained to internal Church matters. The hearing ended without a vote.

On July 14, the Council of State, an advisory body of parliament, published an opinion stating Church councils, as public institutions, could be abolished by the state, and the transfer of assets from the councils to a common Catholic Church fund did not constitute an expropriation. The Council of State recommended amendments to the proposed law governing the management of church buildings, including one allowing local communes to fund renovations of church buildings that were transferred to the central Catholic Church fund. Interior Minister Kersch agreed to the Council of State's recommended amendments and in October

resubmitted the draft legislation to the council for another review. By year's end parliament had not voted on the legislation.

On August 7, parliament passed a law outlining a framework for former religious instructors to continue working in public schools. Under the law, secondary school teachers who were formerly religious educators may teach nonreligious subjects in which they hold a bachelor's degree after completion of a 16-hour training course. These secondary school educators are employed by the Ministry of National Education. Primary school educators who formerly taught Catholic classes and rejoin the public schools as teachers of other subjects continue to be officially employed by the Catholic Church.

Of the 140 Catholic primary teachers affected by the new law affecting former religious instructors, 100 became substitute teachers after meeting the minimum qualifications to teach elementary education; the remaining 40 were receiving training to serve as education assistants in primary schools or day-care centers.

On August 8, Minister of Justice Felix Braz presented a bill to parliament proposing the prohibition of facial coverings in public buildings and on public transportation. He stated the motivation was not religious, but rather that fellow citizens should be able to recognize each other. Although two opposition political parties, the Christian Social People's Party and the Alternative Democratic Reform Party, had in previous years initially called for a nationwide ban only of the burqa to be enforced everywhere, they changed their position during the year to favor a ban on all facial coverings. The ruling coalition, consisting of the Democratic Party, the Liberal Socialists Workers Party, and the Greens, took a compromise position favoring a ban on facial coverings in public spaces and introduced the draft bill. By year's end the Council of State had not yet issued an advisory opinion on the draft legislation, required prior to a parliamentary debate and vote. A total of 47 local municipalities banned facial coverings, but police did not enforce these communal bans.

According to the Assembly of the Muslim Community (the Shoura), approximately 16 women in the country wore the *niqab* or burqa. The Shoura criticized the proposed law banning face coverings as unnecessary, in view of the small number of women who wore burqas, and stated the debate was counterproductive in an "open and tolerant society." The Shoura also criticized Justice Minister Braz for not consulting the affected population prior to announcing his proposal.

In October the pastor of Trinity Church, the historic Protestant church in Luxembourg City, stated mounting court costs for an ongoing civil court case could potentially bankrupt his church under the new Church funding arrangement. The pastor stated the judge should have dismissed the case, because it pertained to an internal church matter.

According to data provided by the prime minister's office, through October the government had granted refugee status to 938 individuals, the majority of whom were Muslim. The Organization for Welcome and Integration (OLAI), an entity of the Ministry of Family and Integration, stated the government sought to be proactive in assuring refugee access to mosques, halal meals, and same-sex housing for those who requested it. OLAI reported no complaints or concerns by refugees related to the practice of their religion.

The country held the presidency of the International Tracing Service (ITS) during the year and hosted the 80th session of the International Commission of the International Tracing Service in June in Luxembourg City. The ITS is an archive and center for documentation, research, and information on Nazism, forced labor, and the Holocaust in Nazi Germany and its occupied regions.

The government is a member of the International Holocaust Remembrance Alliance.

Section III. Status of Societal Respect for Religious Freedom

In September the Bar Association changed its internal regulations to ban lawyers from wearing headscarves while practicing law. The decision was made the night before the September swearing-in ceremony for new attorneys admitted to the bar, and the following morning, a female candidate was asked to remove her head covering if she wanted to be sworn in. She declined and did not participate in the ceremony. The Shoura said the action undermined religious freedom. It was analyzing the case but had not taken legal action by year's end.

Leaders of the six recognized religious communities agreed to meet on an ad hoc basis in the Council of Recognized Religious Communities, which they established when renegotiating their status with the government. Archbishop Hollerich and Grand Rabbi Alain David Nacache served as president and vice president, respectively. According to its members, the council did not convene during the year, as there were no issues that rose to the level requiring their combined attention.

Section IV. U.S. Government Policy and Engagement

A visiting Deputy Assistant Secretary of State from the Bureau of European Affairs noted concern about the proposed facial covering law at a meeting with Ministry of Justice officials in November.

U.S. embassy officials discussed religious freedom issues with leaders and representatives of religious groups, including reactions to the implementation of the law that reorganized the relationship between religious communities and the state.

In November the Charge d'Affaires hosted an interfaith Thanksgiving lunch discussion in recognition of the International Day of Tolerance. Twenty-five outside guests representing 10 religious communities, as well as the government, civil society, and the press, joined embassy officials to discuss religious tolerance in contemporary society. The Charge d'Affaires gave remarks promoting tolerance and interfaith dialogue, and a guest speaker and facilitator challenged the attendees to consider ways to move beyond tolerance to a fuller understanding of and respect for other faith communities.

In October an embassy representative met with the pastor of Trinity Church to hear his concerns about a civil court case that he believed represented discrimination against his church.