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## U.S. Department of State

### Luxembourg Country Report on Human Rights Practices for 1998

Released by the Bureau of Democracy, Human Rights, and Labor, February 26, 1999.

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#### 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 these prohibitions.

Judicial warrants are required by law 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 given immediate access to an attorney, at government expense for indigents. The presiding judge may order release on bail.

#### 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 trials 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 established an administrative court system to review citizen challenges to legislation.

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 Constitution provides for freedom of speech and of the press, and the Government respects these rights in practice.

A police search in October of the house and office of a journalist who published a story alleging corruption on the part of the Interior Minister pointed up the need for reform of the 1869 press law.

Under this law, a civil case can be brought against journalists to force them to reveal sources of information; they can be fined for refusing to reveal a source.

Print media are privately owned. Television broadcasting rights, previously held exclusively by the privately owned national radio and television company, were extended in 1997 to a regional cable television company. The Government issues licenses to private radio stations. Radio and television broadcasts from neighboring countries are freely available.

Academic freedom is 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. The Government provides first asylum and granted it to 46 persons through October. Through August the Government received 703 requests for refugee status and expected to receive over 1,300 total applications during the year. Most of the applicants are Albanian or from the former Yugoslavia. The Government does not expel those having a valid claim to refugee status; there were no reports 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 18 years of age 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 4 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 crimes. The Government funds organizations providing shelter, counseling, and hot lines. In 1997 women's shelters provided refuge to 342 women and 363 children. Information offices set up to respond to women in distress reported receiving a total of 3,921 telephone calls in 1997. Of the sheltered women and children, 188 reported problems of domestic violence. In 1997 women's groups also saw an increase in the number of immigrant women seeking assistance, particularly from the former Yugoslavia.

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

The law mandates equal pay for equal work, and the Ministry for the Promotion of Women has a mandate to encourage a climate of equal treatment and opportunity. However, according to government reports, women are paid from 9 to 25 percent less than men for comparable work, depending on the profession. The differences are least in the highest paid professions and more substantial at lower salary levels. To date there have been no work-related discrimination lawsuits in the courts. Women constitute 38 percent of the work force.

## **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. The law mandates school attendance from the ages of 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 of children. Child abuse does not appear to be widespread, and laws against it are enforced. In 1996 the main pediatric hospital dealt with approximately 260 cases of suspected child abuse, not all of which were substantiated. A hot line maintained by a nonprofit organization received 1,056 telephone calls in 1997 from children and youth in distress. In 1997 the Government sponsored several workshops at primary schools, high schools, and youth centers to highlight the problem of sexual abuse. The Government also organized training sessions for law enforcement professionals on responding to sexual abuse cases.

## **People with Disabilities**

The law prohibits discrimination against people with disabilities in employment, education, and 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 quotas are 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 resident citizens of European Union member countries 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 council offices. The Government-supported, nonprofit "League Against Racism" organized community education and awareness projects in conjunction with the 1997 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 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.

In 1998 there were two legal strikes. In January Luxembourg Railway Company (CFL) employees went on strike to protest planned government pension reforms. In July the largest civil service trade union (CGFP) also went on strike to protest the pension reform plans. The CGFP was joined by employees of local authorities, the railway, and the post office for the 24-hour strike on July 21, during which public administration and services were brought to a standstill.

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 employee representatives.

The law provides for adjudication of employment-related complaints and authorizes labor tribunals to deal with them. A tribunal can fine 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 by children and adults, and it is not known to occur.

### **d. Status of Child Labor Practices and Minimum Age for Employment**

The Government prohibits forced and bonded child labor and enforces this prohibition effectively (see Section 6.c.). The law prohibits the employment of children under the age of 16 and requires all children to remain in school until the age of 16. Apprentices who are 16 years old must attend school in addition to their job training. Public education is free and universal through the secondary level.

Adolescent workers under the age of 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 wage for a single worker over the age of 18 is \$7.67 (Lux F 267) per hour. Supporting a family is difficult on the minimum wage, but most employees earned more than the minimum.

The law mandates a maximum 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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