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U.S. Department of State

Luxembourg Country Report on Human Rights Practices for 1996

Released by the Bureau of Democracy, Human Rights, and Labor, January 30, 1997.

LUXEMBOURG

Luxembourg is a constitutional monarchy with a democratic, parliamentary form of government. The role of the Grand Duke is mainly ceremonial and administrative. The Prime Minister is the leader of the dominant party in the popularly elected Parliament. The Council of State, whose members are appointed by the Grand Duke, serves as an advisory body to the Parliament. The judiciary is independent.

The Government effectively controls the security apparatus, which consists of police and gendarmerie.

Luxembourg has a prosperous market economy with active industrial and service sectors. The standard of living and level of social benefits are high.

The Constitution and laws provide for the full range of human rights, and the Government respects these rights in practice.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There were no reports of political or other extrajudicial killings.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The law prohibits such practices, and there were no reports that officials employed them.

Prison conditions meet minimum international standards. The Government permits prison visits by human rights monitors.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest, detention, or exile, and the Government observes this prohibition.

The law stipulates that judicial warrants are required for arrests except in cases of hot pursuit. Within 24 hours of arrest the police must lodge charges and bring suspects before a judge. Suspects are not held incommunicado. They are given immediate access to an attorney, at government expense for indigents. The presiding judge may order release on bail.

Exile is never imposed.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government respects this provision in practice. The judiciary provides citizens with a fair and efficient judicial process. The independent judiciary is headed by the Supreme Court, whose members are appointed by the Grand Duke. Defendants are presumed innocent. They have the right to public trial and are free to cross-examine witnesses and to present evidence. Either the defendant or the prosecutor can appeal a ruling; appeal results in a completely new judicial procedure, with the possibility that a sentence may be increased or decreased.

In response to a 1995 decision by the European Court of Human Rights, the Government passed legislation establishing an administrative court system. The European Court had held that Luxembourg's Council of State could no longer serve as both a legislative advisory body, approving all legislation enacted, and as an administrative court, reviewing citizen challenges to that legislation. The dual role of the Council of State was seen by the Court as a violation of the right to a fair trial. The new administrative courts were to begin functioning on January 1, 1997.

There were no reports of political prisoners.

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

The Constitution prohibits such practices, government authorities generally respect these prohibitions, and violations are subject to effective legal sanction.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and press, and the Government respects these rights in practice. Print media are privately owned. The privately owned national radio and television company has exclusive television broadcasting rights within the country. A permit system allows establishment of other private radio stations. Radio and television broadcasts from neighboring countries are freely available.

Academic freedom is fully respected.

b. Freedom of Peaceful Assembly and Association

The law provides for these rights, and the Government respects them in practice.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government respects this right in practice. There is no state religion, but the State pays the salaries of Roman Catholic, Protestant, and Jewish clergy, and several local governments maintain sectarian religious facilities.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for these rights, and the Government respects them in practice.

The Government cooperates with the United Nations High Commissioner for Refugees and other humanitarian organizations in assisting refugees. A new law establishes procedures for granting the right of asylum in conformity with procedures in other European Union countries. The Government provides first asylum and granted it to three persons in 1996. The Government also continued to allow about 1,800 persons from the former Yugoslavia to remain in protected status on humanitarian grounds. The Government does not expel those having a valid claim to refugee status; there were no reports during the year of the forced return of persons to countries where they feared persecution.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Luxembourg is a multiparty democracy. Suffrage is universal for citizens ages 18 and above, and balloting is secret. National parliamentary elections are held every 5 years.

Women are active in political life. Of 60 Members of Parliament, 11 are women, as are 3 members of the Cabinet. The mayors of several major municipalities, including the capital, are women.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Human rights groups operate without government restriction. Government officials are cooperative and responsive to their views.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The law prohibits racial, sexual, or social discrimination, and the Government enforces these provisions. Blatant societal discrimination occurs only rarely.

Women

Neither society nor the Government is tolerant of violence against women, and the Government prosecutes persons accused of such. The Government funds organizations providing shelter, counseling, and hot lines. The main shelter provides refuge to about 65 abused women per year, many with their children, and responds to between 40 and 45 telephone calls per day. About 150 to 200 cases of sexual abuse occur in an average year.

Women enjoy the same property rights as men. In the absence of a prenuptial agreement, property is divided equally upon dissolution of a marriage.

The law mandates equal pay for equal work. To date there have been no work-related discrimination suits. Women constitute 36.2 percent of the work force (1995 data). The Ministry for the Promotion of Women has a mandate to encourage a climate of equal treatment and opportunity in fact as well as in law. The Ministry has initiated a preschool education project on gender issues, a secondary school mentoring project for girls, and a study of the image of women in the media.

Children

The Government demonstrates a strong commitment to children's rights and welfare through its well-funded systems of public education and medical care, which are available equally to girls and boys. Education law mandates school attendance from ages 4 to 16. Schooling is free through the secondary level, and the Government provides some financial assistance for postsecondary education.

There is no societal pattern of abuse directed against children. Child abuse does not appear to be widespread, and laws against child abuse are enforced. An organization for the prevention of child abuse estimates that there are about 300 new cases a year. Several organizations provide counseling and telephone hot line services to abused children and their families. The Government began a campaign in the schools to educate children about sexual abuse. A new shelter for girls who are victims of sexual abuse is scheduled to open in January 1997.

People with Disabilities

There is no discrimination against disabled persons in employment, education, or in the provision of other state services. The law does not directly mandate accessibility for the disabled, but the Government pays subsidies to builders to construct "disabled-friendly" structures. Despite government incentives, only a modest proportion of buildings and public transportation have been modified to accommodate people with disabilities.

The Government helps disabled persons obtain employment and professional education. By law, businesses and enterprises with at least 25 employees must fill a quota for hiring disabled workers and must pay them prevailing wages. The quota is fixed according to the total number of employees, and employers who do not fulfill them are subject to sizable monthly fines. There have been no known complaints of noncompliance.

National/Racial/Ethnic Minorities

Although foreigners constitute over 30 percent of the total population, antforeigner incidents remain infrequent. The Government granted to citizens of European Union countries who reside in Luxembourg the right to vote and run in municipal elections. Minimum residency requirements are 6 years for voters and 12 years, including 6 months residence in the commune, for candidates to run for town councils. The Government also formed a commission to initiate projects against racism in conjunction with the

European Year Against Racism.

Section 6 Worker Rights

a. The Right of Association

All workers have the right to associate freely and choose their representatives. About 65 percent of the labor force is unionized. Membership is not mandatory. Unions operate free of governmental interference. The two largest labor federations are linked to, but organized independently of, major political parties. The law prohibits discrimination against strike leaders, and a labor tribunal deals with complaints.

The Constitution provides all workers with the right to strike except for government workers such as police, armed forces, and hospital personnel providing essential services. Legal strikes may occur only after a lengthy conciliation procedure between the parties; the Government's National Conciliation Office must certify that conciliation efforts have ended for a strike to be legal. There were no legal strikes during the year, and there have been no illegal strikes since 1979.

Unions maintain unrestricted contact with international bodies.

b. The Right to Organize and Bargain Collectively

The law provides for and protects collective bargaining, which is conducted in periodic negotiations between centralized organizations of unions and employers. Enterprises having 15 or more employees must have worker representatives to conduct collective bargaining. Enterprises with over 150 employees must form joint works councils composed of equal numbers of management and employee representatives. In enterprises with more than 1,000 employees, one-third of the membership of the supervisory boards of directors must be employees' representatives.

The law provides for adjudication of employment-related complaints and authorizes labor tribunals to deal with them. A tribunal can impose a fine on an employer found guilty of antiunion discrimination, but it cannot require the employer to reinstate a worker fired for union activities.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, and neither occurs.

d. Minimum Age for Employment of Children

The law prohibits employment of children under age 15 and requires children to remain in school until age 16. Apprentices who are 15 or 16 years old must attend school in addition to their job training. Adolescent workers under age 18 have additional legal protection, including limits on overtime and the number of hours that can be worked continuously. The Ministries of Labor and Education effectively monitor the enforcement of child labor and education laws.

e. Acceptable Conditions of Work

The law provides for minimum wage rates at levels that vary according to the worker's age and number

of dependents. The minimum for a single worker over age 18 is approximately \$8.29 (Lux F 253) per hour. Supporting a family is difficult on the minimum wage, but most employees earn more than the minimum.

National legislation mandates a workweek of 40 hours. Premium pay is required for overtime or unusual hours. Employment on Sunday is permitted in continuous-process industries (steel, glass, and chemicals), and for certain maintenance and security personnel; other industries have requested permission for Sunday work, which the Government has granted on a case-by-case basis. Work on Sunday, allowed for some retail employees, must be entirely voluntary and compensated at double the normal wage; and employees must be given compensatory time off on another day, equal to the number of hours worked on Sunday. The law requires rest breaks for shift workers and limits all workers to a maximum of 10 hours per day including overtime. All workers receive at least 5 weeks of paid vacation yearly, in addition to paid holidays.

The law mandates a safe working environment. An inspection system provides severe penalties for infractions. The Labor Inspectorate of the Ministry of Labor, and the Accident Insurance Agency of the Social Security Ministry, carry out their inspections effectively.

No laws or regulations specifically guarantee workers the right to remove themselves from dangerous work situations without jeopardy to continued employment, but every worker has the right to ask the Labor Inspectorate to make a determination, and the Inspectorate usually does so expeditiously.

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