



U.S. DEPARTMENT of STATE

Luxembourg

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The Grand Duchy of Luxembourg, with a population of approximately 460,000, is a constitutional monarchy with a democratic, parliamentary form of government. The role of the grand duke is mainly ceremonial and administrative. Legislative authority is vested in the unicameral Chamber of Deputies. The prime minister is the leader of the dominant party in the popularly elected parliament. Generally free and fair parliamentary elections took place in 2004. 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. Prison overcrowding, domestic violence, and child abuse were reported, and there was one confirmed case of trafficking.

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, and the government permitted visits by independent human rights observers, but there were no such visits during the year.

Overcrowding in the Schressig penitentiary remained a problem.

During the year one refused asylum seeker from Algeria died in prison. He was killed in a fire started by a group of refused asylum seekers. Two prisoners were treated for severe burns, and 10 sustained minor injuries in the fire. The incident may have been exacerbated by overcrowding in the prison. Refused asylum seekers have since been relocated to a more spacious section of the prison.

d. Arbitrary Arrest or Detention

The constitution and law prohibit 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 were problems. A special police body is in charge of investigating cases of police abuse. Police officers are required to attend in-service 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.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, and the government generally respected judicial independence in practice.

The judiciary is headed by the Supreme Court of Justice, whose members are appointed by the grand duke. 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 Supreme 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 Supreme 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. Convicted defendants have the right of appeal.

The military and religious courts were rarely used; they also generally respected the aforementioned rights.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

The magistrates courts are the courts of original jurisdiction that hear civil and commercial matters.

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

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

The independent media were active and expressed a wide variety of views without restriction.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chatrooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by electronic mail. A majority of the population had connections to the Internet.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

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 constitution and law provide 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 which had signed conventions with the government. Specifically, it paid the salaries of Roman Catholic, and some Protestant, Greek, Russian, Romanian, and Serbian Orthodox, Anglican, and Jewish clergy; several local governments maintained sectarian religious facilities. The Muslim community filed an application for similar financial support in 1998, and named a national representative and single interlocutor for negotiations with the government in 2003; however there was no final agreement at year's end.

Societal Abuses and Discrimination

There were no reported acts of violence or discrimination against religious minorities during the year. There were no reports of anti-Semitic acts. The Jewish community numbered an estimated 600 persons.

For a detailed discussion, see the [2006 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 laws provide 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, but did not grant it 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.

The Chamber of Deputies adopted new asylum legislation on April 5. The new law establishes mechanisms to reduce the length of asylum procedures, which had lasted up to five years. It also cancelled the right of appeal for previously denied asylum seekers and the provisions for holding refused asylum seekers awaiting repatriation. Those who are refused asylum are to be repatriated more quickly.

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

The constitution and law provide citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

Elections and Political Participation

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

There were 13 women in the 60-member Chamber of Deputies and three women in the 14-member Council of Ministers. There were 15 women in the 32-member Supreme Court.

There was one member of a minority in the 60-member Chamber of Deputies, and one member of a minority in the Council of Ministers.

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 Internet Web site.

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 generally 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 the law. 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 three 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 a nongovernmental organization (NGO) for assistance, the police must respond proactively and speak with the person. There were about 350 cases of police intervention relating to spousal abuse during the year, and 155 expulsions by the police of the abusing spouse.

There is a hot line for battered women. During the year government-sponsored NGO shelters provided refuge to approximately 310 women and 340 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 about 1,000 telephone calls during the year. The government funded organizations that provided shelter, counseling, and hot lines.

The law specifically prohibits rape, including spousal rape, and the government enforced these laws effectively. There was a reported average of about 10 rape cases per year. The penalties are five to 10 years' imprisonment.

Prostitution is legal and was common, but the activities associated with organized prostitution, such as profiting from, aiding or abetting prostitutes, are punishable by law.

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

The 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; in 2005 it began a gender mainstreaming program, which is to assess all government policies in order to determine whether they result in any gender-based disparities. On March 16, the Parliament introduced the principle of non-discrimination in the country's legislation. Article 11 of the constitution was revised to include equality between men and women in the text of the document.

Children

The government was strongly committed to children's rights and welfare. The law mandates school attendance from four through 15 years of age, and school attendance was universal through that age. Schooling was free through the secondary level, and the government provided some financial assistance for postsecondary education. Most students completed 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 about 60 children receiving medical treatment. The government's hot line for young persons in distress received 600 calls during the year.

Trafficking in Persons

The law prohibits trafficking in persons; however, the country was a country of destination for women trafficked transnationally for the purpose of sexual exploitation. There was one confirmed report 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 one to ten years' imprisonment. The government effectively enforced the antitrafficking statutes.

During the year one trafficker was sentenced to three years in prison and fined \$39,300 (30,000 euros). The prosecution of a 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.

The Ministry of Justice was responsible for the government's antitrafficking efforts, in cooperation with the Ministries of Foreign Affairs and Equal Opportunity as well as NGOs. The government conducted specialized training to educate police, immigration officials, and NGOs on recognition and identification of trafficking victims. At the end of the year, the Criminal Investigation Police created a new unit to focus exclusively on trafficking in persons.

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.

There are laws establishing quotas and requiring businesses that employ over 25 persons to hire workers with disabilities and pay them prevailing wages, but the government acknowledged that these laws were not applied or enforced consistently.

Section 6 Worker Rights

a. The Right of Association

The law provides for the right of workers 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; no labor strikes occurred during the year. Five thousand students went on strike in November against proposed legislation that would reduce unemployment benefits for graduates and delay payments by six months for those under 30 years of age who have completed a government pre-employment training program. 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 Compulsory 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 \$1,968 (1,503 euros) per month for unskilled workers, and approximately \$2,363 (1,804 euros) per month for skilled workers. The minimum wage was criticized by an NGO as 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 do not honor the law, workers may successively ask for assistance at the labor inspection court and then the Supreme 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.