

[Home](#)[Issues & Press](#)[Travel & Business](#)[Youth & Education](#)[About State Department](#)

## Luxembourg

### Country Reports on Human Rights Practices - [2005](#)

Released by the Bureau of Democracy, Human Rights, and Labor  
March 8, 2006

Luxembourg, with a population of approximately 453 thousand, 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. Free and fair parliamentary elections took place in June 2004. The civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens, and the law and judiciary provided effective means of dealing with individual instances of abuse. The following human rights problems were reported:

- prison overcrowding
- trafficking of women for sexual exploitation

#### RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of that the government or its agents committed arbitrary or unlawful 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 government officials employed them.

Prison and Detention Center Conditions

Prison conditions generally met international standards, but overcrowding was a problem. The government permitted visits by independent human rights observers. There were no visits of international human rights observers during the year.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions.

Role of the Police and Security Apparatus

The grand ducal police and its investigative branch, the judiciary police, are responsible for law enforcement and maintenance of order within the country. The police force is under the direction of the Ministry of Justice. Neither corruption nor impunity was a problem. A special police body is in charge of investigating cases of police abuses. Police officers are required to attend training at the police academy, at least every two years.

Arrest and Detention

Warrants, issued by a duly authorized official, are required for arrests except in cases of hot pursuit. Within 24 hours of arrest, the police must inform detainees of charges against them and bring them before a judge for a determination of the legality of the detention, and these

rights were generally respected in practice. There is a functioning bail system, which judges freely employ. Detainees are given immediate access to an attorney, at government expense for indigents. Detainees are allowed prompt access to family members.

There were no reports of political detainees.

#### e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government generally respected this provision in practice.

The judiciary is headed by the Supreme Court, whose members the grand duke appoints. One of the country's three justices of the peace has jurisdiction over minor criminal, civil, and commercial cases, and one of two district courts heard more serious cases. The youth and guardianship court ruled on matters concerning the protection of young persons. An administrative court system reviewed citizen challenges to legislation. The Superior Court of Justice is composed of the *cour de cassation*, a court of appeal, and a department of public prosecution. The defendant or prosecutor may appeal verdicts in criminal cases to the administrative court and the administrative court of appeal before going to the Superior Court of Justice.

#### Trial Procedures

The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. Trials are public except for those involving sexual abuse or child abuse. There are no jury trials. Defendants have the right to be present and to consult with an attorney in a timely manner. An attorney is provided at public expense if defendants face serious criminal charges. Defendants need to ask the judge for permission to confront or question witnesses against them or present witnesses and evidence on their behalf. Defendants and their attorneys have access to government-held evidence relevant to their cases. Defendants enjoy a presumption of innocence; and have the right of appeal.

There were rarely used military and religious courts, which respect the aforementioned rights.

#### Political Prisoners

There were no reports of political prisoners.

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

The law prohibits such actions, and the government generally respected these prohibitions in practice.

### Section 2 Respect for Civil Liberties, Including:

#### a. Freedom of Speech and Press

The law provides for freedom of speech and of the press, and the government generally respected these rights in practice and did not restrict academic freedom or the Internet. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

#### b. Freedom of Peaceful Assembly and Association

The law provides for the freedom of assembly and association, and the government generally respected these rights in practice.

#### c. Freedom of Religion

The law provides for freedom of religion, and the government generally respected this right in practice.

There is no state religion, but the government provided financial support to some churches. Specifically, it paid the salaries of Roman Catholic, some Protestant, Greek, Russian, Romanian, and Serbian Orthodox, Anglican, and Jewish clergy, and several local governments maintained sectarian religious facilities. The Muslim community, desiring to receive similar government funding, named a national representative and single interlocutor for negotiations with the government; however there was no final agreement at year's end.

#### Societal Abuses and Discrimination

There were no known acts of violence, or discrimination against religious minorities during the year.

There were no reports of anti-Semitic acts during the year, and there were approximately 600 members of the Jewish community.

For a more detailed discussion, see the [2005 International Religious Freedom Report](#).

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

The law provides for these rights, and the government generally respected them in practice.

The law prohibits forced exile, and the government did not employ it.

#### Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice, the government provided protection against *refoulement*, the return of persons to a country where they feared persecution. The government granted refugee status or asylum.

The law provides for the possibility to grant temporary protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol and provided it to no one during the year.

The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

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

The law provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

#### Elections and Political Participation

National parliamentary elections are held at least every five years. The most recent national parliamentary elections, held in June 2004, were considered free and fair.

There were 13 women in the 60-member parliament and 3 women in the 14-member cabinet. There were 15 women in the 32-member Supreme Court.

There was one citizen member of a minority in the 60-member parliament, and one citizen member of a minority in the government.

#### Government Corruption and Transparency

There were no reports of government corruption during the year.

The law provides for public access to government information and the government freely provided access on its website and the Internet.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were very cooperative and responsive to their views.

#### Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, disability, language, or social status, and the government effectively enforced it.

#### Women

Domestic violence occurred. The law prohibits domestic violence, and the government effectively enforced it. The law is gender neutral and provides that a batterer will be removed from the house for 10 days; this can be extended an additional 3 months. Police are responsible for pursuing the charges so that a victim cannot be intimidated into dropping charges. Penalties may include fines and imprisonment. If a person asks an NGO for assistance, the police must act proactively and to speak with the person. There were approximately 300 cases of police intervention relating to spousal abuse and 154 expulsions by the police of the abusing spouse.

There is a hotline for battered women. During the year government-sponsored NGO shelters provided refuge to approximately 450 women and 500 children. In addition, the government provided financial assistance to domestic violence victims. Information offices set up to respond to women in distress reported that they received 1,056 telephone calls during the year. The government funded organizations that provided shelter, counseling, and hotlines.

The law specifically prohibits rape, including spousal rape, and stipulates penalties ranging between 5 and 19 years' imprisonment; the government enforced these laws effectively. There was a reported average of about ten rape cases per year.

Prostitution is legal, but the activities associated with organized prostitution, such as profiting from, aiding or abetting prostitutes are punishable by law. There have been no reports of police targeting prostitutes for abuse.

There were reports that women were trafficked to the country for sexual exploitation (see section 5).

Law prohibits sexual harassment, and the government generally enforced it.

Under the law, women enjoy the same rights as men, including rights under family law, property law, and in the judicial system. The law mandates equal pay for equal work; however, according to government reports, women were paid 20 to 30 percent less than men for comparable work. The Ministry of Equal Opportunity is responsible for protecting the legal and social rights of women.

#### Children

The government was strongly committed to children's rights and welfare. The law mandates school attendance from 4 through 15 years of age, and school attendance is universal through that age. Schooling was free through the secondary level, and the government provided some financial assistance for postsecondary education. Most students complete high school.

The government provided free medical care, and boys and girls had equal access.

Child abuse occurred. A physicians' organization estimated that approximately 200 cases of child abuse were reported during the year, resulting in 60 children receiving medical treatment. The government's hotline for young persons in distress received 370 calls during the year.

#### Trafficking in Persons

The law prohibits trafficking in persons; however, the country was a destination for women trafficked from Eastern Europe for the purpose of sexual exploitation. There were two confirmed reports of trafficking reported during the year. The law provides penalties from six months' to three years' imprisonment and monetary fines for trafficking. If there are aggravating circumstances, prison sentences can range from 1 to 10 years' imprisonment. The government effectively enforced the antitrafficking statutes. The Ministry of Justice with the involvement of the ministries of foreign affairs and equal opportunity as well as NGOs was responsible for the government's antitrafficking efforts. The prosecution of the one 2004 trafficking case was ongoing at year's end.

There were no government services specifically for victims of trafficking; however, two NGOs, which were fully financed by the government, provided shelter and counseling assistance to women in distress.

There were no government prevention programs specifically targeting trafficking at year's end.

#### Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services, and the government effectively enforced these provisions. The law does not require accessibility for persons with disabilities, but the government paid subsidies to builders to construct "disabled-friendly" structures. Despite these government incentives, only a small proportion of buildings and public transportation vehicles have been modified to accommodate persons with disabilities. Aid for Handicapped Children, an NGO, is in charge of protecting the rights of persons with disabilities.

The government acknowledged that laws establishing quotas requiring businesses that employ over 25 persons to hire workers with disabilities and pay them prevailing wages were not applied or enforced consistently, and there was a particular problem in the case of persons with mental disabilities.

#### Section 6 Worker Rights

##### a. The Right of Association

The law provides for the right to form and join unions of their choice without previous authorization or excessive requirements, and workers exercised these rights in practice. Approximately 50 percent of the workforce (including the trans-border workers) was unionized.

##### b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without interference, and the government protected this right in practice. The law provides for the right to collective bargaining, and workers exercised this right freely. Approximately 66 percent of workers are under collective bargaining agreements. The law provides for the right to strike, except for government workers who provide essential services, but no strikes occurred during the year. 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 are no export processing zones.

##### c. Prohibition of Forced or Bonded Labor

The law prohibits forced or compulsory labor, including by children, and there were no reports that such practices occurred.

d. Prohibition of Child Labor and Minimum Age for Employment

The government effectively implemented laws and policies to protect children from exploitation in the workplace. The law prohibits the employment of children under the age of 16. Apprentices who are 16 years old must attend school in addition to their job training. 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 enforced the child labor laws.

e. Acceptable Conditions of Work

The national minimum wage for a single worker over the age of 18 was approximately \$1,390 (1,670 euros) per month for unskilled workers and approximately \$1,475 (1,770 euros) per month for skilled workers. The minimum wage was not sufficient to provide a decent standard of living for a worker and family; however, most employees earned more than the minimum wage.

The law mandates a maximum workweek of 40 hours. Premium pay is required for overtime or unusual hours. Sunday employment is permitted in continuous-process industries (steel, glass, and chemicals) and for certain maintenance and security personnel; other industries must request permission for Sunday work, which the government 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, or with 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. If employers did not honor the law, workers may successively ask for assistance at the labor inspection court and then the Superior Court of Justice

The law mandates a safe working environment. An inspection system provided severe penalties for infractions. The labor inspectorate of the ministry of labor and the accident insurance agency of the social security ministry carried out effective inspections. No laws or regulations specifically provided workers with the right to remove themselves from dangerous work situations without jeopardy to their continued employment; however, every worker has the right to ask the labor inspectorate to make a determination regarding workplace safety, and the inspectorate usually did so expeditiously.

[Updates](#) | [Frequent Questions](#) | [Contact Us](#) | [Email this Page](#) | [Subject Index](#) | [Search](#)

The Office of Electronic Information, Bureau of Public Affairs, manages this site as a portal for information from the U.S. State Department. External links to other Internet sites should not be construed as an endorsement of the views or privacy policies contained therein.

[FOIA](#) | [Privacy Notice](#) | [Copyright Information](#) | [Other U.S. Government Information](#)

