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## Luxembourg

**Country:**

Luxembourg

**Year:**

2018

**Freedom Status:**

Free

**Political Rights:**

1

**Civil Liberties:**

1

**Aggregate Score:**

98

**Freedom Rating:**

1.0

**Overview:**

Luxembourg is a small, landlocked state in western Europe. It is officially trilingual, with German, French, and Luxembourgish as the official languages. Luxembourg is a constitutional monarchy ruled by a democratically elected government. Grand Duke Henri is the head of state and holds largely ceremonial powers. Political rights and civil liberties are generally safeguarded. Luxembourg, as a major financial hub, is considered a tax haven.

**Political Rights and Civil Liberties:**

### **POLITICAL RIGHTS: 38 / 40**

#### **A. ELECTORAL PROCESS: 12 / 12**

##### **A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4**

The prime minister is the head of government and serves five-year terms. The leader of the majority coalition formed after parliamentary elections is appointed prime minister by the monarch, the grand duke. Prime Minister Xavier Bettel of the Democratic Party (DP)

was appointed in 2013 following the parliamentary elections. The elections were viewed as credible by international observers. Luxembourg's head of state is Grand Duke Henri, whose powers are largely ceremonial.

**A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4**

The unicameral legislature, the Chamber of Deputies, consists of 60 members elected to five-year terms by proportional representation. The last parliamentary elections were held in 2013. Former prime minister Jean-Claude Juncker's Christian Social People's Party (CSV) captured 23 seats, down from 26 in the 2009 elections. The Luxembourg Socialist Workers' Party (LSAP) and the DP each won 13 seats, the Green Party took 6 seats, and smaller parties won the remaining 5 seats. The elections were held seven months early as a result of the collapse of Juncker's government, and were conducted credibly according to observers. The DP built a coalition with the LSAP and the Green Party to form a government.

**A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 4 / 4**

The electoral laws and framework are considered fair, and are generally implemented impartially. Voting is compulsory for Luxembourg's citizens. In February 2017, the government passed a law allowing postal ballots for all citizens. Foreigners constitute nearly half of the population and are allowed to vote in local elections.

**B. POLITICAL PLURALISM AND PARTICIPATION: 16 / 16**

**B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4**

The political system is open to the establishment of new parties, which do not face undue obstacles in their formation. There are three parties that have traditionally dominated politics: the CSV, historically aligned with the Catholic Church; the LSAP, a formerly radical but now center-left party representing the working class; and the DP, which favors free-market economic policies.

**B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4**

The opposition has a realistic opportunity to gain power through elections. Both the DP and the Green Party were in the opposition before forming the governing coalition with the LSAP in 2013. The CSV, which had dominated politics since 1945, was shut out of power for the first time since 1979.

**B3. Are the people's political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable? 4 / 4**

The people's political choices are generally free from domination by any democratically unaccountable groups.

**B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 4 / 4**

Women participate actively in politics, and the government has taken measures to encourage greater women's participation. In 2016, parliament passed a law mandating that 40 percent of each party's candidates in elections be women; parties risk losing a portion of their public financing if they do not meet the quota. Minority groups are free to participate in politics as well.

**C. FUNCTIONING OF GOVERNMENT: 10 / 12**

**C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 4 / 4**

The prime minister and parliament determine the government's policies.

**C2. Are safeguards against official corruption strong and effective? 3 / 4**

Corruption is not widespread in Luxembourg, and allegations of corruption are generally investigated and prosecuted. However, the Council of Europe's Group of States against Corruption (GRECO) has criticized the government for lacking a comprehensive strategy to prevent corruption. Additionally, rules on accepting gifts, lobbying, and mitigating conflicts of interest after government officials leave office are lacking.

**C3. Does the government operate with openness and transparency? 3 / 4**

Cabinet members are obligated to disclose any shares in companies that they own, but there are no penalties for those who do not cooperate. There is no comprehensive access to information law in place, and in practice, the media and civil society groups often have difficulty obtaining official government information.

**CIVIL LIBERTIES: 60 / 60**

**D. FREEDOM OF EXPRESSION AND BELIEF: 16 / 16**

**D1. Are there free and independent media? 4 / 4**

Freedom of the press is guaranteed by the constitution and generally respected in practice. A single conglomerate, RTL, dominates broadcast radio and television. Press outlets usually represent a broad range of opinions. Internet access is not restricted.

**D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4**

Freedom of religion is largely respected in practice. The state pays the salaries of clergy from a variety of Christian groups. Islamic clergy, however, are not supported by the government. A law passed in 2016 ended the practice of the government paying the salaries of any clergy that began their careers after 2016. In 2017, Prime Minister Bettel's government introduced reforms to increase the separation of church and state, including a July law passed by parliament that ends religious instruction at public schools.

**D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4**

Academic freedom is generally respected in practice.

**D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4**

Freedom of expression is largely respected, and individuals can express their political views without fear of retribution.

**E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 12 / 12**

**E1. Is there freedom of assembly? 4 / 4**

Freedom of assembly is guaranteed by the constitution and generally respected in practice.

**E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work? 4 / 4**

Nongovernmental organizations (NGOs) are largely free to operate without any undue restrictions.

**E3. Is there freedom for trade unions and similar professional or labor organizations? 4 / 4**

Luxembourgers are free to organize in trade unions, and approximately 41 percent of the workforce is unionized. While the right to strike is not explicitly guaranteed by the constitution, it is protected by case law stemming from a 1952 Court of Cession ruling.

**F. RULE OF LAW: 16 / 16**

**F1. Is there an independent judiciary? 4 / 4**

Judicial independence is generally upheld. In March 2017, the minister of justice presented plans to create a Supreme Judicial Council, which would be responsible for nominating judges; the grand duke currently nominates judges. Civil society leaders believe that the proposed legislation would further strengthen judicial independence. The reforms were still being debated by parliament at the end of 2017.

**F2. Does due process prevail in civil and criminal matters? 4 / 4**

Due process is largely upheld in criminal and civil matters. Defendants have the right to a fair and public trial, and this right is generally respected. Trials can be lengthy because many defendants are foreign nationals, and cases often involve other foreigners.

**F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 4 / 4**

Luxembourg is free from war and insurgencies. Protections against the illegitimate use of force are adequate.

**F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 4 / 4**

Discrimination on the basis of race, religion, disability, age, gender, or sexual orientation is prohibited by law. The rights of lesbian, gay, bisexual, and transgender (LGBT) people are generally respected. Xavier Bettel became the nation's first openly gay prime minister in 2013.

Despite reductions in the gender pay gap and an increase in the labor participation rate in recent years, women hold significantly fewer positions of power than men; according to government statistics, only 20 percent of people serving on boards of directors are women.

**G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 16 / 16**

**G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 4 / 4**

Individuals generally enjoy freedom of movement and choice of residence, employment, and institution of higher education.

**G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 4 / 4**

The rights to own property and operate private businesses are legally protected and respected in practice.

**G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 4 / 4**

Same-sex marriage has been legal since 2014 and same-sex couples have full adoption rights. Abortions are legal within the first trimester of pregnancy, although women must wait three days before the procedure and are required to receive counseling. Additionally, women must determine themselves to be "in distress," a condition that is confirmed in the required counseling session, before receiving an abortion.

**G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 4 / 4**

Luxembourgers generally enjoy equality of opportunity. Occasional cases of forced labor in the construction and food service industries have been reported, especially among migrant workers.

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