

LUXEMBOURG 2021 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitution provides for freedom of religion, including the right to practice one's religious beliefs and express one's religious opinions in public, and it prohibits compulsory participation in religious services or observance of religious groups' days of rest. At year's end, the European Court of Human Rights (ECHR) had not ruled on the Protestant Consistory's 2020 appeal of a 2020 Court of Cassation decision appointing an external administrator to organize and monitor general assemblies and elections within the consistory. In June, the Appeals Court ruled inadmissible a complaint by the Syndicate of Church Councils and 109 church councils challenging a 2018 district court decision to dismiss their lawsuit that sought to invalidate the agreement between the government and the Archdiocese of Luxembourg regarding disposition of Catholic Church property managed by local-level church councils. The New Apostolic Church stated the government's continued failure to create a legislative framework for formal recognition of religious groups discriminated against groups that did not have conventions with the government. On January 27, the government, the Consistoire Israelite de Luxembourg (the group representing the Jewish community in dealings with the government), the Luxembourg Foundation for the Memory of the Shoah, and the World Jewish Restitution Organization signed an agreement on Holocaust restitution and remembrance that included a process for resolving Holocaust-era claims. The agreement applies to all Jews resident in the country during the Holocaust, regardless of their past or current citizenship. At year's end, the government continued to deliberate on a national action plan to combat antisemitism, which it committed to adopt in 2020.

The nongovernmental organization (NGO) Research and Information on Anti-Semitism in Luxembourg (RIAL) reported antisemitic incidents occurring during the year included physical altercations and antisemitic social media posts. In its latest annual report, the group recorded 64 antisemitic incidents in 2020. The NGO Islamophobia Observatory in Luxembourg (OIL) reported two incidents for the year. Religious communities reported there were fewer incidents of physical harassment due to COVID-19 restrictions, with most instances of harassment occurring online.

U.S. embassy representatives discussed religious freedom issues with government officials at the Ministry of State, including government efforts to combat

antisemitic and anti-Islamic sentiment and its interaction with religious communities, as well as the impact of the government's COVID-19 response on religious groups. Embassy personnel met with religious groups to discuss their concerns. The embassy and the Department of State Special Envoy for Holocaust Issues engaged with all the interested parties to finalize the agreement on Holocaust restitution and remembrance.

Section I. Religious Demography

The U.S. government estimates the total population at 640,000 (midyear 2021). 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 ages 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. Two percent of respondents did not answer the question. 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 provides for 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 provides for 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 constitution provides a framework to combat Holocaust denial and revisionist ideas as well as any form of hate speech; however, the country has no specific legislation to combat antisemitism. In 2020, the government adopted the International Holocaust Remembrance Alliance (IHRA) working definition of antisemitism.

Under the penal code, antireligious and antisemitic statements are punishable by imprisonment for eight days to six months, a fine of 251 to 25,000 euros (\$280-\$28,300), or both.

There is no procedure to grant religious groups legal status as religious groups. Religious groups are free to operate under the form they wish, with many choosing to operate as nonprofit associations. The government has formally approved conventions with six religious groups, which it supports financially with a fixed amount (adjusted yearly for inflation). The six religious groups receive funds partly based on the number of adherents in 2016. The other part of the funding is a direct contribution fixed under the revised law of July 23, 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 have established an official and stable representative body with which the government can interact.

Groups without signed conventions, such as the New Apostolic Church, operate freely but do not receive state funding. The Baha'i Faith does not have a convention with the state but has a foundation that allows it to receive tax-deductible donations.

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 (\$7.65 million) to the Catholic community; 450,000 euros (\$510,000) to the Protestant community; 450,000 euros (\$510,000) to the Muslim community; 315,000 euros

(\$357,000) to the Jewish community; 285,000 euros (\$323,000) to the Orthodox community; and 125,000 euros (\$142,000) to the Anglican community. By 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 either does not disburse 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, or 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 submit their accounts and the report of an auditor 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 of respect for human rights, national law, and public order.

The law prohibits covering 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 25 to 250 euros (\$28-\$280). There is no prohibition against individuals wearing face coverings on the street. On April 4, 2020, a regulation modified the prohibition law to authorize wearing a mask in closed public spaces to fight the spread of COVID-19.

The law requires the stunning of animals before slaughter, with exceptions only for hunting and fishing. Violators are subject to a fine of 251 to 200,000 euros (\$280-\$227,000) and possible imprisonment from eight days up to three years. The law does not prohibit the sale or import 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.

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

Government Practices

At year's end, the ECHR had not ruled on the Protestant Consistory's 2020 appeal of a 2020 Court of Cassation decision appointing an external administrator to organize and monitor general assemblies and elections within the consistory. The consistory is the leading institution for Protestant religious affairs and the community's official interlocutor with the government. The consistory argued to the ECHR that the decision infringed on the group's members' right to act in accordance with its own rules and interests as defined by Article 9 (freedom of thought, belief, and religion) and Article 11 (freedom of assembly and association) of the European Convention of Human Rights. The Court of Cassation's ruling stemmed from court challenges and appeals made between 2017 and 2019, based on internal consistory disagreements over its statutes, leadership, and the charring committee's management of consistory property and finances.

On October 12, 2020, the Constitutional Court ruled the agreement between the government and the Catholic Archdiocese of Luxembourg dissolving 285 local church councils and the Syndicate of Church Councils, an association representing the interests of 270 of the 285 local Catholic church councils, and transferring property managed by them and profits derived therefrom to the Catholic Church Fund complied with the requirements of the constitution. In June, the Appeals Court ruled the complaint by the syndicate and 109 church councils challenging the 2018 decision of the district court inadmissible, dismissing their 2016 lawsuit that sought to invalidate the agreement between the government and the archdiocese on the disposition of Catholic Church property managed by the local level church councils. A separate lawsuit involving 47 church councils – part of the 109 – seeking damages resulting from the agreement remained pending at year's end.

Absent a procedure for recognizing their legal status as religious organizations, several religious groups continued to operate as nonprofit associations. The New Apostolic Church stated the government's continued failure to create a legislative framework for formal recognition of religious groups discriminated against groups that did not have conventions with the government. The Church's spokesperson, Clement Wampach, said that the government had not yet presented any proposals for comment.

Between November 2020 and April 7, in a national effort to limit the spread of COVID-19, the government imposed restrictions on public gatherings. The government closed most cultural venues but made exceptions for some venues, including houses of worship, that could remain open under strict health and safety measures, including requiring that participants be seated and wear a mask or keep a two-meter (six-foot) distance between individuals.

The Jewish Consistory and members of the Muslim community said they remained concerned that the law requiring the stunning of animals prior to slaughter infringed on their religious rights. They said they continued to import meat, since there were no halal or kosher slaughterhouses in the country.

The Ministry of Education continued to excuse children wishing to attend religious celebrations from school, provided their legal guardian notified the school in advance and the absence was for a major religious holiday (i.e., not recurring normal weekly prayer services). Due to COVID-19 concerns, however, many of those religious celebrations were cancelled or held virtually.

On January 27, Prime Minister Xavier Bettel signed an agreement on Holocaust restitution with the Consistoire Israelite de Luxembourg (the group representing the Jewish community in dealings with the government), the Luxembourg Foundation for the Memory of the Shoah, and the World Jewish Restitution Organization. The agreement settled all communal and heirless property claims and established a process for researching, identifying, and restituting dormant bank accounts, insurance policies, and art. Past compensation plans applied only to citizens of the country, but most Jews living there during the Holocaust were not citizens. The agreement applies to all Jews resident in the country during the Holocaust, regardless of their past or current citizenship. On January 27, after two years of discussions and one year of formal negotiations, the Consistoire Israelite de Luxembourg and the government signed an agreement on Holocaust restitution and remembrance that includes a process for resolving Holocaust-era claims, including claims by foreign citizens. Under this agreement, the government committed to pay compensation of one million euros (\$1.13 million) to Holocaust survivors who live or lived in the country during the war; an annual payment of 120,000 euros (\$136,000) over 30 years to the Luxembourg Foundation for the Remembrance of the Holocaust; the acquisition and transformation of Cinqfontaines, a former Nazi detention site, into an education and commemoration center (costs estimated between \$40 and 46 million); and the development of a national strategy to combat antisemitism.

The agreement also empowers three working groups to research, identify, and reconstitute dormant bank accounts, unpaid Holocaust-era insurance claims, and looted art. The government committed two million euros (\$2.27 million) until 2025 for independent university and provenance research to restore items seized by the Nazis to their rightful owners and will facilitate access to the National Archives files relating to World War II and the Holocaust.

As of year's end, the government continued to deliberate on a national action plan to combat antisemitism that it had committed to adopt in 2020 when it adopted the IHRA working definition of antisemitism.

According to the latest information from the Ministry of State in charge of religious affairs, of the six religious groups with conventions with the government, the Muslim community received 450,000 euros (\$510,000) and the Anglican community received 125,000 euros (\$142,000) during the year. The Jewish, Catholic, Protestant, and Orthodox communities together received a total of 25 million euros (\$28.34 million).

The government again provided 615,000 euros (\$697,000) 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 provided the funding annually to the LSRS between 2018 and 2021 as part of an agreement with the Catholic Church's major seminary.

According to the Ministry of Foreign Affairs, the government granted refugee status to 754 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

Religious communities reported there were fewer incidents of physical harassment due to COVID-19 restrictions, with most instances of harassment occurring online.

According to RIAL, most of the antisemitic incidents that occurred during the year involved violence, although the group did not cite specifics. There were also instances of antisemitic posts on social media. According to RIAL, there were two incidents in which social media users, using antisemitic tropes, compared Israel's

treatment of Palestinians to the Holocaust. On March 28, a Facebook user replied to an article published by *Essentiel*, a daily newspaper with an online version, that had discussed the Israeli military intervention in the Gaza Strip on March 27. The individual on Facebook wrote, “Honestly, when I see what they [Israel] do to those poor people (Palestinians)... Hitler was not so wrong.” On February 14, RIAL reported that a Facebook user wrote, “The only terrorists in this region [the Middle East] is Israel; what is happening there is nothing other than [what happened] here 80 years ago. Palestinians are slaughtered by them [the Israelis] by the hundreds.” RIAL stated, “Information about hundreds of murdered Palestinians is considered disinformation.” In its latest annual report, RIAL registered 64 antisemitic incidents in 2020, compared with 47 in 2019, and 26 in 2018.

OIL reported a 10-year-old Muslim girl in primary school was falsely accused of radicalism by a classmate. When police investigated the case, the accuser admitted to fabricating the story. The parents of the falsely accused girl did not file charges, but the girl suffered emotional distress, according to OIL.

According to OIL, on March 15, a motorist with Luxembourg license plates insulted a Muslim mother and her daughter at a toll booth in France near the Luxembourg border.

The six-member interfaith Council of Religious Groups that Signed an Agreement with the State (Conseil des Cultes Conventionnes) met three times but did not disclose information about its deliberations. Cardinal Hollerich and Grand Rabbi Alain Nacache continued to serve as president and vice president of the council. The New Apostolic Church and the Baha’i Faith continued to participate as permanently invited guests without voting rights.

On March 4, the LSRS held an online conference entitled “Islam and Human Rights: Rethinking Universalism and Justice in a Fragmented World.” On May 5, the LSRS hosted an online conference entitled “The Bible in World Literature,” in which Sylvie Parizet, a lecturer at Paris Nanterre University, participated.

Section IV. U.S. Government Policy and Engagement

Embassy representatives discussed religious freedom issues with government officials at the Ministry of State, including government efforts to combat antisemitic and anti-Islamic sentiment, and its interaction with religious communities, as well as the impact of the government’s COVID-19 response on religious groups. The embassy and the Special Envoy for Holocaust Issues

engaged for two years in discussions with the Jewish Consistory and the government towards finalizing the agreement on Holocaust remembrance and the resolution of Holocaust-era claims, including claims by foreign citizens.

The embassy met virtually with all the religious communities to discuss their relations with the government. It met with Jewish and Muslim groups to discuss concerns about antisemitic and anti-Muslim incidents.

The embassy used social and traditional media broadly to promote religious freedom, tolerance, and human rights. Organizing and amplifying media and social media coverage of the January 27 announcement of the landmark agreement the country signed with the Jewish community on restitution and remembrance ensured the event made international news. Throughout the year, widely viewed Facebook and Twitter posts recognized and promoted a variety of religious observations, including International Holocaust Remembrance Day on January 27, Jewish American Heritage month in May, National Arab Heritage Month and Yom HaShoah in April, as well as significant holidays, including Ramadan, Hannukah, and Eid al-Fitr.