

LUXEMBOURG 2022 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Grand Duchy of Luxembourg has a constitutional monarchy and a democratic parliamentary form of government with a popularly elected unicameral parliament called the Chamber of Deputies. The prime minister is the leader of the dominant party or party coalition in parliament. In 2018 the country held parliamentary elections that observers considered free and fair.

The Grand Ducal Police maintain internal security and report to the Ministry of Internal Security. Civilian authorities maintained effective control over the security forces. There were no reports that members of the security forces committed abuses.

There were no reports of significant human rights abuses.

The government had mechanisms in place to identify and punish officials who may commit human rights abuses.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were no reports that the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, and Other Related Abuses

The law prohibits such practices, and there were no reports that government

officials employed them.

Prison and Detention Center Conditions

There were no significant reports regarding prison or detention center conditions that raised human rights concerns. According to an article of July 1, from the newspaper *Luxembourger Wort*, the socio-educational center Dreiborn for Minors, which has space for 12 minors, is overcrowded and therefore two minors were placed in the Strassen Prison. On June 23, a minor injured three inmates with a self-built knife.

Abusive Physical Conditions: There were no major concerns in prisons and detention centers regarding physical conditions or inmate abuse.

According to a representative of In, Out ... and Now?, a nongovernmental organization (NGO) that promotes inmates' rights, the repressive system of incarceration is not profitable for the detainees nor for society. The NGO argues that 85 percent of inmates are non-violent persons, such as drug users. The NGO calls for investment in human capital rather than in repressive measures.

Administration: Authorities conducted investigations of credible allegations of mistreatment at prisons.

Independent Monitoring: The government permitted monitoring by independent human rights observers, including by the Council of Europe's Committee for the Prevention of Torture and the country's ombudsman, who monitors and supervises the country's detention centers.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention and provide for the right of any person to challenge the lawfulness of his or her detention in court. The government generally observed these requirements.

Arrest Procedures and Treatment of Detainees

Warrants issued by a duly authorized official are required for arrests in most cases. Police must inform detainees of the charges against them within 24 hours of their arrest and bring detainees before a judge for a determination of the detention's legality. There is a functioning bail system, which judges regularly employed. According to the law, detainees must be provided access to an attorney prior to their initial interrogation. In cases of indigent detainees, the government pays for the attorney. These rights were respected.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, and the government generally respected judicial independence and impartiality.

Trial Procedures

The constitution provides for the right to a fair and public trial, and the judiciary generally enforced this right.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Magistrate courts serve as an independent and impartial judiciary in civil and commercial matters and are available to individuals who wish to bring lawsuits seeking damages for, or cessation of, a human rights violation. After exhausting all routes for appeal in the country's judicial system, citizens may appeal cases involving alleged violations of the European Convention on Human Rights by the state to the European Court of Human Rights.

Property Seizure and Restitution

The government continued to implement its 2021 agreement on Holocaust-era

property restitution. The agreement was between the government, the World Jewish Restitution Organization, the Luxembourg Jewish Community, and the Luxembourg Foundation for the Remembrance of the Shoah.

The U.S. Department of State's *Justice for Uncompensated Survivors Today* (JUST) Act report to Congress, released publicly in July 2020, can be found on the Department's website: <https://www.state.gov/reports/just-act-report-to-congress/>.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The constitution and law prohibit such actions, and there were no reports that the government failed to respect these prohibitions.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The constitution and law provide for freedom of expression, including for members of the press and other media, and the government generally respected this right. An independent press, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for members of the media.

Freedom of the press is provided for by the constitution and generally respected in practice. The Independent Luxembourg Broadcasting Authority regulates the country's media market. A single conglomerate, Radio Television Luxembourg, dominates broadcast radio and television, though numerous print, online, and foreign news sources are also available and present a broad range of views.

Freedom of Expression: The law prohibits hate speech in any medium, including online forums, and provides for prison sentences of between eight days and two years and fines for violations. Victims of hate speech on the internet as well as

third-party observers can access a website to report hateful remarks and seek help and advice. The public prosecutor's office and the courts enforced the laws on hate speech.

Libel/Slander Laws: The law prohibits “libel, slander, and defamation” and provides for prison sentences of between eight days and two years and fines for violations. During the year, the government or individual public figures did not use these laws to restrict public discussion or retaliate against journalists or political opponents.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority.

b. Freedoms of Peaceful Assembly and Association

The constitution and law provide for the freedoms of peaceful assembly and association, and the government generally respected these rights.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement and the Right to Leave the Country

The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

e. Protection of Refugees

The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and

assistance to refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

Safe Country of Origin/Transit: The country generally denied asylum to asylum seekers who arrived from a safe country of origin or transit, pursuant to the EU's Dublin III Regulation. The government considered 13 countries to be "safe countries of origin" for purposes of asylum. Countries considered "safe" are Albania, Benin, Bosnia and Herzegovina, Cabo Verde, Croatia, Georgia, Ghana (only for male applicants), Kosovo, Republic of North Macedonia, Montenegro, Senegal, Serbia, and Ukraine (not applicable at the moment).

Durable Solutions: Through the EU, the country accepted refugees for resettlement, offered naturalization to refugees residing in the country, and assisted refugees in voluntary return to their homelands.

Temporary Protection: The government provided subsidiary protection to individuals who may not qualify as refugees but who could not return to their country of origin due to a risk of serious harm and provided it to approximately 161 persons as of July 31. The government granted temporary protection to 4,378 persons as of July 31, due to Russia's full-scale invasion of Ukraine.

Section 3. Freedom to Participate in the Political Process

The law provides citizens the ability to choose their government free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: In 2018, the country held parliamentary elections that observers considered free and fair.

Participation of Women and Members of Minority Groups: No laws limit the

participation of women and members of minority groups in the political process, and they did participate. The law requires that 40 percent of the party candidate lists submitted for national elections be from “the underrepresented gender.” If a party fails to meet the quota, the law provides a graduated scheme of reducing its yearly financial subsidy from the government, based on the extent of failure to meet the criteria. The country’s five major parties all met the 40 percent criterion in their candidate lists for the parliamentary elections.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, and the government generally implemented the laws effectively. There were no reports of government corruption during the year.

Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights

Several domestic and international human rights groups operated without government restriction, investigating and publishing their findings on human rights cases. Government officials often were cooperative and responsive to their views. The independent, government-wide Ombudsman (which is different from the Ombudsman Committee for the Rights of Children) handles human rights complaints against government institutions but only mediates between citizens and the public sector. It cannot receive complaints against the private sector, although many assistance institutions are private or run by not-for-profit organizations that often received government support. The Center for Equal Treatment can receive complaints against the private sector but cannot take cases to court on behalf of victims.

The Interministerial Committee on Human Rights seeks to improve interministerial

cooperation and coordination on human rights matters and to strengthen the country's internal and external human rights policies. It monitors the implementation of the country's human rights obligations in consultation with national human rights institutions and civil society. Every ministry has a seat on the committee, which is coordinated by the Ministry of Foreign and European Affairs and chaired by the ambassador-at-large for human rights.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The law prohibits rape of a person, regardless of gender, including spousal rape, and the government enforced the law effectively. Penalties for violations range from five to 10 years' imprisonment. The law prohibits domestic violence, and the government effectively enforced the law. The law is gender neutral and provides for the removal of abusers from their residences for a 14-day period that can be extended once for an additional three months upon request of the survivor. Penalties may include fines and imprisonment. Police are required to investigate if NGOs report having been approached by an individual for assistance in cases involving domestic violence.

According to the Report of the Ministry of Justice, published on July 6, 2022, the Ministry found 48 cases of Sexual abuse, 14 cases of sexual assault, five cases of Sexual harassment, and 59 cases of rape. Police also intervened 917 times in domestic violence situations, and prosecutors authorized 249 evictions of the abuser from the home because of these incidents, which represent a decrease of 2.76 percent and 10.43 percent, respectively, over the same period in the previous year. For example, on September 11, a man assaulted his wife before attacking the police. The police subdued and arrested the individual. The individual was arraigned in court.

The government funded organizations that provided shelter, counseling, psychosocial assistance, and hotlines. The government provided financial

assistance to victims of domestic violence.

The Ministry of Equality between Women and Men operated a prevention website to raise awareness against the different types of gender-based violence, including psychological, sexual, and domestic violence, and provided survivors with telephone numbers available for assistance services as well as contact information for police.

Sexual Harassment: The law prohibits gender-based sexual harassment and requires employers to protect employees from such harassment. The law considers an employer's failure to take measures to protect employees from sexual harassment as a breach of contract, and an affected employee is entitled to paid leave until the situation is rectified. According to the latest 2021 annual report published on May 17, the Court for Inspection of Labor and Mines (ITM) conducted 57 investigations for harassment, but the Labor Inspection Court received no cases of sexual harassment in the workplace.

In its 2021 report to parliament and the government, the Center for Equal Treatment (CET) again noted that the law does not give the ITM the means to punish perpetrators of sexual harassment, even though the court is responsible for applying provisions against sexual harassment in the workplace.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities. The government provided access to sexual and reproductive health services for survivors of sexual violence. Emergency contraception is available as part of the clinical management of rape.

Discrimination: The law provides for the same legal status and rights regardless of gender. The government enforced the law effectively. According to the 2021 annual report by the CET published May 3, the center reported handling 43 cases of potential gender-based discrimination.

Systemic Racial or Ethnic Violence and Discrimination

The law provides for equal treatment and prohibits any form of discrimination, direct or indirect, based on religion, disability, age, sexual orientation, race, or ethnicity. The scope of the law covers places of work, school, and the public sphere.

The CET recorded 60 cases of alleged discrimination involving race or ethnicity in its 2021 report.

Children

Birth Registration: Citizenship is governed by the principle of descent, according to which a father or mother who is a citizen automatically conveys citizenship to offspring at birth. The law allows for citizenship via naturalization and allows dual citizenship. Citizenship for minor children is automatically conveyed when a parent naturalizes. During the year, there were no birth registrations denied on a discriminatory basis.

Child Abuse: The law prohibits child abuse. Authorities enforced the law. Penalties for child abuse range from one to five years' imprisonment and fines. Three separate hotlines were available to assist children who were victims of domestic abuse.

Child, Early, and Forced Marriage: The minimum legal age for marriage is 18 but can be waived by a guardianship judge.

Sexual Exploitation of Children: The law prohibits the commercial sexual exploitation of children, the sale of children, the offering or procuring of a child for commercial sexual exploitation, and practices related to child pornography. Authorities enforced the law, and cases were rare. Penalties for trafficking, including sex trafficking, of children range from 10 to 15 years' imprisonment and fines. The law provides that a client that committed a commercial sex act with a minor can be sentenced to one to five years of imprisonment, five to 10 years if the

minor was younger than age 16, and 10 to 15 years if the minor was younger than age 11, plus fines.

The minimum legal age for consensual sex is 16.

Antisemitism

The Jewish community numbered approximately 1,500 persons. There were isolated cases of antisemitic content on the internet.

The law provides for punishment of antisemitic statements and Holocaust denial; the government generally enforced the law when notified. Jewish groups reported antisemitic statements and attitudes online, especially in association with statements related to the government of Israel and the Holocaust.

On June 12, the NGO Research and Information on Anti-Semitism in Luxembourg published its report for 2021. The report described 80 incidents of antisemitism in the country; most incidents occurred on social media. Persons spreading disinformation related to the COVID-19 pandemic also promoted conspiracy theories regarding antisemitism. The report emphasized that social media posts often revolved around Judeo/Masonic conspiracy theories.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

Criminalization: Same-sex sexual conduct between consenting adults is not criminalized.

Violence against LGBTQI+ Persons: The Grand Ducal Police or other

government employees are not known to have incited, perpetrated, condoned, or tolerated violence against LGBTQI+ individuals or those reporting such abuses. In 2006, the government created the CET to independently promote, analyze, and monitor equal treatment within the country. In its latest annual report for 2021, published on May 3, 2022, the CET reported that it received 245 complaints of discrimination within Luxembourg, nine of the cases were due to the sexual orientation of the victim and 43 because of gender.

A delegation of the European Commission against Racism and Intolerance (ECRI) visited Luxembourg from September 19 to 23, 2022, as the first step in the preparation of a monitoring report. Following this visit, ECRI will publish a report in 2023 in which it will make a new set of recommendations on measures to be taken by the authorities to address racism and intolerance in the country.

Discrimination: The law prohibits all forms of discrimination by state and non-state actors based on sexual orientation or gender identity and the government generally enforced the law.

The CET's 2021 report stated it handled nine cases of potential discrimination linked to sexual orientation.

An Organization for Economic Co-operation and Development (OECD) report from 2020 explains that since 2015, Luxembourg same-sex couples are treated on an equal footing relative to different-sex couples concerning access to civil marriage and adoption, although they are not fully entitled to the same rights regarding access to assisted reproductive technology. Contrary to the male partner of a woman who procreates through medically assisted insemination or in vitro fertilization, however, the same-sex partner of a parent who gives birth through these techniques is not automatically recognized as the second legal parent.

The president of Rosa Letzebuerg, a local prolesbian, gay, bisexual, transgender, and intersex (LGBTQI+) association, noted that gay and bisexual men are not prohibited from blood donation, but are required to abstain from sexual activity for 12 months before being eligible to donate blood.

Availability of Legal Gender Recognition: Legal gender recognition via self-determination has been available since 2018. Luxembourg is one of 15 OECD countries where legal gender recognition is not conditioned on medical requirements. Since the Gender Recognition Act that came into force in 2018, failure of a transgender person to undergo sterilization, sex-reassignment treatment or surgery, or a psychiatric diagnosis cannot justify refusal to change their gender marker in the civil registry. Additionally, in 2018, Luxembourg launched a nationwide awareness raising campaign called “Female? Male? Intersex? Let’s Be Open Minded” that aims to promote acceptance of intersex persons and, hence, reduce social pressure to categorize intersex babies as either female or male.

Involuntary or Coercive Medical or Psychological Practices Specifically Targeting LGBTQI+ Individuals: So-called conversion therapy practices specifically targeting LGBTQI+ individuals are not banned.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, or mental disabilities. The government largely enforced these provisions. The law requires all new government-owned buildings and buildings undergoing renovation to be accessible to persons with disabilities. The parliament voted on a new accessibility law in January, but it will not come into force until July 2023. The accessibility of public transportation outside the capital was limited. The law recognizes German sign language, allowing deaf and hard-of-hearing persons to use both the language and a state-paid interpreter in their communications with government.

In its 2021 report, the CET wrote that it handled 48 cases of potential discrimination related to disability. Most of the cases concerned access to the job market and housing.

The education system allows children with disabilities to attend their local schools with their peers without disabilities. Parents, however, can decide to place their children in segregated classes. According to a representative of InfoHandicap,

most children with disabilities attended segregated classes due to the lack of trained teachers to respond to the children's needs in mainstream schools. The representative further noted that attending school in a segregated classroom affects a child's chances of employment or pursuing higher education, because segregated classes do not issue diplomas. A representative of the Ministry of Education noted the ministry increased financial resources and trained personnel to allow a maximum number of children with disabilities to attend their local schools with peers without disabilities.

The law permits persons with mental disabilities to be placed under legal guardianship. Persons under guardianship lose the right to vote.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the rights of workers, including foreign workers and workers in the informal sector, to form and join independent unions of their choice, to bargain collectively, and to conduct legal strikes. The law allows unions to conduct their activities without interference. Workers exercised these rights freely, and the government protected these rights. The law prohibits antiunion discrimination and requires reinstatement of workers fired for union activity. Penalties for violations were commensurate with or less than those under other laws involving denials of civil rights. Penalties were regularly applied against violators.

The right to strike excludes government workers who provide essential services. Legal strikes may occur only after a lengthy conciliation procedure between the parties. For a strike to be legal, the government's national conciliation office must certify that conciliation efforts have ended.

b. Prohibition of Forced or Compulsory Labor

The law prohibits and criminalizes all forms of forced or compulsory labor. The

government pursued suspected cases and effectively enforced the law. Penalties for violations included imprisonment under criminal law and were commensurate with those for similar crimes.

There were reports that foreign men and women were engaged in forced labor, chiefly in the construction and restaurant sectors.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits all of the worst forms of child labor and the employment of children younger than 16. Trainees younger than 16 must attend school in addition to their job training. The law also prohibits the employment of workers younger than 18 in hazardous work environments, on Sundays and official holidays, and for nighttime work. The Ministries of Labor and Education effectively enforced the child labor laws.

Romani children from neighboring countries were sometimes brought into the country during the day and trafficked for the purpose of forced begging (see section 7.b.).

By law persons who employ children younger than 16 may be subject to a fine and prison sentence. The government effectively enforced the applicable laws and penalties were commensurate with those for analogous serious crimes. Penalties were regularly applied against violators.

There were no confirmed reports during the year of the worst forms of child labor.

d. Discrimination with Respect to Employment and Occupation

The law prohibits discrimination with respect to employment and occupation based on race, color, national extraction, social origin, religion, political opinion, sex, disability, language, sexual orientation or gender identity, HIV-positive status or

other communicable diseases, or refugee or social status. The government effectively enforced these laws and regulations and penalties for violations were commensurate with those for other crimes related to civil rights, such as election interference. Penalties were regularly applied against violators.

Employers occasionally discriminated against persons with disabilities in employment (see section 6, Persons with Disabilities). The law establishes quotas that require businesses employing more than 25 persons to hire certain percentages of workers with disabilities and to pay them prevailing wages. The law provides for the same legal status and rights for women as for men, including rights under labor law and in the judicial system. The law mandates equal pay for equal work. According to information provided by the Ministry of Equality between Women and Men, during the year employers paid women 5.5 percent less on average than men for comparable work.

e. Acceptable Conditions of Work

Wage and Hour Laws: The law sets a national minimum wage for workers older than age 18. Collective bargaining agreements established eight hours as a standard workday, with a 40-hour week and provision for overtime and 26 days of leave. In Luxembourg, the wage may under no circumstances be below the minimum wage threshold, which is defined by two levels: the non-qualified minimum wage amounts to 2.256,95 euros; the qualified minimum wage amounts to 2.708,35 euros.

ITM inspectors have the authority to make unannounced inspections and initiate sanctions. Most alleged violations occurred in the construction sector.

Occupational Safety and Health: The law mandates a safe working environment and occupational safety, and health standards are current and appropriate.

The ITM and the accident insurance agency of the Social Security Ministry are responsible for inspecting workplaces. Inspectors have the authority to make unannounced inspections, except in private homes, and to order emergency

measures for the regularization or cessation of labor law violations. They can seek assistance from the police should they meet opposition to the fulfillment of their duties. Inspectors can issue fines and establish reports documenting the infringements of the laws, which are forwarded by the director to the prosecutor's office for further action if needed. Workers have the right to ask the Labor Inspectorate to make a determination regarding workplace safety. Penalties for violations were commensurate with other similar crimes. Accidents occurred most frequently in the construction, commerce, industry, and catering sectors. In 2021 the ITM recorded 1,516 accidents (versus 581 accidents in 2020), including three fatalities.

Wage, Hour, and OSH Enforcement: Authorities effectively enforced minimum wage, overtime, and OSH laws. Penalties were commensurate with those for similar crimes, such as fraud or negligence. Penalties were regularly applied against violators.

The Ministry of Justice reported that ITM increased its staff and had begun carrying out more inspections in the workplace. Note: ILO standards call for one inspector per 10,000 workers in industrial market economies; per 15,000 workers in industrializing economies; per 20,000 workers in transition economies; and per 40,000 workers in less-developed countries.

The health and safety inspection agency ITM, the Social Security Ministry, and the Superior Court of Justice are responsible for enforcing laws governing maximum hours of work and mandatory holidays. The agencies effectively enforced the law, when notified. Penalties for violations are commensurate with those for other similar crimes. In 2021, the ITM carried out 8,511 inspections and levied almost \$9.243 million in fines.

According to the latest ITM report, the labor inspection organization carried out 2,874 health security checks in the country's private sector to curb the spread of COVID-19. Between January 1, 2021, and December 31, 2021, ITM issued 108 administrative fines for not respecting health regulations.

Informal Sector: Workers in the informal sector are covered by wage, hour, and OSH laws as well as inspections. The country's informal sector was not large.