

LUXEMBOURG 2019 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitution guarantees freedom of religion, including the right to practice it in public and manifest religious opinions, and prohibits compulsory participation in religious services or observance of religious groups' days of rest. The judiciary upheld a ruling that appointed an external administrator to organize and monitor general assemblies and elections within the Protestant Consistory, the Protestant community's leading interlocutor with the government. The main pastor of the Protestant community criticized the ruling, and two other court decisions, as infringing on its religious freedom; the consistory later revised its laws to obviate the appointment of a general assembly organizer. In February the government established a working group on outstanding Holocaust asset issues affecting noncitizens and stateless persons. In July parliament enacted a resolution calling on the government to adopt the International Holocaust Remembrance Alliance (IHRA) working definition of anti-Semitism; the government had not done so by year's end. In March the government assumed the chairmanship of the IHRA.

The president of the nongovernmental organization (NGO) Research and Information on Anti-Semitism in Luxembourg (RIAL), said it had registered 47 anti-Semitic incidents in the first six months of the year, compared with 26 in all of 2018. In December 2018, the national report of the NGO Islamophobia Observatory in Luxembourg (OIL), based on 2018 data, stated 60 percent of Muslims surveyed believed "Islamophobia" was present in the country, and 21 percent said they had experienced anti-Islamic incidents in 2018; 82 percent said Muslims were well integrated into society. A European Commission (EC) survey reported 19 percent of respondents believed anti-Semitism was a problem in the country, and 73 percent did not. Another EC survey found 25 percent of respondents believed religious discrimination was widespread in the country, while 66 percent said it was rare. There were reports of anti-Semitic postings on Facebook. RIAL reported that in October vandals in Esch-sur-Alzette painted a Jewish star and anti-Semitic graffiti at the entrance hall of an apartment building with a Jewish resident. In August the Muslim community stated the national tabloid *Privat* spread anti-Muslim bias when it published an article titled, "In This Manner Islam is Conquering Us."

The Ambassador and U.S. other embassy representatives discussed religious freedom issues, including concerns of religious communities about such issues as

court cases pertaining to the Protestant Consistory and implementation of the law regulating animal slaughter, with government officials at the Ministries of Foreign Affairs and State, as well as with leaders and representatives of religious groups. U.S. officials, including the Special Envoy for Holocaust Issues, discussed with government and religious leaders how the government was addressing outstanding Holocaust-era restitution issues and encouraged the government to establish the working group on outstanding Holocaust asset issues.

Section I. Religious Demography

The U.S. government estimates the total population at 617,000 (midyear 2019 estimate). By law, the government may not collect personal information related to religion and relies on religious groups to report the number of their adherents. A 2014 poll (the most recent) by the national survey institute TNS-ILRES reported that, among respondents aged 15 and older, 58 percent identify as Catholic, 17 percent as nonbeliever, 9 percent as atheist, 5 percent as agnostic, 2 percent as Protestant, 1 percent as Orthodox, 1 percent as Jehovah's Witnesses; 3 percent as other (unspecified) Christian, and 1 percent as Muslim; 2 percent of respondents did not provide a reply. Based on information provided by religious community representatives, groups that together constitute less than 5 percent of the population include Baha'is, members of The Church of Jesus Christ of Latter-day Saints, and members of the Universal Church of the Kingdom of God.

Muslim community representatives estimate there are between 18,000 and 20,000 Muslims, mainly from southeastern Europe and the Middle East and their descendants.

Jewish community representatives estimate there are 1,500 Jews.

Section II. Status of Government Respect for Religious Freedom

Legal Framework

The constitution guarantees freedom of religion, including the freedom to practice religion in public and 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 open-air religious or other meetings are subject to laws and police regulations. The constitution prohibits compulsory participation in or attendance at church services or observance of religious days of rest and stipulates that a civil marriage ceremony must precede a

religious marriage ceremony for the state to recognize it. 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 parliamentary review.

The government has formally approved conventions with six religious groups, which it supports financially with a fixed amount (adjusted yearly for inflation) partly based on the number of adherents each group reported having in 2016. The six groups are the Roman Catholic Church; Greek, Russian, Romanian, and Serbian Orthodox Churches as one community; Anglican Church; Reformed Protestant Church of Luxembourg and Protestant Church of Luxembourg as one community; Jewish community; and 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, including the Baha'i Faith and the New Apostolic Church, operate freely but do not receive state funding.

The government funding levels for the six religious groups are specified in each convention and remain the same every year except for adjustments for inflation. The original funding levels established in 2016 were: 6.75 million euros (\$7.58 million) to the Catholic community; 450,000 euros (\$506,000) to the Protestant community; 450,000 euros (\$506,000) to the Muslim community; 315,000 euros (\$354,000) to the Jewish community; 285,000 euros (\$320,000) to the Orthodox community; and 125,000 euros (\$140,000) to the Anglican community. Under the law, 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. The law further provides for a transitional period in which the government does not disburse the funding under the convention should the total amount of salaries be above the funding level, disburses the difference should the total amount of salaries fall below the funding level, and disburses the entire funding level should the total amount of salaries equal zero. The pensions of grandfathered clergy are not taken into consideration in calculating the total amount of salaries.

Religious groups must present their accounting books to the government for review to verify they have spent government funds in accordance with laws and regulations. Under the conventions, government funding to a religious community

may be cancelled if the government determines the religious community is not upholding any of the three mutually agreed principles: respect for human rights, national law, and public order.

The law prohibits covering of the face in certain specific locations, such as government buildings and public hospitals or schools, or on public transportation. The prohibition applies to all forms of face coverings, including, but not limited to, full-body veils. Violators are subject to a fine of between 25 and 250 euros (\$28-\$280). There is no prohibition against individuals wearing face coverings on the street.

The law requires the stunning of animals before slaughter, with exceptions only for hunting and fishing. Violators are subject to a fine of between 251 and 200,000 euros (\$280-\$225,000) and possible imprisonment for between eight days and three years. The law does not prohibit the sale or importation of halal or kosher meat.

By law, public schools may not teach religion classes, but students are required to take an ethics course called Life and Society. The ethics course covers religion, primarily from a historical perspective.

There are laws and mechanisms in place to address property restitution, including for Holocaust victims. These laws do not apply to noncitizens who resided in the country between 1930 and 1945.

Under the penal code anti-religious and anti-Semitic statements are punishable by imprisonment for between eight days and six months and/or a fine of between 251 and 25,000 euros (\$280-\$28,100).

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

Government Practices

In January the Appeals Court confirmed the appointment of an external administrator (*administrateur ad hoc*) to organize the next elections of the Protestant Consistory's charring committee. The consistory is the leading institution for Protestant religious affairs and the denomination's official interlocutor with the government. The ruling stemmed from court challenges and appeals in 2017 and 2018 based on internal consistory disagreements over its

statutes, leadership, and the charring committee's management of consistory property and finances.

In May the Court of Cassation (high-level appeals court) upheld a 2018 ruling by the District Court that permitted the appointment of an external administrator to organize two extraordinary general assemblies of the consistory. That ruling was prompted by a 2017 request by several consistory leaders to the court to appoint an administrator to convene the general assemblies, citing irregularities in organizing and running previous assemblies.

The case of a woman who sued in 2015 after the Protestant Consistory revoked her right to vote in charring committee elections was ongoing in the Appeals Court at year's end. The consistory acted after discovering the woman was a Catholic. In 2017, the District Court ruled the consistory had wrongfully revoked her voting right. The consistory appealed the decision the same year.

In September the pastor of the Protestant Trinity Church, who was also the main pastor of the Protestant community in the country (appointed by the Protestant Consistory) and a member of the charring committee of the Protestant Consistory, criticized the courts' rulings in all three cases as infringing on the Protestant community's religious freedom. The pastor said the judge should have dismissed the cases because they pertained to internal church matters.

A December 2018 appeal filed jointly by the Syndicate of Church Councils, an association representing the interests of 270 of the 285 local Catholic church councils, and 109 of the 285 local church councils remained pending with the Appeals Court. The appeal challenged the 2018 decision of the District Court that dismissed a 2016 lawsuit by the syndicate and 109 church councils against the government and Catholic Archbishop of Luxembourg Jean-Claude Hollerich. The suit had sought to invalidate the agreement between the government and the archdiocese on the disposition of Catholic Church property managed by the local church councils. In addition, 47 church councils, out of the 109 that filed suit with the syndicate in 2016 and appealed in 2018, filed a separate lawsuit in 2018 alleging damages resulting from the agreement at the District Court; that case remained pending at year's end. Pursuant to the agreement between the government and Archbishop Hollerich, parliament approved the dissolution of the 285 local church councils in 2018 and transferred the assets they had been managing to a common Catholic Church fund under the guardianship of the archdiocese. The syndicate and the 109 church councils with active suits in the courts, however, were not dissolved, pending resolution of their cases.

In April the Administrative Court annulled a 2017 decision by then-minister of sustainable development and infrastructure Francois Bausch, who refused to extend the period of validity of a driving license on the grounds that the driver, a Muslim woman, refused “categorically to produce a bareheaded (without headscarf) photo.” The court ruled the ministry’s decision was void because it cited regulations adopted without the required Council of State approval. The driver’s lawyer had submitted the case to the court in 2018, arguing that, for his client, showing her hair on a nonprivate picture constituted “a violation of her privacy and her private life, not to mention the interference it would bring to her religious belief and practice.” According to OIL, “It is deplorable once again to note that the Muslim community was forced to resort to the courts to have their rights respected in a procedure which lasted three long years.”

According to police, there were no apprehensions for violation of the law banning facial coverings in certain public places in the first nine months of the year.

The Jewish Consistory – the Jewish community’s official representative with the government – and members of the Muslim community said they remained concerned the law requiring the stunning of animals prior to their slaughter infringed on their religious rights, although they had already been importing meat from abroad, because there were no halal or kosher slaughterhouses in the country.

The Ministry of Education continued to grant excused absences from school to children wishing to attend local religious celebrations, provided they first obtained permission from the local school board.

The Jewish Consistory expressed concern that the government did not make significant progress on resolution of Holocaust-era claims during the year, including for foreign citizens. According to the Jewish community, all Holocaust-related real property claims by citizens had been settled but claims by non-nationals remained unresolved. In February the government created a working group on outstanding Holocaust asset issues to resolve questions about compensation of destroyed property owned by Holocaust victims and survivors who were either citizens of a foreign country or stateless in 1930-45. The working group was also examining open questions about bank accounts and insurance contracts of Holocaust victims and survivors, both nationals and non-nationals, involving banks and insurance companies based in the country. Members of the working group included representatives of the government, the local Jewish community, and the World Jewish Restitution Organization (WJRO).

In July parliament adopted a motion calling on the government to adopt the legally nonbinding working definition of anti-Semitism of the IHRA. The motion also called on the government to increase efforts to combat intolerance and discrimination, including but not limited to anti-Semitism. At year's end, the government had not adopted the definition.

In March the country assumed the chairmanship of the IHRA and appointed Ambassador George Santer as Chair.

In May members of the Parliamentary Committee on Foreign Affairs discussed combatting anti-Semitism and protecting the Jewish community with EC Coordinator on Combatting Anti-Semitism Katharina von Schnurbein.

On May 15, the EC representation in the country hosted a conference with von Schnurbein and IHRA Chair Santer to discuss anti-Semitism, racism, and Holocaust denial. Local and national politicians, members of the public, and members of the European Parliament attended.

In November the National Museum of Resistance in Esch-sur-Alzette, which covers the nation's history from 1940 to 1945 and is owned by the municipality, cancelled a debate entitled "Is Criticism of Israel Anti-Semitic?" Participants included members of the Jewish community as well as representatives of the Committee for a Just Peace in the Middle East (CPJPO), which, according to media reports, was known for its criticism of the IHRA's definition of anti-Semitism and Israel's policies. According to a member of the Jewish community, the museum canceled the event after the CPJPO suggested the debate would not be impartial. Director Frank Schroeder stated concerns over impartiality were unfounded but that he decided to cancel the event because the museum could no longer guarantee "a serene debate on the issue."

According to a representative of the Ministry of State in charge of religious affairs, of the six religious groups with conventions with the government, only the Muslim (473,000 euros – \$531,000) and Anglican communities (131,500 euros – \$148,000) received their full funding level during the year; the Jewish community received the difference only (30,000 euros – \$33,700) and the Catholic, Protestant, and Orthodox communities received no funding at all from the conventions because salaries exceeded the allotted amount.

The government again provided 615,000 euros (\$691,000) to the Luxembourg School of Religion and Society (LSRS) to promote, among other objectives, research, education, and collaboration with religious groups that have signed agreements with the state. The government agreed to provide the funding annually to the LSRS between 2018 and 2021 as part of an agreement with the Catholic Church's Major Seminary (Grand Séminaire).

According to the Ministry of Foreign Affairs, the government granted refugee status to 653 persons during the year, the majority of whom were Muslim. The Organization for Welcome and Integration, an entity of the Ministry of Family and Integration, stated the government provided Muslim refugees access to mosques, halal meals, and, for those who requested it, same-sex housing.

Section III. Status of Societal Respect for Religious Freedom

RIAL President Bernard Gottlieb, whose group investigates anti-Semitism in the country, said it had registered 47 anti-Semitic incidents during the year, compared with 26 in 2018 and 17 in 2017. According to RIAL, these incidents were nonviolent, and more than 50 percent related to Israel, but RIAL stated the latter incidents were anti-Semitic, not just anti-Israel. RIAL said it monitored incidents and Facebook postings but not other social media platforms. According to RIAL, 43 out of 47 cases were Facebook posts. The remaining ones were an instance of anti-Semitic graffiti, an anti-Semitic/homophobic sticker, a letter to the editor in the national daily *Tageblatt* questioning the loyalty of Jews, and harassment, including online, against Gottlieb.

At a press conference at the Chamber of Deputies on July 1, Gottlieb and Francois Moyses, a lawyer and member of the country's Jewish community, announced they had recorded 30 anti-Semitic incidents in the first six months of the year. They called on the government to adopt the IHRA working definition of anti-Semitism and for "a new impetus for public action" against anti-Semitism.

On July 21, according to RIAL, a Facebook user accused Gottlieb of "working [for] a foreign power" and of "taking his orders from a killing country." Gottlieb reported the Facebook post to the prosecutor's office in a letter in August. The prosecutor assigned the case to the Judicial Police. The case was still with police at year's end.

On April 9, according to RIAL, a Facebook user posted a message reading, "Zionism is not just Israel ... it is above all taking control of finance since 1913

(FED[eral Reserve]), politics, media of all the West, a destructive empire that pushes the world to overconsume and live on credits at the expense of the poor countries and future generations.” The post included a picture of two blood-stained arms, one wearing a U.S. flag and the other an Israeli flag on the sleeve, shaking hands.

In October, according to RIAL, one or more unidentified persons painted a Jewish star and vulgar, anti-Semitic graffiti in the entrance hall of an apartment building in Esch-sur-Alzette, where one resident was Jewish. The Jewish resident filed an official complaint with police. There was no further information on the status of the case.

Radio and television broadcaster RTL reported that in February, during an online discussion on the site of the public Facebook group “Luxembourg 2019 Stop the Migration Pact Petition 1147,” a participant shared the Facebook page of Minister for Family Affairs and Integration and Minister for the Greater Region Corinne Cahen with the caption “Judenpaak” (“pack of Jews”). Cahen, who is Jewish, filed an official complaint with police, and in October the accused went on trial for hate speech. The man said he did not know Cahen was Jewish and the expression was common where he grew up and used to signify that one did not trust someone. The man was sentenced to pay a fine of 1,000 euros (\$1,100). He did not appeal the sentence.

In December 2018, OIL released the results of a poll of 340 randomly chosen Muslims – 195 men and 145 women – asking them about anti-Muslim incidents they had experienced or witnessed in 2017 and 2018. Approximately 60 percent of respondents said they believed “Islamophobia” was present in the country, particularly in the workplace (78 percent), media (61 percent), and politics (52 percent). Eighty-two percent opined that the country’s Muslims were well integrated into society. According to the survey, targets of Islamophobia reported only 7 percent of such incidents, either formally or informally. Approximately 21 percent of respondents reported experiencing anti-Muslim incidents in 2018, compared with 25 percent in 2017. The incidents cited were primarily verbal and nonviolent and manifested at work (53 percent), in media (46 percent), on the streets, (31 percent), in politics (31 percent) or in shops (19 percent). Most incidents cited involved another person using derogatory words (60 percent), offensive jokes (54 percent), or insults (42 percent). Many incidents were classified under multiple categories, resulting in percentages adding up to more than 100 percent. In addition, 26 percent of respondents reported witnessing anti-Muslim incidents in 2018, compared with 38 percent in the previous year.

According to the OIL survey results, approximately 38 percent of women who wore a hijab, turban, or *niqab* reported experiencing discrimination for being Muslim in 2018 (46 percent in 2017), compared with 13 percent of Muslim women in 2018 who did not wear a face or head covering (14 percent in 2017).

According to OIL, certain parliamentary questions tended to stigmatize the Muslim community. OIL described the questions as “very dangerous” as they could generate a “feeling of inequality and exclusion” among some Muslim citizens. For example, according to OIL, on February 26, 2019, Marc Goergen, Member of Parliament for the Pirate Party, asked Minister of Agriculture Romain Schneider how much halal meat has been imported since 2015, if the meat was marked as halal when sold, and if the sale of halal meat conformed with the law. Schneider replied on March 25 that he could not say how much halal meat had been imported, but that it had to be marked as halal, and that importing and selling such meat was legal.

On March 14, Gilles Roth, Member of Parliament for the Christian Social People’s Party, asked Prime Minister Xavier Bettel, in his capacity as Minister for Religious Affairs, about Bettel’s possible consent to the construction of a mosque with a minaret in the center of Luxembourg City. In his reply, Bettel stated he had met Faruk Licina, President of the Muslim community, to discuss the shortage of prayer space for Muslims in Luxembourg City but that he had not committed to the construction of a mosque.

In January the EC published a Special Eurobarometer survey of perceptions of anti-Semitism based on interviews it conducted in December 2018 in each European Union (EU)-member state. According to the survey, 19 percent of residents believed anti-Semitism was a problem in Luxembourg, and 73 percent did not; 19 percent believed it had increased over the previous five years. The percentage who believed that anti-Semitism was a problem in nine different categories was as follows: Holocaust denial, 18 percent; on the internet, 22 percent; anti-Semitic graffiti or vandalism, 15 percent; expression of hostility or threats against Jews in public places, 14 percent; desecration of Jewish cemeteries, 15 percent; physical attacks against Jews, 14 percent; anti-Semitism in schools and universities, 14 percent; anti-Semitism in political life, 13 percent; and anti-Semitism in media, 17 percent.

In May the EC carried out a study in each EU-member state on perceptions of discrimination and published the results in September. According to the findings,

25 percent of respondents believed discrimination on the basis of religion or belief was widespread in Luxembourg, while 66 percent said it was rare; 85 percent would be comfortable with having a person of a different religion than the majority of the population occupy the highest elected political position in the country. In addition, 91 percent said they would be comfortable working closely with a Christian, 89 percent said they would be with an atheist, 89 percent with a Jew, 88 percent with a Buddhist, and 85 percent with a Muslim. Asked how they would feel if their child were in a “love relationship” with an individual belonging to various groups, 89 percent said they would be comfortable if the partner were Christian, 85 percent if atheist, 85 percent if Jewish, 82 percent if Buddhist, and 75 percent if Muslim.

In August the national tabloid *Privat* ran a front page story entitled, “In This Manner Islam is Conquering Us.” The article stated, “More and more, Islam is influencing everyday life in Luxembourg.” Among other statements, it said the Muehlenbach Soccer Club, a local soccer club run by Bosnian Muslims, had banned alcohol and pork from the soccer grounds. The article was accompanied by a picture of a stand-alone mosque photo-shopped into the center of Luxembourg City. (There are no mosques in the city center, and all mosques are housed in existing buildings.) A member of the Muslim community said the tabloid was spreading anti-Muslim bias.

OIL reported several instances of anti-Muslim graffiti in close proximity to a refugee center in Kirchberg in Luxembourg City. The graffiti, written on street signs, street curbs, and bus stops, included statements reading “Islam = Terror,” “Islam = Nazi,” “No Migration,” as well as obscenities and insults directed at Islam and the Prophet Muhammad. The municipality removed the graffiti.

On September 28, according to RIAL, a man commented on Facebook about an article on a Jewish Holocaust survivor. The man denied the fact, scope, and mechanisms of the Holocaust, accused Israel of inventing the Holocaust for financial reasons, and drew comparisons between Israel and the Nazis. He wrote that “none of these supposed gas chambers existed [...] the only real Holocaust that exists are the 60 million victims, including a large part of Germans killed by allied bombs,” and, “one day the machinations of the National Zionists will be uncovered.” A member of RIAL filed an official complaint to police on September 30. There was no additional information on the case at year’s end.

According to media, unknown individuals placed a sticker reading “Jewish Faggots” on the postal box of the openly homosexual rabbi of Esch-sur-Alzette in

September. Police were investigating the incident at year's end. Esch-sur-Alzette Mayor Georges Mischo condemned the act and anti-Semitism during a September World War II commemoration, donning a kippah and gay pride sash during his speech.

The Council of Religious Groups that Signed an Agreement with the State (CCC) met four times but did not disclose information about its deliberations. Archbishop Hollerich and Grand Rabbi Alain David Nacache continued to serve as president and vice president, respectively. The New Apostolic Church and the Baha'i Faith, which did not have signed conventions with the government, continued to participate in CCC meetings as permanently invited guests without voting rights.

The LSRS hosted several conferences and expositions throughout the year to promote religious freedom and tolerance. On February 28 and March 1, the LSRS hosted an international conference on the Muslim community in the country and Europe. On May 13, the LSRS, in collaboration with the EC representation in the country, the German embassy, and the Anglican Church, hosted a lecture by Professor Grace Davie, a British academic specializing in the sociology of religion, on the coexistence between religion and society.

Section IV. U.S. Government Policy and Engagement

Embassy representatives discussed religious freedom issues with government officials at the Ministry of Foreign Affairs and Ministry of State. In July embassy officials met with officials at the Ministry of State under Prime Minister and Minister for Religious Affairs Xavier Bettel to discuss government efforts to promote religious freedom, its interaction with the CCC and religious communities, and concerns of religious communities about such issues as the court ruling regarding the Protestant Consistory, religious animal slaughter, and Holocaust-related restitution and compensation.

In February the Ambassador and the U.S. Special Envoy for Holocaust Issues, in tandem with representatives from the WJRO, met with high level officials, including Prime Minister Bettel, to facilitate the establishment of the working group on outstanding Holocaust asset issues. In September embassy officials and the U.S. Special Envoy for Holocaust Issues met with a government representative of the working group to discuss Holocaust-related restitution and compensation and the working group's progress.

In April the Ambassador visited the LSRS, where he delivered a speech in which he described religious freedom as “the most sacred of all rights” after joining representatives from the Catholic, Protestant, Anglican, Jewish, and Muslim communities in an interreligious prayer.

In May the Ambassador hosted a reception in honor of Ambassador Santer’s accession to the chairmanship of the IHRA. Attendees included representatives of the Jewish community. In his remarks, the U.S. Ambassador underscored the importance of Holocaust remembrance and education.

In September the Ambassador met with representatives of the Jewish community to discuss restitution, Holocaust education, and combating anti-Semitism.

In July a senior embassy representative met with President of the Muslim community Licina. The representative highlighted the embassy’s support for religious tolerance and interest in continuing to work with the Muslim community.

Embassy officials met with leaders and representatives of other religious groups, including the Jewish, Protestant, Catholic, the New Apostolic Church, and Baha’i communities, and the Alliance of Humanists, Atheists and Agnostics. They discussed the continuing effects of the 2016 law that reorganized the relationship between religious groups and the state.

In September an embassy representative met with the main pastor of the Protestant community to hear his concerns about three cases involving general assemblies and chairing committee elections of the Protestant Consistory that the pastor said discriminated against his community and infringed on its religious freedom.

The embassy regularly used social media to promote religious freedom. For example, it posted a Facebook message in August for the International Day Commemorating the Victims of Acts of Violence Based on Religion or Belief.