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1999 Country Reports on Human Rights Practices
Released by the Bureau of Democracy, Human Rights, and Labor
U.S. Department of State, February 25, 2000

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 the police and gendarmerie.

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

The Government generally respects the human rights of its citizens, and the law and judiciary provide effective means of dealing with individual instances of abuse.

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 and detention, 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.

The Constitution prohibits exile, and the Government respects this prohibition.

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; an 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.

In August the newly formed coalition Government promised legislation to reform an 1869 press law that requires journalists to reveal confidential sources. This commitment follows a 1998 case in which police searched the offices of a journalist who published a story

alleging corruption on the part of the Interior Minister, but who declined to reveal his source. The stated goal of the new legislation is to find an appropriate balance between protecting journalists' sources and avoiding abuses. The 1869 law also is being challenged before the European Court of Human Rights.

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. Two additional religious institutions--the Anglican Church and an Islamic congregation--requested government funding and were awaiting a decision by the Department of Religion at year's end.

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 U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees and provides first asylum. The law provides for the granting of refugee or asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government does not expel those having a valid claim to refugee status, and there were no reports of the forced return of persons to a country where they feared persecution.

The Government received 2,930 requests for refugee status and 2,255 requests for asylum through the end of November. This represents a significant increase over the 1,709 total requests for refugee and asylum status that were received in 1998. During the year, 4,548 refugees were in the country, the vast majority from the former Yugoslavia. The Government began to apply the 1993 Dublin Convention and in November repatriated 36 refugees to Italy, their country of entry into the European Union (EU). The Government committed itself not to repatriate refugees to their country of origin during the winter and to provide financial and administrative assistance to the returning refugees.

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, 10 are women, as are 4 members of the Cabinet.

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

In 1998 women's shelters provided refuge to 421 women and 453 children. Women's organizations report that the increase over 1997 levels was almost entirely due to refugees from the former Yugoslavia. Information offices set up to respond to women in distress reported receiving a total of 4,752 telephone calls in 1998. 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.

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. 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. A physicians' organization estimates that approximately 200 cases of child abuse are treated in hospitals each year that result in legal proceedings. This group is working to reform judicial procedures to permit videotaped testimony in court proceedings and the testimony of child psychiatrists, as

well as the coordination of hospital records in child abuse cases. In May the Government set up a hot line for young persons in distress; by the end of the year it had received 183 calls.

In May the Government passed a comprehensive new law dealing with the sexual exploitation of children. The law increases penalties for adults who traffick in children, facilitate child prostitution, or exploit children through pornography. The law also extends the country's criminal jurisdiction over citizens and residents who engage in such activities abroad. No such trafficking was reported during the year.

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 are modified to accommodate people with disabilities.

The Government helps disabled persons obtain employment and professional education. Businesses and enterprises with at least 25 employees by law 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; employers who do not fulfill them are subject to sizable monthly fines. The Government provides subsidies and tax breaks for employers who hire the disabled. There have been no known complaints of noncompliance with the disability laws.

Despite strong legal protections, the Government acknowledged that laws establishing quotas for businesses that employ over 25 persons are not applied or enforced consistently, and there is a particular problem in the case of persons with mental disabilities. The Government is reviewing the effectiveness of the disability legislation, particularly the provisions that establish quotas. To attempt to remedy the problems of the mentally disabled, the Government established a pilot program through which it supports a private organization that owns and runs a children's amusement park. This park employs persons with mental disabilities, whose salaries are paid entirely by the Government.

National/Racial/Ethnic Minorities

Although noncitizens constitute approximately 35 percent of the total population, antiforeign incidents are infrequent. Resident citizens of EU member states have the right to vote and run in municipal elections. In May the Parliament enacted legislation to allow noncitizen EU nationals to be employed in certain public sector jobs. The Government promotes the integration of foreigners in society by providing support to private organizations for educational campaigns, cultural fairs, and publications.

Section 6 -- Worker Rights

a. The Right of Association

All workers have the right to associate freely and choose their representatives. About 57

percent of the working population belong to a trade union. 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 for the right to strike, except for government employees such as the police, armed forces personnel, and hospital workers 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.

On January 19-20, employees of the state railroad company, CFL, went on strike to oppose pension reform proposals announced by the Government. No illegal strikes took place during the year.

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 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. The Government prohibits forced and bonded child labor and enforces this prohibition effectively (see Section 6.c.).

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 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 \$7.32 (278 francs) per hour. Supporting a family is difficult on the minimum wage, but most employees earn 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 grants 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; 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.

f. Trafficking in Persons

In May the Government passed a law that criminalizes trafficking in persons and increases the penalties for adults who traffick in children.

In March the Minister of Justice told Parliament that the Government was unaware of any trafficking rings operating in the country. His statement followed allegations by two prominent politicians--including Luxembourg's European Commissioner, Viviane Reding--that the country serves as a transit point for trafficking in women. According to the authorities, no arrests or prosecutions were made for trafficking in persons during the year. Moreover, local agencies assisting women in distress knew of no clear-cut cases of trafficking in women.

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